

PLANNING COMMITTEE

6 December 2007

Planning Applications for Determination

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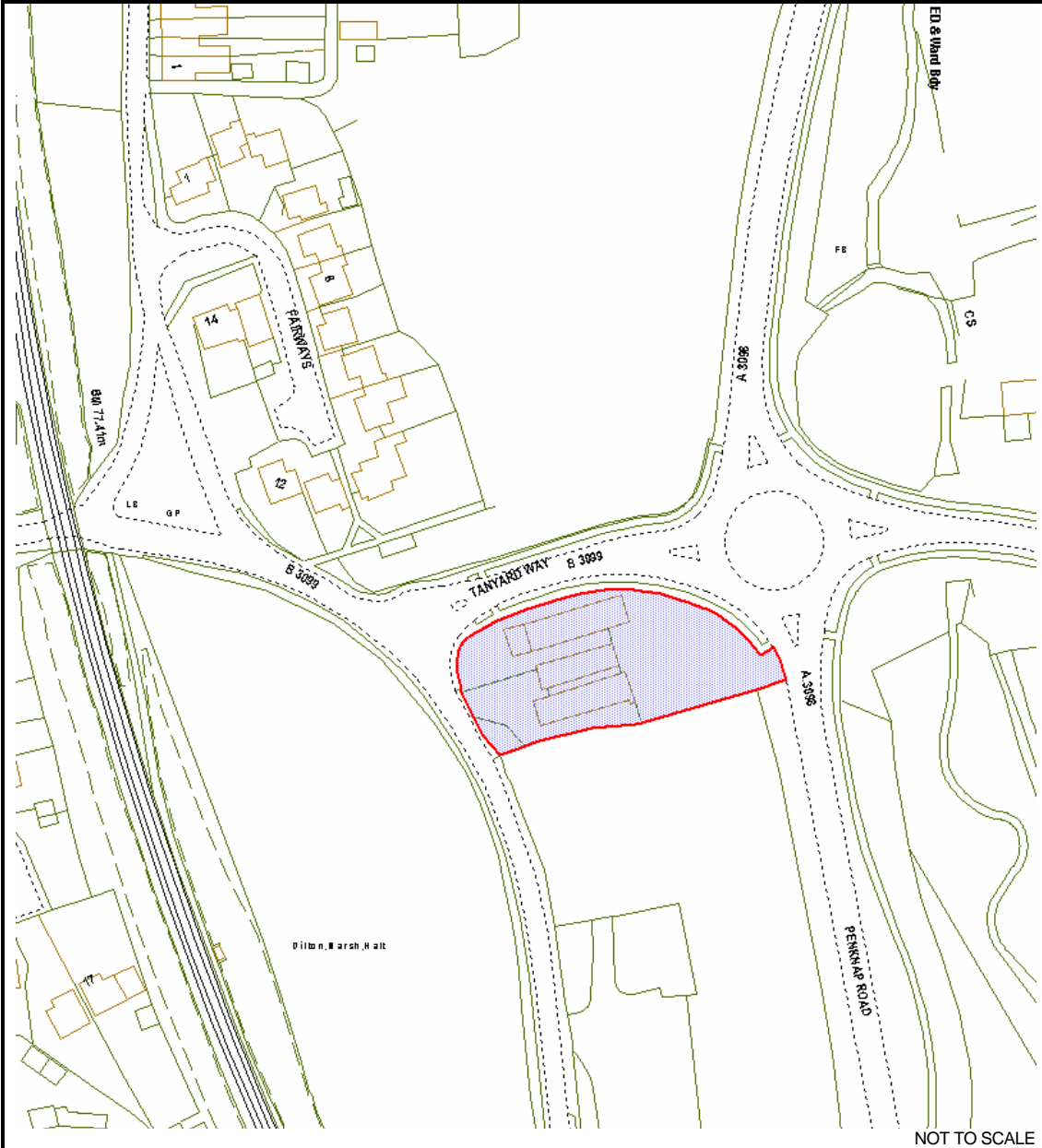
PLANNING COMMITTEE

6 December 2007

ITEM NO: 01

APPLICATION NO: 07/02229/FUL

LOCATION: The Old Leather Works High Street Dilton Marsh
Wiltshire BA13 3TB



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SLA: 100022961

01 Application: 07/02229/FUL

Site Address: The Old Leather Works High Street Dilton Marsh Wiltshire BA13 3TB

Parish: Dilton Marsh Ward: Dilton
Grid Reference 385705 149975
Application Type: Full Plan
Development: Alterations to site and remaining building and use for commercial van hire and sales
Applicant Details: TMH Commercials Ltd
Fairwood Trading Estate Dilton Marsh Westbury Wiltshire BA11 3SW
Agent Details: R K Architecture
The Design Centre Crusader Park Warminster Wiltshire BA12 8BT
Case Officer: Mr Mike Muston
Date Received: 10.07.2007 Expiry Date: 04.09.2007

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

REASON: In the interests of highway safety

- 3 The development hereby permitted shall not be occupied 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.

4 Before the use hereby permitted commences, the secondary entrance shall be stopped up in accordance with details to be submitted to and agreed in writing by the local planning authority, so that the secondary entrance can only be used in an emergency and not on a regular basis.

REASON: In the interests of highway safety

5 The development hereby permitted shall not be occupied until a 2 metre paved footway has been completed, extending south of the existing footway fronting the site to the main access.

REASON: In the interests of highway safety

6 The development hereby permitted shall not be occupied until a scheme has been submitted to and agreed in writing, setting out how the contamination of the site has been dealt with. In the event of further measures to deal with this issue being identified, the use hereby permitted shall not commence until those identified measures have been fully implemented.

REASON: To minimise pollution of the water environment.

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

7 The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

8 The development hereby permitted shall not be occupied and the use commenced until an oil/water separation system has been provided to prevent any spillage or leakage of lubricants or fuels being discharged to groundwater and surface water in the locality.

REASON: To minimise pollution of the water environment.

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

9 The trees and bushes within the woodland area on the eastern edge of the site shall be retained and protected during any development works and thereafter, by the chain link fence shown on the approved and certified plans. The protective fencing shall be erected prior to any further works of development and before the use hereby approved has commenced and shall not be removed without the written consent of the local planning authority. A schedule of woodland enhancement and landscape management together with a timescale for its implementation shall be submitted to and approved in writing by the local planning authority prior to the premises being occupied. Following the occupation of the premises 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 ensure that trees of value are adequately protected and to provide a landscaped setting.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C32 & C40.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred at the meeting on 15 November 2007 for a site visit by the Committee to be held at 2.30pm on Thursday 6 December 2007.

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

This application, which is partly retrospective as work has commenced, seeks authority for the retention of the central building on site and its use for the display and sale of small commercial vehicles. The submitted additional plans show parking for 20 vehicles on display, with 2 spaces for staff and 5 for visitors. A palisade fence is proposed around the site adjoining the road frontage, and chainlink fencing around the other site boundaries. The site will employ two staff and the applicants estimate that 10-12 vehicles will visit the site each day.

CONSULTATIONS

Parish/Town Council :

Dilton Marsh Parish Council - Objects to this development as the rural buffer between Dilton Marsh and Westbury is an important and valuable asset and the creation of a vehicle sales and hire business would be an alien feature and incongruous in a rural buffer. Also questions whether the right certificate has been signed as believe the applicant does not own the whole site. Also considers that access directly onto the highway from this site is dangerous - access should be onto the 'old' road and not Penknapp Road or Tanyard Way.

External :

Highway Authority - No objections subject to conditions. These include as condition 4 a requirement to stop up the "emergency gates" and use only one access.

Wessex Water - Point out that a public sewer crosses the site and that diversion or protection works may need to be agreed.

Environment Agency - No objections subject to the imposition of a condition dealing with the decontamination of the land.

(The applicants' agents have responded to this by pointing out that the external works have been carried out without disturbing or excavating the site and a tarmac surface has been laid over the site, effectively sealing it).

Internal :

Environmental Health - Would prefer to see both accesses used, one for incoming and one for outgoing traffic. There should be separation between vehicles and pedestrians on site. A suitable reception area and rest room will need to be provided. Also recommend the imposition of conditions regarding oil/water separation and the use of both entrances.

Neighbours :

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

- Alters the appearance and reduces the amenity of this rural buffer
- Site was derelict until recently and mostly green
- Highway danger from already formed accesses
- Some trees may have been removed

- Could be suitable for business use accessed from the west or south-west but not for commercial use accessed from the north
- Amount of vehicular movements in this area would be dangerous
- Smell, fumes, noise and disturbance from the use of the site.

POLICIES

West Wiltshire District Plan – 1st Alteration 2004

C31a	Design
C38	Nuisance
E6	Rural Employment
U4	Groundwater Source Protection

RELEVANT PLANNING HISTORY

93/01302/FUL - Use of buildings for manufacture & retail of fencing - Permission

96/01122/FUL - Use for 3 years as B8 open storage - Permission

01/00313/FUL - 2.4 metre high steel fence – Permission.

KEY ISSUES

The main issues in this case are the effect on the character and appearance of the area and on highway safety.

OFFICER APPRAISAL

Character and appearance

The site is outside any defined development boundary, between Westbury Leigh and Dilton Marsh.

However, the site has an extensive history of use for commercial purposes and has an established commercial use. This needs to be taken fully into account when considering the impact the proposal would have. Whilst the changes in the road layout over time around this site have made the site more prominent, they have not removed the part of the site now under consideration or extinguished the established use.

It is considered that, against this background, the proposed use, which brings a derelict site back in to use, is acceptable.

Highway safety

Following the submission of additional detailed plans, the proposal no longer involves the creation of an additional access onto the corner of the site adjacent to Tanyard Way (a condition is proposed ensuring this is only used in emergencies). As requested by both the Parish Council and the highway authority, access is now shown solely onto the 'old' road and not Penknapp Road or Tanyard Way.

The number of vehicle movements that the proposed use would generate is less than could be generated by a resumption of the established use, and the size of vehicles smaller.

It is considered that the proposals would have no adverse impact on highway safety.

Since the application was last considered by Committee an additional condition has been added with regard to protection of the existing woodland to the side of the site and the wording of some conditions revised to take account of the development works undertaken so far.

RECOMMENDATION

Given the history of the site, it is not considered that the proposal would harm the character or appearance of the area, or highway safety. It is therefore recommended that planning permission be granted.

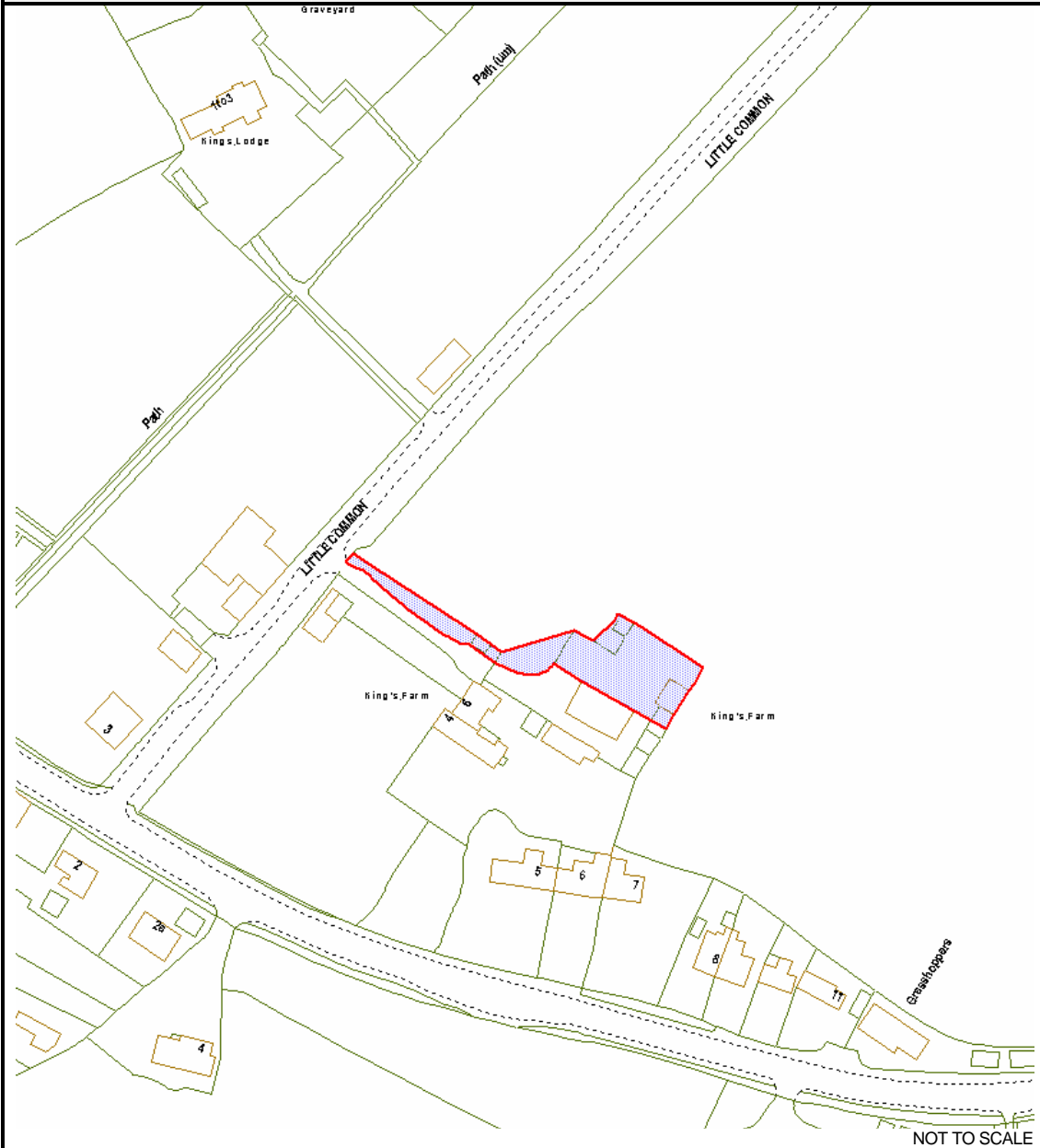
PLANNING COMMITTEE

6 December 2007

ITEM NO: 02

APPLICATION NO: 07/03006/FUL

LOCATION: Land Adjacent Kings Farm Little Common
Trowbridge Wiltshire



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SLA: 100022961

02 Application: 07/03006/FUL

Site Address: Land Adjacent Kings Farm Little Common Trowbridge Wiltshire

Parish: North Bradley

Ward: Trowbridge And North Bradley

Grid Reference 386013 155259

Application Type: Full Plan

Development: Enabling consent to build a detached house within the grounds of Kings Farm

Applicant Details: Mr R Hibbard
7 The Crescent Westbury Wiltshire BA13 3HE

Agent Details: Mr Peter Grist
Eversfield House Station Road Warminster Wiltshire BA12 9BP

Case Officer: Mr Russell Brown

Date Received: 18.09.2007

Expiry Date: 13.11.2007

REASON(S) FOR RECOMMENDATION:

The proposed development with regard to the construction of a detached dwelling would not conform to the provisions of the Development Plan, but other material considerations justify the planning permission in this instance:

That the Council has a duty to protect the historic environment, the importance of repairing and restoring the listed building within this context, the fact that the listed building is on the Buildings at Risk Register, and that the proposed dwelling would provide the owner of the listed building with a resource to secure the future preservation of the listed building. There would be no harm to the historic environment and the proposals would not significantly harm any other interests of acknowledged importance.

RECOMMENDATION:

That planning permission 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 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 work shall be commenced on this development until the listed building has been fully repaired and restored to the satisfaction of the Local Planning Authority and that those works to the listed building have been completed and all planning permissions and listed building consents and associated conditions have been fully complied with.

REASON: This permission is only acceptable in order to ensure the repair and restoration of the listed building at risk.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C28.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8 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.

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

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

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

Note(s) to Applicant:

- 1 The applicant is advised that the rebuilding of the curtilage structure into a garage also requires listed building consent.
- 2 Data from the Wiltshire and Swindon Biological Records Centre indicate the presence of great crested newts within 300m of the development site. This species of amphibian is protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and under the Conservation (Natural Habitats & c.) Regulations 1994. It is a criminal offence to intentionally or recklessly disturb, kill or take an individual, and intentionally or recklessly damage/obstruct any structure used for shelter/protection without a licence from Natural England. Further advice on protected species can be obtained from the District Ecologist.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to Committee as it is a departure from the Development Plan and in addition the Parish Council have objected and your officers are recommending approval.

This application is a resubmission of an application refused by the Planning Committee on 02/08/07. This application is identical but the agent has made the financial appraisal of the scheme fully available to members of the Planning Committee. The agent has stated that he has written to the members of the Planning Committee with a summary of the financial appraisal, inviting them to view the full appraisal.

This application was due to go before the last Planning Committee but was not put on the agenda as further unauthorised works had been carried out, calling into question the enabling argument that has been put forward. The applicants have submitted further justification to try to resolve these unauthorised works that have occurred recently, which is presented in full at the end of this report.

This is a full planning application for a new dwelling in the grounds of a Grade II listed building and would be an enabling form of development. This means that, if approved, the planning permission for this proposed house would be used to raise money to fund the repair and restoration of the listed building. The existing house is a former farmhouse and is a Grade II listed building that is also classified as a Building At Risk.

The listed building was identified as a Building At Risk as it is in urgent need of structural repair and restoration to prevent the loss of the building through collapse. The applicant has already undertaken some of the repair and restoration works to prevent a collapse, via separate listed building consent applications. Work has now stopped pending the outcome of this current application.

The site is on the edge of North Bradley outside of the Village Policy Limits. The nearest neighbouring property to the proposed dwelling would be the King's Farmhouse itself, the listed building at risk, 40 metres to the south west. The other neighbouring properties are over 40 metres to the south and over 100 metres to the west. To the north and east are agricultural fields.

The site of the proposed new dwelling is the eastern corner of the farmyard where a metal Dutch barn currently sits. The site is bounded by a 2m high wall (approximate as the height varies along the length), with sections of stone and brick. There is evidence on the ground of ranges of earlier buildings being attached to this wall.

The proposed dwelling has been revised to be a building more agricultural in appearance than a standard style of house. This includes a 2 storey section in the corner with single storey wings west and south, the south wing being separate and attached by an open link. The building would utilise the boundary wall as the rear wall of the property.

The fenestration is rural in form and appearance and the building would be built in natural stone, with some timber boarding, and a clay tile roof.

The access to the property would be along the existing drive and the property would have its own parking area. A collapsed historic structure would be rebuilt as a garage.

The driveway exits onto Little Common which is a dead-end road that serves a small number of dwellings. Little Common then exits onto Westbury Road which is a C class road.

There are no planning policies relating to enabling development hence this application is a departure from the Development Plan. The proposal falls outside of the standard Policy requirements and must be viewed as an exception to the Policies and must be justified accordingly.

The justification that has been submitted in this case is that the repair works to the listed building on site will cost more than the ultimate value of the restored listed building due to the amount of work that needs to be done and the specialist nature of the work involved. A financial appraisal has been submitted to confirm this.

CONSTRAINTS

Grade II listed building.

Building At Risk.

Outside Village Policy Limits – Development in the open countryside.

POLICIES

PPG15 – Planning and the Historic Environment

Wiltshire and Swindon Structure Plan 2011

HE7 – Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004

C26 – Maintenance of Buildings

C28 – Alterations to Listed Buildings

C31a – Design

C38 – Nuisance

H19 – Development in Open Countryside

PPS1 – Delivering Sustainable Development (Jan 2005)

Planning System – General Principles (Jan 2005)

RELEVANT PLANNING HISTORY

00/00499/LBC – Temporary works including reduce height of chimneys, installation of supports and protection – Consent 03.05.2000

06/02432/LBC – Removal of existing roof tiles and battens (store tiles), dismantle defective boundary walls (store bricks), removal of external render to expose timber frame and walls, removal of internal plaster to all external walls only to expose timber frame and walls – Consent 02.10.2006

06/02946/LBC – Repairs/restoration of timber framed structure and demolition of dangerous single storey structure to rear – Withdrawn 24.01.2007

06/03765/FUL – Mobile home (temporary for 3 years during renovation of house) – Permission 22.01.2007

07/00211/LBC – Restoration and repair of roof and building – Consent 24.04.2007

07/00237/FUL – Detached Dwelling – Refused 02/08/07

SITE VISIT / STATUTORY SITE NOTICES

Site notices were attached to the front fence. Various site visits have been undertaken. The siting of the proposed dwelling was noted and its relationship to neighbouring properties, the listed building and the village was assessed.

CONSULTATIONS

Parish/Town Council :

North Bradley Parish Council

“Objections were raised as this contravenes the Policy Limits of the Rural Buffer Zone, and it is considered that if this application is allowed then this will set a precedent for further development within this area.”

External :

Highway Authority

“The proposed house is sited outside the Village Policy Limit, therefore, I recommend that this application be refused on highway grounds for the following reason:

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorized journeys”

Wiltshire Wildlife Trust

They note that there is the presence of Great Crested Newts in the area. They have supplied an informative for their protection that should be attached to any permission.

Wessex Water

No objection subject to satisfactory arrangements and agreement of connections.

Environment Agency

No comments have been received on this application but they stated on the previous application that they had no comments to make.

Internal :

Planning Policy

“The application site is located outside adopted village policy limits within countryside and is therefore, in planning policy terms, located in an area where a new dwelling would not be acceptable.

Listed building policies allow, in special circumstances, for the possible relaxation of other planning policies to secure the retention of a listed building provided that the proposal would not be detrimental to the local environment or to the character of the building.

In this case I cannot see that there are special circumstances that justify relaxing such a fundamental local plan policy. Kings Farmhouse has previously been clearly identified as a building at risk requiring substantial investment. The costs should have been properly taken account of in determining the purchase price for the property and I see no evidence that exceptional costs that could not have been reasonably expected at the initial stage have subsequently come to light.

Policy Recommendation:

Unacceptable in policy terms.”

Conservation Officer

“I am grateful to have been invited to provide views on this case given the serious nature of the "building at risk" on this site and the sensitivity surrounding the listed building's future and how this scheme impacts upon the Policy requirements for this area.

The normal policy for this area is stated by the Planning Policy Officer who is clearly mindful of the condition of the principle listed building on the site but considers that the justification for the enabling development put forward is not robust enough to allow this proposal to go ahead. It should be noted however, that the full costs of this restoration could not have been known when it was first purchased by the current owner.

The local parish council are concerned by the precedence that this scheme may set. It is therefore necessary to identify any aspects of this case that can demonstrate how this is an exceptional case that demands extraordinary treatment in order to secure the long- term future of this listed building.

As Members will be aware this property has been a listed building at risk caused by deliberate neglect by the previous owner for many years. Indeed the scaffold that has been in place now since 2000 has become a landmark in this part of the village and is detrimental to the rural character of the settlement. However, it has been a necessary evil in order to prevent the building from deteriorating to any major extent from those years of neglect. Although the front part of the property was protected by scaffold, the rear section had not been protected in the same way as the owner had been living in this section. Consequently, it had not been possible to fully inspect the building until the owner left. It was at this stage that it was realised that parts of the building had collapsed and were inaccessible and that a full appreciation of the costs that may be incurred in repairing the structure was not possible until full access was achieved. This was only achieved after the building came into new ownership and contractors were able to get on site to examine the structure properly. As a result the current owner has indeed experienced considerable costs to date but has also discovered that there have been a great deal more expense than had originally been anticipated. This is borne out by having started to renovate the building work on site has now slowed down and although the building is structurally sound, it is still not habitable.

The key to a viability argument is set out in the English Heritage report on "Enabling Development" which requires the following criteria to be met:

- * The enabling development should not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the listed building.
- * The proposal should avoid fragmentation of the historic building.
- * The development will secure the long term future of the historic building and its continued use for sympathetic purposes.
- * The problems arise from the inherent needs of the historic building rather than from the circumstances of the present owner or the purchase price paid.
- * There are no grants available from other sources.

* It can be demonstrated that the amount of enabling development is the minimum necessary to secure the future of the historic building and that its form minimises any potential harm to the listed building.

* The value or benefit of the survival of the listed building outweighs the long-term cost to the community of providing the enabling development.

This is supported by Policy C26 E of the WWDC Local Plan that states " The maintenance of buildings listed as being of architectural or historic interest and others within conservation areas will be sought through the application of the following:

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

In my opinion this is a case where enabling development is very much key to the long-term preservation of Kings Farmhouse. The case does deserve to be treated as an exceptional case that should allow for the relaxation of the normal policies that govern this area because;

* The proposed enabling development is low key and designed to be discreet replicating as much as possible the form of simple agricultural buildings that would have been historically associated with the farmhouse. Indeed there are other agricultural buildings in the vicinity of the proposed scheme that are poor in visual terms and do not provide an attractive setting to the listed building. By removing the metal Dutch barn in order to allow the proposal, this should help to enhance the setting of the farmhouse and still retain an agricultural character to the site. This scheme will also allow for the retention of a traditional stone farmyard wall.

* The work that has been carried out to the farmhouse to date has in the main been to keep the structure from collapsing in its entirety. The building was in such a poor state that the current owner had no alternative but to carry out these works ahead of this application for fear of losing parts of the main building altogether. The structure is now structurally safe but not habitable.

* During the course of the basic structural repairs, many important architectural features have been uncovered that indicate that Kings Farmhouse was indeed a building of some significance and quality when it was first constructed and that it is also an almost unique example in this part of the District of a fine timber- frame building. Its importance to the understanding of the vernacular architecture of the area should therefore not be under-estimated and the reinstatement of the timber frame on the front elevation facing the main road will make a beneficial contribution to the local environment.

C26 E does allow for the relaxation of other policies, enabling development in exceptional circumstances. I am of a view that this is a case that merits such treatment and that as such should be recommended for approval.

Should permission be granted, I would advise that Listed Building Consent will be required for this proposal as the new development will be attached to the farmyard wall that forms the curtilage to the listed building. In addition I would recommend that a condition is attached to a permission that requires a detailed repair schedule of the farmyard wall to be submitted and approved. It may also need a structural engineer to check its structural stability before the development commences to ensure that it is properly supported whilst the development proceeds."

Neighbours :

The application has been advertised by public notice and as being a departure from the Development Plan both in the local press and by site notice affixed to the site. Neighbour notification have also been undertaken.

There have been no responses.

KEY ISSUES

- the principle of allowing such development as a departure from the Development Plan.
- the effect of the proposal on the setting of the listed building; the character of the countryside; highways implications; and neighbouring amenities.
- planning history.

OFFICER APPRAISAL

The principle of this development

The listed building, King's Farmhouse, has been one of the most critical buildings at risk in this district in the last decade. In 2000 the Council gave a grant for scaffolding and supports for the collapsing building. The building was bought by its current owner, the applicant, in April 2006. At the time the building was in such a dangerous state that parts were inaccessible for inspection due to the risk of collapse.

Listed buildings in need of repair are always very difficult to assess in terms of the cost of the necessary works because by the nature of such works unforeseen problems commonly occur and the extent of the problems may be much worse than first thought. As parts of the King's Farmhouse were inaccessible for safety reasons it was impossible to accurately assess at the time of sale how extensive the problems were and therefore how much it would cost to repair and restore back to a habitable state.

Once work began, following the April 2006 sale, to stabilise the building and make it watertight the full extent of the necessary works became apparent and the works were far in excess of what was previously imagined – and therefore much more costly. This is the nature of such a problematic building and often an unavoidable situation in assessing the extent of the problems.

The financial appraisal shows a deficit between the total cost of the repair project and the final market value of the listed building and that this deficit would be met by the value of this application site with planning permission for a dwelling as proposed.

Policy C26 of the West Wiltshire District Plan 1st Alteration 2004 does provide for the relaxation of other Planning Policies as stated above the Conservation Officer's comments. This is a case where there should be a relaxation of Policy H19 due to the particular circumstances of the historically justified aims of this proposed development.

Setting of the listed building

The proposed building has been designed to reflect a rural building, agricultural in nature and in keeping with the form of the previous structures on site. The detailed design of the fenestration and doors, with shallow arches over, contribute to the agricultural feel of the building as does the use of natural materials – stone and clay tiles. Additionally, existing features of the farm yard would be utilised for the construction – the rear boundary walls and the collapsed garage structure.

The scale of the building has been reduced in the revised plans to be more sympathetic to the relationship with the King's Farmhouse and to give the site more of a traditional feel.

With these factors in mind, the proposed dwelling would not result in the setting of the King's Farmhouse being significantly harmed. Notwithstanding this, the benefit to the listed building being brought back from a state of near collapse outweighs any potential impact on its setting.

The character of the countryside

In a similar manner as above the character of the countryside would not be harmed. This is a former farmyard site that has not been used as agriculture for many years. The proposed dwelling on this site would not result in any loss of agricultural land as the site is residential curtilage. The agricultural fields to the north and east would not be affected physically and the visual impact would be minimal due to the rural nature of the proposed building.

Highway matters

Although the Highway Authority has objected on grounds of sustainability, the site, although outside village policy limits, is located on the edge of the village and well related to it and to the King's Farmhouse.

The site is within 100 metres of the main road through North Bradley, which carries a bus route. Although the site is classed as 'open countryside', it is in fact a reasonable sustainable location due to its proximity to the rest of the village. Therefore the Highway Authority's comments in this instance are not supported, especially in view of the urgent need to repair and restore the historic listed building.

Neighbouring amenities

The proposed dwelling would not result in harm to neighbouring dwellings due to the distances between the relative properties. In addition the first floor windows of the proposed dwelling would be predominantly rooflights due to the reduced eaves height that would not result in overlooking. The only standard first floor window would not overlook any properties directly, and even obtusely the distances are over 100 metres which would negate any effect.

Planning History

Although this application was previously refused by Committee additional financial information has been provided in support of the proposals. Your officer's professional opinion is unchanged from when it was previously recommended for permission, subject to it being referred to the Secretary of State as a Departure. Your officer's recommendation is therefore unchanged.

Other matters

To address the point raised by Parish Council that this proposal would lead to further development, this application is being proposed on the basis of allowing the listed building at risk to be brought back into use and safeguard its future and longevity. This is an individual case with a special justification for allowing a departure from the Development Plan. This would not result in further development as currently the surrounding land is outside the Village Policy Limits and therefore classified as Open Countryside.

The rebuilding of the collapse small curtilage structure into a garage would have a positive effect on the overall site. The existing materials would be reused and would need to be augmented by matching reclaimed materials.

CONCLUSION

The principles are well established within planning legislation that applications should be determined in accordance with the Development Plan.

Although the proposals with regard to the construction of a new dwelling represent development that would be contrary to Council Policy, there are material considerations which your officers consider should be taken into account which would outweigh the policy objections and justify permission.

These material considerations are that the Council firstly has a duty to protect the historic environment and in this case the listed building is on the Buildings at Risk Register and without further investment in the site the listed building would fall into further disrepair and eventually fall down.

The application would need to be referred to the Secretary of State as the proposals do not conform to the provisions of the Development Plan, but there are material considerations which indicate that permission should be granted in these exceptional circumstances.

RECOMMENDATION

Permission.

Additional Information from the Applicant:

"We were very surprised to learn that the application had been withdrawn from the agenda, without any discussion, on the basis of works continuing on site after the submission of the enabling application. The basis of the thinking was, we assume, that as work was proceeding on site then the applicant must have sufficient funds to complete the project. This is clearly not the case and the need to obtain the Enabling Consent to fund the continuation and completion of the project is essential and of paramount importance to secure the future of this vulnerable Listed Building.

A considerable amount of money has already been spent to restore the fabric of the building to a standard and finish acceptable to West Wiltshire District Council Planning and Conservation Department, Building Control and English Heritage.

The owner/applicant is therefore extremely anxious to protect his investment to date pending the determination of the application.

Certain areas were of particular concern given the pending on set of winter and the resultant inclement weather :-

- a) Roof structure.
- b) Wall structure (timber frame element)
- c) External works and storm water.

The roof was therefore completed and the partial scaffold roof removed in order to fit all necessary flashing in order to protect the timber frame structure and roof from further weather damage. The scaffold roof had been in place for some time and was now starting to deteriorate and would have needed an expensive overhaul.

The timber frame structure has been constructed to the approval of all consultees and required the application of the external render and decoration to afford the required level of protection to avoid further frame and panel damage.

The lessons learnt last winter and the large volumes of water which resulted, tended to stay on top of the clay substrate and finally flood the building due to the internal floor level being lower than the external ground level. In order to avoid this happening again and damaging the new flooring and plastered walls etc. it was decided to install the external French drains and extend them into a pond to take the water away from the building for protection.

All of the above works were therefore deemed essential and the owner decided to obtain a further loan to carry out the works to protect his considerable financial expenditure to date. It was thought too much of risk to wait and therefore the works proceeded during the application consultation period. The builder actually agreed to carry out this work at a reduced rate due to the applicants current financial position.

As previously stated the external fabric and roof of the building are nearing completion but a considerable amount of interior work has yet to be undertaken and it would be a mistake to assume that the building was nearing completion.

Based upon the estimate of the construction works submitted as part of the Enabling Planning Application we have extracted the value of the outstanding work required to complete the project, which demonstrates the continued need for the additional funding to complete the restoration of this important building.

Interest	25000.00
Fees	10000.00
Electrics	20000.00
Plumbing and Heating	27000.00
Kitchen	22000.00
Fences and Walls	20000.00
Decorations	15000.00
Internal Doors	12000.00
Access	8000.00
TOTAL	149000.00

This figure does not of course include the repayment of any outstanding loans.

This clearly demonstrates the significant amount of funds still required to complete the project to the satisfaction of all concerned and provide a sustainable Listed Building.

We trust the above will provide suitable justification for you to reinstate your favourable recommendations and submit the application to the next Planning Committee for determination.”

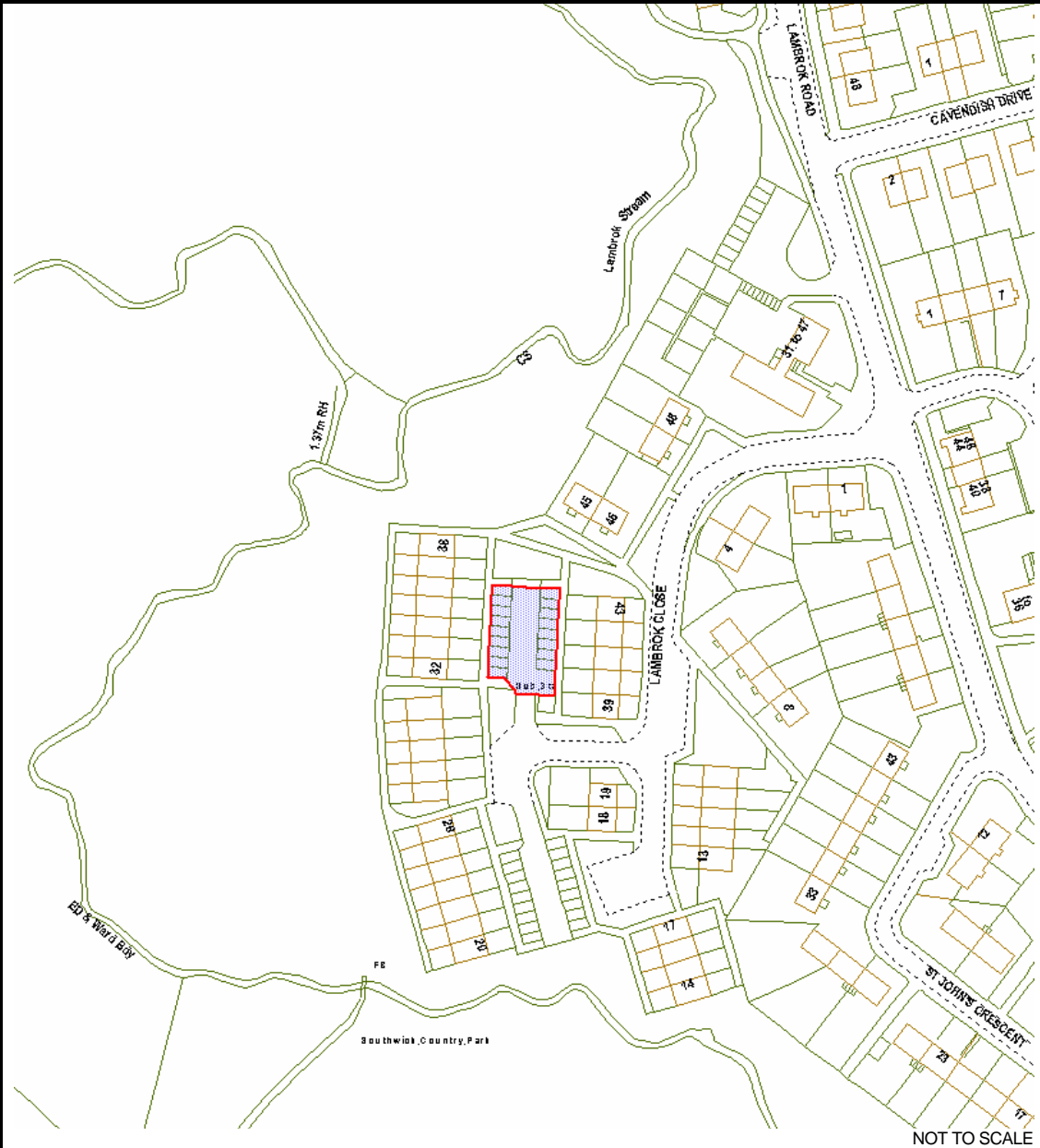
PLANNING COMMITTEE

6 December 2007

ITEM NO: 03

APPLICATION NO: 07/02319/OUT

LOCATION: Garages Rear Of 40 To 43 Lambrok Close Trowbridge
Wiltshire



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SLA: 100022961

03 Application: 07/02319/OUT

Site Address: Garages Rear Of 40 To 43 Lambrok Close Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge South West
Grid Reference 383808 156618
Application Type: Outline Plan
Development: Re-develop existing garage courtyard to provide new dwellings
Applicant Details: West Wiltshire Housing Society
Bryer Ash Business Park Bradford Road Trowbridge Wiltshire BA14 8RT
Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR
Case Officer: Mr Matthew Perks
Date Received: 16.07.2007 Expiry Date: 10.09.2007

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

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

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - 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 proposed development shall incorporate six parking spaces for the proposed dwellings in accordance with the details shown on Drawing no.2806/001. The parking spaces shall be provided before the proposed dwellings are occupied and shall subsequently be retained thereafter.
- REASON: To ensure that an adequate area for parking is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10.
- 7 The development hereby permitted shall not be occupied prior to the provision of the 28 off-site parking spaces and the emergency vehicle access road to the satisfaction of the Highway Authority and the Local Planning Authority.
- REASON: To ensure that an adequate area for parking is available in the interests of highway safety and to ensure emergency vehicle access is available.
- POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy H1.
- 8 The access, driveway and parking areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of Highway safety.
- 9 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.
- 10 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 openings shall be added to the eastern or western elevations above ground floor level of the dwellings hereby permitted.

REASON: In the interests of amenity and privacy.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy 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 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 13 The approval of drawing no: 2806/001 relates only to the siting of the dwellings whilst the elevational details are purely illustrative.

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

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

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water (01225 526000) regarding connections to water infrastructure and the possible need for agreement in respect of development in the proximity of the public water main in the vicinity.
- 2 The applicant is advised to contact the Highway Authority (01225 713430) with regard to agreement in respect of works required to highway land for the provision of the emergency access and parking.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council recommends refusal contrary to your officer's recommendation. Cllr Helen Osborn has also requested that the matter be referred to Committee to consider issues of loss of neighbouring amenity and because of the strong local interest in the application.

This is an application for outline planning permission for the erection of three two-bedroom dwellings bungalows on the garage block to the rear of 40 To 43 Lambrok Close, Trowbridge. Siting and means of access are applied for at this stage. All other matters are reserved for consideration at a later date. The site is some 450m² in extent.

The proposal includes the demolition of the existing 17 garages on the site (11 of which are void), with replacements offered to the 6 tenants who would be displaced. 6 On-site parking spaces in total are proposed for the new dwellings. A further 28 parking spaces are proposed, to be laid out on the existing garage court to the south of the site, and within the cul-de-sac to the south east.

Access for fire fighting vehicles would be provided to the north of the site to enable the fire service to reach the dwellings to the west of the site.

The site plan shows a terrace of 3 dwellings. An illustrative elevational drawing shows a building with a roof ridge height of 8m.

The proposed dwellings would have two car parking spaces each, and would have private rear garden spaces of approximately 50m² to the north of the proposed building.

CONSTRAINTS

The site is located with Town Policy Limits for Trowbridge.
Neighbouring amenity.

POLICIES

West Wiltshire District Plan – 1st Alteration 2004
C31a - Design
C38 - Nuisance
H1 - Housing development within towns

PPS 3 - Housing

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

The site visit was carried out on 24 July 2007, with a follow-up visit to consider highway issues. A site notice was posted on 24 July 2007.

KEY ISSUES

The main issues in this case are the principle of residential development on this site, parking provision and the relationship of the proposed siting of the dwellings to the surrounding area.

CONSULTATIONS

Parish/Town Council :

The Town Council objects to the proposal "...due to the cramped nature of the development, reduced accessibility to existing properties, unsuitable arrangement for the securing of the proposed emergency access, which is not sufficient to avoid inappropriate parking and unauthorised access to green space by vehicles."

External :

Highway Authority

Following an initial objection and further negotiation a plan revising parking spaces and emergency vehicle access was provided. The highway authority is now satisfied with proposal and offers no objection subject to conditions.

Wessex Water

No objection, but an easement may be required. The applicant should contact Wessex Water.

Internal :

Housing Services

Supports the proposal as providing much needed affordable housing.

Neighbours :

Neighbours were notified of the proposal and a public notice was posted. Six letters of response were received. Objections are as follows:

- inadequate parking in the vicinity;
- trade and emergency access restricted;
- loss of light and privacy for neighbours;
- inadequate drainage;
- there is existing infrastructure crossing the site;
- the garages are in poor repair because of lack of maintenance;
- close proximity of new houses to neighbouring properties;
- the application plan does not show the adjacent land owned by the applicants outlined in blue;
- lack of detail on floor plans;
- no space for wheelie bins, and additional bins will create problems;
- proposal will set a precedent for further WWHS development;
- hazards for children from additional traffic;
- overdevelopment;
- not in keeping with area.

OFFICER APPRAISAL

Policy H1 of the West Wiltshire District Plan - 1st Alteration applies. This Policy guides consideration of housing development in the built up areas of Trowbridge. It states that proposals for new housing development will be permitted provided that siting layout and design considerations are satisfactory and that they are in keeping with the character of the surrounding area.

The development site at ±450m² would represent development at approximately 66 units per ha. This fairly high density reflects the fact that the proposed plot sizes which are approximately in keeping with those of the terraced dwellings to the east and west of the site. However, the narrow access and elongated form of the site constrain development possibilities. The proposal would accord with PPS3 guidelines in that the development would provide three affordable housing units, adding to the mix of available house types and tenures available within Trowbridge.

The illustrative plan indicates that double storey dwellings could be sited and orientated such that primary windows could be positioned to avoid overlooking and privacy issues on neighbouring properties. The neighbouring dwellings to the west and east are double storey terraces, and have fairly modest rear garden spaces facing onto the garage block area. Typical depths of these spaces are approximately 8m. The side elevations to the proposed new building would be approximately 10m from the rear of the dwellings on these properties. Following negotiation the agent has submitted a revised illustrative elevation drawing showing a hipped roof structure to the new building which would allow for a 25 degree projection line from existing ground floor windows to the proposed roof ridge, allowing for a sight line which is considered acceptable. Although the result is a building that does not reflect the gable-ended design of the terraces to the east and west, the building does not form part of the same linear rows within the street scene as these existing buildings. On balance therefore the illustrative elevation shows that a satisfactory design could be achieved.

The highway authority is satisfied with the proposal, including the parking arrangements as well as the emergency access. A Grampian condition would be required to secure the emergency access arrangements and parking provision which fall outside of the development site.

RECOMMENDATION

The principle of residential development on this site is in accordance with District Plan policy on further housing development within towns, but appropriate conditions should be applied in order to address potential neighbouring amenity and parking issues.

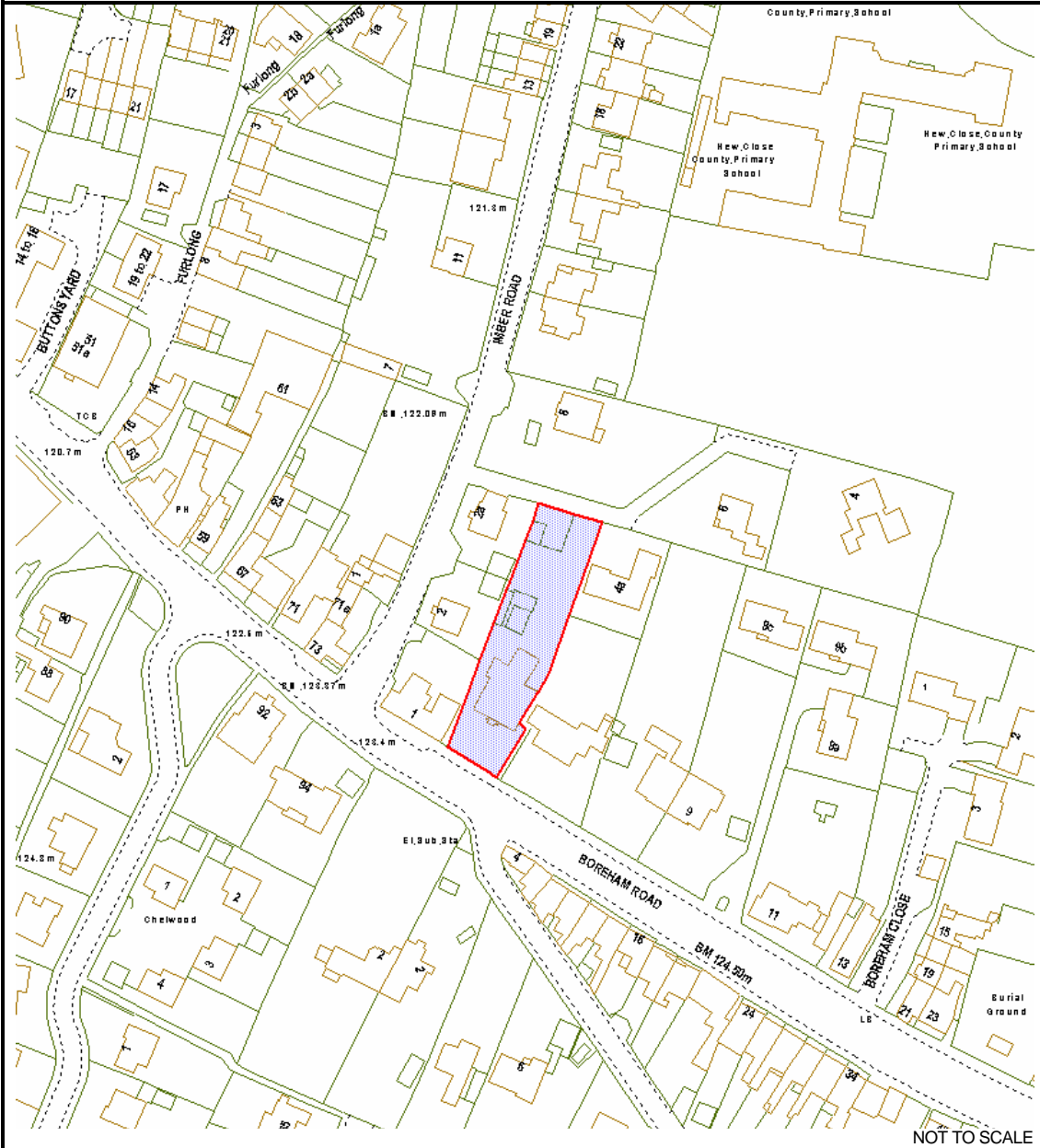
PLANNING COMMITTEE

6 December 2007

ITEM NO: 04

APPLICATION NO: 07/03378/FUL

LOCATION: 3 Boreham Road Warminster Wiltshire BA12 9JP



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SLA: 100022961

04 Application: 07/03378/FUL

Site Address: 3 Boreham Road Warminster Wiltshire BA12 9JP

Parish: Warminster Ward: Warminster East
Grid Reference 387894 144836
Application Type: Full Plan
Development: Replacement of 29 windows
Applicant Details: Abbeyfield Society (Warminster) Ltd
Glencoe 3 Boreham Road Warminster
Agent Details: New Windows Ltd
Units 2A-2C Woodcock Ind Est Woodcock Road Warminster BA12
9DX
Case Officer: Ms Margaretha Bloem
Date Received: 25.10.2007 Expiry Date: 20.12.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This application proposes the replacement of 29 windows within Abbeyfield House which is an unlisted building within the conservation area.

All the front elevation windows would be replaced together with some of the rear and side elevation windows.

Abbeyfield House is a detached Edwardian property on two and three storeys and built from red brick with stone details under a clay plain tiled roof.

A Design and Access Statement has been submitted which states that the existing windows are in poor condition, difficult for the elderly to use, that the proposed double glazed uPVC units would provide improved insulation and that some uPVC window already exist, albeit at the side and rear, that match those proposed.

CONSTRAINTS

Street Scene
Conservation Area

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C17, C19, C31a and C38.

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

Site Notice displayed 26.10.2007

KEY ISSUES

Impact on streetscene and character of Conservation Area

CONSULTATIONS

Warminster Town Council : Object to proposal on the grounds that members are not happy with the use of UPVC windows in a conservation area.

Neighbours : No comments received.

OFFICER APPRAISAL

The front and east side elevation sash windows would be replaced with sash windows and the rear and west side elevation with casement style windows.

Although the ideal solution would be to have all the windows replaced with sash timber windows this would be unrealistic and the application must be considered on its merits.

The building is not listed and there are already UPVC windows within a more recent extension to the rear.

This application only requires planning permission because it is not a dwelling but accommodation for the elderly comprising a number of individual units with communal facilities. The replacement of the windows in this instance is not Permitted Development.

There are many unlisted residential properties in this part of the town, of which some have already had replacement uPVC windows. It would be unreasonable therefore to withhold permission when neighbouring residential properties could have replacement windows without the need for permission.

The proposed windows would be of a relatively uniform appearance on each of the elevations, of similar elevational form to the existing timber windows on those elevations and respecting the elevational appearance of the existing timber windows.

The property is set back from the road and it is considered that there would be no demonstrable harm to the street scene and that the character and appearance of the Conservation Area would be preserved.

RECOMMENDATION

For the above reason the application is recommended for permission.

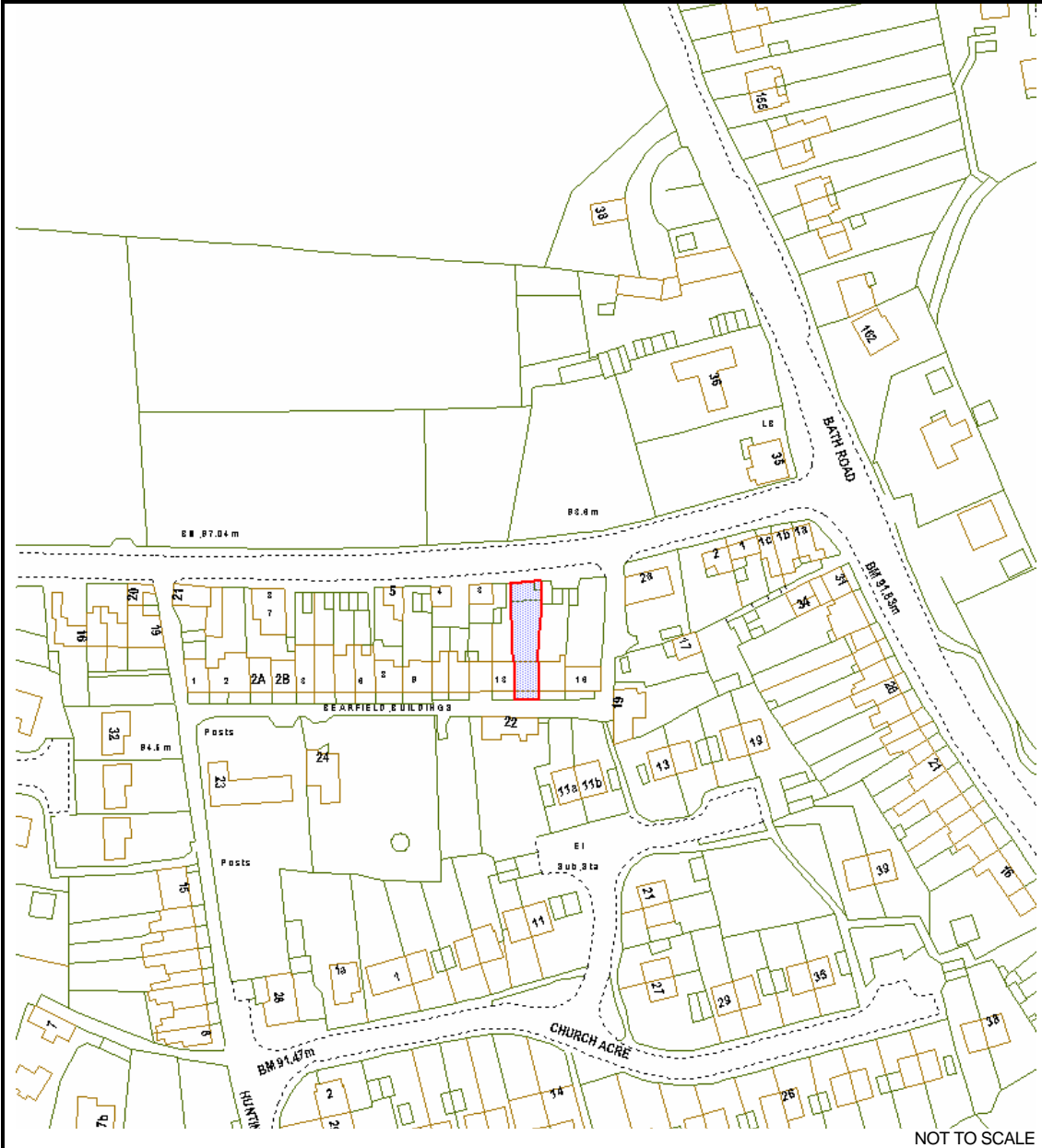
PLANNING COMMITTEE

6 December 2007

ITEM NO: 05

APPLICATION NO: 07/00491/FUL

LOCATION: 14 Bearfield Buildings Bradford On Avon Wiltshire
BA15 1RP



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SLA: 100022961

05 Application: 07/00491/FUL

Site Address: 14 Bearfield Buildings Bradford On Avon Wiltshire BA15 1RP

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference: 382430 161542
Application Type: Full Plan
Development: Raise roof and create bedrooms on new second floor
Applicant Details: Mr R Harford And Mrs C Mitchell
14 Bearfield Buildings Bradford On Avon Wiltshire BA15 1RP
Agent Details: R K Architecture
The Design Centre Crusader Park Warminster Wiltshire BA12 8BT
Case Officer: Miss Andrea Levin
Date Received: 09.02.2007 Expiry Date: 06.04.2007

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 material to be used in the lead roof on the rear elevation hereby permitted shall be lead sheeting only.

REASON: To ensure that the character and appearance of the Conservation Area is preserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C18 & C19.

- 4 Details of all new or replacement rainwater goods, which shall be of cast iron construction, 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 Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C18 & C19.

- 5 The loft conversion and associated works should be carried out with caution. If there is any evidence of bats found during the development work must be suspended immediately and Natural England should be contacted for further advice.
- 6 Caution must be taken when all roofing materials are removed, particularly those above the ridges and walls. They must be removed by hand and checked for roosting bats before disposal. The tops of the exposed walls must be carefully checked for bats.
- 7 To mitigate for the potential loss of a bat roosting site, provision should be made for roosting bats. At least one bat box installed high up on the south facing wall would be appropriate, as well as specific crevices formed beneath soffits would be suitable for bats.
- 8 Nesting birds are protected and must not be disturbed whilst nesting. Should nesting birds be found then work should be suspended and expert advice sought.
- 9 All operatives on site must be appropriately briefed on the potential presence of protected wildlife and instructed to stop work and seek expert advice should any be encountered.
- 10 Should development not commence within one year of the Bat and Birds Survey being carried out, then a further survey to determine any change in use by protected wildlife species must be undertaken before development commences.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Bradford on Avon Town Council objects and your officer recommends permission.

This is an application for full planning permission to raise the roof of an existing terrace property to create further bedroom accommodation. The property is located within Bradford on Avon Conservation Area.

CONSTRAINTS

Conservation Area

POLICIES

West Wiltshire District Plan 1st Alteration 2004 – Policies: C18, C19, C31a, C38

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

Site visit carried out to assess site context and surroundings.

KEY ISSUES

Impact upon host building and street scene
Impact upon the surrounding Conservation Area
Impact upon neighbouring amenity

CONSULTATIONS

Parish/Town Council :

Bradford on Avon Town Council: Object. The proposed development completely changes the overall form and scale of the building and introduces modern elements that will adversely affect the character of this historic terrace in the conservation area contrary to Policy C19.

Following receipt of the bat survey the Bradford on Avon Town Council provided the following comments:

The bat survey is noted. The Town Council repeats previous comments (see above).

Internal :

None

External :

Wiltshire Wildlife Trust: No objection. Initially lodged an objection to the proposal and requested an ecological survey is submitted to investigate the presence of bats within the area.

Following the submission of the survey, Wiltshire Wildlife Trust withdrew their objection and requested that the recommendations of the survey be used as conditions on any permission granted.

Natural England: No objection subject to an informative to the applicants of the legal protection afforded to bats.

Neighbours :

Notified by way of neighbour notification cards. Eight letters of objection were received raising the following issues:

- If the roof height of No14 is raised the property would stand considerably higher than the remaining houses on the East side of Bearfield buildings.
- The proposal would fail to enhance the Conservation Area
- The roof height of No13 Bearfield Buildings was raised in the past which should not be justification for this application to be permitted
- The buildings opposite are also relatively tall. By raising the height of No14 there would be a negative impact upon the narrow lane as it would take on the appearance of a dark alleyway.
- The proposal would set a precedent for other properties along Bearfield Buildings to do the same.
- There are no details of materials to be used externally, which should match the existing property.
- The terrace has already undergone significant amounts of change, much of which are not consistent with the historic look of the street.
- Raising the roof of No14 will negatively impact the symmetry of the street and importantly the conservation of these historic buildings.
- The works to No14 will inevitably cause damage to the tiles on neighbouring properties.
- By adding an extra floor to No14 there will be a loss of privacy to our property as a result
- The proposal would result in a loss of daylight to our garden.

A letter was received from Bradford on Avon Preservation Trust recommending that if approval is given for the application, a condition should be included that the existing UPVC leaded light windows and the front door be replaced with more appropriate traditional wooden framed plain glass windows and a solid wooden door with small panes at the top to give light into the hall. The appearance of this terrace would be transformed. Any new windows approved should be wood framed and not UPVC.

OFFICER APPRAISAL

The proposed development would raise the ridge height of the property by approximately 2.2 metres. The alteration would mean that the roofline would be level with the property to the west, No.13, and approximately 2.2 metres higher than the property to the east, No.15.

As the property is located within the Bradford on Avon Conservation Area its impact upon the character and appearance of this area must be assessed. Policy C28 of the West Wiltshire District Plan states that alterations must retain features of the existing building which are important to the character of the area. The property stands in a terrace of properties, many of which have been altered in the past. Consequently, there is a variety of dormer window designs, roof materials, window fittings and roof heights and pitches.

The proposed roof form would match that of the properties to the west in design and pitch and traditional materials would be used in order to harmonise with the existing dwelling.

The impact upon the neighbouring amenity must be assessed. A letter of objection was received from the resident of the neighbouring property, No.15 raising issues of privacy and daylight. The issue relating to loss of privacy is considered to be negligible in this instance as there is currently a level of overlooking from number 14 with the property being a terrace. The addition of a further storey would not result in a sufficient level of overlooking in order to refuse the application.

With regards to the aspect of loss of daylight, the property would be increased in height by a total of 2.2 metres. As a result of the orientation of the properties the loss of daylight to the neighbouring property to the east, compared with the current situation would be minimal. Therefore the proposal would conform to Policy C38 of the West Wiltshire District Plan.

The additional letters of objection were taken into consideration and the following has been determined:

- The relationship between the ridge height of the application site and the properties to the east would be identical to the existing relationship between no.13 and the properties to the east. This is not considered to be overbearing upon the surrounding properties, or detrimental to the Conservation Area.
- Although the roof height of the neighbouring property, No.13 has been raised in the past this has not been an issue which has influenced the decision for the current application.
- As all applications will be judged on their own merits, this application cannot be considered to be setting a precedent for similar applications in the future.
- Due to the orientation of the building in relation to the adjacent alleyway, the proposal would result in little loss of daylight to this area.
- The details of materials to be used have been provided within a Design and Access Statement included with the application. These materials would match those of the existing property.
- Any damage caused to the tiles of the neighbouring property during construction would be a civil issue between the applicant and the neighbour and could not be taken into consideration whilst determining the application.

The Bat and Bird survey which was submitted indicates that there is currently no evidence of any wildlife species within the loft of the application site. However the application will be conditioned to ensure that if any bats be found during works to the roof all work should be suspended and Natural England should be contacted for further advice.

RECOMMENDATION

The proposed development conforms to the relevant policies and for the reasons above is recommended for permission.

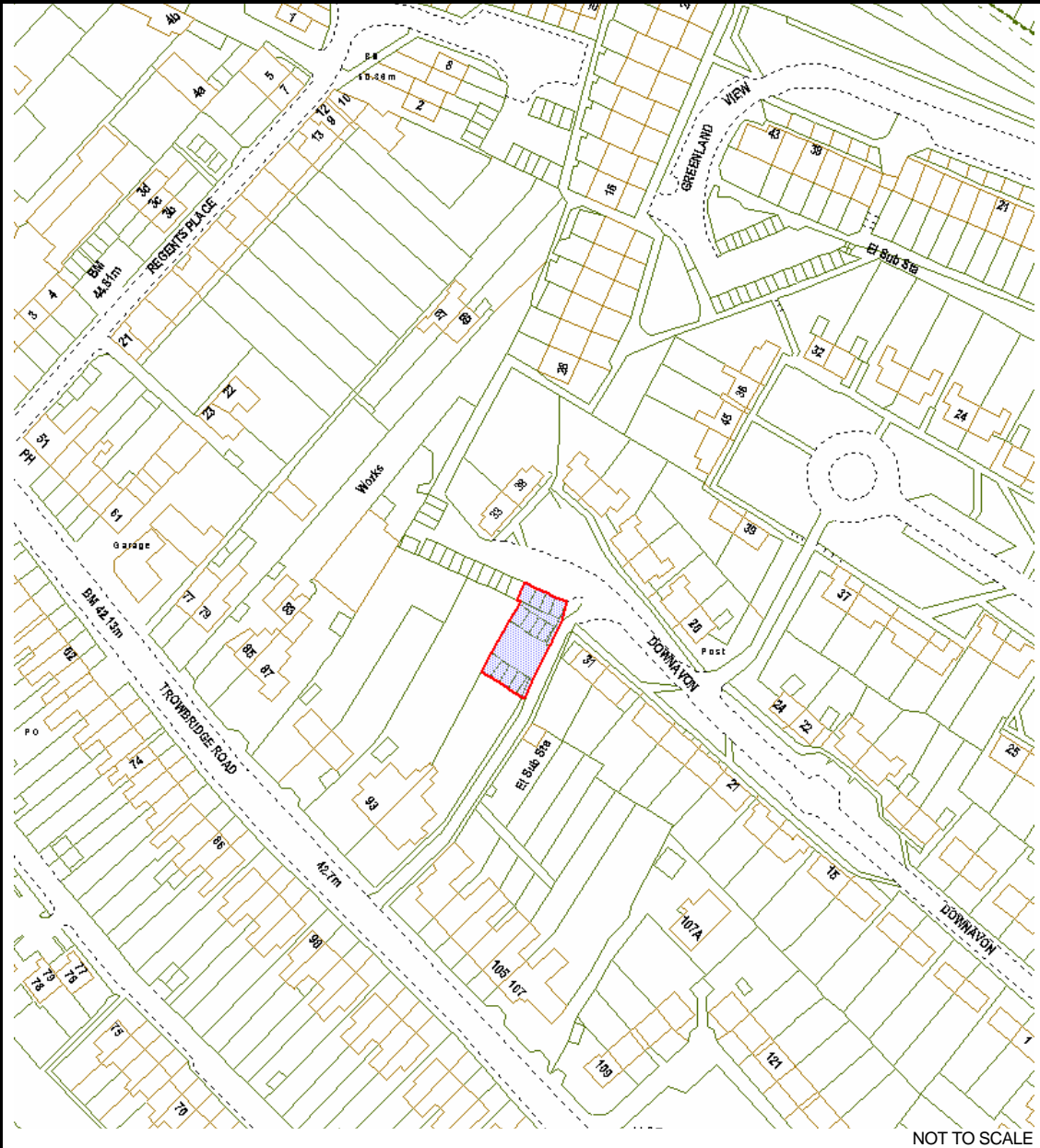
PLANNING COMMITTEE

6 December 2007

ITEM NO: 06

APPLICATION NO: 07/01055/FUL

LOCATION: Land Adjacent 31 Downavon Bradford On Avon
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 07/01055/FUL

Site Address: Land Adjacent 31 Downavon Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382930 160416
Application Type: Full Plan
Development: Erection of two dwellings and associated works
Applicant Details: West Wiltshire Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire SN15
3BD
Agent Details: Willis And Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Matthew Perks
Date Received: 23.03.2007 Expiry Date: 18.05.2007

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. The materials shall accord with those used in the surrounding residential development within Downavon.

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 parking areas indicated on the approved plans together with the means of access thereto shall be completed and made available for use before the premises are occupied and shall be maintained as such thereafter.

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

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

- 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 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.

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

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

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

- 9 The 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.

- 10 No development shall commence on site until two car parking spaces have been provided in accordance with drawing no. 1761/100 to the satisfaction of the Highway Authority and the Local Planning Authority.

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

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

Note(s) to Applicant:

- 1 The applicant is advised to contact the highway authority with regard to an agreement for the creation of the two parking spaces and their layout within highway land.

COMMITTEE REPORT**APPLICATION DETAILS**

This application was deferred at the meeting of 2 August 2007 "... in order to consider whether additional parking can be accommodated elsewhere within the locality.

The application was originally brought to Committee because the Bradford on Avon Town Council recommended refusal and officers recommended permission.

The application is for full planning permission for the erection of a pair of semi-detached dwellings on an existing garage block site on land adjacent to No.31 Downavon, Bradford on Avon.

The proposal is for a modest pair of two bedroom, double storey dwellings occupying a footprint of ±10.9m x 8.2m. The proposal includes two car parking spaces to each of the dwellings. The application site currently accommodates 12 dilapidated garages arranged in three blocks of four. There is a row of ten further garages to the west of the site.

This part of Downavon is characterised by a mixture of double storey semi-detached pairs and terraces.

A public right of way passes the site on its eastern side.

In the light of the deferral the applicant has submitted a plan showing two additional parking spaces off of Downavon, approximately 20m to the west of the site.

CONSTRAINTS

The site falls within Bradford on Avon Town Policy limits and within the Conservation Area.

POLICIES

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP7 - New housing in towns and main settlements

West Wiltshire District Plan - 1st Alteration 2004

H1 - Further housing development within towns

H24 - New housing design

C31a - Design

C38 - Nuisance

T10 - Car parking

Supplementary Planning Guidance - Residential Design

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing

RELEVANT PLANNING HISTORY

06/03609/FUL: Erection of two dwellings and associated works: Withdrawn

SITE VISIT / STATUTORY SITE NOTICES

A site notice was posted on 2 April 2007. The site has been visited on several occasions, including on this date.

KEY ISSUES

The main issues in this case are whether the principle of two new dwellings on this land is in accordance with policy H1 of the West Wiltshire District Plan 1st Alteration 2004 and whether or not there would be harm to the Conservation Area.

CONSULTATIONS

Parish/Town Council :

The Bradford On Avon Town Council recommended refusal on the following grounds:

- "1. There are local concerns about the loss of street parking as parking is oversubscribed on this estate.
2. The Town Council is dissatisfied that the application is incomplete, notably no materials defined.
3. The Town Council is very concerned about the design of the proposed buildings and finds them deeply depressing and inadequate in design contrary to PPS3."

External :

HIGHWAY AUTHORITY

No objections subject to conditions in relation to parking, surface water disposal and driveway surfacing.

WESSEX WATER

No objections raised, but there will have to be an agreement regarding the protection of water infrastructure and water connection. Diversion may be required for a sewer on the site.

ENVIRONMENT AGENCY

No comment. The application falls outside of the scope of matters where the Agency needs to be consulted.

Internal

HERITAGE DEVELOPMENT OFFICER

No objections to the scheme. The proposed dwellings would be an improvement to the existing garages which do not respect the character and appearance of the conservation area.

Neighbours

The proposal was advertised by letters to the neighbouring properties and by a site notice. Three letters of response were received, one of which included a petition containing 33 entries. Objections are as follows:

- the garages have been allowed to become derelict, despite applications for their use;
- traffic hazards, danger to pedestrians and inadequate parking in the area;
- walkways will become unusable during development of the site;
- Inadequate emergency service access;
- loss of garaging;

- locality of parking spaces forward of adjacent garages;
- overdevelopment within the cul-de-sac;
- lack of parking leading to neighbour disputes;
- existing sewage system is inadequate and will be further affected;
- building is within conservation area;
- the application form does not indicate that there is a public right of way to the east of the site;
- applicants are either unfamiliar with area or are pursuing as much gain as possible;
- there should be parking reserved for residents in this area due to current parking difficulties;
- procedures have not allowed neighbours adequate opportunity to comment.

The Bradford on Avon Preservation Trust has also commented, objecting on grounds of parking, materials and design.

OFFICER APPRAISAL

The application site is located within the town policy limit for Bradford on Avon, where further residential development is accepted in principle subject to the criteria applicable in terms of Policy H1 of the West Wiltshire District Plan 1st Alteration (2004). This policy states that proposals will be permitted provided that, inter alia, siting layout and design considerations are satisfactory and that they are in keeping with the character of the surrounding area.

In this case the proposal is for two dwellings. These modest two bedroom homes would be in a setting which relates closely to the Downavon residential area as opposed to the development within the Conservation Area fronting onto Trowbridge Road. Downavon is characterised by double storey semi-detached and terraced development arranged in an elongated linear form to either side of the roadway. Dwellings have a mixture of gabled and hipped roof forms. The site currently has a derelict and wholly unappealing appearance. The erection of new dwellings in the proposed gable-ended building would significantly enhance the appearance of this particular site. In this particular locality and, notwithstanding the Conservation Area status, a modern building designed to be more in keeping with the Downavon setting than the older buildings fronting Trowbridge Road is appropriate.

Government guidance in the form of PPS 3 advises that the specific outcomes that the planning system should deliver are, inter alia, a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas and a sufficient quantity of housing taking into account need and demand and seeking to improve choice. The proposal would provide two modest dwellings for the affordable housing stock.

The development would be at a fairly high density of ± 62 units per ha., but the plots are surrounded by generous open neighbouring garden spaces to the west and south, and the dwellings would be some 28m from the houses to the north and would be separated from the dwellings to the east by a gap of over 6m, which is occupied by the public right of way. The nearest dwellings to the south are ± 50 m distant. The south facing rear amenity spaces would be some 15m in depth.

It was noted during the site visit that parking is at a premium at this end of Downavon. This is the predominant concern of neighbours who have commented on the application. The fall-back position in respect of the garaging is that any rental of units is subject to private treaty that can be terminated at any time. Two parking spaces per each of the dwellings would be provided. Importantly, the Highway Authority does not object to the proposal. Two on-site parking bays would be provided to the front of each of the new dwellings. Vehicles parked in the proposed spaces would be aligned approximately with position of the entrances to four of the garages to be demolished.

Following deferral at the previous committee, the applicant has provided proposals for two additional parking spaces to be provided in Downavon near to the site. The highway authority did not object to the proposal in its form prior to the deferral. The additional parking spaces are therefore additional to those that would satisfy highway authority requirements, but would nevertheless contribute towards the overall provision within the cul-de-sac area. An appropriate condition should be made applicable to ensure that the spaces are provided.

The Town Council raised concerns regarding parking, materials and design. The Highway Authority is satisfied with the proposal subject to conditions. The submitted elevation plan shows materials in keeping with surrounding properties. For the reasons discussed above, these modest dwellings relate more closely to the Downavon setting than the character of the Conservation Area. The development would represent a significant improvement to the appearance of this corner of the Conservation Area. In this context the design is considered acceptable.

RECOMMENDATION

The development of two modest dwellings on a sustainable site within Town Policy Limits would be a desirable, efficient and appropriate use of land providing affordable housing accommodation in accordance with the Council's adopted policy framework.

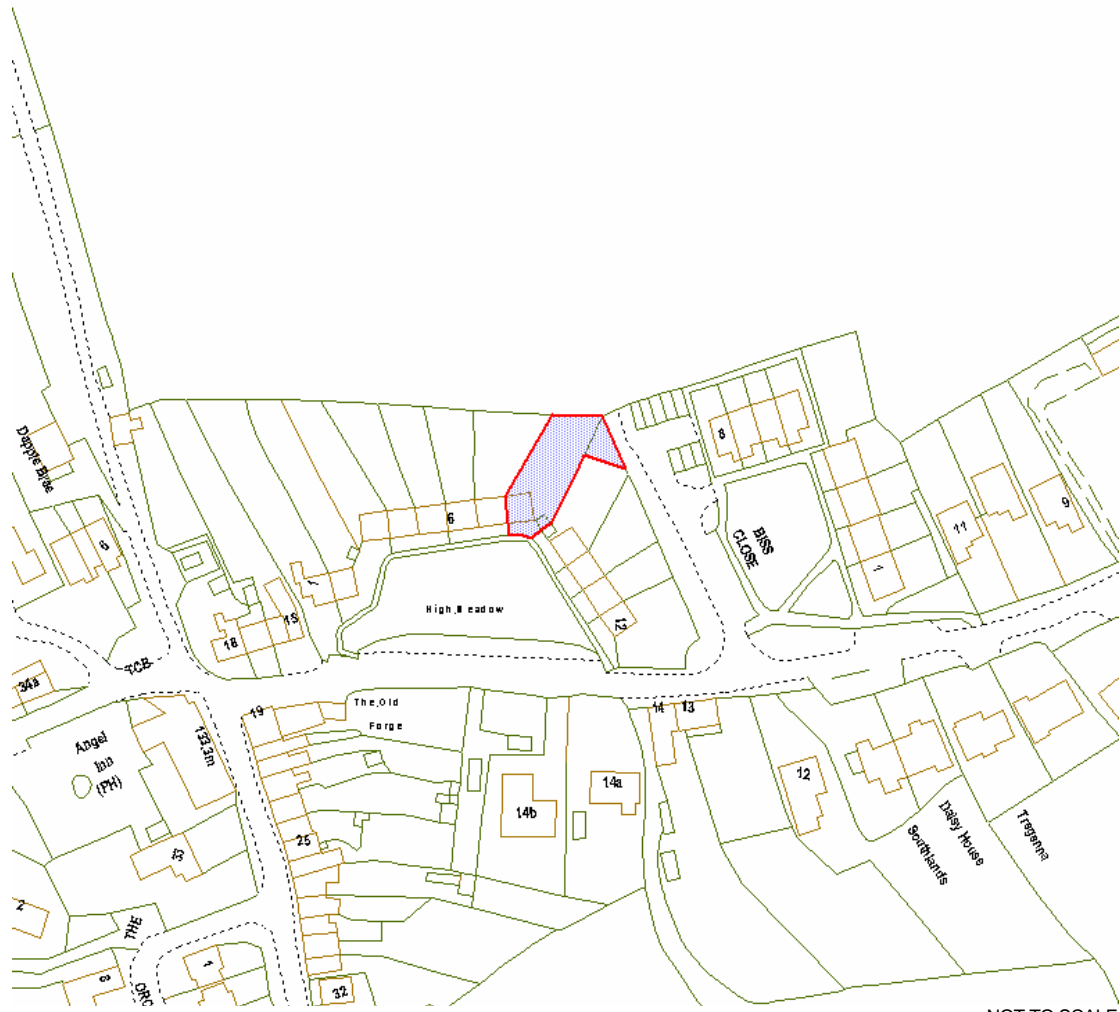
PLANNING COMMITTEE

6 December 2007

ITEM NO: 07

APPLICATION NO: 07/01953/FUL

LOCATION: Land Adjacent To 8 High Meadow Upton Scudamore
Wiltshire



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SLA: 100022961

07 Application: 07/01953/FUL

Site Address: Land Adjacent To 8 High Meadow Upton Scudamore Wiltshire

Parish: Upton Scudamore Ward: Dilton
Grid Reference 386676 147949
Application Type: Full Plan
Development: New two bed attached dwelling
Applicant Details: Mr P Reid
C/o Agent
Agent Details: D Bissex
10 Meadow View Radstock BA3 3QT
Case Officer: Mr James Taylor
Date Received: 06.06.2007 Expiry Date: 01.08.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 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 area allocated for parking on the approved plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of amenity and road safety.

- 4 The parking area and access shall be properly consolidated and surfaced (not loose stone or gravel) to the complete satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety

- 5 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, shall be added to the first floor of the east elevation of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water prior to the commencement of works to agree connection to their services and infrastructure; they can be contacted on 01225 526000.
- 2 The developer is advised that the application site is located within a Source Protection Zone and therefore any surface water discharge will need to be in line with the Environment Agency guidelines.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Upton Scudamore Parish Council has objected to the proposal contrary to your officer's recommendation.

This is a full planning application for the erection of a new two bedroom dwelling in the village of Upton Scudamore. The proposal would involve the demolition of the existing 2-storey side extension to an end of terrace property and the front boundary/store wall which links to the neighbouring property to the south east. The proposed dwelling would be attached and form a new end of terrace property.

The proposed dwelling would be approximately 5.3 metres wide across the frontage, which is flush with the rest of the terrace. It would be approximately 5.8 metres in depth, the same as the existing terraced properties. Similarly it would have the same height and form, namely 5 metres to eaves and 7.3 metres to the ridge. The materials for the proposal would match the existing, reconstructed stone and concrete pantiles.

The proposal would include 4 parking spaces, 2 for the existing and 2 for the proposed. These would be located in the rear garden on hard standing and accessed from land to the east, occupied by West Wiltshire Housing Society garages. This access is existing via Biss Close. The existing and proposed properties would benefit from their own private and enclosed rear gardens and modest open front gardens.

The area is characterised by terraced properties which front onto a communal 'green' which is open on one side where the main road through the village runs. The application site is the side garden of an end of terrace property which has its own spacious rear garden that backs onto open countryside to the north. To the east is the rear garden of the neighbouring property that is sited to the south east.

CONSTRAINTS

Village Policy Limit
Addition to an end of terrace property
Neighbour amenity

POLICIES

West Wiltshire District Plan 1st Alteration (2004) Policies C31a, C32, C38, H2 and H17
National Guidance in PPS1, PPS3 and PPG13

RELEVANT PLANNING HISTORY

04/02148/OUT - Detached dwelling – Withdrawn - 12.01.2005

SITE VISIT / STATUTORY SITE NOTICES

3 July 2007. No notice required.

KEY ISSUES

The main issues to consider with this application beyond the principle of development are the potential impact on the character of the area, neighbour amenity and parking provision/highway safety.

CONSULTATIONS

Parish/Town Council : Objections were raised due to the following reasons:

- this could set a precedent
- this will increase the density of housing
- it will encroach upon Greenfield land
- extra traffic will use access road
- once there is access, there will be access to other gardens and further development

External : 3 consultations as follows:

Highway Authority: No objections

Wessex Water: No objections

West Wiltshire Housing Society: No objections

Internal : 1 consultation as follows:

Housing Services: Objection on the basis of Policy H2 (dated 4 July 2007).

Neighbours : 1 letter of objection received raising the following comments.

- overdevelopment
- harmful to street scene
- damage to boundary wall
- loss of privacy in garden
- right of access to rear of number 8

OFFICER APPRAISAL

The application site is located within the defined village policy limits and as such the principle of further housing development and the more efficient use of land is acceptable subject to environmental considerations. There is no longer a requirement for affordable housing contribution in connection with the creation of a single dwelling within defined village policy limits. Therefore the objection from the housing services team is no longer relevant. Their comments came from the period before the Council re-evaluated its approach to affordable housing contributions in such cases as this.

The proposal would utilise the established access to the highway at the rear via Biss Close over a Housing Society garage site. The housing society raises no objections to the proposal and it is noted that a legal agreement for access over their land is in place. The proposal would increase the hard standing over the existing generous rear garden to create sufficient space for turning and 4 car parking spaces. This would be in accordance with the maximum standards and given the village location is appropriate. The Highway Authority raises no objection to the proposal.

The rear garden would be subdivided to facilitate modest but adequate garden space at the rear. There would be an element of overlooking of the rear amenity space of the existing garden from the proposed dwelling due to the orientation of the houses to the rear boundaries; however this is actually a characteristic of the existing arrangement and therefore poses no substantial concern.

The proposed built form would be a carbon copy of the established built environment, utilising the same proportions, form and materials.

The south east terrace is virtually at a right angle and extending the row in this manner would bring the two much closer together. From the front elevation this would lead to a slight overlap and a reduction in the visual gap between the two terraces. On balance however it is not considered that this causes significant harm to the street scene because from many southern views the visual gap is nominal anyway and from western views the visual gap would remain. Therefore the only impact would be when the area is viewed between the south and west viewpoints and a distinct gap would still remain. Finally in this regard the spatial character of the area has been assessed, and taking the building line of the rear of the south east terrace projecting towards the application site, the proposal would be approximately within that distinct building line. This issue has to be balanced against making more efficient use of land and on balance it is considered that the harm would not outweigh this benefit.

This relationship between the proposed dwelling and the south east terrace would also have some amenity issues. The arrangement has been carefully studied and it is noted that the neighbour to the south east has a first floor window in their side elevation. However this window is only to a landing area. The south east neighbours' front portion of the side garden would be overlooked, however this is occupied by an extension and a shed, therefore no significant harm to amenity would result. In conclusion no significant overlooking would occur. The development has been measured on site and the block plans are reasonably accurate in that a 1 metre gap would remain at the front up to the boundary. It is appreciated that a 2-storey blank gable would be very close to the side boundary of the south east neighbour. However given that the boundary tapers to the rear, the gap between the built form and the boundary would increase at the rear of the new dwelling to approximately 5 metres. Further the proposed dwelling would be orientated to the north, so the harm is not considered to be sufficient to merit grounds for refusal. It is stressed that this is an on balance conclusion and the objection from this neighbour has been given very careful consideration.

All the key planning issues have been addressed above and after lengthy deliberation it has been concluded that the proposal should be recommended for permission. The Parish Council representations and neighbour comments have obviously been considered in this case, however the development would not set a precedent, each case is considered on its merits and the spatial characteristics of the area are diverse and unique. Increasing the density of development is a positive under current national guidance subject to being satisfactory in all other regards, and the development would not be in open countryside, rather established residential curtilage. The highway authority raises no objections and so the increase in traffic is considered to cause no highway safety harm, indeed the access is existing and would therefore not open up the area to any further development.

The neighbouring objection also raises the point about works to the boundary wall and sheds. This is a civil ownership issue and not a planning consideration. Indeed the demolition works in this regard do not require planning permission.

RECOMMENDATION

Permission.

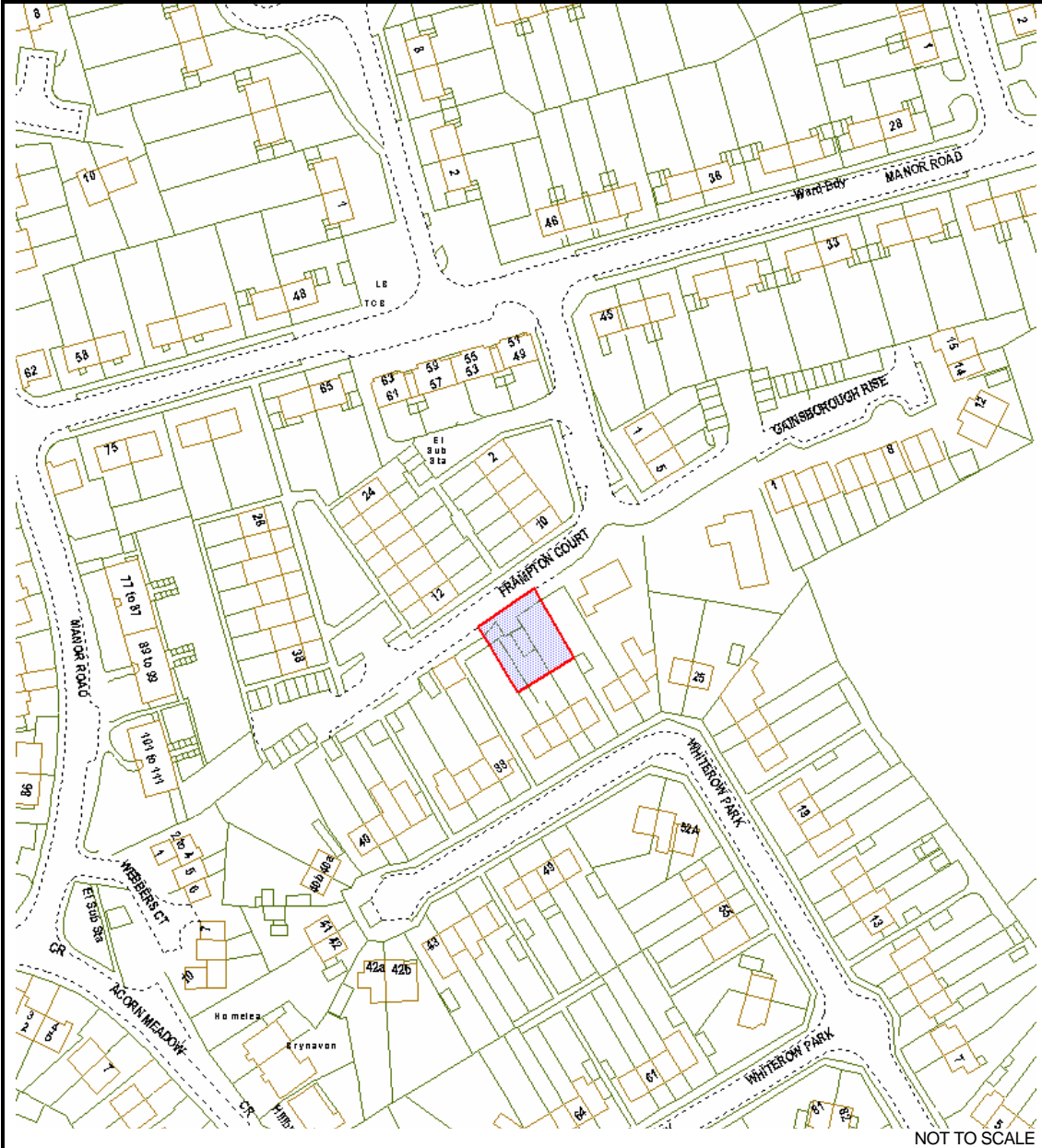
PLANNING COMMITTEE

6 December 2007

ITEM NO: 08

APPLICATION NO: 07/02906/FUL

LOCATION: Land Rear Of 29 And 31 Whiterow Park Trowbridge
Wiltshire



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SLA: 100022961

08 Application: 07/02906/FUL

Site Address: Land Rear Of 29 And 31 Whiterow Park Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge And Southwick

Grid Reference 384153 156622

Application Type: Full Plan

Development: Residential development of 3 dwellings

Applicant Details: Mr M Arnold
12 St Marys Close Trowbridge Wiltshire

Agent Details: FMH Architectural Services
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14
7NY

Case Officer: Mr James Taylor

Date Received: 12.09.2007 Expiry Date: 07.11.2007

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 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 other than those hereby approved shall be added to the east or west elevations, and no rooflights other than those hereby approved shall be added to the rear roof slopes of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

- 3 The rooflights in the rear roof slopes 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.

4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class(es) A, B, C, D and E 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.

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

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

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

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

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

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

7 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.

9 The driveway shall be properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

10 Prior to the commencement of development on site details of the provision for surface water disposal such as soakaways shall be submitted to and approved in writing by the local planning authority; the works shall then be completed strictly in accordance with those details.

REASON: In order to ensure sustainable surface water drainage in the area.

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

Note(s) to Applicant:

- 1 The developer is advised to contact Wessex Water on 01225 526000 prior to the commencement of development in order to agree connection to their infrastructure and protect the integrity of their systems.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Committee because Trowbridge Town Council object to the proposals contrary to your officer's recommendation. Further, Councillor Jeff Osborn has requested it be determined by the Planning Committee.

This is a full planning application for the erection of 3 one bedroom terraced chalet bungalows fronting onto Frampton Court on the rear gardens of 29, 30 and 31 Whiterow Park, Trowbridge. The terrace would be approximately 15.3 metres in width, 8 metres deep, set back from the frontage by approximately 5.9 metres. It would have a staggered roof line to reflect the gently sloping nature of the site. It would have frontage parking and hard standing to allow provision of 5 parking spaces for the 3 properties. Living accommodation would be over the ground floors with a single bedroom and bathroom within the attic, lit by rooflights. The buildings would be approximately 2.4 metres high to the eaves and 6.3 metres high to the ridge of the buildings.

The application site is the rear gardens of properties in Whiterow Park which are approximately 30 metres in length and back onto Frampton Court a residential area characterised by a variety of types and forms, but generally quite low density. To the north of the site there is an existing detached bungalow property. Otherwise the immediate street scene is characterised by gardens, fences and garages.

CONSTRAINTS

Planning history of locality
Neighbouring amenity

POLICIES

West Wiltshire District Plan – 1st Alteration 2004 - Policies C31a, C32, C38 and H1
National Guidance in PPS1, PPS3 and PPG13

SPG on house alterations and extensions
SPD Residential Design Guide

RELEVANT PLANNING HISTORY

84/00450/OUT - One dwelling (Land rear 27 Whiterow Park) – Refusal - 22.05.1984 (Allowed at appeal)
85/00845/REM - Erection of one bungalow – Approval - 20.08.1985
06/01616/FUL - Erection of a detached 2 bedroom chalet bungalow (at Land Between Frampton Court And 32) – Refusal - 14.11.2006
06/03512/OUT - Residential development for 2 three-bedroom dwellings (Land Rear Of 28 And 29) – Refusal - 08.01.2007
06/03779/FUL - Erection of a detached 2 bedroom chalet bungalow (at Land Between Frampton Court And 32) – Refusal - 25.01.2007 (Appeal dismissed)

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 02/10/2007, no site notice required as full adjoining neighbour consultation conducted.

KEY ISSUES

The key issues to consider with this application are the principle of development, amenity, design, highway safety and parking issues and the planning history of the general area.

CONSULTATIONS

Parish/Town Council : Trowbridge Town Council felt that due to the scale and form of the proposed development of the site this would lead to overdevelopment. In addition access was inadequate for this level of development in Frampton Court.

External : 2 consultations as follows:

Highway Authority: Would accept 1.5 spaces per dwelling, resulting in the requirement for 5 spaces being provided within the curtilage of site. Following receipt of revised plan no objection subject to condition.

Wessex Water: No objection

Internal : 1 consultation as follows:

Planning Policy: No comments received

Neighbours : Letters to adjoining properties sent out and 11 letters of objection have been received raising the following issues:

- do not wish to have builders camped on site in battered old caravan
- amenity (overlooking, overbearing, dominant, loss of light and lack of privacy)
- existing parking problem/traffic congestion – road is a very busy thoroughfare
- access for vehicles, especially emergency/refuse vehicles
- disruption during construction
- planning history sets a precedent for refusals in this area
- restricted right of way and land ownership points
- landscaping and detrimental to the area including 'closing the area in'
- site plan does not accurately reflect the existing situation with extensions to other properties
- loss of open views
- risk of flooding due to replacement of naturally drained land to concrete slab
- reduced property value
- excessively 'squeezed' into a miniscule plot – area is already cramped
- no site notice erected

Further 3 letters of support (2 from one party) for the application was received raising the following points:

- it will enhance the area in and around Frampton Court which is relatively scruffy at present
- would have no significant impact on the highway with extra off-road parking provision
- suggests that glazing in roof facing Whiterow Park is obscured
- removal of rear window from bedroom ensures privacy is not compromised

OFFICER APPRAISAL

The application site is located within the Town Policy Limits of Trowbridge and as such the principle of further housing development is in acceptable and indeed encouraged by national guidance in PPS3 subject to other environmental considerations.

The proposed development would be in the form of a 3 property terrace of chalet bungalows staggered in height to reflect the sloping nature of the street scene. They would have high pitched roofs in order to facilitate bathroom and a single bedroom in the attic space. The rear elevations would have one high level rooflight for the bathrooms and the front elevations would have 2 rooflights for the bedrooms. As such the rear would not cause any overlooking (but obscure glazing would protect all amenity) and the front elevation would view 10 and 12 Frampton Court's rear gardens from approximately 17.5 metres. This is well within the Council's adopted guidance on such matters which indicates less than 10 metres is unacceptable. The rear gardens of the proposed dwellings would be approximately 10 metres from the rear elevations of the Whiterow Park properties and as such the amenity of future occupiers would not be significantly harmed considering the distance is just within the acceptable guidance.

The other issues of amenity such as dominance and overbearing have also been considered. The outlook of neighbours, especially those at the rear would be quite altered, however given that the proposed development would be approximately 16 metres away from the properties and 6 metres from the boundaries then the impact would not be significant and there is no right to a view.

The area is characterised by quite a low density of development and could reasonably be concluded to be spacious, certainly compared with modern development densities. The more efficient use of land is encouraged in national guidance within PPS3. Given the style of development proposed over 1 1/2 storeys then it is considered that the modest amenity space to the front and rear is acceptable and whilst quite different in style to the surrounding area a variety of dwellings types and a range of accommodation levels plays an important part in providing for the needs of a community and its residents. The development as one bedroom accommodation could play an important role in providing lower cost market accommodation for single people or couples. The design of the proposed buildings would be of a neat and tidy appearance and with consideration of hard and soft landscaping to the front could significantly improve the character and appearance of the street scene at this point in Frampton Court. Further it is noted that although generally 2-storey development in the area, the immediate street scene includes a bungalow and single storey garages. On balance it is considered that the more efficient use of land offered by the proposal and its generally neat and tidy design outweighs any harm caused by the further development of established residential gardens.

The issue of access and car parking has raised significant concern. Given the scale of development proposed with 3 one bedroom dwellings it is felt that 3 parking spaces would have been sufficient. However in light of the local concern and the Highway Authority comments this has been increased to 5 parking spaces for all the dwellings. This should be more than sufficient for both occupiers and any occasional visitors to the properties. Therefore casual parking on the highway would not increase and access through the area would therefore not be obstructed. It may be that the existing on street parking would be displaced, however no individual has a right to this parking provision on the public highway.

In summary it is considered that the positive elements of this scheme including the more efficient use of land and provision of a further range of accommodation type outweigh any other concerns raised during the consultation process. The development accords with supplementary planning guidance and the development plan policies; it would cause no significant harm, indeed it could be argued to enhance the street scene which is rather dilapidated.

The planning history in the area presents a point for serious consideration, and all the cases in the immediate area have been studied. It is important to note that this precise site has never been subject of an application before so there are actually no reasons for refusal to be overcome; this is not a resubmission. Notwithstanding this the reasons for refusal on other schemes have been assessed and applied to the principles of this case. However on balance they, including the comments of the planning inspector on the dismissed appeal, are not considered to be applicable to this case given the differences in the application sites and the nature of the proposed development. This proposal includes the smallest and most modest form of development suggested in this locality to date; with the roof orientation and incorporation of rooflights only the proposal has a minimal presence compared to previous proposals. Further it would result in private rear gardens of approximately 5.7 metres in length which is modest but quite sufficient for modest one bedroom dwellings and on balance would not merit grounds for refusal.

RECOMMENDATION

Permission subject to conditions.

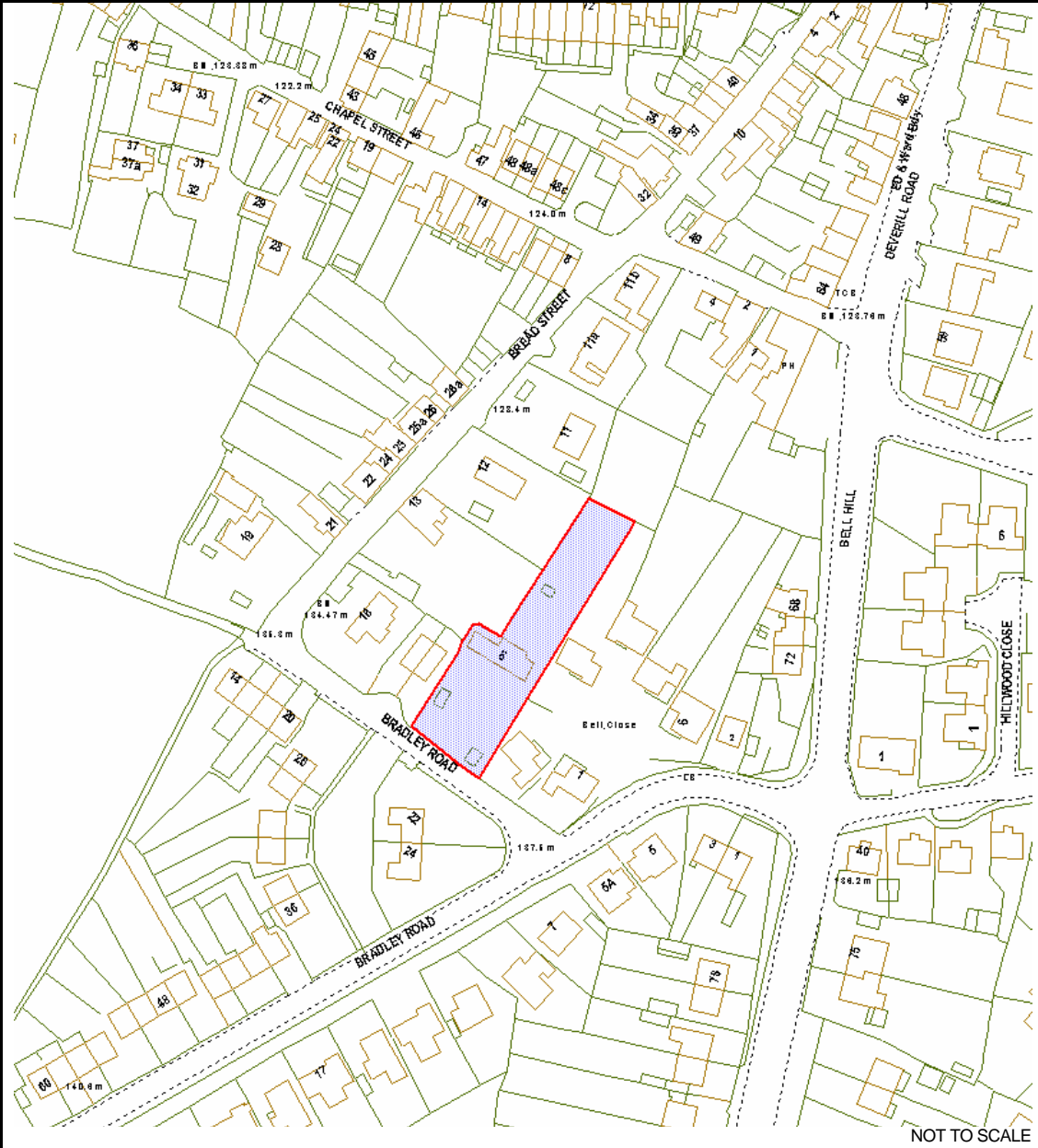
PLANNING COMMITTEE

6 December 2007

ITEM NO: 09

APPLICATION NO: 06/02645/FUL

LOCATION: 8 Bradley Road Warminster Wiltshire BA12 8BP



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 06/02645/FUL

Site Address: 8 Bradley Road Warminster Wiltshire BA12 8BP

Parish: Warminster Ward: Warminster West
Grid Reference 386773 144157
Application Type: Full Plan
Development: Demolition of cottage and construction of four detached houses and garages
Applicant Details: Mr R Shortoe
53 Victoria Road Warminster Wiltshire BA12 8HB
Agent Details: Mr Peter Grist
Furlong House 61 East Street Warminster Wiltshire BA12 9BZ
Case Officer: Mr Matthew Perks
Date Received: 29.08.2006 Expiry Date: 24.10.2006

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 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 openings, other than those hereby approved, shall be added to the south eastern or north western elevations above ground floor level of the dwellings hereby permitted.

REASON: In the interests of amenity and privacy.

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

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

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

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

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

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

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

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

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

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

- 7 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.

- 8 Sufficient space for one garage and one parking space (or two parking spaces) together with vehicular access thereto shall be provided for each dwelling, before it is occupied, in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: In the interests of amenity and road safety.

- 9 Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centreline of the access and the extremities of the site frontage shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 10 A recessed entrance having a minimum width of 4.5m (for the first 5m into the site) shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45° towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 11 Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

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

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

Note(s) to Applicant:

- 1 The applicant is advised that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for full planning permission for the erection of four detached houses at 8 Bradley Road, Warminster. The proposal includes the demolition of the existing dwelling on the site. The site is some 1300m² in extent and has an irregular shape. A 22m wide street frontage narrows to an elongated rear half of approximately 15m in width.

The initial plans were revised following consultation and negotiation. The outcome has been that four by four-bedroom units are proposed. Two of these would be located in the wider front section of the site, set back to approximately align with the dwellings in the development to the east of the site. A centrally located private driveway would provide access to the other two units on the rear of the site.

One detached garage is proposed for each of the road frontage dwellings, while the dwellings to the rear would have integral garaging. An additional second parking space for each dwelling would be provided on site.

CONSTRAINTS

The site is located within Town Policy Limits for Warminster.

POLICIES

West Wiltshire District Plan – 1st Alteration 2004

C31a - Design

C38 - Nuisance

H1 - Housing development within towns

PPS 3 - Housing

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

The initial site visit was carried out on 5 September 2006, with a follow-up visit following the consultation process.

KEY ISSUES

The main issues in this case are the principle of residential development on this site, parking provision and the relationship of the proposed siting of the dwellings to the surrounding area.

CONSULTATIONS

Parish/Town Council :

The Town Council objects to the proposal "...this is overdevelopment of the site and would exacerbate both the traffic problems and the drainage. Lack of parking and bad visibility out of this turning."

External :

Highway Authority

No objection subject to conditions in relation to a visibility splay, surface water disposal and parking.

Wessex Water

No objection.

Wiltshire and Swindon Biological Records Centre

Recommends a protected species survey.

Internal :

N/A

Neighbours :

Neighbours were notified of the proposal. Eight responses were received to the original and revised plans. Objections are as follows:

- Parking and traffic hazards in Bradley Road;
- The development would be harmful to the character and appearance of the area;
- Loss of privacy and views;
- Loss of the existing cottage;
- Inadequate access for vehicles, including emergency vehicles;
- Overdevelopment of the area;
- Harm to neighbouring properties;
- Inadequate local infrastructure;
- Boundary treatment should be improved. The owner at 11 Bread Street requests that fencing be erected to continue the newly erected fence at no. 12 Bread Street. If this is done there would be no objection to the proposal;

OFFICER APPRAISAL

The proposal stands to be considered in terms Policy H1 of the West Wiltshire District Plan - 1st Alteration that guides consideration of housing development in the built up areas of Warminster. This policy states inter alia that proposals will be permitted provided that siting layout and design considerations are satisfactory and that they are in keeping with the character of the surrounding area.

The development site at ±1300m² would represent development at approximately 31 units per ha. This would accord with government guidance in the form of PPS3, which states that LPAs should pursue development at a minimum national average density of 30 units per ha. This guidance also states that the specific outcomes that the planning system should deliver are, inter alia, a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas and a sufficient quantity of housing.

The proposals are for a hipped roof form, with roof ridge heights of approximately 7.2m. In the street scene this would not be out of keeping with neighbouring properties. The site falls between the relatively modern development in Bell Close to the south east and the more traditional form of building in Bread Street to the west. This latter area has however recently been the subject of redevelopment itself, with a variety of dwelling designs having been granted permission.

The new buildings would be positioned on site such that the two road frontage dwellings would be approximately aligned with existing dwellings to the east and west relative to the street frontage. There would be no windows to habitable rooms in either of these buildings that would be orientated towards the neighbouring properties. A third unit would be located roughly half way down the length of the site, approximately adjacent to an existing modern dwelling to the property to the south east. This neighbouring dwelling has a blank gable-end facing the proposed new building. The relative siting and orientation of the buildings is such that no unacceptable loss of light, overshadowing or overlooking would arise. The fourth dwelling would be sited towards the rear of the property, again with no side-facing windows to habitable rooms. The upstairs windows to habitable rooms in this dwelling would be orientated towards the north, where the boundary is defined by a conifer hedge and the nearest buildings in direct line of site are some 50m distant. The amenity space to this dwelling is fairly confined at a depth of between 6 and 7m but in the particular context this is acceptable. Boundary treatments should however be subject to a condition. This would be an appropriate condition which would accord with the request of the neighbours at no. 11 Bread Street.

The Town Council and neighbouring comments on parking concerns are noted. However, the highway authority does not object to the proposal, subject to appropriate conditions. It is also acknowledged that amenity spaces for the dwellings are fairly limited on this site. This however is a result of the constraints inherent to the shape of the property. This must be considered in the light of the need to achieve the efficient use of land in accordance with PPS3 guidelines for a minimum average density of 30 units per ha. Research on recent developments further up Bradley Road shows that similar property sizes have been found to be acceptable for four bedroom dwellings in the area within the recent past.

Objectors hold the view that the new properties would not accord with the character of surrounding development. The area is however characterised by properties of variable shapes, orientations and sizes occupied by dwellings of varying design. It is not considered that the proposed properties would constitute development that would be harmful in terms of the local layout of land units or building design. The existing dwelling does not have any protected status and the site does not fall within a conservation area. The fallback position is therefore that the property could be demolished without planning permission.

The property is fairly overgrown and the possibility is that protected species may be present. A survey for such species should be required in the event that permission is granted.

RECOMMENDATION

Permission.

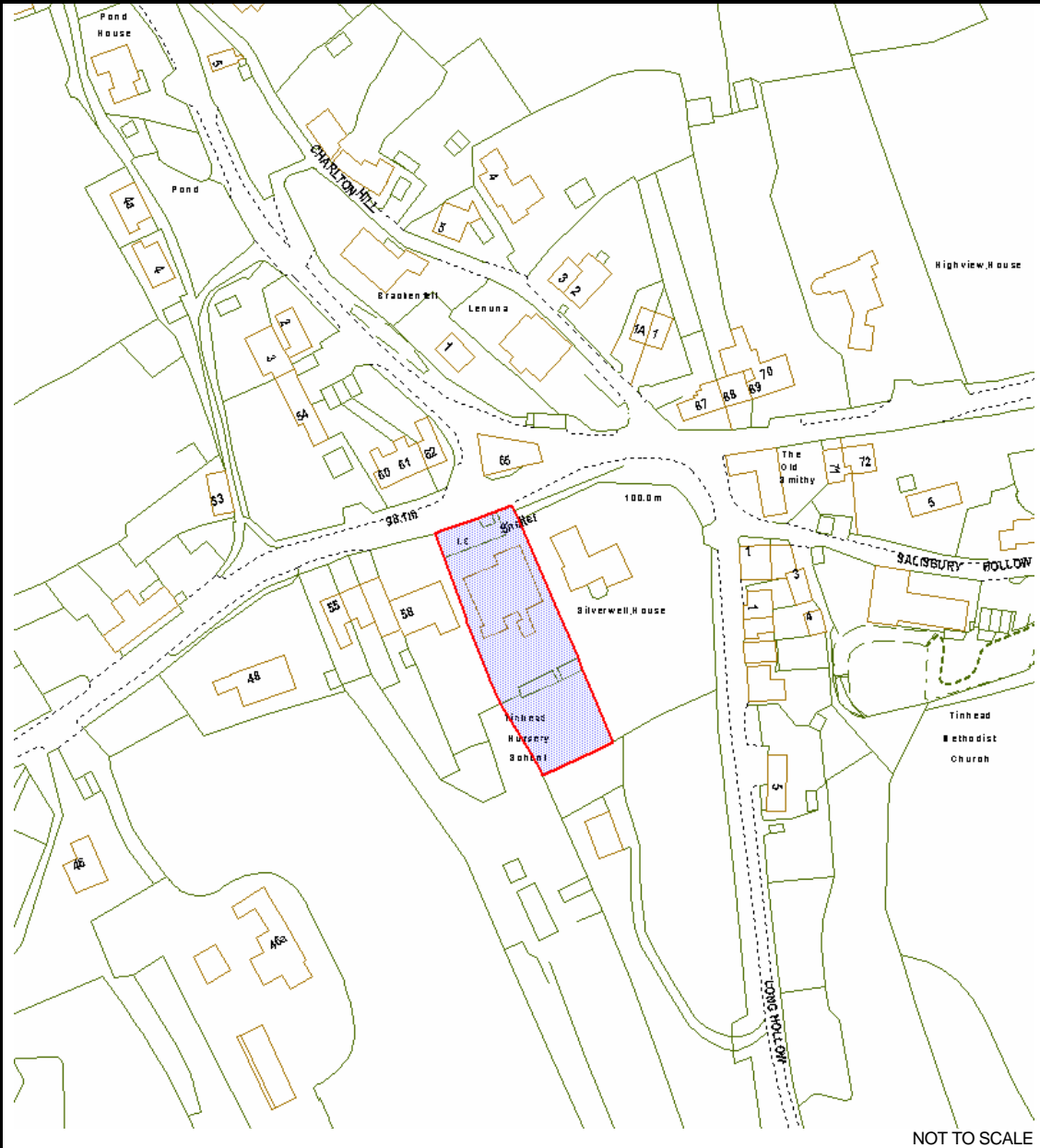
PLANNING COMMITTEE

6 December 2007

ITEM NO: 10

APPLICATION NO: 07/03224/FUL

LOCATION: School House 63 Westbury Road Edington Wiltshire
BA13 4PG



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SLA: 100022961

10 Application: 07/03224/FUL

Site Address: School House 63 Westbury Road Edington Wiltshire BA13 4PG

Parish: Edington

Ward: Ethandune

Grid Reference 393314 153283

Application Type: Full Plan

Development: Provision of new access to highway with off street parking for 3 cars and turning space. The development will retain a large part of the boundary wall and features and will be as sympathetic as possible to the host building

Applicant Details: Miss Y M David
Ashgrove Farm Cottage Peasedown St John Bath BA2 8EP

Agent Details:

Case Officer: Ms Margaretha Bloem

Date Received: 10.10.2007

Expiry Date: 05.12.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The site has insufficient frontage in both directions to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interest of highway safety, contrary to Policy T10 of the West Wiltshire District Plan - 1st Alteration.
- 2 The proposed layout does not adequately accommodate turning facilities to enable a vehicle to enter and exit the highway in forward gear, which is essential to highway safety. The proposed layout does not provide sufficient width for two vehicles to pass in the entrance and provide sufficient pedestrian inter-visibility splays contrary to Policy T10 of the West Wiltshire District Plan - 1st Alteration.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Swabey because she is of the view that the proposal will alleviate the on street parking problem in Edington.

This is a full planning application for provision of a new vehicular access. It provides for a new access to highway with off street parking for 3 cars and turning space. The development would retain a large part of the boundary wall.

CONSTRAINTS

Conservation Area
Planning history

POLICIES

West Wiltshire District Plan - 1st Alteration 2004 - Policies: C17, C18, T10 and C38.

RELEVANT PLANNING HISTORY

07/02977/FUL - Replacement wall – Approved 22.10.07.

06/03872/FUL - Conversion of redundant primary school and community centre into two dwellings – Approved 07.02.07. Highways recommended that on street parking should be provided as the required visibility cannot be achieved.

06/02329/FUL - Conversion of redundant primary school and community centre into two dwellings – Refused 17.10.06.

SITE VISIT / STATUTORY SITE NOTICES

Site notice displayed to front of property on 19.10.2007.

KEY ISSUES

Impact on Conservation Area
Highways Safety

CONSULTATIONS

Parish/Town Council :

No objection. The proposal will alleviate and improve the parking problems on this part of the B3098. The proposal appears to the Parish Council to be entirely satisfactory providing appropriate turning and the only things that the Parish Council would suggest should be added if permission were to be granted are that the front garden area that remains be protected and that appropriate screening and landscaping be provided so that the parked vehicles cannot be easily seen from the road. Also a condition that reversing into the road backwards would not be permitted.

External :

Highways: Suitable visibility splays are not achievable in both directions at the proposed access. The proposed layout does not provide sufficient area for reversing and turning. While three vehicles are parked, if any one vehicle wishes to exit, the area for turning is insufficient and likely to encourage reversing and turning on the highway. This is a situation that can not be encouraged and combining the lack of turning with substandard visibility this is not acceptable situation in highway terms. The dimensions of the turning area layout do not correspond with the GIS mapping software and this need to be checked, especially the width of the turning area available.

For two dwellings, a shared access is required that should provide an access with a width of 4.5 metres for the first 7 metres beyond the carriageway edge in order that two vehicles can pass each other. Insufficient pedestrian inter-visibility is not demonstrated. Considering the proximity of the bus stop a pedestrian inter-visibility splay either side of the access is required. A pedestrian inter-visibility splay of 2.4 m x 2.4 m that is kept free of obstruction at and above 0.6 m above the carriageway level to ensure visibility between pedestrians and vehicles as vehicles emerge at the access is required. Recommend that application be refused on highway grounds.

Internal :

Heritage Development Officer: Verbal consultation - no objection

Neighbours :

Site Notice displayed.

OFFICER APPRAISAL

Impact on Conservation Area

The demolition and lowering of the section of wall to the front of the dwelling would not harm the character of the Conservation Area and the provision of the proposed three parking spaces to the front of the dwelling would not harm the appearance of the building to the detriment of the character of the Conservation Area.

Highways Safety

The Highways Authority is of the opinion that the provision of the access would compromise highways safety not only for the highway users of the application site, but other road users including pedestrians.

The alleviation of the pressure for on street parking in this section of the road would not outweigh the harm to highway safety on this busy road. The proposed parking layout does not provide sufficient space for turning and it is likely that vehicles would be forced to reverse onto the busy highway. A suggested condition by the Parish Council to prevent reversing onto the highway would not be enforceable.

RECOMMENDATION

For the reasons stated above refusal is recommended.

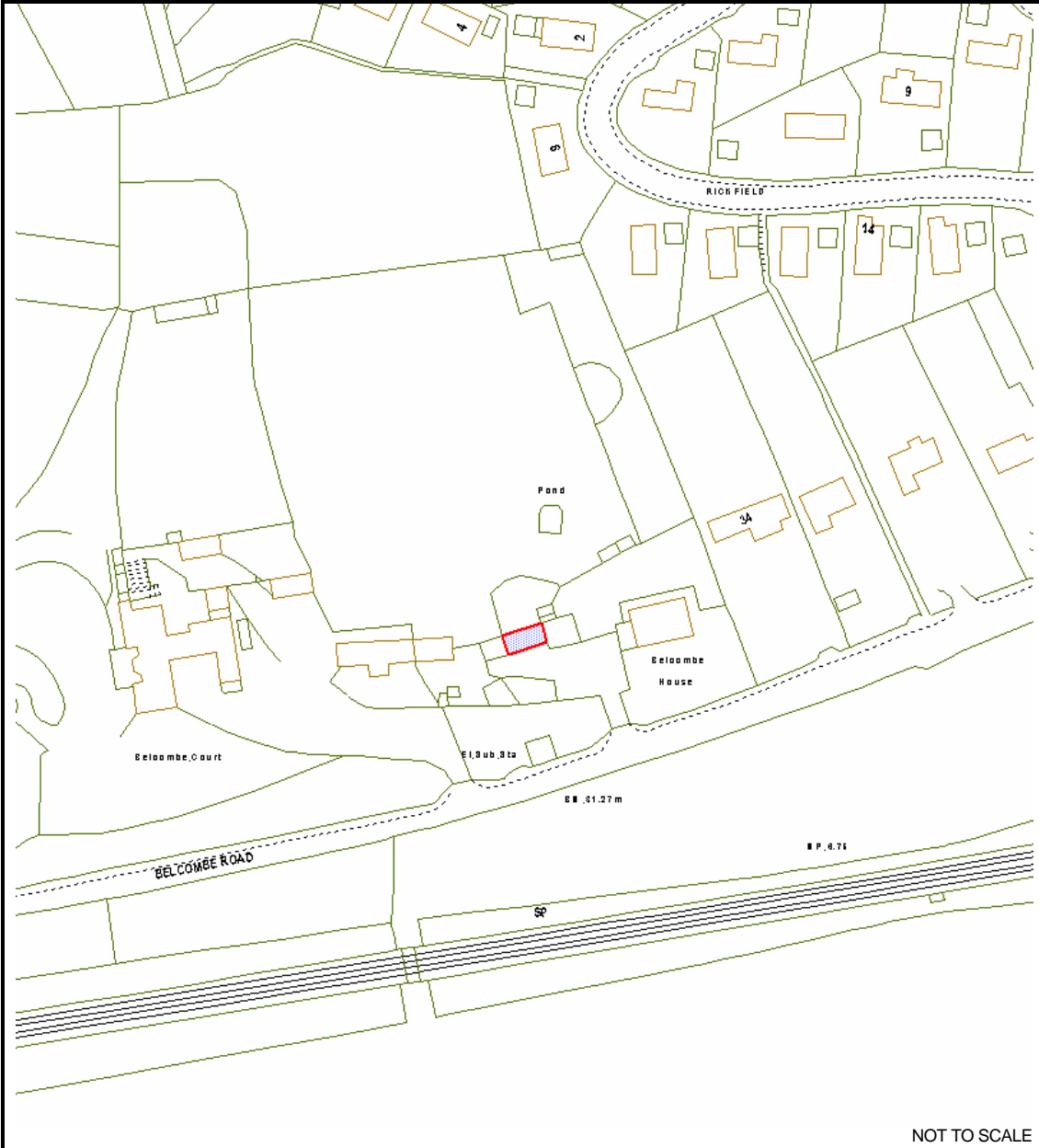
PLANNING COMMITTEE

6 December 2007

ITEM NO: 11

APPLICATION NO: 07/03228/FUL

LOCATION: Belcombe House 36 Belcombe Road Bradford On Avon Wiltshire BA15 1LZ



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SLA: 100022961

11 Application: 07/03228/FUL

**Site Address: Belcombe House 36 Belcombe Road Bradford On Avon
Wiltshire BA15 1LZ**

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 381869 160644
Application Type: Full Plan
Development: Change of use of outbuilding to ancillary domestic accommodation
with rear bedroom extension
Applicant Details: Mr Jeremy Thring
Belcombe House Bradford On Avon Wiltshire BA15 1LZ
Agent Details: Mr Alan Barnes
Yew Tree Cottage 5 Church Street Norton St Philip Bath BA2 7LU
Case Officer: Ms Kim Linden
Date Received: 10.10.2007 Expiry Date: 05.12.2007

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 property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, the main dwelling and it shall not be let or sold as separate accommodation.

REASON: Because the creation of a separate dwelling unit would be contrary to planning policy in this area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy H19.

Note(s) to Applicant:

- 1 It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because Bradford Town Council recommends refusal and the case officer recommends permission.

The application involves the change of use of an existing curtilage listed building from its current use as an outbuilding to ancillary domestic accommodation which includes a rear bedroom extension. It is a resubmission on a previous refused scheme in applications no. 07/00471/FUL and 07/00474/LBC.

The application deletes the previously proposed juliet balconies at first floor and substantially reduces the size of the rear extension as proposed in application nos. 07/00471/FUL and 07/00474/LBC. The current application also includes a structural survey which was omitted from the previous application. The proposed rear extension will be a small rear projection measuring (3.2m x 5.45m in area and 3.2m at its maximum height) set well below the main roof ridge (2.3m) and below eaves height of the host building. It will be a contemporary design constructed of oak boarding and a zinc roof. The proposal includes conservation rooflights in the rear roof area of the existing building. The proposal also includes minor changes to the south facing front elevation including a window where the door is at ground floor and the bricked up opening adjacent to the garage. There are some internal alterations such as the internal subdivisions. There will also be a new opening to connect the bedroom in the rear extension to the host building. The existing first floor shutters are to be retained.

The subject building is a two storey building constructed into a sloping site. The exterior of the building is constructed of ashlar stone quoins and window surrounds set onto coursed natural stone walls with ornate featured window openings and a clay double roman tiled trussed roof. The subject building has a garage attached to its western side and a terrace area and swimming pool at the rear. There is rural land to the rear of the site. The existing access to the rear is via a set of stairs.

The special features of this curtilage listed building include the small decorative openings above first floor level and the wooden shutters on the windows at first floor level. The applicants dwelling which is a Grade II Listed Building is located immediately to the east of the subject building. The site is not located within a conservation area.

CONSTRAINTS

Curtilage listed building.

POLICIES

Wiltshire Structure Plan 2016:

Policy HE7 - Conservation Areas and Listed Buildings

West Wiltshire District Plan 2004:

Policy C28 - Alterations and Extensions to a Listed Building

Policy C31a - Design

Policy C38 - Nuisance

Policy H1 - Town Policy Limits

Supplementary Planning Guidance - Design Guidance House Alterations and Extensions July 2004.

Planning Policy Guidance 15 - Planning and the Historic Environment.

RELEVANT PLANNING HISTORY

07/00471/FUL - Application for change of use to ancillary domestic accommodation with a rear bedroom extension was refused on 4 April 2007 for the following reasons:

"1. The proposals by reason of the creation of 2 Juliet balconies and two domestic style doors to the front elevation would create an appearance of a domestic dwelling that would be out of keeping with the historic character of the Grade II listed structure, and would fail to minimise the loss of historic fabric; contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004) and Policy HE7 of the Wiltshire Structure Plan 2016.

2. The proposed rear extension, by virtue of its design, proportions and appearance would create an inappropriate and unsympathetic alteration that neither preserves nor enhances the character and appearance of the Listed Building, or the setting of the neighbouring Listed properties, contrary to the principles laid out in PPG 15 - Planning and the Historic Environment, and Policies C27, C28 and C31a of the West Wiltshire District Plan - 1st Alteration 2004 and Policy HE7 of the Wiltshire Structure Plan 2001.

3. The proposed works by reason of the absence of a detailed report by a structural engineer to assess any affect the creation of this dwelling would have upon the structural integrity of the Listed building, it is reasonable to conclude that a satisfactory assessment on the effect of the new dwelling unit on the structural integrity of the building could not be made. Therefore the proposal is contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 and Policy HE7 of the Wiltshire Structure Plan 2011."

07/00474/FUL - Application for Listed Building consent for the change of use to ancillary domestic accommodation with a rear bedroom extension was refused on 4 April 2007 for the following reasons:

"1. The proposals by reason of the creation of 2 Juliet balconies and two domestic style doors to the front elevation would create an appearance of a domestic dwelling that would be out of keeping with the historic character of the Grade II listed structure, and would fail to minimise the loss of historic fabric; contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004) and Policy HE7 of the Wiltshire Structure Plan 2016.

2. The proposed rear extension, by virtue of its design, proportions and appearance would create an inappropriate and unsympathetic alteration that neither preserves nor enhances the character and appearance of the Listed Building, or the setting of the neighbouring Listed properties, contrary to the principles laid out in PPG 15 - Planning and the Historic Environment, and Policies C27 and C28 of the West Wiltshire District Plan - 1st Alteration 2004 and Policy HE7 of the Wiltshire Structure Plan 2001.

3. The proposed works by reason of the absence of a detailed report by a structural engineer to assess any affect the creation of this dwelling would have upon the structural integrity of the Listed building, it is reasonable to conclude that a satisfactory assessment on the effect of the new dwelling unit on the structural integrity of the building could not be made. Therefore the proposal is contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004, and Policy HE7 of the Wiltshire Structure Plan 2011."

07/03230/LBC - Concurrent application for Listed Building consent for the proposal still pending consideration and to be recommended for approval at this Committee meeting.

SITE VISIT / STATUTORY SITE NOTICES

Site visit conducted on 15 August 2007.

Site notice placed on site on 16 October 2007. Notification expired on 10 November 2007.

KEY ISSUES

The key planning issues are:

A. The principle of development. It is noted however, that this principle has been considered acceptable in the previous report for the refused applications 07/00471/FUL and 07/00474/LBC.

B. The impact of the alterations/extensions on the host building, which is a curtilage listed building, and its setting. The proposed rear extension is the main planning consideration.

CONSULTATIONS

Bradford on Avon Town Council : The town council objects for the following reason:

"The design of the proposal changes the character of the building by the addition of an extension which will have an adverse effect on the character and the setting of the building. The proposal is therefore contrary to the principles in PPG 15 and Policies C27 and C28 of the District Plan (1st Alteration 2004)."

It should be noted that Policy C27 of the West Wiltshire District Plan 2004 no longer applies as of 27 September 2007.

Internal :

Heritage officer: No objections.

This revised scheme is a much more ingenious way to treat an extension to this building. The extension would have a contemporary appearance with lots of glazing, an oak timber structure and a zinc roof. The historic building would be able to be viewed through the extension and its fabric would not be harmed by the small loss of fabric by creating the new doorway.

The character of the building would remain intact as the new extension would clearly be a modern addition and entirely subservient. The zinc roof would weather down to a complementary colour.

Conservation style rooflights on the rear roofslope of the main building would be acceptable as they would not alter the shape of the roof and would respect the listed building.

The shutter doors are proposed to be retained. This is welcomed and is acceptable subject to the window details - to be required by condition.

The internal first floor subdivisions would be lightweight and removable and would not therefore harm the character of the building. The ground floor retains the sense of space and openness that characterises the internals of the building.

Neighbours : Site notice placed on site. No responses were received.

Other: An advertisement was placed in the Wiltshire Times on 19 October 2007. No response was received.

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

PPG 15 states that "new uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life." PPG 15 also states further that "generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use."

As noted above, the principle of the conversion of the subject building has been established as being acceptable in the previous applications 07/00471/FUL and 07/00474/LBC. The officer's report for the previous refused application no. 07/00471/FUL states that:

"... the principle of the change of use to domestic accommodation is not unacceptable provided it is done in a manner that is sympathetic to the setting and historic character of the host building and the surrounding properties. Although Council policy [Policy H1] allows for the conversion of out buildings in town's villages for residential use, this is subject of the fulfilment of detailed criteria. These criteria include; the buildings should be in sound condition and be capable of conversion without extensive alterations, rebuilding and/or extension or otherwise significantly altering their character. The proposals should be capable of being satisfactorily serviced and should not create highway problems. Any proposed conversion must safeguard and enhance the essential form, structure, character and important traditional features of the building. "

It should be noted that the issue of the proposal being tantamount to a separate dwelling was not addressed in the previous reasons for refusal in application no. 07/00471/FUL. Any permission granted on the current application will be for ancillary accommodation only, as per the description of development on the current proposal. In addition, any permission granted should be conditioned so as to restrict the use of the accommodation to ancillary accommodation and no other residential use within the relevant use class.

DESIGN OF REAR EXTENSION

PPG 15 requires that any changes to Listed Buildings in terms of their impact on the features of special interest of a building. Policy C28 - Alterations and Extensions to Listed Buildings of the District Plan 2004 does not rule out extensions to listed buildings and states that "alterations and extensions to a building listed as being of Special Architectural or Historic Interest will only be permitted provided the following guidelines are followed:-

- A The essential form of the building is not adversely affected;
- B Features of architectural or historic interest are retained unaltered;
- C The loss of or damage to the historic fabric of the building is minimised;
- D Any new details are designed so as to match or be in keeping with, and respect, the character of the building;
- E Materials to be used match those of the existing building, or exceptionally are of a colour and finish sympathetic to the existing materials."

The alterations to the front elevation will be sympathetic to the existing facade. The main changes are the inclusion of windows at first floor level and two new windows at ground floor level utilising the existing openings on the building. All windows will match the existing window treatment as per the ground floor. The existing first floor shuttered openings will have direct glazing installed within the stone surrounds and the existing shutters will be retained. As noted above, the heritage officer has requested a condition be placed on any consent requiring further detail on the window treatments. The condition will be placed on the concurrent Listed Building consent application recommended for approval, being application no. 07/03230/LBC. This is addressed in the report for 07/03230/LBC.

The proposed rear extension, to which the town council raises its objections, is small in size and located well below the roof ridge. The extension will be located on a fairly blank rear wall which does not have any features of special interest. The photos taken of the rear clearly demonstrate this to be the case. The rear extension has been substantially reduced from the previous proposed size and height of the rear extension as proposed in refused application no. 07/00471/FUL. It will respect the character of the building and is wholly subservient. The rear extension will effectively appear as a contemporary style lean-to extension. It will not be visible from the public realm at all as it is located fully to the rear of the building. It will not have any amenity impacts on adjoining properties. Specifically, it does not affect any feature of special interest on or in the subject building. The materials to be used, oak boarding and zinc roof, are sympathetic to the existing materials and will weather to match the existing building.

The proposed change of use and alterations are considered to be in keeping with the character of the host building and the building's special interest. In particular the change of use is consistent with the aims and objectives of PPG 15 in relation to changes of use of Listed Buildings. The rear extension and other alterations are in keeping with the building and its setting and the proposal seeks to maintain the features of special interest such as the shutters on the front of the building. The proposal minimises the loss of historic fabric. The proposal is therefore considered to be appropriate to this curtilage listed building and consistent with PPG 15 and Policy C28. The proposal is also consistent with guidance contained in the SPG on design guidance for house alterations and extensions.

RECOMMENDATION

Permission be granted as the proposal is in keeping with the character of the curtilage listed building and is therefore considered to meet the criteria in PPG 15 and Policy C28 of WWDP 2004. In addition, the proposal has addressed the reasons for refusal of the previous applications, including the proposed rear extension.

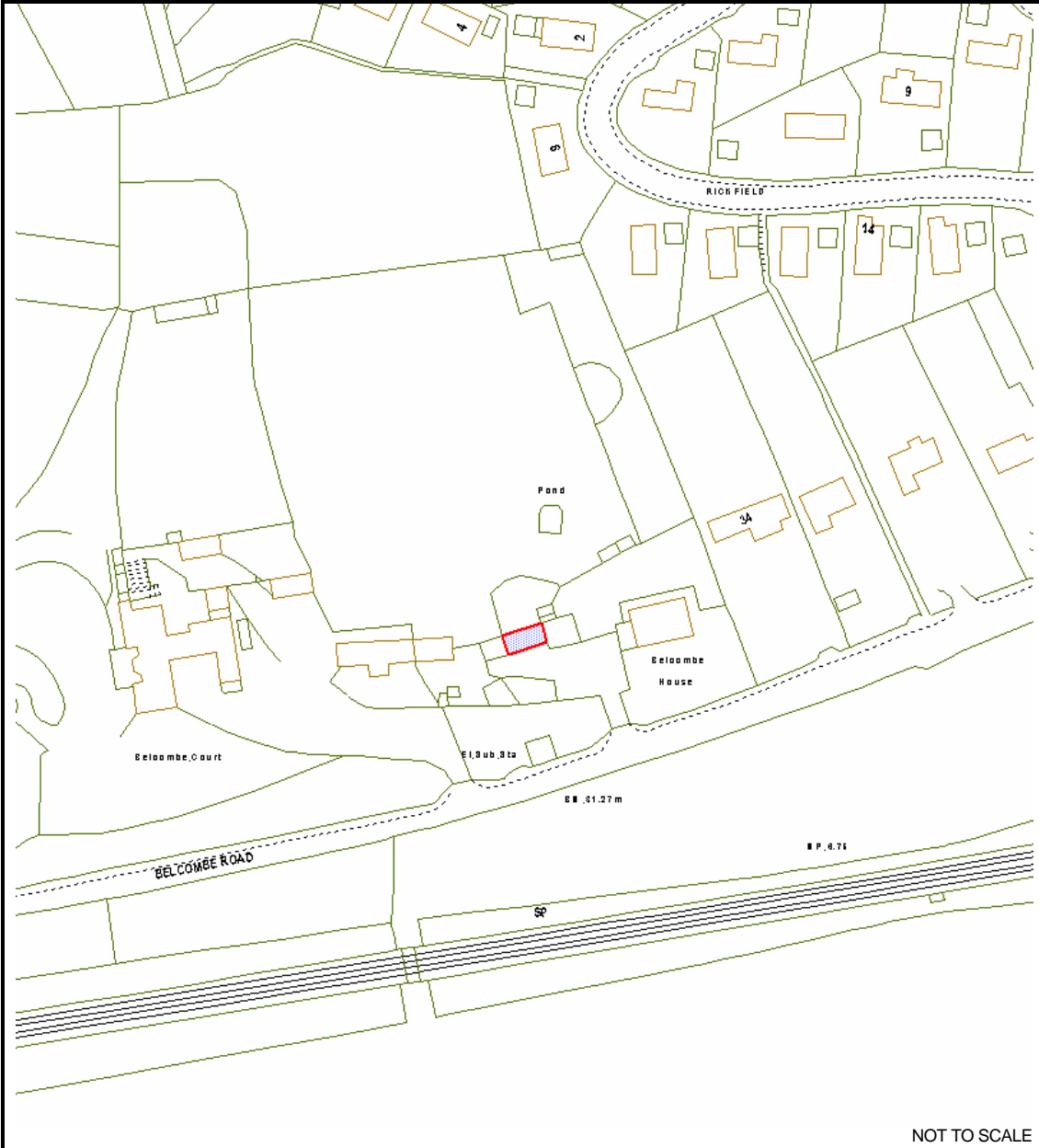
PLANNING COMMITTEE

6 December 2007

ITEM NO: 12

APPLICATION NO: 07/03230/LBC

LOCATION: Belcombe House 36 Belcombe Road Bradford On Avon Wiltshire BA15 1LZ



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 07/03230/LBC

**Site Address: Belcombe House 36 Belcombe Road Bradford On Avon
Wiltshire BA15 1LZ**

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 381869 160644
Application Type: Listed building
Development: Change of use of outbuilding to ancillary domestic accommodation
with rear bedroom extension
Applicant Details: Mr Jeremy Thring
Belcombe House Bradford On Avon Wiltshire BA15 1LZ
Agent Details: Mr Alan Barnes
Yew Tree Cottage 5 Church Street Norton St Philip Bath BA2 7LU
Case Officer: Ms Kim Linden
Date Received: 10.10.2007 Expiry Date: 05.12.2007

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

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C28.

- 4 Any works shall be carried out in accordance with the structural engineer's report prepared by T Ward Whitfield & Son hereby approved.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C28.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because Bradford Town Council recommends refusal and the case officer recommends approval.

The application is for Listed Building consent and is a concurrent application with full planning application no. 07/03228/FUL. The application involves the change of use of an existing curtilage listed building from its current use as an outbuilding to ancillary domestic accommodation which includes a rear bedroom extension. It is a resubmission on a previous refused scheme in applications no. 07/00471/FUL and 07/00474/LBC.

The application deletes the previously proposed juliet balconies at first floor and substantially reduces the size of the rear extension as proposed in application nos. 07/00471/FUL and 07/00474/LBC. The current application also includes a structural survey which was omitted from the previous application.

The proposed rear extension will be a small rear projection measuring (3.2m x 5.45m in area and 3.2m at its maximum height) set well below the main roof ridge (2.3m) and below eaves height of the host building. It will be a contemporary design constructed of oak boarding and a zinc roof. The proposal includes conservation rooflights in the rear roof area of the existing building. The proposal also includes minor changes to the south facing front elevation including a window where the door is at ground floor and the bricked up opening adjacent to the garage. There are some internal alterations such as the internal subdivisions. There will also be a new opening to connect the bedroom in the rear extension to the host building. The existing first floor shutters are to be retained.

The subject building is a two storey building constructed into a sloping site. The exterior of the building is constructed of ashlar stone quoins and stone window surrounds on the front elevation and ornate featured window openings and a clay double roman tiled trussed roof. The subject building has a garage attached to its western side and a terrace area and swimming pool at the rear. There is an area of rural land to the rear of the site. The existing access to the rear is via a set of stairs. The special features of this curtilage listed building include predominantly the details on the front elevation, such as the small central decorative openings above first floor level in the front gables and the wooden shutters on the windows at first floor level. The upper two windows have been boarded up. The applicants dwelling, which is a Grade II Listed Building, is located immediately to the east of the subject building.

The site is not located within a conservation area.

CONSTRAINTS

Curtilage listed building.

POLICIES

Wiltshire Structure Plan 2016:

Policy HE7 - Conservation Areas and Listed Buildings

West Wiltshire District Plan 2004:

Policy C28 - Alterations and Extensions to a Listed Building
Policy C31a - Design
Policy C38 - Nuisance
Policy H1 - Town Policy Limits

Supplementary Planning Guidance - Design Guidance House Alterations and Extensions July 2004.

Planning Policy Guidance 15 - Planning and the Historic Environment.

RELEVANT PLANNING HISTORY

07/00471/FUL - Application for change of use to ancillary domestic accommodation with a rear bedroom extension refused on 4 April 2007.

07/00474/FUL - Application for Listed Building consent for the change of use to ancillary domestic accommodation with a rear bedroom extension refused on 4 April 2007.

07/03228/FUL - Concurrent full planning application for the proposal still pending consideration and recommended for approval at this Committee meeting.

SITE VISIT / STATUTORY SITE NOTICES

Site visit conducted on 15 August 2007.

Site notice placed on site on 16 October 2007. Notification expired on 10 November 2007.

KEY ISSUES

The key listed building issue is the impact of the change of use and alterations/extensions on the host building, which is a curtilage listed building, and its setting.

CONSULTATIONS

Parish/Town Council :

Bradford on Avon Town Council - The town council objects for the following reason:

"The design of the proposal changes the character of the building by the addition of an extension which will have an adverse effect on the character and the setting of the building. The proposal is therefore contrary to the principles in PPG 15 and Policies C27 and C28 of the District Plan (1st Alteration 2004)."

It should be noted that Policy C27 of the West Wiltshire District Plan 2004 no longer applies as of 27 September 2007.

Internal :

Heritage officer: No objection.

This revised scheme is a much more ingenious way to treat an extension to this building. The extension would have a contemporary appearance with lots of glazing, an oak timber structure and a zinc roof. The historic building would be able to be viewed through the extension and its fabric would not be harmed by the small loss of fabric by creating the new doorway.

The character of the building would remain intact as the new extension would clearly be a modern addition and entirely subservient. The zinc roof would weather down to a complementary colour.

Conservation style rooflights on the rear roofslope of the main building would be acceptable as they would not alter the shape of the roof and would respect the listed building.

The shutter doors are proposed to be retained. This is welcomed and is acceptable subject to the window details - to be required by condition.

The internal first floor subdivisions would be lightweight and removable and would not therefore harm the character of the building. The ground floor retains the sense of space and openness that characterises the internals of the building.

Neighbours :

Site notice placed on site and advertisement placed in the Wiltshire Times. No responses were received.

OFFICER APPRAISAL

CHARACTER AND SETTING

Planning Policy Guidance 15 - Planning and the Historic Environment (PPG 15) requires consideration of the impact of alterations and extensions on the special features of a Listed Building or curtilage listed structures and their setting when assessing proposals for alterations and extensions.

Policy C28 - Alterations and Extensions to Listed Buildings of the District Plan does not rule out extensions to listed buildings and states that "alterations and extensions to a building listed as being of Special Architectural or Historic Interest will only be permitted provided the following guidelines are followed:-

- A The essential form of the building is not adversely affected;
- B Features of architectural or historic interest are retained unaltered;
- C The loss of or damage to the historic fabric of the building is minimised;
- D Any new details are designed so as to match or be in keeping with, and respect, the character of the building;
- E Materials to be used match those of the existing building, or exceptionally are of a colour and finish sympathetic to the existing materials."

The alterations to the front elevation will be sympathetic to the existing facade, resulting in only minor alterations to the front facade, the main changes being the inclusion of windows at first floor level and two new windows at ground floor level utilising the existing openings on the building. All windows will match the existing window treatment as per the ground floor. The existing first floor shuttered openings will have direct glazing installed within the stone surrounds and the existing shutters will be retained. A condition will be placed on any consent requiring further detail on all windows and doors, including rooflights so as to ensure the treatments are in keeping with the character of the host building and the setting of the Listed Building.

The proposed rear extension, to which the town council raises its objections, is small in size and located well below the roof ridge. The extension will be located on a fairly blank rear wall which does not have any features of special interest. The photos taken of the rear clearly demonstrate this to be the case. The rear extension has been substantially reduced in size and height from the previous proposal (07/00471/FUL).

The rear extension will respect the character of the building and is wholly subservient and will effectively appear as a contemporary style lean-to extension. It will not be visible from the public realm at all as it is located fully to the rear of the building and faces toward the existing terrace area and swimming pool and rural area to the rear. It will not have any amenity impacts on adjoining properties. Specifically, it does not affect any feature of special interest on or in the subject building. The small decorative details above first floor level on the front elevation are to remain as existing. The materials to be used, oak boarding and zinc roof, are sympathetic to the existing materials and will weather to match the existing building.

The proposed alterations and extension are considered to be in keeping with the character of the host building and the building's special interest and its setting. Whilst a contemporary extension, the rear extension nonetheless is in keeping with the host building and will not result in the loss of any features of special interest on the building. The proposed rear extension will also not harm the setting of the host curtilage listed building or the adjacent Listed Building. All other alterations are in keeping with the building and its setting. In addition, the proposal seeks to maintain the features of special interest such as the wooden shutters on the front of the building. The proposal minimises the loss of historic fabric by the reuse of existing openings. The proposal is therefore considered to be appropriate to this curtilage listed building and consistent with PPG 15 and Policy C28.

RECOMMENDATION

Listed Building consent be granted as the proposal is in keeping with the character of the curtilage listed building and is therefore considered to meet the criteria in PPG 15 and Policy C28 of WWDP 2004. In addition, the proposal has addressed the reasons for refusal of the previous applications, including the proposed rear extension.

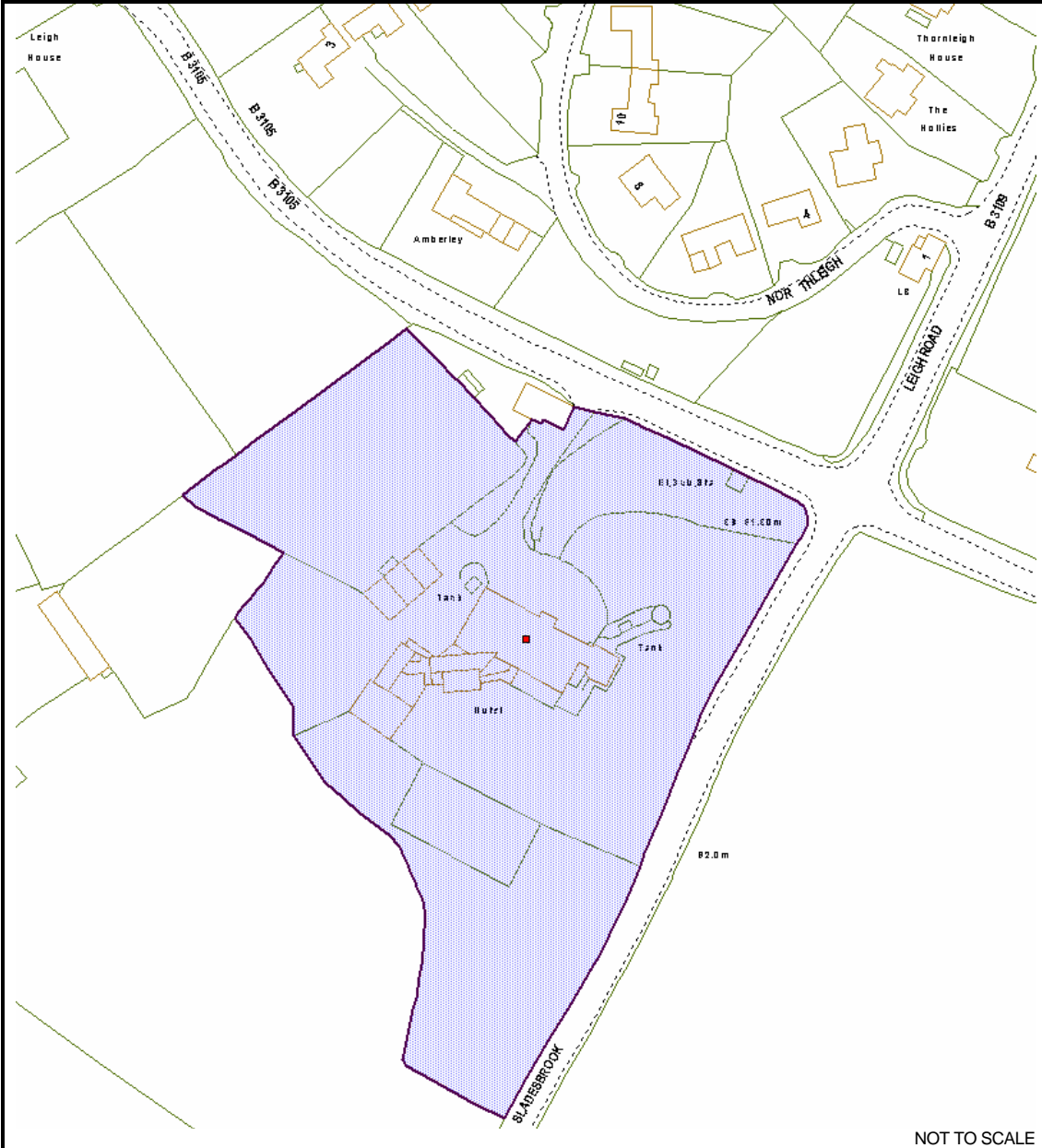
PLANNING COMMITTEE

6 December 2007

ITEM NO: 13

APPLICATION NO: 07/02116/FUL

LOCATION: Leigh Park Hotel Leigh Road West Bradford On Avon
Wiltshire BA15 2RA



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 07/02116/FUL

Site Address: Leigh Park Hotel Leigh Road West Bradford On Avon Wiltshire BA15 2RA

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 383080 161875
Application Type: Full Plan
Development: Conversion of the Old Coach House into 10 guest bedrooms, new dining conservatory, entrance to function suite and to guest bedrooms over
Applicant Details: Latona Leisure Ltd
Limpley Stoke House Lower Limpley Stoke Bath BA2 7FZ
Agent Details: FMH Architectural Services
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14 7NY
Case Officer: Mr Russell Brown
Date Received: 27.06.2007 Expiry Date: 22.08.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

2 No works shall be commenced until the alterations to the access have been carried out in accordance with drawing 637-08 and fully implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of Highway Safety.

3 The areas currently allocated for parking shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the hotel.

REASON: In the interests of Highway safety.

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

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

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

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

REASON: To ensure that the character and fabric of the listed building is protected.

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

Note(s) to Applicant:

- 1 Please contact Natural England should any protected species be found. In that event all work should cease until English Nature have provided guidance.
- 2 Please contact Wessex Water to discuss drainage arrangements.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee as it is a departure from the Development Plan. The application proposes extensions to a hotel within the Green Belt, for which there is no Policy provision.

This is a full planning application for extensions to a Grade II listed building in Bradford on Avon. The site is the Leigh Park Hotel on the B3105 and is within the Green Belt and a historic landscape setting.

The listed building is a large hotel with a separate former stable block. The buildings are centrally located within a large site. The hotel is a successful business and consequently there is a need to expand to accommodate further guests and functions.

The applicant has put forward economic and historical arguments for the proposal to overcome the Green Belt issue. The economic argument is that the hotel is an important and successful business that brings tourism, income and employment to the area. The historical argument is that the proposed extensions would significantly improve the visual appearance of the unsympathetic existing extensions.

CONSTRAINTS

Grade II listed building
Green Belt
Historic Landscape Setting

POLICIES

PPS1 – The Planning System
PPG2 – Green Belt
PPG15 – Planning and the Historic Environment

Regional Spatial Strategy 10:
EN3 – The Historic Environment

Wiltshire and Swindon Structure Plan 2016:
HE7 – Listed Buildings

West Wiltshire District Plan 1st Alteration (2004):
C4 – Landscape Setting
C28 – Alterations to Listed Buildings
C38 - Nuisance

RELEVANT PLANNING HISTORY

None relevant.

SITE VISIT / STATUTORY SITE NOTICES

Site notices attached to site 19/07/07. Various site visits. Existing buildings and situation noted and impact of proposals assessed. Access improvements discussed on site with Highway Authority.

KEY ISSUES

The key issues are the effect on:

- the Grade II listed building
- the Green Belt
- highways matters
- the landscape setting
- drainage
- public amenities

CONSULTATIONS

Parish/Town Council : No objection subject to window details to be in keeping.

External :

Highway Authority

No objections following plan ref. 637-08 subject to conditions.

Environment Agency

No objection.

Wessex Water

Concern over the proximity of a public foul sewer to the proposed extension. The applicant should contact Wessex Water to resolve the issue.

Wiltshire and Swindon Biological Records Centre

No records of bats at this site but there is potential for roosting sites. Bats and barn owls are protected under the Wildlife and Countryside Act (as amended). Natural England should be contacted for advice if protected species are found.

Internal :

Environmental Health

"The premises is a detached premises in a rural location. There are a limited number of detached residences in the nearby vicinity. Therefore a loss of amenity to neighbouring premises from any increased activity at the site appears unlikely."

No objection subject to conditions.

Publicity :

The application has been advertised in the press and a site notice attached to the site.

One letter of objection has been received making the following points:

- The function suite is an ugly 1980s addition.
- The proposed windows are too fussy.
- Concerns over the mansard roof and stair enclosure.
- The dining room extension would obscure the existing elevation and has fussy glazing.
- Concerns over the roof works to the stable block.

OFFICER APPRAISAL

Function Suite Roof Extension and New Façade

The existing function suite is a large flat roof area and the proposal is to construction a mansard slate roof arrangement with leaded dormer windows behind a stone parapet. This would provide additional bedroom accommodation. This would be a significant improvement over the existing flat roof and would bring considerable visual interest to this part of the site without dominating the host listed building.

The staircase extension would be of contemporary design using traditional materials and a welcome addition to this part of the building. The staircase enclosure would have a slate roof and would have glass and lead sides.

The current façade of the function suite is a reconstituted stone with non-traditional unsympathetic windows. The proposal is to reface the frontage with natural stone and install traditional windows and doors of a style in keeping with the rest of the building. No objection.

The final details of the fenestration can be dealt with by condition to ensure they respect the main building.

Rear Entrance Extension

The existing rear entrance is a fairly adhoc lean-to timber boarded extension with a felt roof. This would be replaced with an oak framed and boarded extension with a small gable that would respect the surrounding design features. No objection.

Dining Room Extension

The existing dining room is a later 19th Century addition to the main 18th Century building. It has a very simple glazed elevation to the south. The proposed extension would be set against this elevation and would be a glazed conservatory style extension on a stone plinth with a hipped glazed roof. Due to the high level of glazing the original elevation would remain intact and would be seen both from within the extension and from outside in the garden.

The fenestration of the extension would complement the window styles of the original dining room whilst remaining subservient.

The extension would be sited at the existing outside ground level, meaning it would be considerably lower than the original dining room. The extension as a whole would be subservient to the host building. The character of the listed building would remain intact.

Conversion of Stable Block

The stable block is currently an unused building that is beginning to suffer from decay. It is important therefore to find a use for this building in order to retain it in good condition. The proposed conversion to additional bedrooms has been inventively designed so as to result in the minimum of external changes. The timber doors and shutters would be retained and new openings would match the existing openings in terms of proportions and window style.

The roof works shall be clarified by condition.

Green Belt

The existing building is a large structure within a large plot. The extensions would not be disproportionate to the existing building and the resultant building would remain proportional within the wider site. It is considered therefore that the strong economic and historical arguments are very special circumstances that overcome any perceived harm to the openness of the Green Belt.

Access and Parking

The access improvements shown on plan ref. 637-08 meets the Highway Authority requirements for the necessary improvements to the access. The alterations would not have a demonstrable effect on the character and appearance of the listed curtilage wall. The slight widening of the opening would actually stop the damage being caused to the listed curtilage wall currently.

Landscape Setting

The historic landscape setting of Bradford on Avon would not be harmed as the extensions would be of appropriate scale to the existing building and built in materials to be in keeping with the historic surroundings.

Drainage

There is a concern from Wessex Water over the location of a public foul sewer and its proximity to the proposed extension. The applicant needs to resolve this with Wessex Water separately. This is not a barrier to the granting of planning permission as the situation can be resolved with the statutory undertaker.

Public Amenities

This is a large site and the extensions would have no impact on any public amenities due to their siting and scale.

RECOMMENDATION

Permission

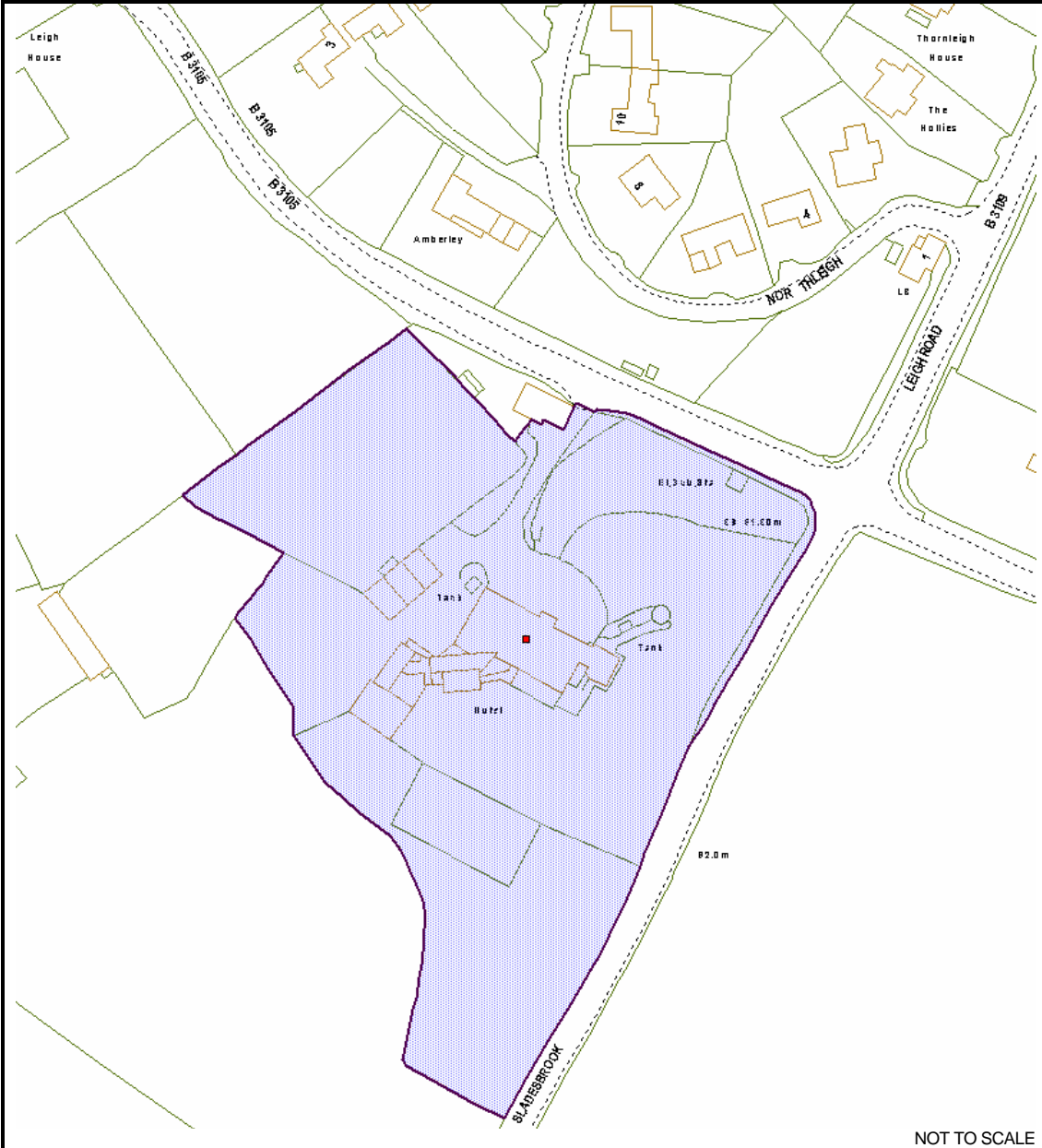
PLANNING COMMITTEE

6 December 2007

ITEM NO: 14

APPLICATION NO: 07/01588/LBC

LOCATION: Leigh Park Hotel Leigh Road West Bradford On Avon
Wiltshire BA15 2RA



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SLA: 100022961

14 Application: 07/01588/LBC

Site Address: Leigh Park Hotel Leigh Road West Bradford On Avon Wiltshire BA15 2RA

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 383080 161875
Application Type: Listed building
Development: Conversion of the old coach house into 10 guest bedrooms new dining conservatory, entrance to function suite and 6 guest bedrooms over
Applicant Details: Latona Leisure
Limpley Stoke House Lower Limpley Stoke Bath BA2 7FZ
Agent Details: FMH Architectural Services
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14 7NY
Case Officer: Mr Russell Brown
Date Received: 08.05.2007 Expiry Date: 03.07.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

Condition(s):

- 1 The 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 character and fabric of the listed building is protected.

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

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

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

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

- 4 Details of the existing roof structure of the stable block, and proposals for its reconstruction including the retention where possible of existing members, 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 – Policy C28.

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

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

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

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

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

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

- 7 Details of any internal staircase, balusters, newel posts and handrails 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 & 28.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee as it accompanies the parallel full planning application which is a departure from the Development Plan.

This is a listed building consent application for extensions to a Grade II listed building in Bradford on Avon. The site is the Leigh Park Hotel on the B3105.

The listed building is a large hotel with a separate former stable block. The buildings are centrally located within a large site. The hotel is a successful business and consequently there is a need to expand to accommodate further guests and functions.

CONSTRAINTS

Grade II listed building

POLICIES

PPS1 – The Planning System
PPG15 – Planning and the Historic Environment

Regional Spatial Strategy 10:
EN3 – The Historic Environment

Wiltshire and Swindon Structure Plan 2016:
HE7 – Listed Buildings

West Wiltshire District Plan 1st Alteration (2004):
C28 – Alterations to Listed Buildings

RELEVANT PLANNING HISTORY

None relevant.

SITE VISIT / STATUTORY SITE NOTICES

Site notices attached to site 19/07/07. Various site visits. Existing buildings and situation noted and impact of proposals assessed. Access improvements discussed on site with Highway Authority.

KEY ISSUES

The key issues are the effect on:
- the Grade II listed building

CONSULTATIONS

Parish/Town Council : No objection subject to window details to be in keeping.

External :

English Heritage
No objections.

Internal : N/A

Publicity :

The application has been advertised in the press and a site notice attached to the site.

One letter of objection has been received making the following points:

- The function suite is an ugly 1980s addition.
- The proposed windows are too fussy.
- Concerns over the mansard roof and stair enclosure.
- The dining room extension would obscure the existing elevation and has fussy glazing.
- Concerns over the roof works to the stable block.

OFFICER APPRAISAL

Function Suite Roof Extension and New Façade

The existing function suite is a large flat roof area and the proposal is to construction a mansard slate roof arrangement with leaded dormer windows behind a stone parapet. This would provide additional bedroom accommodation. This would be a significant improvement over the existing flat roof and would bring considerable visual interest to this part of the site without dominating the host listed building.

The staircase extension would be of contemporary design using traditional materials and a welcome addition to this part of the building. The staircase enclosure would have a slate roof and would have glass and lead sides.

The current façade of the function suite is a reconstituted stone with non-traditional unsympathetic windows. The proposal is to reface the frontage with natural stone and install traditional windows and doors of a style in keeping with the rest of the building. No objection.

The final details of the fenestration can be dealt with by condition to ensure they respect the main building.

Rear Entrance Extension

The existing rear entrance is a fairly adhoc lean-to timber boarded extension with a felt roof. This would be replaced with an oak framed and boarded extension with a small gable that would respect the surrounding design features. No objection.

Dining Room Extension

The existing dining room is a later 19th Century addition to the main 18th Century building. It has a very simple glazed elevation to the south. The proposed extension would be set against this elevation and would be a glazed conservatory style extension on a stone plinth with a hipped glazed roof. Due to the high level of glazing the original elevation would remain intact and would be seen both from within the extension and from outside in the garden.

The fenestration of the extension would complement the window styles of the original dining room whilst remaining subservient.

The extension would be sited at the existing outside ground level, meaning it would be considerably lower than the original dining room. Therefore the extension as a whole would be subservient to the host building. The character of the listed building would remain intact.

Conversion of Stable Block

The stable block is currently an unused building that is beginning to suffer from decay. It is important therefore to find a use for this building in order to retain it in good condition. The proposed conversion to additional bedrooms has been inventively designed so as to result in the minimum of external changes. The timber doors and shutters would be retained and new openings would match the existing openings in terms of proportions and window style.

The roof works shall be clarified by condition.

Access Improvements

The access improvements shown on plan ref. 637-08 meet the Highway Authority requirements for the necessary improvements to the access. The alterations would not have a demonstrable effect on the character and appearance of the listed curtilage wall. The slight widening of the opening would actually stop the damage being caused to the listed curtilage wall currently.

RECOMMENDATION

Consent