

PLANNING COMMITTEE

14 February 2008

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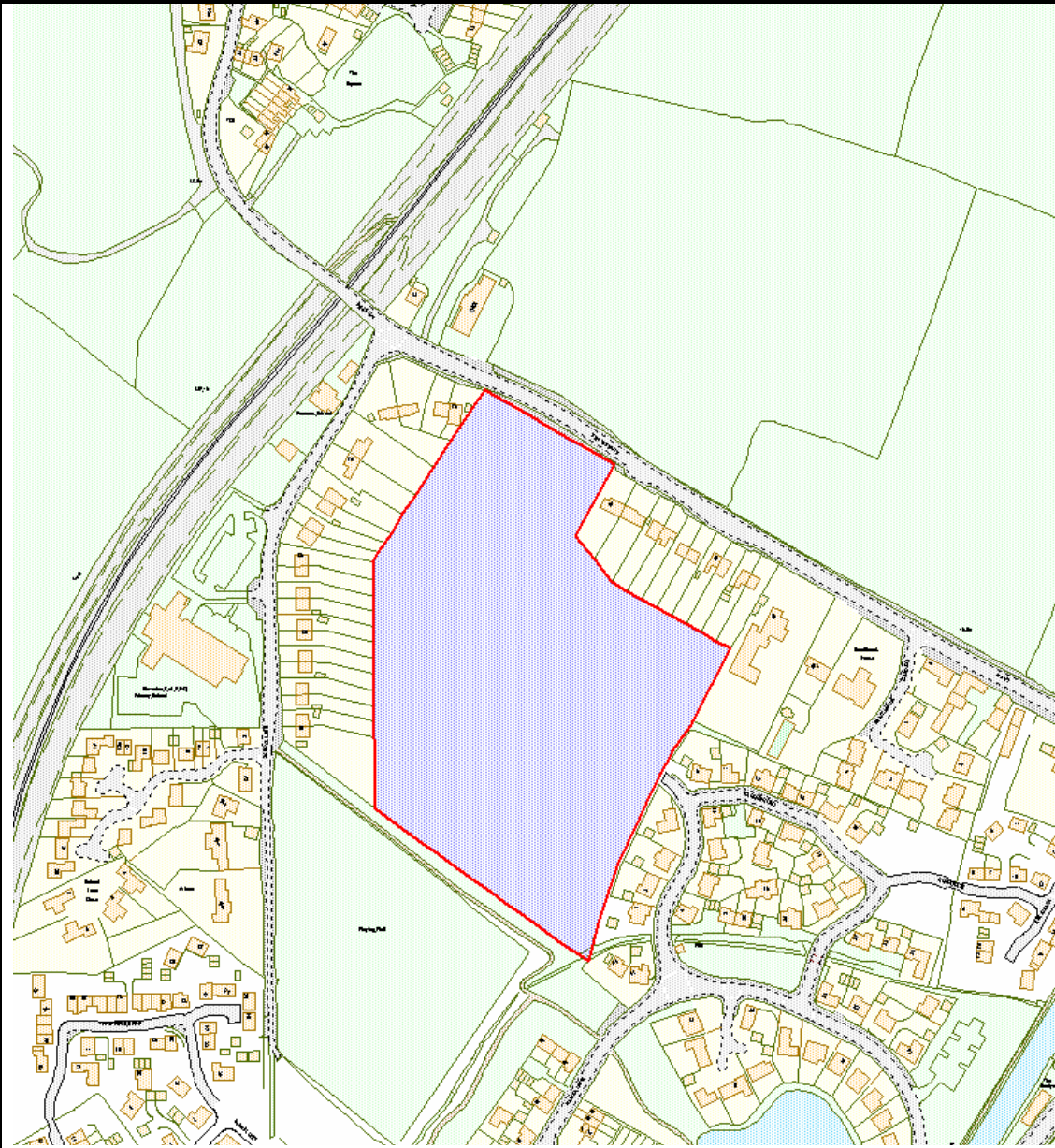
PLANNING COMMITTEE

14 February 2008

ITEM NO: 01

APPLICATION NO: 07/01903/REM

LOCATION: Land Between New Terrace And Marina Drive
Staverton Wiltshire



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SLA: 100022961

01 Application: 07/01903/REM

**Site Address: Land Between New Terrace And Marina Drive Staverton
Wiltshire**

Parish: Staverton Ward: Avonside
Grid Reference 385755 160318
Application Type: Reserved Matters
Development: 96 dwelling houses and public open space
Applicant Details: Persimmon Homes (Wessex)
Cedar House Riverside Business Village Swindon Road
Malmesbury Wiltshire
Agent Details: Pegasus Planning Group
FAO Glenn Godwin 6-20 Spitalgate Lane Cirencester
Gloucestershire GL7 2DE
Case Officer: Mrs Rosie MacGregor
Date Received: 04.06.2007 Expiry Date: 03.09.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Approval

Note(s) to Applicant:

- 1 You are advised that the developer must comply with the conditions and planning obligations imposed on Outline Permission reference 04/02307/OUT.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred at the meeting of the Planning Committee on 31 January 2008 to afford Members the opportunity to visit the site and to seek a commitment from the applicant to provide a cycle track.

This application is brought to Committee at the request of Councillor Clark and because Staverton Parish Council objects to the proposals.

This is an application for approval of reserved matters for a residential development on land allocated within the Development Plan which has an area of approximately 3.48 hectares, situated south of New Terrace on the B3105 at Staverton.

The application proposes a total of 96 new dwellings, consisting of 1, 2, 3, 4 and 5 bedroom dwellings ranging from detached, semi-detached and terraced to flats and flats above garages. The dwellings vary in height from 2 storeys to 2.5 and 3 storeys. The density equates to 36 dwellings per hectare.

The houses are arranged on either side of the link road that runs diagonally through the site and has been approved under a separate permission and around two new access roads leading off the main link route. An area of public open space is proposed to the south which includes a children's play area. The existing hedgerows are shown as retained and 1.8 metre high close boarded fencing is proposed on the north and western boundaries with existing residential development.

The site is located to the northeast of the existing Staverton Marina development and to the south of School Lane.

The site was previously used as arable land and is relatively flat over the majority of the site, but falls away towards its southern boundaries. It is bounded in part by the main road, known as New Terrace, and by existing development at Marina Drive, New Terrace and School Lane. It is bounded on the remaining sides by existing mature hedgerows and native trees. A ditch runs parallel with the hedgerow on the southern boundary adjacent to the Marina development.

Work on site has already commenced to carry out the archaeological works in accordance with a condition imposed on the outline permission prior to the commencement of development the subject of the current application and previously approved new link road between New Terrace and the Staverton Marina Development.

A Design Guide was been submitted with the outline application and it contained a Concept Master Plan indicating areas of public open space, highways and footpath links and areas for residential development. The current detailed proposals are consistent with these proposals.

An Ecological Assessment submitted with the outline application identified two badger sets on the boundaries of the site and mitigation recommendations.

An Archaeological Evaluation was also submitted which concluded that prehistoric and Roman activities are confined to the northern third of the site. A detailed programme of archaeological works has already commenced as stated above.

The current application is accompanied by a Design and Access Statement, a Sustainability Checklist and a Flood Risk Assessment.

SITE VISIT / STATUTORY SITE NOTICES

A site visit was made on 27.06.07 and site notices were displayed.

CONSULTATIONS

Parish/Town Council :

STAVERTON PARISH COUNCIL

On commenting originally the Parish Council expressed the following concerns:

1. There are inadequate parking facilities for the number of homes.
2. The link road will be like a tunnel with the high number of tall buildings flanking the road. There are too many 2.5 and 3 storey homes.
3. Residents are concerned that there are major gas and sewer pipes in this field and that consideration has not been given to these pipes.
4. The field is particularly wet in the lower parts and again residents are concerned about whether adequate consideration has been given to drainage.
5. Where will the bin stores be for the flats.
6. Reference is made to both affordable and social housing. What will the 24 units be?

On commenting further on revised plans the Parish Council has the following objections to these plans:

- * Tunnel Effect: as per objection to the previous planning application, the design of two and three storey buildings fronting most of the main road through the site suggests a “tunnel effect”.
- * Parking: One space per flat/2 Bed/3 Bed property and 2 visitor parking spaces per 11 households, are considered completely insufficient. The planned layout for several houses arranged around a courtyard square also provides inadequate parking. Blease Close is a very good example of how such insufficient parking provision at the design stage materialises once the dwellings are occupied. It is regularly littered with cars, especially during evenings. The cars obstruct the road and footway restricting service and emergency vehicle access.
- * Parking Layout: The plan shows nearly all the houses and flats front along the roadways with most of the parking at the rear. In some cases the parking is some distance away. As at Blease Close, this has been found to encourage on street parking on the main road through the site, which is also a secondary egress from the whole Marina development and a suggested bus route. Private parking provision to the rear of properties in other phases of the Marina development, have shown that this leads to higher levels of on street parking. This is vividly demonstrated on the Thestfield Drive roundabout where nearly all the residents park on the roundabout. The roadways illustrated are too narrow to facilitate on street parking and therefore it will lead to obstruction and access problems.
- * Visitors' Parking: The car park is shown on the plan as visitors' parking but should be the main car park for the sports ground, as required under Section 106 provision. No method has been demonstrated for securing this car park solely for the use of visitors to the sports ground. Who will own this car park and how will this be enforced? If this car park is to be used by visitors to the sports ground, then it should be secured for this use only and owned by Staverton Parish Council. It should not be used by residents or their visitors. This has not been clearly demonstrated and needs more clarification and a method of enforcement.
- * Boundary Vegetation: It states that existing vegetation will be cut back around the perimeter; does that mean vegetation will only exist on the outside edge of the boundary?
- * Impact on local traffic: Have the authorities considered the impact of the extra traffic on the local road network? Does the envisaged traffic calming shown, take into account that traffic calming humps are very awkward for buses and these measures are intended for the main road through the site, which is also intended to be a bus route? What lighting provision is envisaged for the illustrated pedestrian crossing on the B3105 at New Terrace? What other traffic calming measures on the B3105 will be made other than the roundabout shown at the entrance to the site? How far back into the site do the planners anticipate the traffic will queue to access the main road at rush hour and have the developers taken this into account?

The Councillors are particularly concerned that both Blacklands and the Staverton Triangle developments are not blighted by the parking problems and issues experienced elsewhere on the Marina and would ask that this be taken into consideration. Whilst we are aware that government advice is for a minimum of 1 space per dwelling, we urge the planning department and committee to prevail on the developers to increase the parking provision to a more generous allowance per dwelling than the minimum required. As so amply demonstrated at Blease Close, Thestfield Drive etc, inadequate parking provision creates congestion, obstruction, frustration, and dissatisfied residents and purchasers. In a rural environment it is impractical to expect joint households to have a single vehicle, where public transport is infrequent and subject to profitability. A similar development at Bradford on Avon has just been passed by planners with a proviso that occupants will have to sign up to a low car use lifestyle. Were this to be the case at Blacklands and Staverton Triangle this plan may be just adequate, but unless such a provision is made upon occupants, provision is just completely inadequate.

On commenting further the Parish Council made the following observations.

'I am now enquiring with regard to the road improvements associated with the Blacklands site exit onto the B3105. This is because the Holt Staverton cycle link group have identified a route for this cycle link, which includes a cycle crossing of the B3105. Plans have been drafted on behalf of the group, but not yet submitted, but I note on viewing the plans that the proposed route includes the cyclists following the link road out of the Blacklands site and crossing the B3105 at its exit. I am

aware of having seen some highway improvement plans for this junction with the B3105 but they were not with the set for Blacklands/New Terrace which were issued to the parish council for comment in December. Please can you arrange, as a matter of some urgency, to get plans for these proposed improvements to the B3105 to our parish clerk or myself (8 School Lane, Staverton, Wilts, BA14 6NZ), so that they can be reviewed in light of the requirements of the cycle link, and the relevant information supplied to the appropriate parties so the cycle link provisions can be properly designed.

I have other concerns about the cycle link following the route of the link road. I anticipate that the link road will carry significant volumes of traffic, particularly at peak hours, and suspect that it will not be a suitable route for this cycle route. Can you advise what provision is being made for cycle routes across the Blacklands site, and whether these can be incorporated into the cycle link project? Can you also take this as a comment on the planning application, that the Parish Council request a suitable non-road cycle link for the transit of cycle traffic across the Blacklands site.

Incidentally, the cycle link is a project supported by a West Wilts District Council grant towards the cost of this feasibility study.

Also incidentally, whilst trying to find the planning application on the WWDC website, I note that when outline planning was granted for the site on 22 Sept 2005 (your ref 04/02307/OUT), it was for "a residential development for about 60 dwellings". This appears to have increased on the current reserved matters to 94 dwellings, a huge increase as I am sure you will agree. '

External :

HIGHWAY AUTHORITY: The Highway Authority has commented on revised plans and has no objection subject to the bus shelters and stops being shown on the plans and to the imposition of conditions.

COUNTY ARCHAEOLOGIST: An archaeological excavation should be undertaken prior to development taking place.

WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: Its records indicate that there are badgers within 500 metres of this site.

WILTSHIRE WILDLIFE TRUST: No objection.

ENVIRONMENT AGENCY: No objection.

WESSEX WATER: No objection in principle. Advise that the statutory easements for existing public sewers crossing the site must be maintained. The developer will be asked to contribute to the cost of downstream sewerage improvements.

SUSTRANS: Local communities in Holt and Staverton have commissioned Sustrans to develop a feasibility study for a walking and cycling route between Holt and Staverton. The inclusion of appropriate provision for walking and cycling would be welcomed. It would be feasible for pedestrians to use the pavement and for cyclists to use the lightly trafficked road but would ideally prefer a 3 metre wide shared use along the pavement to be incorporated into the design and that as any S106 agreement secures its surfacing to a high standard and a financial contribution made available for its completion to Holt.

Internal :

PLANNING POLICY: The site is allocated for housing development in the Local Plan and is located within the town policy limits for Trowbridge. Outline permission for residential development has already been permitted. The principle of housing on this site is therefore accepted.

The site is allocated for about 60 dwellings. However, the Inspector at the inquiry considered that 90 was a more sustainable number of dwellings. The development of this site at a density of 36 dwellings per hectare is appropriate, given the need to make the most efficient use of land, to meet local housing needs and to reflect the character of the rest of the Staverton Triangle development.

Associated road infrastructure providing a second access to the Staverton Triangle development has already received approval and this application identifies a layout of proposed housing which is in accordance with the previous road permission.

30% affordable housing is to be provided, which is in accordance with affordable housing policy, although on-site provision is for only 83% of this requirement. I assume that the remaining 17% is to be provided off site via a commuted sum and would suggest the Council's Housing Services confirm that this provision is to be made. Policy requires that provision should be made in "small clusters" through the development. I note that the on site provision is to be made within the central and eastern part of the site only. No provision is to be made within the northern, western or southern part of the development. Again, the Council's Housing Services should be consulted on whether this is acceptable.

A development of 96 dwellings is required to provide 0.55 hectares of formal open space, to include land for pitches/courts and an equipped children's play area in accordance with the Council's adopted standards. However, the proposed layout appears to show informal open space and an equipped children's play area. This variation in actual provision may be appropriate, given the ecological interest to the south of the development, but should be approved by the Council's Leisure Services Manager. Future management and maintenance arrangements should also be considered in the light of the contents of the Council's open space SPG.

Policy Recommendation:

Acceptable in policy terms, subject to detailed affordable housing and public open space requirements being met.

URBAN DESIGN AND CONSERVATION ASSISTANT: The scheme has many positive points and the final revised layout is acceptable.

HOUSING OFFICER: The S106 Legal Agreement requires 30% affordable housing with 83% on site and 17% as a commuted sum. The mix and location of the affordable housing are acceptable.

LANDSCAPE AND ARBORICULTURAL OFFICER: The layout is acceptable.

Neighbours : The application has been publicised by site notice and press advertisement and neighbours have been notified. Objections have been received from the occupiers of 8 neighbouring dwellings on the following grounds:

- Too many dwellings
- There should be no further residential development in this area
- The new development will result in a considerable increase in traffic
- The link road will become a 'rat run'
- Road layout and highway safety
- Impact on wildlife, particularly badgers, and loss of hedgerows
- Drainage problems and flooding
- Noise disturbance
- The position of the social housing will create a ghetto
- Confusion as to whether affordable or social housing is proposed
- A car park for 18 cars is unnecessary and will create an area where local youths can congregate
- A gas main crosses the site
- The redline boundary is incorrect where it adjoins Warren Road.

The owner of an adjoining residential home objected to the proposals but has since withdrawn his objection following the submission of revised plans.

NEGOTIATIONS / DISCUSSIONS

The application has been the subject of detailed pre-application discussions and negotiations during the course of the application between the developer, the Case Officer and the Council's Urban Designer in the context of the consultation process. The scheme has been revised as a result.

CONSTRAINTS

Greenfield location.
Surrounding residential development.
Agreed position of link road.

POLICIES

RPG/RSS 10 Regional Spatial Strategy

Wiltshire Structure Plan 2011

DP1 Sustainable development
DP7 Towns and main settlements
T4 Cycling and walking
T5 Car parking

West Wiltshire District Plan - 1st Alteration 2004

H1 Housing developments within towns
H2 Affordable housing
H7A New Terrace, Staverton
H24 Housing design
C7 Protected Species
C15 Archaeology
C16 Archaeology
C31A Design detail
C32 Landscaping
C34A Resources
C36 Noise
C38 Nuisance
T10 Car parking
T11 Cycleways
T12 Footways
R4 Public open space
S1 Education
U1 Infrastructure
U2 Surface water disposal
U3 Flooding
IL Implementation
I2 The Arts

PPS1 - Delivering Sustainable Development

PPG3 - Housing

PPG13 - Transport

PPG16 - Archaeology and Planning

SPG - Open Space Provision

SPG - Affordable Housing

SPD - Residential Design Guide

By Design - Document issued in 2000 dealing with urban design within the planning system.

RELEVANT PLANNING HISTORY

98/00284/OUT - Residential development - Approved 04.09.98

01/01616/OUT - Outline application for link road and associated works between Marina Drive and New Terrace - Approved 28.02.02.

04/02307/OUT - Residential development - Approved on Appeal 23.09.05

06/01036/REM - Construction of link road - Approved 11.05.06

KEY ISSUES

The main issues raised by this application are the principle of residential development and density, highways, flooding, affordable housing, archaeology, ecology and amenity.

OFFICER APPRAISAL

The site, which is a greenfield site, is located at New Terrace, Staverton and is identified within the Adopted District Plan at Policy H7A as a housing allocation for approximately 60 new dwellings and the principle of residential development has been accepted by the granting of the outline permission. The only matters that can be considered as part of this current application are the reserved matters, in other words the detailed design of the scheme. This application is therefore acceptable in principle - it is the layout, urban design, housing design and landscaping of this phase that is before members to determine now.

The Planning Inspector at the appeal inquiry, at which an indicative layout was submitted, took the view that provision of some 90 new dwelling rather than the 60 identified in the policy would be more sustainable and consistent with current government guidance at that time. He stated that he did not see the necessity to limit the number of dwellings by condition and that a limitation on numbers of houses would be arbitrary and would not achieve any beneficial planning purpose. Although 96 dwellings are currently proposed the layout is almost identical to that submitted at the inquiry, is only a little more intensive and there would be no harm to the character of the area. It represents a density of approximately 36 dwellings per hectare and this is considered to be appropriate in this location and consistent with government guidance. This will make the most efficient use of land, will meet local housing needs and is consistent with the overall character of the Staverton Marina development.

Government guidance requires that all new residential development should not be below a minimum average density of 30 dwellings per hectare with higher densities encouraged in appropriate locations. The density of this site is comparable with that in most other parts of the wider development at Staverton Marina and some areas have higher densities. It may be higher than most residential development from the late 20th century, but this in response to a specific and deliberate change in Government policy to move away from these low density, land-hungry developments. The proposed density on this basis is considered to be acceptable.

The provision of 18 parking spaces within the site were at the request of the Parish Council and are in an appropriate location to serve the adjacent playing fields and sports hall at Staverton Marina and are a requirement of the Legal Agreement.

Two car parking spaces including garaging are shown as provided for each of the houses, and one parking space for each of the flats plus visitor parking. Car parking standards are now expressed as maximum standards dwelling, not minimum standards. It is now only possible to say that an application fails to meet standards by providing too many spaces, not too few. The proposal is acceptable in terms of the parking provision made.

The existing hedgerows on the perimeter of the site, and the mature trees contained within these, are shown as being retained and will ensure a green setting to soften the built environment and enhance visual amenity.

The site is currently an area of arable land over which neighbours have views and concerns have been expressed about loss of open countryside. The site is allocated as a future residential development and its allocation within the development plan followed public consultation. Furthermore, the principle has been established by the outline permission.

It is considered that the submitted scheme provides a reasonably attractive and appropriate development in its setting. The majority of the houses face either the roads through the development or the public open space. In addition, care has been taken to close vistas by placing houses at junctions to create focal points.

There is no specific restriction to the height of dwellings in the relevant outline permission. Therefore 3 and 2.5 storey buildings are acceptable. Higher buildings help to give interest in key locations and they respect the overall character and appearance of Staverton Marina area in which there is a mix of different height buildings. Local distinctiveness and character are important but this must be viewed over the whole locality, not just in conjunction with some immediately adjoining dwellings of a different style. In this case, the proposed development relates to the rest of the Staverton Marina development as much if not more than it does to School Lane and New Terrace.

It is considered that the existing dwellings at New Terrace and on School Lane, which have longer than average gardens, would not suffer any loss of privacy. Nor would those on the adjoining Marina development because of the proposed location of public open space and the existing mature hedgerows.

The affordable housing layout and mix together with the commuted sum for off-site provision equates to 30% affordable housing and is acceptable to the housing officer. It is consistent with the legal agreement forming part of the outline permission. Affordable housing in this instance equates to social housing for rent through a registered social landlord.

The proposals have been prepared in accordance with the recommendations of the Ecological Assessment submitted with the outline planning permission. The badger setts are unaffected by the proposals.

A neighbour is concerned that local youths will congregate within the proposed parking area but this seems unlikely since there is a large area of public open space within the site and this adjoins a large sports and recreation ground. However, in the unlikely event of the parking area being used for anti-social activities this would be controlled by other legislation.

The link road together with the junction, roundabout, pedestrian crossing and location of bus stops and shelters have been previously approved. The relationship of housing fronting the highway represents a traditional streetscene pattern and is in line with current best practice for housing layouts.

The Parish Council together with Sustrans make observations with regard to a feasibility study currently being carried out into the possibility of a Holt Staverton Cycle Link but as yet not finalised. It expresses concerns about the exit onto the main highway at New Terrace and the relationship of the cycleway with the link road. This matter was not raised at outline planning stage and does not form part of the legal agreement nor was it raised when the detailed plans for the link road were submitted and approved. In fact no reference has previously been made to Planning Services with regard to this proposal and no one either in Planning Policy or Development Control was aware of its existence. Furthermore, the highway authority has made no reference to this issue and has no objection to the current proposals. It is not considered to be a material consideration in determining the current application which relates to the residential layout and not to the detail of the previously approved link road.

The applicant's agent has agreed to show the bus stops and shelters on the plans.

This application is for approval of reserved matters and not planning permission and the only conditions that should be imposed are those that relate to matters that have arisen since the outline permission was granted. In this case outline permission was granted on Appeal with similarly worded conditions imposed by the Planning Inspector to those now suggested by the Highway Authority. As such it is not necessary to impose any conditions at this stage.

The easement for the gas main and public sewer is shown on the drawings and issues of drainage have been addressed within the Flood Risk Assessment. The surface water storage pipe zone forms part of the sustainable urban drainage scheme and has been agreed in consultation with the developer, Wessex Water and the Council's own Drainage Engineer.

The developer has confirmed that the red line boundary is correctly shown and it is consistent with the outline permission. Issues of land ownership are not matters for consideration as part of the planning process and any conflict between adjoining owners would be a private legal matter.

RECOMMENDATION

This proposal is in line with the outline permission and the density is acceptable when considered as part of the wider development at Staverton Marina. Approval of these reserved matters is recommended.

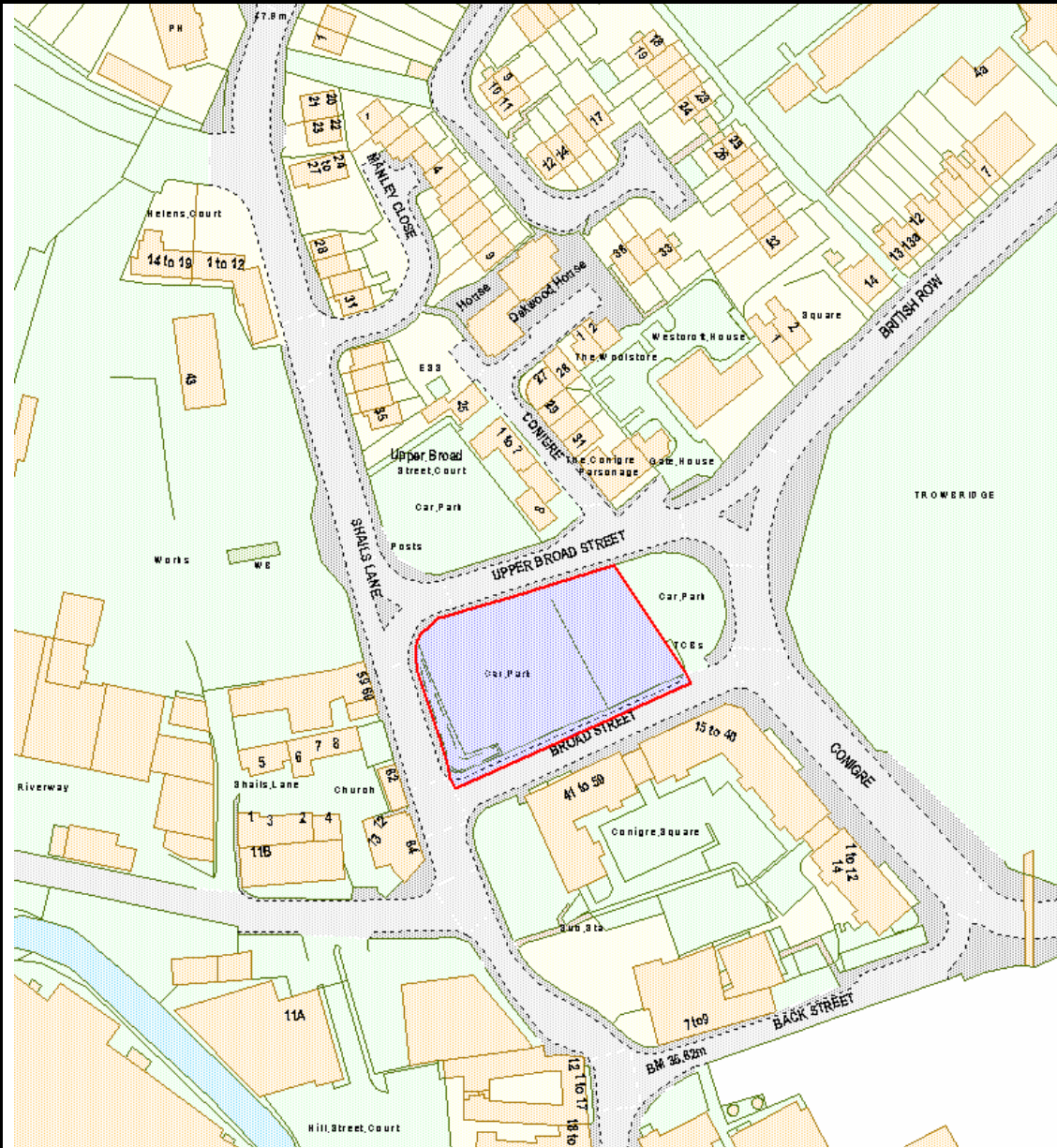
PLANNING COMMITTEE

14 February 2008

ITEM NO: 02

APPLICATION NO: 06/02941/FUL

LOCATION: South Side Car Park Broad Street Trowbridge
Wiltshire



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 06/02941/FUL

Site Address: South Side Car Park Broad Street Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge North East
Grid Reference 385371 158194
Application Type: Full Plan
Development: 3/4 storey development of 35 no. apartments and 35 no. car parking spaces
Applicant Details: West Wiltshire District Council
Bradley Road Trowbridge Wiltshire BA14 0RD
Agent Details: Quattro Design Architects Limited
1 Great George Street Bristol BS1 5RR
Case Officer: Mr Peter Westbury
Date Received: 28.09.2006 Expiry Date: 28.12.2006

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 - Policies 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 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.

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

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

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

6 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

REASON: In the interests of pollution prevention.

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

8 The dwellings hereby granted permission shall remain as affordable units within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan 1st Alteration 2004 and for local need as defined in Policy H22 (a) and (b) of the West Wiltshire District Plan 1st Alteration 2004, for so long as the dwellings remain on site.

REASON: The site is in an area where residential development is not normally permitted unless justified as an exemption for affordable housing.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies H2 and H22.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the discretion of the Development Control Manager as it forms part of West Wiltshire District Council's Housing Private Finance Initiative (PFI) to provide at least 400 new affordable homes in the district.

This is an application for full planning permission for the erection of a predominantly three-storey building incorporating 31 apartments with 31 parking spaces on part of the Broad Street car park in Trowbridge town centre. The site is located within the Conservation Area.

The application site is located to the northwest of the main shopping area of central Trowbridge. The site is an island site within a gyratory system incorporating Broad Street, Upper Broad Street and Shails Lane. The site is currently used as a public car park, which provides 62 car parking spaces and two car parking spaces. A semi-circular area of car parking to the east of the application site is to be retained for car parking. This parking area provides 17 car parking spaces. In addition 16 car parking spaces are to be retained in the Upper Broad Street car park.

The application proposal has been amended to respond to the concerns expressed by statutory consultees including Trowbridge Town Council, the County Highway's Authority and English Heritage.

The original proposal for the site incorporated a predominantly three-storey perimeter block providing a continuous defensible frontage on three sides to the busy gyratory system and would have provided 35 apartments. It incorporated a modern style of building including flat roofs.

The revised proposal has been designed in consultation with the Council's Conservation Officer, the County Highways Authority and English Heritage. It retains the predominantly three-storey perimeter block but has been revised to incorporate a mixture of styles reflecting each of the surrounding streets. In support of their application, the applicants state: -

"Each street was analysed to identify key local characteristics that would inform a slightly different approach to each new façade."

The northeast corner is more traditional. The southwest corner is more modern. The scheme continues to incorporate a continuous frontage to Broad Street.

A key amendment to the scheme has involved relocation in provision from 35 dwellings to 31. This includes the provision of a flat at ground floor level originally identified as car parking.

The schedule of provision is as follows:

Ground Floor

3 by one-bedroomed
1 by two-bedroomed

First Floor

5 by one-bedroomed
1 by two-bedroomed

Second Floor

3 by one-bedroomed

The scheme makes provision for 31 car parking spaces. The proposal has been amended to afford sufficient space to allow for further highways improvements for the junction on Upper Broad Street and Shails Lane.

SITE VISIT / STATUTORY SITE NOTICES

Accompanied site visit on 14 September 2007 attended by applicant and representatives of English Heritage, County Highways Authority, the Council's Conservation Officer and PFI Project Manager.

Site notices posted December 2007 concerning revised plans.

CONSULTATIONS

Parish/Town Council :

TROWBRIDGE TOWN COUNCIL: No objection.

Comments on original observation – “Objection; the Committee were strongly disappointed with the outward design, lack of amenity space, the vast flat roof, and felt this was not a contribution to the vision of Trowbridge.”

Following receipt of revised plans – “No objection, whilst welcoming changes, asked if the gate could have some detail such as an arch.”

External :

HIGHWAY AUTHORITY: Comments on Original Submission – Objects.

COUNTY EDUCATION OFFICER: No objection.

“We had originally (October 2006) asked for 11 primary school places, not having had details of the one-bed units or that the whole scheme is for affordable dwellings. A re-calculation applying the relevant discounts giving a reduced requirement for 5 primary places. However we accept that restrictions will apply to the occupancy of these small flats, and so are willing to withdraw our case for an education infrastructure requirement.”

DfES cost multiplier for primary aged pupils, £10,372 = £114,092.”

Revised Plans – No further comments received.

COUNTY ARCHAEOLOGIST: No objection.

Comments on Original Submission – Requested more information.

Comments on Revised Plans – “An archaeological evaluation was carried out in October 2006 to assess the impact of the site on archaeology. Although the two trenches excavated are not in the same area as the amended locations for the buildings, the evaluation established that this area was largely in agricultural use during the medieval period.”

ENVIRONMENT AGENCY: No comments received.

Comments on Original Proposal – Do not wish to provide any comment regarding the planning application.

Comments on Revised Proposal – No comments received.

ENGLISH HERITAGE: No objection

Comments on Original Submission – Object on design grounds.

Comments on Revised Proposal:

“Overall the scheme is now a significant improvement on its predecessor and one which has the potential to physically enhance this part of the town. We appreciate that there may be aspects of outstanding detailing and materials scheduling in need of further attention and we are happy to leave this, and a decision on the application, to the discretion of your authority.

On a final point, it became clear during negotiations that it would have been very beneficial to have been able to include the additional area of car-parking at the very eastern end of the site within the scope of this project. This would have allowed for the greater provision of amenity space within the scheme, or for the creation of a landscaped space adjoining it which could enhance not just the amenity of the scheme's residents but the wider area as a whole. We would therefore urge your authority to give serious consideration to the benefits which could accrue from the removal of the residual car-parking on this site and the landscaping of it accordingly."

WESSEX WATER: No objection.

Comments on Original Proposal - Object on design grounds.

Comments on Revised Proposals – None received.

Internal:

PLANNING POLICY: No objection.

Comments on Original Submission – "This proposal offers many positives in policy terms. Namely, it provides a significant contribution towards the District Council's PFI scheme and it seeks to redevelop a key town centre site and mixed-use allocation. In this respect, I consider the proposal to be broadly acceptable in policy terms."

Comments on Revised Proposals – None received.

CONSERVATION OFFICER: No objection

"Ultimately this is a scheme that will be acceptable in this part of the conservation area and will be respectful to the better quality buildings to the north, adjacent to the site. However, I do feel that in order for this development to be a strong message in contemporary design the materials will have to be carefully selected in order to properly implement the architect's concept for this site."

Environmental Health: No objection subject to the imposition of conditions.

Comments on Original Submission - No objection subject to the imposition of conditions.

Comments on Revised Proposals – None received.

TREE AND LANDSCAPE OFFICER: No objection subject to the imposition of conditions.

Comments on Original Submission - No objection subject to the imposition of conditions.

Comments on Revised Proposals – None received.

Neighbours : Site notices were erected and neighbouring properties were consulted.

Comments on Original Submission – Two representations received objecting to the proposal on the following grounds: -

- The design and character is totally out of character with the Conservation Area;
- Provision of car parking close to the town centre is vital;
- If a modern design is required it should be directed to the modern fringes of the town.

Comments on Revised Plans – None received.

NEGOTIATIONS / DISCUSSIONS

The details of the design of this scheme have been the subject of extensive negotiation and discussion over the past four months following the receipt of objections from residents, the Town Council, English Heritage and the County Highway Authority to the original submission for the site.

Meetings took place on:

14.09.2007 On site – attended by representatives of the Highways Authority, English Heritage, the Council's PFI Project Management Team, Conservation Officer and Case Officer.

04.10.2007 Discussion on sketch proposals for layout and built form - attended by the Conservation Officer, English Heritage, PFI Managements Team and Case Officer.

26.10.2007 Discussion on sketch proposals for elevational treatment – attended by the Conservation Officer, English Heritage, PFI Managements Team and Case Officer.

09.11.2007 Design of plans, revisions to elevations - Conservation Officer, English Heritage, PFI Managements Team and Case Officer.

23.11.2007 Sign off of revised elevations – attended by the Conservation Officer, English Heritage, PFI Managements Team and Case Officer.

CONSTRAINTS

Conservation Area

POLICIES

Wiltshire Structure Plan 2016

DP1 Principles for Sustainable Development
DP2 Infrastructure
DP3 Development Strategy
DP7 Housing in Town and Main Settlements
DP8 Affordable Housing
T6 Demand Management

West Wiltshire District Plan – 1st Alteration 2004

C17 Conservation Area
C18 New Development in Conservation Areas
C31a Design
C38 Nuisance
C40 Tree Planting
H1 Housing Development in Towns
H2 Affordable Housing within Towns and Villages
H4d Land at Shails Lane / Broad Street
H24 Design of New Housing
T9 Bus Services
T10 Car Parking
T11 Cycleways
T12 Footpaths and Bridleways

PPS1 Delivery Sustainable Development
PPS3 Housing
PPG13 Transport
PPG15 Planning and the Historic Environment

RPG10/RSS10 Regional Planning Guidance South West
West Wiltshire Corporate Plan
Trowbridge Car Parking Strategy

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

KEY ISSUES

Key to the determination of this application is whether the proposal complies with Development Plan policy and whether there are any material considerations to outweigh the policy. As the site is in a Conservation Area of particular relevance is the degree to which the proposal will preserve or enhance this part of the Conservation Area.

OFFICER APPRAISAL

Design

This application proposal has been the subject of extensive amendment since it was originally submitted in September 2006. The outcome of the discussion with key stakeholders is a scheme which contributes positively to this part of the Conservation Area.

The design of the proposal has been amended so that it responds to surrounding development. In particular attention has been paid to the relationship of the proposal with the Parsonage at The Conigre, a Grade II Listed building. The proposal gives prominence to the corners of the site by stepping down to this storey either side of a three-storey and mark building. The proposal has also been amended so that Broad Street is contained

Materials can be controlled by condition. However, the scheme has been designed to include a variation in materials which respect surrounding development.

The applicants state that the proposal includes a limited range of window opening sizes that have a strong vertical expression. This assists with ensuring that the proposal relates well to surrounding development.

Overall the design of the proposal has been amended so that it responds to surrounding development. This is a robust building appropriate for its urban setting. Your officers agree with the applicants that the proposal has achieved "a smooth transition from the traditional at The Parsonage end to the more modern at the Shails Lane end of the site. The proposal is also respectful to the levels of the site.

The proposal will enhance this part of the Conservation Area and is therefore consistent with Policy C78 of the West Wiltshire District Plan.

The original objection of the Highway Authority has been overcome. The proposal has been amended so that there is sufficient space for highway improvements for the junction of Shails Lane and Upper Broad Street that might be required in the future.

The Applicants have responded positively to the objections of the Town Council, English Heritage, Highways Authority and local residents to produce a scheme of high quality for this part of Trowbridge. The proposal will both preserve and enhance this part of the conservation area.

Comments of The Town Council

Whilst withdrawing their objection to this proposal, the Town Council request amendments be made to the arch. At the time of the preparation of the report this was being considered by the applicant.

Education Provision

There is no requirement for an education contribution in this case.

To conclude, after extensive negotiation your officers are recommending a scheme which will contribute positively towards enhancing this part of the Trowbridge Conservation Area. The proposed development is in scale and character with this part of Trowbridge and it will also contribute to the requirement for affordable housing in Trowbridge.

RECOMMENDATION

Permission.

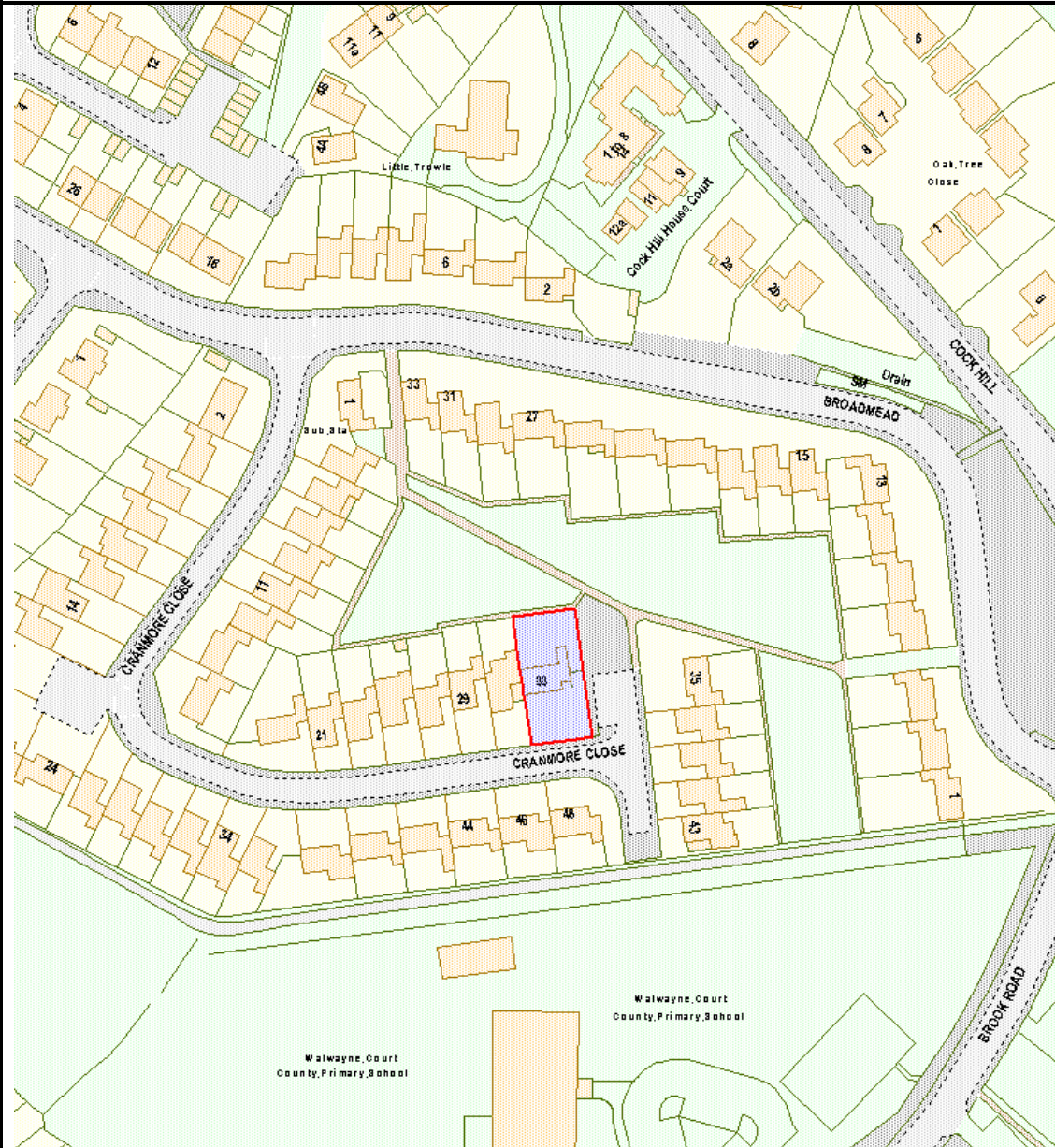
PLANNING COMMITTEE

14 February 2008

ITEM NO: 03

APPLICATION NO: 07/03431/FUL

LOCATION: 33 Cranmore Close Trowbridge Wiltshire BA14 9BU



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 07/03431/FUL

Site Address: 33 Cranmore Close Trowbridge Wiltshire BA14 9BU

Parish: Trowbridge Ward: Trowbridge North West
Grid Reference 384508 158125
Application Type: Full Plan
Development: Ground floor extension to create granny annexe
Applicant Details: Mr G J Stone
33 Cranmore Close Trowbridge Wiltshire BA14 9BU
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Miss Andrea Levin
Date Received: 31.10.2007 Expiry Date: 26.12.2007

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 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 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred at the meeting of 31 January 2008 when that meeting closed before this application could be heard.

This application is brought to Committee because Trowbridge Town Council objects and your officers recommend permission.

This is an application for full planning permission for a single-storey extension to provide annexe accommodation in association with the host dwelling. The proposal would be constructed from materials to match the host dwelling.

CONSTRAINTS

None

POLICIES

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

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

Site visit carried out 06.11.07 to assess site context and surroundings.

KEY ISSUES

Impact upon host building and street scene;
Impact upon neighbouring amenity.

CONSULTATIONS

Parish/Town Council : TROWBRIDGE TOWN COUNCIL: Objects. Notified 01.11.07. The following comments were received:

“The scale of the development, design and size of the rear extension, the flat roof on part of the extension and wall treatment, materials are not in keeping with the rest of the building.”

Revised plans were submitted reducing the depth of the annexe.. Following receipt of this, Trowbridge Town Council submitted the following comments:

“Original objection stands due to flat roof and materials proposed not in keeping with the original building.”

External : None

Internal : None

Neighbours : 31, 35 and 48 Cranmore Close notified on 06.11.07 through neighbour notification cards. Expires 27.11.07 - No comments received

Revised plans notices put up 19.12.07, expires 11.01.08 - no comments received.

OFFICER APPRAISAL

The SPG for house alterations and extensions states that in most cases a flat roof will be considered inappropriate even on a single storey extension. However, in this instance the existing garage has a flat roof and the proposal would raise the roof height by 300mm, meaning that the annexe would retain the existing subservience and low profile; therefore there would be limited change to the character of the host dwelling.

The Town Council objected to the development due to the proposed materials. However the materials used would match the existing dwelling and this is addressed by the recommended Condition 2, therefore this objection does not stand.

The proposal would not impact upon the neighbouring amenity.

RECOMMENDATION

Permission.

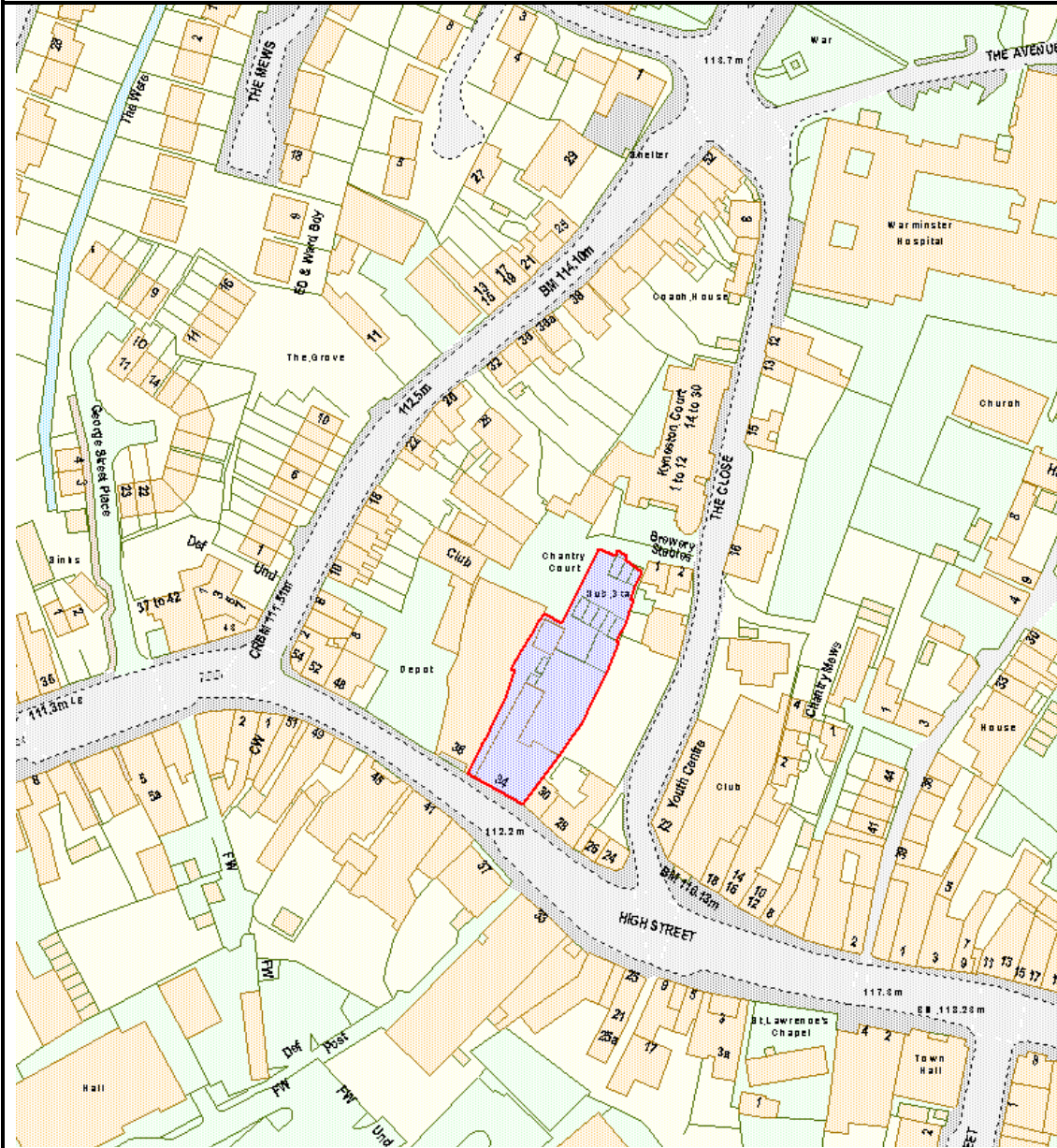
PLANNING COMMITTEE

14 February 2008

ITEM NO: 04

APPLICATION NO: 07/01949/FUL

LOCATION: 34 High Street Warminster Wiltshire BA12 9AF



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SLA: 100022961

04 Application: 07/01949/FUL

Site Address: 34 High Street Warminster Wiltshire BA12 9AF

Parish: Warminster Ward: Warminster East
Grid Reference 387319 145154
Application Type: Full Plan
Development: Change of use of The Chantry and construction of 7 flats and associated external works
Applicant Details: Octavia Estates Limited
25 Castle Street Cirencester Gloucestershire GL7 1QD
Agent Details: Barrie Taylor Associates
39 Silver Street Warminster Wilts BA12 8PT
Case Officer: Mrs Rosie MacGregor
Date Received: 07.06.2007 Expiry Date: 06.09.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION:

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 parallel application for Listed Building Consent to the 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 development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting and that the character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & C28.

- 3 A sample wall panel, not less than 1 metre square, of the render finish to the new dwellings shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

REASON: To protect the setting of the listed building and ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & C28.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & C28.

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

REASON: To ensure that the development harmonises with its setting and to protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & C28.

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

REASON: To ensure that the development harmonises with its setting and to protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & C28.

- 7 Details of the design, external appearance and finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & C28.

- 8 A full schedule of repairs to the external walls, roof, windows and doors shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the listed building, and subsequently the works shall be carried out strictly in accordance with the approved details.

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

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

- 9 Before any repointing of the external stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

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

- 10 Prior to the commencement of any development the site of the new build residential development shall be subject to:

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

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

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

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

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

REASON: To protect the archaeological heritage of the area.

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the change of use of The Chantry, which is currently occupied by a dental surgery and associated offices on the majority of the ground floor together with a large maisonette within the remaining part of the building, into a mixed use scheme. This would comprise offices and 9 residential units of which 3 would be within the original building and 6 would be new buildings to the rear.

It is proposed that the existing building would be converted to provide 2 offices and a boardroom at ground floor level, 3 offices at first floor level and a further 3 offices on the second floor. All of which would be in the part of the building fronting on to the High Street. The 3 flats within the original building would be predominantly within a range to the rear with one flat at each level.

The new build element would be constructed from a mix of render and timber boarding under clay tiled roofs. It would comprise an 'L' shaped block of 6 dwelling units in the form of 4 terraced dwellings and 2 flats.

Bicycle and bin storage would be provided in an area of ground between the existing building and the new build dwellings with access onto an alleyway leading onto the rear access. The existing enclosed rear garden would be retained as a communal area of private amenity space.

The Chantry is a Grade II* listed building situated entirely within the Conservation Area in the centre of Warminster. It fronts onto the High Street with the existing vehicular access to the rear leading off The Close. There is also a pedestrian access to the side in the form of a private alleyway between The Chantry and the property to the west. The building which is on 3 storeys dates from the mid-18th century and comprises a fine Palladian style town house on the High Street frontage and a range of less imposing but no less important buildings at the rear. They are built from natural stone under clay tiled roofs.

There is a group of 8 garages within the rear portion of the site and these are currently vacant. These buildings would be demolished in their entirety to accommodate the new build dwelling units.

The application is proposed as a sustainable car free scheme.

The application is accompanied by a Heritage, Design and Access Statement.

The application has been revised as part of the planning process in order to overcome the objections of English Heritage and the Council's Conservation Officer.

The applicants have provided additional information, including the sight of Deeds, with regard to the existing vehicular access and has confirmed that they recognise the rights of adjoining owners and as such have set the building lines back 1 metre within the site curtilage to allow a scaffold zone and to ensure that exits have a defined safety margin.

SITE VISIT / STATUTORY SITE NOTICES

A site visit was undertaken on 27.06.07 when site notices were displayed and a further more detailed inspection of the interior and exterior of the building with the Council's Conservation Team and English Heritage was undertaken on 12.07.07.

CONSULTATIONS

Parish/Town Council :

WARMINSTER TOWN COUNCIL: On commenting on the original proposals made the following comments: This is a brownfield site and designated for this sort of development. Sympathy is extended to the businesses and buildings in that area. Members are not happy with this application. It is a one-way street and there are many highway issues to be addressed. The present access is the northern end of the site at the back of the Youth Centre. Very narrow there. Serious concern about the access.

On commenting on revised plans the Town Council made the following comments: The application be refused on the grounds of access and egress arrangement and the removal of turning.

External :

HIGHWAY AUTHORITY: No objection is raised as the site is located in the Warminster town centre so is close to local facilities such as public parking and transport.

ENGLISH HERITAGE: 'This application has now been revised to take account of our comments and we are generally happy that the conversion scheme better respects the character of the listed building and that the form of the new development maintains the hierarchy of the site and protects the setting of the listed building.

We would therefore recommend that should consent be granted, a condition is attached requiring prior approval of a complete room by room schedule of works to the listed building to ensure that all works undertaken are appropriate to a Grade II* listed building.'

WILTSHIRE ARCHAEOLOGICAL AND NATURAL HISTORY SOCIETY: On commenting on the original proposals objected to the scale of the new build which should appear as ancillary to the listed building.

There has been no response to the revised proposals.

WESSEX WATER: No objection in principle.

ENVIRONMENT AGENCY: No objection.

COUNTY ARCHAEOLOGIST: The Proposed Development Area is of archaeological interest. The County Archaeology Service has recently completed a survey of the historical and archaeological significance of all of Wiltshire's towns. Research at Warminster has shown the site is within the 13th century planned settlement. Important information on the origins and early development of the town may exist at on the site.

An archaeological watching brief should be conducted and a condition attached accordingly to any permission granted.

Internal :

PLANNING POLICY, CONSERVATION OFFICER AND URBAN DESIGNER: 'The Chantry is a Grade II* Listed Building located within Warminster's Town Centre Conservation Area. The building and its grounds is part of a larger area (total 0.65 hectares) identified by Policy H4 by the District Plan 1st Alteration as a site for conversion and partial redevelopment for a mix of uses. The application site is 0.13 hectares.

The building shows evidence of decline although it is currently in use with a dentist surgery on the ground floor and a single residential use on the upper two floors. Sensitive refurbishment of the building would be welcome, and in principle a mix of uses would be acceptable provided they can be accommodated in a manner that is not to the detriment of the historic fabric of the building. A proposal for refurbishment should be an opportunity to enhance this listed building. For example the side elevation has suffered poor pointing work in the past and some of the windows have been altered so there is now a rather disparate mix of styles.

The reorganisation of the interior to the listed building is acknowledged as an improvement that will allow a more logical separation between the office and residential uses in the building that should in turn reduce the amount of fabric changes for sound and fire proofing for Building Control.

The heritage statement indicates that some improvement to the existing performance of separating floors will still need to be achieved. Details of how this will be delivered needs to be submitted.

I would also strongly advocate the need for a repairs schedule if you are minded to recommend granting consent. In addition the new development should be closely tied up with ensuring that the repairs and conversion works to the listed building go ahead at the same time or before the new development so that the listed building is properly preserved and ensured a sustainable future.

It is felt that the amended scheme is a better solution for the site than the previous one. The lowering and variation of the roof heights towards the listed building allowing a more subservient building immediately adjacent to the listed house is better. The choice of building form utilising a cottage mews approach is far more appropriate to this part of the conservation area where this type of building form and scale of development already exists. It would have been more exciting as a design to see a more contemporary flair.

This scheme can now be supported providing there is a robust number of conditions attached especially relating to sound and fire proofing that will be required by Building Control and the installation of the staircase. I am disappointed that the agents will not look at including a more contemporary feel to the new units but I don't feel that the scheme fails because they won't carry out any further revisions.

Recommendation: Grant Consent subject to Secretary of State and agreement with English Heritage subject to agreement to the points raised above in this revised consultation response.

Neighbours : Neighbours were notified of both the original proposals and subsequent revisions. Objections have been received from the occupiers of 6 neighbouring premises.

On commenting on the original proposals the objections were on the following grounds:

- Loss of light.
- Loss of privacy.
- Over development of the site.
- Highway safety and difficulty of access.
- The proposals will impede access for commercial traffic to neighbouring businesses that has a right of access.
- Safety of customers visiting nearby business premises.
- Access for emergency vehicles.
- Inconvenience to existing users of the access.

On commenting on revised plans one of the objectors maintains his objection to the right of access and has submitted Land Registry documents indicating the right of way.

NEGOTIATIONS / DISCUSSIONS

The application has been the subject of detailed negotiations as part of the planning process.

CONSTRAINTS

Town centre location.
Historic environment.
Vehicular access.

POLICIES

Wiltshire Structure Plan 2016

DP4	Towns and main settlements
DP7	Housing in towns and main settlements
DP9	Previously developed land
HE7	Conservation areas and Listed Buildings
T5	Parking

West Wiltshire District Plan - 1st Alteration 2004

H1	Further housing development within towns
H4	Urban Mixed Use Brownfield Allocations
H16	Flat conversions
H24	New housing design

C17 Conservation Areas
C18 Conservation Areas
C23 Street scene
C28 Alterations to Listed Buildings
C31a Design
C37 Contaminated land
C38 Nuisance
T10 Parking
R4 Public open space
U1 Infrastructure

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG15 - Planning and Historic Environment

Supplementary Planning Guidance

SPG - Residential Design Guide
SPG - Public Open Space

Warminster Town Centre Conservation Area Character Assessment

RELEVANT PLANNING HISTORY

None

KEY ISSUES

Historic environment
Principle of new housing development as part of a mixed use development
The design of the proposed new build element.
Neighbouring amenity
Highways and access

OFFICER APPRAISAL

The proposal involves the redevelopment of a previously used site containing an important listed building within the conservation area.

Historic Environment

Section 16(2) of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when determining an application for listed building consent.

Further Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

PPG 15 and Section 72 of the planning (Listed building and Conservation area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

The refurbishment of The Chantry which is currently in poor repair and in decline will ensure its continued preservation and provide it with a viable future use that respects its original layout and character.

Few changes are proposed to the historic frontage or principal rear elevations and the proposals would preserve and enhance the character of the listed building and the street scene in which it is located together with the character and appearance of the Conservation Area.

There are no objections from either English Heritage or the Council's Conservation Officer subject to conditions that can be attached to any permission and/or listed building consent granted.

The new build element to the rear has been revised to appear as subservient to the original listed building and its design and use of materials respect both the context of its location within the conservation area and the setting of the listed building.

There are the remains of garages on this site and the simple 'L' shaped plan form of the new buildings will create an enclosed courtyard of mews appearance that respects the historic use of this part of the site.

Principle of mixed use conversion and new build

The site is situated in a sustainable location in the town centre of Warminster within walking distance of shops, transport links, schools, community facilities and employment opportunities. The area is primarily characterised by terraced development comprising retail, commercial and residential uses. Part of the site is already in residential use as a large maisonette occupying a substantial part of the original building. In this context there is no objection in principle to further residential development.

The principle of residential development in this location is therefore acceptable subject to compliance with detailed criteria as set out in Policy H1 of the West Wiltshire District Plan - 1st Alteration 2004. These criteria include the siting, layout and design considerations being satisfactory and in-keeping with the character of the area; the development not resulting in the loss of an open area important for recreation and amenity reasons; and the development providing safe and convenient connection to the existing pedestrian network and the highway.

The conversion to flats must also be in compliance with the criteria contained within Policy H16 that it does not represent an unreasonable or over intensive sub-division of an inadequate sized property, would be detrimental to the outward appearance of the building or character of the local area or have insufficient amenity space.

Policy H4 at Ha identifies the area in which The Chantry is located for conversion and partial redevelopment for a mix of uses including dwellings and office/business use.

It is considered that the proposals meet the necessary criteria of the relevant policies and will create a sustainable town centre development.

Design of the new residential buildings

The Chantry is a building of considerable historic significance and there are other listed buildings nearby so matters of design are therefore very important when considering this part of the scheme.

The proposed layout in a terraced formation would respect the historic layout of buildings in this area of the town. In particular a strong frontage is proposed to the public side of the rear yard area and this would act to close up a visual gap in the street scene which adds little to the character of the area except for allowing views to the rear of the Chantry. More especially it replaces what is effectively a derelict parking and garaging area.

The character of this rear area derives as much from the spaces between buildings with pedestrian alleyways and narrow streets as from the buildings themselves.

The proposed layout would respect the grain of development in the area by creating a greater sense of enclosure and the new housing development would appear well integrated into its local environment and become a sympathetic but individually designed addition to the street. This terraced development which would be well proportioned and simple in design is considered acceptable.

The dwellings would utilise render, clay tiles, and timber windows that are typical materials of the area and will help the development to harmonise with its surroundings.

Neighbouring Amenity

Few changes are proposed to the existing elevations and it is considered that the new buildings are sufficiently far from neighbouring dwellings as to prevent any unacceptable loss of privacy by overlooking. Similarly the revised proposals will appear less dominant than the houses previously proposed and would not result in any loss of light to surrounding properties.

It is not unusual in historic town centre locations for dwellings to be more tightly packed together than elsewhere and this is a characteristic of this part of Warminster.

Highways and access

The highway authority has no objection to the proposals and that view is supported. This is because this is a sustainable location within walking distance of a range of town centre facilities including a wide range of shops, banks, restaurants and public houses, with employment opportunities and schools close by. A car free scheme is considered appropriate in this location.

Neighbours have raised issues of the existing access over which they have a right of way. The applicant has provided evidence to show that the right of way would not be impeded. This is a private legal matter between the different parties and issues relating to land ownership and private rights of way are not matters for consideration as part of the planning process.

However, it is evident from the plans that an access would be maintained to buildings and businesses to the rear of the site.

Other matters

There is no requirement for affordable housing or contributions to educational needs or public open space because of the scale of the development.

RECOMMENDATION

Permission is recommended.

The refurbishment/conversion of the listed building would preserve and enhance its character and the new build elements respect the setting of the listed buildings and their location in the conservation area. The proposals are in accordance with Council policy and government guidance.

The proposed development on previously developed land in a sustainable town centre location represents a desirable, efficient and appropriate use of land in accordance with the Council's adopted policy framework.

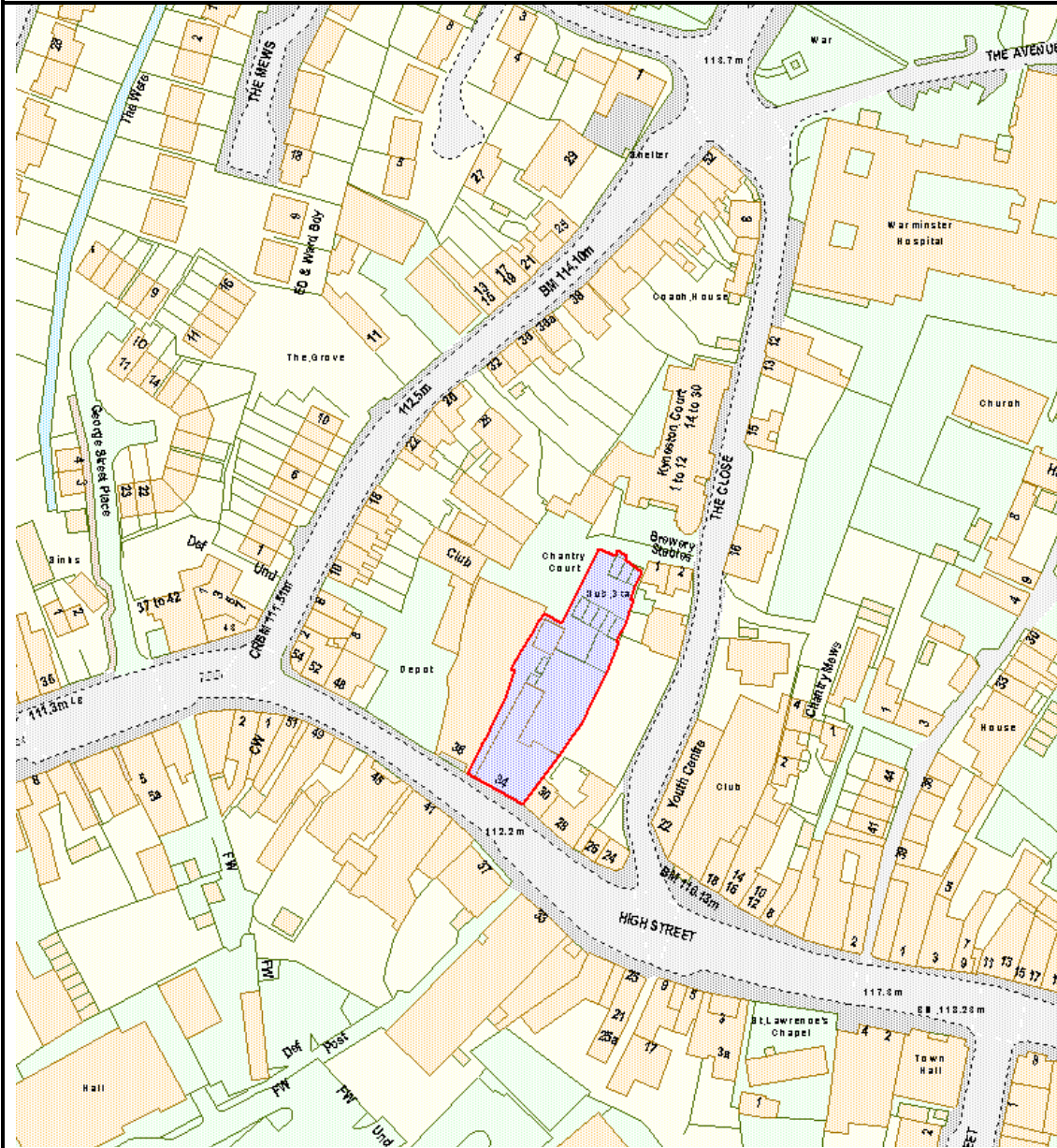
PLANNING COMMITTEE

14 February 2008

ITEM NO: 05

APPLICATION NO: 07/01960/LBC

LOCATION: 34 High Street Warminster Wiltshire BA12 9AF



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SLA: 100022961

05 Application: 07/01960/LBC

Site Address: 34 High Street Warminster Wiltshire BA12 9AF

Parish: Warminster Ward: Warminster East
Grid Reference 387319 145154
Application Type: Listed building
Development: Change of use of The Chantry to offices/residential and construction of 7 new build flats and associated external works
Applicant Details: Octavia Estates Limited
24 Castle Street Cirencester Glos GL7 1QD
Agent Details: Barrie Taylor Associates
39 Silver Street Warminster Wilts BA12 8PT
Case Officer: Mrs Rosie MacGregor
Date Received: 07.06.2007 Expiry Date: 02.08.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION:

The Secretary of State be informed that this Council raises no objection to the proposal and recommends that listed building consent be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this Council for decision.

Condition(s):

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

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

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

REASON: To ensure that the development harmonises with its setting and that the character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & C28.

- 3 A sample wall panel, not less than 1 metre square, of the render finish to the new dwellings shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

REASON: To protect the setting of the listed building and ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & C28.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & C28.

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

REASON: To ensure that the development harmonises with its setting and to protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & 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 - Policy C28.

- 7 Details of all new 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 - Policy C28.

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

REASON: To ensure that the development harmonises with its setting and to protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & C28.

9 Details of the design, external appearance and finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A & C28.

10 A full schedule of works on a room by room basis of all repairs and alterations to the interior of the listed building, together with a schedule of repairs to the external walls, roof, windows and doors, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the listed building, and subsequently the works shall be carried out strictly in accordance with the approved details.

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

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

11 Before any repointing of the external stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

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

12 Details of the method of fire separation and sound proofing of doors, partitions and between floors 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 of the listed building is conserved.

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

13 No works to the listed building shall be commenced until a full structural survey to include a photographic record of the listed building has been carried out, submitted to and approved in writing by the Local Planning Authority, and a copy has been deposited with the Wiltshire County Records Office.

REASON: To ensure that an historic record of the building exists and that the character of the listed building is conserved.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council objects to the parallel full planning application.

This is an application for listed building consent for works to The Chantry, which is currently occupied by a dental surgery and associated offices on the majority of the ground floor together with a large maisonette within the remaining part of the building, into a mixed use scheme. This would comprise offices and 9 residential units of which 3 would be within the original building and 6 would be new buildings to the rear.

It is proposed that the existing building would be converted to provide 2 offices and a boardroom at ground floor level, 3 offices at first floor level and a further 3 offices on the second floor. All of which would be in the part of the building fronting on to the High Street. The 3 flats within the original building would be predominantly within a range to the rear with one flat at each level.

The new build element would be constructed from a mix of render and timber boarding under clay tiled roofs. It would comprise an 'L' shaped block of 6 dwelling units in the form of 4 terraced dwellings and 2 flats.

Bicycle and bin storage would be provided in an area of ground between the existing building and the new build dwellings with access onto an alleyway leading onto the rear access.

The Chantry is a Grade II* listed building situated entirely within the Conservation Area in the centre of Warminster. It fronts onto the High Street with the existing vehicular access to the rear leading off The Close. There is also a pedestrian access to the side in the form of a private alleyway between The Chantry and the property to the west. The building which is on 3 storeys dates from the mid-18th century and comprises a fine Palladian style town house on the High Street frontage and a range of less imposing but no less important buildings at the rear. They are built from natural stone under clay tiled roofs.

There is a group of 8 garages within the rear portion of the site and these are currently vacant. These buildings would be demolished in their entirety to accommodate the new build dwelling units.

The application is accompanied by a Heritage, Design and Access Statement.

The application has been revised as part of the planning process in order to overcome the objections of English Heritage and the Council's Conservation Officer.

SITE VISIT / STATUTORY SITE NOTICES

A site visit was undertaken on 27.06.07 when site notices were displayed and a further more detailed inspection of the interior and exterior of the building with the Council's Conservation Team and English Heritage was undertaken on 12.07.07.

CONSULTATIONS

Parish/Town Council :

WARMINSTER TOWN COUNCIL: No objection.

External :

ENGLISH HERITAGE: 'This application has now been revised to take account of our comments and we are generally happy that the conversion scheme better respects the character of the listed building and that the form of the new development maintains the hierarchy of the site and protects the setting of the listed building.

We would therefore recommend that should consent be granted, a condition is attached requiring prior approval of a complete room by room schedule of works to the listed building to ensure that all works undertaken are appropriate to a Grade II* listed building.'

WILTSHIRE ARCHAEOLOGICAL AND NATURAL HISTORY SOCIETY: On commenting on the original proposals objected to the scale of the new build which should appear as ancillary to the listed building.

There has been no response to the revised proposals.

Internal :

PLANNING POLICY, CONSERVATION OFFICER AND URBAN DESIGNER: 'The Chantry is a Grade II* Listed Building located within Warminster's Town Centre Conservation Area. The building and its grounds is part of a larger area (total 0.65 hectares) identified by Policy H4 by the District Plan 1st Alteration as a site for conversion and partial redevelopment for a mix of uses. The application site is 0.13 hectares.

The building shows evidence of decline although it is currently in use with a dentist surgery on the ground floor and a single residential use on the upper two floors. Sensitive refurbishment of the building would be welcome, and in principle a mix of uses would be acceptable provided they can be accommodated in a manner that is not to the detriment of the historic fabric of the building. A proposal for refurbishment should be an opportunity to enhance this listed building. For example the side elevation has suffered poor pointing work in the past and some of the windows have been altered so there is now a rather disparate mix of styles.

The reorganisation of the interior to the listed building is acknowledged as an improvement that will allow a more logical separation between the office and residential uses in the building that should in turn reduce the amount of fabric changes for sound and fire proofing for Building Control.

The heritage statement indicates that some improvement to the existing performance of separating floors will still need to be achieved. Details of how this will be delivered needs to be submitted.

I would also strongly advocate the need for a repairs schedule if you are minded to recommend granting consent. In addition the new development should be closely tied up with ensuring that the repairs and conversion works to the listed building go ahead at the same time or before the new development so that the listed building is properly preserved and ensured a sustainable future.

It is felt that the amended scheme is a better solution for the site than the previous one. The lowering and variation of the roof heights towards the listed building allowing a more subservient building immediately adjacent to the listed house is better. The choice of building form utilising a cottage mews approach is far more appropriate to this part of the conservation area where this type of building form and scale of development already exists. It would have been more exciting as a design to see a more contemporary flair.

This scheme can now be supported providing there is a robust number of conditions attached especially relating to sound and fire proofing that will be required by Building Control and the installation of the staircase. I am disappointed that the agents will not look at including a more contemporary feel to the new units but I don't feel that the scheme fails because they won't carry out any further revisions.

Recommendation: Grant Consent subject to Secretary of State and agreement with English Heritage subject to agreement to the points raised above in this revised consultation response.

Neighbours : No response specifically to issues relating to the listed building.

NEGOTIATIONS / DISCUSSIONS

The application has been the subject of detailed negotiations as part of the planning process.

CONSTRAINTS

Historic environment.

POLICIES

Wiltshire Structure Plan 2016
HE7 Conservation areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004
C28 Alterations to Listed Buildings

PPS1 - Delivering Sustainable Development
PPG15 - Planning and Historic Environment

Warminster Town Centre Conservation Area Character Assessment

RELEVANT PLANNING HISTORY

None

KEY ISSUES

Historic environment

OFFICER APPRAISAL

The proposal involves the redevelopment of a previously used site containing an important listed building within the conservation area.

Historic Environment

Section 16(2) of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when determining an application for listed building consent.

Further Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

The refurbishment of The Chantry which is currently in poor repair and in decline will ensure its continued preservation and provide it with a viable future use that respects its original layout and character.

Few changes are proposed to the historic frontage or principal rear elevation and the proposals would preserve and enhance the character of the listed building and the street scene in which it is located together with the character and appearance of the Conservation Area.

There are no objections from either English Heritage or the Council's Conservation Officer subject to conditions that can be attached to any permission and/or listed building consent granted.

The Chantry is a building of considerable historic significance and there are other listed buildings nearby so matters of design are therefore very important when considering this scheme.

The new build element to the rear has been revised to appear as subservient to the original listed building and its design and use of materials respect both the context of its location and the setting of the listed building and others nearby.

RECOMMENDATION

The refurbishment/conversion of the listed building would preserve and enhance its character and the new build elements respect the setting of the listed buildings and their location. The proposals are in accordance with Council policy and government guidance.

Consent is recommended but since this is a Grade II* Listed Building it will be necessary to refer the application to the Secretary of State prior to the formal granting of consent.

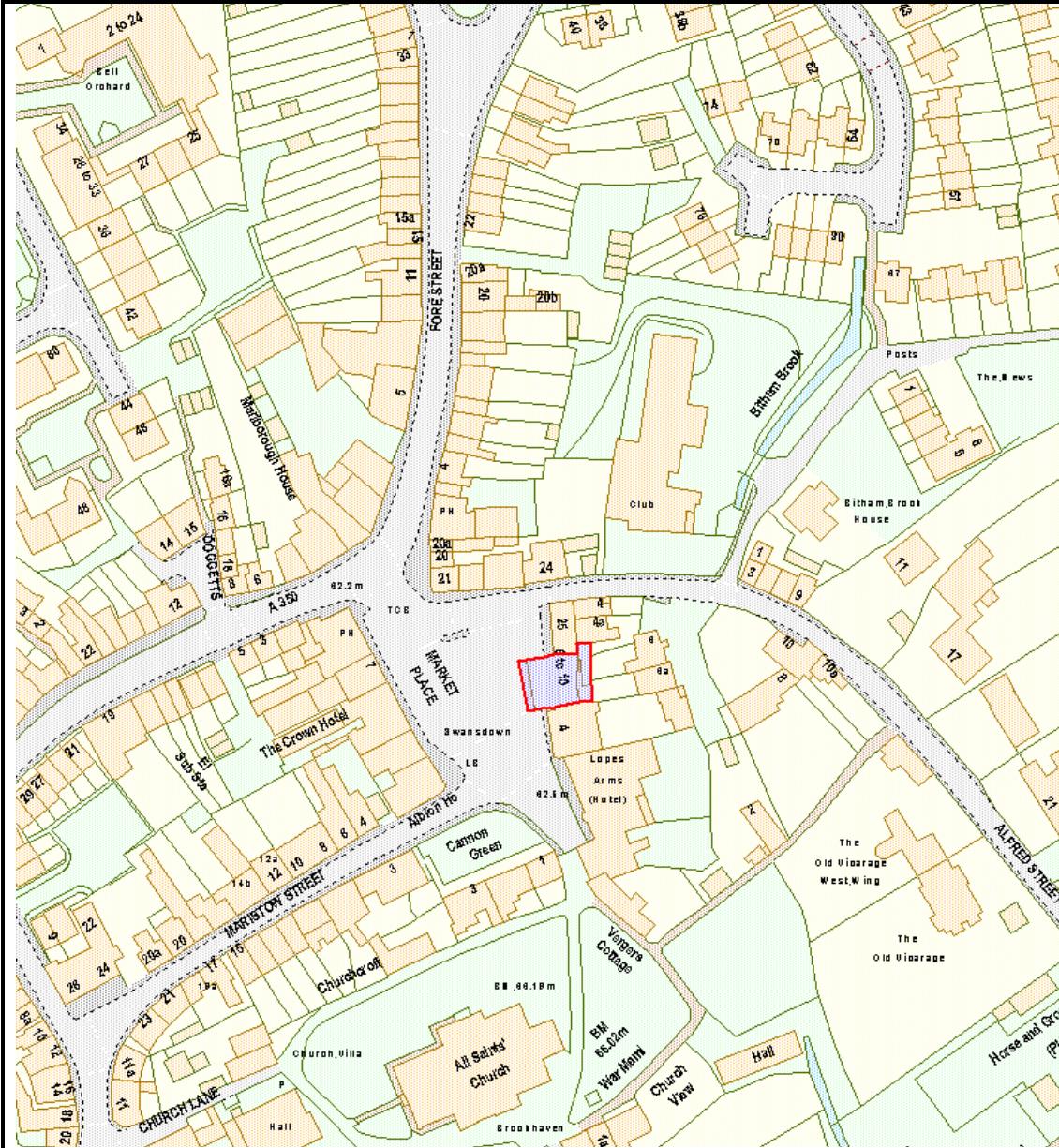
PLANNING COMMITTEE

14 February 2008

ITEM NO: 06

APPLICATION NO: 07/03387/FUL

LOCATION: Old Town Hall Market Place Westbury Wiltshire BA13 3DQ



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SLA: 100022961

06 Application: 07/03387/FUL

Site Address: Old Town Hall Market Place Westbury Wiltshire BA13 3DQ

Parish: Westbury Ward: Westbury Laverton
Grid Reference 387393 151524
Application Type: Full Plan
Development: Continued use of premises as a restaurant with the removal of Condition 1 on planning permission 01/00823/FUL
Applicant Details: Mr Colin Walker
21 Branksea Ave Poole Dorset BH15 4DW
Agent Details: Nash Partnerships
FAO Mr C Beaver Somerset Coalhouse 23A Sydney Buildings
Bath BA2 6BZ
Case Officer: Mr Matthew Perks
Date Received: 30.10.2007 Expiry Date: 25.12.2007

REASON(S) FOR RECOMMENDATION:

The removal of this condition will enable the premises to provide a takeaway service ancillary to a restaurant, and other controls in the form of listed building consent are in place to protect the appearance and character of the listed building.

RECOMMENDATION: Permission

Condition(s):

1 The hours of operation shall be limited to between 0900 and 2300 on Mondays to Thursdays, 0900 to 2330 on Fridays and Saturdays, and 1230 and 2230 on Sundays and Bank Holidays.

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

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

2 In order that the Local Planning Authority shall reserve full control over subsequent uses of the site, and thereby safeguard the use as A3 (restaurant and café) under the terms of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, and any food for sale off the premises shall be ancillary to the A3 use.

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

3 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall be maintained at all times thereafter.

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

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

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

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

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

- 5 The ventilation equipment shall include a specification for the attenuation of noise and vibration which is to be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first used, and maintained in effective condition at all times thereafter.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred at the meeting of 31 January 2008 when that meeting closed before this application could be heard.

Members will recall that this matter was previously deferred at the meeting of 3 January 2008 to enable consultation with English Heritage and Council's Conservation Officer. This has now been done and neither party has any objection or additional comments. The report to the previous meeting (updated to reflect the consultation) follows:-

This application is brought to Committee because Westbury Town Council object to the proposal and officers recommend Permission.

The application site is the Old Town Hall, Market Place, Westbury. Planning permission was granted in 2001 for the change of use of the premises to an A3 use.

This is an application for the removal of Condition 1 applicable to planning permission Ref. 01/00823/FUL which reads as follows:

"In order that the Local Planning Authority shall reserve full control over subsequent uses of the site, and thereby safeguard the character of the Listed Building and the amenities of the area in which the development is located, the building shall not be used for the sale of food for consumption off the premises."

Supporting documentation to the application states that:

"Our client is in the process of marketing the property for sale as an A3 restaurant, and is concerned that the condition No.1, preventing the sale of food for consumption off the premises may deter prospective occupiers. The property has been vacant for over a year, despite vigorous marketing by local commercial agents, Derek Walker. Given the property's listed status it is important that the building is brought back into beneficial use as soon as possible.

Restaurateur applicants have all expressed the wish to undertake a small scale take away service ancillary to the main restaurant use. This is a usual part of running a restaurant as some customers prefer to eat at home on occasion. They are disappointed when told that the present consent forbids any take away at all. The proposed removal of Condition 1 would enable this normal activity to take place as an ancillary part of restaurant use.

The premises were granted permission for a change of use from offices to an A3 Restaurant in 2001, when the A3 use class included takeaways. As I am sure you are aware the Use Class Order was amended in April 2006 to create a separate A5 Use Class specifically for Takeaways. The creation of the A5 Use Class would act as a safeguard to prevent the ancillary take away service from becoming the dominant use, which would then require a further change of use planning application. In light of the change to the UCO 1987 we do not consider that condition 1 is compliant with the 'necessary' test set out in Circular 11/95, and can therefore be deleted as we have requested."

CONSTRAINTS

The Old Town Hall is a Grade II* listed building situated within the town centre commercial area and the Conservation Area.

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C17 - Character and appearance of conservation areas
C27 - Character and setting of Listed Buildings
C38 - Effects of development on neighbouring properties

RELEVANT PLANNING HISTORY

01/00823/FUL: Change of use from office/retail to A3 use : Permission : 17/08/2001

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 02/11/2007, when a site notice was put in place.

KEY ISSUES

The only issue in this case relates to the acceptability of the removal of the condition in terms of the likely impact on the listed building and the amenity of the general area.

CONSULTATIONS

Parish/Town Council

The Town Council is of the view that nothing has changed to warrant the removal of the condition. "Use as a takeaway is considered inappropriate for a listed building in such a sensitive site."

The Town Council subsequently re-considered the application in the light of additional information on the wording of the condition. The committee did not wish to change the previous comments. There remains an objection to this application on the grounds that nothing had changed to warrant removal of this condition.

External

Highway Authority

No objection

English Heritage

No objection. The application should be determined in accordance with national and local policy guidance.

Internal

Conservation Officer

Supports the views of the Heritage Officer (see below).

Heritage Officer

"I have no objections to this proposal. The use of the premises for take-away food sales would not in itself harm the character of the listed building. Any further signage required due to this take-away use, that would be attached to the building, would require further listed building consent and therefore control over the character of the building would be maintained. I do not consider that there is a listed building reason to prevent a take-away use in this building."

Environmental Health

No objection.

Neighbours

A site notice was posted and 1 letter of response was received objecting to the removal on the grounds that a takeaway use will be inappropriate in this building, there are already too many takeaways in the Market place and lifting the restriction would be contrary to the proposed regeneration of Market Place.

OFFICER APPRAISAL

It is frequently the case for a take-away use to be ancillary to an A3 use, with restaurants offering this service. With A3 uses, any takeaway food sold on an ancillary basis is usually taken home for consumption.

It appears from the wording to the condition that the intent was to avoid harm to the listed building or to the general amenity of the area. Any alteration, affecting the character and appearance of the building would require listed building consent. It is considered that any use that resulted in the primary function of the business becoming a hot-food takeaway an A5 use would require an application for planning permission.

There are no highway objections to the proposal.

The proposed removal of condition is therefore considered acceptable where the building is protected by listed building legislation and the other conditions applicable to the use. Removal would furthermore create a situation where a subsidiary takeaway function normally associated with restaurant would be allowed.

RECOMMENDATION

The condition should be removed.

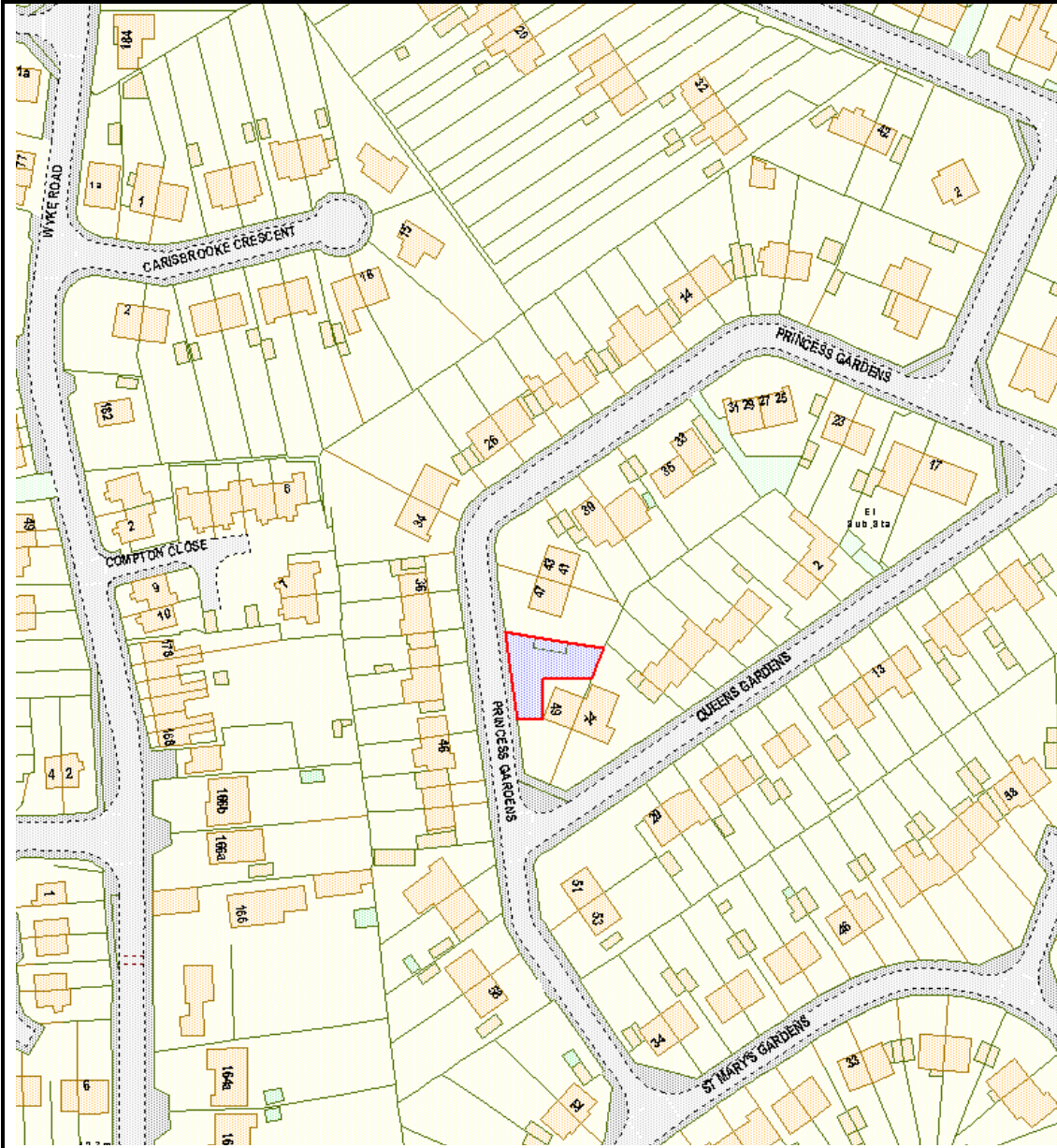
PLANNING COMMITTEE

14 February 2008

ITEM NO: 07

APPLICATION NO: 07/03811/FUL

LOCATION: Land Between 47 And 49 Princess Gardens Hilperton
Wiltshire



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SLA: 100022961

07 Application: 07/03811/FUL

Site Address: Land Between 47 And 49 Princess Gardens Hilperton Wiltshire

Parish: Hilperton Ward: Avonside
Grid Reference 386295 159965
Application Type: Full Plan
Development: Removal of condition 7 of allowed appeal APP/F3925/A/07/2047553 (LPA ref; 06/02473/FUL)
Applicant Details: Silverwell Developments
Unit 31D West Wiltshire Trading Estate Westbury
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr James Taylor
Date Received: 06.12.2007 Expiry Date: 31.01.2008

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 No development shall take place until 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.

- 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. The works shall be completed before the building is occupied or in accordance with a timetable agreed in writing with the local planning authority.

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

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

- 5 The dwelling shall not be occupied until works for the disposal of both sewerage and surface water have been provided on the 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 provide satisfactory drainage for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H17.

- 6 No development shall take place until details of the garage door to be used in the construction of the building 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 avoid creating an obstacle to the highway.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H17

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred at the meeting of 31 January 2008 when that meeting closed before this application could be heard.

This application is brought to the full Planning Committee because Hilperton Parish Council is opposed to removal of the condition, contrary to your officer's recommendation of permission.

This is an application for the removal of Condition 7 from planning permission allowed by the Secretary of State at appeal under local planning authority reference 06/02473/FUL. Condition 7 states:

'No development shall begin until details of a scheme for the provision of affordable housing to meet the requirements of West Wiltshire District Plan Policy H2 have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.'

The allowed appeal granted permission for the erection of a single three-bedroom detached dwelling with integral garage and alternative parking for 49 Princess Gardens.

The applicant has made representations with regard to Hilperton Parish Council's comments on affordable housing:

The applicant would like it to be made clear that, in accordance with Circular 11/95 – Use of Conditions in Planning Permission, it is current policy (which applies today) that is important, not the policy that was in use at the time the appeal was allowed.

It does not matter if an application was originally determined against one policy, if, as in this case, that policy is removed, any revised planning application should be judged against current local planning policy guidance."

CONSTRAINTS

None

POLICIES

West Wiltshire District Plan 1st Alteration (2004) Policies C31a, C38, H2 and H17
Supplementary Planning Guidance on Affordable Housing

RELEVANT PLANNING HISTORY

06/02473/FUL - Construction of three-bedroom detached house with integral garage and alternative parking for 49 Princess Gardens – Refused 27/04/2007 and subsequently allowed at appeal on 09/11/2007.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 18 December 2007 and a site notice erected to publicise the application on the frontage of the application site.

KEY ISSUES

Material changes to policy and interpretation since the planning decision.

CONSULTATIONS

Parish/Town Council : HILPERTON PARISH COUNCIL: We are aware that the District Council's policy on affordable housing has changed in some respects since the appeal but it is felt that the condition should remain as it conformed with West Wiltshire District Council's policy at the time of the application.

Neighbours : No comments received.

OFFICER APPRAISAL

The appeal was dealt with at approximately the same time as the Local Planning Authority was conducting an internal review of its policy in regard to seeking affordable housing contributions in connection with applications for single dwellings in Village Policy Limits.

The outcome of this review was that the Council no longer seeks a contribution unless the proposal is for 2 or more dwellings – paragraph 5.1.2 of the Council's SPG is in effect no longer applicable. This has been the case since early October, but unfortunately would not have formed part of the appeal case and the inspector was likely to be unaware of this when making the decision on 9 November 2007.

The full merits of the case need to be reassessed in the light of the planning history and any material alterations in circumstances since the original decision. The only material alteration since the Planning Inspectorate allowed the development is that Council policy no longer seeks a commuted sum towards affordable housing for development involving the creation of one dwelling in village policy limits. Given that the Council's policy on this matter has changed and the proposal is for a single dwelling it is considered reasonable and justified to remove Condition 7.

The appropriate course of action and the correct planning approach is to allow Condition 7 to be removed.

RECOMMENDATION

Permission with Conditions 1 - 6.

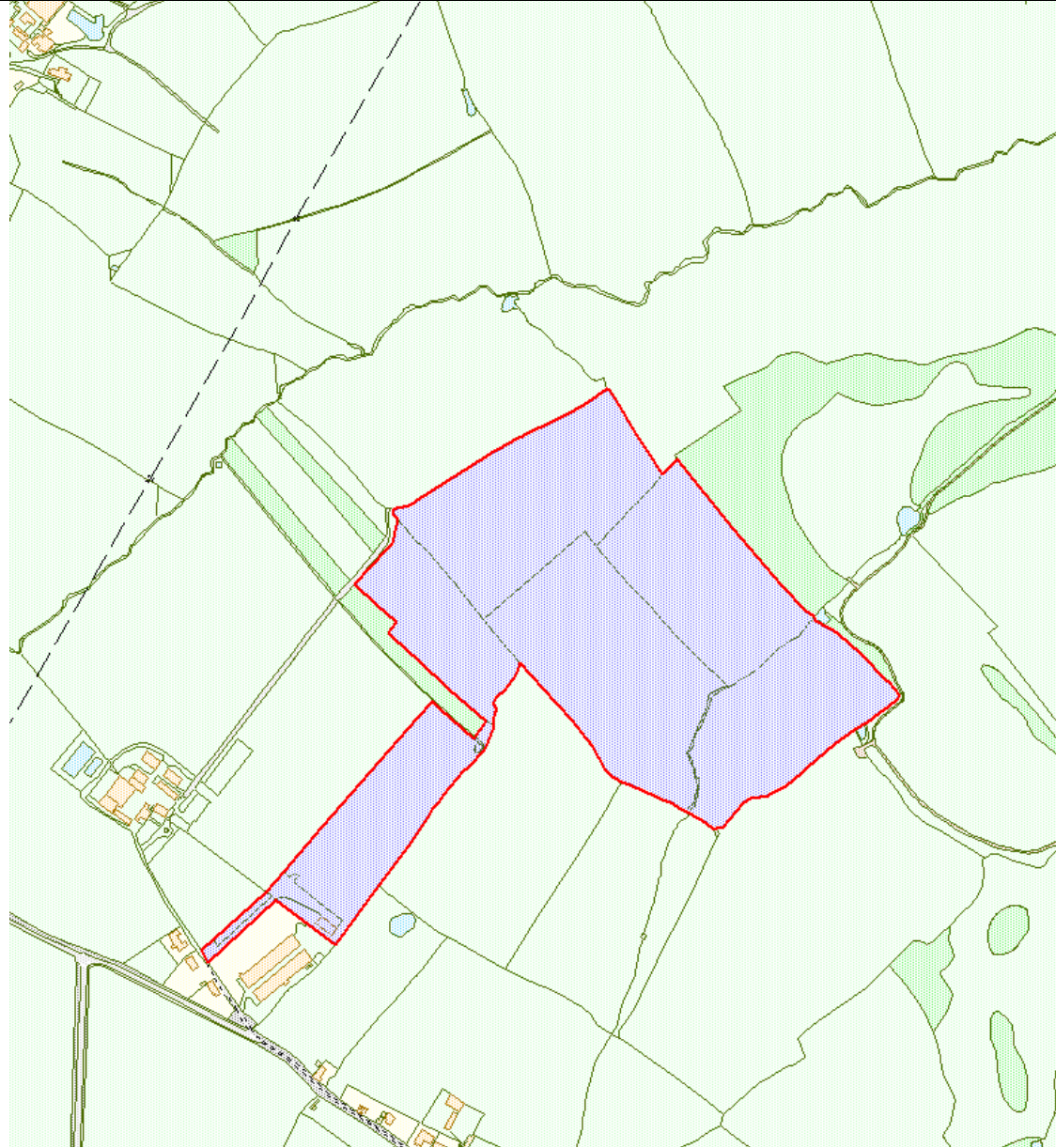
PLANNING COMMITTEE

14 February 2008

ITEM NO: 08

APPLICATION NO: 07/03374/FUL

LOCATION: Park Farm The Lodge Hoggington Lane Southwick
Wiltshire BA14 9NR



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 07/03374/FUL

Site Address: Park Farm The Lodge Hoggington Lane Southwick Wiltshire BA14 9NR

Parish: Southwick Ward: Trowbridge And Southwick

Grid Reference 382744 155853

Application Type: Full Plan

Development: Change of use of land and buildings to an equestrian training centre and erection of buildings

Applicant Details: Mr And Mrs Bradley
The Lodge Hoggington Lane Southwick Wiltshire BA14 9NR

Agent Details: Mr Bill Lowe
43 Alexandra Road Frome Somerset BA11 1LX

Case Officer: Mrs Rosie MacGregor

Date Received: 20.12.2007 Expiry Date: 14.02.2008

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 - Policies C31A.

- 3 The use and development hereby permitted shall enure for the benefit of the named applicants, Mr and Mrs Bradley only, as an equestrian training centre for the remedial training of up to seven horses at any one time, and for the horses that are the personal property of the applicants. It shall not be used for the keeping of horses at livery or as a commercial riding school.

REASON: In the interests of highway safety, to protect the living conditions of nearby residents and preserve the rural amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy E10.

- 4 No materials including manure shall be burnt on site.

REASON: In order to minimise nuisance to nearby residents.

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

- 5 There shall be no illumination or flood lighting of the ménage, lunge areas or paddocks hereby permitted at any time without the express permission of the Local Planning Authority following the submission of a detailed planning application.

REASON: In the interests of protecting the character of the countryside and the living conditions of nearby residents.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C1 & E10.

- 6 Details of any lighting to the loose boxes, storage shed, stable yard and access thereto (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of prevention of light pollution and to prevent any nuisance to neighbouring amenity.

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

- 7 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.

- 8 No plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 Saturdays, or at any time on Sundays or Bank Holidays.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the change of use of land and buildings to equestrian use for the training of horses. The application proposes the provision of a block of ten new loose boxes together with a manege, two lunging areas, two paddocks and an extension to an existing former cattle building. The buildings would be sited on a rectangular area of land closest to the highway with a further area of land beyond identified as grass crops and paddocks.

The proposal is for an equestrian training centre for the rehabilitation of horses and would accommodate up to 7 horses owned by others plus 4 horses in the ownership of the applicant.

The site is located in open countryside on the edge of the village of Southwick and is approached by the single track road known as Hoggington Lane.

There is a poultry unit on the adjoining site, a row of dwellings on the opposite side of the lane and the site is surrounded by agricultural land.

One of the adjoining dwellings is occupied by the owner of the land and that property is subject to an agricultural tie.

The application is accompanied by a Design, Access and Planning Statement.

SITE VISIT / STATUTORY SITE NOTICES

A site visit was made on 08.01.08 and a site notice displayed. Following a telephone call from a neighbour to advise that the original site notice had been removed a second notice, date unchanged, was displayed at the site on 17.01.08.

CONSULTATIONS

Parish/Town Council :

SOUTHWICK PARISH COUNCIL: The Parish Council comment they feel the road along Hoggington Lane is not appropriate for the increased volumes and type of traffic this development would create, particularly due to lack of passing places and increased volumes of horse boxes etc. In addition, the lighting of the site is a further factor that needs to be taken into consideration.

External :

HIGHWAY AUTHORITY: No objections subject to condition.

WESSEX WATER: No objection in principle.

Internal :

ENVIRONMENTAL HEALTH. No objection subject to conditions.

Neighbours : Objections have been received from the occupiers of one neighbouring dwelling on the following grounds:

Obtrusive and detrimental impact on the countryside.

Substantial increase in large vehicles using Hoggington Lane.

Hoggington Lane is narrow and poorly surfaced and cannot accommodate an increase in traffic.

Size of the development which is too large.

Flooding and drainage.

The applicant's occupy a dwelling with an agricultural tie.

No site notice.

A scheme for an outdoor school nearby was previously refused by the council.

NEGOTIATIONS / DISCUSSIONS

Pre-application submission.

CONSTRAINTS

Rural location.
Residential neighbours.
Access along a single track lane.

POLICIES

West Wiltshire District Plan - 1st Alteration 2004.

C1 Countryside
E10 Horse Related Development
C31A Design
C35 Light pollution

RELEVANT PLANNING HISTORY

04/02289/FUL - Calf rearing shed - Approved 14.01.05.

KEY ISSUES

Impact on countryside and rural amenity.
Amenity of neighbours.
Highway safety.

OFFICER APPRAISAL

Policy E10 of the West Wiltshire District Plan 1st Alteration 2004 states that all horse related developments should have special regard to siting, design materials and construction to ensure they blend in with their surroundings.

This is agricultural land within the open countryside on the edge of the village of Southwick.

An agricultural building was previously granted approval at the site and its extension together with the proposed stables and associated facilities are considered acceptable in terms of their design as they are simple functional buildings. Their height and scale would not be excessive in landscape terms and they would be sited relatively close to other buildings in Hoggington Lane, in particular two large poultry houses.

Although neighbours are concerned about the size and location of the proposals in the countryside, equestrian development, being a form of rural recreation, is generally acceptable in the countryside. Council policy does not discourage such development provided that the scale is not excessive and the proposals have been designed to blend in with their surroundings. The storage building already exists at the site and the loose box building, well related to existing structures, would be of low profile and would not harm the rural amenity. Furthermore stables and buildings of a similar type are common in the countryside; therefore the development would not be out of character with the area.

The stables would be constructed of stained timber to match the materials used elsewhere at the site. These materials, which can be controlled by conditions, are considered acceptable in this location and the design of the proposed stabling is also considered acceptable.

A similar scheme for an outdoor school nearby may have previously been refused permission but each application is considered on its merits and a refusal elsewhere would not set a precedent and is not a material consideration in determining this application. This application must be determined on its own merits.

The neighbouring residential properties are sufficiently distant from the proposed equestrian function buildings to prevent harm to neighbouring amenity and this type of function is acceptable in a rural area.

Two site notices have been prominently displayed at the site on different occasions, the second following information that the first had been removed.

Flooding and drainage have been raised as an issue by neighbours. The site is not located in a flood plain and details of surface water drainage can be controlled by condition.

Neighbours and the Parish Council are concerned about a substantial increase in large vehicles and the condition of Hoggington Lane. However, the highway authority does not object and it is not unusual for horse boxes and the like to need to manoeuvre on unmade and narrow country lanes. It is considered that the proposed use will not result in a substantial increase in vehicular traffic as it is not proposed as a livery yard but a site where horses will be provided with care, rehabilitation and training.

The highway authority has no objection in principle subject to the imposition of a condition to tie the use to the occupation of the applicant's dwelling on the opposite side of the road. However, that residential property is itself the subject of an agricultural tie, whereas equestrian use is not agriculture.

It is considered appropriate in these circumstances, if permission is to be granted, that the site should be subject to a personal condition for the named applicant only and to restrict the use. This will enable the local planning authority to retain control over the site.

The Council's Enforcement Team has recently investigated the occupation of the applicant's dwelling to establish whether the occupants are in breach of the condition restricting its occupation. Following the investigation the applicants have submitted an application for removal of the agricultural tie which will be considered separately at a future date. It is not considered material to the determination of the current application.

The Parish Council has raised the issue of lighting to the site. Light spillage can have a harmful impact on the countryside at night and cause harm to the residential amenity. However, appropriately designed lighting can reduce dazzle and glare to prevent 'skyglow' and nuisance to local residents. It is considered necessary in view of the location of the site to attach conditions requiring details of lighting of the stable buildings to be submitted and a further application if flood lighting is proposed.

Other conditions considered appropriate relate to use of machinery and burning of manure to prevent any harm to neighbouring amenity.

RECOMMENDATION

Permission subject to the necessary conditions.

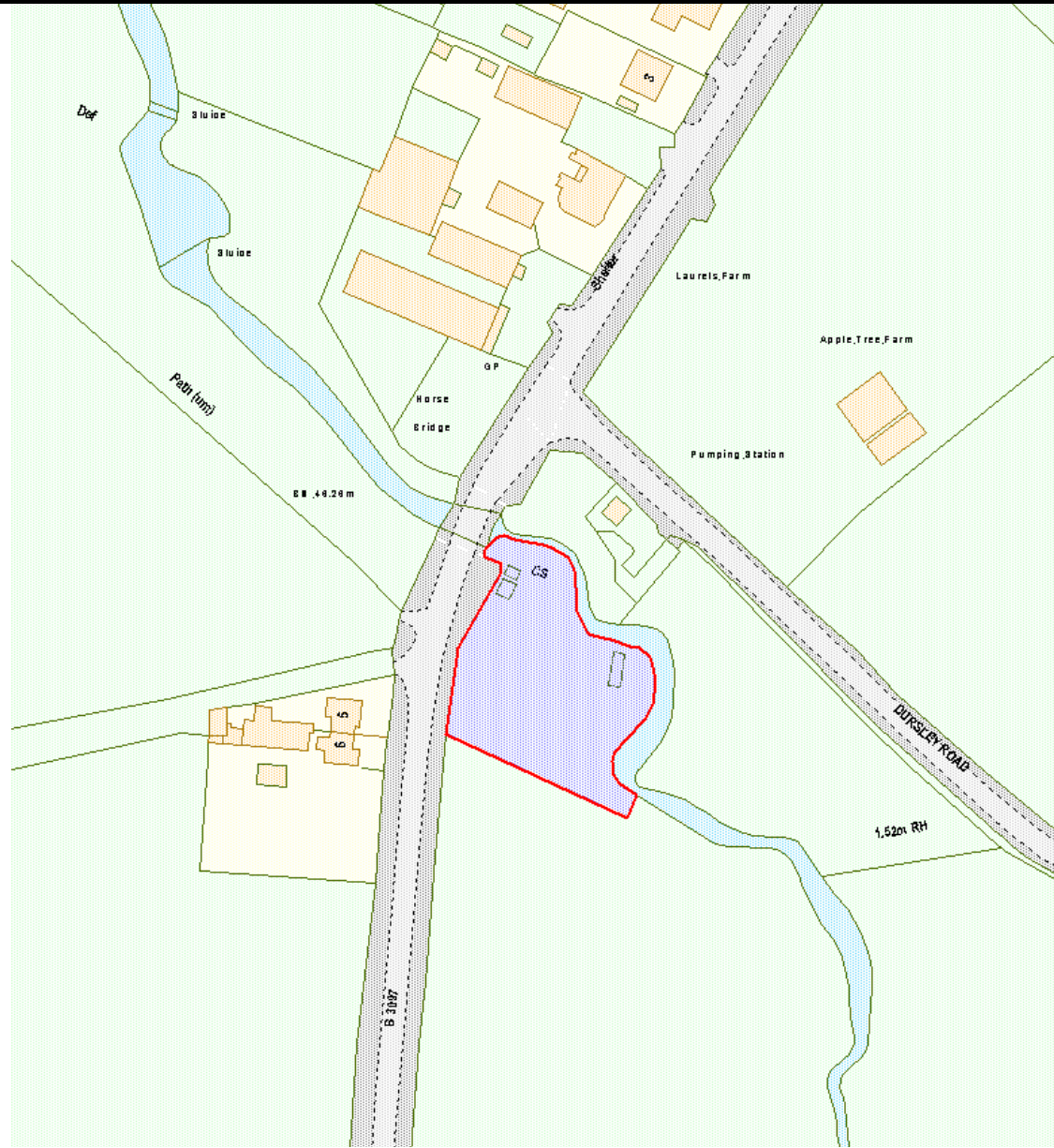
PLANNING COMMITTEE

14 February 2008

ITEM NO: 09

APPLICATION NO: 07/02452/FUL

LOCATION: Land Opposite 6 Hawkeridge Road Heywood
Wiltshire



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SLA: 100022961

09 Application: 07/02452/FUL

Site Address: Land Opposite 6 Hawkeridge Road Heywood Wiltshire

Parish: Heywood Ward: Ethandune
Grid Reference 386138 154084
Application Type: Full Plan
Development: Siting of one mobile home, septic tank and hardstanding
Applicant Details: Mr And Mrs Hughes
The Stables Horse Shoe Farm Hawkeridge Road Westbury
Wiltshire
Agent Details: The Community Law Partnership
FAO Sharon Baxter 191 Corporation Street Birmingham B4 6RP
Case Officer: Mr Peter Westbury
Date Received: 27.07.2007 Expiry Date: 21.09.2007

REASON(S) FOR RECOMMENDATION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and any planning objections have been overcome by conditions.

RECOMMENDATION: Permission

Condition(s):

- 1 The building hereby permitted shall be removed and the land restored to its former condition on or before 29 January 2011, in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

REASON: Because this is a form of development which would not be appropriate on a permanent basis.

- 2 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.

REASON: to prevent pollution of the water environment.

- 3 Details of all boundary treatment and fencing on the site shall be submitted to and approved by the Local Planning Authority within three months of this decision. These details shall not include the erection of any fencing unless it is erected on land above the 1 in 100 year floodplain level. Details of this can be obtained from the Local Planning Authority.

REASON: In order to prevent any increase in the risk of flooding.

- 4 The site shall be occupied by a single mobile home and it is not authorised for this mobile home to be occupied by any persons other the Applicants or their dependents.

REASON: In order to protect the needs of future occupants and their children.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 - CF12.

- 5 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 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Bitham Brook, designated a 'main river'.
- 2 Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.
- 3 The applicant is reminded to seek the advice of English Nature in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats _c) Regulations 1994 and the Protection of Badgers Act 1992.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Heywood Parish Council objects contrary to your Officer's recommendation.

This is an application for the retention of a mobile home on land opposite 6 Hawkeridge Road, Heywood.

The use of the site has been the subject of an enforcement investigation which commenced in 2006.

SITE VISIT / STATUTORY SITE NOTICES

Site visited August 2007.

CONSULTATIONS

Parish/Town Council : Heywood Parish Council: Object

"The proposed development is contrary to policy. The application site is in "open countryside" which imposes a presumption against any residential development. Furthermore, the site is liable to flooding which also gives rise to an additional potential hazard of pollution from the septic tank, particularly in view of the proximity of Bitham Brook. Access to the site is near a partially blind bend on the busy B3097, Hawkeridge Road adjacent to the junction with Dursley Road and would be prejudicial to road safety."

External :

ENVIRONMENT AGENCY: No Objection subject to the imposition of conditions

"The submitted detailed Flood Risk Assessment (FRA) has demonstrated that the site cannot be classed as functional flood plain (flood zone 3b). It has also highlighted that during a 1 in 100 year flood scenario the site and surrounding area will not flood. However, when considering climate change and the 1 in 1000 year scenario, the site is predicted to flood and therefore can be classed as flood zone 2 (an area of medium flood risk)."

The representation continues:

"There would be no further flood defence objections to the proposals provided that:

- The mobile home and foul drainage system must be sited outside the 1 in year floodplan (flood zone 2).
- The hard standing must not in anyway raise the grounds levels within the site."

Conditions are recommended to address these issues.

HIGHWAYS AUTHORITY: No Objection

"A permanent dwelling at this location would normally be objected on the grounds of PPG13 Guidance: however having regard to the guidance on Panning for Gypsy and Traveller caravan sites (Circular 01/2006), I do not feel that an objection on these grounds can be sustained.

However, the access onto the busy B3097 Hawkeridge Road is substandard and has poor visibility so I feel any increase of use at this access would be a safety hazard to other road users. Therefore I recommend that this application be refused on highway grounds for the following reason:

Any increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to road safety."

WILTSHIRE WILDLIFE TRUST: Holding objection pending the receipt of an ecological survey.

Internal : None

Neighbours :

Neighbouring properties were consulted and a site notice was erected. As a result two representations have been received stating:

"Safety: Access is very close to a busy junction, and with very poor vision from the Yarnbrook direction. This would be extremely hazardous to road safety in an area where many accidents have already happened.

Flood Plain: The site is situated in a flood plain, and therefore is unsuitable for mobile home, or residential use.

Pollution: The proposal is to install a septic tank. The area here is heavy clay, which means normal filtration from the tank will not work, this means that the likely route from effluent from the tank would be into the River Biss causing pollution to the water course."

NEGOTIATIONS / DISCUSSIONS

23:01:07: Met with Applicants to complete Welfare Enquiries Summary

CONSTRAINTS

- Open Countryside
- Flooding

POLICIES

Wiltshire Structure Plan 2016
DP1 Development Pattern

West Wiltshire District Plan First Alteration 2004
C1 Countryside
CF12 Gypsy Caravan Sites

DCLG Circular 11/1995 The Use of Conditions in Planning Permission
ODPM Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites

RELEVANT PLANNING HISTORY

None

KEY ISSUES

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy consistent with the requirements of Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004.

OFFICER APPRAISAL

The principle of developing the site for residential use is dependent on whether the proposal is consistent with the requirements of Policy CF12 of the Development Plan. These are as follows:

- Potential nuisance to adjoining land uses, in particular, residential areas;

The use of the site for a mobile home has the potential to cause nuisance to neighbouring land uses in two key respects, flooding and highways issues. Highways are addressed further on in the report.

In respect of the potential for flooding, it is recognised by all parties that this site is susceptible to some flooding. The Applicants own Flood Risk Assessment suggest that the site lies within the 1 in 100 year flood plain. Their report states:

"Modelling of flood levels without an adjustment for climate change carried out for the EA show that water levels would reach around 44.72m AOD in the vicinity of the site. Topographic information obtained for this report indicates that, in the event of such a flood, no part of the planning application site would be affected by floodwater."

The report concludes that the risk of flooding is low and even in the event of a flood the site could be evacuated. It suggests further mitigation in the form of the installation of short posts to indicate the line shallow water would follow in the event of a flood. This is underpinned by the comments of the Environment Agency who state that there would be no further flood defence objections to the proposals provided that the mobile home and foul drainage system are sited outside the 1 in 100 year floodplain (flood zone 2) and the ground levels are not increased. They suggest relevant conditions to ensure this.

The concerns contained in representations received about the capability of septic tank are not supported in the representation received from the Environment Agency.

The application site has a history of residential accommodation. There is evidence to suggest that the applicants have lived at the site for at least the past two years.

- Encroachment into open countryside

Development Plan Policy C1 of the West Wiltshire District Plan First Alteration seeks to protect the countryside by restricting development. The guiding principle is that development should both benefit economic activity and maintain and enhance the environment. Similarly, Policy DP1 of the Wiltshire and Swindon Structure Plan 2016 places a priority on minimising the loss of countryside and protecting and enhancing the environmental assets of the area. The introduction of urbanising features into the prevailing rural landscape would be in direct conflict with the objectives of these development plan policies.

In this case, the "urbanising features" amount to a mobile home and fencing at the entrance to the site. It is considered that this falls short of having a harmful impact on the environment in this location. Nevertheless the open countryside is encroached.

- The needs and safety, access, pedestrian safety, the impact of traffic on local roads and access to public transport.

Although the Highway Authority recognises that the access to the site is substandard, they do not consider that an objection to this proposal can be sustained because of the level of use of the access. They indicate that they would recommend refusal if the proposal resulted in an increase in the level of use of the access.

The concerns contained in representations would be supported if the proposal involved an increase in traffic, but it does not and on balance it is concluded that the proposal is consistent with this part of Policy CF12.

- Availability and adequacy of infrastructure e.g. electricity, drinking water, sewerage or on site treatment or storage of effluent.

There is no evidence to suggest that the required infrastructure is unavailable on the site.

- The proximity of local services and facilities e.g. shops, refuse collection, hospitals, medical services and schools;

The local villages have few facilities, and it is likely that those living on the site would need to travel to the nearby centres of Westbury or Trowbridge, respectively about 3.5km and 5km away, to access a wide range of services, including education for children. The site is reasonably well served by public transport, particularly for local journeys, and the prospective occupiers are closely related, so that there is likely to be a reasonable potential for trip-sharing. Nonetheless, on the face of it a site in such a location accommodating a single household would provide unsustainable residential accommodation, mainly due to the reliance on private transport. However, the nature of the use of the site by travellers on a temporary basis weighs in favour of the proposal in sustainability terms.

Circular 01/2006 emphasises that in terms of sustainability there should be the promotion of peaceful and integrated co-existence between the site and the local community (paragraph 64). It continues that proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. The evidence suggests that this is the case with this application. Therefore on balance it is concluded that the proposal is consistent with this part of Development Plan Policy.

- The need to protect the best and most versatile agricultural land

The proposal would not result in the loss of best and most versatile agricultural land.

An objective of the Circular 01/2006 is to help to avoid travellers becoming homeless through eviction.

On balance it is concluded that the proposal is broadly consistent with Policy CF12 but that there is a need to maintain monitoring of the ongoing suitability of the site.

Other material considerations

There are factors in favour of the proposal and some leeway can be given in the light of the acknowledged difficulties faced in accommodating development of this kind of use. However, substantial justification is needed to overcome the presumption against development of this in the open countryside. This justification would require a far more exhaustive investigation of alternative sites than has been demonstrated.

Circular 01/2006 aims to increase the number of sites for travellers in suitable locations. It places a great onus on the Council to meet identified needs. The Council have not yet identified suitable sites.

Circular 11/95 refers to the use of temporary of personal permissions. Paragraph 110 of this Circular advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.

In this case, a temporary permission would not prejudice a reversion to agricultural use and open countryside at the end of the period and the impact on the rural character of the area would not amount to any permanent harm., The Circular refers to a period of 3-5 years within which local authorities should seek to meet its local needs and in this case a temporary period of 3 years is considered appropriate.

The Applicants have completed a Welfare Enquiries Summary and Site Information Form in consultation with the Planning Compliance Officer of the Council.

In the interests of protecting the existing occupiers of the site and of underlining that no intensification of use on the site can take place, condition 4 is recommended.

The requirement for an Ecological Survey is not supported because of the retrospective nature of this application. A relevant informative has nevertheless been added.

RECOMMENDATION

Permission on a temporary basis and subject to conditions recommended by statutory consultees.

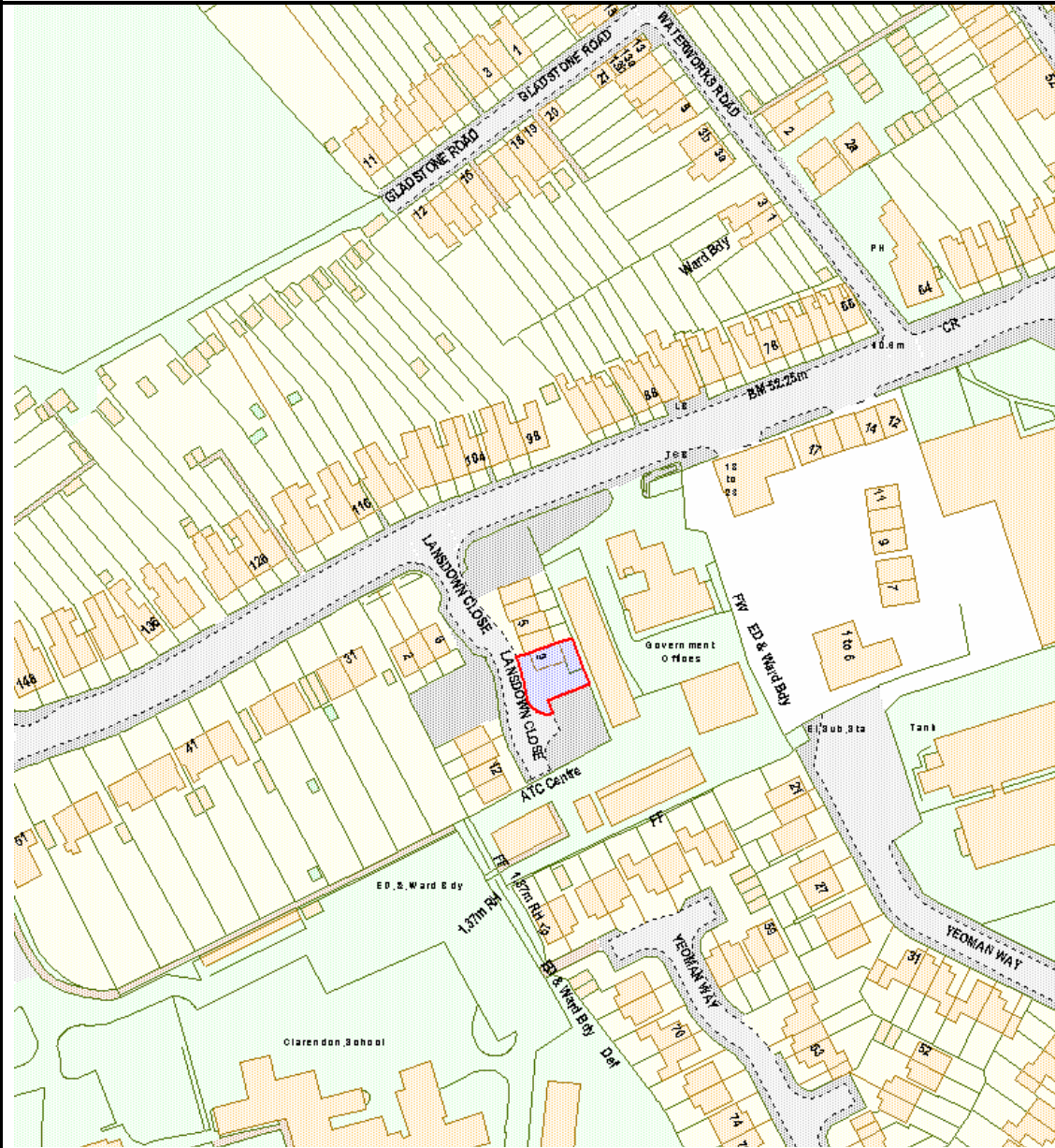
PLANNING COMMITTEE

14 February 2008

ITEM NO: 10

APPLICATION NO: 07/03732/FUL

LOCATION: 9 Lansdown Close Trowbridge Wiltshire BA14 0DQ



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

10 Application: 07/03732/FUL

Site Address: 9 Lansdown Close Trowbridge Wiltshire BA14 0DQ

Parish: Trowbridge Ward: Trowbridge South West
Grid Reference 385010 157117
Application Type: Full Plan
Development: Extension to dwelling to create two bedroom dwelling and associated works
Applicant Details: Samuel Roze Limited
C/o LP Planning Consultants 87 London Road Chippenham
Wiltshire SN15 3AL
Agent Details: LP Planning Consultants
FAO Charlotte Watkins 87 London Road Chippenham Wiltshire
SN15 3AL
Case Officer: Mr Rudolf Liebenberg
Date Received: 03.12.2007 Expiry Date: 28.01.2008

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

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

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

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

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

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

- 4 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.

- 5 Car parking space 1 as indicated on the approved plan (Revised Drawing no 04, Nov '07) shall be assigned to the new dwelling whilst car parking spaces 2 and 3 as indicated on the approved plan (Revised Drawing no 04, Nov '07) shall be assigned to the existing dwelling and be surfaced in a bound material (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.

- 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.

Note(s) to Applicant:

- 1 No construction rubble shall be burned on site and no delivery of any goods/materials associated with the construction phase shall be delivered on Sundays, Bank Holidays or after 2pm on Saturdays.

COMMITTEE REPORT

APPLICATION DETAILS

This application goes before Committee on the request of Councillor Osborne.

This is an application for a two storey side extension to the existing house to form a new 2-bed starter home with one parking space and amenity space at 9 Lansdown Close, Trowbridge.

The two storey extension would provide bedroom and living room space and will add to starter home housing stock in this area. The application site is within the urban confines of Trowbridge and the surrounding area pre-dominantly residential. The new house will be a two storey, two bedroom house with one parking space. The new house is set back by 0.5m from the existing building line and partially does not follow the precedent for design/layout within the estate.

This small housing development provides three visitor parking spaces in total and all the other parking spaces on site is assigned parking with each of the existing dwellings having two assigned parking spaces.

SITE VISIT / STATUTORY SITE NOTICES

Done on 04.12.07 and several objections receive.

CONSULTATIONS

Parish/Town Council : TROWBRIDGE TOWN COUNCIL: No objection, except one objection from a district councillor raising concerns about parking, over development and lack of amenity.

External : WESSEX WATER: No objections.

Internal : HIGHWAY OFFICER: Object to the proposal due to the “reduction” in parking provision but since the revised plans has been submitted, now altered their views and is satisfied with the proposed three parking spaces for the existing and new dwelling related to this development.

Neighbours : 7, 9, 8, 10 Lansdown Close on 05.12.07 and several objections received raising the following issues:

- 1) Sewerage problems associated with the new development;
- 2) False and misleading information on submitted plans;
- 3) The reduction in parking provision will increase need for parking on assigned spaces;
- 4) Proposed parking to close to highway;
- 6) Traffic flow, access and turning space in close proximity will be negatively affected;
- 7) The construction phase will severely affect residential amenity by noise, storage and general disturbance during construction;
- 8) No adequate green space and side or disability access to and from new house;
- 9) Additional water and electrical supply installation will cause disruption to the detriment of elderly living there;
- 10) How will access be gained to the rear of the site to maintain services like gas, electricity and water as gaining access from the side will be over assigned parking spaces belonging to different private owners;

Several of the issues raised were non-planning matters but still all issues relating to planning were considered whilst the other issues raised are noted of which some point out very notable issues, especially regarding access and maintenance.

NEGOTIATIONS / DISCUSSIONS

The previous owners of number 9 Lansdown Close were advised by a Planning Information Officer (letter dated 27 June 2007 – 07/01618/PREAPP) that the Local Planning Authority will not invite a planning application for the erection of an additional dwelling on land adjacent 9 Lansdowne Close. Furthermore, the applicant was advised by a Planning Officer under 07/02903/PREAPP – 13 September 2007, again that the Local Planning Authority will not invite a planning application for the erection of an additional dwelling on land adjacent 9 Lansdowne Close.

The applicant also sought pre-application advice from a Senior Planning Officer late in 2007, and were advised there are no initial objections to an additional dwelling on this land, although concerns was raised over the set back design of the development. This Officer also stated that two parking spaces could be sufficient as the application site is in a sustainable location. After the submission of the current application the applicant was notified that any objection form the Highway Authority on a reduction in parking spaces will not be ignored.

For the sake of this application, any reference to a reduction in parking spaces refers to the fact that all the existing dwellings have two assigned parking spaces and therefore the provision of only one space for the new dwelling implies a reduction in overall assigned parking provision.

Subsequently the planning officer then had extensive discussions about the set-back design and especially parking provision for the new development and revised plans have been submitted which the Highway Authority now support.

Finally in January 2008, the applicant was advised that the application will be assigned for Committee agenda on 14.02.2008.

CONSTRAINTS

N/A

POLICIES

West Wiltshire District Plan 1st Alteration 2004

H1- Further Housing Development within Towns

C31a - Design

C38 – Nuisance

T10 – Parking

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

Permission was granted in 1991 (91/01148/REM) for 11 new starter homes. A subsequent application (91/01513/FUL) for an additional dwelling on site was refused and allowed on appeal with a specific condition (3) requiring two parking spaces for the new additional dwelling.

KEY ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy. Although in theory there is no reduction in parking provision for the existing dwelling, only the highly unusual replacement of its parking to the front of the new dwelling, all of the dwellings on this estate has two assigned parking spaces and the new dwelling will only have one assigned parking space.

OFFICER APPRAISAL

Principle

There is no objection to a new built residential use in this part of the town as the application site forms part of a small recently built housing estate and is within close proximity to the town centre and within the urban confines of Trowbridge. However:

Policy H1 Further Housing Development within Towns states that within the built up area of Trowbridge proposals for housing development will be permitted provided they meet criteria set out within the policy.

Priority will be given to proposals for the re-use of previously developed land. Further housing development outside of the urban area, as defined by town policy limits, will not be permitted during the Plan period. Under pre-app discussions, the applicant was encouraged to submit elevations flush with the existing house at number 9. There are concerns however with the revised set back design of the new house as this reduces the size of the proposed dwelling which is already very small and the proposed front parking will swallow the small remaining amenities of any occupiers of the dwelling proposed as the plot would be of a size not allowing for a dwelling with sufficient amenity space around it. However this concern is probably not enough to warrant a refusal and as the site lies within the town centre there is no objection to residential development which will add to the starter home stock in this area.

History of the Site

Number 9 Lansdown Close was not part of the original development at Lansdown Close but was permitted on appeal following the refusal by the Local Planning Authority of an application for the erection of one extra dwelling. The original reason for refusal given by the Local Planning Authority was as follows:

"The proposal, by reason of the loss of an open amenity area and the limited amenity space around the proposed dwelling, would be detrimental to the character of the housing development and the amenities of residents."

If the above was sufficient reason to refuse number 9 Lansdown Close itself, the creation of a further unit adjacent to it would certainly create similar concerns and is likely to be felt to be worse due to a smaller dwelling size and a much more cramped form of development, especially with all the parking for the existing and proposed dwelling provided on the small forecourt amenity space of the application site.

Design

The design and form of the two storey house matches that of the host building and would not change its terraced character significantly but only that of the estate. The new two storey extension would not preserve the built form that already exists. As already stated the proposal would respect the host building's design and is a subservient addition to the host building and does not share the same building line as the adjacent existing house. After careful consideration it is concluded that the new built would marginally upset the symmetry of the terrace as a whole, but probably not enough to warrant a refusal on design terms alone. The sub-division would not cause any overshadowing because there are no neighbours that would be affected. Overlooking is minimal and at no higher level than that of any other house that forms part of the estate.

Highway and Parking

Each of the houses on the estate has two assigned parking spaces with three visitor parking spaces for the whole of the estate. The new development will have one parking space whilst the adjacent existing dwelling will still have two parking spaces although this is now provided on the front part of new dwelling's plot. There is argument that in this sustainable town centre location and close proximity to public transport that one parking space for each dwelling will be acceptable and complies with national guidance. Simultaneously the Highway Authority has not objected to the revised parking provision and is satisfied with the three spaces provided.

However Policy T10 of the Local Plan which relates to car parking standards states that the quantity of parking to be provided within new development will be limited to maximum standards. The maximum standards for new dwellings are up to two per unit, bearing in mind there would also need to be a sufficient parking arrangement for the existing dwelling. Although open to interpretation, based on the plans provided and site photographs, number 9 Lansdown Close would lose its existing car parking spaces and new parking provision has been made for the existing and new dwelling on the front part of the plot of the new dwelling. In principle it could be argued that the two parking spaces for the existing dwelling was moved to a new location – although having this on the front of the new dwelling is unusual and not in keeping with the character of the estate. Simultaneously this can only be achieved by reducing the size of the proposed dwelling which is inappropriate tandem development.

In allowing the appeal for the creation of the extra dwelling the Inspector imposed 3 conditions on the decision, of which Condition 3 was as follows:

“The dwelling hereby permitted shall not be occupied until 2 private parking spaces have been laid out and surfaced in accordance with the approved plans.”

If the Inspector at the time felt it necessary for a private provision of 2 car parking spaces for number 9 Lansdown Close and that removing this private car parking as well as creating a further need for car parking with the creation of a new dwelling, it is likely to cause any such planning application on the site to be refused.

However the proposed parking provision does follow some of the trends for parking provision on the estate and this form and level of car parking provision can only be achieved by having a new dwelling that is set back from the existing building line. The revised set back layout and design (the only way to provide the three parking spaces) highlights the cramped form of development but is not necessarily out of character as some of the dwellings on the estate also has off street parking.

Conclusion

The scale, location and design of the development respect the context of the site and will have a limited adverse impact on the character of the estate and the residential amenity of any existing and future occupiers and should therefore benefit from permission. Whilst the principle of residential development on the site is acceptable, the issues relating to car parking and the amenity of future occupants of the proposed dwelling is contentious, but no sufficient enough reason exist to refuse the proposed development. The Highway Authority now supports the revised parking provision as proposed under this development, and on merit I conclude that this level of provision is, although not satisfactory, probably adequate.

RECOMMENDATION

PERMISSION

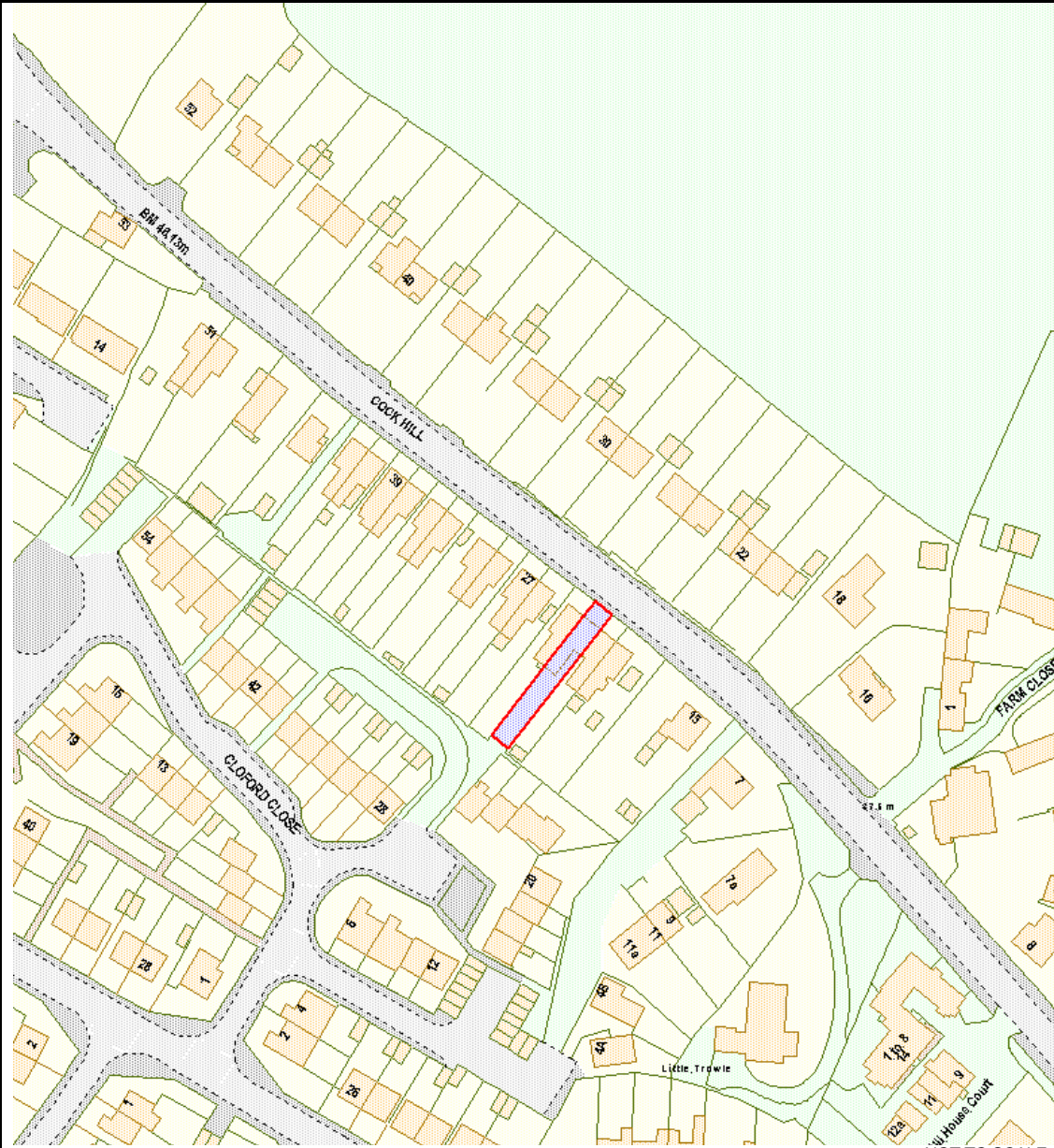
PLANNING COMMITTEE

14 February 2008

ITEM NO: 11

APPLICATION NO: 07/03571/FUL

LOCATION: Stratford 21 Cockhill Trowbridge Wiltshire BA14 9BG



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SLA: 100022961

11 Application: 07/03571/FUL

Site Address: Stratford 21 Cockhill Trowbridge Wiltshire BA14 9BG

Parish: Trowbridge Ward: Trowbridge North West
Grid Reference 384450 158358
Application Type: Full Plan
Development: Loft conversion to include rear pitched roof dormer
Applicant Details: Mr And Mrs Smith
Stratford 21 Cockhill Trowbridge Wiltshire BA14 9BG
Agent Details: Malcolm Thomas
79 Railton Jones Close Stoke Gifford Bristol BS34 8XY
Case Officer: Miss Andrea Levin
Date Received: 13.11.2007 Expiry Date: 08.01.2008

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as Trowbridge Town Council object and your Planning Officer recommends permission.

The application is for a flat roofed dormer of the rear of the property. The proposed dormer would sit approximately 0.4 metres below the ridge of the roof.

SITE VISIT / STATUTORY SITE NOTICES

Site visit carried out 05/12/07 to assess site context and surroundings.

CONSULTATIONS

Parish/Town Council : Trowbridge Town Council object to the flat roof

External : None

Internal : None

Neighbours : 19 Cockhill notified on 05/12/07 by way of neighbour notification cards. Expires 26/12/07 - No comments received

CONSTRAINTS

None

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C31a, C38

RELEVANT PLANNING HISTORY

None

KEY ISSUES

Impact upon host building and street scene
Impact upon neighbouring amenity

OFFICER APPRAISAL

The SPG for House Alterations and Extensions states flat dormer roofs should be avoided wherever possible. However, in this instance the flat roof design would have a minimal impact upon the character of the host dwelling and would be set down from the ridge of the existing property by approximately 0.4 metres making it a subsidiary element. It would be considered a more appropriate design than the initially proposed pitched roof dormer as the flat roof dormer would be less obtrusive, particularly because the existing rear elevation has various roof forms and extensions.

Furthermore, it would be unlikely to result in a significant loss of neighbouring amenity.

RECOMMENDATION

PERMISSION

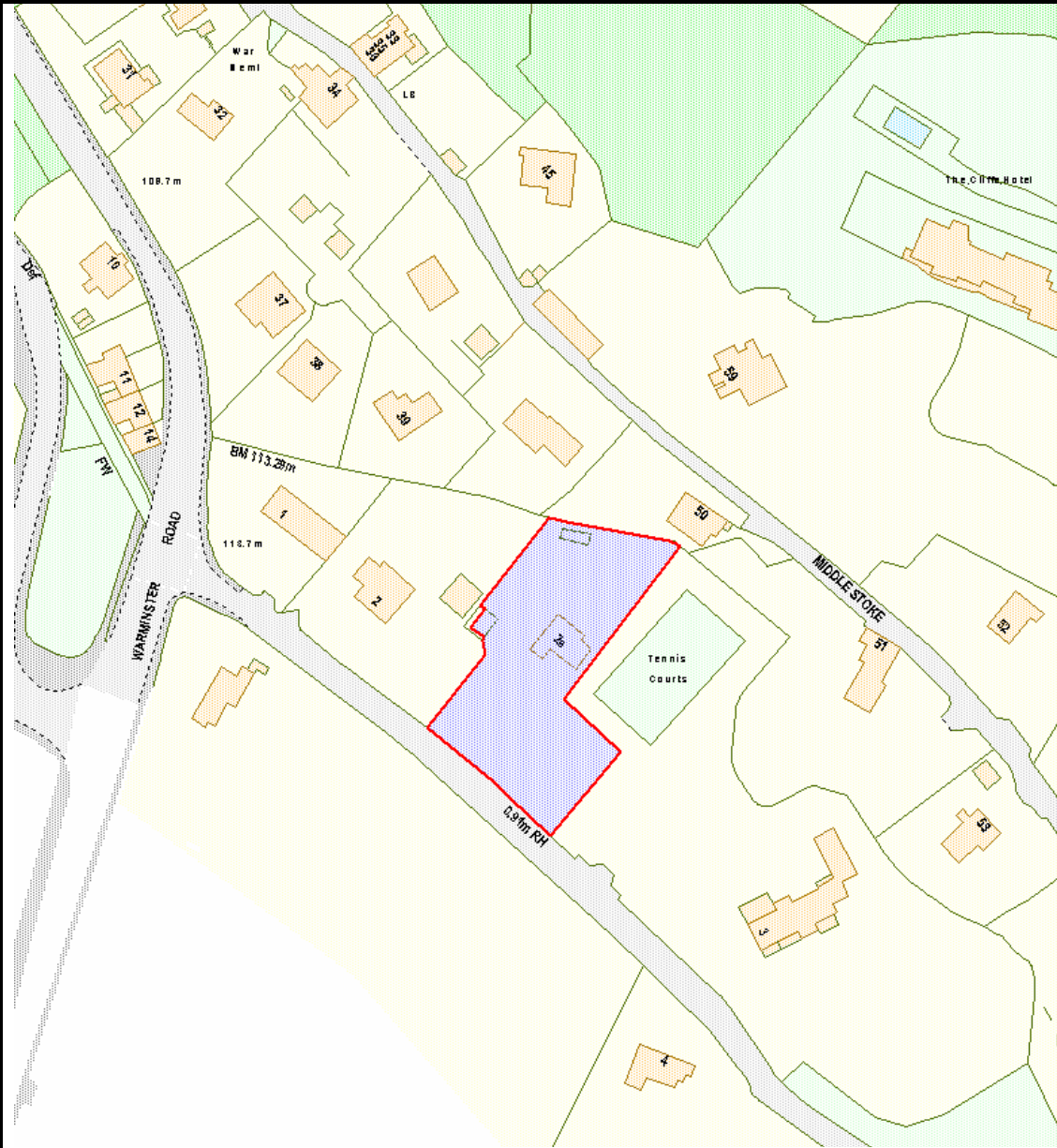
PLANNING COMMITTEE

14 February 2008

ITEM NO: 12

APPLICATION NO: 07/03395/FUL

LOCATION: Chilliswood 2A Church Lane Limpley Stoke Wiltshire
BA2 7GH



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SLA: 100022961

12 Application: 07/03395/FUL

Site Address: Chilliswood 2A Church Lane Limpley Stoke Wiltshire BA2 7GH

Parish: Limpley Stoke

Ward: Manor Vale

Grid Reference 378158 160541

Application Type: Full Plan

Development: New house following demolition of existing house

Applicant Details: Mrs P Thurlow
Chilliswood 2A Church Lane Limpley Stoke Wiltshire BA2 7GH

Agent Details: The Thurlow Partnership
The Studio Chilliswood 2A Church Lane Limpley Stoke Bath

Case Officer: Miss Julia Evans

Date Received: 25.10.2007

Expiry Date: 20.12.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 Planning Policy Guidance Note 2 – Green Belt states that in Green Belts approval will not be given except in very special circumstances for the replacement of existing dwellings provided that the new dwelling is not materially larger than the dwellings to be replaced. The size of the replacement dwelling would be materially larger than the existing dwelling, and would be a disproportionate addition over and above of the size of the original building. The application has not been supported with clear evidence demonstrating that it does not impact on the openness of the Green Belt. The proposal is not supported by any material consideration which would justify making a decision contrary to Government Guidance. The proposed development would constitute inappropriate development resulting in a loss of openness of the Green Belt.
- 2 Policy H20 of the West Wiltshire District Plan - 1st Alteration states that the replacement of existing dwellings in the countryside will be permitted provided the new dwelling is not materially larger than the dwelling to be replaced. The application has not been supported with clear evidence demonstrating the full impact of the proposal. The proposed dwelling is materially larger than the existing dwelling and is therefore a substantial alteration to the size of the existing property that is contrary to this policy.
- 3 Policy C2 of the West Wiltshire District Plan - 1st Alteration states that priority will be given to the Area of Outstanding Natural landscape over other considerations and that development proposals likely to be detrimental to the nationally important landscape will not be permitted. The size of the proposed dwelling, and its siting, orientation, and design in this prominent location is considered detrimental to this nationally important landscape, and therefore contrary to this policy.

Note(s) to Applicant:

- 1 The application has not been supported with a set of drawings showing the complete elevations of the proposed property. You are advised that any resubmission or further application should be submitted with a complete set of drawings.

COMMITTEE REPORT

APPLICATION DETAILS

This is a full application for replacement dwelling at 2A Church Lane, Limpley Stoke. The application has been called in for consideration by the Planning Committee by Councillor Walker.

The proposed replacement house is 3 stories high, with a basement, ground, and first floor. A swimming pool is proposed to the rear along with terraced area, which would require substantial earth works to excavate it below the existing ground level. The house would be constructed of ashlar stone with clay double roman tiles to the roof. The existing access would be retained, with integral parking provided within the new house.

A design and access statement provided has been provided by the applicant.

SITE VISIT / STATUTORY SITE NOTICES

The existing property is a white painted five bedrooomed bungalow with rooms in the roof, and a single storey extension to side. There is an area of decking to rear, and an ashlar stone single storey detached building, used as an office – games room.

There are large grassed gardens to the front and rear and rear of this sloping site, which drops steeply down towards north. The properties to north are at a much lower level than the site: their roofs are below the garden level, with a steep vertical drop separating them. There are a few large trees on site, mostly on its edges, apart from one to front. There are clear views across the Limpley Stoke valley. Vehicular access lies to the south-west corner of the site.

The wider area is characterised by detached properties within large gardens.

The site has been advertised with a site notice and neighbour notifications have been undertaken.

CONSULTATIONS

Parish/Town Council : Limpley Stoke Parish Council state “The Parish Council has reviewed the above application for a new house following demolition of the existing house, and after much discussion, find that we are unable to give a qualified decision without the findings of a geological and structural engineer’s survey. This view also reflects the concerns raised by residents of neighbouring properties. We would strongly recommend that these surveys be undertaken prior to any application being permitted, as our local knowledge is that the hillside on this side of the village is historically liable to instability.”

External : Highway Authority – raise “no Highway objection.”

County Archaeologist – state “Given the proposed new house is positioned partially within the footprint of the existing house it is likely some disturbance will have already occurred on the site. Therefore, given the relatively small nature of the development it is unlikely that anything of archaeological interest will be impacted by this proposal and I therefore have no comments to make.”

Wessex Water – state “This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.”

Wiltshire Wildlife Trust –have not responded.

Internal : District Drainage Engineer – has “no comment to make on the application as land drainage is unaffected.”

Planning Policy – has not responded.

Neighbours : neighbour notifications undertaken. Five responses have been received making the following comments:-

- * Very large increase over the volume of the current house;
- * Removal of the bank, which has previously collapsed onto the properties below;
- * Will cause bank stability problems;
- * It will be visually very prominent; and
- * It will be an enhancement to the AONB and Green Belt and use a range of sustainable features.

CONSTRAINTS

- * Cotswolds Area of Outstanding Natural Beauty;
- * Area of Archaeological Interest,
- * Green Belt;
- * Site of Nature Conservation Interest;
- * Design and amenity;
- * Sloping site (including very steep drop to northern properties); and
- * Large trees on site.

POLICIES

Wiltshire Structure Plan 2016 – DP1, DP2, DP8, DP9, DP12, DP14, T6, C1, C2, C5, C8, HE7.

West Wiltshire District Plan - First Alteration 2004 – C1, C2, C6, C15, C31A, C32, C38, C40, H19, H20, T10, U1A, U2, U4.

SPG – Design Guidance – Principles (Adopted July 2004)

Residential Design Guide (Adopted November 2005)

National Guidance – Planning Policy Statement 1 - Delivering Sustainable Development, Planning Policy Guidance 2 - Green Belts, Planning Policy Statement 3 - Housing, Planning Policy Statement 7 - Sustainable Development in Rural Areas, Planning Policy Statement 9 – Biodiversity & Geological Conservation; Planning Policy Guidance 13 – Transport; Planning Policy Guidance 16 – Archaeology & Planning.

RELEVANT PLANNING HISTORY

78/00893/HIS – Erection of dwelling – Permission 13/10/1978

78/01287/HIS – Erection of dwelling – Permission 30/01/1979

01/018787/FUL – Single storey extension – Permission 18/12/2001

04/01607/FUL – New games room and store – Permission 14/10/2004.

KEY ISSUES

- * Impact on the Western Wiltshire Green Belt;
- * Impact on the Cotswolds Area of Outstanding Natural Beauty;
- * Impact on nature conservation interests;
- * Impact on archaeology
- * Highways and parking; and
- * Impact on neighbouring amenity.

OFFICER APPRAISAL

Government guidance makes it clear that proposals for replacement dwellings in the Green Belt can be acceptable: "The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces." Policy H20 of the West Wiltshire District Plan - First Alteration 2004 states that "Replacement of existing dwellings in the countryside will be permitted provided the new dwelling is not materially larger than the dwellings to be replaced and such a replacement does not perpetuate a serious traffic hazard, form an isolated development away from public services or adversely affect the rural scene." The existing bungalow and outbuildings have been considerably extended over and above the original dwelling. At the time of writing this report, the applicant had not provided elevation drawings of the three-storey aspect of the proposal: only elevation drawings of the ground floor and first floor have been provided, which do not fully represent what is proposed. Thus the full impact of the proposal when viewed from the north-east has not been accurately represented. Notwithstanding this, the proposed replacement dwelling has three floors, including a basement with windows looking out over a swimming pool. When viewed from the north-east the replacement dwelling has a much larger and dominant visual impact than the existing dwelling, even with its extensions and outbuilding. The length of the existing building is approximately 17 metres, whilst the proposed dwelling is over 24 metres long. In addition the ridge to basement floor level of the proposed dwelling results in a house over 9 metres compared to the existing one of 7 metres tall. The applicant states that the basement is set below existing ground level and that this part of the proposal is not relevant to the Green Belt. However, the visual impact of this long and tall three-storey building plus the associated ground works for the swimming pool are considered to result in a significant loss of openness of the green belt. The applicant considers that the design of the proposal is an improvement on the existing situation and that the proposed footprint is the same as the existing house and outbuilding. The footprint of the original dwelling on the site was approximately 98 metres square. Extensions to it and the outbuilding increased the footprint to over 205 metres square, which is still less than the proposed dwelling's footprint of 245 metres square. Thus there are not considered to be any very special circumstances to outweigh the significant harm to the Green Belt. This forms the first reason for refusal.

Policy H20 of the West Wiltshire District Plan - First Alteration 2004 requires replacement dwellings in the open countryside to not be materially larger than the dwelling that is to be replaced. This is clearly not the case with the current proposal, and this forms a further reason for refusal.

The property is also located within the Cotswolds Area of Outstanding Natural Beauty where the quality of the landscape is of national importance. This part of the Area of Outstanding Natural Beauty is characterised by its steeply incised valley, which provides long distance views into and out of the site. The proposed house has a much larger visual impact than the existing dwelling due to its size and design, which in terms of the landscape character of the Area of Outstanding Natural Beauty is considered to have a detrimental impact in this prominent location. It is not felt that conditions could overcome this objection in view of the size of the proposal.

The proposal would not cause any significant loss of amenity to neighbouring properties. Concerns have been raised as regards the structural impact of such large earthworks. This is a Building Regulations matter, and would need to be addressed at this stage, rather than through the planning process.

RECOMMENDATION

REFUSE.

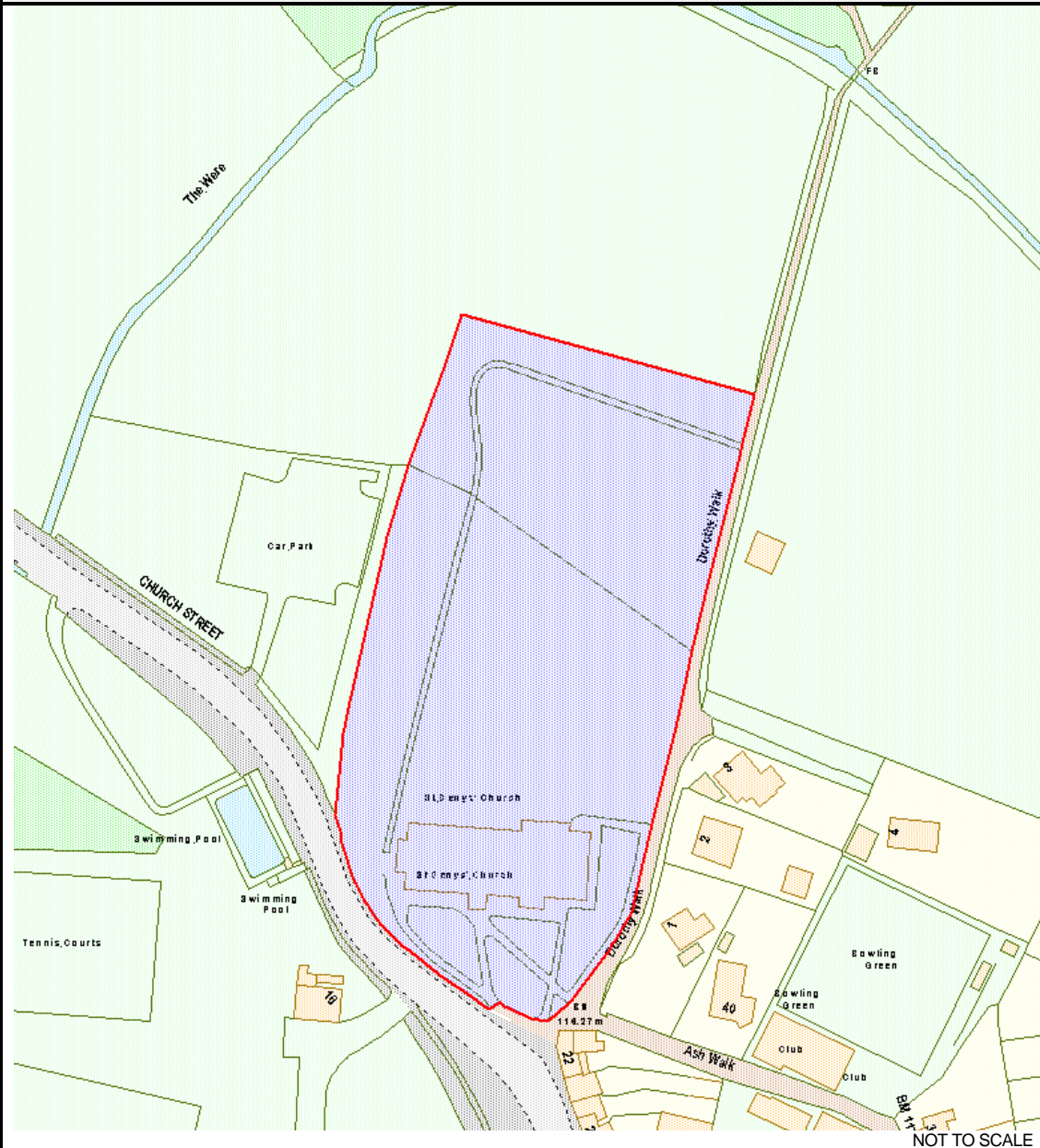
PLANNING COMMITTEE

14 February 2008

ITEM NO: 13

APPLICATION NO: 07/03924/FUL

LOCATION: St Denys Church Church Street Warminster Wiltshire
BA12 8PG



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SLA: 100022961

13 Application: 07/03924/FUL

Site Address: St Denys Church Church Street Warminster Wiltshire BA12 8PG

Parish: Warminster Ward: Warminster West
Grid Reference 386914 145502
Application Type: Full Plan
Development: Re-building of a 30m section of collapsed boundary wall
Applicant Details: Diocese Of Salisbury
Church Of England Crane Street Salisbury Wiltshire SP1 2QB
Agent Details: West Wiltshire District Council
F A O Mr J Earney Properties And Commerical Services Bradley
Road Trowbridge Wiltshire
Case Officer: Ms Margaretha Bloem
Date Received: 18.12.2007 Expiry Date: 12.02.2008

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION:

The Secretary of State be informed that this Council raises no objection to the proposal and recommends 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 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 All existing stonework shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.
REASON: To ensure that the character and appearance of the listed building is conserved.
- 3 Any replacement stone shall match the existing in colour, form, texture and finish and shall be submitted to and approved in writing by the Local Planning Authority. Any rebuilding shall be carried out in accordance with the approved materials.
REASON: To ensure that the character and fabric of the listed building is protected.
POLICY: West Wiltshire District Plan – 1st Alteration 2004 Policy C28.

- 4 The development shall be carried out strictly in accordance with the approved plans and structural report. Any further structural or constructional details shall be agreed in writing with the Local Planning Authority.

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

- 5 Before any repointing of the external stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee as West Wiltshire District Council is responsible for maintenance of the churchyard and is acting as agent.

The application for the rebuilding of a 30 metres section of a collapsed Grade II* curtilage wall of St Deny's Church, in Warminster. The section of wall along the farm track between the churchyard and the church car park deteriorated since 2006 with small sections collapsing over time. In total nearly 30 metres of the wall has now collapsed and is currently fenced off with Heras fencing.

The proposal is to reinstate the wall on a like for like basis so that the height is the same as the original wall. The application includes a structural engineer's report detailing the method of repair which in essence is to use reinforce the footings, insert internal stainless steel ties and rebuild the wall using existing/matching materials to the same specification of bond, etc.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 08.01.2008.

CONSULTATIONS

Parish/Town Council : Warminster Parish Council: No objection

External :

ENGLISH HERITAGE: No objection.

COUNTY ARCHAEOLOGIST: No issues to raise.

Internal :

CONSERVATION OFFICER: No comment

Neighbours :

No comments received.

NEGOTIATIONS / DISCUSSIONS

Prior to the submission of the application English Heritage, Victorian Society and Care for Churches, County Archaeologist, Warminster Town Council and the Warminster Preservation Trust were informally consulted. They have all indicated support for the work to go ahead. The Diocesan Registry stated that the Faculty will be granted once the period of notice runs out on the 4/2/08.

CONSTRAINTS

Grade II* listed building.
Warminster Conservation Area.

POLICIES

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

PPS1 - Delivering Sustainable Development (Jan 2005)
Planning System - General Principles (Jan 2005)
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

No relevant planning history.

KEY ISSUES

Effect on character and appearance of the listed building.

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

OFFICER APPRAISAL

The wall is in need of repair and this is the most sensible way forward. The wall would be rebuilt to the same bond and would reuse as much of the existing material as possible. Matching materials would be used where the existing materials are not salvageable.

RECOMMENDATION

Permission.

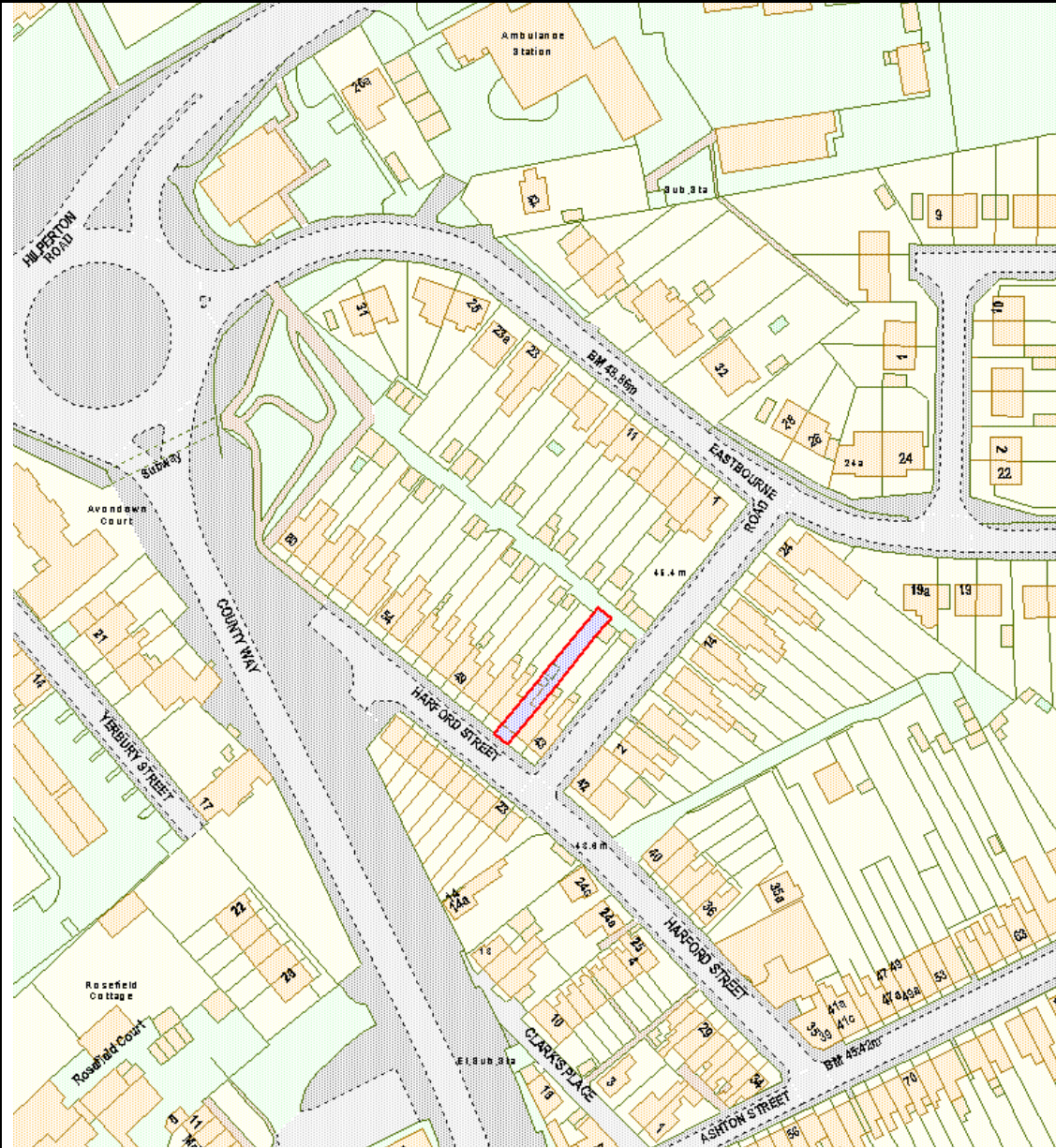
PLANNING COMMITTEE

14 February 2008

ITEM NO: 14

APPLICATION NO: 07/03914/FUL

LOCATION: 45 Harford Street Trowbridge Wiltshire BA14 7HJ



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SLA: 100022961

14 Application: 07/03914/FUL

Site Address: 45 Harford Street Trowbridge Wiltshire BA14 7HJ

Parish: Trowbridge Ward: Trowbridge East

Grid Reference 386109 158027

Application Type: Full Plan

Development: Convert a 3 bed 3 storey dwelling into 2 1 bed flats

Applicant Details: Mr W Sonnet And Mr B Sonnet
3 The Poplars Trowbridge BA14 0AG

Agent Details:

Case Officer: Mr James Taylor

Date Received: 21.12.2007 Expiry Date: 15.02.2008

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 Trowbridge Town Council objects contrary to your officer's recommendation.

This is a full planning application for the conversion of a mid-terrace 2½ -storey 3 bedroom dwelling into two 1 bedroom flats; one at ground floor level and one over the first and second floors. The proposal would lead to a communal front entrance hall and front garden. The rear garden would be dedicated to the ground floor flat. The upper floors flat would have the existing attic bedroom and living accommodation only at the first floor. No external alterations are proposed. Only one off-road parking space is proposed.

The application site is located in a residential area characterised by 2-storey residential properties, some of which have extended into the attic space. The street scene is typical of the area with modest enclosed front gardens and elongated and enclosed rear gardens. To the rear is a single width access which allows for rear parking. Currently one space exists to the rear.

CONSTRAINTS

Edge of town centre residential area

POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C38 Nuisance

H16 Flat conversions

National guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG13: Transport

RELEVANT PLANNING HISTORY

88/01752/FUL - Conversion into two flats @ 49 Harford Street – Refusal - 25.10.1988

89/00598/FUL - Conversion of house to two flats and extension to form two new flats @ 42 Harford Street – Permission - 30.05.1989

91/00463/FUL - Conversion of 3 bedroom house to two 1 bedroom flats @ 52 Harford Street – Permission - 04.06.1991

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 8 January 2008 and a site notice erected at the front of the property adjacent to the highway.

KEY ISSUES

Residential amenity, reasonableness of conversion, adequacy of parking provision and amenity space.

CONSULTATIONS

Parish/Town Council : Trowbridge Town Council. Objection on the grounds that the development was out of keeping with the neighbouring area.

External :

Highway Authority: The property is within walking distance of the town centre, is located on a road which is partially subject to parking restrictions, and has an access to the rear. As there is not complete control of the on-street parking at this location I would not be happy to accept a completely car free development. Currently a 3m deep drive is shown to the rear of the dwelling, if this area was to be increased to accommodate 2 cars (i.e. two spaces, one behind the other, with the standard dimensions of 2.4 metres by 4.8 metres) I would be satisfied sufficient parking was available on site.

Neighbours : 5 letters of objection have been received through the consultation process raising the following points:

- We appear to have too many flats in the area of Harford Street, Ashton Street, Eastbourne Road etc.
- Parking is already at a premium now and cars park on the pavements now along with dustbins, and pedestrians have to walk in the road now, plus extra vehicles etc will surely add to the ever burdening conditions even more.
- Two flats could mean two extra families and the possibility of four cars. Parking in the street is extremely difficult as cars park on double yellow lines and in the turning bay at the top of the street so cars have to reverse all the way back down the street because the turning bay is blocked.

- If there were a fire in one of the properties in the road emergency services would have great difficulty getting access
- Back alley is too small to allow parking at the rear.
- The work needed to be carried out will cause considerable noise nuisance.
- Work has already commenced in the property.

OFFICER APPRAISAL

The proposed building conversion would result in no external alterations to the property and the internal works appear to result in a perfectly acceptable form of development suitable by modern housing standards and requirements.

The rear garden would be for the ground floor flat and is relatively large for a 1 bedroom property. The front garden is modest, but it is not considered unreasonable for upper floor flats to have such limited outdoor space, especially given the proximity of the site to the town centre and numerous public amenity areas, most notably Trowbridge Park.

The proposal would not lead to any significant loss of amenity, although there would be some overlooking of the garden from the upper floor flat. However, this is typical of this type of development. It is an accepted consequence of flat conversions and would not affect any existing amenity interests.

It is concluded that the most contentious issue with the proposal is the parking provision because only one parking space can be provided in the rear garden. Rear parking is existing and typical along the terrace. The width of the rear garden is insufficient to provide for 2 parking spaces unless in a parallel arrangement. Given that the dwellings are likely to be in separate ownership this is not a practical solution. It is noted that this is the arrangement suggested by the Highway Authority, however it is simply not practical when the spaces are for separate dwellings.

As such the proposal means that one flat would have to be considered 'car-free'. The applicant has highlighted that on-street parking facilities are existing and that the site is close to amenities and the town centre. Indeed the highway authority state in their consultation response that the application site is within walking distance of the town centre.

It is noted that the application site is immediately east of County Way, 110 metres from the underpass which gives cycle and pedestrian access to the town centre. The town centre is an approximate 5 minute walk away. There is a Tesco express shop and takeaway to the north within approximately 150 metres of the site. The Tesco Extra store on County Way is approximately 500-600 metres away. This proximity to shopping, leisure and employment opportunities is in accordance with planning objectives as part of a socially inclusive and sustainable society as stated at paragraph 19 of PPG13. Further it is noted that PPG13 promotes maximum parking standards in development rather than minimum in order to encourage the efficient use of land and sustainable travel choices. Further at paragraph 75 it is highlighted that walking offers potential to replace motorised trips under 2km. For longer journeys up to 5km it is suggested that this could be achieved by cycling. Secure cycle storage facilities could reasonably be achieved in the front or rear amenity spaces with no harm to the street scene or indeed the requirement for planning permission.

It is considered that the proposal on the edge of the town centre is an ideal location for sustainable transport choices with short distances to the town centre and local facilities. It is not considered unreasonable to approve a one bedroom flat with no car parking. It is stressed that this is an on balance conclusion given this specific case's merits and the advice contained in PPG13. The application complies with PPS3 in that it would be a more efficient use of land and add to the mix and variety of accommodation provision in the area. The existing arrangement on site is for one parking space for the existing 3-bedroom family home. The applicants comment that the existing is likely to have a similar if not greater demand for parking than the 2 one bedroom flats proposed.

The concerns regarding nuisance from the construction process are noted. However it is an accepted consequence of the development process and could reasonably be managed under other legislation. Further it is understood that the work that has commenced is related to the renovation of the building only, which will ultimately be either a renovated house or 2-flats.

In summary the application has been brought to committee on the basis of Trowbridge Town Council's objection because the development is out of keeping with the neighbouring area. The proposal does not include any external alterations to the property and is a reasonable subdivision in a sustainable location where there is not necessarily a reliance on private car use to access employment and leisure opportunities.

RECOMMENDATION

Permission

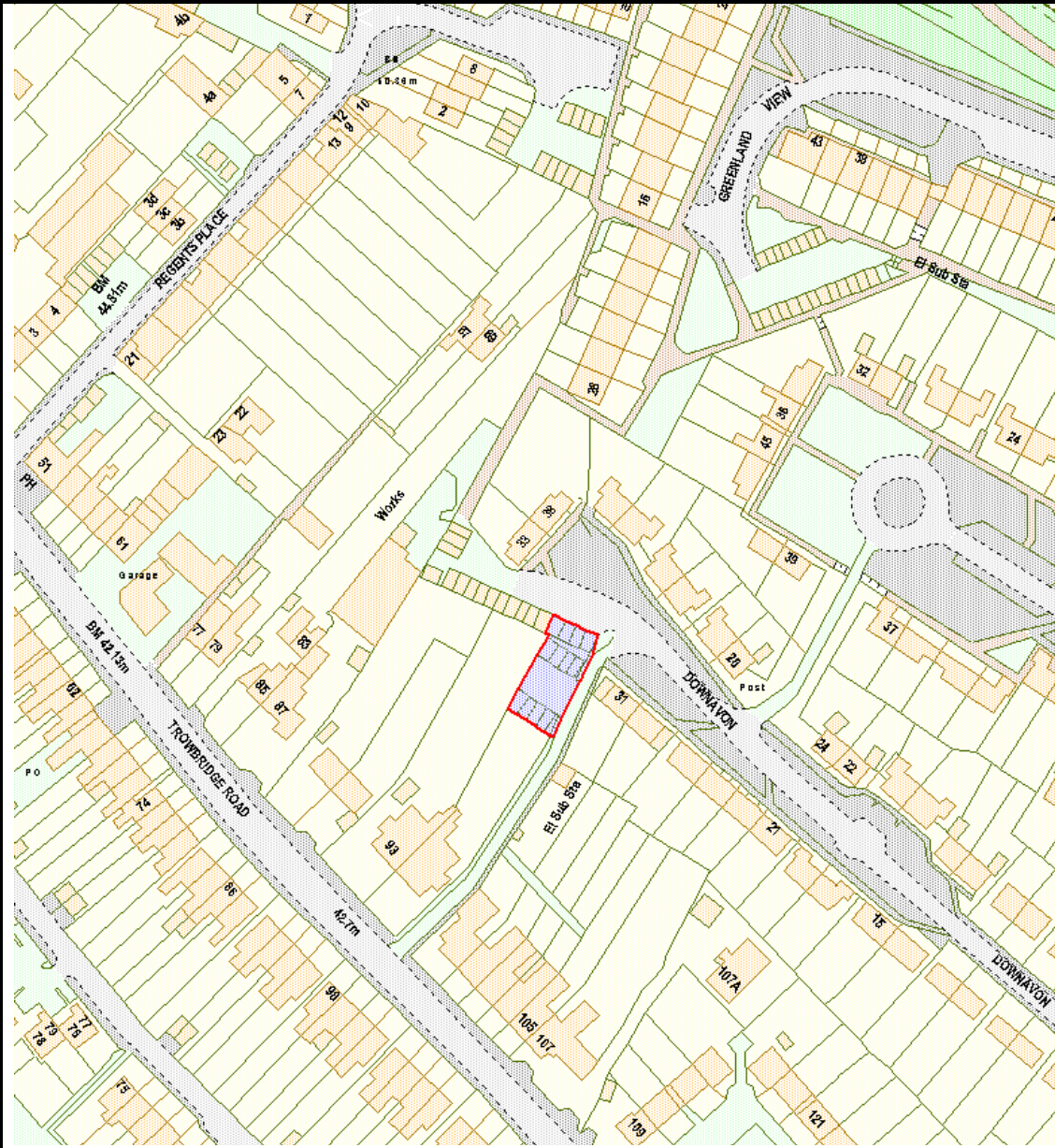
PLANNING COMMITTEE

14 February 2008

ITEM NO: 15

APPLICATION NO: 07/01055/FUL

LOCATION: Land Adjacent 31 Downavon Bradford On Avon
Wiltshire



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SLA: 100022961

15 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.

COMMITTEE REPORT

APPLICATION DETAILS

Members will recall that this application was deferred at the meeting of 6 December 2007 "... to consult with the highway authority with regard to a revised plan to indicate the provision of 6 additional parking spaces in the vicinity of the site." The Highway Authority has now replied to consultation.

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.

The highway authority was consulted in respect of six angled parking bays, approximately 20m to the west of the site. This proposal replaced a previous plan for two parallel bays in approximately the same locality.

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.

The local effect of the revised plan for six parking bays in Down Avon must also be considered in the light of the highway authority comment (see below).

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

The highway authority had no objection to the original plan which included the two off-site parking bays, subject to conditions in relation to parking, surface water disposal and driveway surfacing.

However, the authority objects to the revised proposal for six angled bays. The authority observes as follows:

"...it is considered that the proposed 6 car parking spaces in the proposed location are not suitable within the public highway - largely due to safety concerns. Due to the angle of the parking, and depth, it would require significant works to the highway. There is a gradient and retaining structures and a barrier would be required. There is also manhole and BT chambers at this point in the highway. It is important to note that this proposal would be considered significant highway works and a Section 278 Agreement would be required. In terms of the relationship of the six spaces with the application, it is important to note that the highway authority has not requested this car parking provision."

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 originally 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 loss of 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. 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.

Revised plan for six off-site parking bays

The highway authority comment on the six parking spaces now proposed has relevance. The gradient in the vicinity is such that significant highway works would be required. The authority is also of the view that the creation of the bays would give rise to safety concerns. Apart from the highway-specific issues it is also considered that the angled bays would have the potential to impact on the amenity of the dwellings at 29 and 31 Downavon. The rear end of the bays would be within approximately 4m of the frontages to these dwellings, in an elevated position. The manoeuvring of vehicles into and out of the bays, due to their position, elevation and angles directly in front of the dwellings, would give rise to potentially unacceptable nuisance.

The highway authority did not object to the previous proposal that would have provided for two off-site bays. These bays, whilst also occupying a portion of the land in front of 29 and 31 Downavon, would not require as significant works and, being parallel to the road, would not result in the same degree of potential nuisance. They would also allow for reduced congestion in this particular point in Downavon. Permission is therefore recommended, but allowing for the two, as opposed to six, parking bays. An appropriate condition should be therefore made applicable to ensure that the two spaces are provided.

RECOMMENDATION

The Town Council raised concerns regarding parking, materials and design. The Highway Authority is satisfied with the proposal as outlined above. 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.

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.

Permission is recommended.

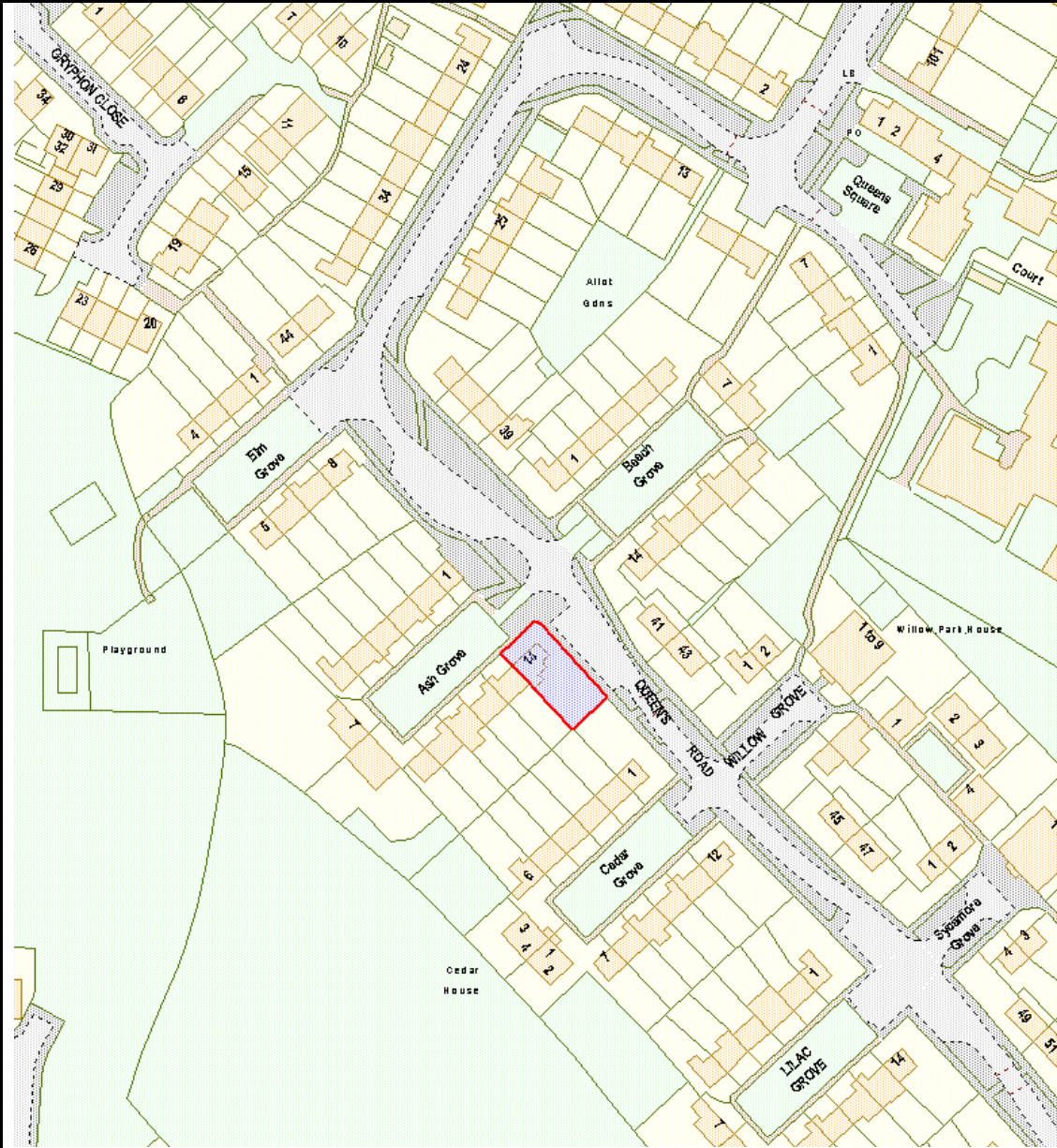
PLANNING COMMITTEE

14 February 2008

ITEM NO: 16

APPLICATION NO: 07/03828/FUL

LOCATION: 14 Ash Grove Westbury Wiltshire BA13 3NH



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SLA: 100022961

16 Application: 07/03828/FUL

Site Address: 14 Ash Grove Westbury Wiltshire BA13 3NH

Parish: Westbury Ward: Westbury Ham
Grid Reference 386392 151217
Application Type: Full Plan
Development: New two storey dwelling
Applicant Details: Mr John McGuire
32 The Pippin Calne Wiltshire SN11 8JF
Agent Details: Steve Pierce Architects
FAO Steve Pierce 38 The Brow Bath Avon BA2 1EA
Case Officer: Mr Matthew Perks
Date Received: 10.12.2007 Expiry Date: 04.02.2008

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2 metres by 2 metres and which shall be kept free of obstruction above a height of 600mm.

REASON: In the interests of Highway safety

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

REASON: In the interests of highway safety.

- 5 The development hereby approved shall not be occupied until the parking spaces have been provided in accordance with the hereby approved plan 705-LO1a. This area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles or the purposes of access.

REASON: In the interests of Highway safety

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

REASON: In the interests of highway safety.

- 7 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.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for a new two bedroom dwelling (as an extension to an existing terrace) on land adjacent to 14 Ash Grove, Westbury.

This is a revision to application ref. 07/02512/FUL which was refused for the following reason:

"The proposal would, by reason of its scale and appearance, be out of keeping with the street scene contrary to policy C31a of the WWDC District Plan."

The current application removes a rear extension to the dwelling proposed in the previous scheme, retaining a footprint that is aligned with the existing double storey terrace and extending it by 4.2m towards Queens Road, replacing a lean-to single storey extension. The roof line would follow that of the existing terrace. An entrance porch would protrude 1.2m beyond the double storey extension. The area to the rear of the new dwelling would be retained as private garden space. Parking for four cars would be provided at the rear of this space, two each to the existing dwelling at No.14 and the proposed development.

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

CONSTRAINTS

The site is located with Town Policy Limits for Westbury.

POLICIES

West Wiltshire District Plan - 1st Alteration 2004

C31A Design

C38 Nuisance

H1 Further housing in towns

PPS1 Delivery Sustainable Development

PPS3 Housing

RELEVANT PLANNING HISTORY

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

06/02324/FUL: Conversion and two storey extension of single dwelling house into two two-bedroom flats: Permission: 18/09/2006

07/02512/FUL: Two storey two bedroom dwelling house : Refused : 04/10/2007

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 14/12/2007, when a Public Notice was posted.

KEY ISSUES

The only issue in this application is whether or not the reason for refusal for application 07/02512/FUL has been overcome.

CONSULTATIONS

Parish/Town Council :

WESTBURY TOWN COUNCIL:

"The committee objected strongly to this application on the following grounds:

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

External :

HIGHWAY AUTHORITY:

The highway authority was not re-consulted in this instance, where highway and parking arrangements remain essentially the same as for the previous application. There were no objections, subject to conditions on that application.

Neighbours :

No comments were received in response to the public notice.

OFFICER APPRAISAL

The removal of the rear extension to the proposed dwelling reduces the size and visual impact of this new building. The double storey element of the new build would now extend towards Queensway by 200mm less than the building already granted permission for the extension to accommodate flats under application ref. 06/02324/FUL (although the entrance porch would extend beyond this).

In view of the removal of the rear extension to the proposed dwelling (and given the planning history of the site where a building of very similar form and dimensions was granted permission) the current proposal is considered to have overcome the reason for refusal of application
07/02512/FUL

RECOMMENDATION

The application should be granted permission.

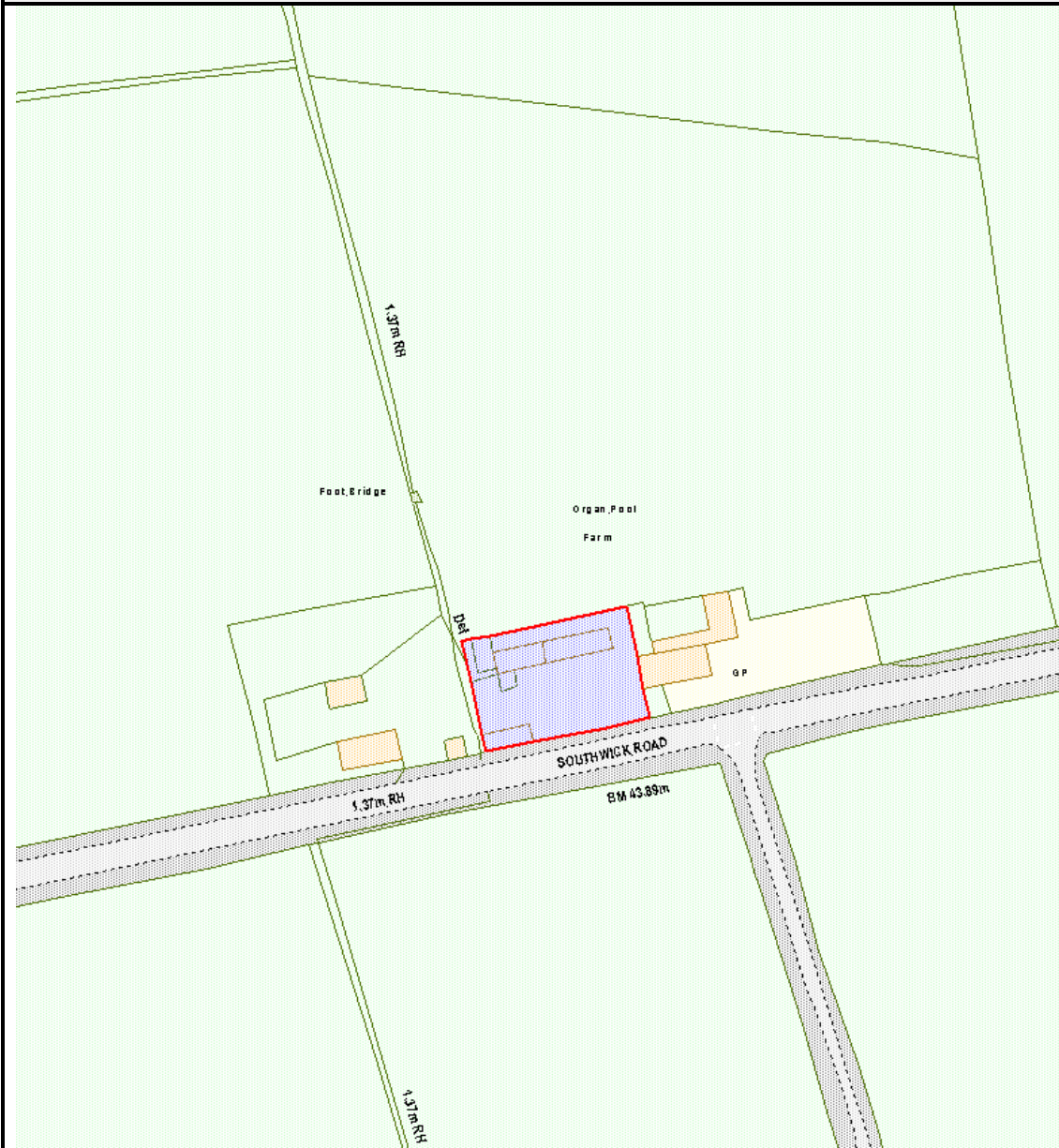
PLANNING COMMITTEE

14 February 2008

ITEM NO: 17

APPLICATION NO: 07/03903/FUL

LOCATION: Organpool Farm Southwick Road North Bradley
Wiltshire BA14 9PN



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www.westwiltshire.gov.uk

SLA: 100022961

17 Application: 07/03903/FUL

Site Address: Organpool Farm Southwick Road North Bradley Wiltshire BA14 9PN

Parish: North Bradley Ward: Trowbridge And North Bradley

Grid Reference 384928 154890

Application Type: Full Plan

Development: Conversion of garage and outbuilding into residential accommodation

Applicant Details: Mrs V Reglar
Organpool Farm Southwick Road North Bradley Wiltshire BA14 9PN

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

Case Officer: Mr James Taylor

Date Received: 18.12.2007 Expiry Date: 12.02.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 Criteria A of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 requires that every reasonable attempt should be made to secure business, tourism or sport and recreational use. The proposal is contrary to criteria A of Policy H21 as the applicant has not demonstrated that every attempt has been made to secure an alternative use for the building.
- 2 The building would require extensive alterations and rebuilding which would alter its original character and would not safeguard or enhance its essential form and structure or the important features of the building, or the character of the countryside in which it is located. The proposal would therefore be contrary to Policy H21 of the West Wiltshire District Plan 1st Alteration 2004.
- 3 The proposal by reason of the alterations to the building together with the effects of domesticity and trappings of domestic use would be likely to harm the visual amenity and landscape character contrary to Policy C1 of the West Wiltshire District Plan 1st Alteration 2004.
- 4 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 motorised journeys.
- 5 There is insufficient information submitted and up to date records available in order for the ecological impact of the proposed development to be properly assessed contrary to national Planning Policy Statement 9: Biodiversity and Geological Conservation and government circular 06/2005 paragraph 99.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Cllr Payne has called it in, in the interest of public debate.

This is a full planning application for the conversion of a garage and outbuilding into residential accommodation. This is a resubmission of a previous application reference 07/00720/FUL, variations of which have been refused on 3 separate occasions as detailed below.

This current application is identical to the previous submission with the exception that no ecological information has been submitted and a more detailed supporting statement, reminiscent of a 'grounds for appeal statement', has been submitted. The proposal would form a 3-bedroomed single storey dwelling.

The site is located on the north side of Southwick Road in open countryside between the villages of Southwick and North Bradley. The applicant's dwelling which is a former farmhouse is located immediately adjoining the site within its own garden. It is understood that the buildings proposed for conversion have been in domestic use for a considerable number of years although there is no record of any planning permission for change of use to domestic curtilage.

The barns which are proposed for conversion are situated to the rear of the site parallel with the northern boundary. These long, low buildings of agricultural appearance are built from a mix of coursed rubble stone, brickwork, render and concrete block under clay tiled and asbestos sheet roofs. It is presumed that these buildings and others within the site originally formed part of the former farmyard complex associated with Organ Pool Farm.

Various changes are proposed to the south facing front elevation. These include replacing the top of a pair of stable doors with windows, infilling an existing window opening with a 4 light casement window, and the replacement of a door with a door and window. An existing opening would be enlarged in height. An existing garage door would be replaced with stonework and 3 light casement windows would be added.

The rear elevation which comprises stone rubble walling has no openings at the present time. Various openings would be formed in this elevation including three doors with glazed window openings, 2 double casement windows, a 3 light casement and a 4 light casement window.

The asbestos sheet roofing which spans the higher portion of the building would be replaced with clay tiles to match the existing clay tiles which exist on the remainder of the building.

A structural survey has been submitted with the previous application Ref: 06/00071/FUL which contains details of the current condition of the barn. It concludes that there is no reason why the barn should not be converted for use as a single storey residential dwelling. The survey has been reassessed by contractors and is still considered valid and letters to this effect have been submitted with the application.

CONSTRAINTS

Planning history
Planning Policy
Open countryside
Rural building

POLICIES

Wiltshire Structure Plan 2016
DP9 Reuse of land and buildings
DP14 Housing, Employment & Related development in the open countryside

West Wiltshire District Plan 1st Alteration (2004)
C1 Countryside Protection
C31a Design
C38 Nuisance
H19 Development in Open Countryside
H21 Conversions of Rural Buildings

National guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
Circular 06/2005: Biodiversity and Geological Conservation: Statutory Obligations & their impact within the Planning System
PPG13: Transport

RELEVANT PLANNING HISTORY

04/00696/FUL - Conversion and change of use to residential accommodation – REFUSAL - 26.05.2004
06/00071/FUL - Conversion of garage and outbuilding into residential accommodation – REFUSAL - 01.03.2006
07/00720/FUL – Conversion of garage and outbuilding to residential accommodation – REFUSAL – 20/04/2007

The most recent refusal was in April 2007 and included 4 reasons for refusal as follows:

- 1) Criteria A of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 requires that every reasonable attempt should be made to secure business, tourism or sport and recreational use. The proposal is contrary to criteria A of Policy H21 as the applicant has not demonstrated that every attempt has been made to secure an alternative use for the building.
- 2) The building would require extensive alterations and rebuilding which would alter its original character and would not safeguard or enhance its essential form and structure or the important features of the building, or the character of the countryside in which it is located. The proposal would therefore be contrary to Policy H21 of the West Wiltshire District Plan 1st Alteration 2004.
- 3) The proposal by reason of the alterations to the building together with the effects of domesticity and trappings of domestic use would be likely to harm the visual amenity and landscape character contrary to Policy C1 of the West Wiltshire District Plan 1st Alteration 2004.
- 4) 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 motorised journeys.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 8 January 2008 and a site notice erected at the gates of the development.

KEY ISSUES

The planning history of the site is a very material consideration to the determination of this application and it is key to consider if any additional information has been submitted or there has been a material change in circumstances, since the previous decision, that would overcome the 4 reasons for refusal. Indeed it must also be considered if there are any further reasons for refusal.

CONSULTATIONS

Parish/Town Council : North Bradley Parish Council. The Parish Council support the conversion of this redundant building, especially in view of the Barn next door which has been converted and is totally unobtrusive. The Council consider that a conversion is better than the buildings falling into total disrepair. It is hoped that the vehicular access will have total visibility.

External : None. However the previous application was commented on by the Highway Authority (objection), the Environment Agency (no comment), Wessex Water (no objection), Wiltshire Wildlife Trust (holding objection) and English Nature (no objection). The Highway Authority's objection led to reason 4 for refusal on 07/00720/FUL.

Internal : None. However the previous application was commented on by Planning Policy who objected to the proposal. Reasons for refusal on 07/00720/FUL were consistent with their comments.

Neighbours : 1 letter received from the consultation process raising issues of concern and objecting to the development.

- should preserve the buffer zones around villages
- access onto the very fast, busy, straight road

OFFICER APPRAISAL

In order for planning permission to be granted the previous reasons for refusal should have been overcome and no other material considerations should have arisen that would lead to further reasons for refusal.

Reason 1 for refusal related to the criteria A of Policy H21 which deals with the conversion of rural buildings to residential dwellings. This states that the applicant should have made 'every reasonable attempt to secure business, tourism or sport and recreation re-use, and the application is supported by a statement of the efforts which have been made'. No more information has been supplied in this regard than previously and this was considered completely inadequate. The information submitted is simply a letter from a firm of Chartered Architects and Chartered Surveyors which states that the building has been advertised for six months for an office use but that no interest has been received. It is noted that this letter has been dated 9 January 2007 and is therefore over 1 year old.

No details have however been submitted of the marketing strategy for office use. There is no evidence submitted that the building has been marketed for any other purpose including other business uses, tourism or sport and recreation which the policy requires. Further there is no information of what has occurred in the past 12 months. In view of this it cannot be considered that 'every reasonable attempt' to secure an alternative use to residential accommodation for the building has been undertaken by the applicant. The proposal does not therefore overcome this reason for refusal and is contrary to Policy H21 of the West Wiltshire District Plan 1st Alteration 2004. Whilst additional information has been provided compared to the last application this is really limited to an argument that disagrees with the interpretation of policy and is a comment typical of an appeal statement.

Reason 2 for refusal related to the design of the proposed conversion which was considered to be completely inappropriate and unsympathetic to the original character of the building and thus the proposal fails to safeguard or enhance its essential form and structure or important features of the building contrary to Policy H21. The design of the proposal has not changed, merely an additional document to justify the approach using percentage calculations for the fenestration arrangement has been included in the application. Again these comments are more reminiscent of an appeal statement than a genuine application. There are no other evident material considerations in this regard since the previous decision and therefore it can only be concluded that the previous reason for refusal has not been overcome.

Reason 3 for refusal related to the domesticity of the conversion harming the countryside contrary to Policy C1. Again the only difference between this application and the previous one is the additional comments given by the applicant's agent which refutes the Council's previous conclusion. They state that the present building is used for domestic garaging and storage and is already constantly surrounded by the trappings of domesticity. The proposal to split the site into further residential accommodation and convert the building to living space would intensify the occupation of the site considerably. It is noted that there would be some improvements to the building e.g. removal of the part asbestos roof, but these do not outweigh the otherwise inappropriate alterations including the poorly conceived and considered fenestration arrangement to both the front and rear elevations. The previous reason for refusal does not appear to be overcome and no other material circumstances are evident in this regard.

Reason 4 for refusal related to issues of sustainability and was a direct result of the consultation response from the Highway Authority. The applicant's agent in this regard has highlighted that a bus stop serves the site immediately outside the entrance to the site and provides access to Trowbridge and its wider facilities. Upon investigation; a brief telephone conversation with First Travel's timetable enquiry service provided conflicting information. This indicated that it was an approximate 6 minute walk to the fringe of North Bradley to get a direct bus to Trowbridge. This service starts at 09.08 and ceases at 13.59. The other service runs from The Rising Sun a very brisk march away in the middle of North Bradley and operates on an hourly cycle from 08.01, then 09.09 until 17.09. The bus stop outside the application site has a telephone number that is no longer known and a company name 'Wiltshire Bus' that is also not known. In short the service is inadequate to cope with modern family requirements, which would be likely to include the need to travel to and from work, take children to school, carry out regular shopping trips and make trips to community facilities. The proposal would create a 3-bedroom property, a family home, and therefore all of these activities would be likely to necessitate journeys by car and there would also be the need for deliveries and for people visiting the dwelling. It cannot be concluded that this is a sustainable location and given that this has formed a previous reason for refusal and no further information has been submitted sufficient to overcome this then the reason must still stand.

In addition to the above there is a requirement for such an application to be considered in regard to nature conservation under national planning policy statement 9. The application covering letter dated 18 December 2007 was submitted indicating that an ecological report was to follow. This has still not been received to date and therefore it is considered that this forms a potential reason for refusal above the previous ones. Ecological information was submitted previously under application 06/00071/FUL and was supported by a check on 22 February 2007. Since it is nearly 12 months since the last 'check' and a full survey has not been carried out since 16 June 2005 then it is considered that there is insufficient ecological information to reasonably assess the potential impact on protected species. In light of this, the lack of information submitted to date and the other reasons for refusal it is considered prudent to add a further fifth reason for refusal. This is in order to give an expedient determination of the application and ensure the safeguarding of all material planning considerations.

The Parish Council raise concern over the access to the site, however this did not form a point of concern previously and since there has been no material change then it cannot form a reason for refusal now.

In summary I would consider that this application is more akin to an appeal statement and since the period of appeal against the other decisions has lapsed, then I would conclude that the Council's best course of action is to retain consistency in decisions by refusing this application and thus allow the applicant their right to a proper appeal determined by the relevant government body.

RECOMMENDATION

Refusal on 5 grounds.

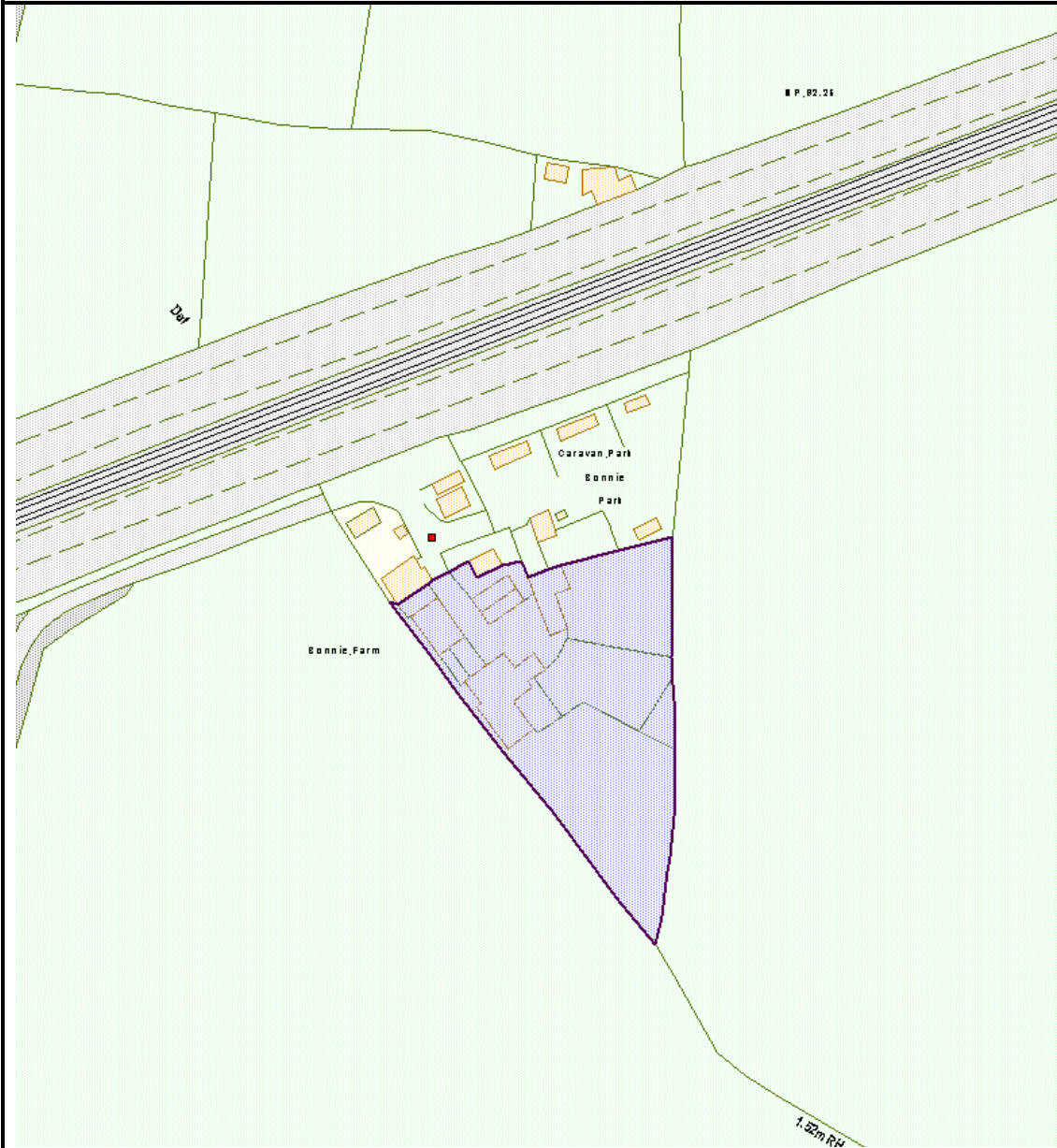
PLANNING COMMITTEE

14 February 2008

ITEM NO: 18

APPLICATION NO: 07/03687/FUL

LOCATION: Bonnie Farm Court Lane Bratton Wiltshire BA13 4ND



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www.westwiltshire.gov.uk

SLA: 100022961

18 Application: 07/03687/FUL

Site Address: Bonnie Farm Court Lane Bratton Wiltshire BA13 4ND

Parish: Edington

Ward: Ethandune

Grid Reference 391138 153271

Application Type: Full Plan

Development: Proposed change of use of farm building to dwelling including alterations and extensions

Applicant Details: Michael J Bonavia
The Old Farmhouse Bonnie Park Bratton Near Westbury Wiltshire

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 21.11.2007

Expiry Date: 16.01.2008

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 - Policies C31A.

- 3 Before the development is occupied, a plan showing parking for two vehicles shall be submitted to and approved in writing by the Local Planning Authority. The parking area 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.

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

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

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

Note(s) to Applicant:

- 1 The applicant should note that if any evidence of bats or other protected species is found during the development, all works must stop immediately and the relevant District Ecologist/Principal Landscape Architect contacted for further advice.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Bratton Parish Council recommends refusal and officers recommend Permission.

This is a full planning application for the change of use of a barn to a dwelling including alterations and extensions at Bonnie Farm, Court Lane, Bratton.

The proposal is accompanied by supporting documentation including a protected species survey, a structural survey and confirmation from a commercial agent to the effect that the building has been marketed for alternative purposes for over six months, from May 2007.

The application is a revision to the refused application Ref. 07/00924/FUL and includes supporting documentation not previously provided, as well as a revised design.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 30 November 2007, when a site notice was posted.

CONSULTATIONS

Parish/Town Council :

The Edington Parish Council has no objection but wonders whether or not, due to the locality of the site near the parish boundary, Bratton Parish should be consulted.

Bratton Parish Council objects. "The council raised objections to this application on the grounds of overdevelopment and the building in question not having gone through the due planning process to be used as a barn let alone a dwelling. Also if this building is to house extra people on site then the council has concerns regarding the safety of the site residents due to the absence of a footpath from the site towards Bratton village."

External :

HIGHWAY AUTHORITY: - no objection subject to a condition in relation to parking.

Wiltshire and Swindon Biological Records Centre - protected species may be present.

Neighbours : There was no response to the site notice.

CONSTRAINTS

The site is located within the open countryside.

POLICIES

West Wiltshire District Plan 1st Alteration, 2004

C7 - Protected Species

E8 - Rural Conversions

H19 - Housing in the Countryside

H21 - Conversions of Rural Buildings

PPS7 - Sustainable Development in Rural Areas

RELEVANT PLANNING HISTORY

07/00924/FUL: Change of use of a barn to a dwelling including alterations and extensions:
Refused 02.05.2007

KEY ISSUES

The only issue in this case is whether or not the reasons for refusal of application 07/00924/FUL have been overcome.

OFFICER APPRAISAL

Application reference 07/00924/FUL was refused for the following reasons:

1. The proposal, because of the introduction of the double-storey extension of domestic appearance dominating the front and side elevations introduce an unsympathetic addition to the building which would neither safeguard nor enhance the traditional character of this agricultural building contrary to Criterion C of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004.
2. No information has been submitted to justify what efforts have first been made to secure business, tourism or sport and recreation uses for the building contrary to the requirements of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004.
3. No structural survey report has been submitted with this application which is considered to be essential to determine whether the buildings can be converted without extensive rebuilding and on the basis of this lack of information the proposal is contrary to Policy H21 of the West Wiltshire District Plan 1st Alteration 2004.
4. No bat and barn owl survey report has been submitted with this application which is considered to be essential to determine whether the buildings can be converted without resulting in harm to protected species and on the basis of this lack of information the proposal is contrary to Policies C7 and H21 of the West Wiltshire District Plan 1st Alteration 2004.

Reason 1

The double storey extension has been omitted from the proposed plans, and the extensions now proposed effectively replicate the form of the host building. The character of the building would thus be preserved;

Reason 2

Evidence of a marketing exercise carried out over a six-month period to establish an alternative commercial use for the building has been provided. The agent confirms that no interest arose;

Reason 3

A structural survey has been submitted. The engineers conclude that the building is capable of, and suited to, conversion for residential use;

Reason 4

The bat and bird survey submitted with the application found that the re-roofing of the barn had created a situation where the building was effectively "bat-proof". No evidence of roosting bats was found. No barn owl roosting was found and, although there was evidence that swifts had used the building, fledglings had already left the nests. None of the nests was anticipated to be affected by the development.

From the above, it is considered that the reasons for refusal for application reference 07/00924/FUL have been overcome.

The comments of the Bratton Parish Council are noted. However, the building is clearly a *bona fide* agricultural structure of some significant age, Council's records indicate that there is a public right of way immediately to the west of the site that provides access into Lower Road, Bratton and the highway authority is satisfied with the proposal.

RECOMMENDATION

Permission.