

PLANNING COMMITTEE

6 March 2008

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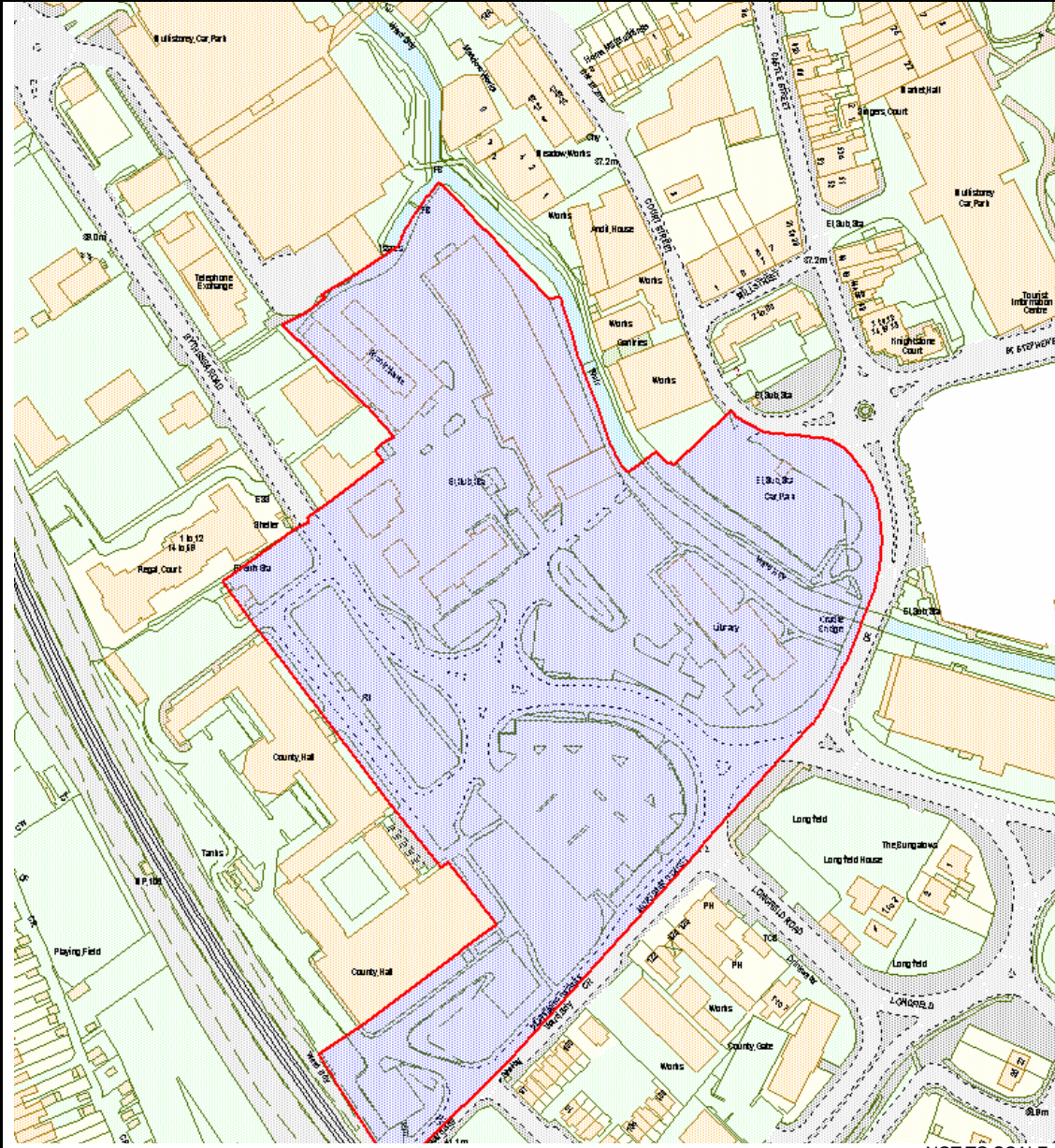
PLANNING COMMITTEE

6 March 2008

ITEM NO: 01

APPLICATION NO: 07/03734/OUT

LOCATION: Land North East Of County Hall Bythesea Road
Trowbridge Wiltshire



NOT TO SCALE

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SLA: 100022961

01 Application: 07/03734/OUT

Site Address: Land North East Of County Hall Bythesea Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge North East

Grid Reference 385520 157650

Application Type: Outline Plan

Development: Mixed use development comprising leisure, food and drink, hotel, residential, offices, retail, library, car parking, servicing and access arrangements (including new footbridge over the river biss), also including demolition works

Applicant Details: Modus (Trowbridge) Limited
C/O Turley Associates FAO Dr T Rocke 10 Queen Square Bristol BS1 4NT

Agent Details: Turley Associates
FAO Dr T Rocke 10 Queen Square Bristol BS1 4NT

Case Officer: Mr Peter Westbury

Date Received: 29.11.2007 Expiry Date: 28.02.2008

JUSTIFICATION 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 as to the prior completion of a Legal Agreement/s to secure provision of an agreed amount of affordable housing, education provision and any physical works and/or financial contributions as required by the highway authority upon conclusion of the further assessment work and subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice.

The Development Control Manager shall secure confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following completion of the required modelling and assessment work.

The Development Control Manager shall also secure confirmation that any conditions required by the highway authority in the light of the further assessment work are added to the decision notice.

The Development Control Manager shall be satisfied that the requirements are in compliance with all relevant Development Plan policy.

The Development Control Manager be authorised to issue the decision on completion of the above.

Condition(s):

- 1 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site ("the reserved matters"), excluding the details and access to the library building (Block 2) and the office (Block 4), shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 4 The development hereby permitted shall be undertaken in accordance with the masterplan principles and development parameters approved as part of this permission, or such subsequent revisions agreed in writing with the Local Planning Authority.

REASON: In the interests of the proper planning of the site.

- 5 The development hereby approved may be carried out on a phased basis. Prior to the commencement of any development a comprehensive phasing scheme for the entire development shall be submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall identify and describe the phases of construction of development including the relevant public realm, landscaping, access and parking, and other infrastructure elements of the Masterplan (as approved from time to time), and details of safe and convenient pedestrian and vehicular access into, out of and through the site including during construction. The development shall be carried out in accordance with the provisions of the approved phasing scheme and access details and/or any subsequent amendments to them which have been approved in writing by the Local Planning Authority

REASON: In the interests of the proper planning of the area.

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

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

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

- 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.

- 8 Details of a public realm strategy to include details of proposed streets, proposed public squares/spaces, together with details of the proposed pedestrian overbridge across the River Biss 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 unless agreed in writing by the Local Planning Authority.

REASON: In the interests of the proper planning of the site.

- 9 Prior to their installation, details of rooftop services, air conditioning units, and flues, and measures for their screening and grouping in accordance with a uniform design solution for each phase of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed 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.

- 10 Details of a public art to be incorporated into each phase of the development 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 unless agreed in writing by the Local Planning Authority.

REASON: In the interests of the proper planning of the site.

- 11 Before the development is occupied, the access roads and car parking areas shall 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.

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

Upon approval:

- a) The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) 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.
- d) The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policy C32 and C40 of the West Wiltshire District Plan First Alteration 2004

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

REASON: To prevent trees on site from being damaged during construction works and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004.

- 14 Full details of pathway construction method, including the finished surface shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be completed in all respects prior to the site being considered for adoption.

REASON: To enhance the amenities of the site and to secure a well planned development in accordance with Policy C32 and C40 of the West Wiltshire District Plan First Alteration 2004

- 15 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres out side the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the Local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

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

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

REASON: In the interests of public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C37.

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

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

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

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

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

REASON: To ensure that any contamination is removed from the site.

- 18 Details of a sound attenuation scheme for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of development of each phase above damp proof course. The details shall include sound attenuation measures between residential apartments, and between commercial uses and car parks where they adjoin residential apartments and to deal with road traffic noise, and development shall be undertaken in accordance with the approved details.

REASON: In the interests of the amenity of the area

- 19 Prior to the commencement of any work on site details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Local Planning Authority. the work shall be carried out in accordance with the approved details.

REASON: In the interest of public safety.

- 20 Prior to the first occupation of any of the phases of the development identified in the application a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in accordance with the principles and terms set out in the Transport Assessment submitted in support of the planning application. Thereafter the development shall be operated in accordance with the approved Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of promoting sustainable transport.

- 21 Prior to the first occupation of any building on any phase of the development a scheme for the provision of off-site vehicle management information systems, including variable message signing, detailing the content, location, number of signs and protocol for their operation shall be submitted to and agreed in writing by the Local Planning Authority and then implemented prior to the first occupation of any building on any phase of the development and retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of promoting sustainable transport.

- 22 Prior to the first occupation of any phase or part of the development a car park management and control strategy to cover the entire application site (including a scheme of charging for those using the car park shall be submitted to and approved in writing by the Local Planning Authority. The car parking provisions hereby authorised shall be operated in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of promoting sustainable transport.

- 23 Prior to the first use of any of the car parking provisions hereby authorised, details of the layout and design of proposed access ramps and ticket barriers to all access and egress points serving the site's parking provision, including a scheme of operation for the same' shall be submitted to and approved in writing by the Local Planning Authority. Means of providing and controlling access to and from car parking areas within the site must then be provided in accordance with the approved details.

REASON: In the interests of proper management of the site

24 Details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on the site.

REASON: In the interests of protecting the amenity of the area

25 Any retail development of the site shall be limited to ancillary development to the main uses on the site.

REASON: In order to protect the vitality and viability of Trowbridge Town Centre.

26 No development shall commence until a Conservation Management Plan has been prepared and submitted in writing to the Local Planning Authority for approval. This should detail further survey work for water voles and general enhancement measures for wildlife incorporated into the overall design and landscaping.

REASON: To ensure the existing wildlife value of the site is retained and enhanced.

27 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 2004 - Policies C14 & C15.

28 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 2004 - Policy C7.

Note(s) to Applicant:

1 The applicant is advised that there are species in the vicinity which are protected under the Wildlife and Countryside Act 1981 and you should contact Natural England and the Wiltshire Wildlife Trust before and during construction.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because West Wiltshire District Council owns part of the application site and because of its significance to the regeneration of Trowbridge.

This is an application for outline planning permission for the redevelopment of land at Mortimer Street, Bythesea Road, Court Street and Castle Street Trowbridge to provide demolition works and the provision of mixed use development comprising leisure, food and drink, hotel, residential, offices, retail, library, car parking, servicing and access arrangements (including new footbridge over the River Biss) together with alterations to the public highway and public realm works.

Full details of Phase One of the scheme, specifically the library block and office development within the existing County Hall car park are submitted as part of this application. Details of the remaining uses on the site will be the subject of a reserved matters application at a later stage. Only the means of access of Phase 2 is submitted in detail at this stage.

The application site is an area of 5.9 hectares of previously developed land to the north of County Hall on the edge of Trowbridge town centre. The redevelopment includes the provision of five blocks which include a variety of uses including a multiplex cinema, ten pin bowling alley and associated commercial, office, residential, leisure and hotel development together with a replacement public library.

The application site comprises land on the north eastern side of Bythesea Road. The site includes the existing four storey County Library and surrounding uses including the reference library and National Probation Service office. None of these buildings would be retained as part of this proposal. The site straddles the River Biss between Cradle Bridge and the footbridge to the north, close to the Asda car park. It also includes the open-air car park at Court Street.

The scale of the proposed development included in the supporting material is as follows:

	Leisure	Residential	Library	Hotel	Offices	Other/Ancillary	Total
Blocks							
1,3,5	18,438	18,373	-	2,579	-	726	40,116
Block 2	428	3,816	1,727	-	-	139	6,110
Block 4	-	-	-	-	5,321	276	5,597

The proposal includes the following car parking provision;

450 spaces - To be retained/ new Wiltshire County Council provision
 85 spaces - Offices
 180 spaces - Residential Use
 A minimum of 400 spaces for the leisure and commercial uses.

The following tables set out maximum heights for each of the blocks and indication of the floor areas for each of the uses:

Height table

Block 1	25m
Block 2	22m
Block 3	25m
Block 4	22m
Block 5	25m

In detail, the Phase 1 proposals are divided as follows:

Block 2:

Class D1 Public Library (3,816 sq.m)
 Residential Units comprising:
 - 4 x Studio Apartments
 - 39 x 1 bed apartments
 - 15 x 2 bed apartments

Food and Drink Unit at ground floor level (428 sq.m)
 Ancillary functions (139 sq.m)

Block 4:

Office Units (5,321 sq.m)
 Small scale ancillary uses (276 sq.m.)
 Multi level car parking for 244 vehicles
 Surface level car parking for 193 vehicles

Design

Phase 1 involves the construction of two blocks. Block 2 is to be located on the site of the surface car park at Mortimer Street and would wrap around the north east of the overall site. It would be a five storey building incorporating the uses as set out above.

The design has evolved from the bid submission and has been designed in consultation with Officers of the Council. The design of each block will create a flagship building for the this important part of the town. The Applicants state that the application proposals would “stand the test of time”. In all other respects the façade is as shown in the bid document. Its massing, volume, overlapping forms for the library entrance and stepped profile for the residential development have all been retained. The design is regarded as being consistent with development plan policy.

Block 4 incorporates a three storey block to be located to the south of Bythesea Road and to the north east of County Hall. It will incorporate flat roof. The design of this building has also evolved following consultation with the Officers of the Council. The building will sit comfortably in its surroundings and is consistent with relevant development plan policy.

Means of access

The means of access to the site is not reserved. Alterations are proposed to Mortimer Street and Bythesea Road. The exact details of this work are to be confirmed (see the representation of the County Highways Authority), however the proposal involves alterations primarily to Bythesea Road and Mortimer Street. The submitted drawings include the following:

- New T- junction to the immediate south of Cradle Bridge
- Access to the residential block via a T-junction off Bythesea Road to the north of the existing County Hall car park close to the Longfield gyratory system
- The replacement of the existing roundabout at the front of County Hall with a T-junction from County Hall on to Bythesea Road.
- Alterations to Mortimer Street to afford improved access to the existing County Hall car park
- Signalled junction at Bythesea Road to the north west of County Hall affording access to the Phase 2 leisure development.

Development Agreement

Following the selection of a preferred developer for the site, a Development Agreement was entered into. This Agreement contains the following key provisions:

Highway Improvements

1. Works on Bythesea Road comprising a new signal controlled junction to facilitate access to the new multi-story car park and county hall; removal of the existing mini-roundabout; provision of an additional eastbound lane on the approach to the Longfield Gyratory; and a new pedestrian crossing.
2. Provision of a new ghost right turn lane on Mortimer Street together with widening of Mortimer Street at the junction of the Longfield Gyratory
3. Provision of three new bus stops on Mortimer Street and Bythesea Road, footway resurfacing works and new pedestrian signs.

Off Site Car Parking

Provision of 298 space car park to the rear of County Hall

Public Realm Works

Provision of walkways and other amenities within the development including enhancements to and a footbridge over the River Biss and incorporation of public art

County Hall Refurbishment

This is an off-site provision which does not form part of the application proposal.

Temporary Library

Provision of a temporary library adjoining the existing library.

Office Relocation Works

Provision of alternative office accommodation for Wiltshire County Council or a payment to WCC in lieu of provision.

Industrial Relocation Works

Provision of alternative industrial accommodation for the industrial functions currently being undertaken on the application site.

Education

The development agreement does not specifically state that an education payment is payable.

SITE VISIT / STATUTORY SITE NOTICES

The site has been visited regularly since November 2005. Nevertheless the site notices for this application was erected in December 2007.

CONSULTATIONS

Parish/Town Council: TROWBRIDGE TOWN COUNCIL: No objection

“The Committee had no objection to the development, subject to more free car parking spaces being made available”

External:

- COUNTY HIGHWAY AUTHORITY: Have not confirmed at this stage their

“In transport terms, this is a large and complex development with a wide range of implications. Despite our best efforts, there are a number of issues that currently remain unresolved however I am fully aware of our respective Councils shared desire for the application to be placed on the March 6th agenda.

That is not to say that a mutually acceptable solution cannot be found, simply that work is continuing to establish what that overall solution will comprise. Indeed whilst there remain outstanding technical issues to resolve through further modelling and testing work, based on the assessments undertaken to date it seems to me that there are no insurmountable transport difficulties associated with the proposed development. I would therefore not wish to raise an objection to the proposals subject to the further modelling and assessment work currently in progress confirming the preliminary conclusions.

In the event of the District Council being minded to grant planning permission at the meeting of the Planning Committee on 6th March 2008, I therefore recommended that authority be delegated to the Director of Planning to issue the planning permission subject to:

- Confirmation from the highway authority that all highway and transportation issues have been resolved to their satisfaction following completion of the continuing modelling and assessment work;
- Any conditions required by the highway authority in the light of the further assessment work, subject to District Council being satisfied that the requirements are in compliance with the relevant Circular advice;

- Inclusion in a legal agreement of physical works and/or financial contributions as required by the highway authority upon conclusion of the further assessment work, subject to the District Council being satisfied that the requirements are in compliance with the relevant Circular advice.”

- COUNTY LIBRARY MUSEUMS & ARCHIVES (ARCHAEOLOGY): No objection subject to the imposition of a relevant condition.

- COUNTY EDUCATION AUTHORITY: No comments received

- COUNTY PLANNING: No objection

“The County Council’s opinion is that the Waterside development will provide a genuine mixed-use development that will add vitality to the Trowbridge town centre, an increase in cultural and leisure offer, and improved linkage to public space and pedestrian routes in and around the town centre. The Wiltshire and Swindon Structure Plan 2016 supports a development of this scale and type at this location.”

- ENVIRONMENT AGENCY: Object

“We object to this application because the flood risk assessment (FRA) does not adequately consider the flood risk. We are concerned about the flood risk impact of the riverside development and there are a number of queries that not been addressed.”

These are:

1. A hydraulic model is required
2. Floodplain compensatory works have been discounted and not provided in the Flood Risk Assessment (FRA).
3. “Why is there is a proposal to raise the left bank (FRA s.1.10) when the site is said to be within Flood Zone 23 already and finished floor levels are being raised as a precaution?”
4. The requirement for a 5m easement with possible compromise on “pinch points”.
5. The Applicant should identify where the existing culverted watercourse crosses the site and what catchment it drains.
6. The Applicant should provide an estimation of existing and proposed runoff rates.

In response to this the Applicants have provided additional FRA work which at the time of the preparation of the report, the EA were assessing.

- WESSEX WATER: No final comments received.

- NATURAL ENGLAND: Object on the grounds that a Wildlife Survey should be submitted.

- ENGLISH HERITAGE: No comments received.

- SOUTH WEST REGIONAL DEVELOPMENT AGENCY: Support the application providing that West Wiltshire District Council is satisfied with the proposed development, concluding that:

“The South West RDA therefore welcomes the proposes for the mixed use redevelopment of this key regeneration site and considers that they will help to meet the objective of the UDF and as such, help to secure the long term economic future of Trowbridge in line with the Regional Economic Strategy objectives.”

OTHER STATUTORY CONSULTEES

NORTH WILTSHIRE DISTRICT COUNCIL: Support the application

MENDIP DISTRICT COUNCIL: No comments received

TROWBRIDGE CIVIC SOCIETY: No comments received.

TROWBRIDGE CHAMBER OF COMMERCE: Support the application.

"Development of this area of the Town Centre is long overdue and will hopefully act as a catalyst that will help to accelerate the key regeneration projects that are set to transform, and give new life to, the town over the next few years."

Internal:

- PLANNING POLICY: No comments received

- URBAN DESIGN AND CONSERVATION ASSISTANT: No final comments received although this Officer has been heavily involved in discussions about the design of the proposal.

- REGENERATION OFFICER: Supports the application.

"UDF - the proposals are entirely within the spirit and letter of the Trowbridge Urban Design Framework in that the mixed use development will create a new sense of place and distinctiveness with regard to the site itself and the wider Town Centre. The development will be integrated into the existing fabric of the town in such a way as to develop Trowbridge as a centre of excellence (in terms of design, function and amenity) while providing the facilities and public realm consistent with its status as the County Town.

The scheme itself is an integral part of and indeed a key driver in the Regeneration of Trowbridge and will set a new standard in design and provision for the town.

The proposals for public realm are to be welcomed providing as they do safe, attractive public spaces and an enhanced pedestrian environment. Moreover, the scheme itself is focussed on the River Biss and thus provides an enhanced role for the River consistent with the core Objectives of the UDF and with the emerging Public Realm study for the River in the town centre. Beyond the river corridor itself the development will provide new links to the town centre across the River and towards Castle Street and the park. This will be a significant access corridor facilitating pedestrian movement between the established town centre and Waterside (the new leisure quarter) as well as the civic centre of County Hall and the new Library (which in itself is a significant benefit delivered by this development). The visual link across the development from Castle Street across to County Hall provides a strong and important visual and physical connection and contributes to overall way finding and orientation of pedestrians in Trowbridge.

From a physical and economic regeneration perspective this scheme will make a very positive contribution to the fulfilment of the Vision for Trowbridge and the Transforming Trowbridge Delivery Plan and most importantly will begin address the shortcomings in facilities (especially commercial leisure) that currently prevent Trowbridge from realising its status of County Town.

It should also be noted that the Transforming Trowbridge Steering Group who have overall ownership of the Vision for the Trowbridge have expressed their unequivocal support for this scheme."

- ENVIRONMENTAL HEALTH: No comments received

- TREE AND LANDSCAPE OFFICER: Objects

"This application in its current form is contrary to Policy C32 and C40 of the West Wiltshire District Plan, First Alteration June 2004. I recommend this application be refused on the ground that it will unacceptably destroy the character currently offered to the local area and result in the removal of significant category 'A' trees."

- HOUSING SERVICES: No comments received.

Neighbours:

Three representations have been received highlighting the following issues:

- No consideration has been given by the landlords, to one of their tenants namely the Bustard Club.

- Clarification is required as to the provision of clear vehicle access by staff to the Probation office both during and after construction.
- There is a massive need for leisure facilities of this type in the town, this application had got everything right in terms of meeting the need of the local population through to the design and appearance of this exciting development.” The representation continues that the development must go ahead to provide vital leisure facilities for Trowbridge.

NEGOTIATIONS / DISCUSSIONS

The application has been the subject of regular meetings both prior and following the submission of the application at the end of November 2007.

CONSTRAINTS

Part of the site lies in the Trowbridge Conservation Area.

POLICIES

Regional Spatial Strategy (RPG10)

VIS1	Expressing the Vision
VIS2	Principles for Future Development
VIS3	Achieving the Vision
SS2	Regional Development Strategy
SS3	The sub-regional strategy
SS6	Other designated centres for growth
EN4	Quality in the Built Environment
EC6	Town centres and retailing
HO1	Levels of housing development 1996-2016
HO3	Affordable housing
HO5	Previously developed land and buildings
HO6	Mix of housing types and densities
TRAN1	Reducing the need to travel

Wiltshire Structure Plan 2016

DP2	Infrastructure
DP3	Development Strategy
DP4	Housing and Employment Proposals
DP6	Hierarchy of Shopping Areas
DP7	New Housing at Towns and Main Settlements
DP8	Affordable Housing
DP9	Use of previously developed land
T6	Transport - Development Management
T8	Heavy Goods Vehicles Parking
HE2	Other Sites of Archaeological or Historic Interest
HE7	Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration

C18	New Development in Conservation Areas
C21	Planning Permission in Conservation Areas
C31a	Design
C34a	Resource Consumption and Reduction
R4	Open Space in new housing developments
H1a	Housing Land Provision
H2	Affordable housing within towns and villages
H24	New housing design
T10	Car Parking
SP1	Town Centre Shopping
SP3	Out of Centre Shopping
LE1	Leisure and Entertainment
TC2	Traffic Management and Pedestrian Priority
TO3	Hotels, Guest Houses and Self Catering Accommodation

CF1 Community Services
U1 Infrastructure
I1 Implementation
I2 The Arts

Design Guide: Principles SPG
Residential Design Guide SPD (Draft)
Affordable Housing SPG
Open Space SPG

Trowbridge Urban Design Framework SPG
The Emerging Wiltshire Strategic Flood Risk Assessment (WSFRA) the draft report of which was prepared by Scot Wilson and published in October 2007
West Wiltshire Community Strategy 2004-2014
West Wiltshire District Council Corporate Plan 2005-10

National Planning Policy Guidance/ Statements:

PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres
PPG3 Housing
PPG13 Transport
PPG15 Historic Environment
PPG16 Planning and Archaeology
PPS25 Planning and Flood Risk

RELEVANT PLANNING HISTORY

05/02884/FUL - Redevelopment to provide multiplex cinema, ten pin bowling and associated commercial leisure and hotel facilities together with the construction of a public library, offices and residential development.

Resolved that the application be referred, on completion of the statutory consultation period, to the Secretary of State as a Departure from the Development Plan and for development within the conservation area, which the Council is minded to grant permission subject to the satisfactory completion of a Unilateral Agreement to secure the provision of sufficient affordable housing, education provision and a negotiated sum for the provision of public art in accordance with adopted development plan policy. The Development Control Manager be authorised to issue the decision on completion of the above on 16 February 2006.

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 policy.

OFFICER APPRAISAL

The representation received from the South West Regional Development Agency (SWRDA) in support of this application is key in underlines its importance to the regeneration of Trowbridge. The representation recognises that Trowbridge has one of the largest and fastest growing populations of the market towns in Wiltshire but has, in recent years, suffered from a lack of economic investment. Strong competition from neighbouring towns has posed challenges for the town in meeting its full economic potential.

SWRDA state that the application site is a "key vacant regeneration site identified through the Trowbridge Urban Design Framework", which will contribute jobs to the town predominantly in the leisure and hotel sectors.

This application proposal represents an important stage in the regeneration of Trowbridge. The proposed development will bring significant and lasting improvements to the town, not least in the provision of a new library but also in the provision of leisure facilities including a cinema for the town.

It should be noted that at the time of the preparation of this report, a number of key consultees had not confirmed that they raised no objection to the application proposals. Nevertheless, on the basis of the information before Officers, it has been concluded that a favourable recommendation can be made.

Bid Process and Consultation

The proposals have been the subject of consultation with key stakeholders both prior and following the submission of the application. The Applicants were selected as the County Council's preferred development partners following an extensive rigorous bidding process, which Officers and Members of the County and District Council took part.

The application submission includes alterations to the bid document but your Officers are of the view that broadly the scheme is consistent with the bid proposals.

A Statement of Community Involvement has been submitted with the Application. This indicates that the proposals for the site were presented at a Wiltshire County Council Exhibition in July 2007 and the West Wiltshire Show also in July 2007.

Phasing

A phasing plan has been produced with the scheme. This indicates that the proposal will ultimately include the range of uses set out above in five blocks. Blocks 2 and 4 will be provided in the first phase.

A key requirement of the proposals is the provision of a new library for the town. To this end, the proposals have been phased and the library block, including residential development (Block 2) will be provided in the first phase.

Highways

At the time of the preparation of the report, highways issues in respect of the site had not been resolved to the satisfaction of the Highways Authority. There remains a need for additional work to be undertaken and this is summarised in the consultation response from the County Highways Authority set out above. While this is less than satisfactory, the Highways Authority has at least recognised that a solution to highways issues will ultimately be able to be found.

Housing

The application site is an appropriate location for residential development. It is a sustainable brown field site where guidance and policy at all levels states that housing development should be concentrated. The Trowbridge Urban Design Framework identifies the site as an appropriate location for housing development.

The proposal will make provision for 58 residential units in the first phase. The remainder of the site (Blocks 1,3 and 5) will make provision for residential at a level of units to be established at the reserved matters stage. However the Planning Statement which accompanies the application states that these blocks will provision 18,373 sq. m of residential accommodation.

Affordable housing will be provided at an agreed level.

Replacement Library

There will be no loss of community uses resulting from the application proposal. The existing library on the site will be demolished and replaced with a purpose built library and exhibition centre. Therefore the proposed replacement library is consistent with development plan policy CF1.

The design of the library building has evolved following close consultation between the Applicants and Library Services and internally will meet their requirements.

The Town Council have raised concerns about the provision of free parking for users of the library. These concerns have been brought to the attention of Officers at the District and County Council will responsibility for the wider car parking strategy for the Town. Which parking charges will be imposed on the scheme cannot be controlled by planning condition as the Local Planning Authority have no means of policing such a restriction.

Office Development

Phase 1 includes 5,321 square metres of office development within Block 4. This represents the only office development within the scheme.

As the proposal involves the replacement of offices, it is considered that this proposal will not result in a loss of employment in Trowbridge. On the contrary it is considered that when seen in the context of the other uses that form part of the application proposal, it will encourage new employers to relocate to Trowbridge and will act as a catalyst for the economic growth of the town. This view is supported by the representation received from the Economic Development Officer, who has indicated their support for the proposal.

Leisure and Entertainment uses

Planning Policy Statement on Planning for Town Centres (PPS6) requires local authorities to assess the need for further main town centre uses and ensure that there is capacity to accommodate them. Development and expansion should be focussed on existing centres.

At this stage, it is anticipated that the site will accommodate a range of leisure and employment uses, including a 20-lane bowling alley, 8 screen cinema, exhibition space (within the library), nightclub and fitness centre.

Trowbridge is a town which has a population of around 35,000 and represents the largest urban area within its sub region. Typically sub regional centres such as Trowbridge can be expected to have a catchment area of a 15-20 minute drive time for convenience goods and up to 30 minutes for comparison goods and commercial leisure. The 30 minute drive time catchment has a population of 363,000 but this includes most of Bath as well as Chippenham, Melksham, Devizes, Westbury, Warminster, Frome and Radstock/Norton. The precise catchment population and spending available will depend upon the relative size, range and attractiveness of facilities within competing centres within these isochrones. Higher order commercial centres such as Bath, Bristol and Swindon will have a greater sphere of influence, whereas centres lower in the commercial hierarchy will have more limited catchments. When an individual centre has a particular facility or commercial advantage not offered elsewhere, the typical pattern can be distorted, but this is rarely of much overall significance.

Given the comparative size of Trowbridge to Chippenham and the role it plays in the sub-region, it is considered that the impact on Chippenham is of particular importance. In the light of this North Wiltshire District Council were consulted. They have indicated that they raise no objection to the proposals.

The combined impact of the various proposals in the UDF on Trowbridge town centre and surrounding towns in the catchment area has been assessed in a study by Roger Tym and Partners in September 2004. In summary the study concluded that in the light of loss of trade and employment since 1990 the town centre is fragile and needs to renew itself. The comparator towns of Warminster, Westbury and Devizes all grew strongly during this period. Furthermore the study concludes that the combined planned development sites in the UDF, including Waterside are only what are needed to ensure that Trowbridge does not fall further behind compared with neighbouring economies in the sub region. There is virtually no impact on the other towns in West Wiltshire and minimal impact on any other centre.

This edge of centre site will, when redeveloped in accordance with the adopted UDF and the Development Plan, represent a logical and cohesive extension to the town centre of Trowbridge. Therefore it must necessarily follow that there will be no diversion of trade away from the town centre itself, though the creation of more floor space for commercial leisure and office premises will almost inevitably trigger some movement of existing businesses as well the attraction of new ones.

Hotel development

The applicants' statement in support of their application refers to the provision of a hotel with a floor area of 2,579 sq.m. This would be provided in Phase 2.

Development Plan policy TO3 states that proposals for new hotel, guest house or other serviced and self catering accommodation for visitors within the built up area of Trowbridge will be permitted provided that it is limited in scale, design, siting and materials of any buildings are sympathetic to the character of traditional buildings in the area and any extension is well designed so as not to harm the character of the building. The development would not harm the amenities enjoyed by occupiers of adjoining properties. The development would be readily accessible by foot, bicycle and public transport. The development makes adequate provision for car parking and access. The development does not harm the natural environment including the water environment and that adequate infrastructure is provided.

At this stage it is only possible to confirm that the application site represents an appropriate sustainable location for hotel development. Other considerations will be addressed at the reserved matters stage. Given its location it will be well served by public transport. The design of the proposal will be addressed at the reserved matters stage.

Provision of open space and the impact on the River Biss

Development Plan policy requires the appropriate provision of public open space for proposals of ten or more dwellings. In this case, the provision of open space has been considered in the context of the requirements of the Trowbridge UDF. This places particular importance on the improvement of the walkways on either side of the River Biss.

The River runs through the site and provides an important link between Cradle Bridge and the Shires Shopping Centre. The Trowbridge UDF recognises its importance.

The application proposal also includes significant improvements to the public realm, to be secured by condition.

Flood Risk

In the light of the scale of the proposed development, the existing uses and the planning history of the site, it is considered that there are no other sites in Trowbridge capable of accommodating the proposed development. Your Officers are satisfied that there are no sequentially preferable sites for the purposes of PPS25. In reaching this conclusion, your Officers referred to the emerging Wiltshire Strategic Flood Risk Assessment, in accordance with advice from the Environment Agency.

The application site is identified as being within EA Flood Zone 2. (West Wiltshire Sources of Fluvial Flooding Figure 3a). In accordance with advice in PPS25, Appendix D, it is recognised that within Flood Zone 2, developers and local authorities should seek opportunities to reduce the overall level of flood risk on these area through the layout and form of the development, and the appropriate application sustainable drainage techniques.

The exact details of what works will be involved have yet to be resolved and at the time of the preparation of the Officer's Report, the Applicants were still consulting with the Environment Agency and had not yet submitted an updated Site Investigation Report to the Local Planning Authority. Nevertheless, your Officers are satisfied the flood risk mitigation can be addressed by the discharging of relevant conditions. These will address the six issues identified above.

Landscaping

The application proposal involves the loss important trees around the River Biss and in its current form, the Council's Tree and Landscape Officer is not satisfied that an appropriate landscaping scheme can be achieved on site. There will need to be further amendments when the detailed design for Phase 2 is designed.

In respect of Phase 1, there is no scope for any landscaping to screen the car park from Mortimer Street. The car park will be highly visible from Mortimer Street.

The Tree and Landscape Officer has indicated that "significant" London Plane trees will be lost as a result of the proposed improvements to the River Biss which offer significant amenity value. This is clearly regrettable but necessary in order to achieve the wider improvements for the site. In response, the Landscape and Tree Officer has spoken with both the County Council and the Applicants and it has been agreed that a condition should be imposed requiring the submission of a detailed landscaping scheme for the site.

Ecology

Your Officers confirm that a survey has been submitted and was sent to Natural England, despite their comments. A further copy has been sent to Natural England and comments are awaited. Nevertheless a relevant condition forms part of the recommendation.

Sustainable Design Principles

The application proposal will deliver sustainable development in the following key respects. It will result in significant regeneration of a town centre site. It will improve conditions for pedestrians by upgrading the environment around the River Biss and linkages between the town centre and County Hall.

The proposal will comply with current Building Regulations and in so doing will comply with the requirements of Policy C34 which requires energy efficiency. The Applicants have also indicated that other green and clean technologies may include water direct cooling coupled to the river or heat pumps for the hotel and retail accommodations (within Phase 2). Clearly the reserved matters proposal for Phase 2 will be required to comply with this policy.

Comments on the representations received.

The Town Council indicate that there should be free parking for visitors to the library. Whether this can be provided will be a matter for further negotiation. Nevertheless, there is a condition requiring the applicants to secure a car parking strategy for the entire scheme.

The relocation of the Bustard Club is a matter for negotiation between the Club and the County Council. Discussions between your Officers and the Applicants suggest that work on this is ongoing.

Clearly any development of this scale is likely to cause disruption particularly in the short term. However, relevant conditions are recommended requiring the Applicants to secure a programme of work during the construction phase.

Conclusion

This proposal represents an important stage in the process of regenerating this previously developed site. It is acknowledged that as an outline application much of the detail of this proposal is yet to be determined. However, this proposal is consistent with the principles of the Development Plan policy and the Trowbridge UDF and while there are matters of detail which need to be resolved, there are no material considerations which have been identified to outweigh this policy consideration. The economic arguments in favour of the proposal are strong and your Officer's recommend that authority be delegated by Members to the Development Control Manager to secure this vital development in Trowbridge. Outstanding issues can be addressed by relevant conditions and legal agreements and if they cannot then the Development Control Manager will bring the report back to the Planning Committee with a revised recommendation.

RECOMMENDATION

That the Development Control Manager be authorised to issue the decision on completion of a Legal Agreement and the resolution of issues outlined in the recommendation.

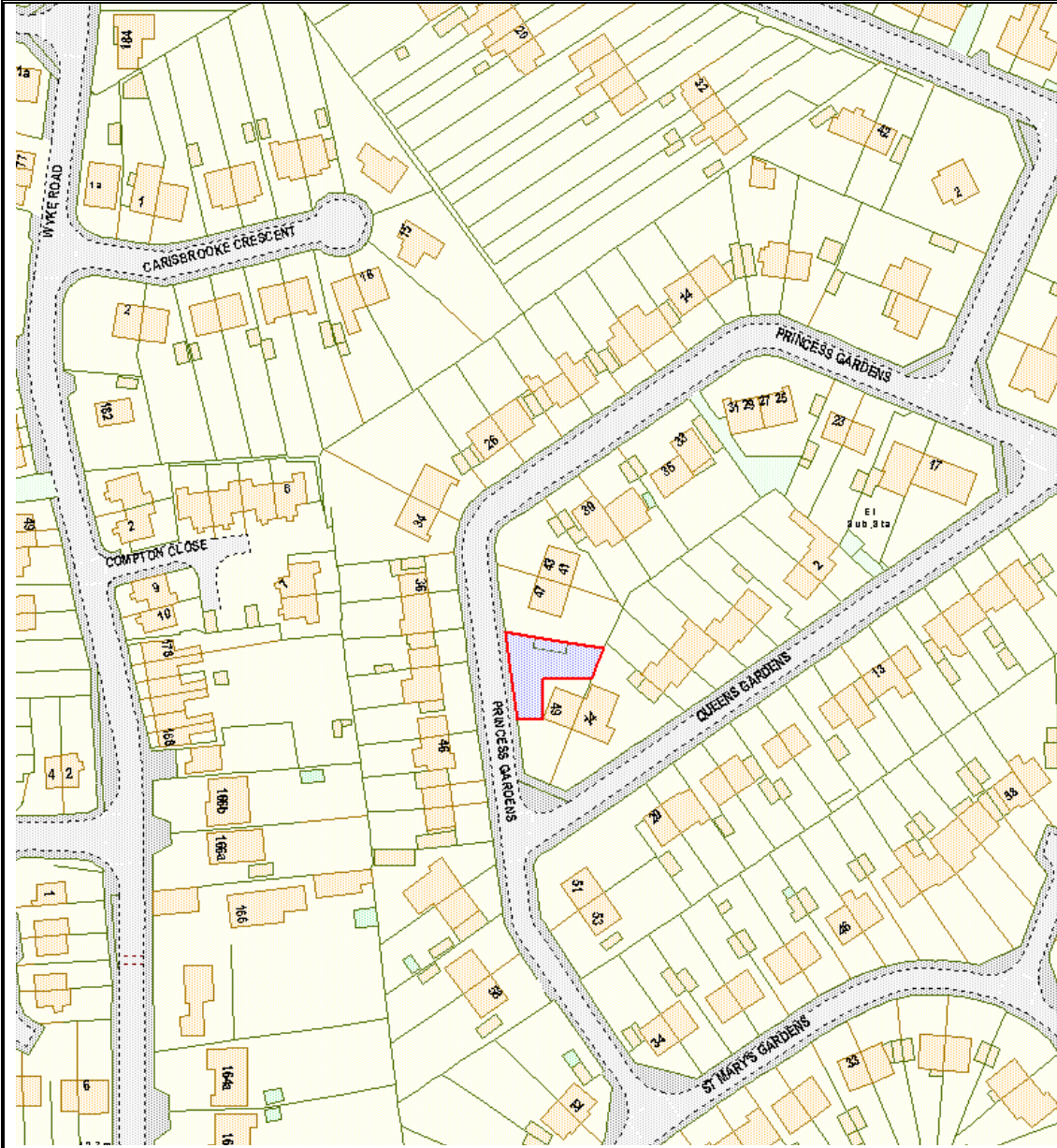
PLANNING COMMITTEE

6 March 2008

ITEM NO: 02

APPLICATION NO: 07/03811/FUL

LOCATION: Land Between 47 And 49 Princess Gardens Hilperton
Wiltshire



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SLA: 100022961

02 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

JUSTIFICATION 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, and deferred again at the meeting of 14 February when the Planning Committee failed to determine it.

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.

It should be noted that in two similar cases where we had pursued the previous policy requirement, the appeals were allowed and costs awarded against the Council.

RECOMMENDATION

Permission with Conditions 1 - 6.

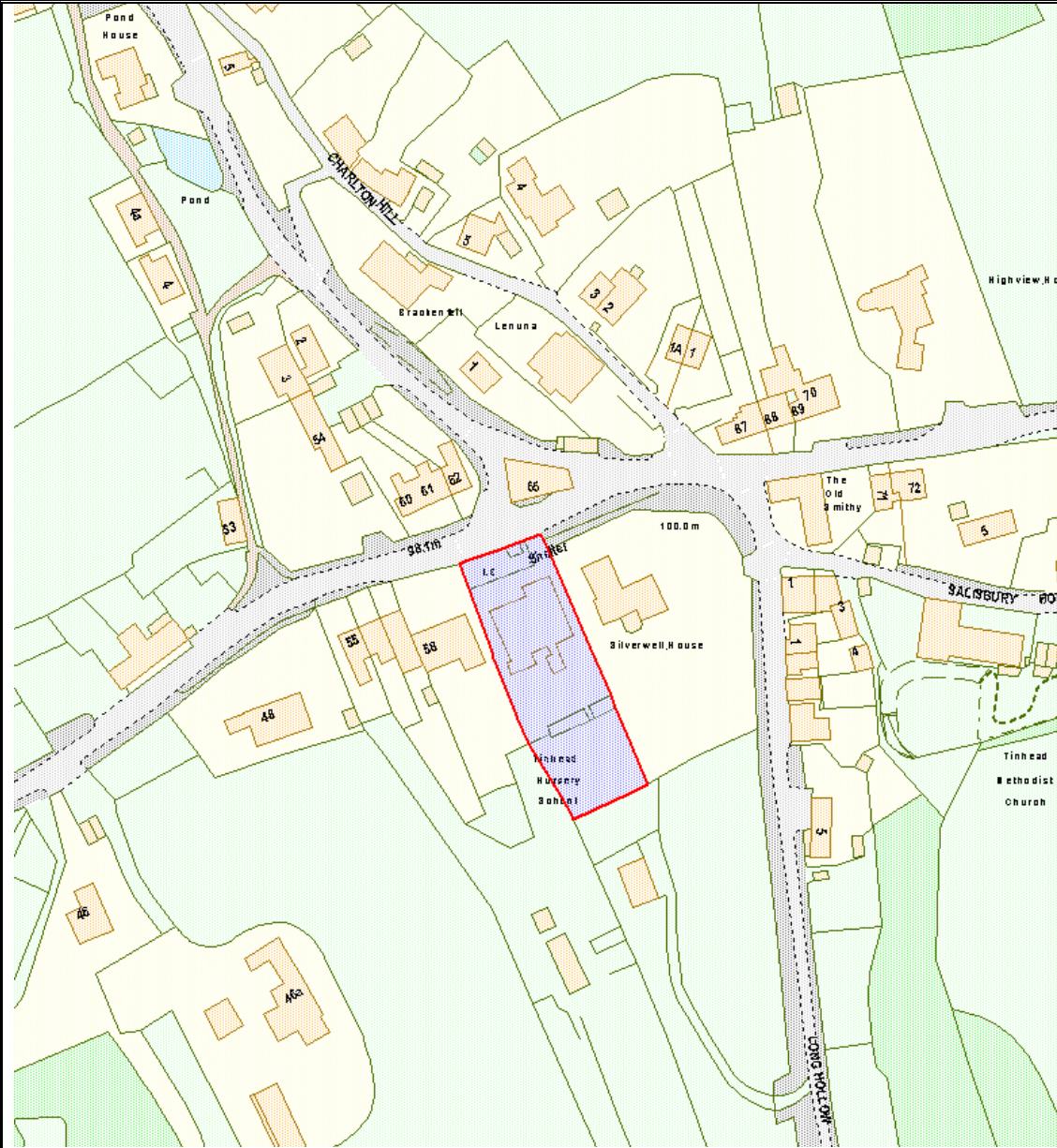
PLANNING COMMITTEE

6 March 2008

ITEM NO: 03

APPLICATION NO: 07/03224/FUL

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



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 07/03224/FUL

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

Parish: Edington

Ward: Ethandune

Grid Reference 393314 153283

Application Type: Full Plan

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

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

Agent Details:

Case Officer: Ms Margaretha Bloem

Date Received: 10.10.2007

Expiry Date: 05.12.2007

RECOMMENDATION: Refusal

Reason(s):

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

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Committee on 06.12.2007 as "The Planning Committee was mindful to grant permission following deferral to seek improvements to the access arrangement and to check with the Highway Authority if there are any recommended distances between bus shelters and vehicular access points". The application was originally called to Committee at the request of Councillor Swabey.

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

Revised plans increase the width of the access, replacement of the west pillar in the corner of the site to improve pedestrian visibility and the lowering of the front wall to improve pedestrian visibility. The parking spaces are now also allocated - two spaces for "School House" and one space for "Old House".

SITE VISIT / STATUTORY SITE NOTICES

Site notice displayed to front of property on 19.10.2007 and new site notice displayed on 08.02.2008.

CONSULTATIONS

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

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

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

Following the amended plans the Highways Officer maintains the objection. Added that while it has been outlined that vehicles park in the carriageway near the bus stop, these parked vehicles will also restrict visibility in addition to the standard requirements. It is not considered that there is sufficient room for the parking of three vehicles and a suitable turning area in the format proposed. While all three vehicles are parked clearly there would not be sufficient space to turn vehicles and a further consideration is that usually for a dwelling two spaces are usually required. On this basis, a fourth vehicle in the site would most probably occupy the turning area.

Without prejudice to the above, it is noted that the applicant has amended the access to ensure that the access has suitable width of 4.5 m for the first 7 m, and the applicant has provided the pedestrian intervisibility splays (2.4m x 2.3m and 2.4m x 2.4m either side of the access maintained at 0.6 m and above). However it would be preferred if there was more radii on the side of the access adjacent to the edge of the site. However it is not considered that these elements overcome the significant issues outlined above.

An important issue that I may have overlooked, is that adequate gradient in the entrance should be provided, ie: vehicles losing grip in cold and icy conditions etc. There have been no plans submitted illustrating the spot height. In the event that planning permission is granted, a condition to ensure that the gradient of the access is no steeper than 1 in 15 over the first 4.5 m should be used, I am under the impression this should be achieved but it should be checked and demonstrated by the applicant.

Without prejudice to the refusal reason above, in the event planning permission is granted by the planning committee, I recommend that 'standard' conditions such as the access being laid out in accordance with plans, the first 7m being consolidated, has provision to prevent water entering the public highway, include provision for pedestrian intervisibility splays (2.4 x 2.4m), allocated parking and turning areas and the gradient of the access not being steeper than 1 in 15 over the first 4.5m.

Internal : Heritage Development Officer: Verbal consultation - no objection as long as the pillar is replaced in the corner of the property.

Neighbours : One neighbour wrote in with regards to access to plans and no formal neighbour notification letter.

NEGOTIATIONS / DISCUSSIONS

Following deferral of the application a meeting was held. Although the required visibility splayed would not be achieved, the internal layout and pedestrian visibility could be improved. Amended plans were submitted.

The Highways Officer confirmed that: "There is no set guidance for distance of bus stops and access points, usually it is engineering digression that they do not adversely conflict i.e. visibility splays or any other issues that can arise".

CONSTRAINTS

Conservation Area
Planning history

POLICIES

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

RELEVANT PLANNING HISTORY

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

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

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

KEY ISSUES

Impact on Conservation Area
Highways Safety

OFFICER APPRAISAL

Impact on Conservation Area

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

Highways Safety

The Highways Authority is of the opinion that the provision of the access would compromise highways safety not only for the highway users of the application site, but other road users including pedestrians. The revised plans address some of the issues for example the width of the access and pedestrian visibility, however the visibility splays that are essential for vehicular safety cannot be achieved.

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

RECOMMENDATION

For the reasons stated above refusal is recommended.

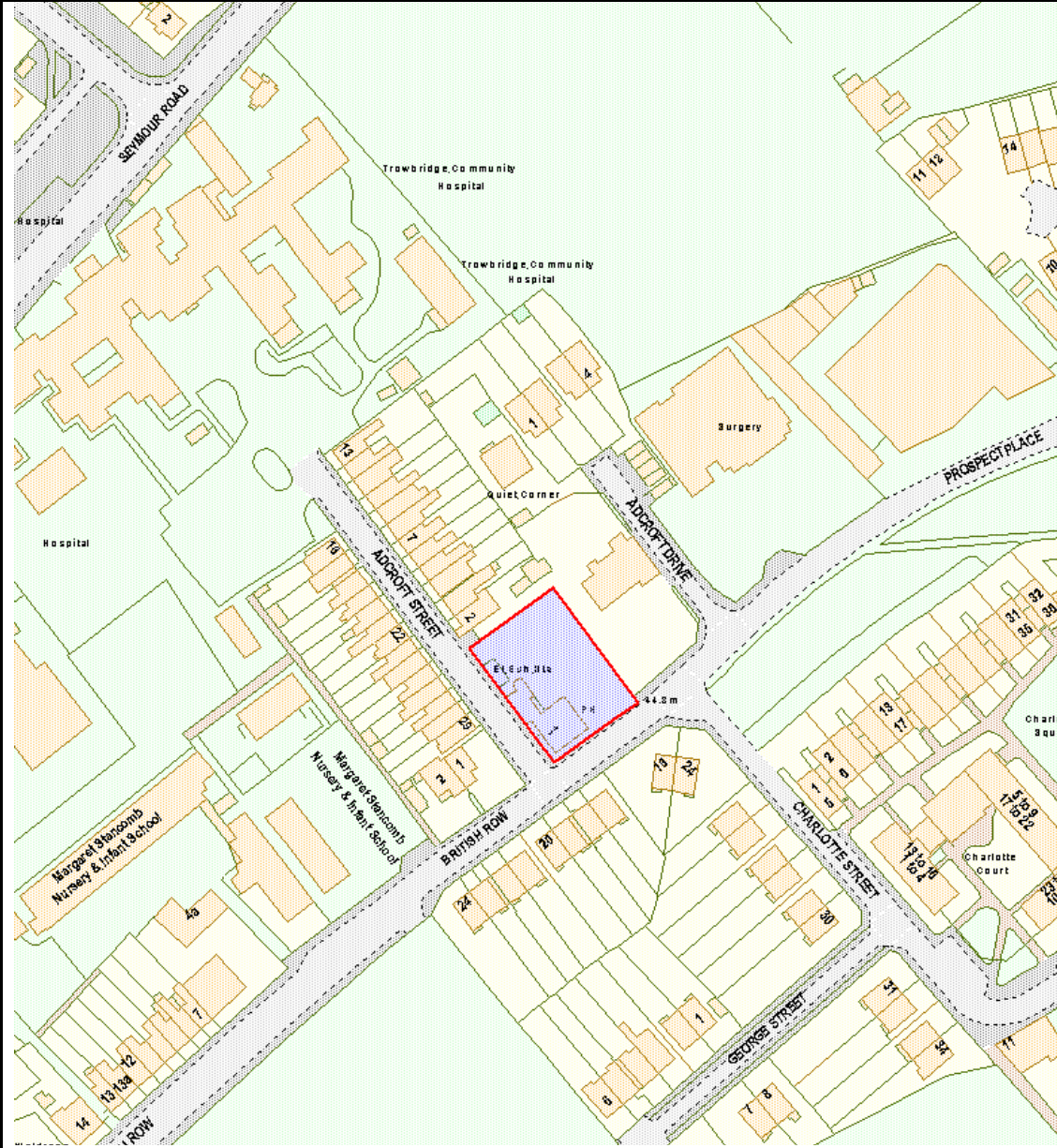
PLANNING COMMITTEE

6 March 2008

ITEM NO: 04

APPLICATION NO: 07/02927/FUL

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



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 07/02927/FUL

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

Parish: Trowbridge Ward: Trowbridge North East
Grid Reference 385568 158385
Application Type: Full Plan
Development: Conversion of existing former public house into 5 flats, 3 new terraced houses on former pub car park
Applicant Details: Monarch Building
80 Hawk Street Bromham Chippenham Wiltshire SN15 2HU
Agent Details:
Case Officer: Mr Russell Brown
Date Received: 13.09.2007 Expiry Date: 08.11.2007

JUSTIFICATION FOR PART PERMISSION:

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

RECOMMENDATION: Split Decision:

Recommendation A (Part Permission):

In respect of the conversion of the existing former public house into 5 flats, the Council hereby grants planning permission in accordance with that part of the application and accompanying plans pertaining only to the conversion of the existing former public house into 5 flats and subject to the following conditions set out below:

Recommendation B (Part Refusal):

In respect of the 3 new terraced houses on former pub car park, the Council hereby refuses planning permission for the reasons set out below:

Condition(s) for Part Permission:

- 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 Details of the elevations of all new or replacement external windows and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by

the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

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

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

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

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

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

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

Reason(s) for Part Refusal:

- 1 The proposed terrace by reason of its non-traditional siting, design and materials that would not respect the historic form, layout and characteristics of the area would harm the settings of the surrounding listed buildings and the special character and appearance of the Conservation Area contrary to Wiltshire and Swindon Structure Plan Policy HE7 and the West Wiltshire District Plan 1st Alteration (2004) Policies C17, C18, C28 and C31a.
- 2 The proposed terrace by reason of its siting and proximity to No. 2 Adcroft Street would result in a significant overshadowing effect that would harm the amenities of that property contrary to West Wiltshire District Plan 1st Alteration (2004) Policy C38.
- 3 The lack of provision of adequate parking spaces, both in terms of numbers and sizes, and the lack of visibility splays would result in harm the highway safety.
- 4 The plans that have been provided are inaccurate and do not show that the proposed terrace and associated parking and turning can be achieved on the site. It is therefore not possible to grant permission for the proposed terrace on the basis of these plans.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee at the request of Councillor Tom James.

This is a full planning application for the conversion of public house into 5 dwellings and the construction of a detached terrace of 3 dwellings.

The site is the Black Swan on British Row/Adcroft Street in Trowbridge. The public house is a grade II listed building and the site is within the Conservation Area.

The proposed terrace would be sited towards the north corner of the site, set back from the road and would be parallel to Adcroft Street.

SITE VISIT / STATUTORY SITE NOTICES

Site Notice attached to front railings 20/09/07. Various site visits. Viewed site on many occasions. Note the listed terraces on Adcroft Street and the listed nature of the pub itself. There are important visual gaps surrounding the pub both in terms of the setting of the listed building and the special character and appearance of the Conservation Area. Consideration to the neighbouring amenities of the occupiers of No. 2 Adcroft Street in particular.

CONSULTATIONS

Trowbridge Town Council : Objection:

“This was out of character in a Conservation Area and overdevelopment for the site. This would have an adverse affect on the street scene. It was noted that the plans were poorly presented for this type of development.”

Wessex Water : No objections.

Highway Authority : Objection in that the current plan does not incorporate the required parking or visibility standards.

Neighbours : No comments received.

NEGOTIATIONS / DISCUSSIONS

Negotiations with applicants. Discussed concerns over the scheme at pre-application stage.

CONSTRAINTS

Grade II listed building
Conservation Area
Neighbouring amenities

POLICIES

PPG15
RSS10 – EN3
Structure Plan – HE7
West Wiltshire District Plan 1st Alteration (2004) – C17, C18, C28, C31a, C38, T10

RELEVANT PLANNING HISTORY

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

05/01561/FUL - Erection of 4No terraced houses and conversion of public house to apartments – Refused

05/03022/LBC - Conversion of public house to 4No apartments – Refused

07/00053/LBC - Residential re-development comprising of three terrace properties, one detached home and two apartments in listed building – Consent

07/00054/FUL - Residential re-development comprising of three terrace properties, one detached home and two apartments – Permission

KEY ISSUES

Impact on character and setting of listed building

Impact on special character and appearance of the Conservation Area
Impact on neighbouring amenities
Impact on highways matters

OFFICER APPRAISAL

Impact on the character and setting of the listed building

The character of the listed building would not be affected by the conversion as there would be no significant external changes to the listed building. There is no objection to the change of use of the public house as this will bring this listed building back into use and stop the deterioration that is occurring due to its vacant use.

However, the setting of the listed building would be harmed due to the siting, design and materials of the proposed terrace. The proposed terrace would not reflect a traditional form of development and would therefore harm the setting of the listed building.

The design of the proposed terrace attempts to replicate that of the surrounding terraces, but does not achieve the desired effect. The materials used for the walls – a stone colour modern render – would not respect the ashlar stone of the surrounding listed buildings.

The resulting building would detract from both the listed building on site and the surrounding terraces, which are also listed.

Impact on the special character and appearance of the Conservation Area

The proposed terrace would not respect the historic layout characteristics of the area. The surrounding terraces all front onto the highway with little front amenity space. The proposed terrace would be set 14 metres back from the road and would therefore constitute a non-traditional form of development that would be at odds with the historic special character and appearance of the Conservation Area.

Impact on neighbouring amenities

The proposed terrace would be sited to the south east of No. 2 Adcroft Street. The proposed terrace would therefore have a significant overshadowing effect on the rear of No. 2 Adcroft Street and would harm the amenities of that property.

Impact on highways and parking matters

The proposed plan does not incorporate the required visibility splay required by the Highway Authority and would therefore result in harm to highway safety.

The plans do not show enough parking spaces for the proposed development. 11 full size spaces would be required for this proposed development.

The application proposes 10 spaces however these are not suitably sized spaces. A proper car parking space should measure 2.4m by 4.8m. The spaces on plans measure either 2.1m by 3.9m or 2.2m by 4.0m.

Consequently it can be seen that there are not enough parking spaces as shown and even these are too small for use by cars. This must be considered in conjunction with the below information relating to the other inaccuracies of the plans:

Inaccurate plans

The site plan showing the proposed layout is inaccurate. It is longer by approximately 2 metres in both directions giving a significantly larger site area than is on the ground. Therefore the parking and turning arrangements would be much reduced and the proposed new terrace would be much closer to both the public house and No. 2 Adcroft Street.

This would result in greater harm to the amenities of the neighbouring dwelling and the future occupiers of the application site than is shown on the plan and increase the highway safety hazard.

RECOMMENDATION

Part permission, part refusal:

It is important to give a use to the listed building that will ensure its maintenance and stop the current deterioration, therefore it is considered that the proposed conversion of the listed building into 5 dwellings should be granted permission.

However, the proposed terrace would be completely unacceptable in the context of the surrounding listed buildings and the Conservation Area, together with the harm to highway safety and neighbouring amenities, and should therefore be refused.

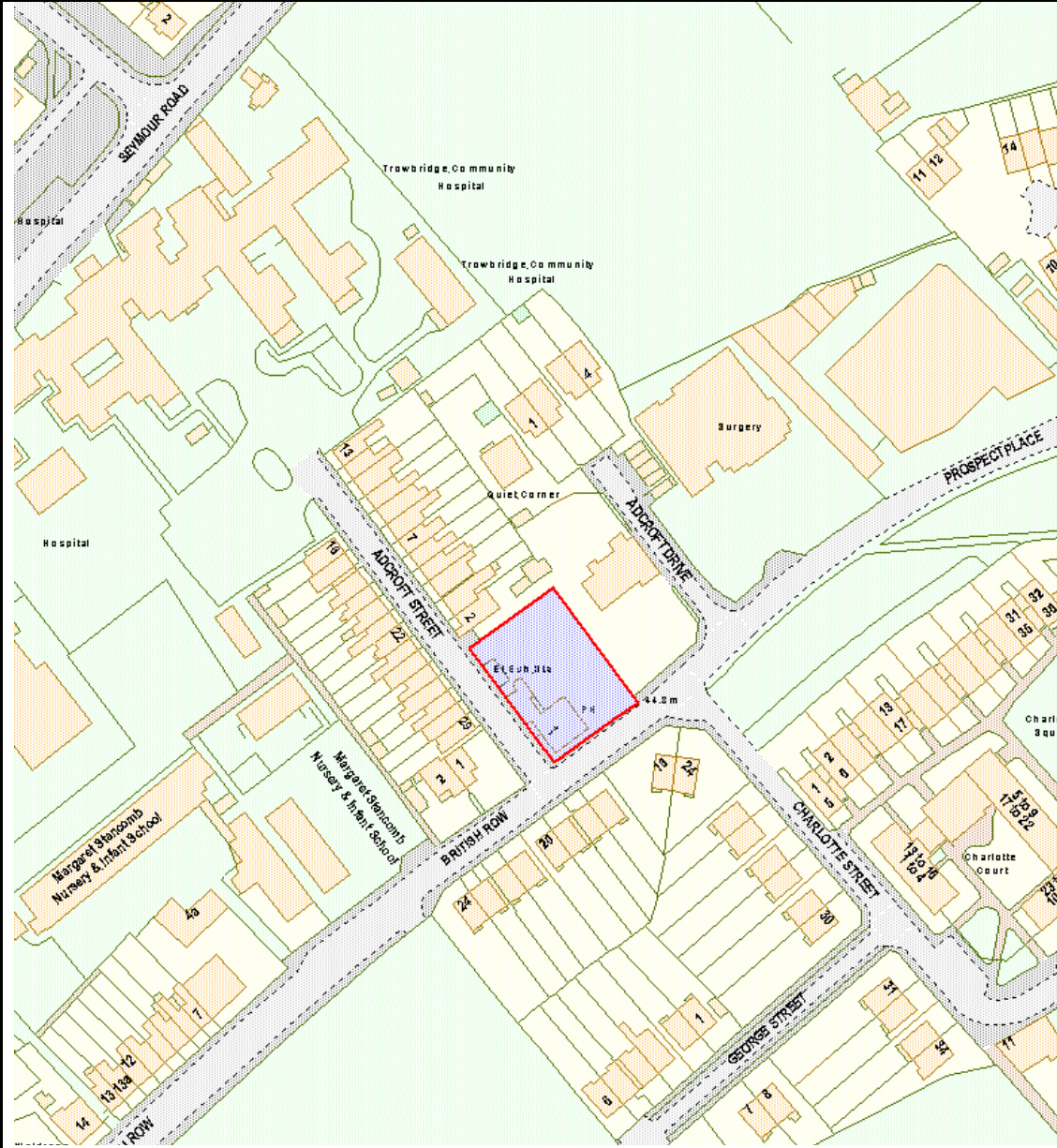
PLANNING COMMITTEE

6 March 2008

ITEM NO: 05

APPLICATION NO: 07/02933/LBC

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



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SLA: 100022961

05 Application: 07/02933/LBC

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

Parish: Trowbridge Ward: Trowbridge North East
Grid Reference 385568 158385
Application Type: Listed building
Development: Redevelopment and conversion into housing units
Applicant Details: Monarch Building
80 Hawstreet Bromham Chippenham SN15 2HU
Agent Details:
Case Officer: Mr Russell Brown
Date Received: 13.09.2007 Expiry Date: 08.11.2007

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

Condition(s):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee as it accompanies the planning application 07/02927/FUL.

This is a listed building consent application for the conversion of public house into 5 dwellings.

The site is the Black Swan on British Row/Adcroft Street in Trowbridge. The public house is a grade II listed building and the site is within the Conservation Area.

The listed building is currently vacant and has been for several years and is beginning to suffer deterioration due to this situation.

SITE VISIT / STATUTORY SITE NOTICES

Site Notice attached to front railings 20/09/07. Various site visits. Viewed site on many occasions. Note the listed terraces on Adcroft Street and the listed nature of the pub itself.

CONSULTATIONS

Trowbridge Town Council : Objection:

“This was out of character in a Conservation Area and overdevelopment for the site. This would have an adverse affect on the street scene. It was noted that the plans were poorly presented for this type of development.”

Neighbours : No comments received.

NEGOTIATIONS / DISCUSSIONS

Negotiations with applicants. Discussed concerns over the scheme at pre-application stage.

CONSTRAINTS

Grade II listed building

POLICIES

PPG15

RSS10 – EN3

Structure Plan – HE7

West Wiltshire District Plan 1st Alteration (2004) – C28

RELEVANT PLANNING HISTORY

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

05/01561/FUL - Erection of 4No terraced houses and conversion of public house to apartments – Refused

05/03022/LBC - Conversion of public house to 4No apartments – Refused

07/00053/LBC - Residential re-development comprising of three terrace properties, one detached home and two apartments in listed building – Consent

07/00054/FUL - Residential re-development comprising of three terrace properties, one detached home and two apartments – Permission

KEY ISSUES

Impact on character and fabric of listed building

OFFICER APPRAISAL

The character of the listed building would not be affected by the conversion as there would be no significant external changes to the listed building. The building would retain the appearance of a former public house.

The fabric of the building would not be harmed as the works primarily include the insertion of partition walling and services that would not result in damage to the listed building. The staircase would be retained as would the windows, subject to some repair work.

There is no objection to the conversion of the public house to flats as this will bring this listed building back into use and stop the deterioration that is occurring due to being vacant.

RECOMMENDATION

Consent as the character of the listed building would be preserved and enhanced.

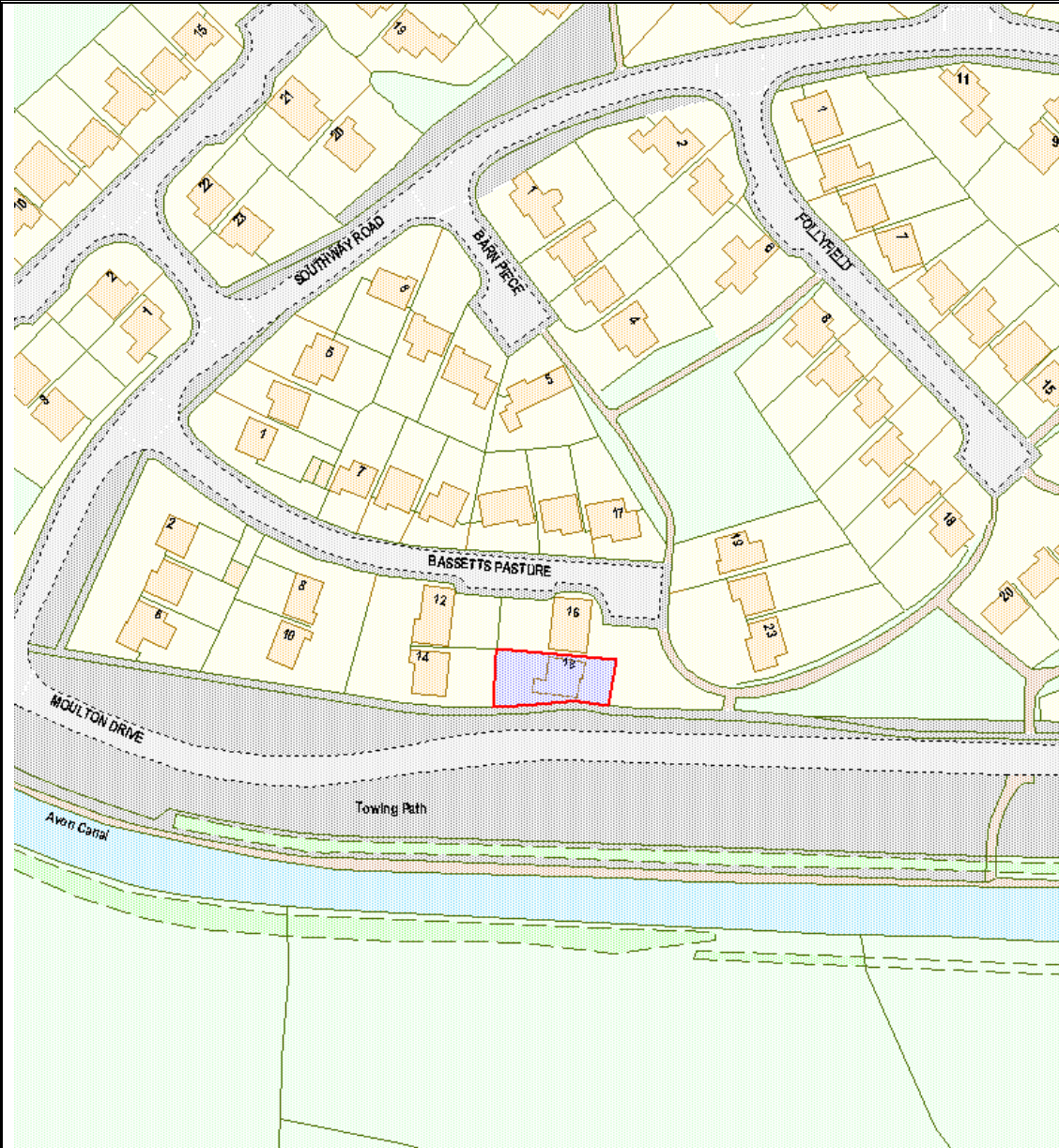
PLANNING COMMITTEE

6 March 2008

ITEM NO: 06

APPLICATION NO: 08/00188/FUL

LOCATION: 18 Bassetts Pasture Bradford On Avon Wiltshire
BA15 1XE



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SLA: 100022961

06 Application: 08/00188/FUL

Site Address: 18 Bassetts Pasture Bradford On Avon Wiltshire BA15 1XE

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382869 159764
Application Type: Full Plan
Development: Two storey extension to rear elevation
Applicant Details: Mr Lloyd Stephens
18 Bassetts Pasture Bradford On Avon Wiltshire BA15 1XE
Agent Details: Mr Stephen Wild
44 Jarmyns Bishops Hull Taunton Somerset TA1 5HG
Case Officer: Mr Rudolf Liebenberg
Date Received: 16.01.2008 Expiry Date: 12.03.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before Committee because Bradford on Avon Town Council recommend refusal contrary to your officer's recommendation.

This is an application for a two-storey rear extension at 18 Bassetts Pasture, Bradford on Avon.

The two-storey extension would provide additional bedroom and living room space and measures 3.5 x 3 x 6 metres and is to the rear of the existing property. Currently there is a single storey rear extension and the two-storey extension is in essential a first floor extension rather than a full two-storey extension. Wall to wall the proposed extension will be in excess of 20 metres from nr 14 Bassetts Pasture which is directly opposite the application site. The application site is within the urban confines of Bradford on Avon and the surrounding area pre-dominantly residential.

SITE VISIT / STATUTORY SITE NOTICES

Done and posted on 25.01.2008 and one objection received.

CONSULTATIONS

Parish/Town Council : BRADFORD ON AVON TOWN COUNCIL: Object and recommend refusal as Policy C38 refers to loss of amenity and privacy to neighbours and the development will set an unfortunate precedent.

External : N/A

Internal : N/A

Neighbours : One objection received by closing date for public consultations, raising concerns over the intrusiveness and encroachment of the two-storey extension which will restrict privacy and contribute to overlooking into private garden space. The development will set an unfortunate precedent on the estate.

NEGOTIATIONS / DISCUSSIONS

N/A

CONSTRAINTS

N/A

POLICIES

West Wiltshire District Plan – 1st Alteration 2004

C31a Design

C38 Nuisance

SPG House Alterations and Extensions

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with the application site.

KEY ISSUES

The key issues in the determination of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy.

OFFICER APPRAISAL

Principle

There is no objection to a new built residential extension in this location as the application site forms part of a small housing estate and is within close proximity to the town centre and within the urban confines of Bradford on Avon.

Design

The design and form of the two-storey extension matches that of the host dwelling and present no material change in the character of the existing dwelling or area. Therefore the new two-storey extension would preserve the built form that already exists. As already stated the proposal would respect the host building's design and form and is a subservient addition to the host building which shares the same building line as the adjacent existing house. The proposal is therefore consistent with Policy 31a of the Development Plan.

Parish Comments and Amenity

The new development would not cause any overshadowing or overlooking because there are no neighbours in close proximity that would be affected. Overlooking is minimal and at no higher level than that of any other house that forms part of the estate. The gardens for these houses are relatively big and the wall to wall distance from the proposed extension to the opposite property is in excess of 20m. The proposal will therefore cause no nuisance to neighbouring residents and is consistent with Policy C38 of the Development Plan.

Highway and Parking

Parking provision remains adequate and existing parking arrangements is unaffected by the new development.

Objections

Objections were raised over the intrusiveness of the proposal and overlooking onto neighbouring gardens. The distance between the extension and the immediate garden to the rear is in excess of 10m and after careful consideration I conclude that the level of overlooking will not be significantly more than that of any other similar residential setting. The application site is not within the Conservation Area and therefore new additions to dwellings, providing it complies with Development Plan policy, are not normally resisted.

Conclusion

The scale, location and design of the development respects the context of the site and will have no adverse impact on the character and appearance of the area and will not harm the amenity of any nearby neighbours and should therefore benefit from planning permission. The development will be an appropriate addition and modest extension to the existing dwelling house. It is therefore consistent with Development Plan policy and is recommended for permission.

RECOMMENDATION

PERMISSION

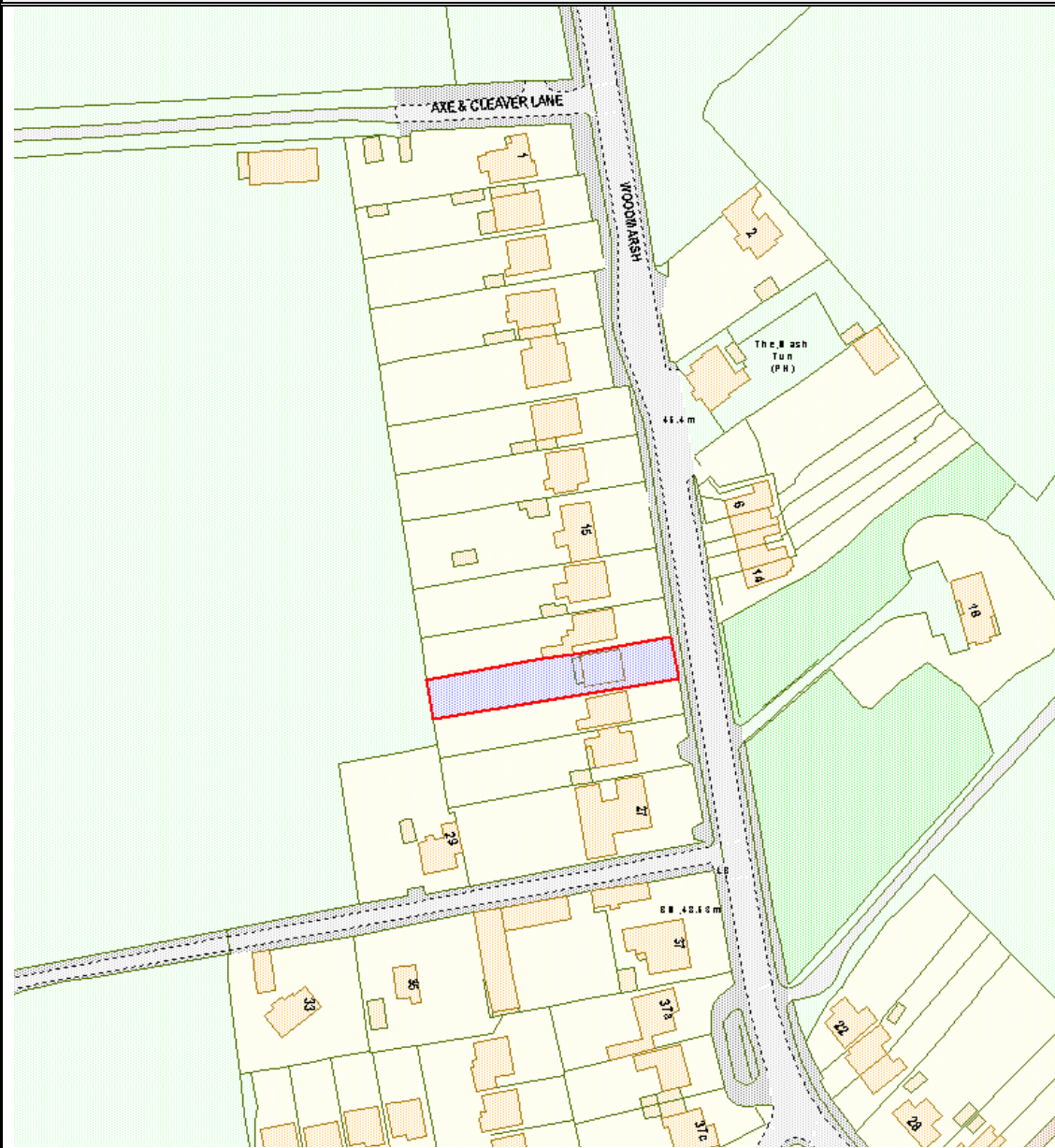
PLANNING COMMITTEE

6 March 2008

ITEM NO: 07

APPLICATION NO: 08/00127/FUL

LOCATION: 21 Woodmarsh North Bradley Wiltshire BA14 0SA



07 Application: 08/00127/FUL

Site Address: 21 Woodmarsh North Bradley Wiltshire BA14 0SA

Parish: North Bradley Ward: Trowbridge And North Bradley

Grid Reference 385549 155575

Application Type: Full Plan

Development: Extension

Applicant Details: Mr R Griffin
21 Woodmarsh North Bradley Wiltshire BA14 0SA

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

Case Officer: Ms Margaretha Bloem

Date Received: 15.01.2008 Expiry Date: 11.03.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

The application is brought to Committee because the North Bradley Parish Council objects to the proposal in view of the neighbour objections.

The proposal is for a part two storey part single storey rear extension and would make provision for a living room and conservatory on ground floor and a larger bedroom on first floor. The existing conservatory would be demolished.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 18.01.2008.

CONSULTATIONS

Parish/Town Council : On the provision that there are no objections by the neighbours to this property, the Parish Councillors do not raise any objections.

Neighbours : No 19 is concerned regarding the size of the extension and the windows that will face onto them as No 21 is at a higher level and will directly overlook their property.

CONSTRAINTS

Urban Area.

POLICIES

West Wiltshire District Plan - 1st Alteration 2004 - Policies: C31a and C38.
Supplementary Planning Guidance - House alterations and extensions July 2004.

RELEVANT PLANNING HISTORY

83/01146/FUL - Hardstanding for car - Granted

KEY ISSUES

Impact on character of area
Neighbour amenity

OFFICER APPRAISAL

Surrounding area

The proposal would be located to the rear of the dwelling and would not be visible in the streetscene. The proposal would have a minimal impact on the character of the area.

Neighbour amenity

The proposal would project 4.5 metres beyond the original rear building line and the conservatory an additional 3.1 metres. No 19 has a two storey rear extension and a large detached outbuilding along the shared boundary with the application property. No 23 benefits from a flat roof single storey rear extension and a large rear conservatory.

The application site is set slightly higher than No 19, however taking into account the existing boundary which is marked by a close boarded fence, the proposal would not cause overlooking to the detriment of No 19's amenity.

The depth of the proposal would exceed 3 metres as recommended by the SPG, however taking into account the relationship with the neighbouring properties and their respective extensions and outbuildings, the proposal is on balance considered acceptable.

The one velux roof window in the south side elevation of the extension would not cause overlooking to the detriment of No 23. The proposed velux window in the north elevation can be inserted without the need for planning permission and as the velux would serve an en-suite it would be obscure glazed.

RECOMMENDATION

For the reasons set out above the application is recommended for planning permission.

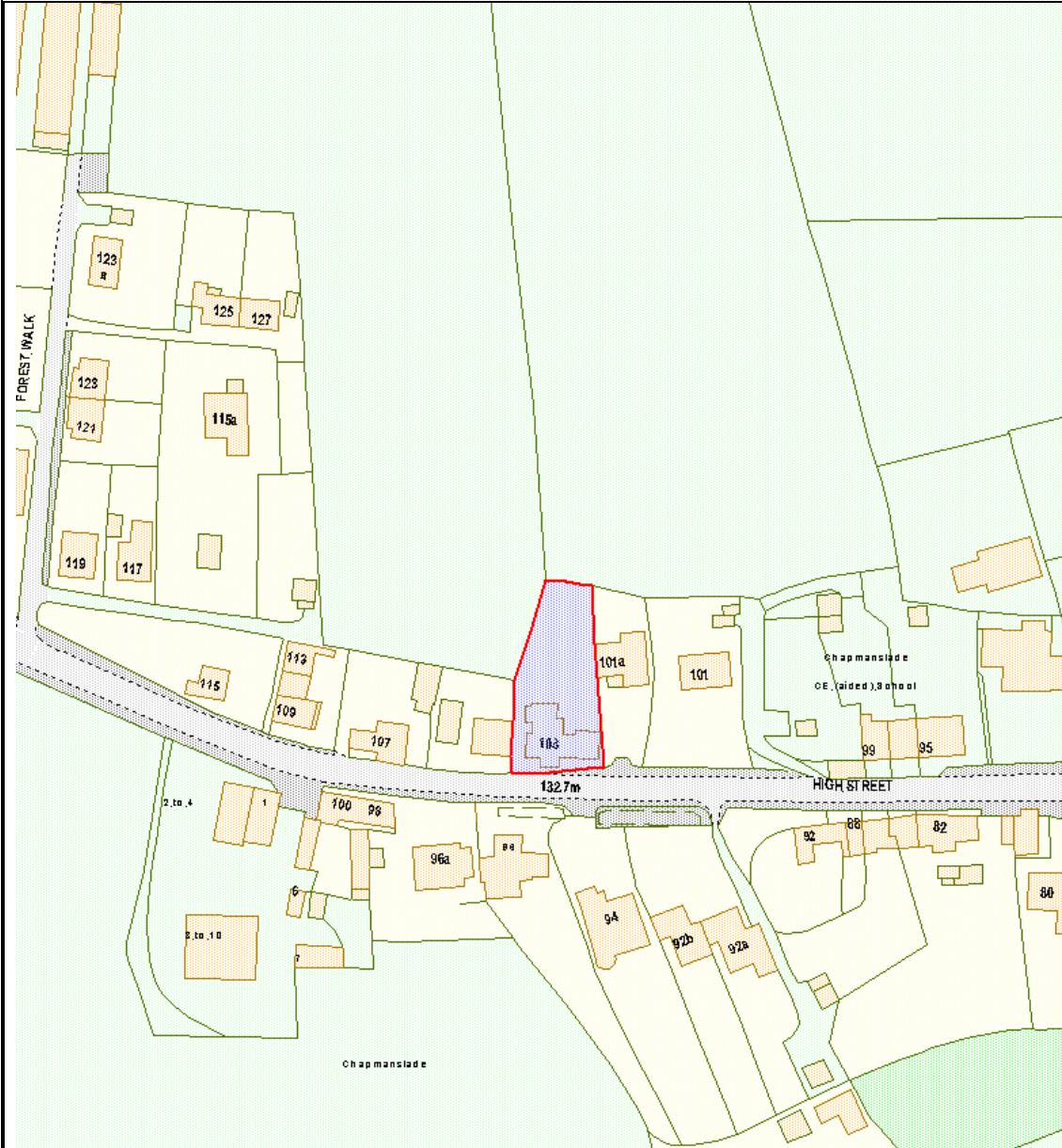
PLANNING COMMITTEE

6 March 2008

ITEM NO: 08

APPLICATION NO: 08/00198/FUL

LOCATION: 103 High Street Chapmanslade Wiltshire BA13 4AN



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SLA: 100022961

08 Application: 08/00198/FUL

Site Address: 103 High Street Chapmanslade Wiltshire BA13 4AN

Parish: Chapmanslade Ward: Dilton

Grid Reference 382429 147822

Application Type: Full Plan

Development: Proposed dormer, alterations and extension

Applicant Details: Mr Plaskett
103 High Street Chapmanslade Wiltshire BA13 4AN

Agent Details:

Case Officer: Ms Margaretha Bloem

Date Received: 22.01.2008 Expiry Date: 18.03.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

The application is brought to Committee because the Chapmanslade Parish Council objects to the proposal contrary to your Officers recommendation.

Proposed dormer, alterations and extension.

The proposed flat roofed dormer would be in the north elevation of the garage and would serve a store room. The dormer would have a width of 2 metres, set below the ridge line of the garage roof and a depth of 1.1 metre. The ground floor extension would be in the north elevation and would extend the existing store room to be in line with the garage building line. A new window is proposed in the south elevation facing the High Street, window and door in the north elevation would be replaced with a window and a new front door is proposed in the west side elevation. The proposal also includes internal alterations that do not require planning permission.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 25.01.2008. New site notice with revised description displayed on 08.02.2008.

CONSULTATIONS

Parish/Town Council : The Council objects to the dormer window due to its overlooking position and the associated loss of privacy of the adjacent property (101a High Street).

Neighbours : One letter of objection from No 101a -larger dormer window is unnecessary for a non habitable room. A velux window will be preferred to better preserve our privacy.

NEGOTIATIONS / DISCUSSIONS

A new description of the proposal better describes the proposed development and a new site notice was displayed.

CONSTRAINTS

Village Policy Limits
Special Landscape Areas

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C31a, C38 and C3.
Supplementary Planning Guidance - House alterations and extensions July 2004.

RELEVANT PLANNING HISTORY

86/01311/FUL Erection of dwelling - Granted
85/01423/FUL Erection of three car garage - Granted
84/00129/FUL Single storey extension to provide porch - Granted
81/01221/HIS Extension and double garage - Granted

KEY ISSUES

Impact on character of area
Impact on neighbour amenity

OFFICER APPRAISAL

Impact on the character of the area.

The proposed dormer window and extension in the north elevation would not be visible in the streetscene. The insertion of the window in the south elevation does not require planning permission but would in any event not have a detrimental impact on the streetscene. The proposal would not have a detrimental impact on the character of the area or the Special Landscape Area.

Neighbour amenity

The proposed dormer window would serve a store room, however this could be converted to a habitable room without the need for planning permission.

Number 101a is located to the north east of the application site and is set higher than the application property. The location of the dormer window would look out onto the garden of application property. The proposed dormer window would be at an angle with No 101a (that benefits from three dormer windows), the closest window serving a bathroom (clear glazed). Taking into account the angular separation distance of approximately 16 metres and the difference in height, the proposed dormer is on balance considered acceptable and would not cause harm to the neighbouring amenity in terms of overlooking or loss of privacy to No 101a.

It is noted that first floor bathroom windows are in general frosted with limited opening to safeguard residential amenity but a condition to require opaque glass is not considered necessary in this instance.

RECOMMENDATION

For the reasons stated above, planning permission is recommended.

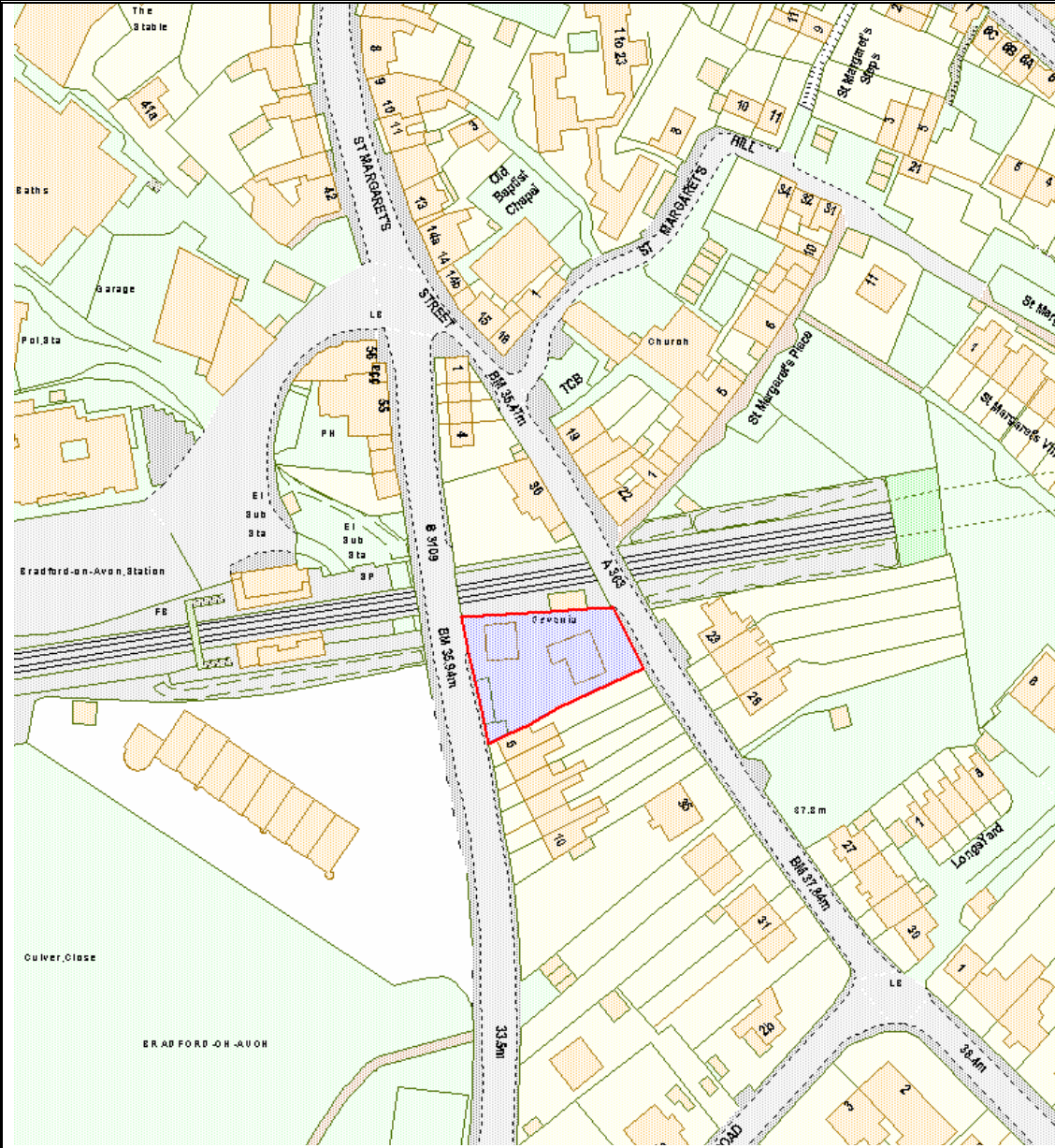
PLANNING COMMITTEE

6 March 2008

ITEM NO: 09

APPLICATION NO: 08/00079/FUL

LOCATION: Devonia St Margarets Street Bradford On Avon
Wiltshire BA15 1DW



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SLA: 100022961

09 Application: 08/00079/FUL

**Site Address: Devonia St Margarets Street Bradford On Avon Wiltshire
BA15 1DW**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382598 160661
Application Type: Full Plan
Development: Removal of existing garage building, refurbishment and extension of house for use as single dwelling
Applicant Details: Mr And Mrs D Cryer
49 Palairet Close Bradford On Avon BA15 1US
Agent Details: Curtis Cryer Architects
Mr David Cryer Church Road Frampton Cotterell Bristol BS36 2AL
Case Officer: Miss Andrea Levin
Date Received: 04.01.2008 Expiry Date: 29.02.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The 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 unacceptable on the terms of the current application.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee because Bradford on Avon Town Council object and your Planning Officer recommends permission.

The application is for the refurbishment of and extensions to an existing detached bungalow located within Bradford on Avon Conservation Area. The proposal would include the removal of an existing corrugated metal garage from the western edge of the site boundary. The proposed extensions would increase the floor area of the property by approximately 15.185m², but would add a two storey element, re-orientating the property frontage to face onto Frome Road.

SITE VISIT / STATUTORY SITE NOTICES

Site visit carried out 14.01.08 to assess site context and surroundings.

CONSULTATIONS

Bradford on Avon Town Council : The Town Council recommends refusal as the form of development incorporating garaging as an integral part of the dwelling is out of keeping with the quality of this part of the Conservation Area. The garage doors are prominent and present an unattractive aspect in the street scene. The proposal is therefore contrary to District Plan Policy C18.

External : Highway Authority: The proposal would not have an adverse effect on the highway, therefore no Highway objection is raised.

Internal : None

Neighbours : Neighbours notified by way of site notice on 14.01.08. No comments received.

NEGOTIATIONS / DISCUSSIONS

None

CONSTRAINTS

Conservation Area

POLICIES

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

RELEVANT PLANNING HISTORY

None

KEY ISSUES

Impact upon host dwelling
Impact upon Conservation Area
Impact upon neighbouring amenity and street scene

OFFICER APPRAISAL

Policy C18 of the West Wiltshire District Plans states that proposals for new development in Conservation Areas will be permitted provided that the plot layout, scale, form and detailed designs are characteristic of the area. The area is characterised by a varied street scene with a combination of single storey and two-storey properties of a variety of styles and design. The Town Council objections related to the integral garage, and its prominence within the street scene. It is considered that the introduction of an integral garage which would sit flush with the west elevation of the proposal would not introduce a dominant addition and would not detract from the character of the dwelling or the street scene. Furthermore, the proposed two-storey element fronting onto Frome Road would be set back from the site boundary by approximately 9.4 metres at the closest point. This would reduce its prominence within this location. It would also introduce a considerable improvement over the existing garage structure, which stands approximately 3.0 metres from the road frontage and dominates the street scene.

As a result of the position of the application site and the road layout, the property has two frontages; onto St Margarets Street and onto Frome Road. At present, the front of the bungalow faces onto St Margarets Street, and a green corrugated metal garage, measuring approximately 4.3 metres in height fronts onto Frome Road.

The existing dwelling adds little interest to the street scene of St Margarets Street, and the existing corrugated metal garage fronting onto Frome Road is a dominant structure and is considered to detract from the character of the street scene. The removal of the garage would have a positive impact upon the street scene of Frome Road, as it is currently a large incongruous feature, out of character with the surrounding buildings. Its removal would therefore enhance this part of the Conservation Area. This is reflected in the recommendation on the accompanying Conservation Area Consent Application.

The replacement garage would be integral to the property, and would be located within the two-storey element of the proposed extension. It would be constructed in a design to harmonise with the dwelling, and would be a subsidiary element. The proposal effectively creates a new frontage onto Frome Road and updates the frontage onto St Margarets Street to create a more sympathetic façade. The removal of the detached garage would also enhance the street scene from both Frome Road and St Margarets Street.

Highway Authority offered no objections to the proposal.

The proposal would have no impact upon the neighbouring amenity.

The proposed development is in scale and character with the application site and surrounding properties. It would contribute positively to the appearance of the Conservation Area. It accords with the relevant Development Plan policies, therefore can be supported.

RECOMMENDATION

Permission.

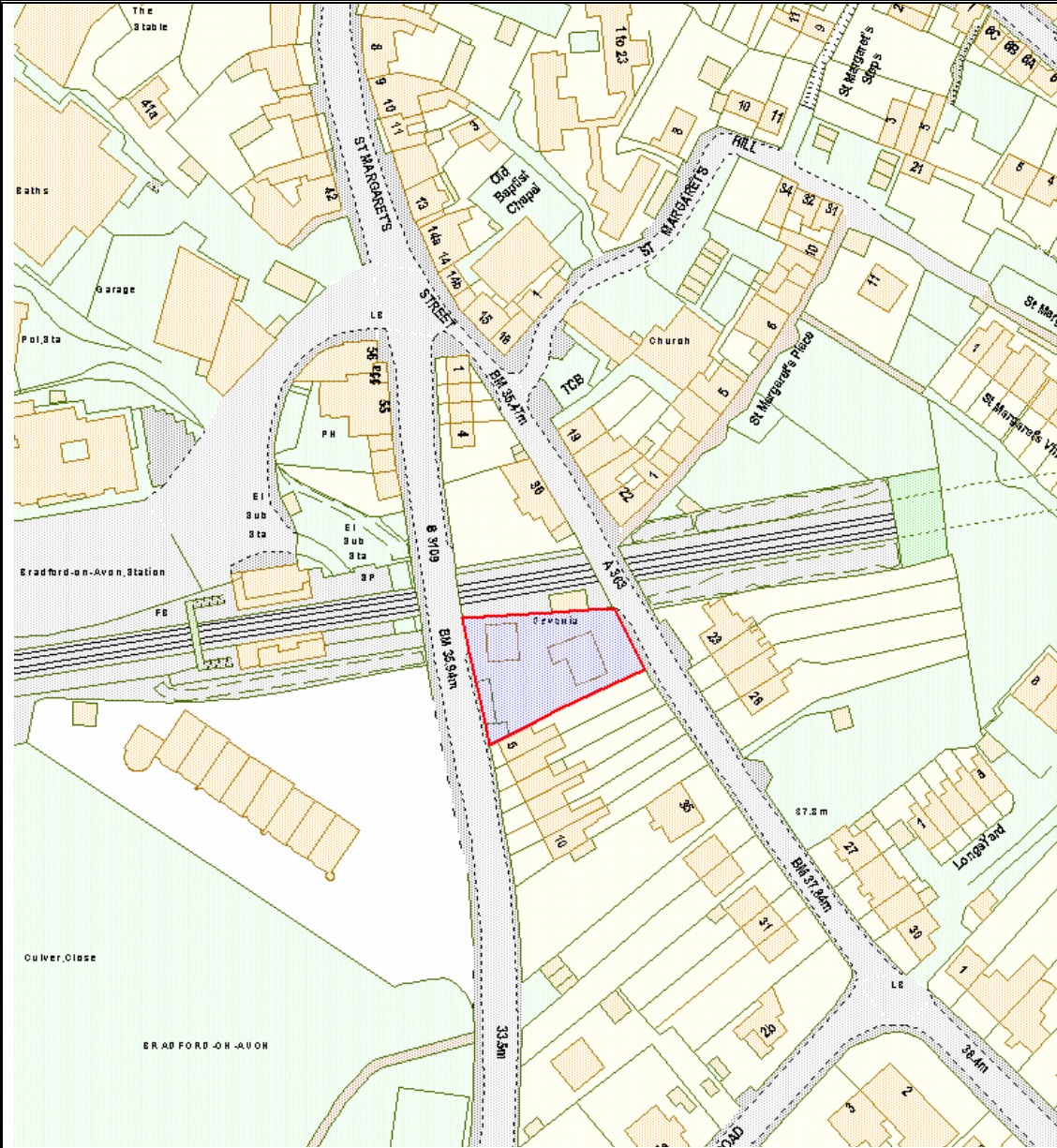
PLANNING COMMITTEE

6 March 2008

ITEM NO: 10

APPLICATION NO: 08/00086/CON

LOCATION: Devonia St Margarets Street Bradford On Avon
Wiltshire BA15 1DW



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SLA: 100022961

10 Application: 08/00086/CON

**Site Address: Devonia St Margarets Street Bradford On Avon Wiltshire
BA15 1DW**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382598 160661
Application Type: Conservation Area
Development: Removal of existing garage building, refurbishment and extension of house for use as single dwelling
Applicant Details: Mr And Mrs D Cryer
49 Palaiet Close Bradford On Avon BA15 1US
Agent Details: Curtis Cryer Architects
Mr David Cryer 417 Church Road Frampton Cotterell Bristol BS36 2AL
Case Officer: Miss Andrea Levin
Date Received: 04.01.2008 Expiry Date: 29.02.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee because Bradford on Avon Town Council object and your Planning Officer recommends consent.

This is a Conservation Area consent application for the demolition of a corrugated metal garage at Devonia, fronting onto Frome Road. The garage has a footprint of approximately 84.63m². The application site is located within the Bradford on Avon Conservation Area.

The application has been submitted in conjunction with a full application for various extensions to the property (Ref. 08/00079/FUL).

SITE VISIT / STATUTORY SITE NOTICES

Site visit carried out 14.01.08 to assess site context and surroundings.

CONSULTATIONS

Bradford on Avon Town Council : The Town Council recommends refusal as the form of development incorporating garaging as an integral part of the dwelling is out of keeping with the quality of this part of the Conservation Area. The garage doors are prominent and present an unattractive aspect in the street scene. The proposal is therefore contrary to District Plan Policy C18.

External : Highway Authority: No objections

Internal : None

Neighbours : Neighbours were notified on 14.01.08 by way of site notice. No comments received.

NEGOTIATIONS / DISCUSSIONS

None

CONSTRAINTS

Conservation Area

POLICIES

West Wiltshire District Plan – 1st Alteration 2004 - Policies: C17, C22

RELEVANT PLANNING HISTORY

08/00079/FUL - Removal of existing garage building, refurbishment and extension of house for use as single dwelling – Pending Consideration.

KEY ISSUES

The key issues of this application are whether the proposal complies with development plan policy on demolition in Conservation Areas, and whether there are any material considerations to outweigh this policy.

OFFICER APPRAISAL

Policy C22 of the West Wiltshire District Plan, 2004 states that consent will only be granted for the demolition of buildings in conservation areas where the proposed demolition and any replacement development will not adversely affect the character or appearance of the conservation area. Furthermore, proposals to rebuild demolished buildings will be expected to include the reuse of old building materials where appropriate.

In this case, the demolition would result in the removal of a structure that is of nondescript design in a substandard material. A lean-to timber shed would also be removed from site. It is considered that, notwithstanding proposals for a new building on site, the removal would enhance the appearance of the Conservation Area.

The Town Council have objected to the proposal by reason of the replacement garaging integral to the two-storey extension. This is irrelevant to the Conservation Area Consent, which refers only to the demolition of the existing corrugated metal garage within the Conservation Area. This objection can therefore not be supported.

RECOMMENDATION

Consent.

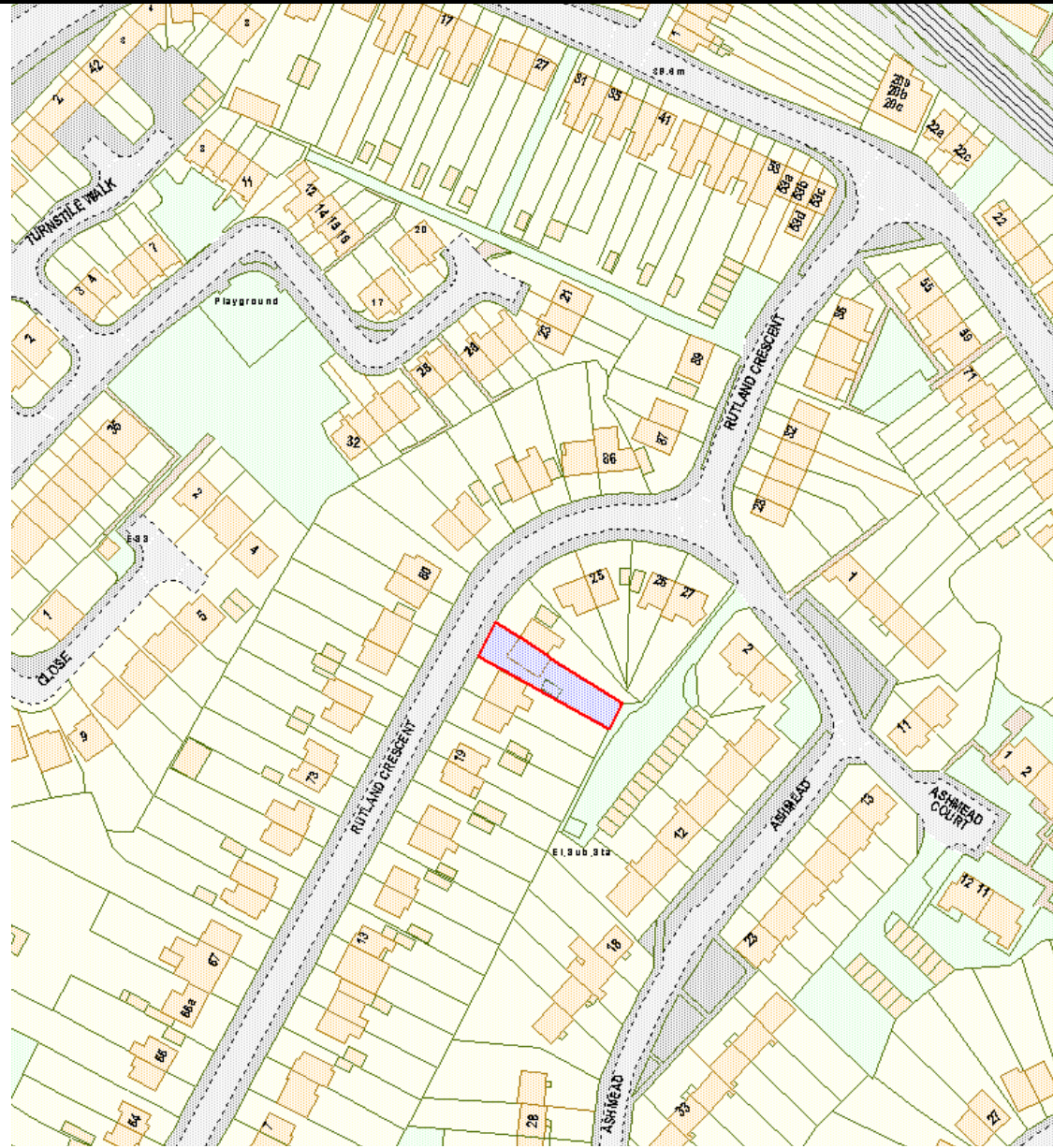
PLANNING COMMITTEE

6 March 2008

ITEM NO: 11

APPLICATION NO: 07/03884/FUL

LOCATION: 22 Rutland Crescent Trowbridge Wiltshire BA14 0NX



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SLA: 100022961

11 Application: 07/03884/FUL

Site Address: 22 Rutland Crescent Trowbridge Wiltshire BA14 0NX

Parish: Trowbridge Ward: Trowbridge Central
Grid Reference 385475 157118
Application Type: Full Plan
Development: Proposed two storey side extension
Applicant Details: Mr Scott Weightman
22 Rutland Crescent Trowbridge Wiltshire BA14 0NX
Agent Details: A Harlow & Son
46 Longford Road Melksham Wiltshire SN12 6AT
Case Officer: Mr James Taylor
Date Received: 20.12.2007 Expiry Date: 14.02.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application which following receipt of revised plans is now for the erection of a 2-storey side extension, including a single storey rear extension. The side extension would be set back from the front elevation of the host building by 1 metre, projecting within 150mm of the boundary with the neighbouring property to the south. The single storey rear extension would project beyond the rear elevation by approximately 1 metre.

The host building is a semi-detached dwelling constructed over 2-storeys from red brick with plain tiles to the hipped roof form. The host dwelling has a modest front garden and an enclosed rear garden, accessed via the side driveway. Set back in the rear garden is a detached pre-fabricated single garage. The only alteration to the building has been the erection of a rear conservatory projecting approximately 1.5 metres.

The area is characterised by 2-storey semi-detached properties and it is noted that the adjoining dwelling which completes this pair has no side extension existing. There are other extensions in the locality that are flush with the front elevation.

CONSTRAINTS

Design and amenity

POLICIES

West Wiltshire District Plan – 1st Alteration 2004
C31a Design
C38 Nuisance

Supplementary Planning Guidance on house alterations and extensions

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 08.01.2008 and a site notice erected on a lamppost to the front of the property on the public footpath. A further 'revised plans' site notice was also erected and expired on 6 February 2008.

KEY ISSUES

Impact on the street scene and neighbouring amenity.

CONSULTATIONS

Parish/Town Council : Trowbridge Town Council objected due to the very close proximity to the neighbouring property, which would leave such a gap as to create an environmental hazard.

Neighbours : No comments received to date (06.02.2008)

OFFICER APPRAISAL

The initial plans indicate that the 2-storey side extension would be set back 500mm from the frontage and extend up to the side boundary. The rear conservatory would extend the full width of the property up to the northern boundary with a projection of 4 metres. Both elements presented some concerns and were considered to be contrary to the Council's adopted guidance on house alterations and extensions. As such negotiations with the applicant and their agent have taken place.

The revised plans omit the replacement conservatory and set the 2-storey side extension back 1 metre from the frontage of the host building. As such the proposal now presented to the Committee is considered acceptable and in accordance with the adopted SPG on house alterations and extensions.

The proposal is acceptable in design terms because it would be sympathetic in terms of its scale, form, siting and materials. It would be a subservient element to the building respecting the symmetry of the semi-detached pair. Set back the full metre as recommended in the SPG would help to avoid the potential of a terracing effect in the event of the neighbour to the south wanting to also have a side extension.

In terms of amenity the proposal would cause no harm as it would not lead to any loss of light or overbearing given its relationship and orientation compared to other properties. A side window is proposed to the landing only. Given that there is a landing window existing on the side elevation this certainly poses no significant concern.

The comments of the Town Council are noted however it is not considered that projecting within 150mm of the boundary would create an environmental hazard. This form of extension is quite typical and characteristic of many residential properties in Trowbridge.

RECOMMENDATION

Permission subject to conditions.

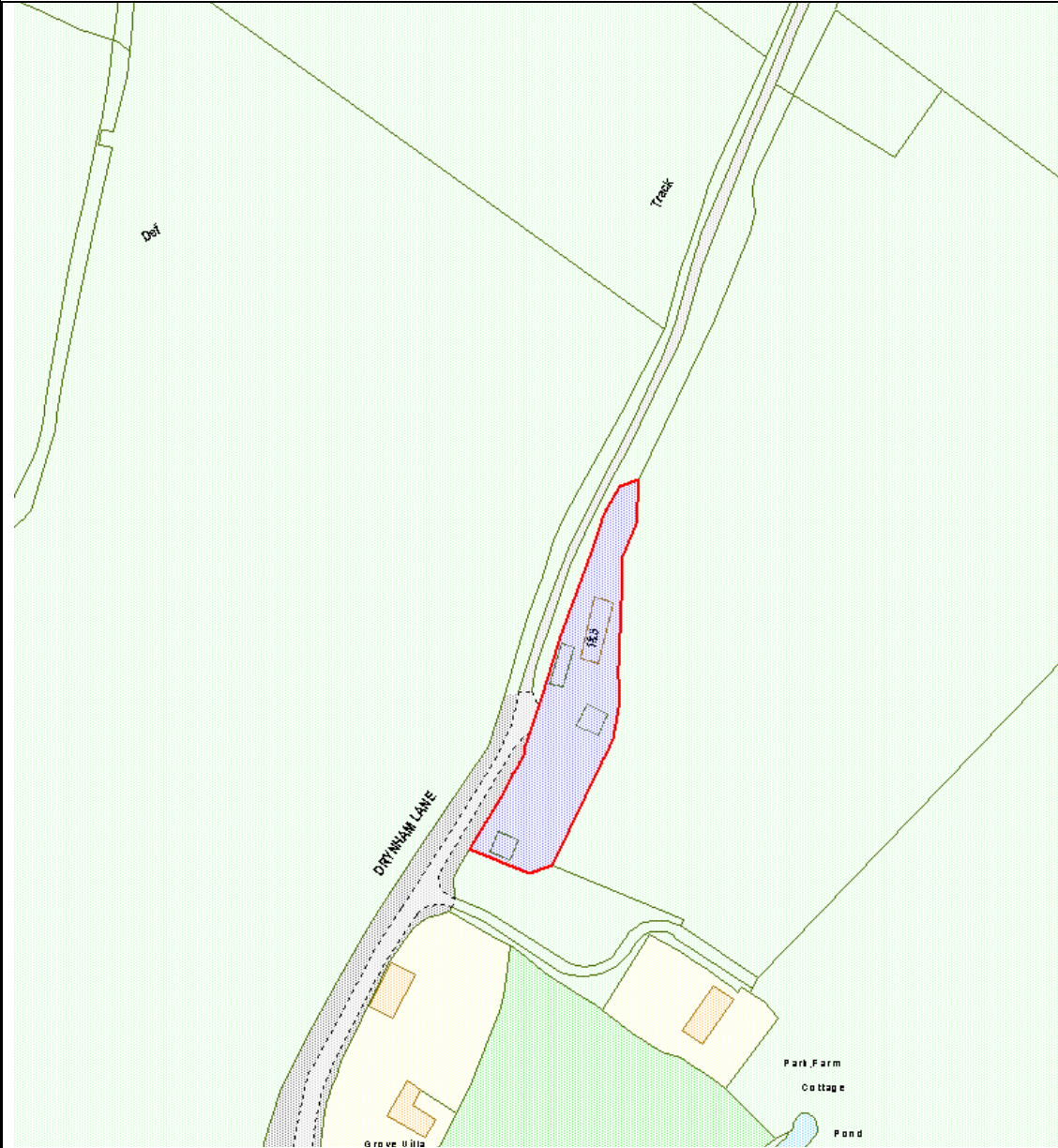
PLANNING COMMITTEE

6 March 2008

ITEM NO: 12

APPLICATION NO: 07/03649/FUL

LOCATION: 3 Drynham Lane North Bradley Wiltshire BA14 0PL



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SLA: 100022961

12 Application: 07/03649/FUL

Site Address: 3 Drynham Lane North Bradley Wiltshire BA14 0PL

Parish: North Bradley Ward: Trowbridge And North Bradley

Grid Reference 386424 156579

Application Type: Full Plan

Development: Erection of replacement dwelling

Applicant Details: Mr S Gardner
Grove Villa Drynham Lane Trowbridge Wiltshire BA14 0PG

Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN

Case Officer: Mr Matthew Perks

Date Received: 19.11.2007 Expiry Date: 14.01.2008

JUSTIFICATION FOR RECOMMENDATION:

The proposed development would enable the creation of a reasonable level of accommodation appropriate to the area, which would not be achieved by a building of the same height as that to be replaced. The proposal furthermore would have an uplifting effect on this currently neglected area.

RECOMMENDATION: That the application be referred to the Secretary of State as a Departure from the Development Plan, and that planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this Council for decision.

Condition(s):

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

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

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

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

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

- 3 The development hereby permitted shall not 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 2004 - Policy U1A.

- 4 Two parking spaces together with an access thereto, shall be provided concurrently with this development and shall remain clear of obstruction thereafter.

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

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

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be carried out to the residential unit hereby permitted, without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this rural site would be unacceptable.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H20.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a revised application for full planning permission for a replacement dwelling at 3 Drynham Lane, Trowbridge. Permission was granted under application 07/00141/FUL for a two-bedroom single storey replacement dwelling. The current proposal is for a chalet bungalow with four bedrooms, two of which would be located in the roof space.

This part of Drynham Lane is characterised by a mixture of scrap/waste storage and dispersed residential plots. No. 3 is an elongated land unit of approximately .14 ha. in extent, adjacent to the roadway which is essentially a track in this vicinity.

The existing dwelling to be demolished is a single storey structure of mixed materials including asbestos roofing occupying a footprint of approximately 75m² plus a 9m² porch. The proposed replacement dwelling would have a footprint of ±92m², and would have a roof ridge height of 6.5m. However, there are other two-storey dwellings in this area.

The site is located outside of town or village policy limits.

The proposed building, although still fairly modest, would be materially larger than the demolished building, contrary to Policy H20 of the West Wiltshire District Plan, 2004. The proposal has as such been advertised as a Departure from the Development Plan.

CONSULTATIONS

Parish/Town Council :

NORTH BRADLEY PARISH COUNCIL - No objections.

External :

HIGHWAY AUTHORITY: No objections.

WESSEX WATER: No objection.

Neighbours :

The proposal was advertised as a Departure from the Development Plan on 9 January 2008. No comments were received.

POLICIES

West Wiltshire District Plan – 1st Alteration 2004
H20 Replacement dwellings in the countryside
C31a Design
C38 Nuisance

RELEVANT PLANNING HISTORY

07/00141/FUL: Replacement dwelling : Permission : 12/03/2007

The land to the south of the dwelling was previously granted a lawful use certificate for the storage of scrap metal and allied materials (93/00015/EUD).

KEY ISSUES

The key planning issues in this case is whether or not special circumstances apply justifying a departure from the development plan to allow a replacement dwelling that is materially larger than that being demolished.

OFFICER APPRAISAL

The application site is located in the countryside where Policy H20 of the West Wiltshire District Plan, 2004 permits replacement dwellings provided, inter alia, 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.

In this case the original dwelling was effectively an extended shack which had a low profile, with a roof ridge height of just 3.4m. Thus, whilst the proposed development retains a modest footprint approximately 8m² greater than the original, in order to provide reasonable accommodation using the roofspace, the height of the proposed chalet-bungalow would be approximately 6.4m. A degree of leeway has in the past been allowed in the interpretation of what constitutes a "materially larger" building, with allowance being made for what volume of extensions could occur under permitted development rights, but in this case the increase in height is considered to be outside the scope of such allowance, and could in any event not have occurred as permitted development.

The new building would be in a locality that is not enhanced by the existing sub-standard dwelling, and the neglected appearance of the site. The new building would be a significant improvement and would be likely to enhance the immediate surroundings. A dwelling of this scale on 1.5 storeys with rooms in the roof would not be prominent in the countryside.

The replacement building would comprise a minimal increase in floor area. The building would occupy approximately the same position on site as the one to be replaced.

There are no highway authority objections to the proposal.

The building would not result in any harmful visual impact on the countryside.

No neighbouring properties would be affected by the proposal. It is considered that the proposal would represent a significant improvement in this setting. However, it constitutes a Departure from the Development Plan because of the material increase in height of the proposed building.

The removal of permitted development rights is considered both necessary and appropriate to prevent the building being further extended without the need for permission.

RECOMMENDATION

The proposal is acceptable and permission is recommended subject to the Secretary of State remitting the application back to the Council for decision.

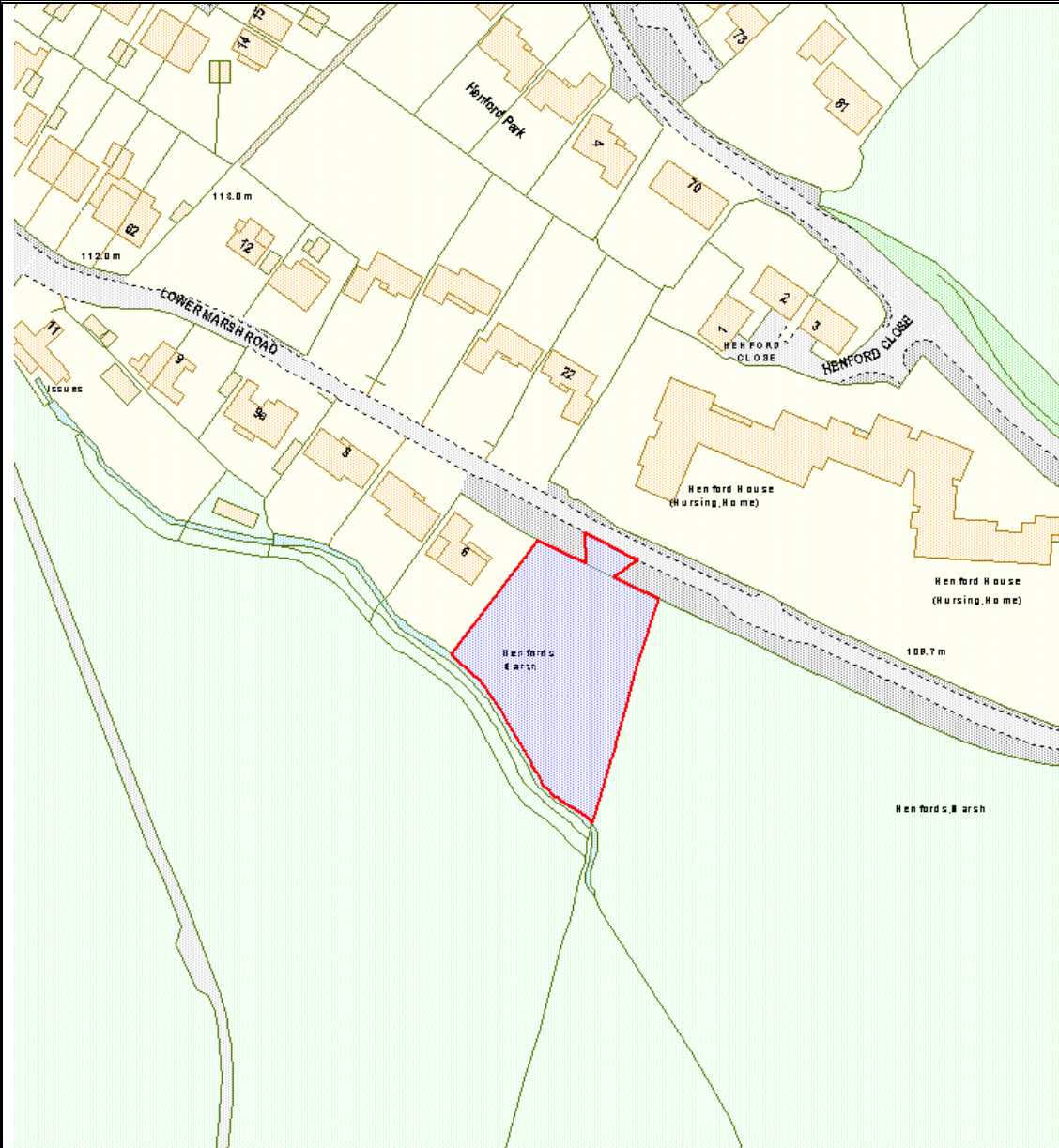
PLANNING COMMITTEE

6 March 2008

ITEM NO: 13

APPLICATION NO: 07/03690/FUL

LOCATION: Land East Of 6 Lower Marsh Road Warminster
Wiltshire



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SLA: 100022961

13 Application: 07/03690/FUL

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

Parish: Warminster Ward: Warminster East
Grid Reference 387432 144055
Application Type: Full Plan
Development: Erection of three dwellings - amended details
Applicant Details: Custom Built
F A O Mr Jones/Page/McKee The Copse 74A Westbury Leigh
Westbury Wiltshire
Agent Details: Land Development And Planning Consultants
FAO Mr D Pearce Lavender Cottage Nettleton Chippenham Wiltshire
Case Officer: Mrs Judith Dale
Date Received: 22.11.2007 Expiry Date: 17.01.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 2 The 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 2004 - Policy U1A.
- 3 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 2004 - Policy U2.
- 4 The access, parking and turning facilities shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority

REASON: In the interests of highway safety.

- 5 The gradient of the proposed access within 4.5 metres of the carriageway edge shall not exceed 1 in 15.
- REASON: In the interests of highway safety.
- 6 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.
- 7 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.
- 8 The boundary treatments indicated on the approved plans shall be completed prior to the occupation of the dwellings to which they relate.
- REASON: In the interests of the appearance of the street scene.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 9 Notwithstanding the details incorporated in the submitted landscaping scheme, the existing tree and hedge screen along the eastern and northern boundaries of the site shall be retained and subsequently maintained, except where the approved vehicular access is constructed.
- REASON: In the interests of visual amenity and to ensure the minimum impact on this Special Landscape Area.
- POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C32 & C3.
- 10 No additional vehicular accesses shall be created onto Lower Marsh Road.
- REASON: In the interests of highway safety and to retain the visual appearance of the street scene
- POLICY: West Wiltshire District Plan – 1st Alteration 2004 - Policy C3.
- 11 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class(es) A to E inclusive of the Order shall be carried out without the express planning permission of the Local Planning Authority.
- REASON: The implementation of permitted development rights on this site would be unacceptable.
- 12 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

Note(s) to Applicant:

- 1 The applicant is advised to contact the Area Highway Engineer (01225 702649) with regard to piping the ditch to form the access

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full application proposing a revised design for three dwellings already permitted on this site by virtue of an outline permission (05/00244/OUT) and subsequent reserved matters approval (07/02436/REM). Those permissions were for three detached dwelling houses located within the former paddock adjoining no 6 Lower Marsh Rd. The approved development showed linear frontage plots, served by a new single access point and occupied by 2 storey, 4 bedroomed units constructed of red brick under brown double roman concrete tiled pitched roofs. Although similar in general style and size, the three units were of varying individual design with one unit accommodating a projecting garage, one a projecting carport and one an integral garage, and each incorporating a small conservatory to the rear.

The current application proposes a modification to the garage/carport arrangements and a replacement of the conservatories with single storey extensions across the rear of each dwelling. Each would extend to a depth not exceeding 3m with a shallow monopitch roof. The projecting garage (plot 1) is to be widened by one metre and the carport (plot 3) is to be replaced by a wider garage. In addition, roof lights are to be installed in the rear elevations of the dwellings to illuminate this space. The remaining details remain as previously approved.

CONSULTATIONS

Parish/Town Council :

Warminster Town Council

- Original sent 27/11 - comments that PD allowance should not be pre-determined

- Revised sent 23/01 - 'recommends refusal on the grounds that it contravenes Condition No 14 of the original outline permission in 2005 -

"Condition 14 - Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended no development falling within Schedule 2, Part 1 Class E of the order shall be carried out without the express planning permission of the Local Planning Authority"
REASON: The implementation of permitted development rights on this site would be unacceptable" and this appears to be pre-emption of permitted rights on the site.'

[For Members' information, Class E of the General Development Order relates solely to outbuildings and enclosures and does not include extensions to buildings.]

External :

Environment Agency - No comment received

Internal: None

Neighbours : Informed by original and revised site notices displayed on, and opposite, the site.

Seven specific letters of objections and comment have been received, although additional and duplicate correspondence has been received in respect of wider general concerns over this development. The grounds of objection include:

- the mass, footprint and volume of the proposed alterations compared with the original
- the number of resultant bedrooms
- alterations to elevational details
- the implementation of site works in anticipation of the planning decision

- the Council's failure to remove permitted development rights from this site at an earlier time in the planning history
- an incorrect interpretation of permitted development rights
- a tacit support by planning officers for the proposal in anticipation of a final decision and before the consultation period has concluded
- permission would encourage the submission of further applications to ultimately achieve the scale of development previously refused
- the Council should 'refuse to entertain this application' since it reflects a 'cynical manipulation of planning rules'
- the resultant development fails to meet the constraints already applicable on this site

NEGOTIATIONS / DISCUSSIONS

This application was submitted following the commencement of work with regard to the approved scheme. Minor discrepancies were identified with regard to the plans submitted under the Building Regulations and revised plans were requested and submitted to correspond.

CONSTRAINTS

- Previous planning permission and general site history - 05/00244/OUT and 07/02436/REM (both approved) and 05/01807/FUL (refused and dismissed on appeal)
- Special Landscape Area
- Height of adjoining property (no 6)
- Extent of Permitted Development allowances

POLICIES

West Wiltshire District Plan 1st Alteration- H1, C3, C31A

RELEVANT PLANNING HISTORY

05/00244/OUT - Three dwellings - Permission - Siting, design and access determined at that stage
 05/01807/FUL - Three dwellings - Refused due to excessive size of development and dismissed on appeal

07/02436/REM - Three dwellings - Approved - Remaining landscape and external appearance details

KEY ISSUES

The issues to be addressed by this application are

- whether the proposed additions would constitute Permitted Development with regard to the completed dwellings and the recognised fallback position
- design and amenity considerations

OFFICER APPRAISAL

The justification for this application is given in the accompanying Design and Access statement as follows:

"The outline planning permission originally issued under the reference 05/00244/OUT did not contain any conditions withdrawing or limiting alterations and extensions to the authorised dwellings being undertaken, following the completion and occupation of the buildings as dwellings, under the provisions of the Town and Country Planning (General Permitted Development) Order 1995. The owners of the individual plots, being the intended occupiers of the dwellings to be erected on the site wish to undertake limited alterations to the approved dwellings which, if carried out following the completion and occupation of the dwellings, would be development permitted by the terms of the General Permitted Development Order and as such would not require the express grant of planning permission by the Local Planning Authority.

Having considered this option with their Builder, the Owners attention has been drawn to the benefits of undertaking the construction of the single-storey extensions as part of the initial building programme as opposed to undertaking the same work following the completion of the individual dwellings. They are also aware that carrying out the alterations following completion and occupation would prolong the building operations on the site and the affect of those works on neighbours and other road users."

In simple terms, if the proposed alterations to these dwellings constitute permitted development, then they can be carried out, post occupation, without any further reference to the Planning Authority, irrespective of any planning or other consideration. Since, however, permitted development rights do not 'kick in' until a dwelling is completed and ready for occupation, an application which 'anticipates' this is required to formally agree a change in design at this earlier part of the process.

According to best calculation, the proposed alterations appear to fall within the constraints of the permitted development allowance and either with, or without, specific planning approval, will be implemented as part of the overall development on this site. While this may not be a universally popular or acceptable outcome, it is against this background that the current application has to be considered.

In considering the planning merits of these alterations,

- the proposed rear extensions are single storey, are of a suitable design, would have no impact on the street scene or existing residential property, involve no loss of amenity to existing residents or extend the visual mass of the buildings to the detriment of the surrounding landscape. Since they would constitute permitted development following completion of the development, they are, by definition, modest in scale and would not result in dwellings oversized for their plots.
- the proposed alterations to the approved garage and carport arrangements are also modest, again of appropriate design, do not bring the front line of development further forward on the plot and due to the existence and retention of much of the front hedge, will have limited impact on the street scene.
- the installation of roof lights in the rear elevation, while marginally increasing the visual impact of the roof from any rear view, are small and in themselves could not be considered to introduce any element of harm in the overall landscape.

The combination of these changes together with the approved scheme would not result in an unacceptable form of development on this site and on the planning merits of the proposal, therefore, there are no reasons for refusing this revised application.

Much of the local objection to this particular application is based on the considerable planning history attached to the development of the site, and an understandable concern that any further increase to the size of the approved dwellings moves closer to the scale of buildings previously refused permission and subsequently dismissed on appeal in April 2007. The scale of the current alterations is clearly more modest in that the increases are limited to the ground floor only, and an opportunity now presents itself to limit any future development by removing the Permitted Development Rights from this latest 'as built' scheme.

It is an important point to note that Permitted Development Rights could not have been removed as part of the Reserved Matters application (07/02436/REM) since this is an application which simply 'fills in' the details of the supporting outline permission. It is this outline permission which ultimately sets out the framework for a development and at the time permission (05/00244/OUT) was originally granted, there were no planning reasons for these Rights to have been removed.

There is also a natural frustration about a perceived loophole in the planning process which requires applications to be made but, as regards, outcomes, can effectively make a decision immaterial. The likely effect of not granting planning permission in this case would be to make the development process more difficult for the applicant by requiring him to complete the dwellings as approved and then demolish sections of those buildings in order to add on the proposed changes. As tempting as it may seem, to follow such a course of action just to make life more difficult for a developer cannot be justified in planning law and would provide an extremely weak base from which to defend any subsequent appeal.

RECOMMENDATION

Permission

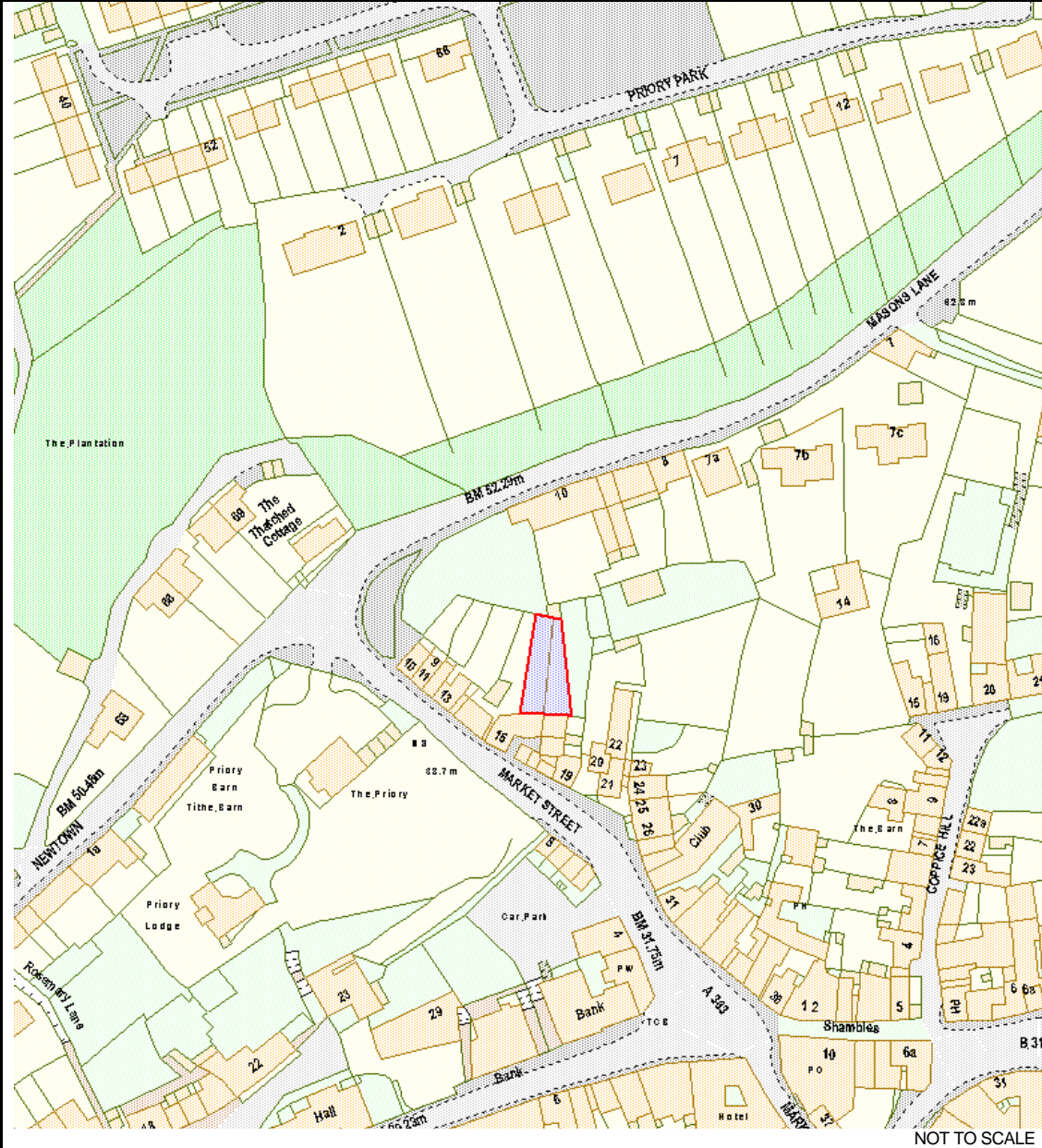
PLANNING COMMITTEE

6 March 2008

ITEM NO: 14

APPLICATION NO: 07/03840/FUL

LOCATION: Land Rear Of 15 Market Street Bradford On Avon
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 07/03840/FUL

Site Address: Land Rear Of 15 Market Street Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382565 161089
Application Type: Full Plan
Development: Erection of studio house
Applicant Details: Croft Properties
FAO Mr Robert Keyworth 31 Victoria Buildings Lower Bristol Road
Bath BA2 3EH
Agent Details: Mr Marek Dziedzic
44 Langdon Road Bath BA2 ILS
Case Officer: Mr Rudolf Liebenberg
Date Received: 19.12.2007 Expiry Date: 13.02.2008

JUSTIFICATION 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 2004 - Policy U1A.

- 4 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.

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

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

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

- 6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

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

- 7 A full study, of which details and findings shall be submitted to the Local Planning Authority for their written approval, shall be undertaken by a qualified specialist to determine the impact of the excavation work on existing water tables in close proximity of the application site.

REASON: In the interests of residential amenity and safety.

Note(s) to Applicant:

- 1 No construction rubble will be burned on site and no deliveries associated with the construction phase will be made on weekdays after 18.00 and 14.00 on Saturdays and none on Sundays and Bank Holidays.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning permission for the erection of a studio house on the land to the rear of 15 Market Street, Bradford on Avon. The construction work will be dealt with under the corresponding listed building consent application.

The site is within the Conservation Area and an Area of Archaeological Interest. The site is also within the Town Policy Limits and the Town Centre Commercial Boundary.

There are neighbours in close proximity and the development is set against the slope of the land with limited overlooking and providing adequate amenity space. No parking is provided and access is gained through the existing premises.

SITE VISIT / STATUTORY SITE NOTICES

Done on 05.02.2008 and six letters of objection were received.

CONSULTATIONS

Parish/Town Council : BRADFORD ON AVON TOWN COUNCIL: Object to this application because of the impact on neighbour amenity and potential damage to the existing party wall with the neighbour.

External : N/A

Internal : HIGHWAY AUTHORITY: No objection.

ARCHAEOLOGICAL OFFICER: No objection.

PLANNING POLICY: Acceptable in Policy terms.

Neighbours :

Six letters of objection has been received raising the following concerns:

The development is out of character for the Conservation Area;
The development will adversely affect the amenity of nearby neighbours;
The development will impact and create possible damage to the existing party wall;

Other concerns raised were the following:

1. Safety

It is very restricted access from the entrance in Market Street around to the new proposed dwelling, including twists, turns and steps. If there were to be an emergency such as a fire, access would be a problem and because of the size of the area it could be a danger to the neighbouring properties.

2. Security and access

This has to be through the shared right of way via a passage and would compromise severely the security of the other dwellings. For example deliveries of mail and other items are only possible if a shared secured (i.e. locked) door was no longer locked.

Refuse and recycling collections will take much longer if the number of residences is increased by one or more. As it is, residents had to use strong arguments to be allowed to use recycling boxes for the current two households. An increase could be to the detriment of a system that is working well. Traffic congestion will probably increase.

There is also a lot of opportunistic theft in Bradford and with the security of the shared passage door compromised, this leaves neighbouring homes very vulnerable.

It is known from experience that an open side passage could easily lead to it being used as a loo for the great numbers of Bradford's less responsible drinkers.

3. Noise

Recently invested money in tanking the ground floor of neighbouring homes were done so that use can be optimised more effectively and made an en suite bedroom for one of the families living close to the application site. This overlooks the shared access that the new home, bakery, apartment above shop would be using. Also, because of the nature of the access further activity from other dwellings and people getting access to them will increase. Living on a busy road, but to the back of the houses and into the gardens it is not noisy and the current relatively quiet oasis of gardens and trees will be compromised.

4. Parking

Where will potential occupiers park? There are already people in Market Street parking permanently on pavements, yellow lines, grass verges. Selling a home without parking will not necessarily deter them from owning a vehicle.

5. Biodiversity

We are fortunate to have the following in our garden so far: gold crests, herons, buzzards, pheasants, song thrushes, finches, newts and a denser building will most definitely affect this at a time when everyone agrees that we should encourage such biodiversity.

NEGOTIATIONS / DISCUSSIONS

The Council's Heritage Development Officer had pre-application discussions with the Applicant.

CONSTRAINTS

Conservation Area and within setting of Grade II Listed Building;

POLICIES

West Wiltshire District Plan - 1st Alteration 2004

C15 Areas of High Archaeological Interest

C17 Conservation Area

C28 Alterations to Listed Buildings

H1 Town Policy Limits

SP1 Town Centre Commercial Area

PPS1 Delivering Sustainable Development (Jan 2005)

PPG15 Planning and the Historic Environment

Planning System - General Principles (Jan 2005)

RELEVANT PLANNING HISTORY

The most relevant planning history for the site was a residential conversion of the upper floors of the shop at 15 Market Street as under 05/01375/FUL and 05/01381/LBC granted 11.12.2006.

KEY ISSUES

The key issues in this application are the principle of the residential development and the effect of the proposal on the character and fabric of the nearby listed building, the special character and appearance of the Conservation Area, the Archaeological Interest Area, highways matters and neighbouring public amenity.

OFFICER APPRAISAL

Principle

The principle of the erection of a residential unit is acceptable as this is a town policy limit location and there would be no loss of retail use in this commercial area. The complete plot is vacant at the present time and the conversion of the land to residential would give a viable use to the application site as a whole. Residential uses within town centres are encouraged in order to maintain the vitality and viability of the town centre. This is also important with regard to the listed building for the ongoing maintenance of the building. The full use of the whole of the site (existing and application site) is of substantial benefit for the historic environment and to the vitality of the area as a whole.

Design and Impact on the Conservation Area

The design of the bungalow is low key and it is set against the slope of the land with minimal impact in terms of scale, massing and design. The materials used in the external and internal facades of the dwelling follow that of the surrounding area, whilst the level of overlooking is not any different to that of the existing town centre properties in close proximity.

The special character and appearance of the Conservation Area would not be harmed. As these are the only proposal external works, nothing of archaeological significance would be affected.

Parking

Central Government Guidance clearly states that where there is sufficient access by non-car modes of transport, residential development can be considered without parking provision (PPG13, paragraph 68). The proposal is to be car free and no parking provision has been made for the residential unit. This is a sustainable town centre location with close links to public transport. There is no objection to a car free scheme in this area and this view is supported by the Highway Authority and your officers.

Amenity

The proposed development would not result in any significant overlooking effect to neighbouring properties and therefore there would be no harm caused to the amenities of the public and the proposal is therefore consistent with Policy C38 of the District Plan.

Town Council comments

Although argument could be made to contest the impact on the character and appearance of the Conservation Area there is no reason to believe that the development will adversely affect the appearance and character of this Conservation Area. Overlooking is at no higher level than that of any of the nearby and surrounding existing properties. The application can therefore be supported.

Conclusion

The proposals would be beneficial to the character and fabric of the existing nearby listed building which would be preserved and enhanced, as would the Conservation Area in which it is located. Furthermore, there would be no adverse issues of amenity to nearby neighbours and the vitality of this sustainable town centre location would be maintained and enhanced.

The scale, location and design of the development respect the context of the site and comply with the design and development guidelines of the Local Plan and should therefore benefit from permission.

RECOMMENDATION

PERMISSION

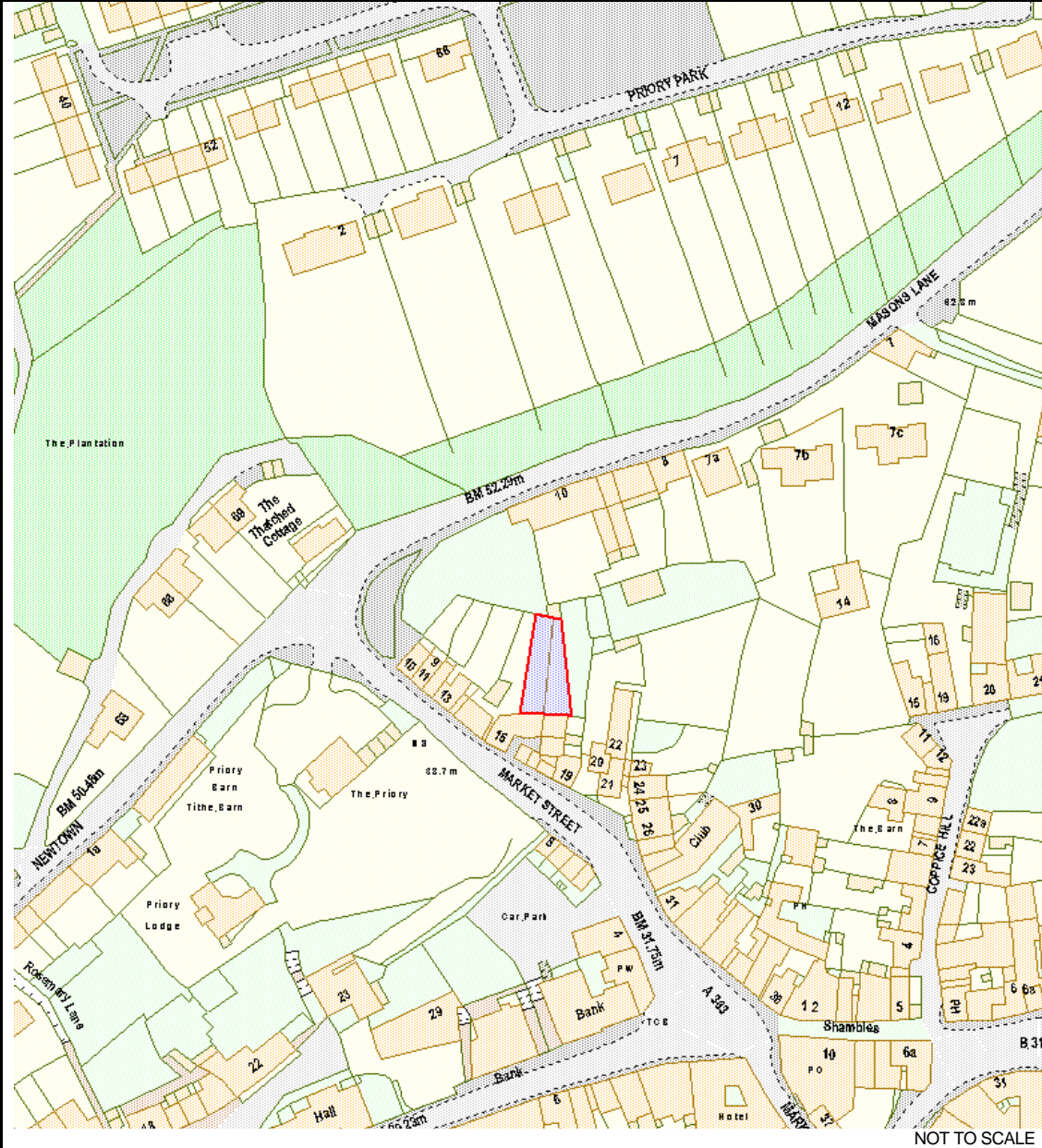
PLANNING COMMITTEE

6 March 2008

ITEM NO: 15

APPLICATION NO: 07/03841/LBC

LOCATION: Land Rear Of 15 Market Street Bradford On Avon
Wiltshire



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SLA: 100022961

15 Application: 07/03841/LBC

Site Address: Land Rear Of 15 Market Street Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382565 161089
Application Type: Listed building
Development: Erection of studio house
Applicant Details: Croft Properties
FAO Mr Robert Keyworth 31 Victoria Buildings Lower Bristol Road
Bath BA2 3EH
Agent Details: Mr Marek Dziedzic
44 Langdon Road BATH BA2 ILS
Case Officer: Mr Rudolf Liebenberg
Date Received: 14.12.2007 Expiry Date: 08.02.2008

JUSTIFICATION 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: Consent

Condition(s):

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

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

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

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

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

- 3 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 character and appearance of the listed building is conserved.

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

- 4 Further details of the internal treatment of the new development shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of these works on site.

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 2004 - Policies C27 & C28.

- 5 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 2004 - Policies C27 & C28.

- 6 This consent does not permit the demolition or dismantling of any part of the remaining external features on the application site, including all walls.

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.

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

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

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

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

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

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

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

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

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

Note(s) to Applicant:

- 1 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 C36 & C38.

COMMITTEE REPORT**APPLICATION DETAILS**

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

This is a full planning permission for the erection of a studio house on the land to the rear of 15 Market Street, Bradford on Avon. The construction work will be dealt with under the corresponding listed building consent application.

The site is within the Conservation Area and an Area of Archaeological Interest. The site is also within the Town Policy Limits, the Town Centre Commercial Boundary and within the setting of a Grade II Listed Building.

There are neighbours in close proximity and the development is set against the slope of the land with limited overlooking and providing adequate amenity space. No parking is provided and access is gained through the existing premises.

SITE VISIT / STATUTORY SITE NOTICES

Done on 05.02.2008 and six letters of objection were received.

CONSULTATIONS

Parish/Town Council : BRADFORD ON AVON TOWN COUNCIL: Object to this application because of the impact on neighbour amenity and potential damage to the existing party wall with the neighbour.

External : N/A

Internal : HERITAGE DEVELOPMENT OFFICER: No objection.

ENGLISH HERITAGE: No comment.

Neighbours : Six letters of objection has been received raising the following concerns:

The development is out of character for the Conservation Area;
The development will adversely affect the amenity of nearby neighbours;
The development will impact and create possible damage to the existing party wall;

Other concerns raised were the following:

1. Safety

It is very restricted access from the entrance in Market Street around to the new proposed dwelling, including twists, turns and steps. If there were to be an emergency such as a fire, access would be a problem and because of the size of the area it could be a danger to the neighbouring properties.

2. Security and access

This has to be through the shared right of way via a passage and would compromise severely the security of the other dwellings. For example deliveries of mail and other items are only possible if a shared secured (i.e. locked) door was no longer locked.

Refuse and recycling collections will take much longer if the number of residences is increased by one or more. As it is, residents had to use strong arguments to be allowed to use recycling boxes for the current two households. An increase could be to the detriment of a system that is working well. Traffic congestion will probably increase.

There is also a lot of opportunistic theft in Bradford and with the security of the shared passage door compromised, this leaves neighbouring homes very vulnerable.

It is known from experience that an open side passage could easily lead to it being used as a loo for the great numbers of Bradford's less responsible drinkers.

3. Noise

Recently invested money in tanking the ground floor of neighbouring homes were done so that use can be optimised more effectively and made an en suite bedroom for one of the families living close to the application site. This overlooks the shared access that the new home, bakery, apartment above shop would be using. Also, because of the nature of the access further activity from other dwellings and people getting access to them will increase. Living on a busy road, but to the back of the houses and into the gardens it is not noisy and the current relatively quiet oasis of gardens and trees will be compromised.

4. Parking

Where will potential occupiers park? There are already people in Market Street parking permanently on pavements, yellow lines, grass verges. Selling a home without parking will not necessarily deter them from owning a vehicle.

5. Biodiversity

We are fortunate to have the following in our garden so far: gold crests, herons, buzzards, pheasants, song thrushes, finches, newts and a denser building will most definitely affect this at a time when everyone agrees that we should encourage such biodiversity.

NEGOTIATIONS / DISCUSSIONS

The Council's Heritage Development Officer had pre-application discussions with the Applicant.

CONSTRAINTS

Conservation Area and within setting of Grade II Listed Building;

POLICIES

West Wiltshire District Plan - 1st Alteration 2004

C15 Areas of High Archaeological Interest

C17 Conservation Area

C28 Alterations to Listed Buildings

H1 Town Policy Limits

SP1 Town Centre Commercial Area

RELEVANT PLANNING HISTORY

The most relevant planning history for the site was a residential conversion of the upper floors of the shop at 15 Market Street as under 05/01375/FUL and 05/01381/LBC granted 11.12.2006.

KEY ISSUES

The key issues in this application are the principle of the residential development and the effect of the proposal on the character and fabric of the nearby listed building, the special character and appearance of the Conservation Area, the Archaeological Interest Area, highways matters and neighbouring public amenity.

OFFICER APPRAISAL

Principle

The principle of the erection of a residential unit is acceptable as this is a town policy limit location and there would be no loss of retail use in this commercial area. The complete plot is vacant at the present time and the conversion of the land to residential would give a viable use to the application site as a whole. Residential uses within town centres are encouraged in order to maintain the vitality and viability of the town centre. This is also important with regard to the listed building for the ongoing maintenance of the building. The full use of the whole of the site (existing and application site) is of substantial benefit for the historic environment and to the vitality of the area as a whole.

Design and Impact on the Conservation Area

The design of the bungalow is low key and it is set against the slope of the land with minimal impact in terms of scale, massing and design. The materials used in the external and internal facades of the dwelling follow that of the surrounding area, whilst the level of overlooking is not any different to that of the existing town centre properties in close proximity.

The special character and appearance of the Conservation Area would not be harmed. As these are the only proposal external works, nothing of archaeological significance would be affected.

Parking

Central Government Guidance clearly states that where there is sufficient access by non-car modes of transport, residential development can be considered without parking provision (PPG13, paragraph 68). The proposal is to be car free and no parking provision has been made for the residential unit. This is a sustainable town centre location with close links to public transport. There is no objection to a car free scheme in this area and this view is supported by the Highway Authority and your officers.

Amenity

The proposed development would not result in any significant overlooking effect to neighbouring properties and therefore there would be no harm caused to the amenities of the public and the proposal is therefore consistent with Policy C38 of the District Plan.

Town Council comments

Although argument could be made to contest the impact on the character and appearance of the Conservation Area there is no reason to believe that the development will adversely affect the appearance and character of this Conservation Area. Overlooking is at no higher level than that of any of the nearby and surrounding existing properties. The application can therefore be supported.

Conclusion

The proposals would be beneficial to the character and fabric of the existing nearby Grade II Listed building which would be preserved and enhanced, as would the Conservation Area in which it is located. Furthermore, there would be no adverse issues of amenity to nearby neighbours and the vitality of this sustainable town centre location would be maintained and enhanced. The scale, location and design of the development respect the context of the site and comply with the design and development guidelines of the Local Plan and should therefore benefit from permission.

RECOMMENDATION

CONSENT