

PLANNING COMMITTEE

8 May 2008

Planning Applications for Determination

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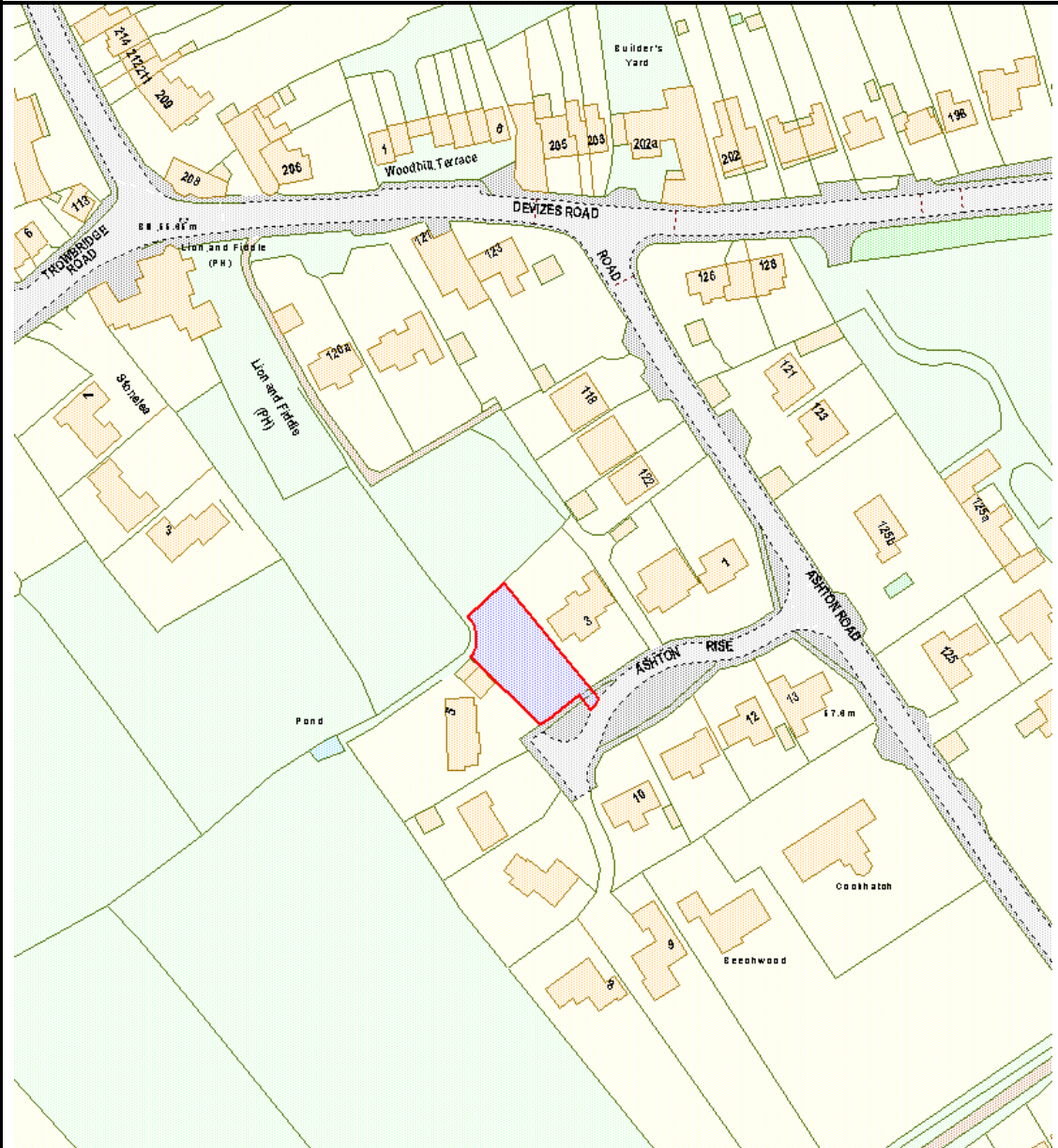
PLANNING COMMITTEE

8 May 2008

ITEM NO: 01

APPLICATION NO: 08/00801/FUL

LOCATION: Land Adjoining 3 Ashton Rise Hilperton Wiltshire



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 08/00801/FUL

Site Address: Land Adjoining 3 Ashton Rise Hilperton Wiltshire

Parish: Hilperton Ward: Avonside
Grid Reference 387384 158905
Application Type: Full Plan
Development: Erection of new dwelling
Applicant Details: Mr I Thomas
3 Ashton Rise Hilperton Wiltshire BA14 7QZ
Agent Details: Mr A W Francis
35 Seend Melksham Wiltshire SN12 6PU
Case Officer: Mr Rudolf Liebenberg
Date Received: 17.03.2008 Expiry Date: 12.05.2008

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 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 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.
- 4 The proposed access shall incorporate splays on both sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m and which shall be kept free of obstruction above a height of 600mm.

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 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.

7 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.

8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the 1st floor west elevation of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Committee on 17 April 2008 for a site visit.

This application was originally brought before Committee on the request of Councillor Ernie Clark and Councillor Trevor Carbin in the interest of public debate and consistency of planning decisions.

This is a full planning application for a two-storey detached dwelling at land adjacent to 3 Ashton Rise, Hilperton. The proposed dwelling would have two floors of accommodation and would stand at its highest point 7m above ground floor level. The new dwelling would cover a floor area of approximately 198m².

Off-street parking space for two vehicles is provided and the dwelling is set against the flat slope of the land to the side of the existing dwelling. The application site is located within the urban confines of Hilperton.

SITE VISIT / STATUTORY SITE NOTICES

Site notice displayed on 18.03.2008 and no representations received by time of preparing Committee report.

CONSULTATIONS

Parish/Town Council : HILPERTON PARISH COUNCIL: No objection.

External : WESSEX WATER: No objection.

Internal : HIGHWAY AUTHORITY: No objection subject to conditions.

Neighbours : There were three letters of objection from neighbours on this specific application and I have to note that on the previous two applications the same objections were raised regarding the following:

- Unattractive design not in keeping with the open nature of surrounding residential properties;
- Not in keeping with design and appearance of the area and out of character as a two-storey dwelling;
- Over development, overlooking and privacy;
- The development ignores and disregards the design principles of the Local Plan policy.

NEGOTIATIONS / DISCUSSIONS

This application supersedes the previous application (07/03654/FUL) which was withdrawn.

CONSTRAINTS

Residential area;

POLICIES

Wiltshire and Swindon Structure Plan 2016

DP3 Development strategy
DP7 Housing in towns and main settlements
T5 Parking

West Wiltshire District Plan – 1st Alteration 2004

H1 Further housing development within towns
C31a Design
C32 Landscaping
C38 Nuisance
T10 Car parking

PPS1 Delivering Sustainable Development
PPS3 Housing

SPD Residential Design Guide

RELEVANT PLANNING HISTORY

99/00964/OUT - Single storey dwelling with garage and vehicular access from Ashton Rise - Permission on 23.09.1999;

07/03654/FUL - New two-storey detached dwelling - Withdrawn on 17.01.2008;

08/00508/FUL - New two storey detached dwelling - Pending decision 2008;

KEY ISSUES

Planning history, planning policy, neighbouring amenity, and design and highway safety.

OFFICER APPRAISAL

The application site is located within the village policy limit for Hilperton, where new dwellings will be permitted subject to a number of criteria of which most relevant in this case are that of the siting, layout and design of the new development. These should be in keeping with the character of the area, which in this case is a bungalow within a cul-de-sac.

However, there is a one two-storey detached house adjacent to the application site, and the current proposal with the first floor accommodation contained within the roof space is considered to be sympathetic to the overall character of the area.

The proposed dwelling does not represent over development of the site.

The proposed dwelling has been designed to be similar in its general form to others in the area.

The Highway Authority made no objection to the proposal and the proposed parking arrangements is satisfactory.

The scale and design of the development respect the context of the site and has the design characteristics essential to the sustainable development of residential neighbourhoods such as this part of Hilperton and will have no adverse impact on the character and appearance of the area, street scene, or residential amenities.

RECOMMENDATION

Permission.

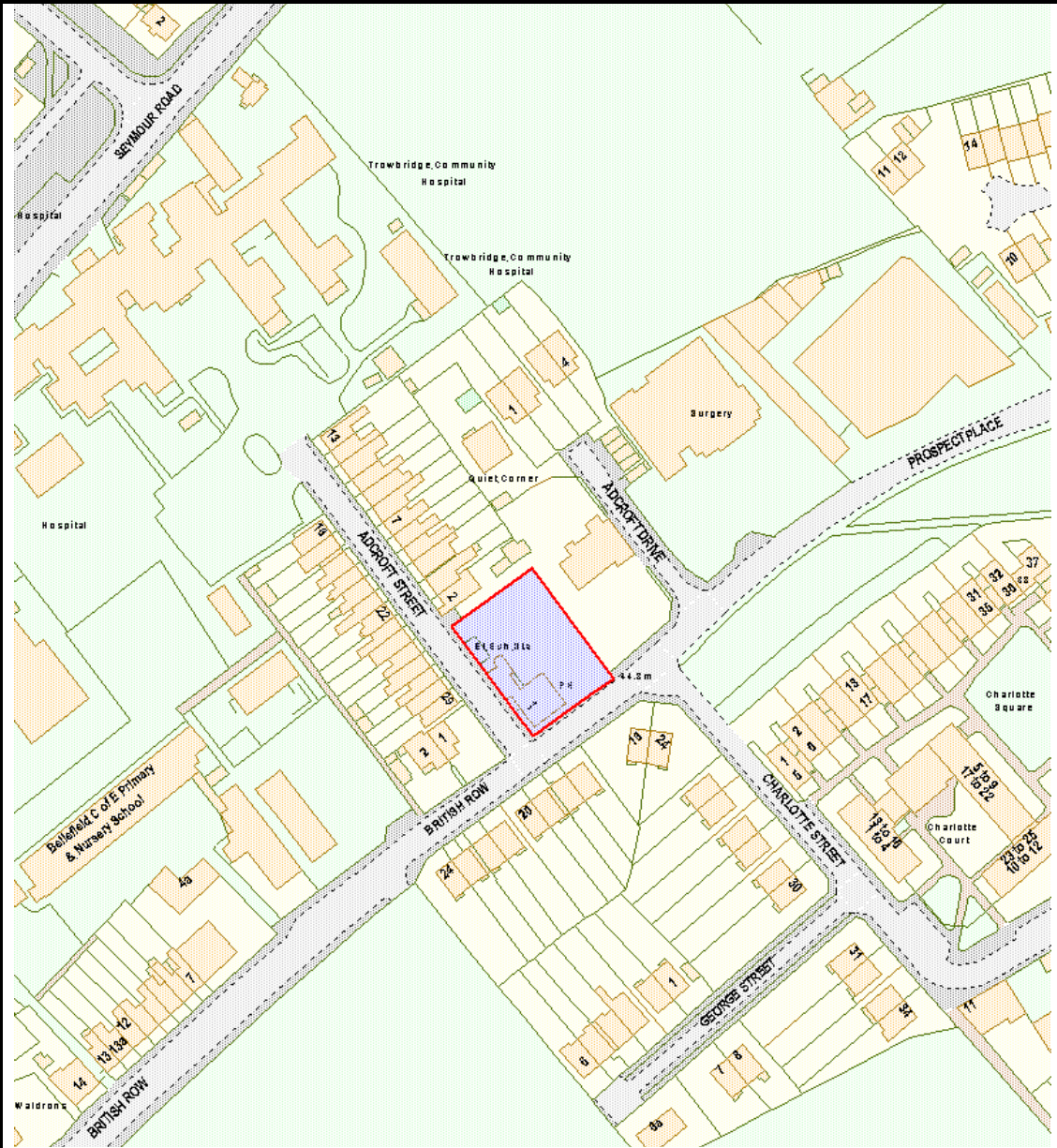
PLANNING COMMITTEE

8 May 2008

ITEM NO: 02

APPLICATION NO: 07/02927/FUL

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



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www.westwiltshire.gov.uk

SLA: 100022961

02 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 James Taylor
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.

5 The 5 parking spaces adjacent to the flats shall be completed to the satisfaction of the local planning authority and made available for use prior to the first occupation of the flats hereby approved.

REASON: To ensure that adequate parking is provided for the development.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H16.

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.

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 and Adcroft Villa 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, in terms of numbers, and the lack of visibility splays would result in harm the highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred from the planning committee meeting on 6 March 2008 to enable accurate site plans to be submitted and for a site visit prior to the next committee.

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.

Since the committee meeting on 6 March 2008 a revised plans site notice has been erected at the site which expired on 28 March 2008.

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.”

Trowbridge Town Council has written to maintain its objection following the revised and accurate plans.

Wessex Water : No objections.

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

Following receipt of revised plans the highway authority comment as follows:

None of the previous comments have been addressed in the amended plans, therefore I would be bound to offer a highway objection for the following reasons:

- Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner.
- The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.
- The site has insufficient pedestrian visibility splays which are essential in the interests of highway safety.

Neighbours : No comments received.

NEGOTIATIONS / DISCUSSIONS

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

Following deferral of the application further discussions with the applicant's have taken place in order to gain accurate plans for the site and proposed development. No discussions over the merits of the case have taken place.

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

07/02933/LBC – Parallel listed building application – Pending

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. Further consideration has been given to this point and it is considered that the amenities of occupiers to Adcroft Villa would also be significantly compromised.

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. This situation has not been altered by the submission of revised and accurate plans because the access was correctly drawn.

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 originally proposed 10 spaces however these were 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. The revised plans now submitted accurately reflect the site and allow for only 5 parking spaces a short fall of 6 spaces over the usual standards. Consequently it can be seen that there are not enough parking spaces as shown for the whole development, but it is considered adequate for the flat conversion of the listed building.

The revised plans were sent to the highway authority on 14 March 2008 and they have maintained their objection on the grounds of visibility at the access. Further insufficient parking for the proposed development has been provided and therefore displacement parking would be likely onto the highway which would prejudice the free flow of traffic, harmful to highway safety.

Inaccurate plans

The inaccuracy of plans has been addressed by the revised submission and as such the previous recommended reasons for refusal have been amended or deleted as appropriate. To clarify, the current plans appear to be accurate.

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.

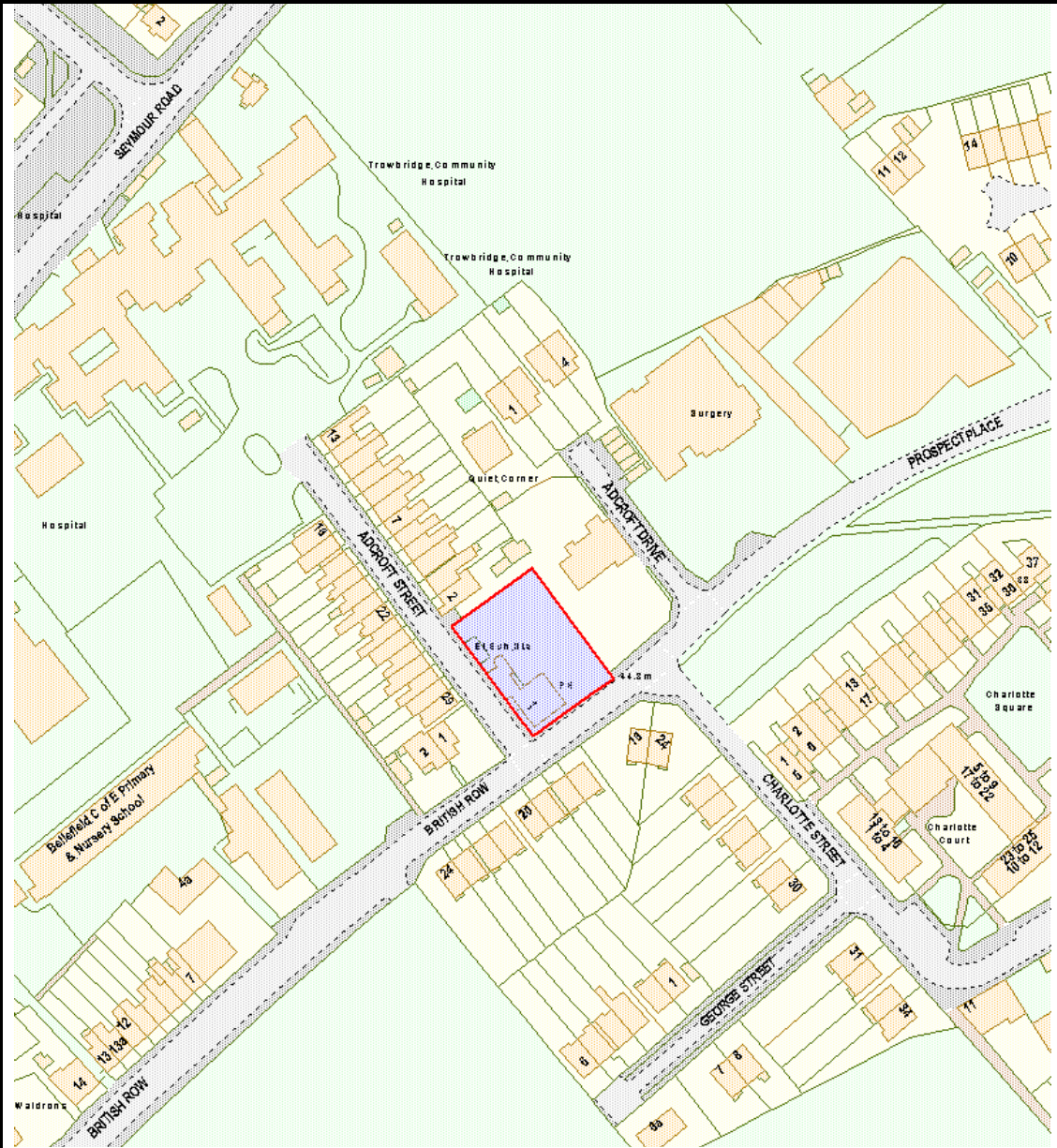
PLANNING COMMITTEE

8 May 2008

ITEM NO: 03

APPLICATION NO: 07/02933/LBC

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



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SLA: 100022961

03 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 James Taylor
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 in writing 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 was deferred from the planning committee meeting on 6 March 2008 because of matters relating to the parallel full planning application reference 07/02927/FUL. As such this application remains the same as that previously presented to and considered by the planning committee.

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

07/02927/FUL – Parallel full planning application – Pending

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.

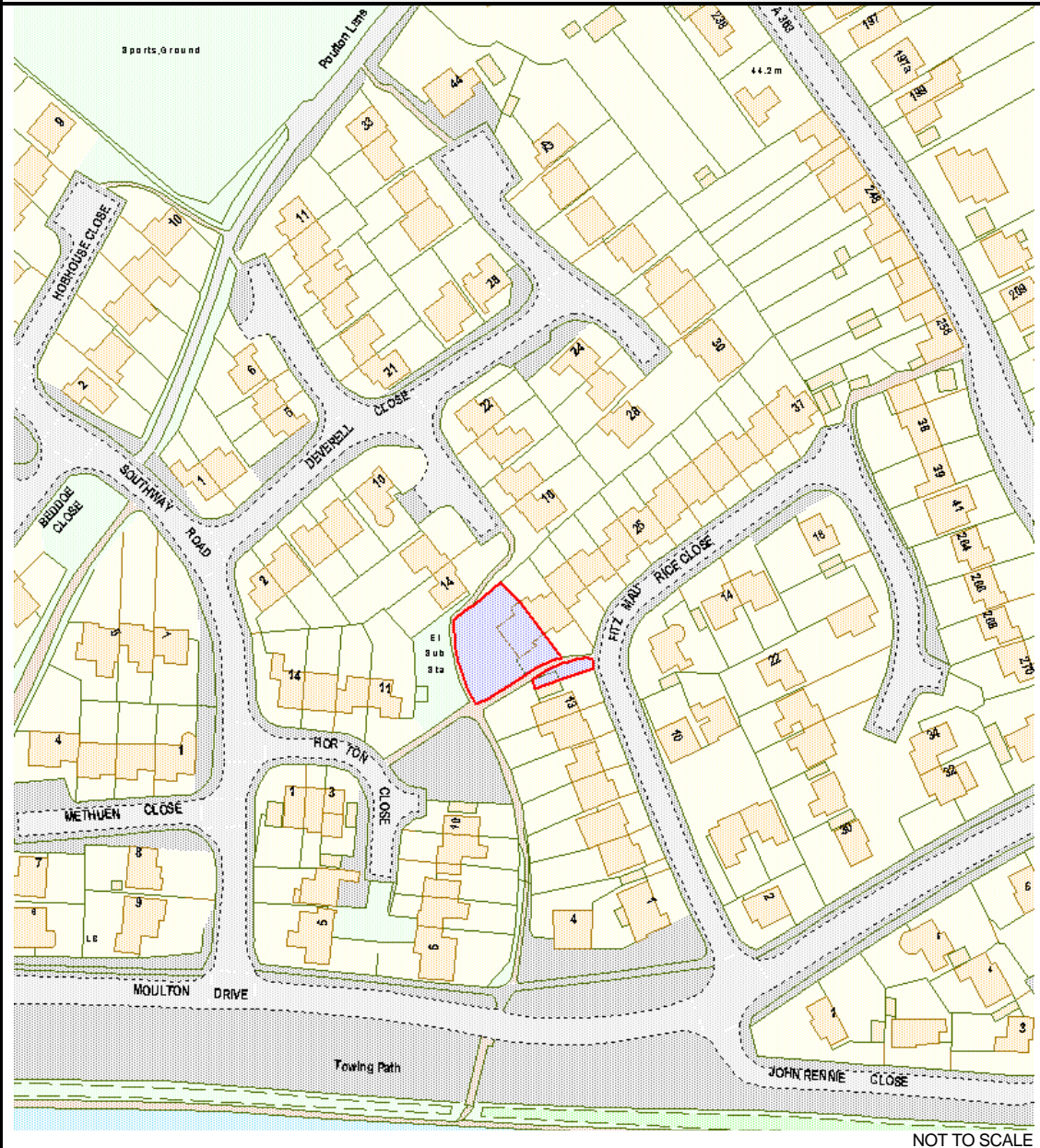
PLANNING COMMITTEE

8 May 2008

ITEM NO: 04

APPLICATION NO: 08/00243/FUL

LOCATION: 15 Fitzmaurice Close Bradford On Avon Wiltshire
BA15 1UE



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SLA: 100022961

04 Application: 08/00243/FUL

Site Address: 15 Fitzmaurice Close Bradford On Avon Wiltshire BA15 1UE

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383172 159835
Application Type: Full Plan
Development: Single storey extension to accommodate home office and separate music/computer room
Applicant Details: Mr Jonathan Cross
15 Fitzmaurice Close Bradford on Avon Wiltshire UK
Agent Details: Mrs Abigail McGillivray
60 Goose Street Beckington Frome Somerset BA11 6SS
Case Officer: Mr Rudolf Liebenberg
Date Received: 30.01.2008 Expiry Date: 26.03.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal, by reason of its proportion, mass, scale and design would be detrimental to the character and appearance of the streetscene of the housing development in Fitzmaurice Close, contrary to Policy C31a of the West Wiltshire District Plan First Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

The application is brought before Committee on the request of Councillors Repton and Martindale as your Planning Officer is recommending refusal.

The proposal relates to the erection of an extension to the existing house at 15 Fitzmaurice Close, Bradford on Avon. The application is for a single storey extension to accommodate a home office and separate music/computer room. The proposed materials are horizontal timber panel cladding, a sedum roof with timber fascia, grey powder coated metal framed opening glazing panel and a lead detailed valley gutter. The property is located within the urban confines of Bradford on Avon and is surrounded by residential properties.

SITE VISIT / STATUTORY SITE NOTICES

Carried out on 05.02.2008

CONSULTATIONS

Parish/Town Council :

BRADFORD ON AVON TOWN COUNCIL: No objections subject to no significant loss of neighbour amenities.

Neighbours :

One letter of objection was received raising concern over the possibility of running a business from the dwelling and the possible impact on parking in the immediate vicinity. Further concerns were raised over noise impact from the music room and the potential impact on neighbouring amenity.

NEGOTIATIONS / DISCUSSIONS

Pre-application advice was given by your officers who were generally supportive before submission of the application. However, on submission of the application a more thorough assessment was made and on balance it was considered that the proposal could not be supported and the applicant advised accordingly.

CONSTRAINTS

Semi detached properties

POLICIES

West Wiltshire District Plan First Alteration June 2004;

C31a Design
C38 Nuisance
H1 Town Policy Limits

SPG Planning Design Guidance (House alterations and extensions - July 2004);

RELEVANT PLANNING HISTORY

The most relevant planning history is approval for an extension in 2001

KEY ISSUES

- Street scene;
- Neighbour amenity;
- Planning history;

OFFICER APPRAISAL

Design and Street scene

The SPG planning design guidance highlights that extensions to dwellings should be subservient and sympathetic to the host building. The property in question is a semi-detached property with the proposed extension being on the side and front resulting in a wrap-around single-storey extension. It would be visible from the street scene to the detriment of it because of the unbalance to the front elevation of the property which would appear unduly prominent. The proposed extension is out of character for the area and not typical of this neighbourhood because of its front projection and use of non-matching materials.

The overall design would not necessarily be unacceptable but in this prominent frontage location it would harm the street scene. If however, it were to be set back it may be acceptable. Any extension should respect the host building and its setting in the street scene. The prominence and frontage projection is such that in the current location is unacceptable.

Neighbour amenity

There are neighbouring properties to the boundaries of the proposed development. Due to the location of the proposed extension to the host dwelling there would be no adverse impact on the nearby neighbour despite the concerns over possible noise pollution. The size of the extension and its proposed use will have limited impact on nearby residential amenity and sound insulation could be achieved through adequate building control measures.

Any impact on nearby residential amenity would be minimal and there would not be any conflict with policy C38.

Conclusion

In conclusion the proposed extension would have an adverse impact on the character of the area and would appear over dominant and visually intrusive in this location.

RECOMMENDATION

Refusal.

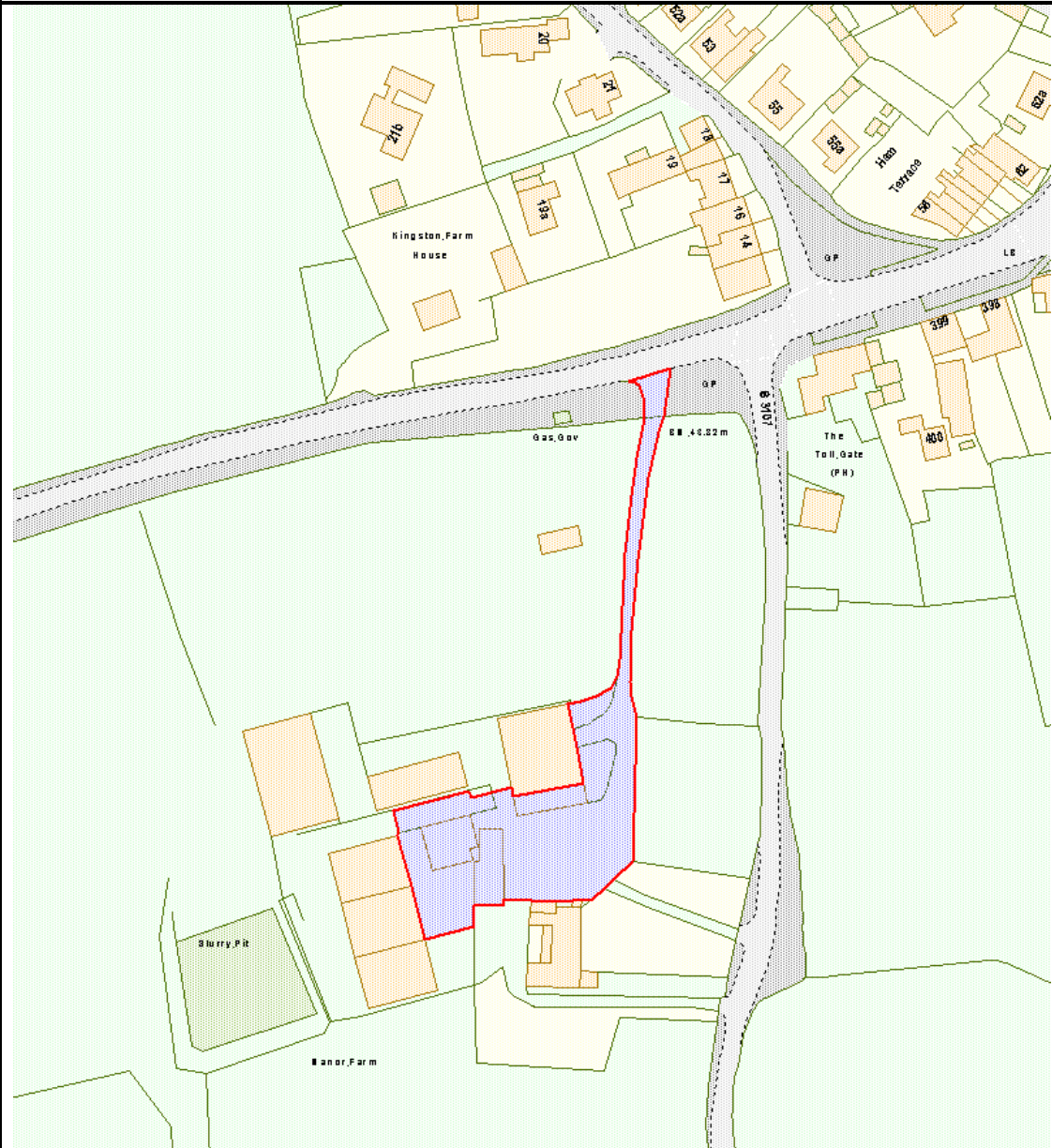
PLANNING COMMITTEE

8 May 2008

ITEM NO: 05

APPLICATION NO: 08/00818/FUL

LOCATION: Barn At Manor Farm Bradford Road Holt Wiltshire



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SLA: 100022961

05 Application: 08/00818/FUL

Site Address: Barn At Manor Farm Bradford Road Holt Wiltshire

Parish: Holt Ward: Avonside
Grid Reference 385720 161482
Application Type: Full Plan
Development: Conversion of barn to form dwelling and conversion of barn to provide garaging
Applicant Details: Mr K Tucker
Manor Farm Bradford Road Holt Wiltshire BA14 6PL
Agent Details: L D And P C Limited
FAO Mr David Pearce Lavender Cottage Nettleton Chippenham Wiltshire
Case Officer: Ms Margaretha Bloem
Date Received: 18.03.2008 Expiry Date: 13.05.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 Criterion A of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 requires that every reasonable attempt be made to secure business, tourism or sport and recreational use prior to a residential use being considered. The proposal is contrary to Criterion A of Policy H21 and PPS7, as the applicant does not demonstrate that every reasonable attempt has been made to secure alternative uses for these rural buildings.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the conversion of a barn to form a single dwelling unit and partial conversion of a workshop to provide garaging. The building which would be converted into a dwelling is a stone built barn with clay tiled roof. The agent notes that an agricultural building is to be removed adjacent to the application site. This is a resubmission following the refusal of planning permission for the conversion of the same barn to form dwelling and conversion of workshop to provide parking (07/00649/FUL).

The application site is located within the countryside, the Western Wiltshire green belt and conservation area.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 20.03.2008.

CONSULTATIONS

Parish/Town Council : Comments to be verbally reported to Committee.

External : Highways: The site has been the subject of a couple of previous planning applications for similar proposals. The access has already been assessed and is considered suitable to serve an additional dwelling. I understand that the barn conversion to form a single dwelling may be acceptable in planning terms. In view of the above I do not wish to raise a highway objection.

Wiltshire and Swindon Biological Records Centre: Recommend a protected species survey (which has been submitted with this application and the previous application).

English Nature: No objection. We are happy with the recommendations made within the bat and Bird Survey undertaken by Chalkhill Environmental Consultants in February 2007.

Environmental Health: No comments.

Wessex Water: No objection.

Neighbours : No response.

NEGOTIATIONS / DISCUSSIONS

None.

CONSTRAINTS

Green Belt
Countryside
Conservation Area

POLICIES

Wiltshire and Swindon Structure Plan 2016
DP1 - Priorities for sustainable development
DP12 Greenbelt
DP14 Housing, employment and related development in the open countryside
HE7 - Architectural and historic heritage

West Wiltshire District Plan 1st Alteration (2004)

C1 - Countryside protection
GB1 - Western Wiltshire Green Belt
GB2 - Control of development in Green Belt
C7 - Protected species
C17 - Conservation Areas
C20 - Change of use in conservation areas
C22 - Demolition in conservation areas
C31a - Design
C32 - Landscaping
C36 - Noise
C38 - Nuisance
H21 - Conversions of rural buildings
H23 - New housing near intensive livestock units
T10 - Car parking

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPG2 Green Belt
PPG3 Housing
PPG 15 Planning and the historic environment

RELEVANT PLANNING HISTORY

07/03420/FUL Conversion of agricultural buildings to Class B2 and B8 uses layout of internal access ways with parking and servicing areas improvements to existing access - Granted
07/02414/FUL Conversion of agricultural buildings to class B2 and B8 uses / layout of internal access ways with parking and servicing areas / erection of replacement building for class B2 and B8 uses / improvements to existing access - Withdrawn
07/00649/FUL Conversion of barn to form dwelling and conversion of workshop to provide parking - Refused
06/02534/FUL - Change of use of agricultural buildings to class B2 and B8 uses - Withdrawn
06/02531/FUL - Conversion of barn to form single dwelling unit and erection of two semi-detached dwellings with ancillary workshops and garaging to replace existing agricultural buildings - Refusal
04/01998/HDG - Removal of 180m of Hedgerow adjacent to B3107 at Manor Farm - No Hedgerow Retention Notice be made
97/01086/FUL - Replacement barn for storage of fodder - Permission
75/00350/HIS - Conversion of store into garages and renovations - Permission

KEY ISSUES

The key planning issues in this case to consider are issues of planning history and whether this application successfully addresses the reasons for refusal of the previous application. The previous proposal (07/00649/FUL) was refused for the following reason: "Criterion A of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 requires that every reasonable attempt be made to secure business, tourism or sport and recreational use prior to a residential use being considered. The proposal is contrary to Criterion A of Policy H21 and PPS7, as the applicant does not demonstrate that every reasonable attempt has been made to secure alternative uses for these rural buildings". All other issues regarding planning policy, green belt, conservation area, design, amenity, highway safety and impact on the countryside has been considered with the previous proposal.

OFFICER APPRAISAL

Policy H21 requires that every reasonable attempt be made to secure business, tourism, or sport and recreation re-use before residential use will be considered. Likewise PPS 7 promotes the appropriate re-use of existing buildings for economic use preferably.

The applicant provided a report of the viability of alternative uses, however no actual marketing evidence has been provided. The Appraisal focus on the special relationship between the application site and the Farmhouse and put forward an argument that any other use accept residential would have a negative impact on the value of the Farmhouse and limit the possibility to rental or leasehold interest.

It is further put that taking into account the scale and layout of the internal spaces of the building there is no prospect for a sport or recreational use for the building. Figures have been provided to demonstrate that a holiday let/commercial/business use would be unsustainable.

Without actually marketing the buildings it is difficult to assess whether a need may exist which may be economically viable for an alternative use to residential accommodation. The applicant has still not demonstrated in this case that every reasonable attempt has been made to secure an alternative use for the buildings. The proposal therefore remains contrary to Criteria A of Policy H21.

RECOMMENDATION

The proposal is unacceptable and refusal is recommended.

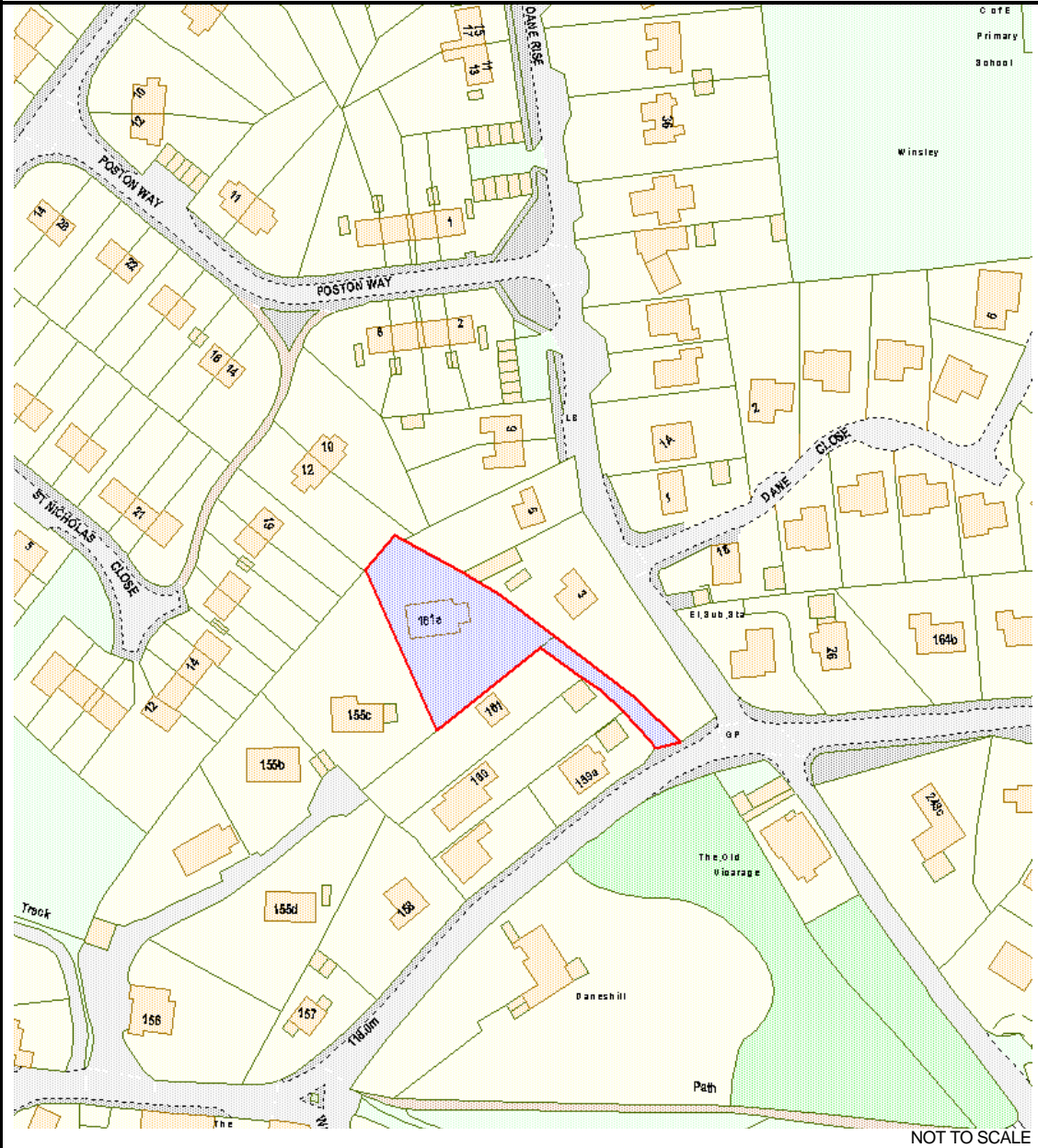
PLANNING COMMITTEE

8 May 2008

ITEM NO: 06

APPLICATION NO: 08/00880/FUL

LOCATION: 161A Winsley Wiltshire BA15 2LW



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SLA: 100022961

06 Application: 08/00880/FUL

Site Address: 161A Winsley Wiltshire BA15 2LW

Parish: Winsley Ward: Manor Vale
Grid Reference 380066 161057
Application Type: Full Plan
Development: Extension to bungalow and attic conversion into a dormer bedroom
Applicant Details: Mr And Mrs A Appleby
Blue Barn Farm Lamberts Marsh Southwick BA14 9PD
Agent Details: A1 Planning And Building Services
The Bungalow Radford Hill Timsbury Bath BA2 0QQ
Case Officer: Ms Margaretha Bloem
Date Received: 25.03.2008 Expiry Date: 20.05.2008

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.

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the landscaping scheme which should show a plan indicating the positions and type of planting as part of the boundary treatment along the southern boundary with No 161. 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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

The proposal is for the extension to the bungalow and attic conversion into a dormer bedroom.

The proposal is for a single storey side extension and single storey rear extension following the demolition of the existing garage and rear extension. The side extension will be 5.8 metres wide and 7.2 metres deep with a roof that is set low than that of the main roof. The roof will have two rooflights in the front elevation and two rooflights in the rear elevation. The single storey rear extension would project 3 metres from the original rear building line with a width of 13.4 metres. The angle of the main roof will continue over the extension taking into account the proposed raising of the ridge of the roof. The ridge of the roof will be raised by 0.9 metres in order to accommodate a loft/attic conversion to make provision for a bedroom and en-suite. The front elevation will accommodate three pitched roof dormers and four rooflights in the rear elevation.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 27.03.2008.

CONSULTATIONS

Parish/Town Council : Winsley Parish Council: The Parish Council considers that the planning authority should receive confirmation that the design and materials to be used are sympathetic to the surrounding properties. It also believes that the privacy of 161 Winsley if, as it appears, both internal house and garden privacy are compromised.

External : Highways: No objection.

Neighbours : Two letters of objection received. 1 letter of support. Plans are not clear - would like more details re materials. Issue regarding ownership of land that forms part of the application site. Dormer windows will cause loss of privacy to garden and bedroom window. The garden of No 161 is raised and will emphasise the loss of privacy and overlooking, distances contrary to SPG and concern regarding noise, disturbance during construction.

NEGOTIATIONS / DISCUSSIONS

The garden of 161 was viewed on 18.04.2008. A new certificate B was submitted.

CONSTRAINTS

Village Policy Limits
Special Landscape Area
Area of Archaeological Importance

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C15, C3, C31a and C38.
Supplementary Planning Guidance - House alterations and extensions July 2004.

RELEVANT PLANNING HISTORY

No relevant planning history.

KEY ISSUES

Impact on the character of the area
Impact on neighbour amenity

OFFICER APPRAISAL

The dwelling is set back from the road and is screened by various dwellings from public view. The proposed single storey extensions and raising of the roof height will not have a harmful impact on the character of the area and is acceptable. The single storey extensions will be sited on the footprint of existing extensions, and will therefore minimize any potential impact if any on an area of archaeological importance.

The single storey side and rear extension does not raise any concerns regarding neighbour amenity.

No 161 has one bedroom side elevation window and the rear garden is raised in comparison to that of the application site. Taking into account that the separation distance between the proposed first floor windows is at closest point 20 metres to the side boundary and that the windows are at an angle to the rear garden, it is on balance considered acceptable. The boundary is also marked by various trees and a section of high hedge, that would further obscure any views directly into the garden of No 161. The mature planting along the boundary would help to reduce the impact of the proposal and is suggested as a condition.

RECOMMENDATION

For the reason stated above planning permission is recommended.

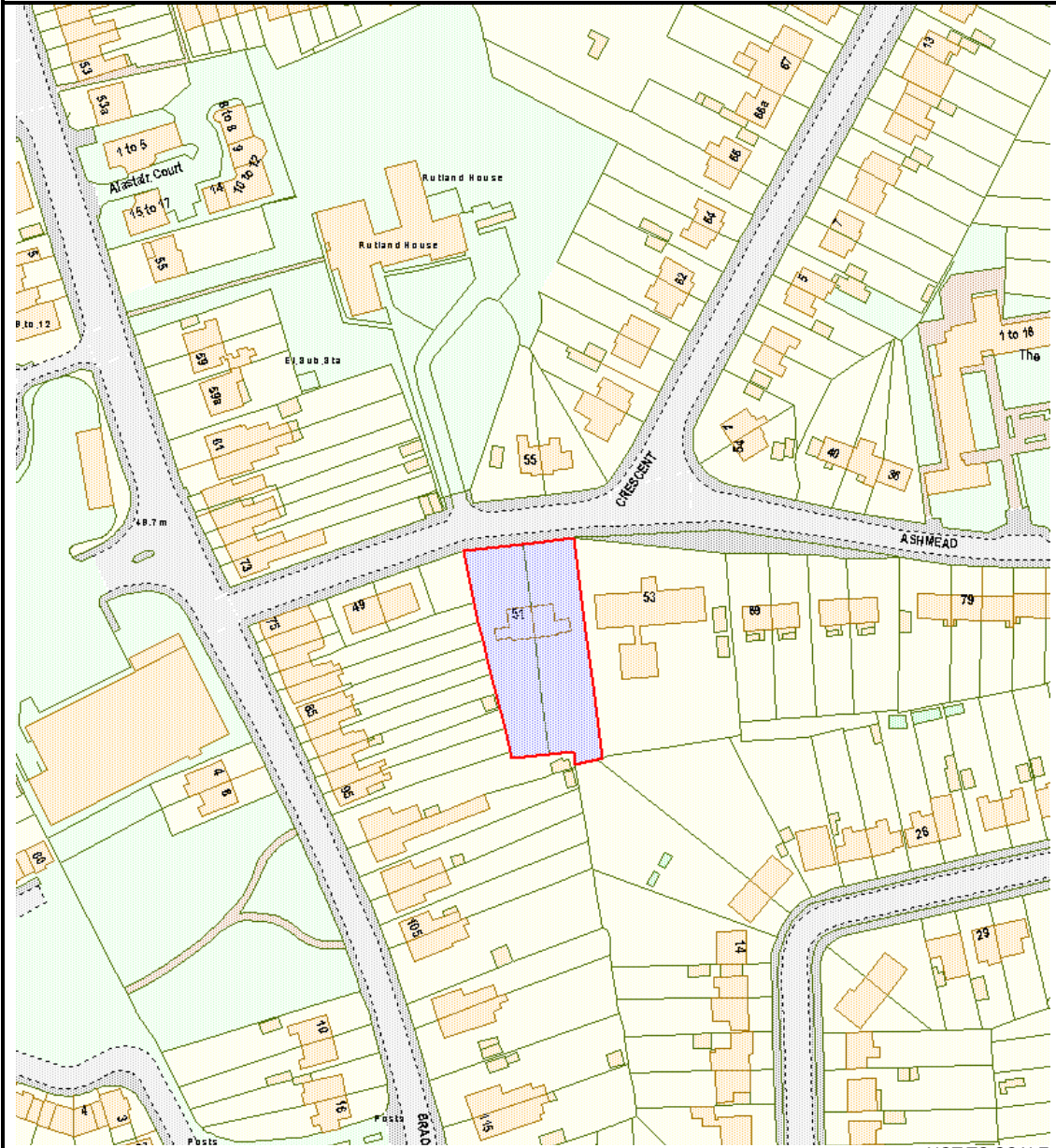
PLANNING COMMITTEE

8 May 2008

ITEM NO: 07

APPLICATION NO: 07/03824/FUL

LOCATION: 51 And 52 Rutland Crescent Trowbridge Wiltshire



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SLA: 100022961

07	Application:	07/03824/FUL
	Site Address:	51 And 52 Rutland Crescent Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge Central

Grid Reference 385334 156893

Application Type: Full Plan

Development: Proposed development of 4 houses and 9 flats

Applicant Details: Mr Price
Rosdene Cottage 290A Sandridge Common Melksham Wiltshire SN12 7Q5

Agent Details: QHH Architects
Mr Paul Yerbury Fore Street Trowbridge Wiltshire BA14 8HD

Case Officer: Mrs Judith Dale

Date Received: 12.12.2007 Expiry Date: 12.03.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed development, by reason of its siting, proportion, form, massing and scale, would result in an overdevelopment of the site, visually intrusive in the street scene and out of character with surrounding development. This would be contrary to policies H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004.
- 2 The proposed development, by reason of its siting, proportion, form, massing and scale, would be detrimental to existing residential amenity through overlooking, loss of privacy, overshadowing, noise and general disturbance, contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.
- 3 The proposed development fails to provide for a contribution to public open space and secondary education provision, contrary to policies R4 and S1 of the West Wiltshire District Plan 1st Alteration 2004.

Note(s) to Applicant:

- 1 The applicant is advised that Reason 3 would be overcome in the event of a proportionate contribution towards the provision of public open space and secondary education being agreed.

COMMITTEE REPORT

APPLICATION DETAILS

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

The proposal is for the demolition of a pair of former police houses and

- (a) the erection of 2 pairs of 2 storey, 3 bed semis at the frontage of the site; and

(b) the erection of a two and half storey building in the backland comprising 9 no 2 bed flats. The proposed L-shaped building is sited approx 3m from both the rear (S) and side (W) boundaries, with a small amenity/drying area, cycle racks and bin enclosure occupying this space.

The area between the front and rear buildings is laid out as a car park for 20 vehicles, served by a central access between the pairs of semis. Six spaces in tandem pairs are to serve 3 of the houses, the remaining 14 are to serve the flats, and a further 2 spaces are to be located in the front garden of plot 4 to serve that dwelling.

The site area measures approx 0.0142 ha, is generally level and is rectangular in shape with a width of some 26m and a depth extending to 50m. It is surrounded by residential development characterised by 2 storey frontage properties with long rear gardens. The adjoining property to the east is a WCC residential home.

SITE VISIT / STATUTORY SITE NOTICES

The application was advertised by 3 site notices appropriately located along the Rutland Crescent and Bradley Rd frontages.

CONSULTATIONS

Trowbridge Town Council : No objection 'subject to no significant loss of neighbours amenities'.

External :

HIGHWAY AUTHORITY - No objection subject to conditions relating to surfacing of access and parking; disposal of surface water; retention of parking areas; provision of secure cycle parking.

LOCAL EDUCATION AUTHORITY - Requests contribution of approx £35K towards two secondary places.

Internal :

PLANNING POLICY - No comment received.

Neighbours : No letters of comment/objection received.

NEGOTIATIONS / DISCUSSIONS

Both pre- and post- application discussions have been held with the agent/applicant in an effort to secure an appropriate form of development on this site. Notwithstanding, the scheme currently for members' consideration remains unaltered from that originally submitted.

CONSTRAINTS

Within town boundary;
Surrounded by established residential development;
Previous application withdrawn and subsequent post app discussions.

POLICIES

WWDP - H1, H24, C31a, C38, T10
SPG - Residential design Guide
SPG - Design Guidance - Principles
PPS3 - Housing

RELEVANT PLANNING HISTORY

89/01272 - Erection of 10 sheltered units and wardens accommodation - Refused on grounds of overdevelopment but allowed on appeal in April 1990,

06/02486 - Development of 16 dwellings – Withdrawn.

KEY ISSUES

The principle of redevelopment, including density;
Design and impact on adjacent properties/amenity;
Access and parking considerations;
Contributions.

OFFICER APPRAISAL

Principle of Development

The principle of the redevelopment of this site is quite acceptable and would enable a more efficient use of the land. However, the proposed density of approx 92 dwellings per hectare is far in excess of the surrounding development, exceeds the 30-50 figure advised in PPS3 and represents a far more urban scale of development in what is clearly a 'suburban' location.

The development allowed on appeal in 1990 was for 10 sheltered units and warden accommodation only, and addressing the matter of density at that time, the Inspector considered this to be an acceptable level 'bearing in mind that the proposed development is intended for a niche market of elderly residents.' The current proposal is for a higher number of units and is not for an elderly market and is considered to represent overdevelopment within its context.

In addition, it fails to meet the specified criteria of policy H1 which permits development only where

- siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area, and
- they would not create inappropriate backland or tandem development.

Design and Amenity

The particular layout and form of this scheme raises a number of design and amenity concerns:
- the proposed frontage development would be set approx 3m forward of the building line set by the existing pair of dwellings, with the rear elevations of plots 3 and 4 now level with front of the adjoining property to the east. This would present as over dominant, visually intrusive when viewed from that direction and would fail to create an acceptable transition across the site from the rear gardens of properties fronting onto Bradley Rd and no 53 Rutland Crescent.

- the proposed backland development would have a ridge height of approx 9.5m to allow for a third level of accommodation within the roof area. This would be higher than the surrounding buildings, out of character with the predominantly 2 storey pattern of development and would visually dominate the backland part of the site.

- the scale and design of the rear flats would give rise to overlooking of adjoining gardens from first and second floor habitable room windows

- the amenity space available for residents of the proposed flats is severely limited and contrasts significantly with the large gardens of those dwellings which surround the site

- the extent and layout of the rear car park extending along much of the common boundary with no 53, would be detrimental to the amenity of that property in terms of noise and general disturbance.

These factors combine to produce a development contrary to policies H1, C31a and C38, the principles outlined in the Council's SPG on residential development and the advice in PPS3 that 'new housing and residential environments should be well designed'.

Access and Parking Considerations

The Highway Authority raises no objection to either the access arrangements or parking provision which is at a ratio of 2 spaces for the proposed houses and just under 1.5 for the flats. It should be noted, however, that 6 of the spaces to serve the flats are shown in a tandem arrangement which would immediately limit the use of 3 of the available 14 spaces.

Contributions

Education - the LEA has requested a contribution of approx £35K towards 2 secondary places
Public Open space - In view of the limited open space provision within the scheme, a contribution of approx £ K would be required towards off site provision.

No agreement to either payment has been formally received.

Conclusion

While the principle of redevelopment is clearly acceptable, the proposed scheme represents an overdevelopment of the site, with consequences in terms of design and amenity. Negotiations have failed to secure an acceptable revised proposal and this application is therefore recommended for refusal.

RECOMMENDATION

Refusal.

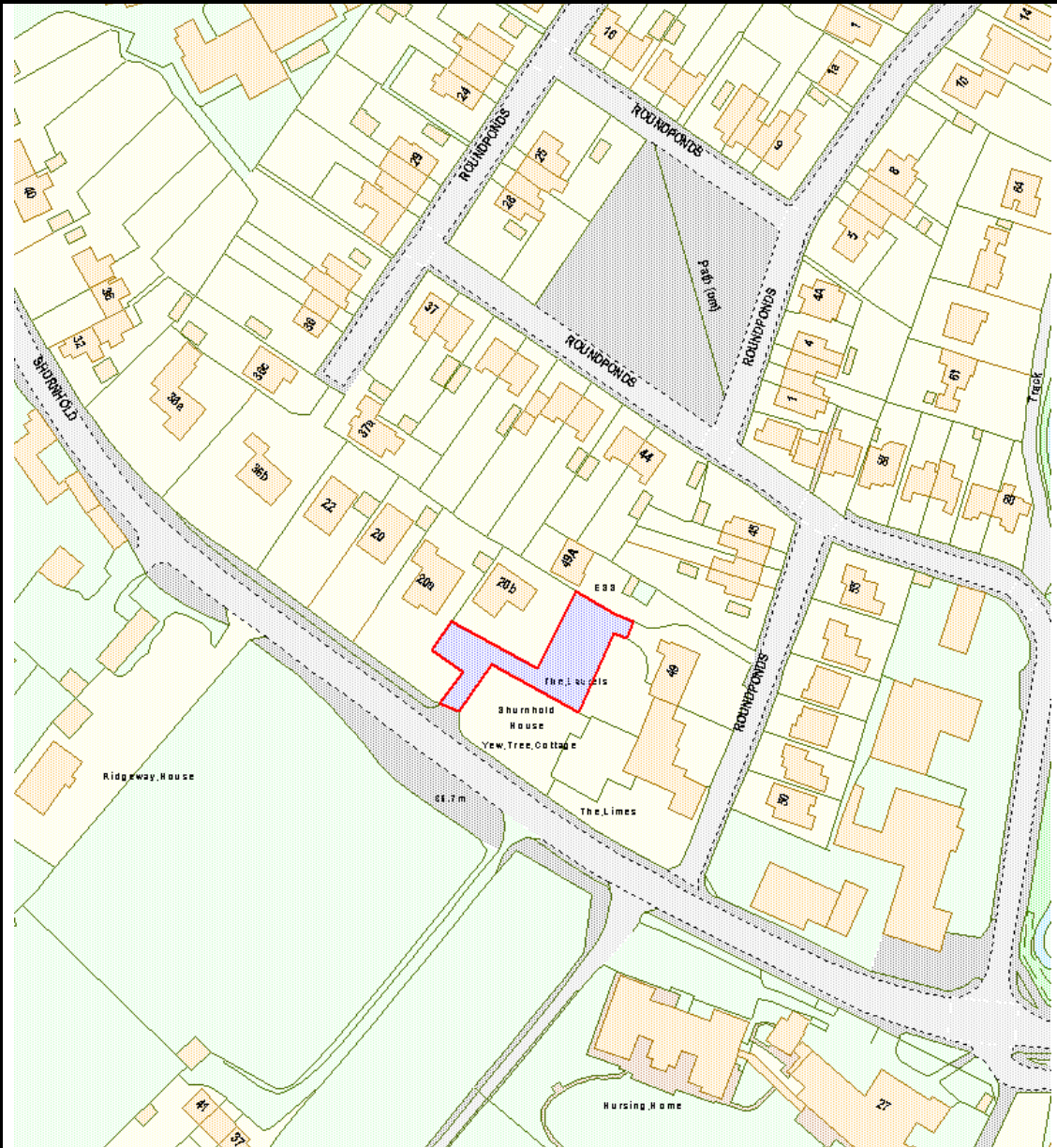
PLANNING COMMITTEE

8 May 2008

ITEM NO: 08

APPLICATION NO: 08/00310/FUL

LOCATION: Land Adjacent The Coach House Shurnhold
Melksham Wiltshire



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SLA: 100022961

08 Application: 08/00310/FUL

**Site Address: Land Adjacent The Coach House Shurnhold Melksham
Wiltshire**

Parish: Melksham (Town) Ward: Melksham Without
Grid Reference 389744 164602
Application Type: Full Plan
Development: Erection of one 3-bedroom dwelling and associated works
Applicant Details: Mrs Susan Tanir
C/o L P Planning Consultants The Studio 36 The Causeway
Chippenham Wiltshire
Agent Details: L P Planning Consultants
The Studio 36 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Rudolf Liebenberg
Date Received: 30.01.2008 Expiry Date: 26.03.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed dwelling by reason of its siting and poor relationship with the neighbouring dwellings and proximity to the existing rear boundary wall would result in a contrived and cramped form of development that fails to respect the distinctive spatial form and characteristics of the area contrary to Policies H1, H24 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.
- 2 The proposed dwelling by reason of its form, scale, design, siting and close relationship with the listed buildings to the east, together with the lack of information on proposed materials, would represent a visually prominent, incongruous and unsympathetic addition in the former garden to Shurnhold House that would be harmful to the character and setting of these adjoining listed buildings which the Council has a statutory duty to protect and to Policy C31A of the West Wiltshire District Plan - 1st Alteration 2004
- 3 The location of the proposed dwelling within the former garden to Shurnhold House would fail to respect the historic layout of the site, create a visually discordant feature and alter the balance and relationship between this group of listed buildings and their historic gardens that would be harmful to their character and setting which the Council has a statutory duty to protect and to Policy C31A of the West Wiltshire District Plan - 1st Alteration 2004
- 4 There is lack of information with regard to flood risk assessment to enable the Council to make an informal decision contrary to the requirements of PPS25 and Policy H1 of the West Wiltshire District Plan – 1st Alteration 2004.
- 5 The proposed access to the dwelling would have a harmful impact on the existing Chestnut tree which is the subject of a Tree Preservation Order, and the proposal to fell the Robinia tree which is covered by a Tree Preservation Order would have a detrimental visual impact on the character and appearance of the area, contrary to Policy C40 of the West Wiltshire District Plan - 1st Alteration 2004.

- 6 The proposed dwelling will detract from the amenities enjoyed by and cause nuisance to neighbouring properties and is contrary to Policy C38 of the West Wiltshire District Plan - 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before Committee because Councillor Rod Eaton has called it in.

The application is for the erection of a new two storey 3-bedroomed dwelling with parking on land adjacent to the Coach House at Melksham.

SITE VISIT / STATUTORY SITE NOTICES

Done on 04.02.08.

CONSULTATIONS

Parish/Town Council : MELKSHAM TOWN COUNCIL: Object to the application because of over development of the site.

External : - HIGHWAY OFFICER: No objection.

- WESSEX WATER: No objection.

- ENVIRONMENT AGENCY (North): Object because no flood risk assessment has been submitted contrary to the requirements of PPS25 paragraph 13.

Internal : - DRAINAGE: No objection.

- TREE & LANDSCAPE OFFICER: objects - comments to follow on late list

- HERITAGE DEVELOPMENT OFFICER: objects due to the proximity of the proposed dwelling to Shurnhold House, a Grade II Listed Building, I am of the opinion that it would be likely to have a harmful impact upon the setting of the Listed Building.

Policy C31a of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for new development will be required to respect or enhance the quality of architecture of surrounding buildings.

The location of the proposed dwelling, within the former garden of Shurnhold House would have a detrimental impact upon the spatial form and the historic setting of the listed building, therefore would result in damage to the historic fabric and character of the property.

Any new buildings within close proximity to the Listed Building should be designed so as to be in keeping with, and respect, the character of the building. Materials should match, or be sympathetic to, those of the existing building, and the quality of the building should be high.

In this instance the proposed dwelling, of a modern design would fail to respect or enhance the character and setting of the Listed Building.

For the reasons above, the proposal should be refused.

Neighbours : One representation received raised concern over the impact of the development on the setting of the existing Grade II Listed Building and the existing two Horse Chestnut trees.

NEGOTIATIONS / DISCUSSIONS

Ongoing discussions with applicant / agent.

CONSTRAINTS

Listed Building
Town Policy Limits
Site Configuration

POLICIES

Wiltshire Structure Plan
DP4 Main Settlements

West Wiltshire District Plan 1st Alteration 2004

H1 Housing
H24 Housing Design
C31a Design
C38 Nuisance
C40 Trees

PPG15 - Historic Environment
PPS1 - Delivering Sustainable Development
PPS3 - Housing
SPG - Residential Design Guide (Draft)

RELEVANT PLANNING HISTORY

89/00650/FUL - 3 bedroom house and demolition of existing garage / store - Permission 27.06.89
04/01224/FUL - Extensions - Permission 26.08.2004

KEY ISSUES

Historic Environment
Principle of residential
Design / amenities neighbours
Flood risk
Trees

OFFICER APPRAISAL

Listed building, character / setting

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, requires local authorities to have special regard to the desirability of preserving a listed building or its setting.

Shurnhold Farm House was originally one dwelling which was subsequently sub-divided into a number of separate dwelling units, however the property despite changes in ownership remains a Grade II listed building.

The principle orientation of these listed dwellings faces the former garden of Shurnhold House and the relationship between the listed buildings and their historic curtilage is an important consideration. The proposed dwelling would be sited in part of the former garden to Shurnhold House in a prominent position and closing the gap between the buildings and modern dwelling dating from the latest part of the twentieth century which is in a position furthest away from the listed building so as not to harm its setting.

The proposed dwelling would appear visually prominent and discordant in this location because it could destroy what remains of the original garden layout and the relationship between the historic building and the modern Coach House.

The building on two storeys with its prominent chimney stack, hipped gable and projecting bay window does not respect the historic building and is not of a design which does not take any references from the surrounding buildings.

It would appear as an unsympathetic and alien feature in this location.

The proposal as such would neither preserve nor enhance the character or setting of the listed building. It should be noted that the height of the building and visual mass at only 20 metres from the listed building further intensifies its prominence.

Principle residential development / neighbour amenity

The proposed dwelling would be sited within the town boundary / policy limits of Melksham where the principle of residential development is acceptable subject to the proposal meeting its detailed criteria within that policy. Policy H1 states at A:-

'Siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area'

The proposed dwelling would be sited to the rear of the plot close to its rear boundary. Furthermore the width of the site as such is that the side boundaries are very close and poorly related to neighbouring boundaries. The dwelling would appear to be in a cramped location and would fail to respect the distinctive spatial form of the area where houses have relatively large gardens.

The proposed dwelling would be one metre from the rear boundary, one metre from the side boundary from the Coach House and mostly one metre from the side boundary to Shurnhold House. The dwelling on two storey would have an over-bearing impact on the dwelling immediately to the rear. It should be noted that trees at the rear boundary will need to be felled to facilitate the dwelling.

The building would be situated to the south and rest of the neighbouring garden where it would have an overshadowing impact of the garden area and lounge window. The only window in two storey height wall is to a bathroom and the elevation of masonry would further add to over-powering impact on the neighbouring dwelling to the rear.

The proposed dwelling is so close to the boundary with No. 49 Roundponds to the east it would be likely to result in overlooking to the garden from the first floor window and to the patio area of that location. This is unacceptable as is the potential overlooking to the west from the kitchen towards the Coach House.

Flood Risk

Insufficient information has been submitted for the Environment Agency to withdraw its objection on the grounds that the potential for flood risk on the development cannot be properly assessed.

Tree / Landscape

The access proposed for the dwelling will have a harmful impact on the existing Chestnut tree which is subject to a Tree Preservation Order, and the Robinia tree within the proposal site is to have a Tree Preservation Order placed upon it because it has a visual impact and enhances the character of the area.

Objection

There has been on written objection regarding the impact of the development on the setting of the grade II listed building, and the impact on the Horse Chestnut tree which the officer has reported on.

CONCLUSION

The officer concludes that the proposed dwelling will have an impact on the character and appearance of the area and will significantly harm the amenity of the neighbours. The proposal affects the setting of a grade II listed building, the Chestnut tree (TPO) and the Robinia tree (TPO). It lacks a flood risk assessment and the form, scale, design and siting of the proposal are not satisfactory. In conclusion the officer recommends refusal.

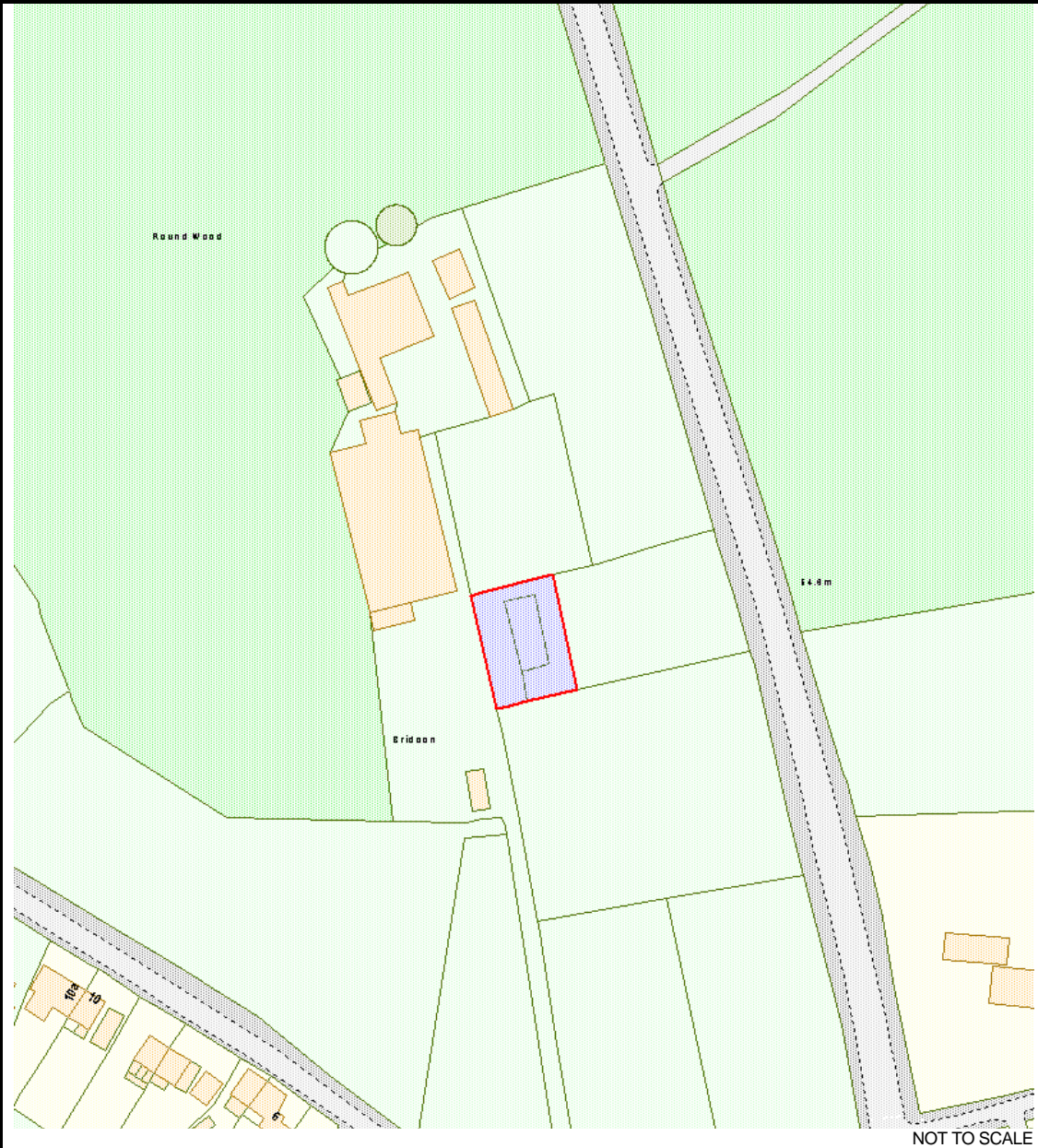
PLANNING COMMITTEE

8 May 2008

ITEM NO: 09

APPLICATION NO: 08/00599/OUT

LOCATION: Land South East Of Heywood Equestrian Centre
Church Road Heywood Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 08/00599/OUT

**Site Address: Land South East Of Heywood Equestrian Centre Church Road
Heywood Wiltshire**

Parish: Heywood Ward: Ethandune
Grid Reference 387166 153790
Application Type: Outline Plan
Development: Workers dwelling
Applicant Details: Mr K Worcester
C/o CgMs Ltd F A O Mr A Case Burlington House Lypiatt Road
Cheltenham
Agent Details: CgMs Ltd
F A O Mr A Case Burlington House Lypiatt Road Cheltenham Glos
Case Officer: Mr James Taylor
Date Received: 28.02.2008 Expiry Date: 24.04.2008

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 Approval of the details of appearance, landscaping, layout and scale ("the reserved matters") 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 begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

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

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, following the granting of approval of reserved matters in association with this outline permission no further development falling within Schedule 2, Part 1; Classes A-E; of the Order shall be carried out without the express planning permission of the Local Planning Authority.

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

- 5 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or Heywood Equestrian Centre (including any dependants of such person residing with him or her) or a widow or widower of such a person.

REASON: Because the site is in an area where residential development is not normally permitted unless required for agricultural, forestry or a specific rural based enterprise.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H19.

- 6 Prior to the first occupation of the dwelling hereby approved in outline form the existing 'mobile' dwelling shall be removed from the site and the site shall be restored in accordance with details to be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details.

REASON: In order to protect the character of the countryside.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies E10 and H19.

- 7 In order to preserve the rural amenity whilst providing a suitably justified equestrian workers dwelling, the permission hereby granted shall be for a one and a half storey dwelling which shall not exceed a footprint of 162 square metres excluding a garage.

REASON: In order to protect the character of the countryside.

West Wiltshire District Plan 1st Alteration (2004) Policies E10 and H19.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Councillor Julie Swabey requested that if officers are mindful to recommend the proposal for permission then she would like it to be determined by the planning committee and allow those who do object to have their chance to speak against it.

This is an outline planning application for the erection of a permanent rural workers dwelling in connection with Heywood Equestrian Centre, which includes specialist physiotherapy and rehabilitation facilities. All matters except for the access are reserved at this stage. However scale parameters indicate that it is proposed to replace the existing park home in the same location and position with a single storey dwelling. This would be on a footprint 18 metres by 9 metres; eaves height of approximately 2.8 metres with a ridge height of 6.6 metres. But these are indicative only.

In addition the application has been supported by 2 letters from veterinary practitioners and confidential information regarding the financial status of the business. This is in addition to a detailed design and access statement.

The application site is currently occupied by a temporary dwelling connected to the equestrian business on the land. This site is clearly visible from the A350 to the north of the small linear village of Heywood. The land in question is outside any policy limits as 'open countryside'.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 03.03.2008 and a site notice was erected at the entrance to the site which expired on 27 March 2008.

CONSULTATIONS

Parish/Town Council :

HEYWOOD PARISH COUNCIL: They also noted policies relevant to the application contained in ODPM Planning Policy Statement 7 – Sustainable Development in Rural Areas and the West Wiltshire District Local Plan, First Alteration, June 2004 (Policies E10, H17, H19, H20 and H21) but considered that the benefits accruing to the Parish from the established and successful Heywood Equestrian and Therapy Centre were such that they wish to offer no objection to the application.

External :

WILTSHIRE WILDLIFE TRUST: Requested that they be consulted on 5 March 2008, and were sent a consultation request on 6 March 2008, but no comments received to date (07/04/2008).

AGRICULTURAL CONSULTANT: Conclusion and opinion - The functional test is met. The financial test is met. The proposed dwelling is warranted under Annexe A of PPS7.

Neighbours :

14 letters of objection have been received raising the following matters:

- according to the district plan permanent dwellings are only allowed on the south side of Church Road.
- Would set a precedent for further housing to the north of Church Road.
- Does not believe that this house would be used for a worker's dwelling rather a personal dwelling.
- Construction noise would have an impact on wildlife and would not want further felling of adjacent woods.
- Misleading description of 'workers dwelling' it is 'owners' permanent bungalow'.
- There is accommodation on site (portable home) which has a lengthy period remaining.
- If the equestrian centre were to cease operating it could revert back to agricultural use as it now stands, but not so with a fixed dwelling on site.
- It is not necessary for the current business owners to live on-site within the business in a permanent dwelling
- If other dwellings are allowed in the area then this will add to traffic and highway dangers to traffic and pedestrians.
- I feel that we should reject this application unless there is some legal way of guaranteeing the status of the rest of the land around Round Wood.
- Anecdotal evidence at least suggests that any conditions, for example one linking occupation of the proposed dwelling with the operation of the Equestrian Centre are likely to be rescinded on application should the business cease to operate.
- I do not believe that the proposed dwelling can meet the conditions of the policies in the West Wiltshire District Plan, Second Alteration dated June 2004 concerning horse related developments and new/replacement/converted dwellings in settlements without policy limits.

2 other letters (1 in full support) was received raising the following points:

- I believe that there are grounds for taking the view that it would be reasonable to allow the application subject to usual conditions.
- Approval here must not set a precedent for residential development – therefore occupation of dwelling must be restricted to equestrian worker, highlighting the particular circumstances and differentiating from that of the adjoining land.
- Requests that the application be decided by the planning committee.
- Current owners have improved the centre considerably.
- Hope that the planning committee will not be swayed by the 'anti' lobby with their false claims about flood plains and future development, which has nothing to do with the application in hand.

Since drafting the officer's report a further letter of objection has been received which has been summarised as the following additional points to the above:

- 2 storey property in disguise
- Council previously refused a bungalow on this site in 1995
- Case officer's consideration erroneous

- Development plan should be the first consideration and no policy allows for equestrian dwelling in open countryside
- PPS7 properly understood in different circumstances could provide a material consideration
- Application does not properly address requirements of PPS7 'other occupational dwellings'.
- Distinction between temporary and permanent dwelling should be maintained, avoiding a dwelling becoming a permanent non-conformity with planning policy.

NEGOTIATIONS / DISCUSSIONS

Requested profits and loss information, suggested further information to address 'essential care at short notice' such as a vets letter and discussed conditions around limiting occupation to equestrian/rural worker.

CONSTRAINTS

Open countryside

POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

H19 Development in Open Countryside

E10 Equestrian Development

Supplementary Planning Document – Residential Design Guide

Supplementary Planning Guidance on house alterations and extensions

National guidance

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPG13: Transport

Circular 11/95: The Use of Conditions in Planning Permissions

RELEVANT PLANNING HISTORY

89/00489/FUL – Change of use of caravan to an accommodation unit' – Permission – 16.05.1989

91/00092/OUT – Erection of a detached dwelling and garage – Withdrawn

91/00361/FUL – Renewal of planning consent 89/00489/FUL for change of use of a caravan for accommodation unit – Permission – 30.04.1991

93/00450/FUL - Renewal of planning consent 91/00461/FUL for change of use of a caravan for accommodation unit – Permission – 01.06.1993

95/00240/OUT – Bungalow – Refused - 18.04.1995 (Appeal dismissed)

95/00768/FUL - Use of caravan as accommodation unit (renewal) – Permission - 24.07.1995

97/00659/FUL - Replacement mobile home with conversion of existing mobile home to classroom – Permission - 17.07.1997

04/01703/FUL – Renewal of temporary permission (97/00659) for a further 10 years – Permission – 11.01.2005

KEY ISSUES

Planning history

Planning Policy

Functional Need

Financial Need

Access

OFFICER APPRAISAL

Although the planning history of the site is a material consideration limited weight is attached to it because there have been material changes in circumstances and national/local policy since much of it was determined. Notably adoption of the current development plans and national policy statement 7, which addresses proposals for rural occupation dwellings. However it does set the context for the site in that a form of residential accommodation (linked to the equestrian activity) has been on site since approximately 1989 in a temporary form. The current substantial 'mobile' unit has been in existence since approximately 1997 and has recently been granted a further 10 year temporary permission until 2015.

The development plan policies highlight that dwellings related to equestrian activities should be considered against policy H19 in this instance which only allows for dwellings in open countryside justified in connection with the essential needs of agriculture or forestry. However since adoption in 2004 national policy in PPS7 allows for a greater variety of dwellings in open countryside justified in connection with other rural occupations, which can be considered to include equestrian businesses. This supersedes and adds to the development plan policy and highlights that a financial and functional test must be met in order to justify the dwelling and it should be acceptable in all other regards. This is outlined in Annexe A to PPS7.

The planning history highlights that temporary dwellings have been allowed by the Council on site for some time which goes some way to highlighting the functional need for a dwelling at the site has been accepted by the Council. Further the application has been supplemented by 2 letters from veterinary practices which highlight the valuable rehabilitation facilities offered by the business. The profit and loss information has been submitted which highlights that the business is a viable proposition and profitable. The Council's consultation with an independent agricultural consultant has highlighted that the financial and functional tests have been met and as such makes no objection to the proposal.

In addition national advice in circular 11/95 regarding the use of conditions highlights that it is not good practice to continue to allow temporary planning permissions in perpetuity and in such cases permanent permissions should be considered.

In light of all of the above it is considered that the application is in accordance with national Planning Policy Statement 7: Sustainable Development in Rural Areas. It is considered that conditions can be reasonably imposed to limit occupation to a rural worker which can include agricultural, forestry or in this case equestrian 'on site'. This is in accordance with circular 11/95 on the use of planning conditions in planning permissions. This is considered preferable to simply limiting to equestrian because it meets the needs of the applicant and also leaves the door open in the future for occupation by other rural workers. Otherwise the condition would be very limited in the scope of potential occupiers and therefore if the business were to unfortunately cease, then a strong case for limited occupation of the permanent dwelling can be made, preventing a normal dwelling 'through the back door'. This would address the majority of the objections received, and in no way sets a precedent for further housing development in open countryside in the vicinity or more widely within the district.

As an outline application most matters have been reserved with permission only sought for the access at this stage. The access to the site is existing and has been improved and enhanced over a period of time as the business operation expands. As this proposal is for the replacement of a temporary dwelling with a permanent dwelling utilising the existing access then no concern exists in terms of highway safety.

In light of the above, standard outline application conditions are suggested in order the Council retain control for consideration of any future reserved matters application.

RECOMMENDATION

Permission subject to conditions

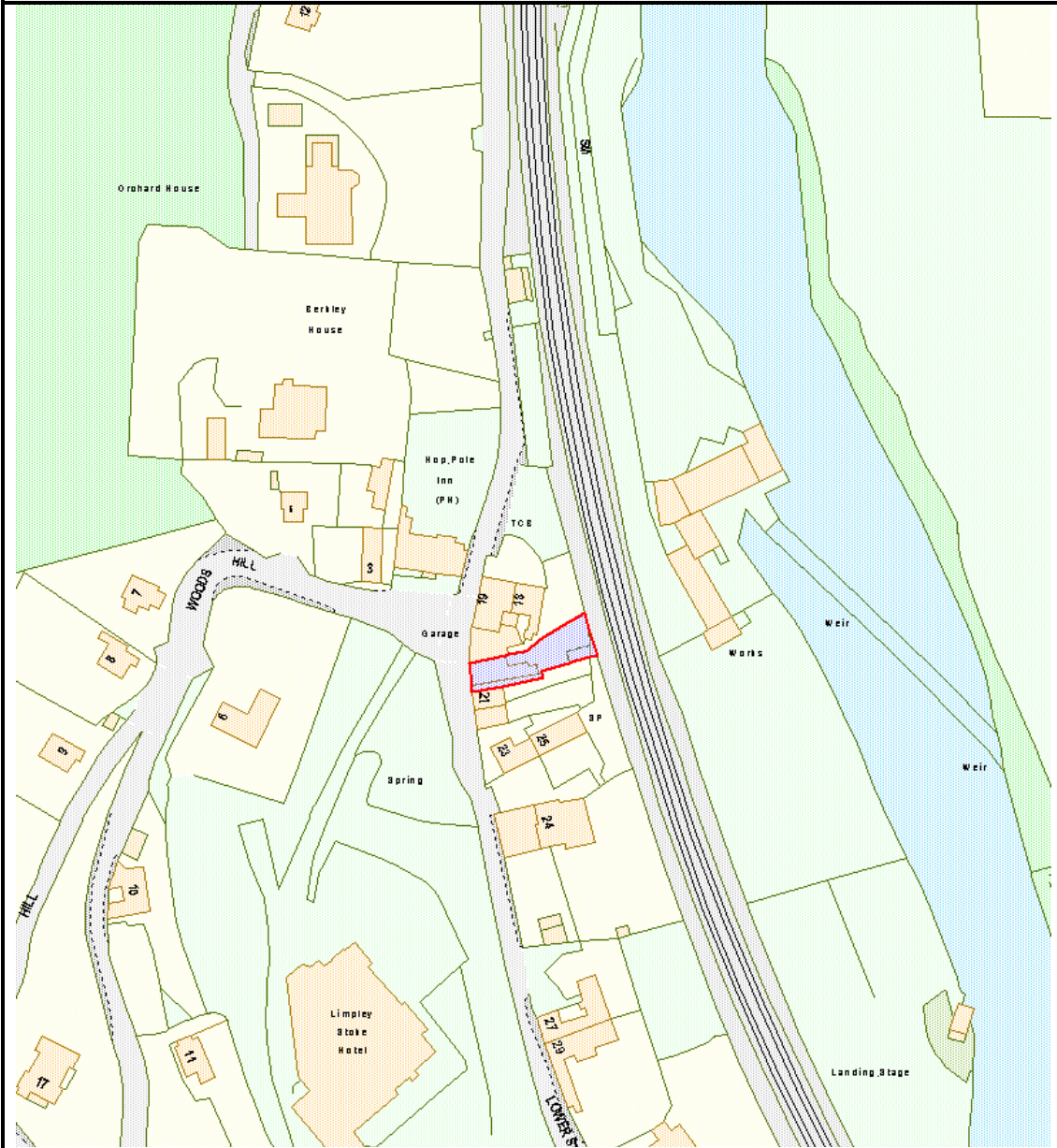
PLANNING COMMITTEE

8 May 2008

ITEM NO: 10

APPLICATION NO: 07/03762/FUL

LOCATION: 20 Lower Stoke Limpley Stoke Wiltshire BA2 7FR



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SLA: 100022961

10 Application: 07/03762/FUL

Site Address: 20 Lower Stoke Limpley Stoke Wiltshire BA2 7FR

Parish: Limpley Stoke

Ward: Manor Vale

Grid Reference 378167 161024

Application Type: Full Plan

Development: Change of use from A1 (retail) to residential use on part of the ground floor

Applicant Details: Mr And Mrs Goddard
20 Lower Stoke Limpley Stoke Wiltshire BA2 7FR

Agent Details:

Case Officer: Mr Kenny Green

Date Received: 28.11.2007

Expiry Date: 23.01.2008

JUSTIFICATION FOR RECOMMENDATION:

The proposed development would enable the current owners of the former shop/post office premises to integrate the modest ground floor accommodation into residential use which would be appropriate to the character of the area. Following lengthy marketing exercise which resulted in little interest being shown in taking over business premises, it has been satisfactory proven that the most suitable use of the ground floor would be for residential use integrated with the upper floors to create one planning unit.

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, 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 - Policies C31a and C38.

- 3 The ground floor conversion hereby approved together with the upper floor accommodation of 20 Lower Stoke, Limpley Stoke shall be occupied as one dwelling unit.

REASON: The formation of a separate residential accommodation would not be appropriate.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy H19.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Limpley Stoke Parish Council objects to the proposed change of use, contrary to your officer's recommendation.

This is an application seeking permission to change the use of No. 20 Lower Stoke Limpley Stoke from an A1 Use (shop and Post Office – which have now ceased trading) to residential use on the ground floor. Members are advised that the upper floors of the premises (which are not part of this application) are already in residential use.

The applicants seek permission to convert the former ground floor retail accommodation amounting to approximately 36 square metres of floor space and incorporate it into one planning, residential unit.

It is understood that the premises were last run as a Post Office in August 2004, while the shop use last operated in June 2005. The applicants submit that there has been "no demand" for the unit, and through the submission of business accounts and an un-audited financial statement, the applicants submit that given the constraints (i.e. the limited size of the premises; the access constraints; the lack of parking; the fact the it was a small shop in a small, dispersed village, with no opportunity for expansion; recognising the changing shopping trends and competition in the local area), the post office and shop is no longer considered as a viable enterprise, or able to sustain the costs of running the unit and providing realistic employment.

The applicants further submit that declining local support for the facility over the years, in favour of shopping elsewhere, led to the closure of the business. Whilst the applicants recognise the desire and importance of retaining village facilities, it is submitted that due cognisance must be given to the evidence of the failing turnover and net income of the premises at Limpley Stoke and without a viable alternative being presented, a change of use to residential should be considered fairly.

The applicants recognise that the Parish Council and several local residents wish the premises to be retained, and not be converted to residential purposes. The suggestion that the premises be sold and run as a community store was never progressed and had a serious bid to create a community store been finalised, these would have been practical internal constraints (e.g. the need to provide separate sanitation and storage would further reduce the capability of conversion).

The applicants respectively request that the Council considers the consequent lack of demand (following the marketing of the site - which is continuing), and the lack of an alternative use (other than residential) for the former shop/Post Office facility.

There has been an extensive history of marketing without success over many years.

Marketing History:-

Prior to being owned by the applicants, the former owners, Mr & Mrs Dudding marketed the site.

During the marketing exercises only one formal offer was made on the property by someone who wished to convert the former shop/Post Office to a business office. A planning application was submitted to the Council in August 2007 (reference 07/02709/FUL). The application elicited an objection from the Parish Council and the applicants subsequently withdrew their interest in the property and the planning application was withdrawn on 4 October 2007.

The applicants have submitted a financial appraisal to show in 1999 that the business was not very profitable.

The Post Office facility stopped operating at the above premises around August 2004 following declining profits, reduced remuneration, long working hours and the increased security risks (created following a series of violent robberies at Batheaston (Bath), Southwick, Corsham, Rode, Frome, Trowbridge and Melksham).

After the closure of the Post Office, the applicants submit that they put all their energies into the shop through providing a greater selection of products within the shop premises, obtaining a full licence to sell alcohol and making great efforts to introduce new organic products and sourcing local suppliers wherever possible, in attempting to revitalise the facility. These efforts were backed up by the circulation of various newsletters to residents living in both Limpley Stoke and Freshford to ensure that locals were made aware of the improved stock.

The applicants further submit that following a "Save Our Shop Committee" village questionnaire which asked local residents what products they wished to be made available in the shop, efforts were made to provide fresh meat, fruit, vegetable and bread. However, the outcome of this enterprise was less than satisfactory, leaving many goods unsold. This further eroded "meagre profits" which added a considerable amount of stress and worry to the owners of the flagging business; and, it is for the above reasons (and as outlined within a 42-page supporting statement that has been summarised within this report), that the applicants wish to convert the ground floor former retail space and be incorporated into the same residential unit as the upper floors.

The applicants request that the Council assesses the merits of the proposal fairly and reasonably. In response to the local objections, the applicants further submit that "the desire to keep village shops alive cannot outweigh the business case should lack of viability be proven... It should not make any difference if this is the last facility of its kind in the village if the case for closure is made".

SITE VISIT / STATUTORY SITE NOTICES

The site was initially visited by the previous case officer (with the notice being displayed) on 07.12.07. The site was again visited by the current case officer on 14.03.08

CONSULTATIONS

Parish/Town Council :

LIMPLEY STOKE PARISH COUNCIL: Object to the proposed development on the following grounds:-

"Limpley Stoke Parish Council is unable to support the above application on a number of issues.

We reiterate points 1 & 2 of our letter of 20th September to the planning office that we see no grounds upon which the applicant can make a case to overcome the intent of Policies SP7 and CF3 of the Local Plan since.

1. The Retail Store was the last of its kind in our village. Investigation to establish if there were any other suitable premises in the village found none, and concern is therefore also raised over the loss of potential commercial enterprise.

2. There is still a strongly voiced will in the village to bring the premises back into retail use for the benefit of the community. As the owners have refused to make the retail facility available to the community for rent or purchase this option is as yet untested, and therefore it cannot be fully established if support from residents would sustain a business, should a realistic, workable business plan be developed.

The Council continues to receive a significant number of opinions from residents who object to this application and desire to restore what is seen as a social asset."

External :

COMMUNITY FIRST: - By not continuing with the post office facility, following the resignation of the outgoing Postmaster, there was an inevitable impact on the overall viability of the business. The post office would have provided a guaranteed salary (although admittedly not a very attractive one) and maintain a footfall level which would have benefited the retail side of the business. Without the post office element and the newspaper delivery service (which stopped around August 2004), would warrant it difficult to have maintained the business at a viable level.

Over the next year, it is predicted that around 2500 post offices will close to streamline a loss making post office network; and it is fair to say that it would be extremely unlikely that a post office counter will ever be reintroduced to the village of Limpley Stoke.

At the time of closure, the Post Office had a policy of "no avoidable closures" - a commitment which aimed to maintain Post Offices within as many rural communities as possible. That commitment was included within DEFRA's Rural Service Standards, the purpose of which was to give "rural people a clear understanding of the sort of services that they can expect". There would have been a requirement for the Post Office to retain the service in the village and explore alternative venues. It is understood that as part of the process, an outreach site in the village hall was explored, but was not realised.

Shortly before the shop closed in June 2005, the applicants met with Community First and the Save Our Shop Group to discuss options for a community shop. It is submitted that, community shops - which are social enterprises taking different forms, are a realistic way forward, where an independent retailer is unable to survive as a going concern. It is submitted that community shops work where private enterprise has failed for three main reasons:-

1. Social enterprise community groups can access funding for shop set up, refurbishment of premises and building costs. Community First in partnership with the Village Retail Services Association (ViRSA), the Rural Shops Alliance and Rural Community Councils throughout the South-West have recently won funding to support seven such community run shops over the next year (with more funding anticipated for a further 2 years). The "Store is the Core" programme offers a combination of expert advice and up to £20, 000 in grant funding and the offer of an extra £20, 000 loan from a charity bank to such community shop set-ups. Over the past 5 years, other community shop groups have successfully won funding from DEFRA, the South West Regional Development Agency, Leader •& EU fund as well as other rural development funding streams.
2. Community shops are more viable compared to independent shops because they engage volunteer staff. Therefore, the facility can run on a much lower turnover and profit level.
3. Once a community shop has been set up, evidence suggests that the community is enhanced with community togetherness, sense of ownership and voluntary involvement. As a social enterprise, shop groups can sell shares in the facility which gives people the right to a vote and feel involved with the business decision making process. This all translates into more customers using the shop than an independent shopkeeper may be able to attract.

The community shop concept is proving to be a viable and sustainable option for many communities that have lost their remaining shop. Community shop groups recognise that village shops are a vital resource, and are not just there to sell products and offer a service, but also play a vital role in cementing social cohesion and acting as local information centres. Being accessible for the elderly, the low income households and non-car drivers is important.

According to a recent Wiltshire County Council Study entitled "Wiltshire's Village Shops •& Rural Communities - An Exploratory Study Aug 2007" Limpley Stoke has a higher than average proportion of the population aged 60-74; a higher than average proportion of population aged 75+, and a higher proportion of people with long term illness - all fitting into a "disadvantaged" residents category. In addition, 18.4 % of households in the village do not have access to a car.

During a walk-through of the village in May 2005, Community First and the Save our Shop Group tried to find a suitable location for a community shop. One option was to try and use the village hall. This idea was rejected on the grounds that there would be constraints associated to the listed building and that the vehicular access was unsuitable for large delivery vehicles. An alternative weekly market idea was also considered, but was ultimately rejected because traders were unlikely to have the capacity to attend a village event. The only realistic venue would have been the former shop premises.

It is acknowledged that some internal modifications would be required to block the retail use from the residential part of the building and provide toilet facilities.

It is submitted that the applicants were and remain unwilling to enter into negotiations to lease the shop premises to a community group, or make the retail unit available except on a freehold basis for the property as a whole. For the avoidance of any doubt, the high freehold value of the premises renders it unattainable for purchase by the community. Although, it must be noted that elsewhere, community groups have purchased such premises freehold and rented out the accommodation.

Recently, the neighbouring village of Freshford lost its Post Office and villagers are actively pursuing the opportunity of setting up a community shop. There has been some partnership with Limpley Stoke and Freshford and joint opportunities are being explored. One such opportunity being considered is the option of building a purpose built shop in Freshford, or take over the existing shop unit at Limpley Stoke.

There is some sympathy for the current owners who did try to make the shop work, but by removing the post office counter, they dramatically reduced the overall viability of the store.

Queries are raised over whether reasonable attempts have been made to sell the premises through a business transfer agent rather than just locally. In questioning the marketing exercises, it is acknowledged that the business was for sale commercially for a number of years before the current owners purchased the premises in 2004. Furthermore, it should be noted that demand for freehold retail units in villages is low and demand for small shops and Post Offices in the current climate of uncertainty surrounding the future of rural Post Offices, is also low.

As a solution, Community First would like to see negotiations between the owners and the Community Shop Group set up to re-adapt the empty shop unit and making it available on a leasehold basis. This will give the community shop group or an entrepreneur a realistic opportunity to reintroduce such an important village resource.

Through the combined efforts of Limpley Stoke and Freshford, a community shop could be set up, consistent with many local and national examples.

The proposed conversion to residential use should not be supported until all avenues have been fully considered, or after a community shop has been established in an alternative location either in Limpley Stoke or Freshford.

There is a real concern that once a shop unit has had an alternative use approved, then that facility will be lost forever, and with land and property in Wiltshire in such demand and accruing high premiums, finding alternative sites for retail units would be difficult.

HIGHWAY AUTHORITY: - The site has no on-site parking, however, the proposed use would not generate additional traffic (than the retail use), and therefore, no highway objection is raised.

Neighbours :

16 letters of objection were received by the Council, raising the following concerns:-

1. The village has a strong vibrant community spirit which is evidenced by a thriving pub, garage, hotel and park and the village hall facilities. The shop and post office were no exception. When purchased by the current owners, their intention to run it down was clear. The Post Office never operated following the former postmaster's retirement.
2. They were less than welcoming to customers and set about a quick programme of reducing opening hours and changing produce. Goodwill quickly evaporated. We were informed by the current owners that if the shop did not generate an income of between £20/£25k, it would be closed. With the closure of the Post Office and the curtailing of the newspaper delivery service, there was no possibility of generating such a return.
3. It is not true to say an alternative user is not willing to take over the retail unit. The community has made it clear they wish to continue having a retail use, but approaches to the current owners were rebuffed, and it is clear they only want to sell the property on with residential use.
4. Residential use should be the last alternative considered, and only after alternative business options have been exhausted.
5. In a recent village survey, 86% of respondents stated their desire for a village shop and post office in Limpley Stoke. The application site premises have previously been identified as the only suitable location for such business.
6. The change in demographic in the village in recent years points to an increasing need for a shop serving day-day needs. This would avoid the need to use cars/buses as much, and enable children to support parents by doing some shopping. The nearest shop is a car journey away. The nearest Post Office is located in Winsley, two miles away.
7. At the other end of the age scale, the shop was an important point for social contact for the elderly. Its re-opening would lift their sense of belonging and well-being.
8. A shop enhances the street scene, as it has done so for many years. Along with the pub and garage, the shop has acted as the centre of the village.
9. With the internet use now being widespread, there is a great opportunity to raise awareness and provide mail order as an additional income stream and foot fall. An experienced shop owner would undoubtedly see the great potential that exists at this site, if the current owners were to sell with the established use in place.
10. The village set up a Save our Shop campaign and wanted to purchase the premises, when it was for sale. Whilst negotiations were on-going, the current owner came forward as a cash buyer proclaiming that he would continue to run the shop, which seemed a good solution for the village. However, no sooner had the deal been secured with the vendor, it became evident that there was no serious intention. The Post Office counter was closed, and, the owners took no heed of what type of goods and services the local residents wanted. The shop was closed within 4 months of taking ownership.
11. The village is now lacking real focus since the closure of the shop and post office. A valuable amenity is no longer available to the local population. A permanent change to residential use would seriously undermine the hope that a community based business will eventually return to the village.
12. The current owners purchased the Post Office and residential property for £40, 000 and £260, 000 respectively in August 2005, and they are now offering both for sale at £425, 000. It might be worth more if it converts to residential, so, it is clearly not in the applicant's financial interests to co-operate with the villagers wishes to set up a community shop instead.
13. It would be unfortunate if the Council were to support this application, as it would set a precedent for short term developers to make money by purchasing village shops and old post offices and converting them into residential houses. Rural services should be protected, not undermined or lost.

Three letters of support (apart from the supporting statements provided by the applicants) were received by the Council raising the following points:-

1. A business cannot operate in a vacuum. A business requires a market.
2. The trading and profit and loss accounts associated to the former shop and post office indicates that the premises are not financially viable as a commercial enterprise.
3. The trading accounts during the period prior to the applicants taking over the store and post office reveal net profits which fell below the (then) national minimum wage. It must be acknowledged that the previous owners were able to supplement their income through a naval pension, which might explain how the business continued up to its sale.
4. The applicants demonstrated a commitment to making a positive contribution in the village, and through her natural exuberance and drive, strove to attract new customers through Limpley Stoke and Freshford village newsletters. The applicant even tried to introduce innovative lines of goods in addition to the existing stock in an attempt to reach wider customer base.
5. Whilst being a resolute individual, the applicant is also a pragmatist. It became increasingly evident that, whilst the Limpley Stoke community espoused the virtues of having a village shop, the attraction of the supermarkets and the wider conveniences available in towns, over-rode nostalgia and, in the ever challenging society which we live, time, price and the range of goods at a village shop cannot compete.
6. In the report by the All-Party Group on small shops (published in the summer of 2007), it was revealed that the number of smaller shops is declining throughout the country at a rate of 2,000 a year. This fall has coincided with the expansion of the supermarkets. If this trend continues, the report states that there could be none left in 7 years time. A separate report by the New Economics Foundation "Ghost Town Britain" found that between 1995 and 2000, Britain lost 20% of its corner shops, grocers, high street banks, post offices and pubs – a cumulative loss of more than 30,000 economic units.
7. Through Local Plan Policy SP7, the Council has laudably sought to address such decline and seek instead, to retain and enhance the provision of rural facilities. It is accepted that the premises were the last shop within the village, however, due cognisance must be given to the fact that there is a part-time post office located 1 mile away at Freshford and a full-time post office and large Spar convenience store located only 1 ¾ miles away in Winsley and, a full-time post office and general store in Westwood located only 2 ½ miles away. It is therefore submitted, local convenience provision would still be available, albeit, perhaps not within walking distance for some.
8. The West Wiltshire Local Plan maintains that local convenience stores play an important part in the social fabric of village communities. The applicant was at pains to support this policy, but through insufficient local support, the business was unable to continue as a going concern.
9. The "Wiltshire's Village Shops & Rural Communities: An Exploratory Study" (published in August 2007) identified the unsuitability of Limpley Stoke's former general store as a business due to its geographic and demographic position in the village.
10. The lack of immediate parking facilities and the shop's location at the foot of a steep hill discourages, rather than welcomes potential customers. More worryingly, working on her own, the applicant had effectively little or no physical protection from people intent on criminal activity.
11. The applicant's decision not to take up a contract with the Post Office (after the former owner retired) was totally validated on the grounds that the threat to her personal well-being was totally disproportionate. This decision has been further vindicated by the Post Office's policy on closing small, non viable rural post offices.

12. The applicants made every effort to make the shop a success, but for various reasons and with great regret, it was accepted that to continue would be foolhardy. The applicants accountant considers the business premises “financially non viable” and the action to close as being “fully justified”.
13. Separately, the applicant examined with advisers, alternative business uses for the property. An attempt made by another business partnership to change the premises from retail to offices was rebuffed by the Parish Council and local businesses, which raised expressed concerns about traffic and parking problems. Efforts made to sell the premises to other businesses have proved unsuccessful (given its location, the limited business floor space and the fact that it is integrated with residential use).
14. Whilst it is accepted that the premises are the last of its kind within the village, and its change of use to residential would be contrary to Local Plan Policy SP7, there is significant, powerful and unique reasons to grant the proposal.
15. The owner of Freshford Post Office and General Store advises that having 24 years experience of running such a business, the local interest shown in supporting local businesses is lacking. Even after the campaigns to support village shops, turnover did not alter, which only highlights the empty premises made.
16. Following the closure of the Limpley Stoke facility in June 2005 and the combined efforts of the Limpley Stoke and Freshford “Save Our Shop” campaigns, the business at Freshford declined further rather than improve. This highlights that the Limpley Stoke community did not support its nearest convenience.
17. After marketing the Freshford premises for a year, little interest was shown for the going concern, which reflects the sad demise, yet realistic state of village shops. The only interest received was from the Freshford Shop Project Action Group, who made a derisory offer of £40,000 for half of the building, which has a market value of £400,000. The offer was not surprisingly rejected.
18. As a resident of Limpley Stoke for 30 years and former customer of the Post Office and Shop, I am frankly astonished at the illogical behaviour of both the Limpley Stoke Parish Council and the “Save Our Shop” Committee. The growing lack of support that has befallen the former Post Office and shop has been witnessed first hand. The efforts made by the applicants (and the previous owners) cannot be understated. They were committed to the business and were naturally disappointed by the lack of income it generated.
19. As a former employee at the shop, the dwindling support from virtually the entire community and the lack of commitment needed to maintain a viable village shop was all too evident.
20. It is incredulous to read that the Parish Council and the “Save Our Shop” Committee (established over 5 years ago) continue to insist that a village shop is a viable proposition in Limpley Stoke. These people are amongst the same group who chose to remove their custom from the shop. Their commitment to saving such facilities must be questioned.
21. A local voluntary “link” driver – who helps older, less mobile locals with daily chores – states that “none of the many elderly residents I have encountered actually relied on the village shop, in my experience, the vast majority of elderly people who are unable to get out by themselves to shop will have either relatives, friends or helpers who will either shop on their behalf, or drive them to, a larger, well-stocked, lower cost shop, simultaneously incorporating their own shopping, rather than visit a small village shop which had a parking problem, limited stock space and inevitably higher prices than its larger competitors”.
22. Over the years, excuses from locals in not supporting the shop have included the fact that they work during the hours the shop was open. Another popular excuse was that the village shop prices were not as competitive as supermarkets. This only magnifies the fact that a shop facility is no longer viable at Limpley Stoke. Indeed, the extensive expansion of Sainsbury’s in Bradford on Avon (less than 4 miles away) further demonstrates the dominance of supermarkets which acts as a another nail in the coffin for village shops.

23. Prior to the shop's closure, the business was not run down, as has been mentioned. The lack of support and declining turnover created the inevitable situation where the shop closed. The applicants made it perfectly clear to the local community in September 2004 that the "shop would need continuous support to be viable". The Limpley Stoke "Save Our Shop" Committee attempted a renewed campaign; however, this was not successful.

24. One month prior to the shop's closure in May 2005, approximately 75 people attended a special meeting in the village hall, where a community-run shop was discussed as an alternative. The meeting "only served to highlight the lack of commitment to have a shop, or indeed a community-run shop; and, it was generally acknowledged that it seemed a waste of time to put effort into a community shop where there was no demand, with the attendants knowing that they themselves, and the majority of the community, had not supported the shop as a business and were therefore unlikely to support any community shop that was created as a result of the meeting, thereby making the effort to organise and open a community shop both pointless and illogical. When asked by the chairperson whether anybody could not live without a shop in the village, not one person in the room raised their hand".

25. Through a strong sense of community spirit, it was only right to give a community shop the best possible chance; and to this extent, two local residents volunteered their services to undertake the necessary training to be a sub-postmaster/mistress. However, after an initial meeting in the winter of 2005 with Simon Coombe (head of the "Save Our Shop" and now Chairman of the Parish Council) and Jane Eldon (from the Post Office), there was no further contact made to either update the latest position or to be informed of any outcomes as far as services were concerned. This summed up the general lack of enthusiasm and genuine desire to create a community shop and/or Post Office.

26. The community is well aware of, and has first hand experience of the steeply sloping geography of the village. When going shopping, a resident of Limpley Stoke gets in the car as the first step. On many occasions, locals drove to the shop and found no parking spaces, and as a result, went shopping to the well stocked Winsley Spar and Post Office.

27. Surely in this particular case common sense shall prevail and that the premises can be converted to residential use.

NEGOTIATIONS / DISCUSSIONS

There were several discussions between the applicants and the previous case officer. During the processing of the application, both the previous and current case officer's had several telephone discussions with the applicant following the site visit and display of the site notice.

CONSTRAINTS

Green Belt
Area of Outstanding Natural Beauty

POLICIES

Planning Policy Statement 1
Planning Policy Guidance 2
Planning Policy Statement 7

Regional Planning Guidance/Regional Spatial Strategy 10 – Regional Guidance for the South-West

Policies SS19; EC3; EC6.

Emerging Regional Spatial Strategy 2006-2026

Policies DPC, DPH, ENV1, ENV3 and E1.

Policies DP1 – Sustainable Development
DP6 – Hierarchy of Shopping Centres
DP9 – Previously Developed Land
C8 – Areas of Outstanding Natural Beauty

West Wiltshire District Plan – 1st Alteration 2004
Policies GB2 – Green Belt (this policy has been replaced with PPG2)
C2 – Areas of Outstanding Natural Beauty
C6 – Sites of Nature and Conservation Interest
C31a - Design
C38 - Nuisance
SP7 – Village Shops
CF3 – Villages and Rural Areas
T10 – Car Parking

RELEVANT PLANNING HISTORY

07/02709/FUL - Change of use from A1 (retail) to B1 (office) - Withdrawn on 4 October 2007.

KEY ISSUES

Local Plan Policies
Material considerations (e.g. site marketing, economic viability and alternative uses)
Vehicular and pedestrian access and parking provision

OFFICER APPRAISAL

The Local Plan states within policies CF3 and SP7 a clear presumption against planning proposals which would result in the loss of rural facilities, and especially in cases whereby a “last of its kind” facility would be lost. The Local Plan requires applicants seeking permission to convert such a facility to submit a robust statement explaining the site circumstances and the reasons as to why such premises can no longer operate; and provide a supportive statement outlining the case for any conversion proposal. Within the Local Plan, the Council states that it “will seek to resist the loss of village shops through the development control process insofar as this is reasonable”.

Under Local Plan policy CF3, the Council maintains that “development which would result in the loss of important rural social and economic facilities, such as village shops, schools, public houses, post offices will not be permitted unless satisfactory alternative provision is made in the locality”.

In this particular case, the submitted financial accounts for the shop/Post Office demonstrate a failing business and, the closure of rural sub-post offices and shops throughout the county and further a field since 2004/5 only goes to underline how increased competition has led to changing socio-economic trends. Whilst the above Council policy seeks to retain rural facilities, the Council cannot ignore market forces. In this particular case, the Council is being asked to recognise the economic realities which have led to a business closing down and, through the apparent lack of interest in the property following a lengthy marketing exercise, the Council must consider what would be the most appropriate re-use of the former shop and Post Office.

The community store in taking ownership of the premises the applicants submit that no offer was made, and even if there was one, there would be practical constraints involving any refurbishments of the property given the shared services on the ground floor.

During the processing of this application, it is understood that a planning application has been approved in Freshford by Bath and North East Somerset Council for setting up a community store. As a departure from the Development Plan, planning permission has been held in abeyance until such time that the Secretary of State is satisfied and is in agreement with the Council’s decision.

This new facility would be located about 1 mile away from Lower Stoke and it would compensate for the loss of an important rural provision and consequently, it would satisfy Council policy CF3. The fact that Freshford is located in Bath and North East Somerset and therefore out with the Wiltshire County is not considered a material planning consideration, as people's shopping needs and trips defy such boundaries. The key issue is that a local service would be provided serving a dispersed rural population which by its nature requires some travelling to and from local facilities.

Members are advised that whilst Local Plan policy SP7 states a general presumption against development which would involve the conversion and loss of a village shop, paragraph 3.5.21 of the Plan recognises that the Council must be "reasonable".

In this particular case, the applicant has submitted a wealth of supporting information documenting:-

1. The circumstantial background which led to the closure of the post office and village shop;
2. Explained the conclusions of the marketing exercise and the lack of interest shown in the business premises; and
3. Has provided a strong rebuttal against the parish council's objection and to the objections raised by local residents.

Taking on board all the submitted information and representations, your officers recommend that the premises (given the recorded finances, the failing profit margins when it was in operation, its limited floor area, the current economic climate, the lack of interest shown during the marketing exercises over several years and the practical internal constraints associated with shared services) do not appear to have much scope for business purposes, or appear suitable shop premises and consequently, the Council must reasonably consider the proposed conversion to residential use.

The Roads Authority and your officers recognise the existing lack of parking provision and the access constraints (which has been highlighted by third parties). The proposed conversion of the ground floor former shop premises to residential use would not cause road safety concerns. In this regard, the proposal accords with Local Plan policy C31a and C38.

The proposal would have no discernible affect on the Area of Outstanding Natural Beauty status or conservation interests.

The proposal raises several key issues of topical interest (i.e. the declining number of village shops and local services and the changing shopping trends of the population). This proposal is reluctantly supported given the apparent lack of interest shown by other businesses in taking over the vacant premises.

RECOMMENDATION

Permission.

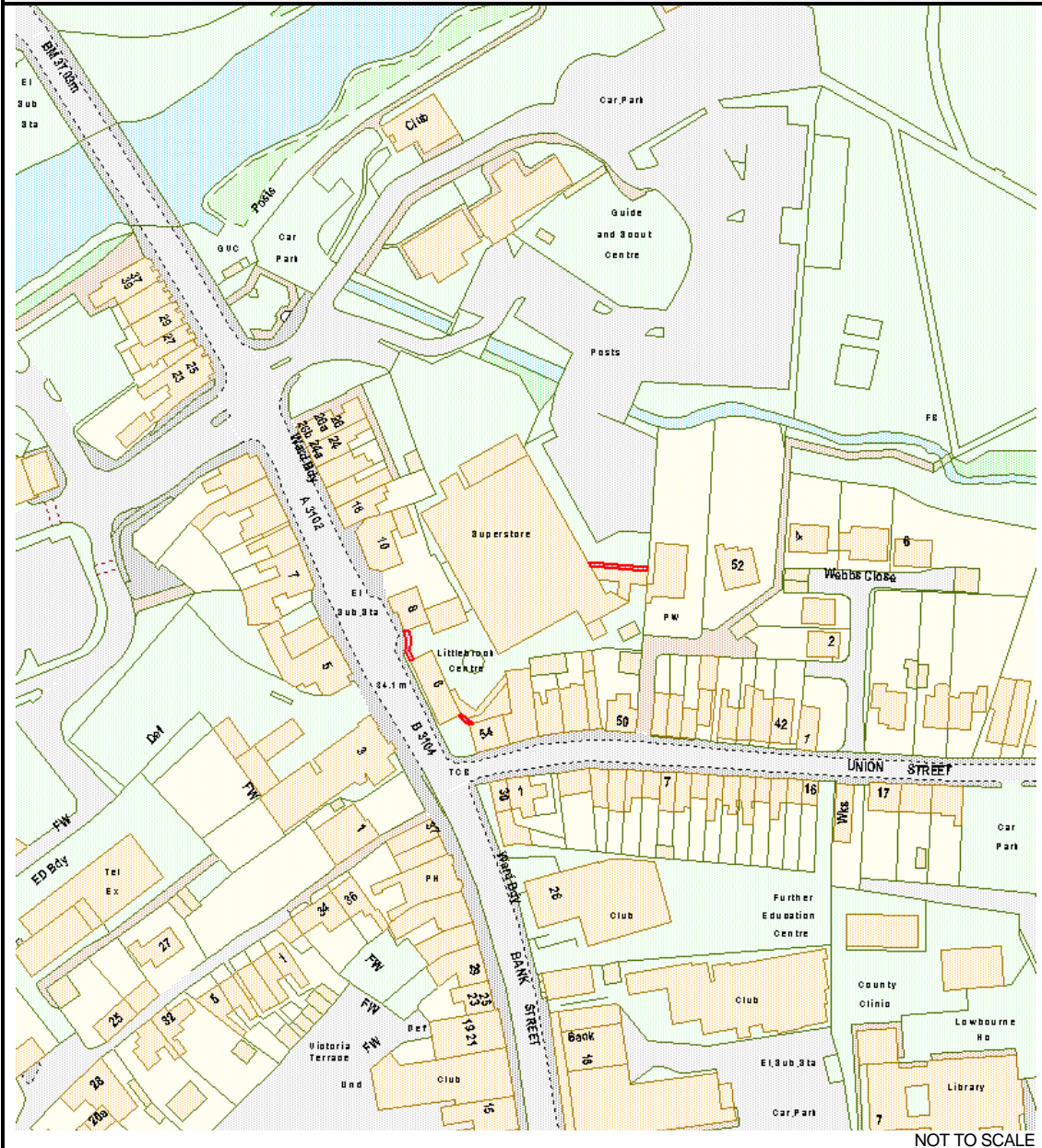
PLANNING COMMITTEE

8 May 2008

ITEM NO: 11

APPLICATION NO: 08/00393/FUL

LOCATION: Littlebrook Centre Bath Road Melksham Wiltshire
SN12 6LP



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www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 08/00393/FUL

Site Address: Littlebrook Centre Bath Road Melksham Wiltshire SN12 6LP

Parish: Melksham (Town) Ward: Melksham East

Grid Reference 390470 164014

Application Type: Full Plan

Development: Proposed gates

Applicant Details: West Wiltshire District Council
Mr Steven Williams Commercial Services Depot Riverway
Trowbridge BA14 8LL

Agent Details:

Case Officer: Miss Andrea Levin

Date Received: 11.02.2008

Expiry Date: 07.04.2008

JUSTIFICATION FOR RECOMMENDATION:

The proposed development would not 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Committee because this is the Council's own development.

This is a full application for the installation of fencing and gates to the site boundary of the Littlebrook Centre in Melksham. The proposed fencing and gates would measure 2.4 metres in height. The application is submitted as a result of security issues on site.

SITE VISIT / STATUTORY SITE NOTICES

Site visit carried out 15.02.08 to assess site context and surroundings.

CONSULTATIONS

Parish/Town Council :

MELKSHAM TOWN COUNCIL - Whilst the Town Council welcomed this application they asked if it was possible for a better design of gates to be used.

External :

HIGHWAY AUTHORITY: No objections.

Internal : None

Neighbours : Neighbours notified by way of site notice on 15.02.08. No comments received

CONSTRAINTS

None

POLICIES

West Wiltshire District Plan Policies C31a, C38

RELEVANT PLANNING HISTORY

None

KEY ISSUES

Impact upon the street scene
Impact upon neighbouring amenity

OFFICER APPRAISAL

The proposed fencing and gates would be of a simple design and would match that of other fencing within the area. It would have a minimal impact upon the character of the surrounding area. The comments of the Town Council have been taken into consideration, however it is felt that within this location the use of this design would be acceptable.

Documentation provided with the application from Wiltshire Police indicates that the area currently suffers from problems with anti-social behaviour. The introduction of the fencing would reduce the risk of this, therefore would have a positive impact upon the neighbouring amenity.

RECOMMENDATION

Permission.

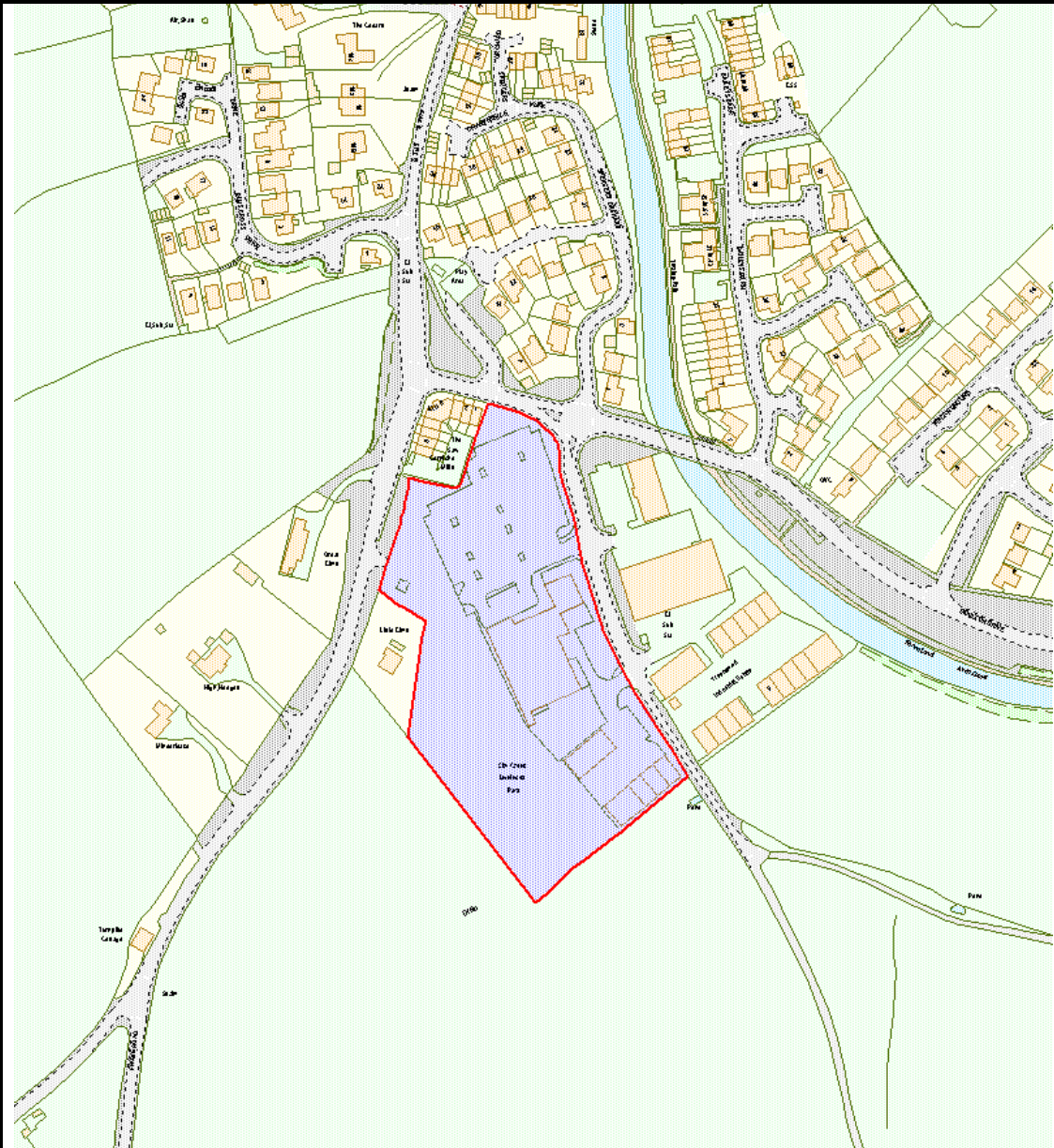
PLANNING COMMITTEE

8 May 2008

ITEM NO: 12

APPLICATION NO: 08/00798/ADV

LOCATION: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane Bradford On Avon Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 08/00798/ADV

**Site Address: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382530 159736
Application Type: Advertisement
Development: 1 illuminated store fascia sign and 1 non illuminated brandwall sign
Applicant Details: Sainsbury's Supermarkets Limited
33 Holborn London EC1N 2HT
Agent Details: White Young Green Planning
C/o Lucy Neal White Young Green Planning Ropemaker Court 12
Lower Park Row Bristol
Case Officer: Ms Margaretha Bloem
Date Received: 11.03.2008 Expiry Date: 06.05.2008

JUSTIFICATION FOR PART CONSENT:

The non illuminated brandwall sign would not harm visual amenity or public safety.

RECOMMENDATION: Split Decision:

Recommendation A (Part Consent):

The non illuminated brandwall sign.

Recommendation B (Part Refusal):

Refusal -The internally illuminated fascia sign.

Reason(s) for Part Refusal:

- 1 The proposed internally illuminated fascia by reason of their size and prominent positions would adversely affect the visual amenity of the locality and would not accord with Policy C24 in the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council objects and a split decision is recommended by your officer.

This is an advert application for 1 x illuminated store fascia sign and 1 x non illuminated brandwall sign.

The internally illuminated store fascia sign will read "Sainsbury's" and will measure 1.2 metres high, 0.95 metres wide and 7.88 metres long. The sign will be centred on the gable at the front entrance of the store and will stand proud of the elevation by 95mm. The sign will be illuminated with orange LED's.

The brandwall sign will measure 2.55 metres wide, 2.55 metres in height and will not be illuminated. It will be located to the east of the entrance. The sign will read "Welcome to Sainsbury's" and will list the opening times as well as the main categories of items on sale in the supermarket.

The application is retrospective.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 18.03.2008.

CONSULTATIONS

Parish/Town Council : Refuse This extremely prominent sign can be seen over the entire Conservation Area of the historic town of Bradford on Avon. Local residents are complaining of light pollution. It is quite unnecessary to have a lit sign in this location on the edge of town, where there is no competition from other supermarkets.

External : Bradford on Avon Preservation Trust: Refusal. The Preservation Trust has already written to complain to your Compliance officer about this totally unacceptable, internally-lit sign as this application is retrospective, as are many others of this current batch of applications from Sainsbury's. The Trust considers an internally-lit sign in this position as entirely unacceptable as it causes light pollution and impinges on night-time the views from the Conservation Areas across Bradford. The Preservation Trust strongly recommends that the applicants take better advice on how to design the signage for their new store from someone who understands historic hill towns, large sections of which are designated as Conservation Areas.

Highways: No objection to the wall mounted sign. Fascia sign will have no impact on highways safety but suggest conditions regarding static, and maximum luminance.

Internal : NA

Neighbours : No comments received.

NEGOTIATIONS / DISCUSSIONS

No discussions as the proposal is retrospective.

CONSTRAINTS

Urban area

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C31a, C24.
PPG19

RELEVANT PLANNING HISTORY

06/03106/ADV Tore fascia signs

06/03208/ADV Brandwall and external ATM wall signs - Granted

KEY ISSUES

Impact on public amenity and highways safety.

OFFICER APPRAISAL

Planning Policy Guidance Note 19 states that outdoor advertisement is essential to commercial activity in a free and diverse economy. Given that the building to which the application relates is in commercial usage and had previous adverts displayed the principle of adverts being displayed at this building should not be resisted subject to a number of criteria.

The impact upon amenity may now be considered. The impact the signs would have upon the appearance of the building and the locality, are material considerations. In this case the proposed signs would be viewed in the context of the supermarket, where signs would take on a mixture of forms, however, commonly, are internally illuminated/non illuminated fascia boards and freestanding signs within the boundaries of the site.

The proposed fascia sign replaces a previous internally illuminated "Sainsbury's" sign that was above the previous entrance. The individual letters are mounted on steel frame and is elevated above the eaves level of the roof, 3.7 metres above ground level. The size of the signage in combination with the height of the signage above ground level and the internal illumination will have a detrimental visual impact on the character of Bradford on Avon as it will be visible from various locations around the town.

The proposed brandwall sign will be smaller than the previous Brandwall sign approved under 06/03208/ADV and will be located to the east of the new entrance. The Brandwall sign will not be illuminated. It is not considered that the sign would harm the amenity of the area.

Regarding the impact on public safety, the following comments are made. Highways has no objection to the proposals, however suggest conditions to ensure that the illumination is static, the source of the illumination should not be visible to the users of the highway and the maximum luminance should be limited.

RECOMMENDATION

Part approval, part refusal.

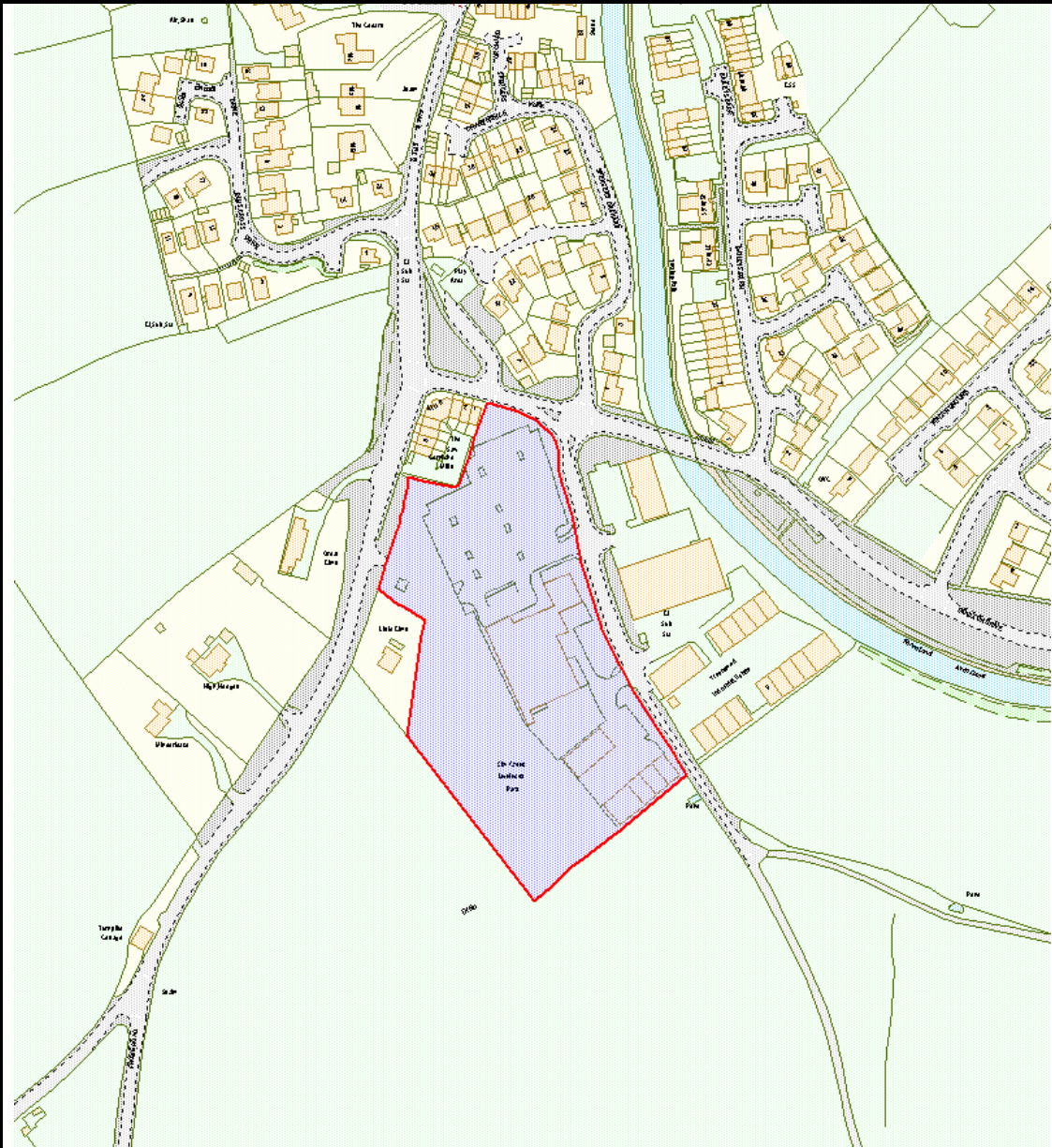
PLANNING COMMITTEE

8 May 2008

ITEM NO: 13

APPLICATION NO: 08/00797/ADV

LOCATION: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane Bradford On Avon Wiltshire



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SLA: 100022961

13 Application: 08/00797/ADV

**Site Address: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382530 159736
Application Type: Advertisement
Development: 2 illuminated totem signs and 23 non illuminated replacement car
park signs
Applicant Details: Sainsbury's Supermarkets Ltd
33 Holborn London EC1N 2HT
Agent Details: White Young Green Planning
C/o Lucy Neal White Young Green Planning Ropemaker Court 12
Lower Park Row Bristol
Case Officer: Ms Margaretha Bloem
Date Received: 11.03.2008 Expiry Date: 06.05.2008

JUSTIFICATION FOR PART CONSENT:

The illuminated totem sign facing Moulton Drive and the 23 non illuminated replacement car park signs would not harm visual amenity or public safety.

RECOMMENDATION: Split Decision:

Recommendation A (Part Consent):

The internally illuminated totem sign facing Moulton Drive and 23 non illuminated replacement car park signs.

Recommendation B (Part Refusal):

Refusal -The internally illuminated totem sign facing the B3109.

Condition(s) for Part Consent:

- 1 For the avoidance of doubt the internally illuminated totem sign as permitted under 06/03207/ADV shall be removed before the implementation of this permission.

REASON: In order to define the permission and in the interest of public amenity.

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

Reason(s) for Part Refusal:

- 1 The proposed internally illuminated totem sign facing the B3109 by reason of their size and prominent location would adversely affect the visual amenity of the locality and would not accord with Policy C24 in the West Wiltshire District Plan 1st Alteration 2004.

- 2 The proposed internally illuminated totem sign facing the B3109 would be prejudicial to road safety by virtue of its size, siting, would reduce the clarity or effectiveness of the adjacent traffic sign and would be likely to distract users due to its illumination while it is set in an environment where no street lighting exists contrary to Policy C24 of the West Wiltshire District Plan - 1st Alteration.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council objects and a split decision is recommended by your officer.

This is an advert application for 2 illuminated totem signs and 23 non-illuminated replacement car park signs.

The first sign will be located on the grassed verge between the car park and Moulton Drive, whilst the second sign will be located on the grassed verge to the west of the store car park and will face the B3109. The two internally illuminated signs will be 4.95 metres high, 2.266 metres wide and 0.2 metres deep. The sign will be divided into 3 sections and will read "Sainsbury's" with the opening times and the categories of products and services available in the supermarket. The first sign will replace the existing totem sign that was granted advert consent under (06/03207/ADV). The totem will be in a similar location.

The 23 non-illuminated replacement car park signs will include a variety of types and sizes and is strategically placed around the car park to ease the flow of traffic and pedestrians. 8 Non-illuminated car park zone signs is 0.626 metres (625 mm) in height and 0.635 metres (625 mm) in width and will be attached to existing lampposts within the car park (at least 3.2 metres above ground level). 11 Non-illuminated double sided identity and traffic signs will measure between 1.25 metres to 2.2 metres in height, 0.625 metres to 1.03 metres in width and will be strategically placed within the car park.

The application is part retrospective - the 23 car park signs are already displayed and the internally illuminated totem sign facing Moulton Drive and the internally illuminated totem sign fronting the B3109 is not displayed.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 18.03.2008.

CONSULTATIONS

Parish/Town Council : BRADFORD ON AVON TOWN COUNCIL: Refuse. There are major objections to the erection of two very large totem poles (5 metres high and 2 metres wide) on the site because of their location, design and internal illumination. There is no justification for a sign on the Frome Road frontage as there is no access from this side and the sign will be an incongruous element in the open countryside. It should be omitted. What is required in this location is additional mature landscape planting to hide the unattractive view of the car park with its associated paraphernalia.

The sign on Moulton Drive frontage is also unacceptable. It is too large and obtrusive in this predominately residential location where the illumination will be especially unpleasant for nearby residents. This supermarket site is not in competition with other stores nearby and much reduced signs would be equally informative to passers by.

The location and size of these excessively large totem signs means that they will dominate the locality to the detriment of the area and devalue the amenity for nearby residents. Illumination will make these signs even more obtrusive. They are totally out of character with this edge of town location.

External :

BRADFORD ON AVON PRESERVATION TRUST: Refusal. The Preservation Trust can only endorse the advice of the Town Council, already given to you on 2 April 2008. The Trust wishes to point out that this store has no close competitor in the area and that internally lit and over-large signs would have a seriously detrimental affect on the Conservation Area to the North of the river as well as causing unnecessary nuisance to the immediate neighbours of the site, who are mainly residential. The Trust recommends that the applicants looks at Tesco's in Stow in the Wold to see how well good-mannered signage can do the required job.

HIGHWAY AUTHORITY: With regard to drawing CHQ.07.7592- 114, I have no objection to the signage within the site, it is not on or related to the public highway, so it is not considered a highway issue however there are no useful points that I can add in the general interest of people and movement within the site.

With regard to the totem sign at the site entrance illustrated on drawing CHQ.07.7592-115 after a site visit I note that the sign has been implemented. I have no objection subject to standard conditions. I note that these totem signage is being located within the site and is not within the public highway, being 5m from the carriageway edge. It does not appear to cause any significant highway issues, such as causing restrictions to visibility on the highway or unduly distracting drivers. I have no objection to this sign subject to conditions.

With regard to the totem sign to the west of the site adjacent to the B3109 there are highway issues. It is not entirely clear exactly where the sign is proposed due to my site visit and the appearance of the site boundary. After closer inspection I assume that the historic access to Little Elms, is still present and that is where the site boundary appears related to the remainder of the soil from the excavation to extend the store. The location of the proposed sign is in very close proximity to the existing '30mph entrance to B-O-A' although the exact location is not detailed clearly detailed. However in a location of this nature and an entrance to the urbanised area where there is no street lighting, the Highway Authority considers that a sign in this location would confuse drivers, distract and possibly dazzle as they approach from a rural area.

Therefore it is considered that this aspect of the planning application and location of the sign should be refused on highway grounds for the following reason:-

1. The proposed advertisement would be prejudicial to road safety by virtue of its size, siting, would reduce the clarity or effectiveness of the adjacent traffic sign and would be likely to distract users due to its illumination while it is set in an environment where no street lighting exists.
2. It is also important to note that it would appear that the proposed sign is also located within the public highway, while it may be in the application site it is located within the public highway. I attach a copy of the highway record, this clearly indicates that the location of the proposed totem sign will be located within the public highway. Therefore erection of this sign will require permission of the Highway Authority. The Highway Authority does not permit signs of this nature to be located in within the Public Highway. While this is not a planning issue, it is important that this issue is raised at this stage.

Internal : NA

Neighbours : 3 letters of objection received. Objection regarding the two totem signs. Not in keeping with the character of Bradford on Avon, light pollution, road safety issues, far too large in size, possible impact on wildlife.

NEGOTIATIONS / DISCUSSIONS

NA

CONSTRAINTS

Urban area

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C31a, C24.
PPG19

RELEVANT PLANNING HISTORY

06/03207/ADV - Freestanding totem pole – Granted

KEY ISSUES

Impact on public amenity and highways safety.

OFFICER APPRAISAL

Planning Policy Guidance Note 19 states that outdoor advertisement is essential to commercial activity in a free and diverse economy. Given that the building to which the application relates is in commercial usage and had previous adverts displayed the principle of adverts being displayed at this building should not be resisted subject to a number of criteria.

The impact upon amenity may now be considered. The impact the signs would have upon the appearance of the building and the locality, are material considerations. In this case the proposed signs would be viewed in the context of the supermarket, where signs would take on a mixture of forms, however, commonly, are internally illuminated/non-illuminated fascia boards and freestanding signs within the boundaries of the site.

The 23 non-illuminated replacement car park signs would not harm visual amenity or public safety and therefore approval is recommended.

The illuminated totem sign facing Moulton Drive is replacing an existing sign previously given permission, reference 06/03207/ADV, however the position is being slightly altered. This sign would not harm visual amenity or public safety and is also recommended for approval.

The proposal for the second totem pole sign to be located on the grass verge to the west of the store car park facing the B3109 is recommended for refusal as its location where there are no street lights could confuse drivers, distract and possibly dazzle as they approach from a rural area, therefore it would be prejudicial to highway safety and the Highway Authority also states that the sign will be located on the public highway.

RECOMMENDATION

This application is therefore recommend for part approval and part refusal.

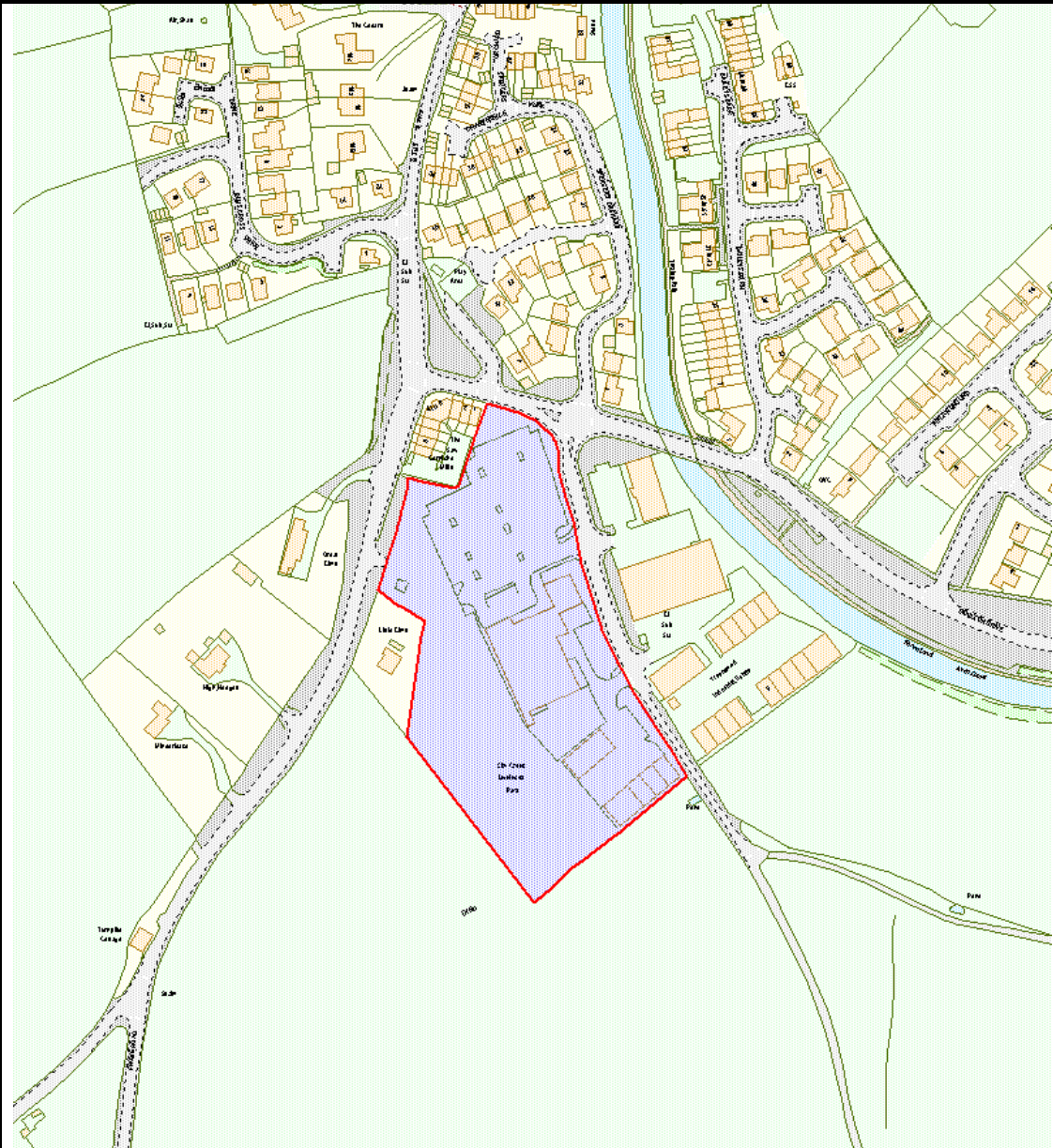
PLANNING COMMITTEE

8 May 2008

ITEM NO: 14

APPLICATION NO: 08/00794/FUL

LOCATION: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane Bradford On Avon Wiltshire



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SLA: 100022961

14 Application: 08/00794/FUL

**Site Address: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382530 159736
Application Type: Full Plan
Development: Six new trolley bays within store car park
Applicant Details: Sainsburys Supermarkets Limited
Sainsburys 29 Elms Cross Shopping Centre Rowden Lane
Bradford On Avon Wiltshire
Agent Details: White Young Green Planning
FAO L Neal Ropemaker Court 12 Lower Park Row Bristol BS3
2SP
Case Officer: Ms Margaretha Bloem
Date Received: 13.03.2008 Expiry Date: 08.05.2008

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: Approval

COMMITTEE REPORT

APPLICATION DETAILS

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

This application is for the six new trolley bays within the store car park. This application is retrospective. The units are placed on various locations within the car park. The covered trolley bays are 2.48 metres wide, 4.7 metres long and 2.7 metres high. The units consist of aluminium frame, glass sides and a polycarbonate roof. A trolley logo will be on the roof end panel.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 18.03.2008.

CONSULTATIONS

Parish/Town Council : BRADFORD ON AVON TOWN COUNCIL: Refuse. We note yet again a retrospective application which the Town Council regrets. The number of trolley bays is excessive and their visual impact unacceptable where located close to the road. The two bays to the north and east sides should be omitted.

External : Highways – No objection is raised

Internal : N/A

Neighbours : No written objections received.

NEGOTIATIONS / DISCUSSIONS

N/A

CONSTRAINTS

Town Policy Limits

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C31a, C38; SP3.

RELEVANT PLANNING HISTORY

07/03402/FUL - Revisions to approved car park layout, demolition of existing dwelling "Little Elms" and re-contouring of this site together with the deposit of excavated spoil on adjoining agricultural land, all in association with the previously approved store extension (consent ref 07/00363/FUL) - Granted

07/00363/FUL - Extension to provide additional retail sales floorspace, new back-up floorspace, new entrance lobby, customer toilets and extension to car park - Granted

KEY ISSUES

Impact on public amenity and highway safety.

OFFICER APPRAISAL

Covered trolley bays are associated with supermarket car parks and are not an alien feature. The positions of the trolley bays are carefully chosen to serve the whole of the car park in an effective and convenient way. It is not considered that the amount or size of the proposal is excessive nor that the location would harm the character of the area.

There are no highway objections to the proposal.

RECOMMENDATION

For the reasons stated above planning permission is recommended.

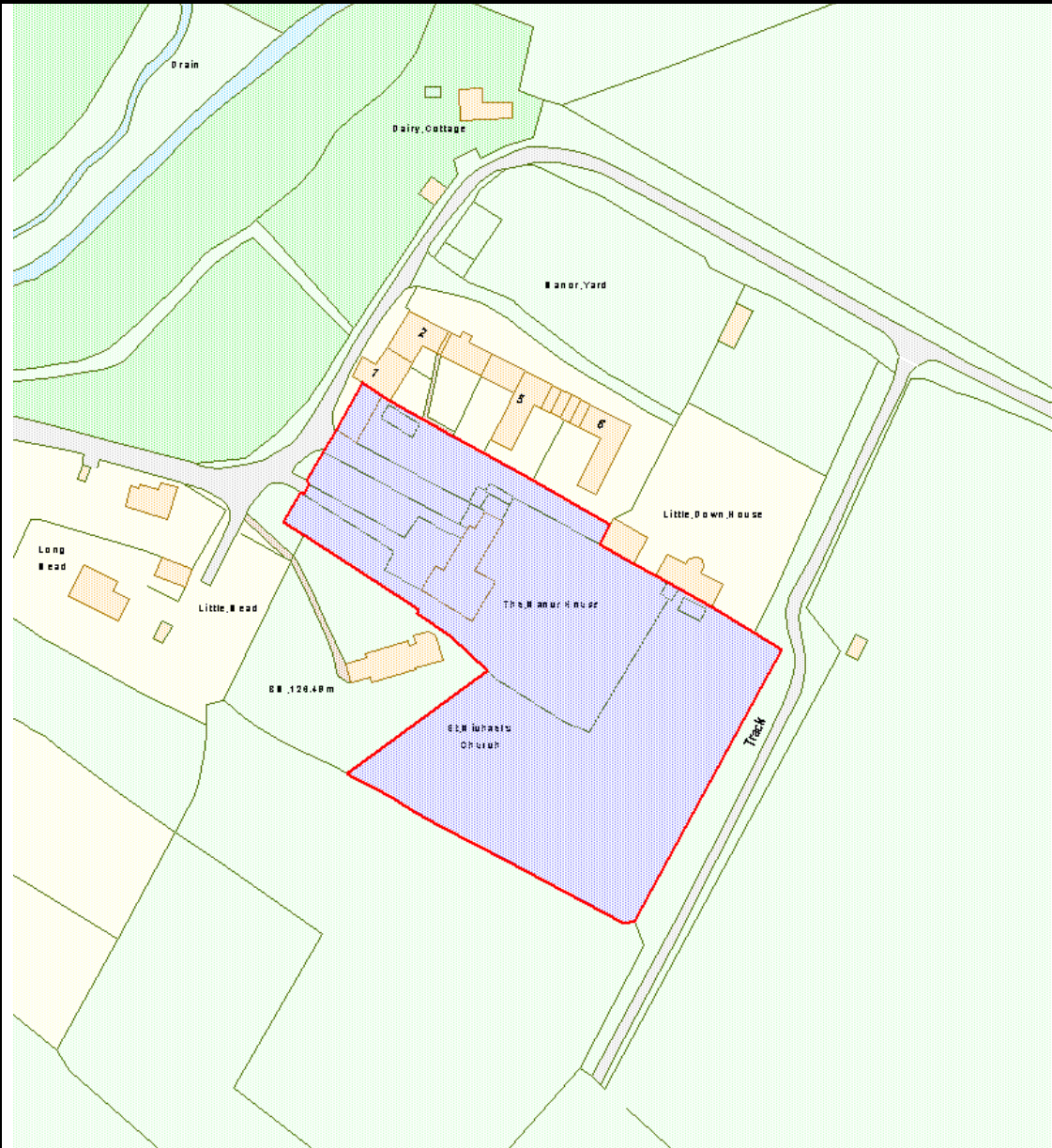
PLANNING COMMITTEE

8 May 2008

ITEM NO: 15

APPLICATION NO: 08/00585/FUL

LOCATION: The Manor House Brixton Deverill Wiltshire BA12 7EJ



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SLA: 100022961

15 Application: 08/00585/FUL

Site Address: The Manor House Brixton Deverill Wiltshire BA12 7EJ

Parish: Brixton Deverill Ward: Shearwater
Grid Reference: 386413 138732
Application Type: Full Plan
Development: Tennis court
Applicant Details: Mr And Mrs Burrige
The Manor House Brixton Deverill Wiltshire BA12 7EJ
Agent Details: Brimble Lea And Partners
F A O Mrs J Montgomery Wessex House High Street Gillingham
Dorset
Case Officer: Mr James Taylor
Date Received: 25.02.2008 Expiry Date: 21.04.2008

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 Details of the netting and support framework, together with details of how the posts will be fixed into the ground shall be submitted to and approved in writing by the local planning authority together with a sample of the netting.

REASON: In order to protect the character and appearance of the Conservation Area, the setting of the listed buildings, the special landscape character of the Area of Outstanding Natural Beauty and any archaeological interests.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C2, C15, C17 and C19; and Planning Policy Guidance 15: Planning and the Historic Environment.

- 3 Details of the method of construction for the development hereby approved, specifically with details of the depth of excavation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development. The works shall then be completed strictly in accordance with those approved details.

REASON: In order to protect archaeological interests.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy C15.

- 4 Pursuant to condition 3 above, in the event that the construction method requires a ground disturbance depth of no more than 200mm then a geotextile membrane shall be placed

between the construction surface and the underlying archaeology. Alternatively, in the event that ground disturbance depths will exceed 200mm due to the construction method then an archaeological excavation in the area of disturbance shall be carried out strictly in accordance with condition 4.

REASON: In order to protect archaeological interests.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy C15.

- 5 Pursuant to conditions 3 and 4 in the event of excavations being greater than 200mm, a programme of archaeological work shall be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This shall be implemented and completed strictly in accordance with those approved details prior to the commencement of any development hereby approved.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C15.

- 6 All planting, seeding or turfing comprised in the plans hereby approved shall be carried out in the first planting and seeding seasons following the substantial completion of development; 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 within the setting of listed buildings and in an Area of Outstanding Natural Beauty.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C2 and C32; and Planning Policy Guidance 15: Planning and the Historic Environment.

Note(s) to Applicant:

- 1 You are advised that floodlighting columns would require permission, and in the event of your requiring illumination of the tennis court, you should first discuss the proposals with the Council.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the creation of a tennis court at land south east of the Grade II listed Manor House and east of a Grade II* listed church. The site forms part of the domestic curtilage of the Manor House following an appeal decision to grant change of use of the site and permission for a grass tennis court sited closer to the listed structures than currently.

The proposal includes the provision of a 'synthetic tufted carpet surface' coloured green with yellow lines on a footprint of approximately 35 metres by 17.5 metres. This would be enclosed by 3 metre high cricket style netting supported by timber posts.

The site is located on the fringe of the village which does not have a defined village policy limit. It is located in the grounds of a Grade II listed building and is also in the setting of a Grade II* listed building. The area is characterised by its historic and rural character, designated as an Area of Outstanding Natural Beauty and a Conservation Area.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 05.03.2008 and a site notice was erected on the main road adjacent to the Manor House.

CONSULTATIONS

Parish/Town Council :

UPPER DEVERILLS PARISH COUNCIL: Strong objection on the following grounds:

- it does not enhance or preserve the character of the area and its surroundings which lie in a conservation area (HE7 Wiltshire and Swindon Structure Plan 2016)
- it is within an AONB and does not comply with C2 West Wiltshire Development Framework which states that priority will be given to the landscape over other considerations and that development proposals likely to be detrimental to the special landscape character will not be permitted. The Parish Council is of the opinion that this tennis court will conflict with the surrounding landscape, particularly owing to the proposed surface of the court. It is also quite clearly visible from the surroundings.
- The letter from the owners of the 10th March 2008 to the Upper Deverills Parish Council (3rd para) implies that the tennis court warrants the PC's support as it would encourage younger members of the community to continue to live in the area. This could suggest that it is open to local people whereas this is understood not to be the case.
- The property lies within the Wylye River which is specifically mentioned as being of importance as a conservation area and within AONB, and which is claimed to be protected as an attractive river valley. The Parish Council feels that no changes in the application have been made to make it any more acceptable than it was in 2006 (06/01047) when it was turned down by the District Council.
- It is adjacent to historic boundaries within which lies a Grade II listed church.

The Parish Council also raises the question of change of use. This was granted in December 1999 and is understood to now be out of date. Would the change of use from Paddock/Informal garden to Tennis Court need to be re-applied for? It is noted that no application is included with the planning application and the PC would welcome advice from Planning.

Finely balanced conclusion but would consider the planning history of the site including inspectors findings imply that the land is in residential use (case officer summarised comments – 18.03.2008)

The Parish Council is unsure of the situation regarding the above application. The proposed tennis court is for a hard surface court on a different site, albeit within the same paddock. The PC is asserting that surely the condition for change of use in 1999 is no longer valid and certainly has not been implemented. A grass court is not what has been applied for and indeed the applicant has decided against grass on cost grounds, thus the 1999 permission (on appeal) cannot be considered extant, unless the applicant makes a grass tennis court on the original site to the agreed specifications.

The PC's original strong objection to this application still stands.

External :

LIBRARY & HERITAGE: No objection subject to conditions to ensure preservation and/or recording of archaeological features.

ENGLISH HERITAGE: Do not wish to offer any comments on this occasion.

Internal :

CONSERVATION OFFICER: Approve

This application affects the setting of a Grade II* listed church.

The Inspector allowed a grass court with similar boundary fencing on a site closer to the Grade II* listed building. I have seen the proposed material for surfacing and I consider that as the new proposal is for a site further away from the listed building than that approved for grass, I have no objection.

I consider the fencing to be of more harm than the actual court itself, but this is being improved over the allowed scheme as the applicants propose timber posts and additional vegetation screening from the church.

The vegetation screening should be made part of a landscaping condition.

Neighbours :

No comments received to date (10.03.2008)

NEGOTIATIONS / DISCUSSIONS

A sample of the final surface finish (less the use of sand) has been submitted and also photographs of an identical finished surface with sand have been submitted at the case officer's request.

CONSTRAINTS

Landscape - Area of Outstanding Natural Beauty
Historic Context – Conservation Area, Curtilage of Grade II listed building and setting of Grade II* listed church
Planning history

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C2 Area of Outstanding Natural Beauty
C15 Archaeological Assessment
C16 Archaeological Investigation and Recording
C17 Conservation Areas
C18 New Development in Conservation Areas
C31a Design
C32 Landscaping
C38 Nuisance

National guidance
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPG15: Planning and the Historic Environment
PPG16: Archaeology and Planning

RELEVANT PLANNING HISTORY

97/01189/FUL – Change of use of land and provision of tennis court – Allowed on appeal subject to condition requiring grass surface – 19/08/1999
06/01047/FUL – All weather tennis court – Refusal – 26/05/2006

KEY ISSUES

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

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

In addition to the above factors the key issues are the impact of the proposal on the special landscape character of the Area of Outstanding Natural Beauty, any archaeological interests and the planning history of the site.

OFFICER APPRAISAL

Previously planning permission has been granted on appeal in 1999 for the creation of a grass tennis court enclosed by 3 metre high fencing/netting. This was sited approximately 35 metres to the south west closer to both the church and the Manor House.

This surface was not considered acceptable to the applicants and in light of this planning permission on the same site was requested for a synthetic all weather surface, which was refused in line with the previous inspectors decision and the local conservation advice. Further there was considered to be inadequate information in regards to some curtilage structures proposed.

This application is materially different now in three regards. Full and complete information has been submitted, the curtilage structures have been omitted and a detailed landscape survey has been carried out. Secondly the position of the tennis court has been moved further away from the listed buildings, but still within the Conservation Area and curtilage of the Manor House. Thirdly, the description of the finished surface, although not grass has been amended to be a 'synthetic tufted carpet surface' and the fence posts have been amended to be timber.

In line with the appeal inspector's decision in 1999 and the recent planning decision in 2006 it is considered that the same principle issue remains, namely the finished surfaces impact on the historic environment and special landscape. Since the applicant is referring to revised materials for that surface similar to natural grass then it is prudent to request sample materials in advance of a decision. A sample of which and photographs of an identical example in-situ have been submitted to accompany the application.

Since the proposal is located further away from the listed buildings and the detailed landscape survey has been submitted in order to help justify the proposals then it is considered that the proposal is more acceptable.

This is a very finely balance decision and it is considered that the proposed development would not cause significant harm to acknowledged planning interests. The maxim of each case on its merits must be applied, but in light of the material planning history. It would be far enough away from the listed buildings to avoid impacting on their settings, given the compromise materials now proposed. An inspector has previously concluded that the enclosure and activity poses no concerns and it is considered that the sample surface is satisfactory in terms of the landscape compared to natural tightly cut grass. The applicant's supporting landscape assessment has numerous photographs which indicate that the proposal would have a negligible impact on the landscape and its special character.

The comments of the Council's Conservation Officer have also been noted and their desire for a landscaping condition in regards to Whitebeam between the church and the proposed tennis court is understood. A condition to this is considered prudent and would be in accordance with the applicant's own submission.

The revised location has brought development closer to a neighbouring property but on balance it is not considered that the tennis court and associated activity would cause any significant harm to amenity interests.

In summary the proposal would, on balance, preserve the setting of the listed buildings and the character and appearance of the Conservation Area. Further no significant harm would occur to the special landscape character of the AONB and conditions can ensure that the potential archaeological interests are preserved in-situ or recorded.

RECOMMENDATION

Permission subject to conditions.

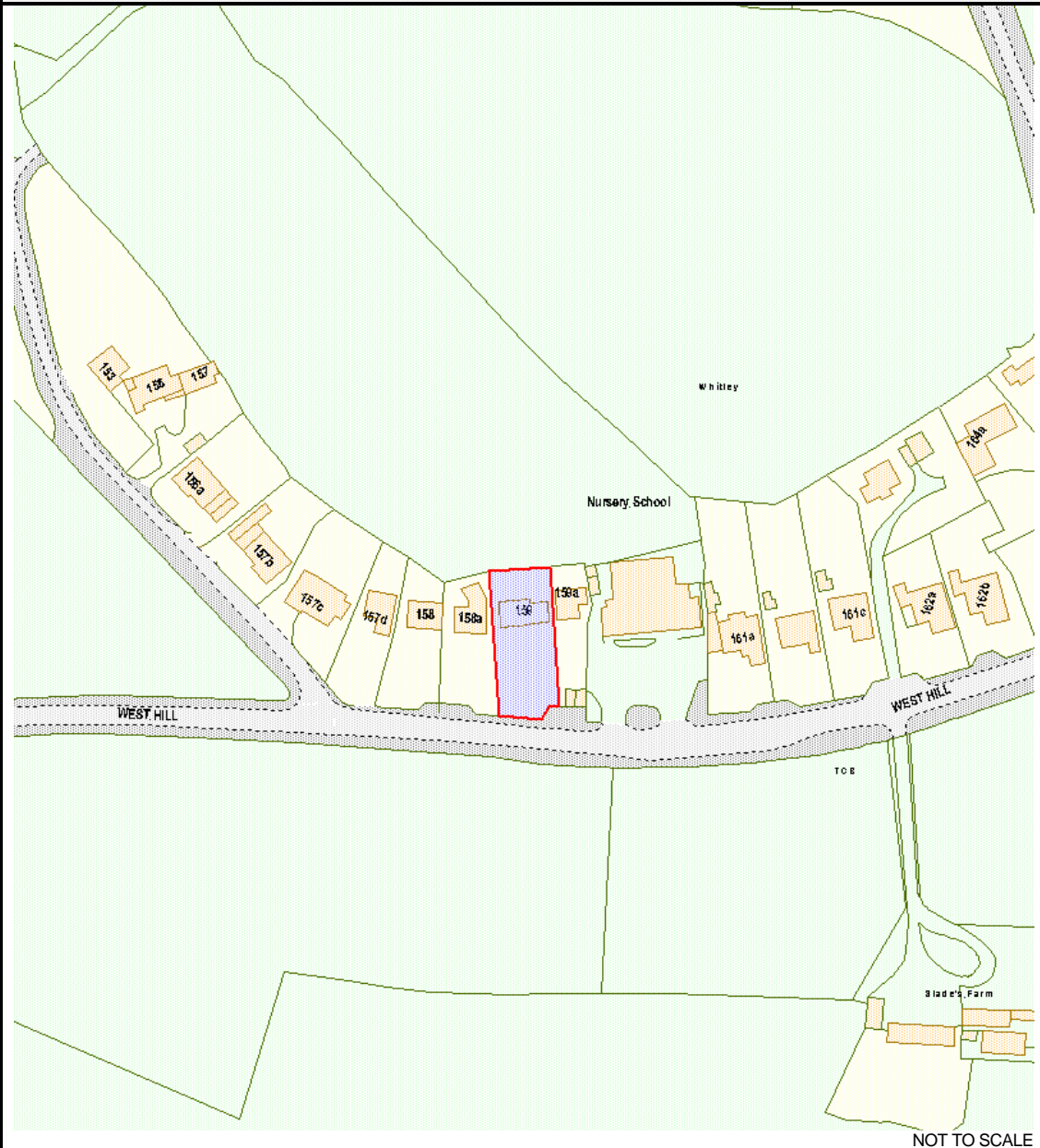
PLANNING COMMITTEE

8 May 2008

ITEM NO: 16

APPLICATION NO: 08/00525/FUL

LOCATION: Sunnymount Cottage 159 West Hill Whitley Wiltshire
SN12 8RB



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SLA: 100022961

16 Application: 08/00525/FUL

Site Address: Sunnymount Cottage 159 West Hill Whitley Wiltshire SN12 8RB

Parish: Melksham Without Ward: Atworth Whitley And South Wraxall

Grid Reference 387909 166287

Application Type: Full Plan

Development: New double garage and paved drive

Applicant Details: Mr Kenny Harris
Sunnymount Cottage 159 West Hill Whitley Wiltshire SN12 8RB

Agent Details:

Case Officer: Ms Margaretha Bloem

Date Received: 26.02.2008 Expiry Date: 22.04.2008

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 dwelling.

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 details showing how the driveway will be properly consolidated and surfaced, (not loose stone or gravel) has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of Highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C1 and T10.

COMMITTEE REPORT

APPLICATION DETAILS

The application is brought to Committee because the Melksham Without Parish Council objects contrary to your officer's recommendation.

The proposed double garage will be 5.6 metres wide and 5.9 metres deep. The garage will have a low pitched roof with a ridge height of 3.82 metres. An area of paving is proposed to allow for sufficient turning. The materials of the garage will match that of next door garage (No 159A).

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 29.02.2008.

CONSULTATIONS

Parish/Town Council : Melksham Without Parish Council: Objects that this appears to be a very prominent extension, in advance of an established building line.

External : Highways: Amended plans - The plans incorporate two car parking spaces within the curtilage of the site along with turning areas enabling vehicles to enter and leave the site in forward gear. On the basis of the above, I recommend that no highway objection be raised subject to a condition.

Neighbours : 1 Letter received from 158A Top Lane concern regarding proximity of proposal to their dwelling - especially the pitched roof. Block out light to the dining room and lounge.

NEGOTIATIONS / DISCUSSIONS

Following comments from Highways the applicant was requested to produce amended plans to a correct scale and to indicate sufficient turning area so that a vehicle could leave in forward gear.

CONSTRAINTS

Outside Village Policy Limits
Countryside

POLICIES

West Wiltshire District Plan 1st Alteration 2004 - Policies: C1, C31a, C38 and T10.
Supplementary Planning Guidance - House alterations and extensions July 2004.

RELEVANT PLANNING HISTORY

No relevant planning history

KEY ISSUES

Impact on character of area
Impact on neighbour amenity
Highways Safety

OFFICER APPRAISAL

The garage to the front will be visible in the streetscene, however taking into account that No 159a benefits from a detached double garage to the front, it is on balance considered acceptable. The garage will have the same design as the garage on the adjoining site.

The existing driveway will be sufficient for off street car parking in addition to the enlarged garage.

The proposed location of the garage to the front of the dwelling will have minimal impact on the neighbouring amenity of the adjoining properties. Concerns were raised regarding the loss of daylight and sunlight, however, taking into account the separation distance of the proposal and the closest window of number 158a which is approximately 9 metres away. On balance it is felt that there would be minimal effect of daylight or sunlight received.

RECOMMENDATION

For the reasons stated above planning permission is recommended.

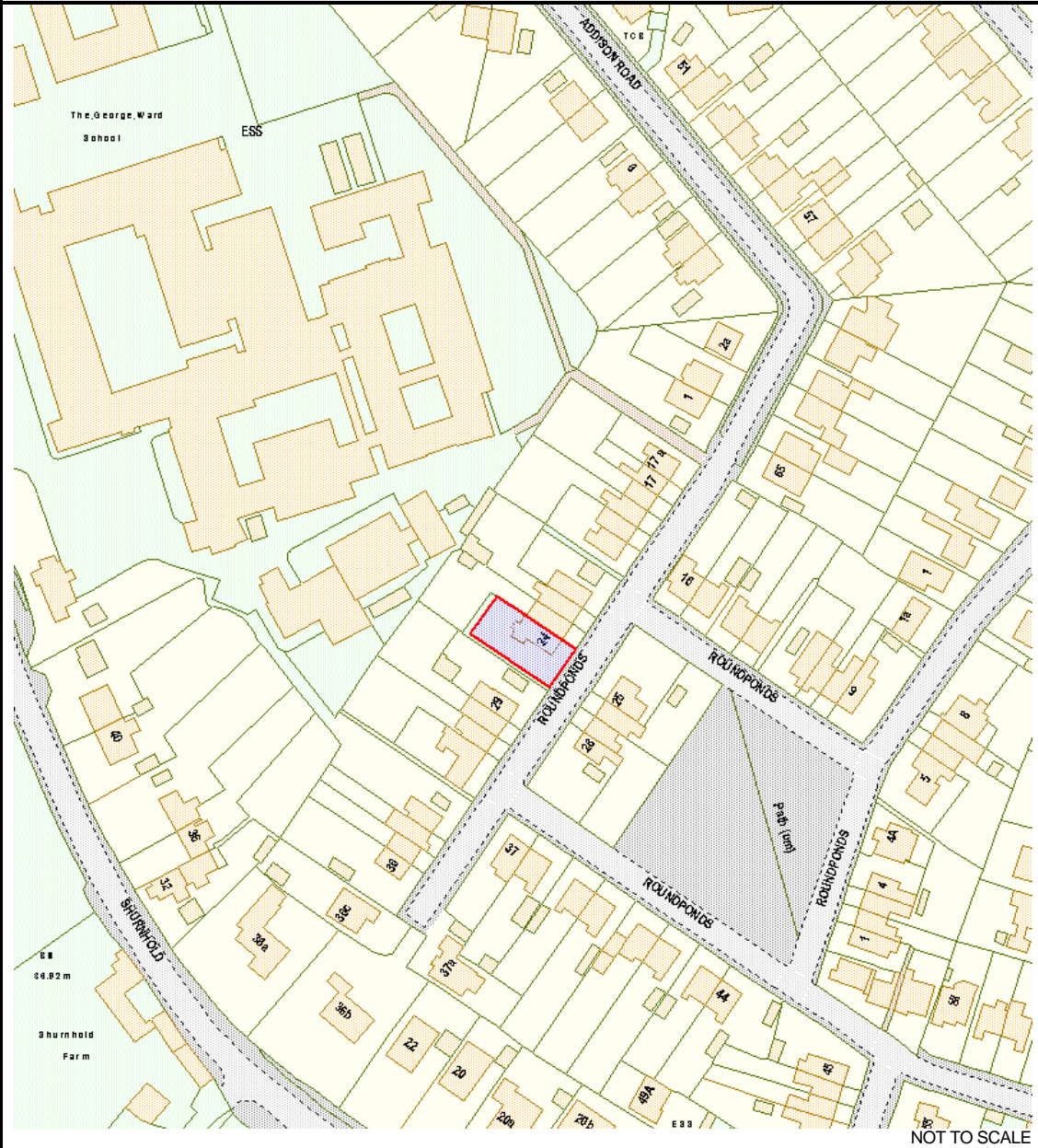
PLANNING COMMITTEE

8 May 2008

ITEM NO: 17

APPLICATION NO: 08/00655/FUL

LOCATION: 24 Roundpond Melksham Wiltshire SN12 8DL



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SLA: 100022961

17 Application: 08/00655/FUL

Site Address: 24 Roundpond Melksham Wiltshire SN12 8DL

Parish: Melksham (Town) Ward: Melksham Without

Grid Reference 389717 164750

Application Type: Full Plan

Development: Two storey side extension

Applicant Details: Mr Paul Lewis
24 Roundpond Melksham Wiltshire SN12 8DL

Agent Details:

Case Officer: Mr Rudolf Liebenberg

Date Received: 28.02.2008 Expiry Date: 24.04.2008

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

The application is brought before Committee because the Town Council object and your officer recommends approval. This is an application for a two storey side extension at 24 Roundponds, Melksham. The two storey extension would provide bedroom and living room space and has a 1 metre set back. The application site is within the urban confines of Melksham and the surrounding area pre-dominantly residential.

SITE VISIT / STATUTORY SITE NOTICES

Carried out on 07.03.2008 and no representations received.

CONSULTATIONS

Parish/Town Council : MELKSHAM TOWN COUNCIL: Object because the proposal is over development of the site, the proposal will unbalance the symmetry of the host building and it does not comply with the SPG guidance by having a 1 metre set back.

Neighbours : No written objections received.

NEGOTIATIONS / DISCUSSIONS

The applicant has submitted revised drawings with a 1 metre set back to comply with SPG guidance.

CONSTRAINTS

Residential area;

POLICIES

West Wilts District Plan 1st Alteration 2004

C31a Design
C38 Nuisance
H1 Town Policy Limits
SPG Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with the site.

KEY ISSUES

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

OFFICER APPRAISAL

The new two storey extension would preserve the built form that already exists. The proposal would respect the host building's design and form and is a subservient addition to the host building, sharing the same building line as the adjacent existing house.

It is considered that the new built would not upset the symmetry of the terrace as a whole.

The new development will have adequate parking space.

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 is recommended for approval.

RECOMMENDATION

PERMISSION

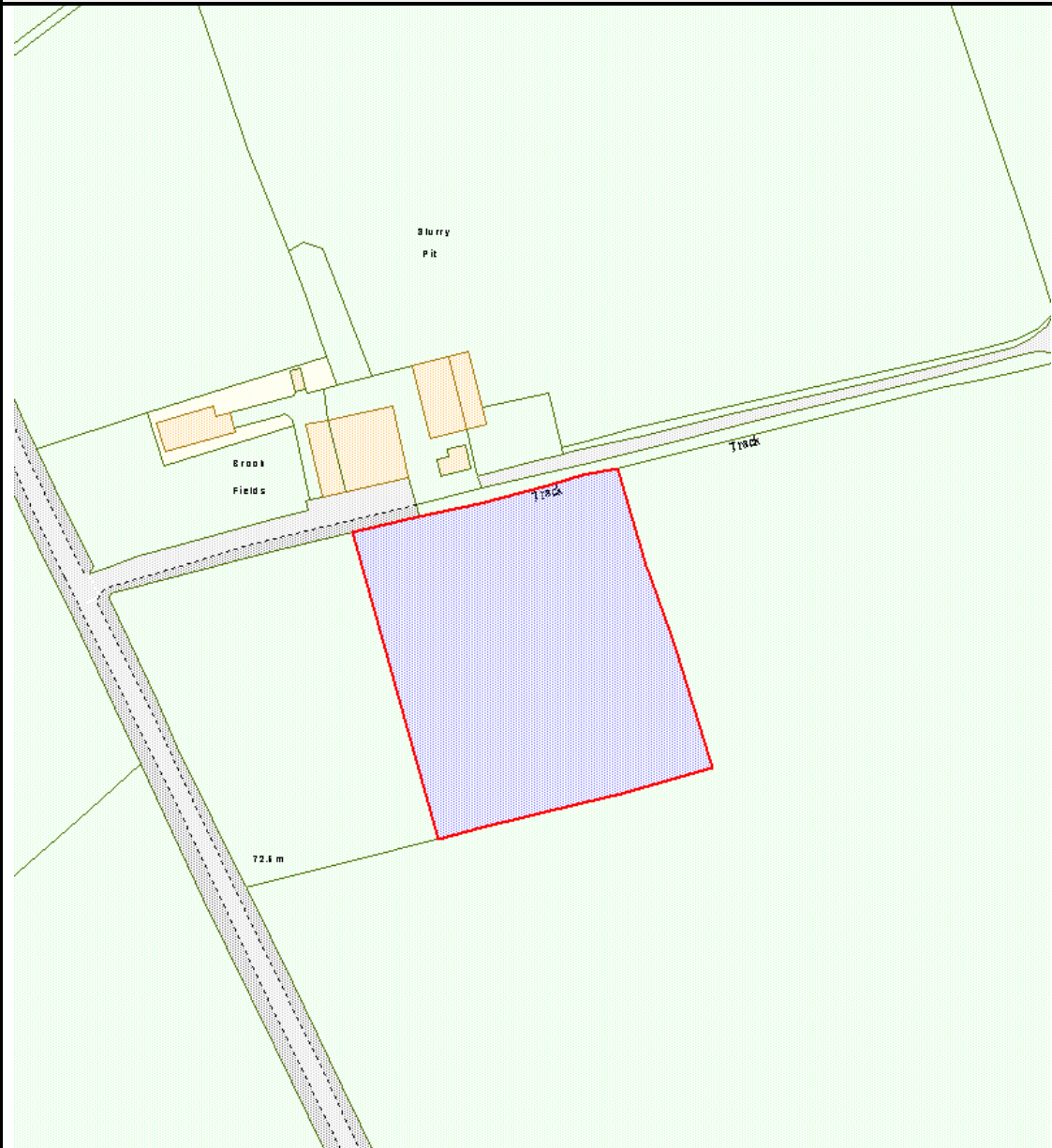
PLANNING COMMITTEE

8 May 2008

ITEM NO: 18

APPLICATION NO: 08/00759/FUL

LOCATION: Land Adjacent Brook Fields Edington Road Steeple Ashton Wiltshire



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SLA: 100022961

18 Application: 08/00759/FUL

**Site Address: Land Adjacent Brook Fields Edington Road Steeple Ashton
Wiltshire**

Parish: Steeple Ashton Ward: Summerham
Grid Reference 390954 154974
Application Type: Full Plan
Development: Creation of 20m x 40m all weather ménage
Applicant Details: Ms Shirley Campbell
C/O Mr Mark Campbell LPC (Trull) Ltd Trull Tetbury
Gloucestershire
Agent Details: LPC (Trull) Ltd
FAO Mr Mark Campbell Trull Tetbury Gloucestershire GL8 8SQ
Case Officer: Mr Rudolf Liebenberg
Date Received: 12.03.2008 Expiry Date: 07.05.2008

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

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

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

- 3 The development hereby permitted shall not be used for commercial purposes, including the keeping of horses at livery or as a riding school.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

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

- 4 Before the commencement of any development on site, a method of storage and disposal of manure, which shall not include burning, shall be submitted and approved in writing by the local planning authority. Storage and disposal shall thereafter be in accordance with the approved method for so long as the stables hereby permitted remain on the site
- REASON: In order to protect groundwater
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies U4 and C38
- 5 Details of any lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.
- 6 Details of surfacing materials of the ménage 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 order to protect the rural amenity.
- POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policies C1 & C31A.

COMMITTEE REPORT

APPLICATION DETAILS

The application is brought before Committee because the Parish Council object and your officer recommend approval.

The proposal is for the creation of a 20m x 40m all weather ménage. The site is located south of Steeple Ashton. The ménage would be located near to the northern boundary of the site, close to a mature and thick hedge, which runs alongside the access track that leads from the main road. The ménage would be a square shaped structure measuring 20 metres by 40 metres and is proposed for personal use only.

SITE VISIT / STATUTORY SITE NOTICES

Carried out on 18.03.2008 and no representations received.

CONSULTATIONS

Parish/Town Council : STEEPLE ASHTON PARISH COUNCIL stated that they are not in favour of the development and recommend it be refused because the proposal is in the open countryside, visible to passing traffic and in public view and there is the possibility of associated development like lighting and commercial use.

Internal : HIGHWAY AUTHORITY: No objection.

ENVIRONMENTAL HEALTH: No objection.

Neighbours : No written objections received.

CONSTRAINTS

Open countryside.

POLICIES

West Wiltshire District Plan – 1st Alteration 2004

C1	Countryside Protection
C31a	Design
C38	Nuisance
E10	Horse Related Development
T12	Footpaths and Bridleways
U3	Flooding

RELEVANT PLANNING HISTORY

07/03476/FUL - Erection of a stable block and use of land for equestrian purposes - Delegated Permission 28.01.2008;

KEY ISSUES

Impact on the open countryside

OFFICER APPRAISAL

The ménage is to be positioned on land recently given planning permission for equestrian purposes and a stable block.

It will be well screened to the north, and west by adjacent hedgerows, and to the east by a hedgerow further away.

The ménage will not be visible from the road which is more than 140 metres away due to the screening and will not detract from the appearance of the area.

The scale, location and design of the development respect the context of the site and will have no adverse impact on the character of the area or nearby amenity. Approval is recommended.

RECOMMENDATION

PERMISSION

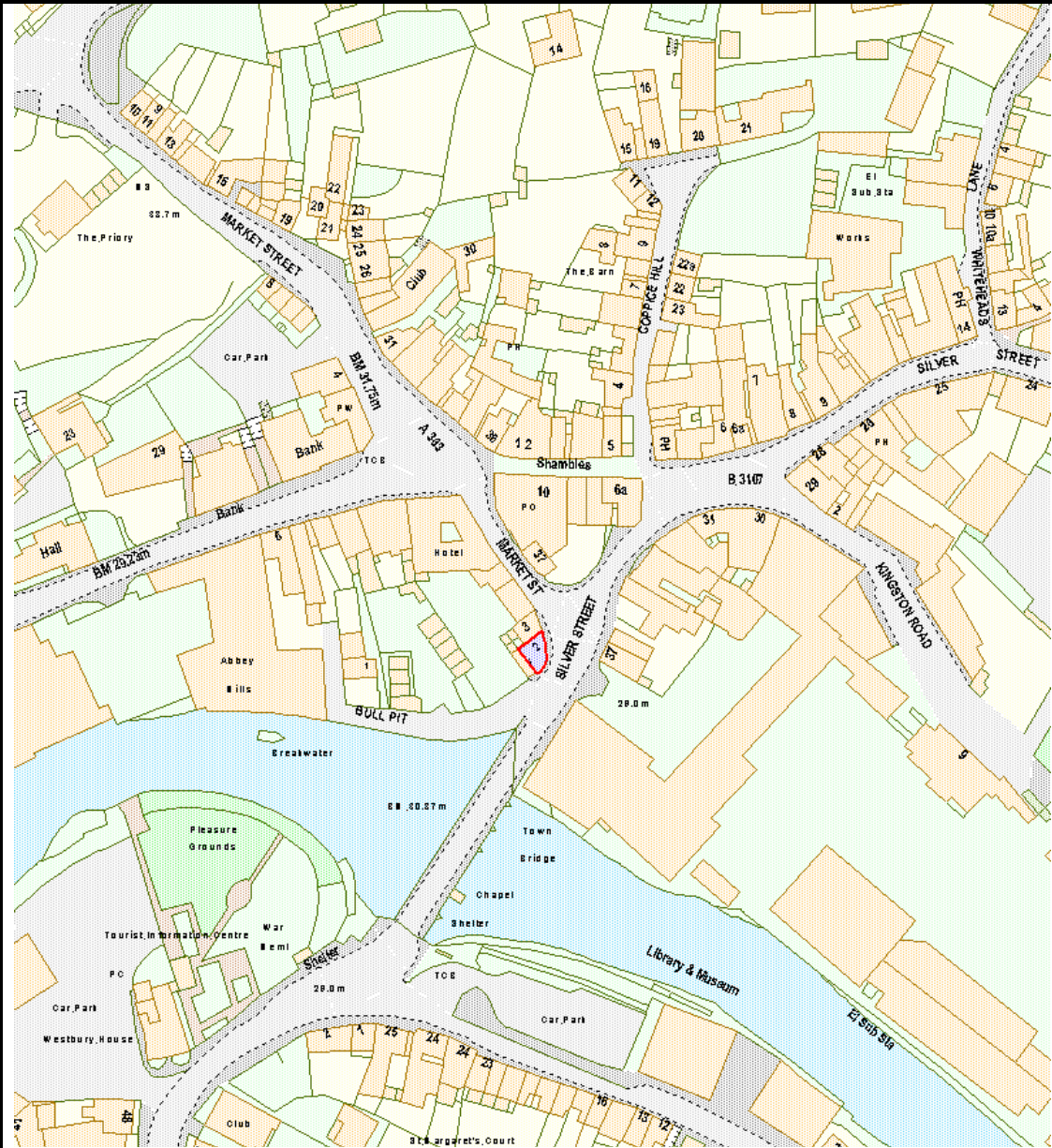
PLANNING COMMITTEE

8 May 2008

ITEM NO: 19

APPLICATION NO: 08/00720/FUL

LOCATION: The Roundabout Shop 1 - 2 Silver Street Bradford On Avon Wiltshire BA15 1JX



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SLA: 100022961

19 Application: 08/00720/FUL

**Site Address: The Roundabout Shop 1 - 2 Silver Street Bradford On Avon
Wiltshire BA15 1JX**

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382634 160954
Application Type: Full Plan
Development: Change of use of shop (class A1) to form an office providing
financial/professional services (class A2)
Applicant Details: Edward Jones Ltd
C/o Colliers CRE 9 Marylebone Lane London W1U 1HL
Agent Details: Colliers CRE
9 Marylebone Lane London W1U 1HL
Case Officer: Mr Kenny Green
Date Received: 06.03.2008 Expiry Date: 01.05.2008

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.

Note(s) to Applicant:

- 1 The developer is advised to ensure that there are suitable sinks for cleaning purposes and/or provisions of drinking water needs to be provided for the office unit.
- 2 The developer is advised to note that during the construction phase of the development of the premises, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 hours Saturdays, or at any time on Sundays or Bank Holidays.
- 3 The developer is advised to contact Wessex Water prior to the commencement of any work on site to agree a point of connection to the public water and sewerage systems. The developer should also discuss an acceptable discharge rate for surface water flows with Wessex Water's Development Engineer.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full application for the change of use of the vacant ground floor shop premises amounting to about 37.3 square metres at No. 2 Silver Street which forms part of the block which is known as the "Roundabout Shop" (Class A1) to form an office (Class 2) providing financial and professional services.

The office use would be utilised by Edward Jones Ltd, an international firm of financial consultants who are looking to open up premises in Bradford on Avon Town Centre.

The aim of the office is to provide a "one-stop-shop" function so that the public can gain comprehensive, independent financial advice covering all areas of financial planning (except mortgages and banking). The supporting statement submitted with the application indicates that if approved, the public would be able to bring share certificates and sell stock at the premises. The public would also have a direct link to the stock exchange and be able to purchase stocks, shares, corporate bonds and gilts.

The property is a Category II Listed Building located within a prominent position with the Town Centre and the Conservation Area. No separate listed building consent is required in this particular case since the applicants do not propose any external alterations. This application relates only to the proposed internal conversion of the property.

Redevelopment works affecting the exterior are however underway following the Council's approval of planning permission and listed building consent in July 2007 for the conversion of shop premises and living accommodation to form two shops and two flats (references 07/01212 and 07/01210) at No's 1 and 2 Silver Street.

The approved external works involve reopening windows at the ground floor and first floor levels on the south west elevation, reinstating the ground floor entrance on the north east elevation and replacing the first floor opening fabric on the north west elevation. Approval has also been given for the blocking up of an opening on the ground floor level. The Council has also approved internal alterations affecting the staircase arrangement between the ground and first floor and the first and second floor levels. The applicants do not propose any further changes.

The upper floor level of No. 2 would remain as a flat.

CONSTRAINTS

Conservation Area
Listed Building
Loss of a Shop unit within Town Centre

POLICIES

West Wiltshire District Plan 1st Alteration (2004) Policies:-
SP4 – Primary Retail Frontages

National Planning Policies:-
PPS6 – Town Centres and Retail Development
PPG 15 - Planning and the Historic Environment.
Planning Policy Statement 1 - Delivering Sustainable Development

RELEVANT PLANNING HISTORY

86/01084/FUL – Change of Use of top two floors to residential – Approved 30/09/1986.

07/01210/LBC – Formation of two shop units and creation of two flats to upper floors – Approved 25/07/2007.

07/01212/FUL – Conversion of existing shop unit and living accommodation into two shop units and two flats – Approved 25/07/2007.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 11 March 2008. The site notice was displayed on the same date.

KEY ISSUES

The key issue relative to this application rests on whether the loss of one shop unit in favour of an office is acceptable.

CONSULTATIONS

Parish / Town Council -BRADFORD ON AVON TOWN COUNCIL – objects to the proposed change of use on the grounds that it “would be detrimental to the retention of shopping facilities in the town contrary to District Plan Policy SP4”.

External

HIGHWAYS AUTHORITY – No objections providing the use of the ground floor is limited to A2 use.

WESSEX WATER – No objection.

ENGLISH HERITAGE – No comment.

ENVIRONMENT AGENCY – No comment.

ENVIRONMENTAL HEALTH – No objection subject to informatives.

Neighbours

No third party representations received.

OFFICER APPRAISAL

The key determining issue relative to this planning application concerns the effect the loss of a retail unit would have on the vitality and viability of Bradford on Avon’s Town Centre and Primary Retail Frontage area.

The proposed use of the ground floor of No. 2 Silver Street would be as an A2 office (as defined by the Use Classes Order) covering financial and professional services. Local Plan policy SP4 states that changes of use from A1 (shops) to A2 (offices) within the Primary Retail Frontage will only be permitted providing it does not prejudice or compromise the shopping function of the Town Centre or cause harm to its vitality or viability.

PPS6 – Town Centres and Retail Development recognises the importance of having a mix of uses within Town Centres, and providing the retail function of the Town Centre is maintained, offices providing financial services to the public can often provide a positive contribution to the Town Centre’s vitality and viability.

The applicants recognise the importance of safeguarding the Primary Retail Frontage and have undertaken a survey of the Town Centre. Their survey identifies 31 A1 retail uses, 2 A2 offices providing financial/professional services, 2 A3 restaurants and cafes, 2 A4 pubs and bars, 2 C1 hotels and 1 D2 assembly and leisure use. From the 39 units in the Primary Retail Frontage, only 8 fall out with the A1 shop use. One additional A2 use which would enable the public to buy and sell shares and gain professional financial service would make a positive contribution to the business centre of Bradford on Avon.

The conversion of the ground floor premises at No. 2 Silver Street to an A2 use should not detrimentally affect the vitality or viability of the Town Centre and since no external changes are proposed, the traditional frontage of the property would be preserved in line with the requirements of policy SP4.

Rather than causing harm, the proposed conversion of the ground floor space at No. 2 Silver Street to office premises would complement the existing mix of uses without prejudicing the shopping function of the Town Centre of Bradford on Avon.

RECOMMENDATION

Permission.