

PLANNING COMMITTEE

21 August 2008

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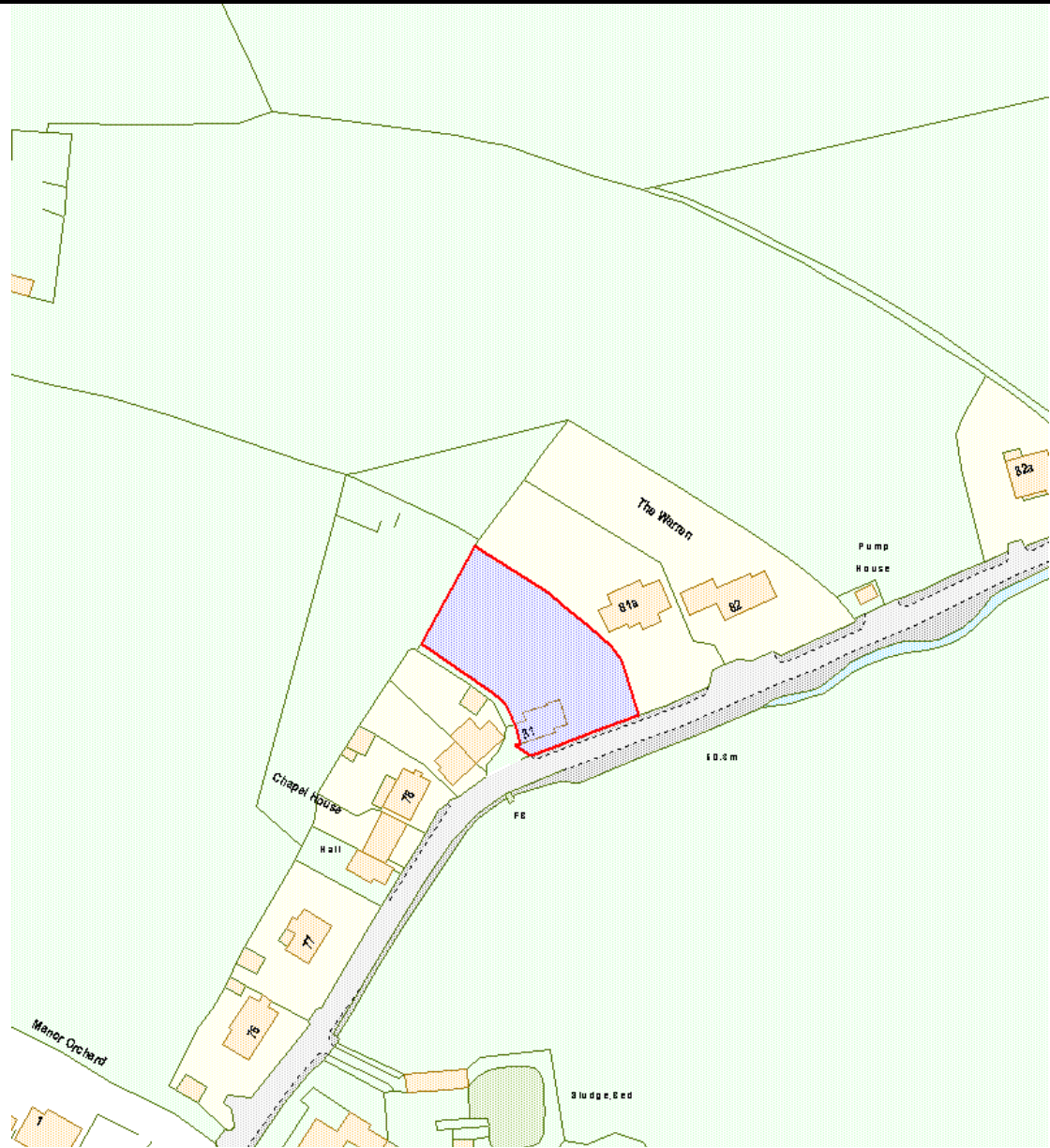
PLANNING COMMITTEE

21 August 2008

ITEM NO: 01

APPLICATION NO: 08/00514/FUL

LOCATION: Wisteria Cottage 81 Main Street Keevil Wiltshire
BA14 6ND



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 08/00514/FUL

Site Address: Wisteria Cottage 81 Main Street Keevil Wiltshire BA14 6ND

Parish: Keevil Ward: Summerham
Grid Reference 392264 158192
Application Type: Full Plan
Development: Barn type extension and garden room link with drive upgrade
Applicant Details: Mr And Mrs T Burrell
Wisteria Cottage 81 Main Street Keevil Wiltshire BA14 6ND
Agent Details: Mr A Howard
32 Shurnhold Melksham Wilts SN12 8DG
Case Officer: Miss Andrea Levin
Date Received: 15.02.2008 Expiry Date: 11.04.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of its size, scale, bulk, form and siting would have a dominant and unsympathetic impact on this Grade II listed building, significantly harmful to its character, appearance and setting contrary to Policy C28 of the West Wiltshire District Plan 1st Alteration (2004).
- 2 The proposal, by reason of its size and position would result the loss of an important visual gap within the street scene detrimental to this part of the Conservation Area contrary to Policy C18 of the West Wiltshire District Plan 1st Alteration (2004).

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee at request of Councillor Fortescue. It was deferred by Committee on 31 July 2008 for consideration at the next meeting.

This is a full application for a two-storey extension to the side of a Grade II Listed Building. The extension would measure 7.9 metres in height. The proposal would allow for extra accommodation as the applicant has stated that the building fails to serve effectively as a family home.

The proposed extension is designed in the style of an oak framed barn, which is visually separated from the existing building, but attached by a lightweight glazed link to the rear of the property. The ridge height is approximately 0.7 metres below that of the existing dwelling and the extension stands approximately 1 metre behind the rear building line of the existing dwelling. The materials to be used would be oak framing, dark stained feather edge boarding and a wheat straw thatched roof.

The agent has submitted a Statement in Support of the Application. He takes the view that the proposal is in the best interests of the village community, the preservation of the listed structure and the conservation area. He argues that the property needs to be extended to increase its value and allow families to live here and contribute to village life and protect the conservation area.

The agent is of the opinion that the design is the most appropriate for the site, limiting impact and protecting the setting. The extension in his view will be largely invisible and will in no way detract from the listed property. He concludes by stating that the extension will be subservient to the existing building in every respect and that the use of the 'umbilical' link ensures that the original building will continue to dominate the site.

The agent has submitted some indicative elevations in addition to those submitted with the application and these are attached to the presentation to Committee.

SITE VISIT / STATUTORY SITE NOTICES

Initial site visit carried out 28.02.2008 to assess site context and surroundings. A site meeting was carried out 19.03.2008 to discuss the application further.

CONSULTATIONS

Keevil Parish Council : The Committee agreed unanimously on the following:

- The design is based on the supposition that a barn had previously existed on this site. The supposition is unlikely and no proof exists.
- The proposal is not an extension but a completely new dwelling i.e. infill.
- The proposal damages the historical/architectural value of the existing Grade II Listed Building.
- The bulk and scale of the "extension" is incompatible with the existing cottage.
- The design introduces unnatural features e.g. slatted pseudo barn doors.

In summary, the proposal does not conform to the Keevil Village Design Statement regarding New Building Guidelines because the site is within the Conservation Area and affects the setting of Listed Buildings where the preservation of their special character will be primary consideration (Page 13). Keevil Parish Council, therefore urges West Wiltshire District Council to reject this application.

Following the submission of revised drawings, Keevil Parish Council submitted the following comments:

These changes make no difference to the objections raised by the Parish Council in its letter dated 1st March 2008.

External : Highway Authority provided the following comments with regard to the application:

I recommend that no highway objection be raised subject to the conditions provided being attached to any permission granted.

Internal : The Conservation Officer provided the following comments:

I have been involved in lengthy pre-application discussions on this project. The first comment to make is that the proposed extension is bold, but that is no bad thing! The existing dwelling is a small cottage which, due to its dangerous, but historically important staircase and its room proportions would not suit as a family home. The need for extension has therefore arisen. The character of the Grade II Listed Building is such that a conventionally attached extension would completely alter its proportions.

Another solution had to be found that would leave the existing Listed Building essentially alone.

Design and Form

The proposal is to build an extension that has the appearance of a thatched barn. It would be a traditional timber frame construction with timber cladding. The application seeks not to show that there was a building such as this here before, but that a building such as this would be in keeping with the overall agricultural history of the area.

The proposed extension would have a ridge height approximately 0.7 metres below that of the main dwelling. It would also be set back 12 metres from the road. Consequently, the front of the extension would be 1 metre behind the back wall of the existing dwelling. This would give the extension a sense of subservience despite its bulk, which is true to the traditional proportions of a building of this type.

Impact on the Listed Building

The impact on the character and fabric of the Listed Building would be minimal as it would only be linked to the extension by a lightweight glazed link to the rear of the kitchen.

The setting of the listed building would be affected by this extension, as the extension would appear more as an ancillary former agricultural building than an extension – which is the whole point of taking this direction in design.

Due to the traditional design and appearance, and use of traditional materials, the setting of the listed building would not be significantly harmed. The siting of the extension, the front of which is set 1 metre behind the back of the listed building, would further reduce the impact on the listed building. The setting of the listed building would be changed, but not to the detriment of its own intrinsic character.

The proposed extension by reason of its sympathetic form and design would not harm the special character and appearance of the Conservation Area. Its height would be similar, but lower, than the surrounding buildings and would therefore be in keeping.

The building would be sited within a gap between the listed building and the modern dwellings to the east. However, the location of this site is on the edge of the village with open fields to the north, south and east. This visual gap between the existing dwellings is not essential to the special character and appearance of the Conservation Area.

Conclusion

This is an unusual and bold scheme that would allow the listed building to remain as a sustainable, viable and integral part of village life.

Neighbours : Neighbours notified by way of site notice. 13 letters of support for the proposal were received from local residents.

The Keevil Society have sent in three letters of objection raising the following points:

- The proposal is out of character with the Grade II Listed Building
- The Design and Access contains incorrect information
- If permitted, the proposal could be converted into a separate unit of accommodation at a later date

CONSTRAINTS

Grade II Listed Building
Conservation Area

POLICIES

West Wiltshire District Plan Policies C18, C28, C31a, C38

RELEVANT PLANNING HISTORY

95/00557/FUL – Alterations and Extension – Permitted 22.06.1995
98/01456/FUL – Double Garage and Porch – Permitted 16.11.1998
08/00515/LBC - Barn type extension and garden room link with drive upgrade – Pending Consideration

KEY ISSUES

Impact upon character and setting of Grade II Listed Building
Impact upon character of Conservation Area
Impact upon highway safety
Impact upon neighbouring amenity

OFFICER APPRAISAL

The property stands in a prominent position when entering Keevil from the east, and is within an elevated position, approximately 1.5 metres above the road level. As a result of this, it significantly contributes to the character of the street scene within its current form. The gap that currently exists between the host building and the modern “executive style” houses to the east of the application site provides an important visual break within the street between the old and the new. The addition of a large extension of a pastiche design would result in the loss of this gap and further corrosion of this part of the historic environment.

The fundamental objection is to the size of the proposed extension to the original cottage, even though set back would accentuate the bulk and scale so that the extension would be perceived as the primary element in the overall composition. PPG15 advises that extensions should not dominate the original building yet the scale of this large extension most certainly would by reason of its form, design, height and mass. Not only does it virtually double the size of the original building but exceeds the height of that building.

The proposed extension takes the form of a traditional style barn, yet there is no historic or photographic evidence to support the claim that there was an earlier building in this location. This is a modest dwelling, which may previously have been occupied by an agricultural worker, yet it does not form part of a farmstead and to suggest otherwise without evidence would be inaccurate.

Advice contained within PPG15 does not rule out an imaginative approach to extending listed buildings, as long as basic principles of scale and design are sensitively handled, having regard to the desirability of preserving the special character of the host building and its setting within the conservation area are also given due regard.

Further to this, Policy C31a of the West Wiltshire District Plan states that proposals for new development on prominent or sensitive sites will be required to pay particular attention to proportion, composition, form, massing and scale. In this instance, the proposed extension would cover a footprint more than double the size of the Listed Building creating an overbearing and dominant form out of scale with the original building and significantly altering its character.

Irrespective of the size and location of the proposed extension, the current proposals represent a poor pastiche interpretation of an old barn which attempts unsuccessfully to mimic the vernacular style of the cottage. The effect is to harm the original building, and the reasons for which it was listed, by creating an unsympathetic addition that detracts from the character and setting of the original cottage and would be intrusive within the streetscene in the conservation area.

The proposed extension attempts to utilise features of architectural interest evident on the existing building in order to harmonise with the property. This includes the use of a thatched roof. However, the thatching style of the proposed extension introduces an alien design within this part of the street scene, and would further exasperate the dominance of the proposal.

Extensions to Listed Buildings should pay particular attention to the layout and composition of the site. In this instance, the applicant states that the property in its current form is too small to cater effectively for the needs of a family. The size of the proposed extension is such that it is tantamount to the creation of a new dwelling. There is no objection to the principle of extending the property, however a more modest form of extension which does not detract from the Listed Building would be considered to be more appropriate.

Policy C18 of the West Wiltshire District Plan states that Proposals for new development in a conservation area will be permitted only if open spaces and views into, out of and within the area, which are important to its character, are protected. The loss of the visual gap between the host dwelling and the properties to the east would significantly alter the character and appearance of the street scene within this part of the conservation area to its detriment, contrary to Policy C18 of the West Wiltshire District Plan.

Highway Authority had no objections to the proposal, subject to the use of the conditions provided.

The proposal would be unlikely to impact upon the amenity of the neighbouring properties.

RECOMMENDATION

Refusal

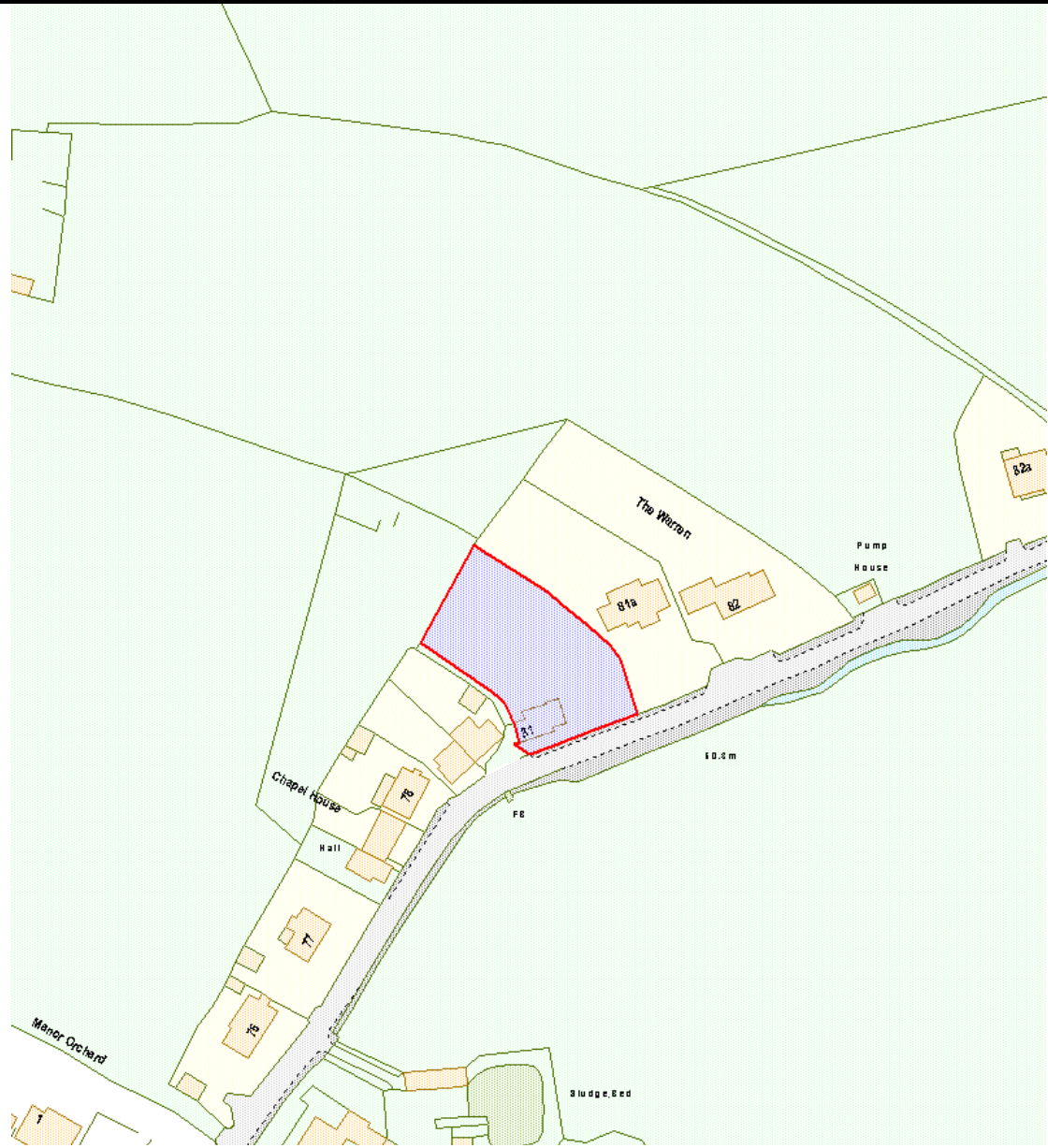
RELATED PLANS

Drawing : 1379/1 received on 15.02.2008
Drawing : 1379/2 received on 15.02.2008
Drawing : 1379/3 received on 15.02.2008
Drawing : 1379/4 received on 15.02.2008
Drawing : 1379/5 received on 15.02.2008
Drawing : 1379/6 received on 15.02.2008
Drawing : 1379/7 A received on 03.04.2008
Drawing : 1379/8 A received on 03.04.2008
Drawing : 1379/9 A received on 03.04.2008
Drawing : 1379/10 A received on 03.04.2008
Drawing : 1379/11 received on 15.02.2008
Drawing : 1379/12 received on 15.02.2008
Drawing : 1379/13 received on 15.02.2008
Drawing : 1379/14 A received on 03.04.2008

PLANNING COMMITTEE

21 August 2008

ITEM NO: 02
APPLICATION NO: 08/00515/LBC
LOCATION: Wisteria Cottage 81 Main Street Keevil Wiltshire
BA14 6ND



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SLA: 100022961

02 Application: 08/00515/LBC

Site Address: Wisteria Cottage 81 Main Street Keevil Wiltshire BA14 6ND

Parish: Keevil Ward: Summerham

Grid Reference 392264 158192

Application Type: Listed building

Development: Barn type extension with garden room link and drive upgrade

Applicant Details: Mr T Burrell
Wisteria Cottage 81 Main Street Keevil Wiltshire BA14 6ND

Agent Details: Mr A Howard
32 Shurnhold Melksham Wilts SN12 8DG

Case Officer: Miss Andrea Levin

Date Received: 15.02.2008 Expiry Date: 11.04.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of its size, scale, bulk, form and siting would have a dominant and unsympathetic impact on this Grade II Listed Building, significantly harmful to its character, appearance and setting contrary to Policy to C28 of the West Wiltshire District Plan 1st Alteration (2004)

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee at request of Councillor Fortescue. It was deferred by Committee on 31 July 2008 for consideration at the next meeting.

This is a Listed Building Consent application for a two-storey extension to the side of a Grade II Listed Building. The extension would measure 7.9 metres in height.

The proposed extension is designed in the style of an oak framed barn, which is visually separated from the existing building, but attached by a lightweight glazed link to the rear of the property. The ridge height is approximately 0.7 metres below that of the existing dwelling and the extension stands approximately 1 metre behind the rear building line of the existing dwelling. The materials to be used would be oak framing, dark stained feather edge boarding and a wheat straw thatched roof.

The agent has submitted a Statement in Support of the Application. He takes the view that the proposal is in the best interests of the village community, the preservation of the listed structure and the conservation area. He argues that the property needs to be extended to increase its value and allow families to live here and contribute to village life and protect the conservation area. The agent is of the opinion that the design is the most appropriate for the site, limiting impact and protecting the setting. The extension in his view will be largely invisible and will in no way detract from the listed property. He concludes by stating that the extension will be subservient to the existing building in every respect and that the use of the 'umbilical' link ensures that the original building will continue to dominate the site.

The agent has submitted some indicative elevations in addition to those submitted with the application and these are attached to the presentation to Committee.

SITE VISIT / STATUTORY SITE NOTICES

Initial site visit carried out 28.02.2008 to assess site context and surroundings. A site meeting was carried out 19.03.2008 to discuss the application further.

CONSULTATIONS

Keevil Parish Council : The Committee agreed unanimously on the following:

- The design is based on the supposition that a barn had previously existed on this site. The supposition is unlikely and no proof exists.
- The proposal is not an extension but a completely new dwelling i.e. infill.
- The proposal damages the historical/architectural value of the existing Grade II Listed Building.
- The bulk and scale of the "extension" is incompatible with the existing cottage.
- The design introduces unnatural features e.g. slatted pseudo barn doors.

In summary, the proposal does not conform to the Keevil Village Design Statement regarding New Building Guidelines because the site is within the Conservation Area and affects the setting of Listed Buildings where the preservation of their special character will be primary consideration (Page 13). Keevil Parish Council, therefore urges West Wiltshire District Council to reject this application.

Following the submission of revised drawings, Keevil Parish Council submitted the following comments:

These changes make no difference to the objections raised by the Parish Council in its letter dated 1st March 2008.

External : None

Internal : The Conservation Officer provided the following comments:

I have been involved in lengthy pre-application discussions on this project. The first comment to make is that the proposed extension is bold, but that is no bad thing! The existing dwelling is a small cottage which, due to its dangerous, but historically important staircase and its room proportions would not suit as a family home. The need for extension has therefore arisen. The character of the Grade II Listed Building is such that a conventionally attached extension would completely alter its proportions.

Another solution had to be found that would leave the existing Listed Building essentially alone.

Design and Form

The proposal is to build an extension that has the appearance of a thatched barn. It would be a traditional timber frame construction with timber cladding. The application seeks not to show that there was a building such as this here before, but that a building such as this would be in keeping with the overall agricultural history of the area.

The proposed extension would have a ridge height approximately 0.7 metres below that of the main dwelling. It would also be set back 12 metres from the road. Consequently, the front of the extension would be 1 metre behind the back wall of the existing dwelling. This would give the extension a sense of subservience despite its bulk, which is true to the traditional proportions of a building of this type.

Impact on the Listed Building

The impact on the character and fabric of the Listed Building would be minimal as it would only be linked to the extension by a lightweight glazed link to the rear of the kitchen.

The setting of the listed building would be affected by this extension, as the extension would appear more as an ancillary former agricultural building than an extension – which is the whole point of taking this direction in design.

Due to the traditional design and appearance, and use of traditional materials, the setting of the listed building would not be significantly harmed. The siting of the extension, the front of which is set 1 metre behind the back of the listed building, would further reduce the impact on the listed building. The setting of the listed building would be changed, but not to the detriment of its own intrinsic character.

The proposed extension by reason of its sympathetic form and design would not harm the special character and appearance of the Conservation Area. Its height would be similar, but lower, than the surrounding buildings and would therefore be in keeping.

The building would be sited within a gap between the listed building and the modern dwellings to the east. However, the location of this site is on the edge of the village with open fields to the north, south and east. This visual gap between the existing dwellings is not essential to the special character and appearance of the Conservation Area.

Conclusion

This is an unusual and bold scheme that would allow the listed building to remain as a sustainable, viable and integral part of village life.

Neighbours : Neighbours notified by way of site notice. 13 letters of support for the proposal were received from local residents.

The Keevil Society have sent in three letters of objection raising the following points:

- The proposal is out of character with the Grade II Listed Building
- The Design and Access contains incorrect information
- If permitted, the proposal could be converted into a separate unit of accommodation at a later date

CONSTRAINTS

Grade II Listed Building

POLICIES

West Wiltshire District Plan Policies C28, C31a

RELEVANT PLANNING HISTORY

95/00558/LBC - Alterations and extension including demolition of single storey lean-to – Consent 22.06.1995

98/01457/LBC - Double garage and replacement porch – Consent 16.11.1998

08/00514/FUL - Barn type extension and garden room link with drive upgrade – Pending Consideration

KEY ISSUES

Impact upon character and setting of Listed Building

OFFICER APPRAISAL

The Council has a statutory duty to protect the historic environment.

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

The property stands in a prominent position when entering Keevil from the east, and is within an elevated position, approximately 1.5 metres above the road level. As a result of this, it significantly contributes to the character of the street scene within its current form. The gap that currently exists between the host building and the modern "executive style" houses to the east of the application site provides an important visual break within the street between the old and the new. The addition of a large extension of a pastiche design would result in the loss of this gap and further corrosion of this part of the historic environment.

The fundamental objection is to the size of the proposed extension to the original cottage, even though set back would accentuate the bulk and scale so that the extension would be perceived as the primary element in the overall composition. PPG15 advises that extensions should not dominate the original building yet the scale of this large extension most certainly would by reason of its form, design, height and mass. Not only does it virtually double the size of the original building but exceeds the height of that building.

The proposed extension takes the form of a traditional style barn, yet there is no historic or photographic evidence to support the claim that there was an earlier building in this location. This is a modest dwelling, which may previously have been occupied by an agricultural worker, yet it does not form part of a farmstead and to suggest otherwise without evidence would be inaccurate.

Advice contained within PPG15 does not rule out an imaginative approach to extending listed buildings, as long as basic principles of scale and design are sensitively handled, having regard to the desirability of preserving the special character of the host building and its setting within the conservation area are also given due regard.

Further to this, Policy C31a of the West Wiltshire District Plan states that proposals for new development on prominent or sensitive sites will be required to pay particular attention to proportion, composition, form, massing and scale. In this instance, the proposed extension would cover a footprint more than double the size of the Listed Building creating an overbearing and dominant form out of scale with the original building and significantly altering its character.

Irrespective of the size and location of the proposed extension, the current proposals represent a poor pastiche interpretation of an old barn which attempts unsuccessfully to mimic the vernacular style of the cottage. The effect is to harm the original building, and the reasons for which it was listed, by creating an unsympathetic addition that detracts from the character and setting of the original cottage and would be intrusive within the streetscene in the conservation area.

The proposed extension attempts to utilise features of architectural interest evident on the existing building in order to harmonise with the property. This includes the use of a thatched roof. However, the thatching style of the proposed extension introduces an alien design within this part of the street scene, and would further exasperate the dominance of the proposal.

Extensions to Listed Buildings should pay particular attention to the layout and composition of the site. In this instance, the applicant states that the property in its current form is too small to cater effectively for the needs of a family. The size of the proposed extension is such that it is tantamount to the creation of a new dwelling. There is no objection to the principle of extending the property, however a more modest form of extension which does not detract from the Listed Building would be considered to be more appropriate.

RECOMMENDATION

Refusal

RELATED PLANS

Drawing : 1379/5 received on 15.02.2008
Drawing : 1379/6 received on 15.02.2008
Drawing : 1379/7 A received on 03.04.2008
Drawing : 1379/8 A received on 03.04.2008
Drawing : 1379/9 A received on 03.04.2008
Drawing : 1379/10 A received on 03.04.2008
Drawing : 1379/11 received on 15.02.2008
Drawing : 1379/12 received on 15.02.2008
Drawing : 1379/13 received on 15.02.2008
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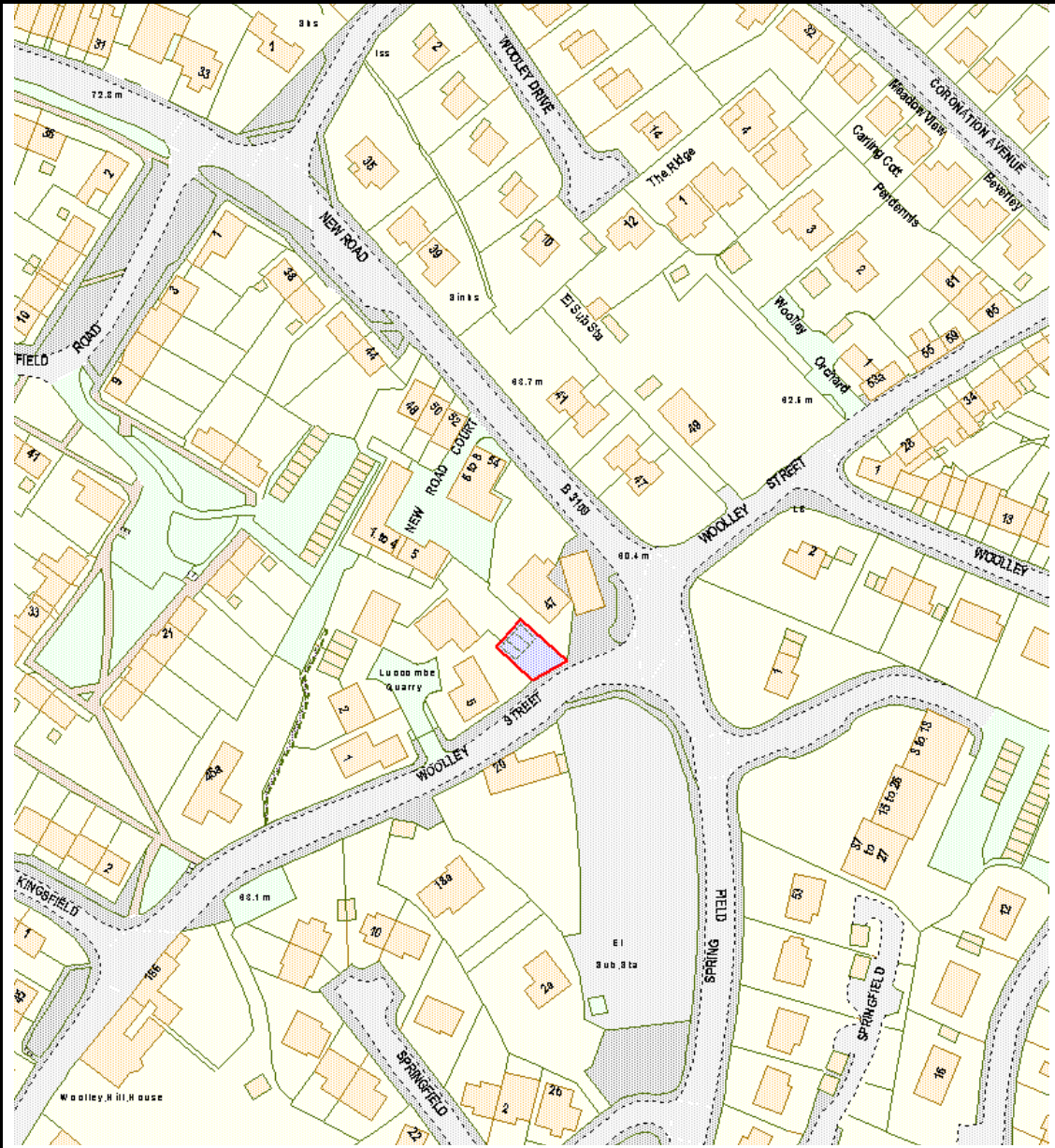
PLANNING COMMITTEE

21 August 2008

ITEM NO: 03

APPLICATION NO: 08/00878/FUL

LOCATION: Land South West Of 47 Woolley Street Bradford On Avon Wiltshire



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SLA: 100022961

03 Application: 08/00878/FUL

**Site Address: Land South West Of 47 Woolley Street Bradford On Avon
Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 383167 161140
Application Type: Full Plan
Development: Change of use of existing ancillary domestic accommodation (lock up garages) to B1 use, erection of small office building and workshop facilities, adjacent to existing petrol filling station
Applicant Details: Mr Warren Carter
NZ Electrical 6 The Chandlery The Marina Bradford On Avon
BA16 1UD
Agent Details: Martin Blake Associates
Mr Martin Blake 28 Bellotts Road Bath BANES BA2 3RT
Case Officer: Mr Michael Kilmister
Date Received: 25.03.2008 Expiry Date: 20.05.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal would harm the amenities currently employed by occupiers of adjoining properties due to its scale, mass and height in close proximity, resulting in an overbearing impact, contrary to Policies E4, C31A and C38 of the West Wiltshire District Plan - 1st Alteration 2004.
- 2 The proposal, by reason of the close proximity of the development to trees, would require their remove, which would harm the important visual elements to the setting of Woolley Street contrary to Policies C32 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before Committee on the request of Cllr Janet Repton.

This application is for the change of use of the lock up garages to B1 use together with the erection of a small office building and workshop facilities on Woolley Street, located close to the petrol filling station on the corner. The proposal involves the demolition and rebuild of the existing garages into B1 units. It is anticipated that the proposal will provide 4 full-time and 1 part-time posts.

The proposed site is surrounded on its western and northern sides by 2 storey residential properties.

The application site lies within the urban confines of Bradford on Avon, and is opposite a Grade II listed residential building.

To the east and past the petrol station lies the conservation area of Woolley.

SITE VISIT / STATUTORY SITE NOTICES

Carried out on 28.03.2008 site notice posted.

17.06.2008 - revised plans and further site notice posted.

29.07.2008 - notice posted regarding setting of listed building.

05.08.2008 - replacement site notice (setting of listed building) as original removed.

CONSULTATIONS

Parish/Town Council :

BRADFORD ON AVON TOWN COUNCIL: The Council welcomes this development because it provides employment and will not add significantly to traffic in the town centre.

External :

HIGHWAY AUTHORITY: No objections to the revised plans subject to conditions on surface materials and no obstruction.

WESSEX WATER: No objection subject to satisfactory drainage.

ENVIRONMENT AGENCY: No objection.

BRADFORD ON AVON PRESERVATION TRUST has no objection

Internal :

TREE & LANDSCAPE OFFICER: The general landscape and treed character of Woolley Street, Springfield and New Road is being eroded. Each development over the years has resulted in the removal of trees and other vegetation, some in good condition others not so good. This is changing the general character of the area and this development is no different.

This development site is very tight. The only way this it could take place is for all vegetation along the eastern boundary to be removed, which is totally unacceptable. Although the vegetation on site is not of the best quality, it contributes to the character of the area. The proposed development, if approved, does not provide any space to plant new trees or any soft landscape features that would address the impact on the area. For this reason my recommendations are as follows:-

Policies C32 and C31a of the West Wiltshire District Council First Alteration 2004 seeks to ensure that landscaping is an integral part of development. Policy C40 of the West Wiltshire District Council First Alteration 2004 seeks to retain trees of visual amenity value. The proposal by reason of the proximity of the development to trees would require their removal, which will impact on the important visual elements to the setting of the Woolley Street. The proposal is therefore in tree and landscape terms contrary to Development Plan policy and should be refused.

Neighbours :

Five representations received raising concerns about:

- Overlooking from the balcony;
- The scale, bulk and height of the development and the overbearing impact on neighbouring amenity;
- The parking proposed for the site/use will lead to on-street parking demand;
- The proposed employment use is out of character;
- Design not in character.

NEGOTIATIONS / DISCUSSIONS

The applicant had pre-application discussions with the Planning Officer.

CONSTRAINTS

Residential area
Setting of listed building
Setting of conservation area

POLICIES

West Wiltshire District Plan - First Alteration June 2004;

C18 New development in Conservation Area

C31a Design

C32 Landscaping

C38 Nuisance

T10 Car parking

E4 Premises outside Employment Policy Areas

PPG4 Industrial and Commercial Development in Small Firms

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with the site.

KEY ISSUES

- Setting of a listed building
- Setting of a conservation area
- Design
- Employment
- Amenity of Neighbours
- Streetscene

OFFICER APPRAISAL

Policy E4 of the West Wiltshire District Council - 1st Alteration 2004 states that "Proposals for new employment sites on previously developed land, and for extension of existing employment premises, within Urban areas but outside the defined employment areas will be permitted provided that:

- A The proposed development does not harm the amenities enjoyed by occupiers of adjoining properties:
- B The proposed development does not harm the character, appearance or environment of the site and its surrounds:
- C The development is readily accessible by foot, bicycle and public transport:
- D The development makes adequate provision for car parking and access.

The principle of creating this employment use may be acceptable. However, the proposed building all be it on 2 storey would have the appearance of a 2.5 storey because of the windows within the roof. The development at a height of 8.7 metres is within close proximity to the neighbouring properties of No 5 and No 4 (both approximately 5 metres away) and as such will have an overbearing and harmful impact. Due regard needs to be given to the likely impact of neighbouring areas of the proposal. The scale, mass and height of the proposal does not give due regard to the likely impact on the neighbouring properties. Even though there are no windows in the eastern elevation there is a balcony where there could be potential for overlooking as well as the windows on the rear elevation into No 5.

There are a number of level changes in the area and the applicants agent has been asked to submit a contextual elevation of the street scene including the proposed building together with sections across the site and neighbouring sites, and the highway and the listed building opposite. The agent is unwilling to submit the plan.

The Council has a statutory duty to protect the historic environment and the setting of the listed building needs to be carefully assessed with the likely impact of the proposal on its character and setting. The setting of the nearby conservation area needs to be assessed also. On balance it is felt that the proposal will not have an impact on either.

The Landscape Officer has stated that the general landscape and treed character of Woolly Street, Springfield and New Road is being eroded. The vegetation on the eastern boundary of this site needs to be removed for the proposed building and there is no space to provide any new trees or soft landscape features that would address the impact on the area. The proposal is therefore in tree and landscape terms contrary to Development Plan Policy and should be refused.

RECOMMENDATION

The proposal does not have particular regard to the need to protect the residential environment harming the amenities enjoyed by occupiers of the adjoining properties and causing nuisance. The scale, mass and height give an overbearing impact on the neighbouring properties. The site does not allow the provision of landscaping to address the impact on the important visual elements to the setting of Woolley Street. Refusal is recommended.

RELATED PLANS

Drawing : LOCATION PLAN received on 18.03.2008

Drawing : 193/SK01 received on 18.03.2008

Drawing : 193/SK03 received on 18.03.2008

Drawing : 193/00 received on 25.03.2008

Drawing : 193/01 Rev B received on 12.06.2008

Drawing : 193/02 Rev B received on 12.06.2008

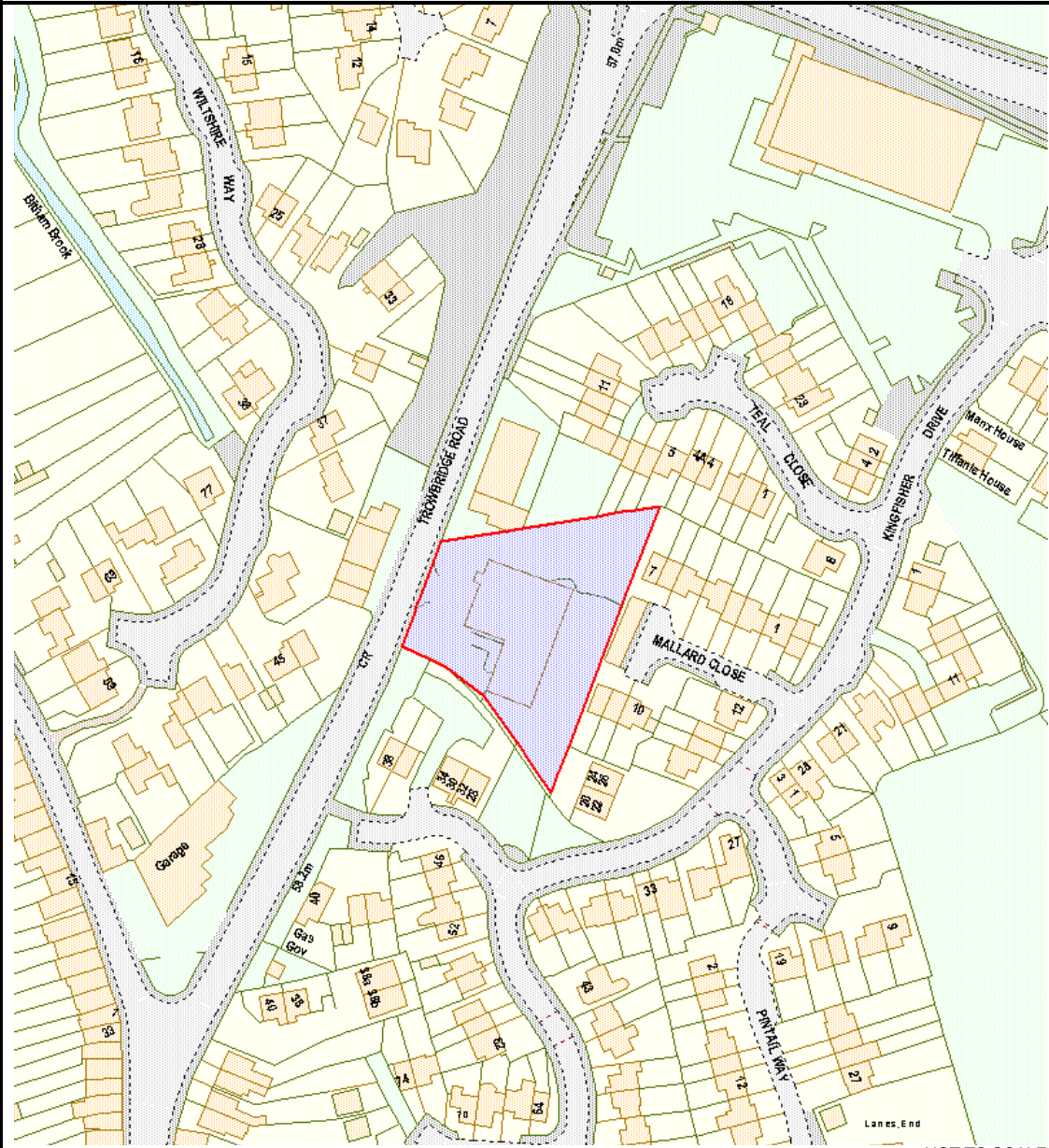
PLANNING COMMITTEE

21 August 2008

ITEM NO: 04

APPLICATION NO: 08/00834/OUT

LOCATION: 7A Trowbridge Road Westbury Wiltshire BA13 3AY



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SLA: 100022961

04 Application: 08/00834/OUT

Site Address: 7A Trowbridge Road Westbury Wiltshire BA13 3AY

Parish: Westbury Ward: Westbury Laverton
Grid Reference 387462 151784
Application Type: Outline Plan
Development: Demolition of existing buildings and erection of 11 dwellings and associated works
Applicant Details: Funbit Ltd
21 Branksea Avenue Poole Dorset BH15 4DW
Agent Details: Nash Partnerships
F A O Matthew Dash 23a Sydney Buildings Bath BA2 6BZ
Case Officer: Mrs Judith Dale
Date Received: 20.03.2008 Expiry Date: 19.06.2008

JUSTIFICATION FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: That the Development Control Manager be authorised to grant permission on completion of a Section 106 agreement to secure the following:

- (a) a financial contribution towards primary and secondary education provision;**
- (b) a financial contribution towards the provision of public open space**

Condition(s):

- 1 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

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

- 2 Approval of the details of design, external appearance and landscaping ("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.

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

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

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

- 4 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

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

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

- 5 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.

- 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 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.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 10 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that the roads are laid out and constructed in a satisfactory

- 11 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway safety

- 12 Details of storage areas for wheeled refuse bins, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene.

- 13 The area allocated for parking on the submitted plan shall be kept clear of obstruction a 00 shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of amenity and road safety.

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

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

Note(s) to Applicant:

- 1 The applicant is advised to consult with Wessex Water with regard to the satisfactory disposal of surface water; agreement to a point of connection to Wessex infrastructure; and the existence of unchartered sewers or water mains.
- 2 The applicant is advised to that a temporary closure or diversion of the public footpath crossing the site may be required during the works and the applicant should contact the Rights of Way Warden (01225713000) to discuss.

COMMITTEE REPORT

APPLICATION DETAILS

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

This employment site measures approximately 0.25 hectare, is level, triangular shaped with a frontage onto the main Trowbridge Road (A350) of approximately 28m and a rear boundary width of approximately 80m. The proposal is for the demolition of the existing vacant employment buildings and the erection of 11 no. dwellings. Although in outline form only, both access and layout are for determination at this stage and there have been a number of minor modifications to both throughout the processing of this application.

The revised plans show the existing central access into the site being modified, with a pair of semi detached dwellings and a single detached unit located at the frontage of the site, one on either side of the entrance; a terrace of 8 units is proposed within the site, parallel to the rear boundary at a distance of approx 9m.

The development provides for 17 parking spaces in small groups around the site, and the upgrade and realignment of the existing public footpath along the eastern boundary.

The application is accompanied by a detailed Design & Access Statement and a report addressing the loss of employment issue.

SITE VISIT / STATUTORY SITE NOTICES

Both original and revised plans were advertised by site notice as affecting a public right of way.

CONSULTATIONS

Parish/Town Council: WESTBURY TOWN COUNCIL -

Original - 'The Committee objected to this application on the grounds of loss of land from small industrial units without obvious alternative sites being available within the locality (Policy E5 of West Wiltshire Local Plan); also this site is within easy walking distance for local employees.'

Revised - The Town Council reiterates the former objection, based on loss of employment floorspace.

External: WESSEX WATER - No objection in principle, but comments that the developer should investigate alternative methods for the satisfactory disposal of surface water; prevent such water from discharging to the foul sewer; agree to a point of connection to Wessex infrastructure; check with Wessex Water over the existence of uncharted sewers or water mains.

ENVIRONMENT AGENCY - Comments awaited

COUNTY EDUCATION OFFICER - Requests a contribution to 3 primary and 2 secondary places, totalling approximately £69,000.

LIBRARY & HERITAGE - No archaeological recommendations.

HIGHWAY AUTHORITY - Original Plans - no objection to the principle of residential development, but identified a number of "problems" with the original layout including the level and type of parking; the inadequate access for refuse vehicles; the over-provision of garaging compared with parking spaces; the width of the proposed footway; the realignment of the existing footpath.

Revised Plans - No objection subject to minor modifications to the footpath alignment.

RIGHTS OF WAY WARDEN - No objection to the realignment of the public footpath as now proposed.

Internal : PLANNING POLICY MANAGER:

- Accepts the conclusion in the submitted report on the supply of employment land and premises in Westbury, that both existing and allocated land comfortably meets both Structure and Local Plan allocations;
- Notes that the annual monitoring report 2006-2007 confirms the strength of the employment land and premises in Westbury, and overall in the district generally;
- Concludes that the test in Policy E5 is met and that there is no objection in policy grounds to the application.

NEGOTIATIONS / DISCUSSIONS

There have been considerable negotiations over the form and detail of this application since the original submission resulting in the reduction of one unit, an agreed realignment for the existing public right of way and alterations and modifications to the proposed highway layout.

CONSTRAINTS

- Current use as employment site
- Previous planning history and refusal of previous application
- Public right of way within the site

POLICIES

Wiltshire Structure Plan 2016
DP1, DP4, DP7, DP9, T5

West Wiltshire District Plan - 1st Alteration 2004
H1, H24, E5, R4, R11, T10, T12, C31A, C38

National Guidance
PPS1, PPS3, PPG13

RELEVANT PLANNING HISTORY

03/00402/OUT - Residential development - Refused 02.06.03 on grounds of loss of employment floorspace and a development out of keeping with the character of the area

KEY ISSUES

The key issues raised by this application are considered to be:

- The principle of residential development and the loss of employment land.
- Highway and access considerations.
- Design and amenity considerations.
- Contributions.
- Whether the current application overcomes the previous reason for refusal.

OFFICER APPRAISAL

Principle of Development

The proposal seeks to redevelop an existing employment site located on the northern edge of Westbury, within the town boundary limit and approximately 200m beyond the commercial area boundary for residential use. The existing premises comprise approx 626 sq ms of office accommodation, are some 50 years old and would require significant refurbishment to continue as viable employment premises. The site is a brownfield site within the town's urban area, and consequently the principle of housing is generally considered acceptable subject to certain criteria.

Notwithstanding this general principle, the key issue raised by this application is the loss of employment land.

Policy E5 resists the loss of employment floorspace unless it can be shown that there is an adequate supply and mix of available land elsewhere in the locality. A detailed report which accompanied the application confirms that at the time of submission:

- there was just under 200,000m² of factory, warehouse and office accommodation within 2 miles of the application site;
- as at May 2007, just under 40 separate premises were being offered to let;
- between 1991 and 2001, approximately 46 hectares in Westbury had been developed or had planning permission for employment purposes;
- an additional 6 hectares is allocated in the District Plan for future employment uses;
- Westbury has the largest amount of developed/allocated land for employment purposes of the five West Wiltshire towns;
- 22% of factories and 30% of the warehouse accommodation is located at Westbury.

The overall conclusion of the report is that there is an adequate supply and mix of genuinely available land and premises within the locality to meet the terms of Policy E5. This conclusion is supported by the Planning Policy Manager, and notwithstanding the objection of the Town Council to the loss of an employment site, this would be a difficult argument to sustain in the event of a subsequent appeal on such grounds.

It should be noted that in 2003, planning permission was refused for the redevelopment of this site for residential purposes, partly on the basis of no information being submitted with that application to address the loss of employment issues. This omission has been rectified and the conclusion now supports the principle of residential development.

Highway and Access Considerations

There are two main highway elements associated with this application. The first, relating to the detail of the proposed road layout, has been modified throughout the processing of this application, and aside from a minor verge detail, is now acceptable to the Highway Authority.

The second relates to the slight realignment of the existing public right of way which currently "runs" along the eastern boundary of the site. This footpath is something of an anomaly, since although there is a County Council sign identifying the route as a public footpath, there is little evidence of any path through the site itself and no gate or exit point onto any of the adjoining land.

Consultation with the County Council's Rights of Way Officer confirms that "this is an linked path between Trowbridge Road and Kingfisher Drive", (Westbury 2), and although there is little evidence of this on the ground, its "diversion" rather than a formal stopping-up, is being sought. The development now provides for a formal 1.5m wide path extending the length of the eastern boundary and black topped with lighting in accordance with the County Council's requirements.

Design & Amenity

In addition to the previous application (03/00402) being unacceptable in terms of loss of employment, that proposal was also refused "by reason of its layout, design and appearance ... out of keeping with the character of the area".

That particular layout was based on a single central access road, terminating in a hammer-head with terraced and linked dwellings on either side.

The current layout retains the central access point, but reduces the length of roadway and encloses the central turning area with a simple terrace of dwellings. This "rotation" of the layout adds focus, reduces the amount of hardsurfacing and makes a more efficient use of the irregularly shaped corners for parking.

The 17 spaces represent approximately 1.5 spaces per dwelling, acceptable for the proposed mix of 4 three bed and 7 two bed dwellings, while the proposed density of approximately 44 per hectare is appropriate for this edge of town location.

With regard to amenity, although distances to existing residential dwellings beyond the rear boundary in particular are not excessive, they are acceptable by current standards; the specifics of overlooking and privacy will be more properly considered and addressed at reserved matters stage.

While the resultant layout is still rather focused around the car and the Highway Authority's requirements for refuse vehicles and footpaths, it ultimately represents an acceptable form of development, in keeping with the character of the surrounding area. As such, it meets the terms of Policies H1, H24 and C31A and accords with the general principles of PPS3.

Contributions

Contributions of approximately £68,770 to education provision (Policy S1) and £8,300 to the provision of off-site public open space (Policy R4) have been requested and agreed.

Conclusions

This vacant site appears to have limited viability for continued employment use, with the current buildings at the end of their economic lives and in need of substantial repair and refurbishment. While, in itself, this is not a major consideration, and the loss of any employment opportunity is to be regretted, it has been demonstrated that there is an ample supply of alternative available employment sites in Westbury which would permit the redevelopment of this site for residential purposes in accordance Policy E5.

The proposal is a sustainable development, located upon a brownfield site within the Westbury urban area and would deliver an efficient and appropriate housing scheme in keeping with the character of the surrounding area. An existing, but unused, public footpath is to be realigned and upgraded, and contributions towards the provision of education and public open space within the town are to be secured.

Notwithstanding that the previous application on this site was refused permission for a residential scheme, the current proposal has sought to address and overcome those previous reasons for refusal. The application is therefore recommendation for permission subject to the conclusion of a Section 106 agreement.

RECOMMENDATION

Permission.

RELATED PLANS

Drawing : 6129(L)001 A

Drawing : 6129(L)002 F received on 18.07.2008

Drawing : FMW0186-SK01 received on 19.05.2008

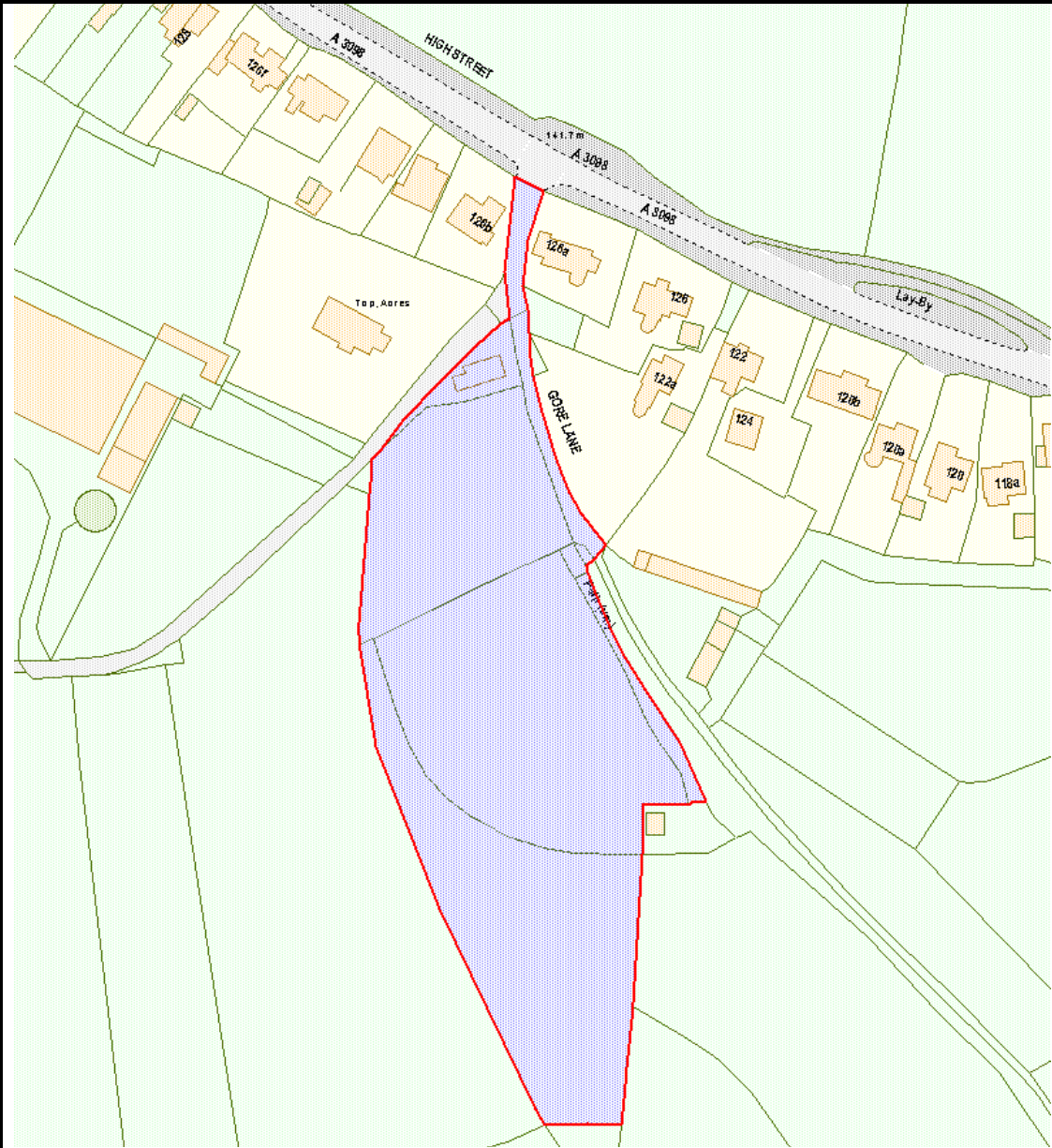
PLANNING COMMITTEE

21 August 2008

ITEM NO: 05

APPLICATION NO: 08/01057/FUL

LOCATION: Land South Of Sean House High Street
Chapmanslade Wiltshire



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 08/01057/FUL

Site Address: Land South Of Sean House High Street Chapmanslade Wiltshire

Parish: Chapmanslade Ward: Dilton
Grid Reference 381962 147868
Application Type: Full Plan
Development: Earth shelter house
Applicant Details: Mr C Michael
Sean House 122A High Street Chapmanslade Wiltshire BA13 4AW
Agent Details: Mr A Howard
32 Shurnhold Melksham Wilts SN12 8DG
Case Officer: Mr James Taylor
Date Received: 03.04.2008 Expiry Date: 29.05.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of its siting outside of any village policy limits in open countryside and without adequate justification is fundamentally unsustainable, contrary to Policy H19 of the West Wiltshire District Plan 1st Alteration (2004).
- 2 The proposal by reason of the change of use of a substantial area of land and the establishment of a dwelling with associated access, domestic paraphernalia, and without adequate justification, in a prominent position adjacent to public rights of way and within a special landscape area of County-wide significance would fail to maintain the quality and variety of the countryside and special rural landscape, contrary to policies C1 and C3 of the West Wiltshire District Plan 1st Alteration (2004).
- 3 The proposal by reason of the lack of evident investigation into the use of non-mains drainage and the inadequate information to ensure that groundwater sources are protected from the proposed means of foul water disposal, would be contrary to DETR Circular 03/99: Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development, Annex A, paragraphs 3, 4 and 6, and Policy U4 of the West Wiltshire District Plan 1st Alteration (2004).

Note(s) to Applicant:

- 1 In regard to reason 3 for refusal on the disposal of foul waters from the site the applicant is encouraged to contact the Groundwater & Contaminated Land Officer at the Environment Agency on 01392 242444, and also Wessex Water on 01225 526000.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of the local ward member, Councillor Linda Conley.

This is a full planning application for the erection of an 'earth shelter'; in effect a subterranean 2-bedroom dwelling with live/work office, conservatory, plant rooms and store/garage. Further the proposal includes the creation of an access track and earth works to landscape and create a bund for a pond.

The application has been presented as a sustainable development with the planting of coppice for a bio-fuel system, passive solar heating, geothermal heat, self-sufficient grey/black water treatment/disposal via a reed bed system and photovoltaic panels and sunscreen for the conservatory roof.

Access to the site would be via a grass track, reinforced with recycled plastic grid, approximately 80-90 metres in length on the east boundary of the site. The proposals also include details of landscaping to include a mixed indigenous hedge on the east and west boundaries.

The application site is currently a paddock to the northern half and then to the southern portion the land slopes steeply with a covering of scrub and then a copse of trees to the very south. There is a public right of way running through the northern portion of the site and rights of way flanking the east and west boundaries which are defined in part by farm hedges. The site is located outside of the village policy limits, which are approximately 25 metres away, 100m from the actual earth shelter. Chapmanslade village is a linear development running east to west, which has community facilities including a primary school and pub.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 15 April 2008 and a site notice was erected at the north east corner of the site adjacent to a public right of way.

CONSULTATIONS

Parish/Town Council :

CHAPMANSLADE PARISH COUNCIL: The Parish Council wishes to object to this planning application for the following reasons:

- The application site is in the open countryside and outside the Chapmanslade policy limit. The proposal is therefore contrary to the development plan, particularly policies C1, H1, H17 and H19.
- The application site is in the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area. Because of the visual impact of the proposed development, including – access track, vehicle turning area and terrace and likely domestic features and clutter associated with it – parked motor vehicles, trailers, caravans, horse boxes, boats, garden sheds, bicycle shelters, waste skips, domestic refuse bins, security lights, and cameras, TV aerials and satellite dishes, telephone and power overhead lines, washing lines, children's play equipment, kennels, loose boxes, exercise yards, fish ponds, tree houses, garden arches and pagodas, garden ornaments, statuary, patios. Drives, walls, fences, paths, gates, letter boxes, name boards, notices and signage, railings, planters, garden machinery, lawn mowers, chain saws, wood stores, refuse heaps and bonfires, etc on this sensitive area, the proposed development is contrary to Policy C3B of the district plan first alteration.
- The Parish Council does not agree that the existing village of Chapmanslade can be properly be characterised as being of a 'dispersed nature', unlike Corsley perhaps, and it does not favour moves in that direction. Furthermore, it considers that a sufficient number of 'earth shelter dwellings' have already been permitted elsewhere to establish what features of them are likely to 'raise standards of design more generally in rural areas.' Accordingly it does not consider that the exceedingly stringent requirements of the 'special justification' test in paragraph 11 of PPS7, necessary to override the development plan, are met by this application.

External :

HIGHWAY AUTHORITY: The application site is located outside the Village Policy Limit as defined in the Local Plan, therefore I feel bound to offer a highway refusal on the following grounds:

'The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.'

ENVIRONMENT AGENCY: The Environment Agency must object to the proposed development pending the submission of further information. This is based on the fact that the site is in proximity to a source of potable water and the proposed development may create an unacceptable risk of pollution. (18 July 2008)

Upon submission of further correspondence from the applicant's agent in response to the Environment Agency the following comments have been received.

We are unable to remove our objection to the proposal at this time. As mentioned in or previous correspondence the site overlies a Major Aquifer and falls within a Source Protection Zone 1. The underlying groundwater resource is therefore considered to be sensitive to contamination and care needs to be taken to ensure its ongoing protection.

WESSEX WATER: The developer is proposing to dispose foul water to a reed bed system to lake. However, advice is given under the DETR Circular 03/99 that the first presumption for any new development must always provide a system for foul drainage discharging into a public sewer. This should be done in consultation with the sewerage undertaker. Only where it is shown that connection to a public sewer is not feasible or practicable should a sewage treatment package plant be provided. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

Please note the proposed development is within a Source Protection Zone and any surface water discharge will need to be in line with the Environment Agency guidelines.

Internal :

LOCAL PLANS: Conclusion: Quite apart from the environmental constraints, the proposal ultimately involves new residential development outside of the village policy limits for Chapmanslade, which is contrary to national, regional and local policy. Recommendation: Unacceptable in policy terms.

Neighbours :

3 letters received objecting to the proposals and raising the following comments:

- location is in an Area of Outstanding Natural Beauty and has many wildlife inhabiting it.
- public right of way running through the site would be difficult to use.
- to approach the land would mean driving over a bridle path that is unfit for more vehicles.
- not happy with the consultation process and the 'veil' of secrecy that surrounds the project.
- concerned about undermining the greensand hill on which people live.
- personal objection by the author of the Parish Council response.

NEGOTIATIONS / DISCUSSIONS

Full pre-application discussions have been carried out in the interest of communication and customer service. Paragraph 11 of PPS7 has been acknowledged in these discussions and enthusiasm has been expressed for the innovative nature of the project. Ultimately the location of the proposals outside of village policy limits and within a designated special landscape area was highlighted as a fundamental issue and the applicant was given indication that the application was unlikely to be supported by officers.

CONSTRAINTS

Open countryside
Special Landscape Area
Groundwater Source Protection Area
Rights of Way

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C1 Countryside Protection
C3 Special Landscape Area
C31a Design
C38 Nuisance
H19 Development in Open Countryside
R11 Footpaths and Rights of Way
U4 Groundwater Source Protection Area

Supplementary Planning Document – Residential Design Guide
Supplementary Planning Guidance on house alterations and extensions

National guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPS7: Sustainable Development in Rural Areas
PPG13: Transport

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The key issues to consider in this application are the potential impact on the open countryside which at this point has been designated a special landscape area, the aquatic environment including groundwater and national and local policy on dwellings in open countryside. In addition access and highway safety needs to be considered.

Special attention also needs to be made to Planning Policy Statement 7: Sustainable Development in Rural Areas, paragraph 11.

‘Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in sensitivity to the defining characteristics of the local area.’

OFFICER APPRAISAL

Principle of development.

The application site is located outside of any village policy limits and is therefore, as an application for a new residential dwelling, contrary to the development plan policies. This is fundamentally unacceptable because further residential development in open countryside is unsustainable.

However the application has been made on the basis of national Planning Policy Statement 7: Sustainable Development in Rural Areas which superseded PPG7 and was published in 3 August 2004 after the adoption of the development plan.

It is noted that the proposed dwelling would be outside of the established village policy limits by a very small margin. This does make it unacceptable in policy terms. However given the justification being attempted in line with PPS7 paragraph 11, it is interesting to consider its proximity to the village policy limits, being 25-100 metres away and within walking distance of a primary school and public house. However it is highly likely that any occupant would ultimately be reliant on a car due to the poor level of public transport provision in rural areas, despite the layout of the building presenting a ‘live-work’ study.

Transport.

Indeed the issue of transport is a significant dent to the sustainability objectives of such a proposal. The applicant states that an electric car would be a possibility, however this technology certainly could not be conditioned to any development. On an aside and given that a car is likely to be had by any occupiers it is important to make sure that it would not have any visual impact on the landscape, so the provision of a garage is important. It is noted that this may well be lost when the wood pellet system becomes fully operational, because the garage area is also a store/plant area for this.

The Highway Authority raise objection because the principle of further housing outside of village policy limits is fundamentally unsustainable. The general thrust of this has to be agreed, however the wording of the refusal they suggest has been altered in light of the proximity of the proposal to the established village form where further housing would generally be acceptable.

Landscape and domestic incursion.

Parking a vehicle outside would be one of a number of possible residential incursions to this sensitive rural landscape from domestic paraphernalia. The application site is located in a designated Special Landscape Area of County-wide significance. This causes some concern and may not be adequately addressed by condition. The Parish Council comments above detail at some length the type of domestic features that could occur and which the Council may have limited control over in the event of granting permission.

The access track would be of a suitable nature to this rural location given its materials, namely grass in a recycled supportive membrane. This does not pose any significant concerns, however its length and siting adjacent to the edge of the site and near a PROW is far from ideal and does compound the sense that this development is actually quite isolated and not actually well related to the established built form of the village.

Public rights of way.

Public rights of way would not be affected by the proposed development in terms of their route. However the one which runs along the western boundary of the site would be likely to have clear views of the development, particularly the conservatory and terrace. The one to the eastern boundary is likely to have clear views of the garage entrance and associated earthworks. Both would have clear views of the bunding for the lake. As such despite making use of the natural topography the proposal would still be very visible in the public realm, indeed from close quarters.

Consultation responses.

The consultation process has raised 3 letters of objection from local residents, objection from the Parish Council and objection from the Highway Authority and Environment Agency in addition to the Council's policy team which confirm that the application is contrary to the development plan. This highlights the weight of objection to the proposed development.

Groundwater Protection.

The Environment Agency object because the detail of the application does not secure the protection of ground waters in this location. The comments of Wessex Water are of a similar vein pointing to the possibility of using mains facilities. Due to the sustainable credentials of the proposals being capable of independent living then it is understood why mains drainage has not been explored. However in light of the comments received and the clear government direction to the use of mains sewerage where possible then the means of waste water disposal presents grounds for refusal.

Sustainability credentials.

The proposed development would make use of a number of increasingly established technologies for home heating and energy supply in a sustainable fashion, including solar PV, passive solar, geothermal heating, bio-fuel (produced on site) and water treatment systems via reed bed filters. Notwithstanding that this would be an exemplar building which the applicant argues would help with the development of such techniques and technologies. However some of the construction is quite likely to involve non-sustainable carbon emitting materials such as concrete. The applicant shows an intention to attempt to off-set this, which although not truly sustainable, points to the intentions of the scheme.

Potential as a departure from the development plan under PPS7.

The proposal makes good use of the natural topography in this location and although parts of it would be clearly visible within the wider landscape. It is a subjective view as to whether it is justified in light of paragraph 11 of PPS7 which has a much wider scope than the country manor houses allowed under old PPG7 under 'Gummers' Law'. It is critical to address the wording of this and consider if a departure from the development plan policies is worthy.

Addressing the wording of this paragraph, the proposal should be truly outstanding and ground breaking. Although very unusual, other earth shelter style developments have taken place in this country, indeed it is understood to be becoming more established. In this context it is considered that the proposal is not truly ground breaking or outstanding.

It is understood that the proposal is likely to be a very expensive form of building and therefore unlikely to be a genuinely viable scheme for many justified rural homes, e.g. agricultural works dwelling. Therefore it cannot be considered to be a scheme that would 'raise the standards of design more generally in rural areas', since it would not be applicable to the purse of justified rural proposals.

Further paragraph 11 requires the building to have value by significantly enhancing the immediate setting and having sensitivity to the defining characteristics of the locality. As a special landscape area of County-wide significance this is of extra importance. The proposal would be clearly evident from the public rights of way that surround the site and it is not considered that the built form proposed would significantly enhance the area. At best it can be said that the proposal is attempting to have a neutral impact. However the development and potential incursion of associated domestic paraphernalia into the open countryside would not significantly enhance this special landscape; rather it would erode the character of the area, albeit less than a standard dwelling. The landscaping proposed including ponds, bunds and coppicing woodland would not significantly enhance what is already a varied and natural part of the landscape which has been designated for special local protection.

Conclusion.

In summary the proposal is fundamentally inappropriate in this location outside of the village policy limits. In addition the proposal is raising objection from the Environment Agency due to the inadequate information submitted to assure that groundwaters are protected. Although the proposal has a number of sustainability merits it is not considered that it merits as a proposal acceptable as a departure from the development plan policies. As such the scheme must be recommended for refusal.

RECOMMENDATION

Refusal

RELATED PLANS

Drawing : 1389/7 received on 03.04.2008
Drawing : 1389/3 A received on 03.04.2008
Drawing : 1389/4 A received on 03.04.2008
Drawing : 1389/5 A received on 03.04.2008
Drawing : 1389/6 A received on 03.04.2008
Drawing : 1389/2 received on 03.04.2008
Drawing : 1389/1 received on 03.04.2008

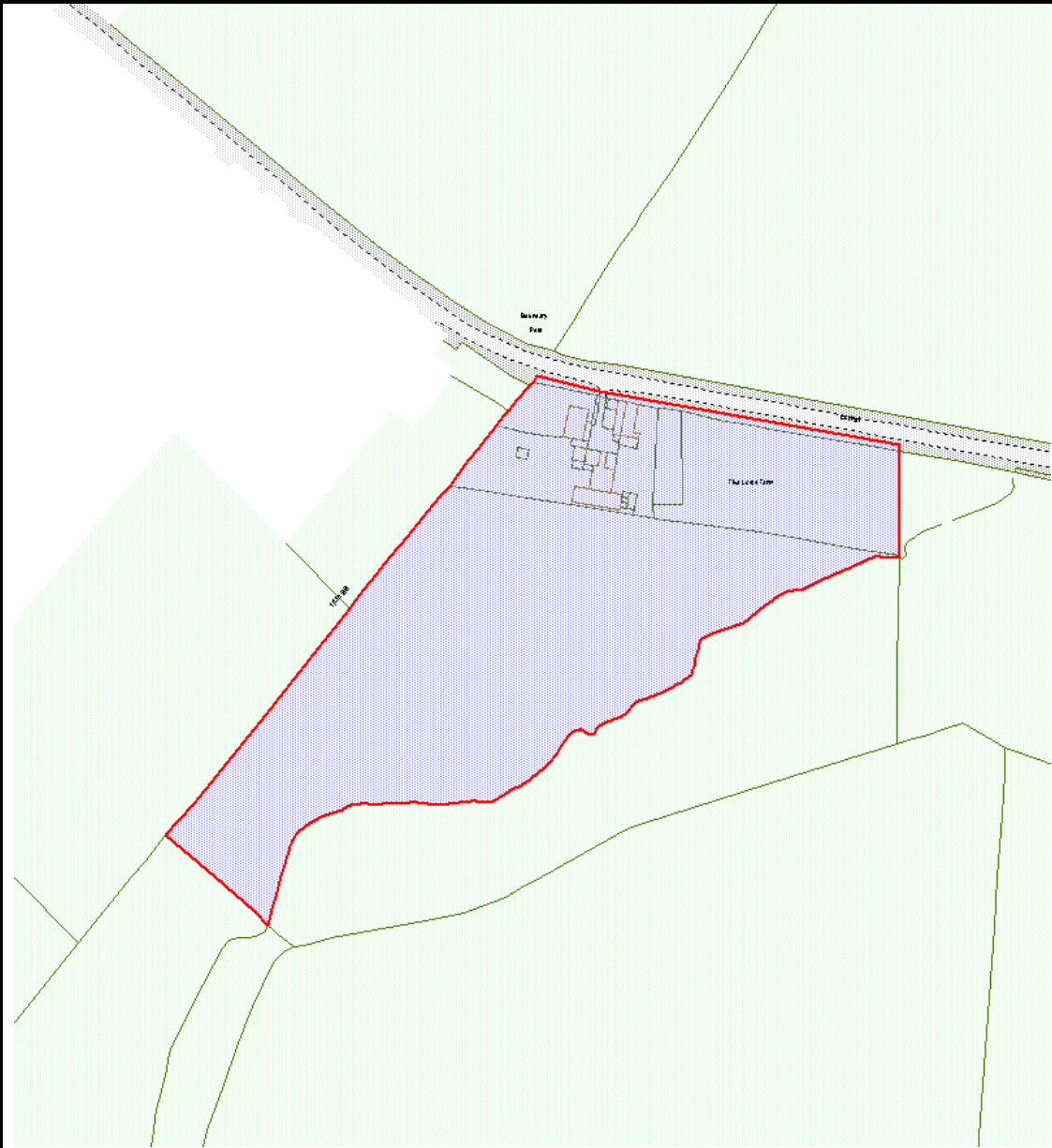
PLANNING COMMITTEE

21 August 2008

ITEM NO: 06

APPLICATION NO: 08/00919/FUL

LOCATION: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ



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

SLA: 100022961

06 Application: 08/00919/FUL

Site Address: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ

Parish: Dilton Marsh Ward: Dilton

Grid Reference 382771 150186

Application Type: Full Plan

Development: Extensions and alterations to dwelling and barn, including change of use of barn to business accommodation. Demolition of outbuildings. Change of use of land to equestrian with erection of field shelter. Revised access provision including new driveway

Applicant Details: Mr Nathan Browne
25 Westbury Road Warminster Wiltshire BA12 0AW

Agent Details: Mrs Abigail McGillivray
60 Goose Street Beckington Frome Somerset BA11 6SS

Case Officer: Mr James Taylor

Date Received: 31.03.2008 Expiry Date: 26.05.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed extensions to each side of this modest former farmhouse by reason of their unsympathetic design, scale, size, mass and location would fail to respect the form, proportions and symmetry of the original building. The proposed alterations to fenestration including the main farmhouse and the cart shed, the excessive rooflights and the proposed solar panels would be visually discordant and incongruous features. For these reasons the proposed extensions and alterations would be harmful to the character of the listed building contrary to Policy C28 of the West Wiltshire District Plan -1st Alteration 2004.
- 2 The proposed 2-storey side extension of this modest former farmhouse by reason of its unsympathetic design, scale, size, mass and location on a prominent elevation, closer to the highway than the original building would fail to respect the form, proportions and symmetry of the building, harmful to the rural character of the special landscape area contrary to Policies C1, C3 and C31a of the West Wiltshire District Plan -1st Alteration 2004.
- 3 The existing access makes a significant contribution to the historic spatial form, sense of enclosure and relationship of the buildings within the former farmyard. The formation of a new access drive and associated change of use of land to residential, on an entirely different alignment outside the historic boundaries of the former farmstead would harm the character and setting of the listed farmhouse and this important group of curtilage farm buildings as well as the rural character of this special landscape area contrary to Policies C1, C3 and C28 of the West Wiltshire District Plan -1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee at the request of the local ward member, Councillor Linda Conley.

This is a full planning application for alterations and extensions to a farmhouse dwelling, and barn including the change of use of the barn to business office use; demolition of numerous outbuildings; change of use of grazing land to equestrian paddocks with erection of field shelter; and a new replacement access and driveway.

The residential extensions are 2 storey to the north elevation and single storey to the south elevation. The proposal clearly defines the proposed land uses of this former farm complex and associated paddocks to the south.

The host building is a Grade II listed property and the outbuildings should be treated as curtilage listed structures. The farmhouse has a single storey extension across the east elevation and the buildings currently create a courtyard to the east of the listed building. The principle elevation of the building is the west which faces onto the formal garden and orchard to the south west. To the north is the main road from Dilton Marsh village to the A36. The site is located on the very eastern boundary of the district with Mendip administrative area. To the east and south beyond the farm buildings the area is relatively flat and characterised by its agricultural management, largely pasture land. The site is within but forms the boundary of the locally designated Special Landscape Area.

The application has been accompanied by a Highway Engineer, Structural Engineer, Ecologist and Joiner reports. Further a Flood Risk Assessment has been submitted.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on more than one occasion, but the formal site visit took place on 9 April 2008 and site notice was erected on a telegraph pole adjacent to the site and public highway.

CONSULTATIONS

Parish/Town Council :

DILTON MARSH PARISH COUNCIL: The Council had no specific observations to make in respect of these applications except that the Conservation Officer at WWDC is to be invited to comment on the applications.

External :

HIGHWAY AUTHORITY: The proposed access is located away from the bend in the road which causes a restriction to visibility from the existing access. Whilst the proposed access is a great improvement to the existing it will still not meet the current visibility criteria for a derestricted road. The access could be located closer to the eastern boundary of the site to maximise the visibility splay to the west, however I understand there are planning matters which mean that the access is as far to the east as acceptable to your authority. I feel that on balance the vast improvement to the access to the existing dwelling outweigh the shortfall in visibility and therefore I do not feel it would be of benefit to object to this element of the application.

The proposed equestrian use and the conversion of the buildings to office space on the site would generate additional traffic. As stated above due to the location of the site I would feel bound to raise an objection to the office element of the scheme on the grounds of sustainability. However if the business and equestrian uses were to be tied to the dwelling the increased traffic generated would be minimal and therefore I would raise no objection, subject to conditions.

LIBRARY AND HERITAGE: No objection subject to condition.

'No demolition/conversion or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

ENVIRONMENT AGENCY: We object to this application in its current form because it has been submitted without a flood risk assessment (FRA), contrary to the requirements of PPS25 paragraphs 10 and 13 and Annexe E. The flood risks from the proposed development are therefore unknown. (30.04.2008)

Post-submission of FRA:

Upon consideration of the FRA the Environment Agency must maintain its objection as the document does not clarify how surface water from the site will be disposed of. (02.06.2008)

Post submission of further information:

Whilst we appreciate that the proposal may not represent a large increase in surface water runoff, the method of surface water disposal should be clarified in a flood risk assessment. As stated previously we would encourage the use of SUDs on site for surface water disposal. For further advice please contact Development Control Engineer on 01278 484654. (19.06.2008)

NATURAL ENGLAND: No objection subject to the proposed development subject to the inclusion of our recommended conditions. We advise that the mitigation proposals are assured through a planning condition, using all the recommendations set out in the 'Recommendations' section within the Survey for Bats and Birds undertaken by County Contracts in February 2008.

WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: Many old barns and agricultural buildings contain potential roosting sites for bats and barn owls and although we have no records of bats at these sites the following should be considered in reference to the above planning applications.

ENGLISH HERITAGE: Do not consider that it is necessary for this application to be notified to English Heritage.

PROTECTION OF ANCIENT BUILDINGS: No comments received to date (15.07.2008)

ANCIENT MONUMENTS SOCIETY: No comments received to date (15.07.2008)

COUNCIL FOR BRITISH ARCHAEOLOGY: No comments received to date (15.07.2008)

GEORGIAN GROUP: No comments received to date (15.07.2008)

VICTORIAN SOCIETY: No comments received to date (15.07.2008)

TWENTIETH CENTURY SOCIETY: No comments received to date (15.07.2008)

Internal :

ENVIRONMENTAL HEALTH: No objection subject to condition preventing burning on site.

CONSERVATION OFFICER: I have not been formally consulted but I have been involved in the pre-application discussions and the ongoing discussion as part of the formal application, and therefore I shall make my comments as such.

Just to clarify my position as I believe that I may have been verbally misquoted on occasion with regard to this scheme. Both myself and the case officer have had several meetings with the architect and the applicants. At all stages we have tried to be helpful and give advice to improve the scheme, whilst always expressing our doubts and concerns in overall terms that the scheme would get planning permission and listed building consent because of some large issues that would be detrimental to the character and setting of the listed building. I have never given my approval to any part of the scheme.

Cow Stalls

The cow stalls should not be demolished. PPG15 makes clear that demolition should not be readily accepted. As I have stated in pre-application correspondence: “there are historic merits in leaving a ruinous building, and it may be in this case that the careful dismantling of the existing building down to a safe level and not replacing the building would be the appropriate approach to take. This would certainly result in the retention of the courtyard character whilst maintaining the historic integrity of the building itself.”

I also stated that: “if we agree to demolition on structural or other grounds, that in no way would imply that a building could be built in its place.”

The structural report mentions that underpinning has been considered and rejected. But there is no discussion that would indicate traditional supportive repairs, such as buttressing, have been considered. It should also be pointed out that there were large lean-to sheds built up to the eastern elevation of the building – the wall in poorest condition – and these were removed without listed building consent, in itself a criminal offence but the buildings were without historical merit. However, these buildings may have been acting as a buttress of sorts and therefore the applicant may have undermined the cow stalls by removing them before the structural integrity of the structure as a whole had been considered. I can only assume that as the lean-to buildings were not shown on the structural report drawings that they had been demolished prior to the survey.

I do not consider that there is sufficient justification for the complete demolition of this building. The building should be retained as a ruinous building if no use can be found for it in its current, or repaired, state.

To put the demolition argument aside for a moment and consider the proposed replacement, it is shown that the cow stalls would be entirely rebuilt as stabling for horses. The existing eaves level and overall proportions would not be at all suitable for horses given the current requirements for stable sizes. I cannot see therefore how a rebuilt structure would not result in a complete change in character of this building.

Although I have not, and never have, given support for the demolition of the existing building, during the pre-application discussions it was understood from the architect that a replacement building would be as identical as possible in form, scale and design as the original. It seems that the ground levels would have to be lowered considerably in order to achieve the same ridge level, which in any case would still result in a much taller building as the main point of reference (the ground) would be completely different. Consequently, even if demolition were to be approved, I would still object the proposed replacement building as being harmful to the historic character and setting of the listed building.

Cart Shed Barn

I am concerned still over the proposed mezzanine in the large barn, although with careful detailing this may be acceptable. Historically there would not have been a higher floor in this part of the building as this is the cart opening. Providing the doors are retained on the outside, door recesses inside the building can be shown and the staircase made as simple and minimal as possible – in order to indicate the former height and door arrangements – the mezzanine floor would not necessarily harm the character of the building.

The proposed solar panels are too large for this agricultural building and the extent of the panels would be at odds with its rural character. The panels should be reduced to two in number.

Main House

The proposed two storey extension to the main house is still too large and would be visually harmful to the main house. A single storey extension may be possible in this location.

The new window and door details to the areas adjacent to the main house should be plainer and simpler to reflect a more agricultural style which would then retain the principal building as the dominant feature. The front façade of the main house is the most unaltered on the site and any features that would detract from that should not be permitted.

Access

The existing farm access must be retained visually as the farm access, even if the gate is locked and fixed shut, as per Drawing No. 014 071 Rev. A.

Recommendation: Refuse(27.05.2008)

Additional comments following revised plans:

The cow stall proposals have been removed from the application. This is welcome.

I still believe the extent of the proposed solar panels is too large for the barn.

The two storey extension to the main house is now more acceptable in its form. It has a 750mm set back. A metre set back would be much more preferable, which is the set back the case officer asked for, however 750mm may result in the required subservience in this instance, providing the door and window are bespoke and traditionally made and the door not having the typical multi-pane 'French window' style. This could be covered by a condition to the effect of 'notwithstanding the approved...etc'.(10.06.2008)

Neighbours :

No comments received to date (15.07.2008)

NEGOTIATIONS / DISCUSSIONS

Detailed pre-application discussions have taken place and reached a stage when a full application was considered the best course of action because negotiation had reached a dead-end and the consultation responses would inform on further action and amendments. However subsequent to submission there has proven to be a willingness to continue negotiation and compromise up to a point.

Alterations to/deletion of the following have been requested and recommended. Two storey extension, cow stalls, joinery approach, pig sty, dormer windows, missing information. Additionally a flood risk assessment has been requested.

The proposal has been amended from the original submission with alterations to the 2-storey extension, omission of the cow stall proposals from the scheme, addition of missing information including a flood risk assessment, demolition of pig sty and erection of a replacement store and clarification of the joiner's qualifications and experience.

CONSTRAINTS

Open countryside
Special Landscape Area
Highway safety
Grade II listed building
Planning policy
Potential to cause flood risk

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C1 Countryside Protection
C3 Special Landscape Area
C28 Alterations and Extensions to Listed Buildings
C31a Design
C38 Nuisance
E8 Rural Conversions
E10 Horse Development

Supplementary Planning Guidance on house alterations and extensions

National guidance
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG15: Planning and the Historic Environment
PPS25: Development and Flood Risk

RELEVANT PLANNING HISTORY

08/00920/FUL – Pending parallel listed building application

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.

In addition to the above it is important to ensure that no demonstrable harm to the countryside, landscape, highway safety, neighbour amenity and general character of the area occurs from the proposed redevelopment.

OFFICER APPRAISAL

The main issues relate to the size, number and design of the proposed extensions that would not respect this modest and well proportioned farmhouse; the style of fenestration; the excessive number of roof lights; the size and location of the solar panels; the manner in which the barn or cart shed would be converted; and the repositioning of the access to the site.

The fundamental objection to the extensions is that they would dominate this modest building and clearly do not respect the fine proportion and detail of the original. The use of what appear to be 'factory made' windows and 'French' doors are unacceptable, as is the number of these and their position on the elevations. PPG15 advises that extensions should not dominate – these most certainly will.

Further the siting of the 2-storey extension, prominent to the highway and projecting the built form in a substantial manner would have a harmful impact on the rural character of the area which is designated as a special landscape of County-wide significance. This would constitute a reason for refusal, harming an acknowledged planning interest.

PPG15 advises that the roof is nearly always the dominant feature of a building and that dormer windows are generally inappropriate but that new rooflights on non-prominent roof slopes may be acceptable. However, I am of the view that these would be on a prominent roof slope there are too many and this would be exacerbated by the large number of existing and proposed windows on the rear elevation of the property. Perhaps one roof light over the staircase might be acceptable, but given the limited useable space that would be achieved by converting the roofspace, I do not consider there should be any.

I have no objection to solar panels per se, but not the size and location currently proposed – a more appropriate location may be at a lower level on the stable next to the cart shed.

The style of the glazed screen is entirely wrong for the cart shed, it needs much more careful consideration and any historic doors must be retained, even as shutters. Again the proposed fenestration on this and the stable fails to respect these buildings.

The proposed new access cannot be justified on safety grounds. There is an existing access and the proposed new access taking a long length of drive across agricultural land not only fails to respect the traditional farmstead boundaries but gives it greater importance so that it will appear like the driveway leading to a country house rather than to a modest farmstead.

Since the new access cannot be justified on safety grounds it must be concluded that the change of use of this portion of the site to residential is also unacceptable in planning terms, harmful to the rural character of the area which is designated as a special landscape of County-wide significance. The casual erosion of the countryside should not be encouraged even on a modest scale without adequate justification.

The following recommendation has been reached following lengthy deliberations and discussion between the case officer and a number of senior officers.

RECOMMENDATION

Refusal

RELATED PLANS

Drawing : 014001A received on 05.06.2008
Drawing : 014003A received on 05.06.2008
Drawing : 014003A EXISTING received on 05.06.2008
Drawing : 014050 received on 05.06.2008
Drawing : 014041 received on 05.06.2008
Drawing : 014040B received on 05.06.2008
Drawing : 014032A received on 05.06.2008
Drawing : 014031A received on 05.06.2008
Drawing : 014030A received on 05.06.2008
Drawing : 014026C received on 05.06.2008
Drawing : 014025C received on 05.06.2008
Drawing : 014022A received on 05.06.2008
Drawing : 014021A received on 05.06.2008
Drawing : 014020A received on 05.06.2008
Drawing : 014017C received on 05.06.2008
Drawing : 014016D received on 05.06.2008
Drawing : 014015D received on 05.06.2008
Drawing : 014013A received on 05.06.2008
Drawing : 014012B received on 05.06.2008
Drawing : 014010C received on 05.06.2008
Drawing : 014005C received on 05.06.2008
Drawing : 014004C received on 05.06.2008
Drawing : 014002A received on 05.06.2008
Drawing : 014070A received on 05.06.2008
Drawing : 014071A received on 05.06.2008

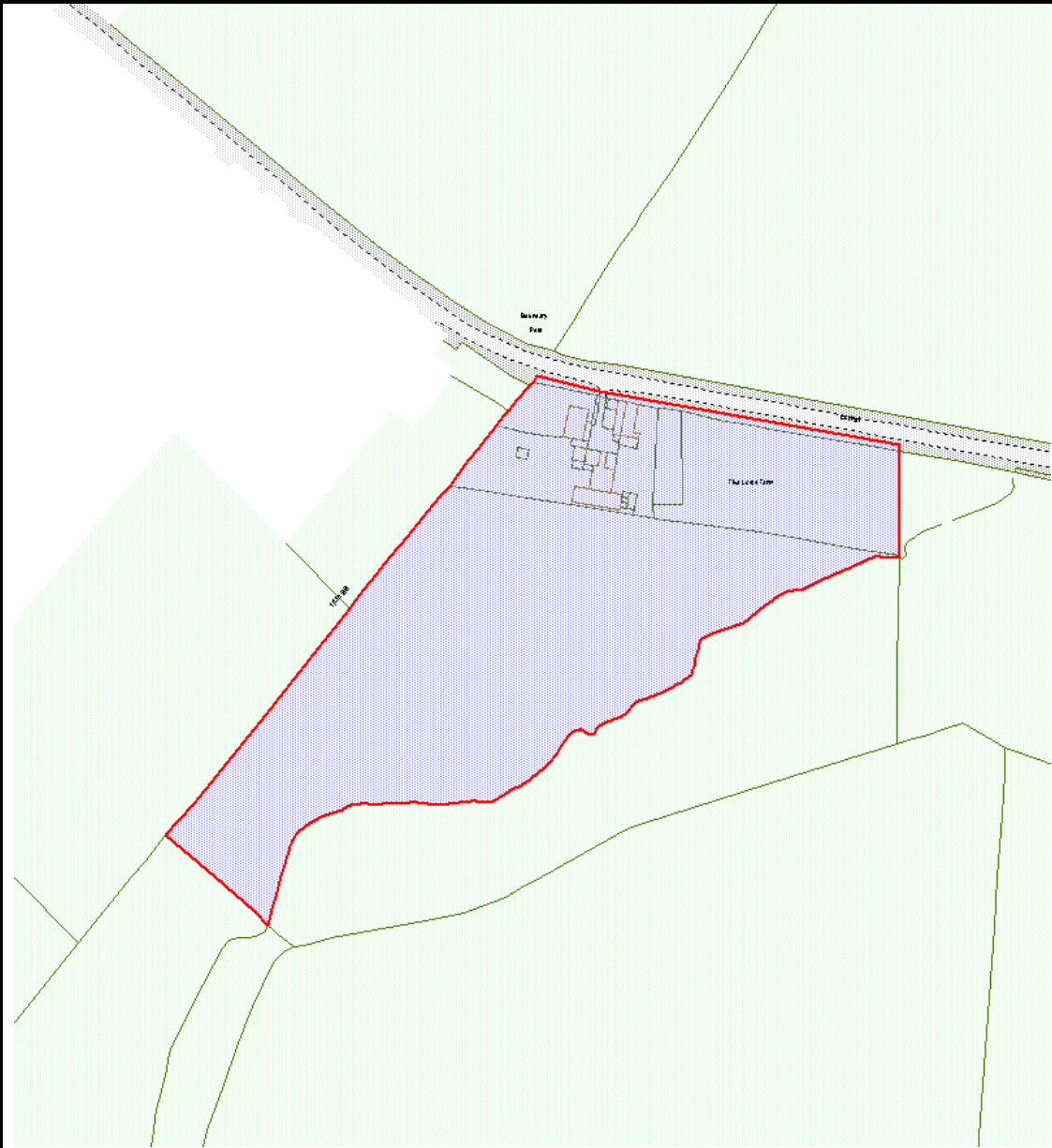
PLANNING COMMITTEE

21 August 2008

ITEM NO: 07

APPLICATION NO: 08/00920/LBC

LOCATION: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ



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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 08/00920/LBC

Site Address: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ

Parish: Dilton Marsh Ward: Dilton

Grid Reference 382771 150186

Application Type: Listed building

Development: Extensions and alterations to listed buildings together with demolition of outbuildings

Applicant Details: Mr Nathan Browne
25 Westbury Road Warminster Wiltshire BA12 0AW

Agent Details: Mrs Abigail McGillivray
60 Goose Street Beckington Frome Somerset BA11 6SS

Case Officer: Mr James Taylor

Date Received: 31.03.2008 Expiry Date: 26.05.2008

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed extensions to each side of this modest former farmhouse by reason of their unsympathetic design, scale, size, mass and location would fail to respect the form, proportions and symmetry of the original building that would be harmful to the character of the listed building contrary to Policy C28 of the West Wiltshire District Plan -1st Alteration 2004.
- 2 The proposed fenestration and pairs of timber doors on the proposed extensions by reason of their position and design fail to replicate the proportions of the original windows and would create visually discordant features that would be harmful to the character of the listed building contrary to Policy C28 of the West Wiltshire District Plan -1st Alteration 2004.
- 3 The proposed rooflights on the original farmhouse by reason of their excessive number on this prominent main roof slope would create visually discordant features that would be harmful to the character of the listed building contrary to Policy C28 of the West Wiltshire District Plan -1st Alteration 2004.
- 4 The size, number and position of the proposed solar panels on the cart shed is such that they would create a visually discordant and incongruous feature that would be harmful to the character of this listed curtilage building and to the setting of the principal building contrary to Policy C28 of the West Wiltshire District Plan -1st Alteration 2004.
- 5 The introduction of a mezzanine floor within the cart shed together with the proposed fenestration on this, and the adjoining stable, including the design and proportions of the glazed screen within the cart door opening would create visually discordant features that would be harmful to the character of these important listed curtilage buildings contrary to Policy C28 of the West Wiltshire District Plan -1st Alteration 2004.

- 6 The existing access makes a significant contribution to the historic spatial form, sense of enclosure and relationship of the buildings within the former farmyard. The formation of a new access drive on an entirely different alignment outside the historic boundaries of the former farmstead would harm the character and setting of the listed farmhouse and this important group of curtilage farm buildings contrary to Policy C28 of the West Wiltshire District Plan -1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee at the request of the local ward member, Councillor Linda Conley.

This is a listed building application for alterations, extensions and demolition to a farmhouse dwelling and outbuildings, including a cart shed, cow stall barn and numerous modern concrete and steel frame buildings. The extensions consist of a 2-storey extension to the north elevation and single storey extensions to the south linking the farmhouse with the cart shed outbuildings.

The host building is a Grade II listed property and the outbuildings should be treated as curtilage listed structures. The farmhouse has a single storey extension across the east elevation and the buildings currently create a courtyard to the east of the listed building. The principle elevation of the building is the west which faces onto the formal garden and orchard to the south west. To the north is the main road from Dilton Marsh village to the A36. The site is located on the very eastern boundary of the district with Mendip administrative area. To the east and south beyond the farm buildings the area is relatively flat and characterised by its agricultural management, largely pasture land.

The application has been accompanied by Structural Engineer and Joiner reports.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on more than one occasion, but the formal site visit took place on 9 April 2008 and site notice was erected on a telegraph pole adjacent to the site and public highway.

CONSULTATIONS

Parish/Town Council :

DILTON MARSH PARISH COUNCIL: The Council had no specific observations to make in respect of these applications except that the Conservation Officer at WWDC is to be invited to comment on the applications.

External :

ENGLISH HERITAGE: Do not consider that it is necessary for this application to be notified to English Heritage.

PROTECTION OF ANCIENT BUILDINGS: No comments received to date (15.07.2008)

ANCIENT MONUMENTS SOCIETY: No comments received to date (15.07.2008)

COUNCIL FOR BRITISH ARCHAEOLOGY: No comments received to date (15.07.2008)

GEORGIAN GROUP: No comments received to date (15.07.2008)

VICTORIAN SOCIETY: No comments received to date (15.07.2008)

TWENTIETH CENTURY SOCIETY: No comments received to date (15.07.2008)

Internal :

CONSERVATION OFFICER: I have not been formally consulted but I have been involved in the pre-application discussions and the ongoing discussion as part of the formal application, and therefore I shall make my comments as such.

Just to clarify my position as I believe that I may have been verbally misquoted on occasion with regard to this scheme. Both myself and the case officer have had several meetings with the architect and the applicants. At all stages we have tried to be helpful and give advice to improve the scheme, whilst always expressing our doubts and concerns in overall terms that the scheme would get planning permission and listed building consent because of some large issues that would be detrimental to the character and setting of the listed building. I have never given my approval to any part of the scheme.

Cow Stalls

The cow stalls should not be demolished. PPG15 makes clear that demolition should not be readily accepted. As I have stated in pre-application correspondence: "there are historic merits in leaving a ruinous building, and it may be in this case that the careful dismantling of the existing building down to a safe level and not replacing the building would be the appropriate approach to take. This would certainly result in the retention of the courtyard character whilst maintaining the historic integrity of the building itself."

I also stated that: "if we agree to demolition on structural or other grounds, that in no way would imply that a building could be built in its place."

The structural report mentions that underpinning has been considered and rejected. But there is no discussion that would indicate traditional supportive repairs, such as buttressing, have been considered. It should also be pointed out that there were large lean-to sheds built up to the eastern elevation of the building – the wall in poorest condition – and these were removed without listed building consent, in itself a criminal offence but the buildings were without historical merit. However, these buildings may have been acting as a buttress of sorts and therefore the applicant may have undermined the cow stalls by removing them before the structural integrity of the structure as a whole had been considered. I can only assume that as the lean-to buildings were not shown on the structural report drawings that they had been demolished prior to the survey.

I do not consider that there is sufficient justification for the complete demolition of this building. The building should be retained as a ruinous building if no use can be found for it in its current, or repaired, state.

To put the demolition argument aside for a moment and consider the proposed replacement, it is shown that the cow stalls would be entirely rebuilt as stabling for horses. The existing eaves level and overall proportions would not be at all suitable for horses given the current requirements for stable sizes. I cannot see therefore how a rebuilt structure would not result in a complete change in character of this building.

Although I have not, and never have, given support for the demolition of the existing building, during the pre-application discussions it was understood from the architect that a replacement building would be as identical as possible in form, scale and design as the original. It seems that the ground levels would have to be lowered considerably in order to achieve the same ridge level, which in any case would still result in a much taller building as the main point of reference (the ground) would be completely different. Consequently, even if demolition were to be approved, I would still object the proposed replacement building as being harmful to the historic character and setting of the listed building.

Cart Shed Barn

I am concerned still over the proposed mezzanine in the large barn, although with careful detailing this may be acceptable. Historically there would not have been a higher floor in this part of the building as this is the cart opening. Providing the doors are retained on the outside, door recesses inside the building can be shown and the staircase made as simple and minimal as possible – in order to indicate the former height and door arrangements – the mezzanine floor would not necessarily harm the character of the building.

The proposed solar panels are too large for this agricultural building and the extent of the panels would be at odds with its rural character. The panels should be reduced to two in number.

Main House

The proposed two storey extension to the main house is still too large and would be visually harmful to the main house. A single storey extension may be possible in this location.

The new window and door details to the areas adjacent to the main house should be plainer and simpler to reflect a more agricultural style which would then retain the principal building as the dominant feature. The front façade of the main house is the most unaltered on the site and any features that would detract from that should not be permitted.

Access

The existing farm access must be retained visually as the farm access, even if the gate is locked and fixed shut, as per Drawing No. 014 071 Rev. A.

Recommendation: Refuse (27.05.2008)

Additional comments following revised plans:

The cow stall proposals have been removed from the application. This is welcome.

I still believe the extent of the proposed solar panels is too large for the barn.

The two storey extension to the main house is now more acceptable in its form. It has a 750mm set back. A metre set back would be much more preferable, which is the set back the case officer asked for, however 750mm may result in the required subservience in this instance, providing the door and window are bespoke and traditionally made and the door not having the typical multi-pane 'French window' style. This could be covered by a condition to the effect of 'notwithstanding the approved...etc'. (10.06.2008)

Neighbours :

No comments received to date (15.07.2008)

NEGOTIATIONS / DISCUSSIONS

Detailed pre-application discussions have taken place and reached a stage when a full application was considered the best course of action because negotiation had reached a dead-end and the consultation responses would inform on further action and amendments. However subsequent to submission there has proven to be a willingness to continue negotiation and compromise up to a point.

Alterations to/deletion of the following have been requested and recommended. Two storey extension, cow stalls, joinery approach, pig sty, dormer windows, missing information. Additionally a flood risk assessment has been requested.

The proposal has been amended from the original submission with alterations to the 2-storey extension, omission of the cow stall proposals from the scheme, addition of missing information including a flood risk assessment, demolition of pig sty and erection of a replacement store and clarification of the joiner's qualifications and experience.

CONSTRAINTS

Grade II listed building

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C28 Alterations and Extensions to Listed Buildings

Supplementary Planning Guidance on house alterations and extensions

National guidance
PPS1: Delivering Sustainable Development
PPG15: Planning and the Historic Environment

RELEVANT PLANNING HISTORY

08/00919/LBC – Pending parallel full planning application

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.

The main issues relate to the size, number and design of the proposed extensions that would not respect this modest and well proportioned farmhouse; the style of fenestration; the excessive number of roof lights; the size and location of the solar panels; the manner in which the barn or cart shed would be converted; and the repositioning of the access to the site.

OFFICER APPRAISAL

The fundamental objection to the extensions is that they would dominate this modest building and clearly do not respect the fine proportion and detail of the original. The use of what appear to be 'factory made' windows and 'French' doors are unacceptable, as is the number of these and their position on the elevations. PPG15 advises that extensions should not dominate – these most certainly will.

PPG15 advises that the roof is nearly always the dominant feature of a building and that dormer windows are generally inappropriate but that new rooflights on non-prominent roof slopes may be acceptable. However, I am of the view that these would be on a prominent roof slope there are too many and this would be exacerbated by the large number of existing and proposed windows on the rear elevation of the property. Perhaps one roof light over the staircase might be acceptable, but given the limited useable space that would be achieved by converting the roofspace, I do not consider there should be any. Incidentally, I have spoken informally to a Building Control Officer and by converting the roofspace it would mean that all doors onto the protected staircase would need to be half hour fire resistant or that one roof light would need to be of sufficient size for escape in a fire. That in itself has implications for the impact on the character and integrity of the listed building.

I have no objection to solar panels per se, but not the size and location currently proposed – a more appropriate location may be at a lower level on the stable next to the cart shed.

The conversion of the cart shed proposes a mezzanine floor which may be acceptable but not in the manner proposed and it will require greater justification and careful detailing. The style of the glazed screen is entirely wrong, it needs much more careful consideration and any historic doors must be retained, even as shutters. Again the proposed fenestration on this and the stable fails to respect these buildings.

The proposed new access cannot be justified on safety grounds. There is an existing access and the proposed new access taking a long length of drive across agricultural land not only fails to respect the traditional farmstead boundaries but gives it greater importance so that it will appear like the driveway leading to a country house rather than to a modest farmstead.

Please note that the above report is a summary of the works taking place, for exhaustive detail it is necessary to refer to the submitted plans. The following recommendation has been reached following lengthy deliberations and discussion between the case officer and a number of senior officers.

RECOMMENDATION

Refusal

RELATED PLANS

Drawing : 014001A received on 05.06.2008
Drawing : 014002A received on 05.06.2008
Drawing : 014003A EXISTING received on 05.06.2008
Drawing : 014003A PROPOSED received on 05.06.2008
Drawing : 014004C received on 05.06.2008
Drawing : 014005C received on 05.06.2008
Drawing : 014010C received on 05.06.2008
Drawing : 014012B received on 05.06.2008
Drawing : 014013A received on 05.06.2008
Drawing : 014015D received on 05.06.2008
Drawing : 014016D received on 05.06.2008
Drawing : 014017C received on 05.06.2008
Drawing : 014020A received on 05.06.2008
Drawing : 014021A received on 05.06.2008
Drawing : 014022A received on 05.06.2008
Drawing : 014025C received on 05.06.2008
Drawing : 014026C received on 05.06.2008
Drawing : 014030A received on 05.06.2008
Drawing : 014031A received on 05.06.2008
Drawing : 014032A received on 05.06.2008
Drawing : 014040B received on 05.06.2008
Drawing : 014041 received on 05.06.2008
Drawing : 014050 received on 05.06.2008
Drawing : 014070A received on 05.06.2008
Drawing : 014071A received on 05.06.2008

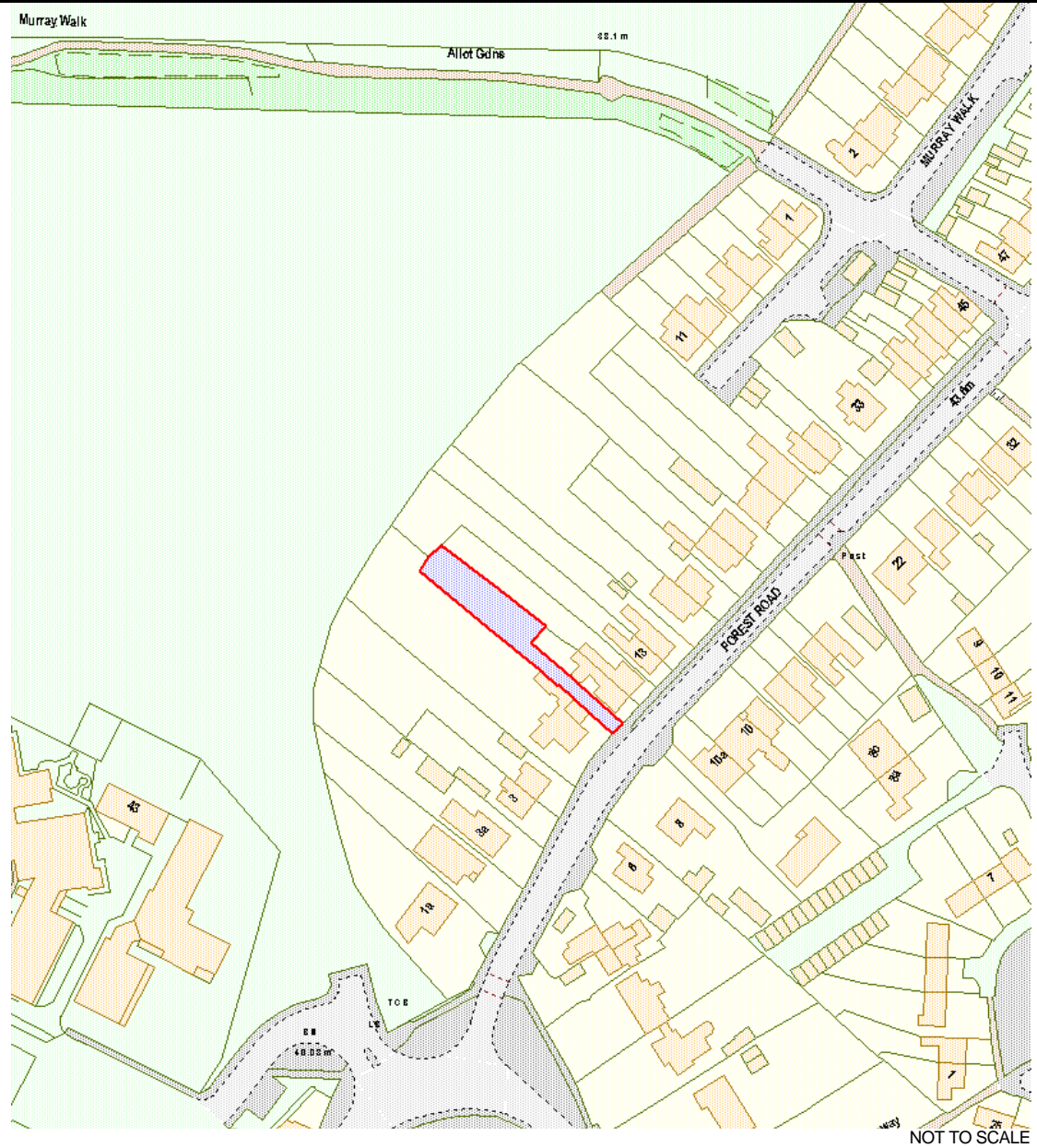
PLANNING COMMITTEE

21 August 2008

ITEM NO: 08

APPLICATION NO: 08/01226/OUT

LOCATION: Land Rear Of 9 Forest Road Melksham Wiltshire



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SLA: 100022961

08	Application:	08/01226/OUT
	Site Address:	Land Rear Of 9 Forest Road Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham East

Grid Reference 390860 164391

Application Type: Outline Plan

Development: Bungalow

Applicant Details: J Chapman
9 Forest Road Melksham Wiltshire SN12 7AA

Agent Details: Mrs E Welch
98 The Common Broughton Gifford Melksham Wiltshire SN12 8ND

Case Officer: Ms Margaretha Bloem

Date Received: 22.04.2008 Expiry Date: 17.06.2008

RECOMMENDATION: Refusal

Reason(s):

1 The proposal for a bungalow in this locality would, by reason of the plot layout and size, result in undesirable backland development not in keeping with the character of the surrounding area and neighbouring amenities contrary to Policies H1, H24, C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004 and government guidance in Planning Policy Statement 3.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been called to Committee by Councillor Griffiths.

This is an outline planning application for the erection of a detached bungalow on land to the rear of No 9 Forest Road. All matters are reserved.

An indicative block plan submitted with the application gives an indication of access off Forest Road and siting of a bungalow. The existing conservatory of No 9 is to be demolished.

The application site currently comprises the rear garden of No 9 Forest Road. It is located within a residential area and the neighbouring properties are a mixture of semi-detached and detached properties.

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 25.04.2008. New site notice displayed on 02.05.2008.

CONSULTATIONS

Parish/Town Council : MELKSHAM TOWN COUNCIL - The Town Council objected to this application on the grounds it is out of keeping with the surrounding area and that a lack of amenity will result to both the proposed property and 9 Forest Road. There is also a lack of parking spaces which will cause vehicles to park in Forest Road, which is already congested - Policy C31, C38 and H1 apply.

External :

HIGHWAYS: No objection subject to conditions.

WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: Planning screening records for badgers were found within 100 metres of the site. A survey should be carried out.

WESSEX WATER: No existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigates alternative methods for the satisfactory disposal of surface water. The developer will need to agree an arrangement for the satisfactory disposal of foul flows and surface water flows generated by the proposal.

Internal : NA

Neighbours : No comments received.

NEGOTIATIONS / DISCUSSIONS

A pre application discussion indicated that the principle of the development is acceptable subject to Policies.

CONSTRAINTS

Urban area

POLICIES

RPG10/RSS10 - Regional Guidance for the south west

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP7 - New housing in towns and main settlements

West Wiltshire District Plan – 1st Alteration 2004

H1 - Further housing development within towns

H24 - New housing design

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

Supplementary Planning Guidance - Residential Design

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing

RELEVANT PLANNING HISTORY

No relevant planning history.

KEY ISSUES

The key planning issues in this case to consider are issues of policy, impact on neighbouring amenity and highway safety.

OFFICER APPRAISAL

The proposal must be considered in terms of Policy H1 of the West Wiltshire District Plan that guides consideration of housing development in the built up areas of Melksham. The policy outlines clear design, layout and siting requirements to ensure that new proposal do not lead to inappropriate backland or tandem development. Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas.

The site is surrounded by double storey dwellings with the amenity space of the proposed bungalow particularly exposed to overlooking from the upstairs windows of the host and adjoining dwellings. The subdivision of the parent property would furthermore result in a loss of amenity space to the host dwelling and No 5 Forest Road by noise and fumes from vehicles entering and leaving the site as the access will be used by occupants of the proposal and the occupants of the host dwelling. Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted, if neighbouring amenities and privacy values are detrimentally affected.

No ecological survey has been submitted with the original application and during consultation it has come to light that there is a reasonable chance that Badgers may be using the site as a habitat. This is based on information obtained from the Wiltshire & Swindon Biological Records Centre and it was requested that an ecological survey is conducted by a suitably qualified ecologist and if necessary a mitigation strategy is drawn up. The applicant has been advised of these comments and no survey has been submitted.

There are no highways objections to the proposal.

Whilst PPS3 encourages the efficient use of land, this should not be at the expense of the local environment. PPS3 seeks to protect the quality of existing development. The proposed development fails to respect the urban form, the established building line, the character of the area and consequently, it conflicts with Local Plan Policies C31a, C38, H1 and H24.

RECOMMENDATION

Refusal.

RELATED PLANS

Drawing : OS MAP received on 22.04.2008

Drawing : BLOCK PLAN received on 22.04.2008

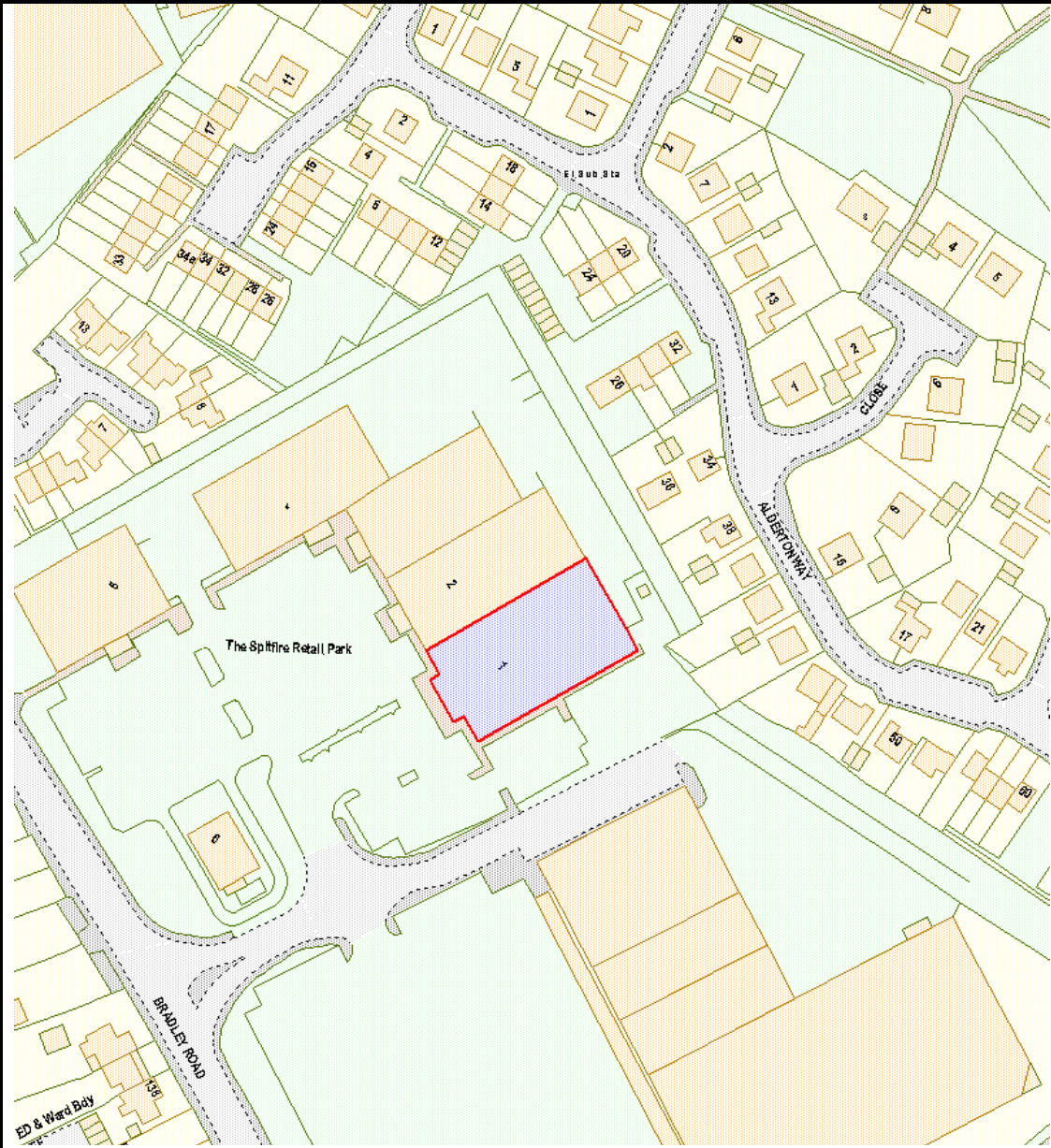
PLANNING COMMITTEE

21 August 2008

ITEM NO: 09

APPLICATION NO: 08/01930/FUL

LOCATION: 1 The Spitfire Retail Park Bradley Road Trowbridge
Wiltshire BA14 0AZ



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SLA: 100022961

09 Application: 08/01930/FUL

Site Address: 1 The Spitfire Retail Park Bradley Road Trowbridge Wiltshire BA14 0AZ

Parish: Trowbridge Ward: Trowbridge And North Bradley

Grid Reference 385576 156077

Application Type: Full Plan

Development: Completion of part-constructed 505 sq.m. mezzanine floor

Applicant Details: DSG International Plc
Property Department Maylands Avenue Hemel Hempstead
Hertfordshire HP2 7TG

Agent Details: Tribal MJP Ltd
FAO Mr M Tombs MRTPI 70 High Street Chislehurst Kent BR7
5AQ

Case Officer: Mr James Taylor

Date Received: 27.06.2008 Expiry Date: 22.08.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 No food sales shall be conducted from the development hereby approved at any time.

REASON: Because the application has only been assessed on the need for the development i.e. sale of bulky electrical goods.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy SP3.

- 3 The goods sold from the development hereby approved shall be strictly limited to those of a bulky nature, i.e. hardware, DIY and garden goods, electrical goods, furniture and floor coverings, motor and cycle goods and associated ancillary items.

REASON: In order to minimise the impact on the vitality and viability on nearby centres.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy SP3.

- 4 There shall be no delivery of goods to the service yard or parking of service vehicles outside the hours of 0800-1800 Monday to Saturday in connection with the development hereby approved.

REASON: In order to protect neighbouring amenity

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C38 and SP3.

Note(s) to Applicant:

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the completion of a mezzanine floor increasing the floorspace of an out of town retail unit by 505 sq.m. The building is currently occupied by Currys, an electrical goods retailer situated on the Spitfire Retail Park.

The application has been supported by a Planning and Retail Statement which attempts to address the development plan policies and national guidance in Planning Policy Statement 6: Planning for Town Centres.

SITE VISIT / STATUTORY SITE NOTICES

Date of Site Visit : 3 July 2008

Date Site Notice Posted : 3 July 2008

CONSULTATIONS

Parish/Town Council :

TROWBRIDGE TOWN COUNCIL: The committee felt this was inappropriate additional development in an out of town location and that alternative sites were available in and close to the town centre under the Sequential Development test, and therefore this development should not be given permission.

External :

HIGHWAY AUTHORITY: The proposed development may result in an increase in the amount of customers driving to the unit, but this will be absorbed by the car parking already present at the retail park. Therefore, no objection.

COUNTY PLANNING: The suitability of the site for expanded retail outlets should be considered against criteria set out in PPS6; namely that there should be a need for the development, and that it should not impact upon the vitality and viability of nearby centres. Furthermore given that the extension to the gross floorspace is greater than 200 sq. m. a sequential test should be applied to the proposal.

The Retail Needs Study noted that there are some large edge of centre units available in Trowbridge, and states at paragraph 3.5.17, which reflects the policy of national guidance in PPS6, that the movement of comparison goods stores to out of town locations should be strictly controlled so that it does not affect the viability or potential of units better located with regard to the town centre. The District Council must be satisfied with the sequential analysis by the developers, as the County Council would be concerned that this case could be used as a precedence for further expansion of out of centre retail units.

If the sequential analysis is satisfactory, with the site being part of an existing retail park the County Council has no strategic objection, as long as the appropriate controls form part of the conditions for this application.

Internal :

ENVIRONMENTAL HEALTH: No objection.

Neighbours :

No comments received to date (31.07.2008)

NEGOTIATIONS / DISCUSSIONS

None – although the applicant refers to pre-application discussion with a Principle Planning Officer, Planning Policy Manager and the Regeneration Manager.

CONSTRAINTS

Out of town retail park.
Car Parking Provision
Neighbouring land use
Planning policy

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C38 Nuisance
SP3 Out of Centre Shopping

National guidance
PPS1: Delivering Sustainable Development
PPS6: Planning for Town Centres

RELEVANT PLANNING HISTORY

08/01832/PUD - Installation of mezzanine floor – Pending (31.07.2008)

KEY ISSUES

The key issues to consider with this application are the need for the development, disaggregation, suitable and viable alternative sites firstly in the primary retail frontage and secondly in the edge of centre locations. Further if the above issues are satisfied it is necessary to assess if the vitality or viability of the nearby centres would be harmed, the development would be acceptable in the local context, including the impact on neighbouring amenity and is acceptable in terms of transport matters.

OFFICER APPRAISAL

The relevant planning policies are supportive of development such as this so long as set criteria are adhered to and satisfied. These are listed in PPS6, which is broadly consistent with the relevant development plan policy SP3. By way of introduction it is considered prudent to highlight that the proposal involves no external alterations, is an extension in floorspace for a single retailer, would not involve an expansion in the range of goods sold, would adhere to existing conditions imposed on their operations and would involve no division of the unit.

The need for development

As this application is to expand an out of town centre operation it is necessary to demonstrate a quantitative or qualitative need. The applicant has stated that a qualitative need exists, specifically an enlarged floor area is required in order to better exhibit bulky electrical goods for sale, such as televisions. This has been detailed in the applicant's retail statement and is considered to be adequate because it is noted that the premises are quite limited and cramped. Further the planning system is not intended to unreasonably stifle economic development, and it is noted that the proposal is for internal floorspace extensions of an existing single retailer.

Sequential test

Fundamental to note on this point is the issue of disaggregation. PPS6 states at paragraph 3.18 that a 'single retailer should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope of disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites.'

The applicant contends that each sales stream of their retail function is reliant on another. e.g. an individual shopping for a toaster would take this opportunity to browse the televisions section at the same time. This would not be possible with separate stores and is therefore not a reasonable solution.

In addition and notwithstanding this argument the retail statement explores in detail alternative, more suitable sequential sites for a split option at the request of the officers of the Council. They conclude that there no other suitable alternatives and the range of sites they considered is exhaustive. However it must be noted that the Town Council's objection is based on this point. They contend that alternative more preferable sites based on a sequential test are available and viable. However your officers would agree with the applicants that their operation does not lend itself well to split operation and that alternative sites first in the primary retail frontage and then secondly on the edge of the centre are not readily available and/or viable at this time.

Your officers have come to this view based on the applicants Planning and Retail Statement which exhaustively covers the vacant town centre sites and explained why they are unavailable and/or unviable and then also considers other out of town centre sites which are closer than the Spitfire Retail Park. The study highlights that these are either unavailable or sequentially no better or worse than Spitfire Retail Park.

Impacts on the vitality or viability of existing nearby centres

Given that the need for development is being justified on qualitative grounds, i.e. improve the display of goods; and that the proposal is to extend an existing single retailer operation with no expansion in the range of goods being sold then it is not considered that the viability or the vitality of Trowbridge Town Centre or any other centres within the catchment of Trowbridge would be negatively affected by the proposed mezzanine floor.

The cumulative impact of existing edge of centre and out of town centre development with this proposed extra 505 sq.m. of floorspace is not considered to be harmful for the same reasons as above.

The Strategic Planning team at Wiltshire County Council do not raise any objection to the proposals subject to the sequential analysis being to the satisfaction of the local planning authority.

Appropriate scale

Given that the Curry store exists on the Spitfire Retail Park, and that this is an appropriate location for the sale of bulky goods in terms of providing access for delivery vehicles and customer car parking to pick up these goods then it is considered that the retail park is an acceptable location for large scale retail functions subject to the other criteria. Spitfire Retail Park is a well established bulky goods retail centre, and the scale of development is in keeping with that. The proposal is all internal with no external extension proposed, as such no impact on the neighbouring properties or land uses would occur. Indeed it is noted that a neighbouring bulky goods store has an existing mezzanine floor which causes no harm to the local environment.

Accessible and is acceptable in transport terms

The proposed development raised no objection from the Highway Authority. It is considered that the site is reasonably accessible by car, with adequate parking for the picking up of bulky goods. The site is also accessible by bus and by cycling. It may be concluded that for many parts of Trowbridge many would not be able to visit this site only by walking, but that is true of the Primary Retail Frontage also given the size of the town.

Any other considerations

No other material considerations have come to light in the consultation process. In summary however it is considered that notwithstanding the detailed submission and retail statement submitted that this is an application for the internal extension of floorspace for a single retailer with no diversification in the range of goods being sold, nor any division of the unit. The need is justified on the basis of improving the existing display of goods within the existing envelope of the building.

RECOMMENDATION

Permission subject to conditions.

RELATED PLANS

Drawing : SITE PLAN received on 27.06.2008

Drawing : FLOORPLANS received on 27.06.2008

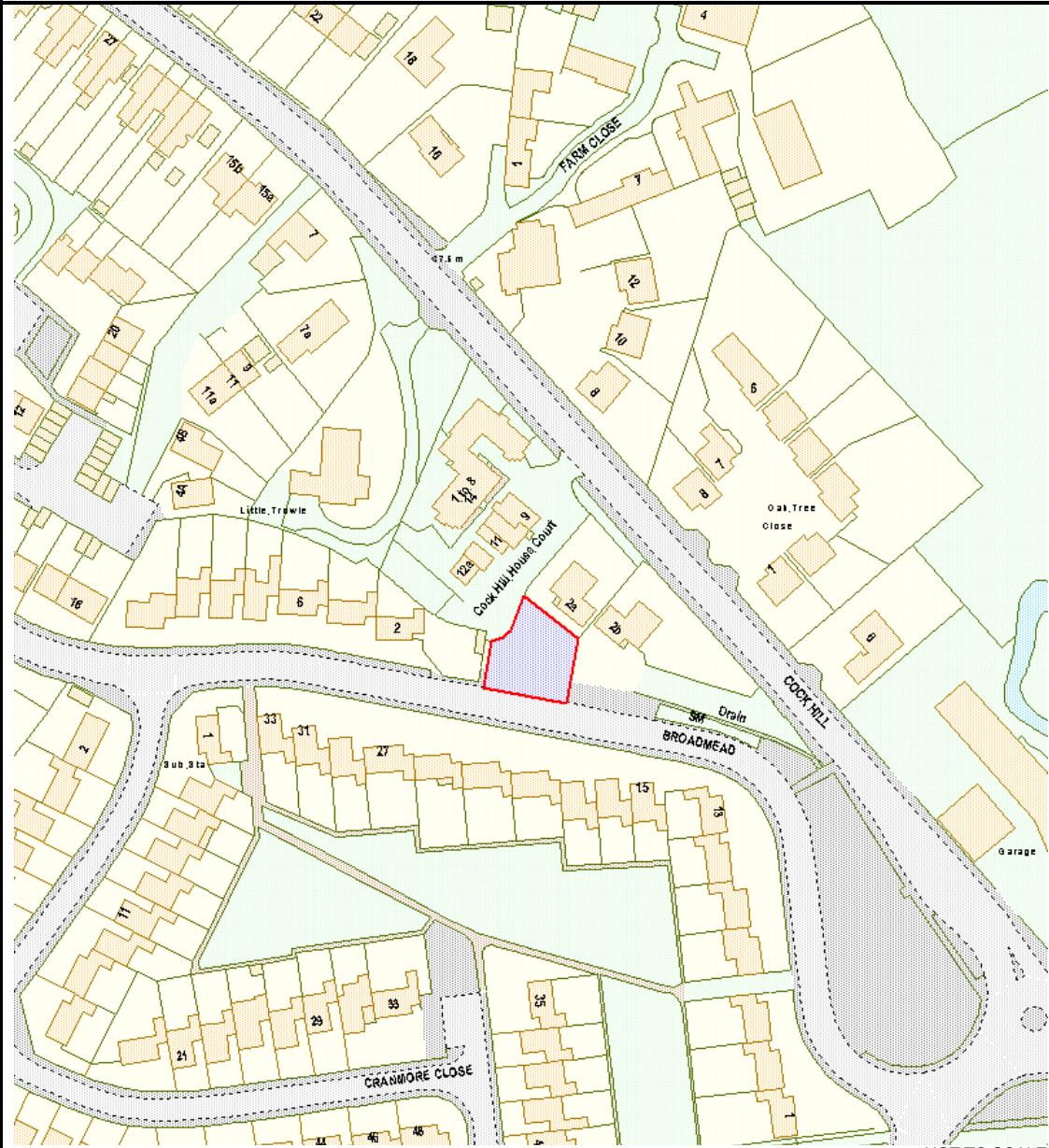
PLANNING COMMITTEE

21 August 2008

ITEM NO: 10

APPLICATION NO: 08/01460/FUL

LOCATION: Land Adjoining 2A Broadmead Trowbridge Wiltshire



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SLA: 100022961

10 Application: 08/01460/FUL

Site Address: Land Adjoining 2A Broadmead Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge North West
Grid Reference 384546 158216
Application Type: Full Plan
Development: Detached dwelling
Applicant Details: Mr D Hervin
Court Barton House 2A Broadmead Trowbridge Wiltshire BA14 9BX
Agent Details: Vines & Lipscombe
Boyers House Black Horse Lane Westbury Leigh Westbury Wiltshire
Case Officer: Mr Matthew Perks
Date Received: 14.05.2008 Expiry Date: 09.07.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The development hereby permitted shall not be occupied until 2 parking spaces have been provided within the curtilage of the site. The area allocated for parking shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety.

- 4 Before the development is occupied, the parking spaces shall be consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 5 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.

- 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Trowbridge Town council objects and officers recommend permission.

This is a full planning application for a double storey detached dwelling on land adjacent 2A Broadmead, Trowbridge. The proposal is for a three-bedroom dwelling with a rectangular footprint. The building would occupy a footprint of $\pm 70\text{m}^2$ and would be located on a near-rectangular portion of land of approximately 300m^2 in extent. Access would be directly off of Broadmead.

The site is part of the property known as "Court Barton House" constructed according to the agent in the 1980's. The proposed dwelling would be sited to the south of the existing dwelling, with an existing garage being demolished. The proposal includes parking for two vehicles on site, as well as two replacement parking spaces for the original dwelling.

Properties vary in size and buildings are of varying design and age. There are listed buildings to the north, at a minimum distance of approximately 46m. A parking area serving No 18 Church Street has been developed immediately to the north west of the site boundary, served by the access to the proposal site.

CONSTRAINTS

The site falls within Trowbridge Town Policy Limits. Cockhill House to the north west is a grade II listed building.

POLICIES

West Wiltshire District Plan 1st Alteration, 2004

C38 - Effects of development on neighbouring properties

C31a - Design

H1 - Housing development in towns

PPG 15 - Planning and the Historic Environment

PPS 3 - Housing.

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

Site visits were carried out on 30 May and 20 June 2008. Site notices were posted on both occasions, the latter being for revised/amended plans.

KEY ISSUES

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

CONSULTATIONS

Parish/Town Council :

The Trowbridge Town Council objects to the initial proposal:

"Cramped form of development. The developer should provide a footway on the north side of Broadmead as part of the development. Councillors Fuller and Knight abstained."

This view was upheld for the revised plans.

External :

Highway Authority

Initial plans: The highway authority requested amended plans to address the parking space sizes. These plans were submitted and the highway authority now has no objection, subject to conditions.

Wessex Water

No objection.

Internal :

Tree and Landscape Officer

There are TPO trees in a group nearby, but they would be unaffected. A landscaping condition is recommended however, given the existing shrubbery and smaller trees, and the proposed ground works.

Neighbours :

Two neighbours responded to advertising. Reasons for objection include:

- over-intensive use of the site;
- harm to No 2a, in terms of the massing of the building and loss of privacy;

- loss of open space and impact on surrounding area;
 - the design and materials are not in keeping with the local character;
 - the demolition of the garage and loss of on site parking is unacceptable;
 - the development would preclude the provision of a footpath on the north side of Broadmead.
- There is an increasing road safety hazard here with increased speeds;
- lack of front garden space would result in building that would dominate the appearance of the estate;
 - part of the site is actually not owned by the applicant. The neighbour has also been maintaining a portion of this land since 1983;
 - the parking access would be obscured to the west by the 2m boundary fence of 2 Broadmead.
- Site distances are inadequate;
- loss of trees.

NEGOTIATIONS / DISCUSSIONS

Following discussion the applicant was requested to submit additional information in respect of site levels and the relationship of the proposed dwelling to the existing house. The highway authority also requested amendments to the plan showing parking. These details were provided.

OFFICER APPRAISAL

The plot of land is within the town policy limits of Trowbridge and as such new residential development is acceptable in principle subject to the criteria in policy H1 of the West Wiltshire District Plan 1st Alteration.

The present use of the site is as partially domestic garden and vacant land adjacent to the roadside. The agent has indicated in the application form that advertising procedures have been followed in respect of the land outside of the domestic curtilage and ownership of the applicant.

The dwelling would be set back $\pm 4.8\text{m}$ from the highway edge, reflecting the established building line of the dwellings further to the west on this side of Broadmead. The site is slightly elevated at the roadside, levels being approximately 800 to 1000mm higher than the land in the vicinity of the proposed dwelling. The proposal includes works to create a finished level about 30mm below that of the existing dwelling. and 800mm below that of the roadside. A 25° roof pitch is proposed, reflecting that of the dwellings in the Broadmead estate area, and resulting in a ridge height $\pm 600\text{mm}$ below that of the existing dwelling. The roof ridge height to the new dwelling would be 6.8m. The proposed dwelling would therefore be subservient to the existing house and reflect design elements of the dwellings in Broadmead. A modest additional gable to the frontage would depart from the norm for the area, but the dwelling would be slightly spatially separated from the Broadmead rows of houses and the gable would provide additional interest to the front elevation. The variation in materials, a mix of brick and reconstructed stone dressings would not be inappropriate in this context.

The proposed dwelling would not impact on neighbouring properties to any unacceptable degree. Court Barton House, a modern building, is in fairly close proximity to the north east. This is the applicant's property and the rear facing windows to the proposed dwelling would be at a relatively obscure angle to the rear of side of the house, facing onto the new parking area for the existing dwelling. The Cockhill House Court flat development is at the nearest some 21m to the north west. The proposed dwelling would not impact on amenity on this site, nor harm the setting of this building. To the south the nearest dwellings are approximately 26m away, across Broadmead. No upstairs windows are proposed to the east elevation, facing the dwelling at No 2 A, at a distance of 13m or more away. The strip of land that has been maintained by the neighbour, immediately adjacent to no. 2 Broadmead according to a sketch submitted, is excluded from the site plan.

The highway authority does not object to the proposal. The Town council and neighbour observations on a new footway are noted, but a new path fronting this site would represent a discontinuous element which would end at the boundary to the property to the east. The highway authority has not recommended any change to the street frontage.

PPS3 (Housing) inter alia encourages local authorities to provide a mix of accommodation types, with due consideration for the character of surrounding development. Development of housing should furthermore be focussed on the efficient use of previously developed land. The density of development represented by the site equates to approximately 33 units per ha. (slightly above the minimum national average advocated by PPS3). Although the site has a slightly irregular shape this is not considered to be cramped.

The proposal would provide a fairly modest 3 bedroomed dwelling within Town Policy Limits. Whilst the design varies from that of the other dwellings in Broadmead, the form is not totally alien nor out of scale. Given the slight spatial separation from the rest of the Broadmead dwellings, and the variation in form represented by the presence of Court Barton House to the north east, the design is considered wholly acceptable.

RECOMMENDATION

The principle of further residential development is acceptable in this area. The application should be granted permission.

RELATED PLANS

Drawing : SITE PLAN received on 09.06.2008

Drawing : VLDG.2008/40/03 May '08 received on 09.06.2008

Drawing : VLDG.2008/40/04 June '08 received on 09.06.2008

Drawing : VLDG.2008/40/05 June '08 received on 09.06.2008

Drawing : VLDG.2008/40/02 May '08 received on 14.05.2008

Drawing : VLDG.2008/40/01 May '08 received on 14.05.2008

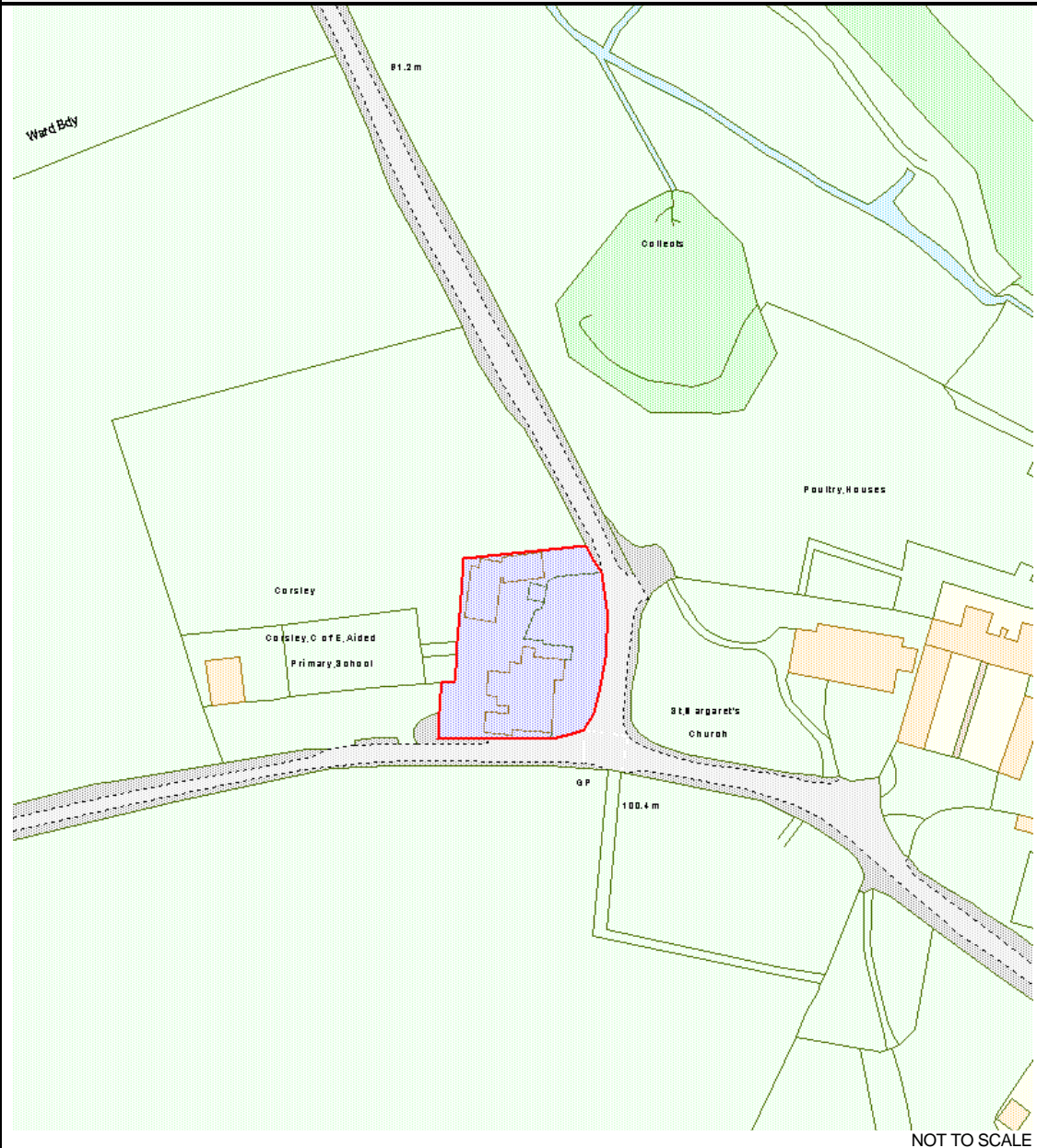
PLANNING COMMITTEE

21 August 2008

ITEM NO: 11

APPLICATION NO: 08/01650/FUL

LOCATION: Corsley School Deep Lane Corsley Wiltshire BA12 7QF



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

SLA: 100022961

11 Application: 08/01650/FUL

Site Address: Corsley School Deep Lane Corsley Wiltshire BA12 7QF

Parish:

Ward:

Grid Reference 382792 146725

Application Type: Full Plan

Development: Demolition of boiler room and erection of new front entrance to lobby and offices

Applicant Details: Mr Baker And Miss Atwill
38 Portway Frome Somerset BA11 1QU

Agent Details: Nash Partnerships
F A O Mr C Beaver Somerset Coalhouse 23a Sydney Buildings
Bath BA2 6BZ

Case Officer: Mr James Taylor

Date Received: 03.06.2008

Expiry Date: 29.07.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

Note(s) to Applicant:

- 1 You are advised that there may be asbestos present within the building and that arrangements should be made for its safe disposal. Please contact the Environmental Health Officer at West Wiltshire District Council for advice.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of a new front entrance to lobby and offices to replace the demolished boiler room. All other elements for the purposes of clarity and expedience have been withdrawn from the application and only the physical alterations to the actual building are now being applied for.

The host building is a Grade II listed building, which was until recently the local village primary school. It is currently vacant. The applicants intend to use the building as a D1: non-residential institution function; the same use class as a school. As such no change of use is applied for or required.

The site is located in a special landscape area and a groundwater protection zone. To the east, opposite the application site is St Margaret's Church, a grade II listed structure and beyond approximately 100m from the application site is the Manor Farmhouse, a Grade II* listed structure.

SITE VISIT / STATUTORY SITE NOTICES

Date of Site Visit : 10 June 2008

Date Site Notice Posted : Revised plans site notice erected on 23 July 2008, expires 06.08.2008

CONSULTATIONS

Parish/Town Council :

CORSLEY PARISH COUNCIL: The Parish Council objected to the application for the following reasons:

- a) concerns about number of car parking spaces in front of the building line of a listed building and within 400 metres of a grade II* Manor Farm (understood that this was not acceptable);
- b) Applicant confirmed that there would be 40-45 people at the centre at anyone time. The number of parking spaces provided by the applicant appears insufficient to meet this anticipated number together with office and catering staff;
- c) current application shows that opening hours are all week "as required". The Parish Council would like clarification of opening hours. It is assumed that these would not exceed 7am - 10pm Monday - Saturday?
- d) It is noted that there are bats in the school building. These do not seem to have been mentioned by the applicant;
- e) it is understood that there is asbestos within the interior of the school. Provision needs to be made to ensure that asbestos is disposed of safely given the proximity of Little Cuckoos.
- f) The Parish Council were involved in extensive negotiations with the LB Officer when a small extension was built in about 2003. It is not clear if the LB officer has been involved prior to the submission of this application. It is not felt that cedar cladding is an appropriate material for a listed building. The Parish Council wish to ensure that the LB Officer has seen the application and proposed design;
- g) the boiler room shown on the plans is inaccurately described. It is actually rendered block with a corrugated asbestos roof;
- h) the applicant states that consultation with the Parish Council had been undertaken. The Parish Council had not been approached until formal plans via WWDC were received;
- i) concerns about the suitability of the access point to the car park.

No comments regarding the revised plans and comments have been received to date (28.07.2008), although the deadline is the 6th August 2008.

External :

HIGHWAY AUTHORITY: Maintains their previous recommendation based on the original submission, which was no objection.

I have seen no details of the cycle parking but in the email below it is stated that covered cycle parking will be provided and I am happy to secure this by condition. With regards to the access, whilst I believe the improvements requested would be of much benefit, as the application is not for a change of use and therefore the access could be used by the type of business proposing to take over the site without any planning permission I do not feel I can insist on the alterations. I would like to see the hedge cut back to allow the visibility to be improved which the applicant seems willing to do. In view of the above I have no objection to the application, subject to conditions.

No comments regarding the revised plans and comments have been received to date (28.07.2008), although the deadline is the 6th August 2008.

ENGLISH HERITAGE: This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Neighbours : 1 letter of objection received raising the following issues:

- the number of cars required for the proposed commercial use will significantly impact on the historic setting of all three buildings.
- there is insufficient space on this small plot to sustain cars for any viable commercial or institutional use.
- there will be a tendency to use the narrow country lanes for further parking
- the only viable use for the School would be as a single residence.

NEGOTIATIONS / DISCUSSIONS

A standard pre-application letter was sent out to all those that indicated an interest in the premises prior to its sale at auction. Further discussions took place with the applicants post that process about the principle of D1: Non-residential institution use but no detail designs were available.

CONSTRAINTS

Listed buildings
Special landscape area

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C3 Special Landscape Area
C28 Alterations and Extensions to Listed Building
C31a Design
C38 Nuisance

National guidance
PPS1: Delivering Sustainable Development
PPG15: Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The key issues to consider are the potential impact of the alterations to the listed building's character, appearance, historic fabric and setting; the setting of other listed buildings and the impact on the rural character of this special landscape area.

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.

OFFICER APPRAISAL

It is important to clarify that no change of use of the building is being sought in planning terms. The lawful use of this vacant building is D1: Non-residential institution, and the physical changes proposed are in connection with its conversion to a conference centre that falls within the same Use Class.

No alterations to the access, parking arrangements and curtilage arrangements of the application site are proposed either at this stage. The applicants have employed an agent post application and they confirm in writing that permission is only being sought for the physical works to the building. This is because it is hoped that if consent is obtained that they can commence these works and sought out other matters such as protected species, temporary classroom removal and curtilage layouts at a later date.

Therefore in this application only the principle of the extension can be considered. The demolition of the boiler room poses no concerns in principle as a modest and modern addition to the building. The extension proposed is contemporary in design, very small and lightweight in appearance. It is limited to an infill area at the rear of the building away from the principle elevations. The rear of the building is characterised by a variety of rather ad-hoc additions.

The proposed extension would not cause any harm to the character or appearance of the listed building. It would barely be evident in the wider street scene or landscape, and as a sympathetic addition it poses no concern in this regard.

There are no neighbouring properties in proximity to the application, the nearest being approximately 100m away. A neighbour suggests that a better proposal would be to change the use of the building to residential. This approach would be contrary to planning policy at this stage.

The Parish Council indicates the presence of bats in the building. The proposals are limited to flat roof areas of the building and nominal internal works; no works to the main roof are proposed. Further it is noted that no correspondence from the Wiltshire and Swindon Biological Records Centre has been received who screen applications for potential issues on protected species. As such it is not considered reasonable or necessary to request an ecological survey or refuse the application on these terms. Issues with asbestos are not a material planning consideration but an informative is considered prudent in light of the Parish comments.

There are no objections on highway grounds.

RECOMMENDATION

Permission.

RELATED PLANS

Drawing : 8104(L)001 A received on 22.07.2008
Drawing : 0801.01 received on 27.05.2008
Drawing : 0801.04 received on 27.05.2008
Drawing : 0801.02 received on 27.05.2008
Drawing : 0801.03 received on 27.05.2008
Drawing : 0801.08 (LESS PROPOSED) received on 27.05.2008
Drawing : 0801.BR18 received on 15.07.2008
Drawing : 0801.09 received on 27.05.2008
Drawing : 0801.05 received on 15.07.2008
Drawing : 0801.BR08 received on 15.07.2008
Drawing : 0801.BR10 received on 15.07.2008
Drawing : 0801.BR15 received on 15.07.2008
Drawing : 0801.BR09 received on 15.07.2008
Drawing : 0801.10 received on 27.05.2008
Drawing : 0801.11 received on 27.05.2008

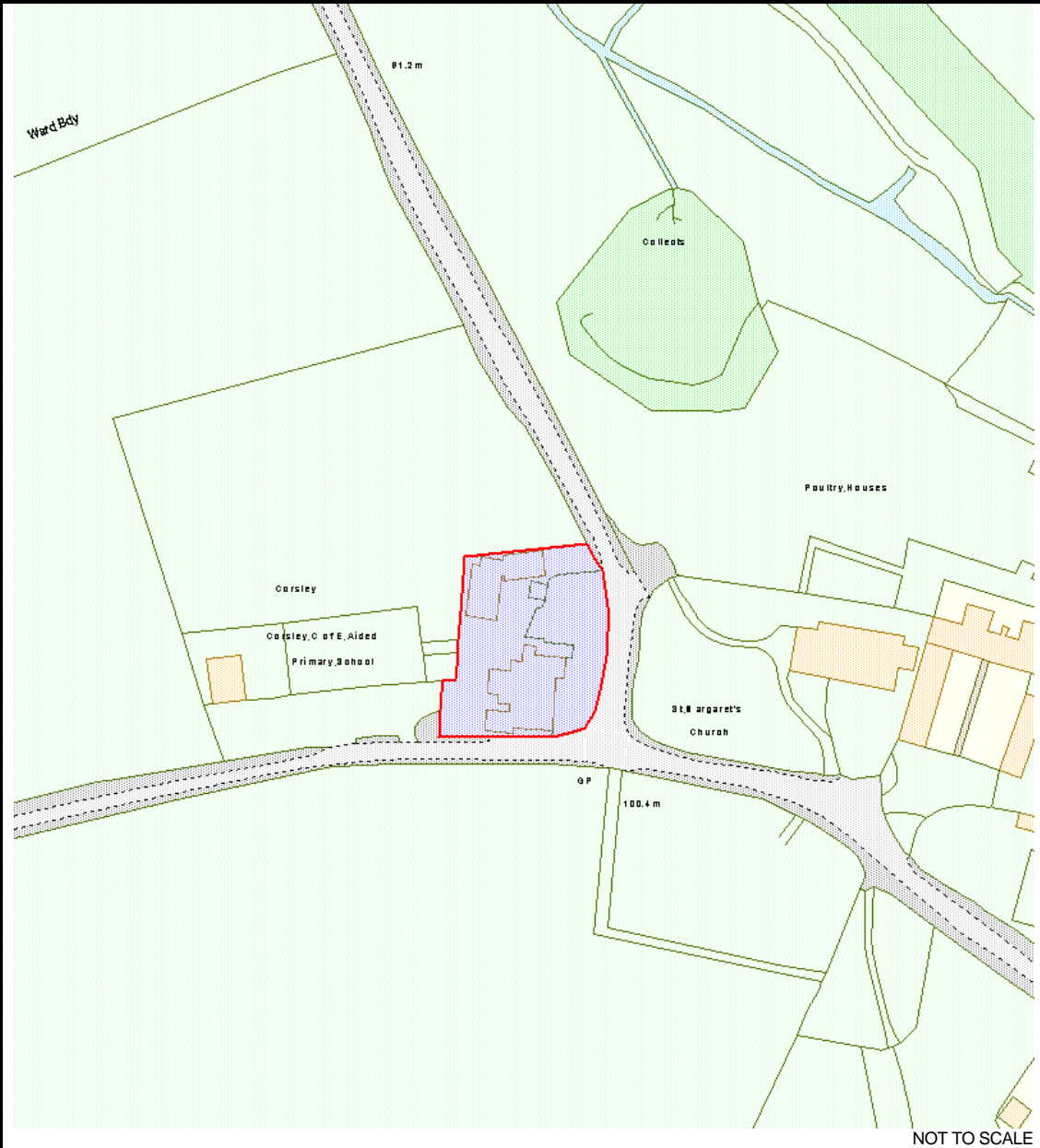
PLANNING COMMITTEE

21 August 2008

ITEM NO: 12

APPLICATION NO: 08/01648/LBC

LOCATION: Corsley School Deep Lane Corsley Wiltshire BA12 7QF



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SLA: 100022961

12 Application: 08/01648/LBC

Site Address: Corsley School Deep Lane Corsley Wiltshire BA12 7QF

Parish:

Ward:

Grid Reference 382792 146725

Application Type: Listed building

Development: Demolition of boiler room and erection of new front entrance to lobby and offices plus internal alterations

Applicant Details: Mr Baker And Miss Atwill
38 Portway Frome Somerset BA11 1QU

Agent Details: Nash Partnerships
F A O MR C Beaver Somerset Coalhouse 23a Sydney Buildings
Bath BA2 6BZ

Case Officer: Mr James Taylor

Date Received: 03.06.2008

Expiry Date: 29.07.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

Condition(s):

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

REASON: In accordance with Section 18 of the Planning (Listed 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 - Policy C28.

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

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved in writing 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 - Policy C28.

- 5 The existing floor, including those boards and joists unaffected by dry rot in the proposed therapy room as indicated on drawing 0801.05 shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building. Details of any repairs/replacement works to the joists and any replacement floorboards shall be included within a schedule of works. Any replacement floorboards must match the existing.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a listed building application for demolition of boiler room, erection of replacement front entrance to lobby and offices plus other alterations. The other alterations include the replacement of a window with a door on the west elevation and numerous internal changes such as repairs to damp damaged floor, opening up fire places, new light fittings, removal and erection of stud walls and replacement flat roof.

The host building is a Grade II listed building, which was until recently the local village primary school. It is currently vacant. The building's principle elevation is the east elevation and the rear has undergone a number of extensions including a modern lean-to boiler room and a flat roof toilet block.

SITE VISIT / STATUTORY SITE NOTICES

Date of Site Visit : 10 June 2008

Date Site Notice Posted : Revised plans site notice erected on 23 July 2008, expires 06.08.2008

CONSULTATIONS

Parish/Town Council :

CORSLEY PARISH COUNCIL: The Parish Council objected to the application for the following reasons:

- a) concerns about number of car parking spaces in front of the building line of a listed building and within 400 metres of a grade II* Manor Farm (understood that this was not acceptable);
- b) Applicant confirmed that there would be 40-45 people at the centre at anyone time. The number of parking spaces provided by the applicant appears insufficient to meet this anticipated number together with office and catering staff;
- c) current application shows that opening hours are all week "as required". The Parish Council would like clarification of opening hours. It is assumed that these would not exceed 7am - 10pm Monday - Saturday?

- d) It is noted that there are bats in the school building. These do not seem to have been mentioned by the applicant;
- e) it is understood that there is asbestos within the interior of the school. Provision needs to be made to ensure that asbestos is disposed of safely given the proximity of Little Cuckoos.
- f) The Parish Council were involved in extensive negotiations with the LB Officer when a small extension was built in about 2003. It is not clear if the LB officer has been involved prior to the submission of this application. It is not felt that cedar cladding is an appropriate material for a listed building. The Parish Council wish to ensure that the LB Officer has seen the application and proposed design;
- g) the boiler room shown on the plans is inaccurately described. It is actually rendered block with a corrugated asbestos roof;
- h) the applicant states that consultation with the Parish Council had been undertaken. The Parish Council had not been approached until formal plans via WWDC were received;
- i) concerns about the suitability of the access point to the car park.

No comments regarding the revised plans and comments have been received to date (28.07.2008), although the deadline is the 6th August 2008.

External :

ENGLISH HERITAGE: This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal :

HERITAGE DEVELOPMENT OFFICER: No objection subject to materials samples, schedule of works conditions. Recommendation: Consent.

Neighbours : 1 letter of objection received raising the following issues:

- the number of cars required for the proposed commercial use will significantly impact on the historic setting of all three buildings.
- there is insufficient space on this small plot to sustain cars for any viable commercial or institutional use.
- there will be a tendency to use the narrow country lanes for further parking
- the only viable use for the School would be as a single residence.

NEGOTIATIONS / DISCUSSIONS

A standard pre-application letter was sent out to all those that indicated an interest in the premises prior to its sale at auction. Further discussions took place with the applicants post that process about the principle of D1: Non-residential institution use but no detail designs were available.

CONSTRAINTS

Listed buildings

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C28 Alterations and Extensions to Listed Building

National guidance
PPG15: Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The key issues to consider are the potential impact of the alterations to the listed building's character, appearance, historic fabric and setting.

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.

OFFICER APPRAISAL

This application has been considered by the Council's Heritage Development Officer and they raise no objection to the proposals. English Heritage did not wish to comment and no comments have been received from the amenity societies.

The demolition of the boiler room poses no concerns in principle as a modest and modern addition to the building. Alterations to this same are of the building to facilitate a new extension does not pose and concerns. The proposed is contemporary in design, very small and lightweight in appearance. It is limited to an infill area at the rear of the building away from the principle elevations. The rear of the building is characterised by a variety of rather ad-hoc additions. In light of this the proposed extension would not cause any harm to the character or appearance of the listed building.

The replacement of the flat roof on the toilet block poses no concern, a like-for-like treatment is appropriate to this modern addition. Opening up the fire places would be an enhancement returning some character to the internal arrangement of the building which has become rather bland and institutional with eth previous use.

The repairs to the floor where damp has occurred have been justified with a letter from a suitably qualified expert. This can be controlled by condition to limit the loss of historic fabric to that only entirely necessary. Bringing the building back into occupation will help to alleviate any continuing damp issues.

The limited internal alterations to the layout would not harm the integrity of the building and generally have been kept to a minimum. Basically some new lighting is proposed and one or two slight changes to the position of stud walls and fittings. This reduces costs for the applicant and maintains the existing status quo of the building.

All other matters have been addressed in the report for the parallel planning application.

There would be no harm to the character of the listed building.

RECOMMENDATION

Consent

RELATED PLANS

Drawing : 8104(L)001 A received on 22.07.2008
Drawing : 0801.01 received on 27.05.2008
Drawing : 0801.04 received on 27.05.2008
Drawing : 0801.02 received on 27.05.2008
Drawing : 0801.03 received on 27.05.2008
Drawing : 0801.08 (LESS PROPOSED) received on 27.05.2008
Drawing : 0801.BR18 received on 15.07.2008
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Drawing : 0801.BR10 received on 15.07.2008
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Drawing : 0801.10 received on 27.05.2008
Drawing : 0801.11 received on 27.05.2008

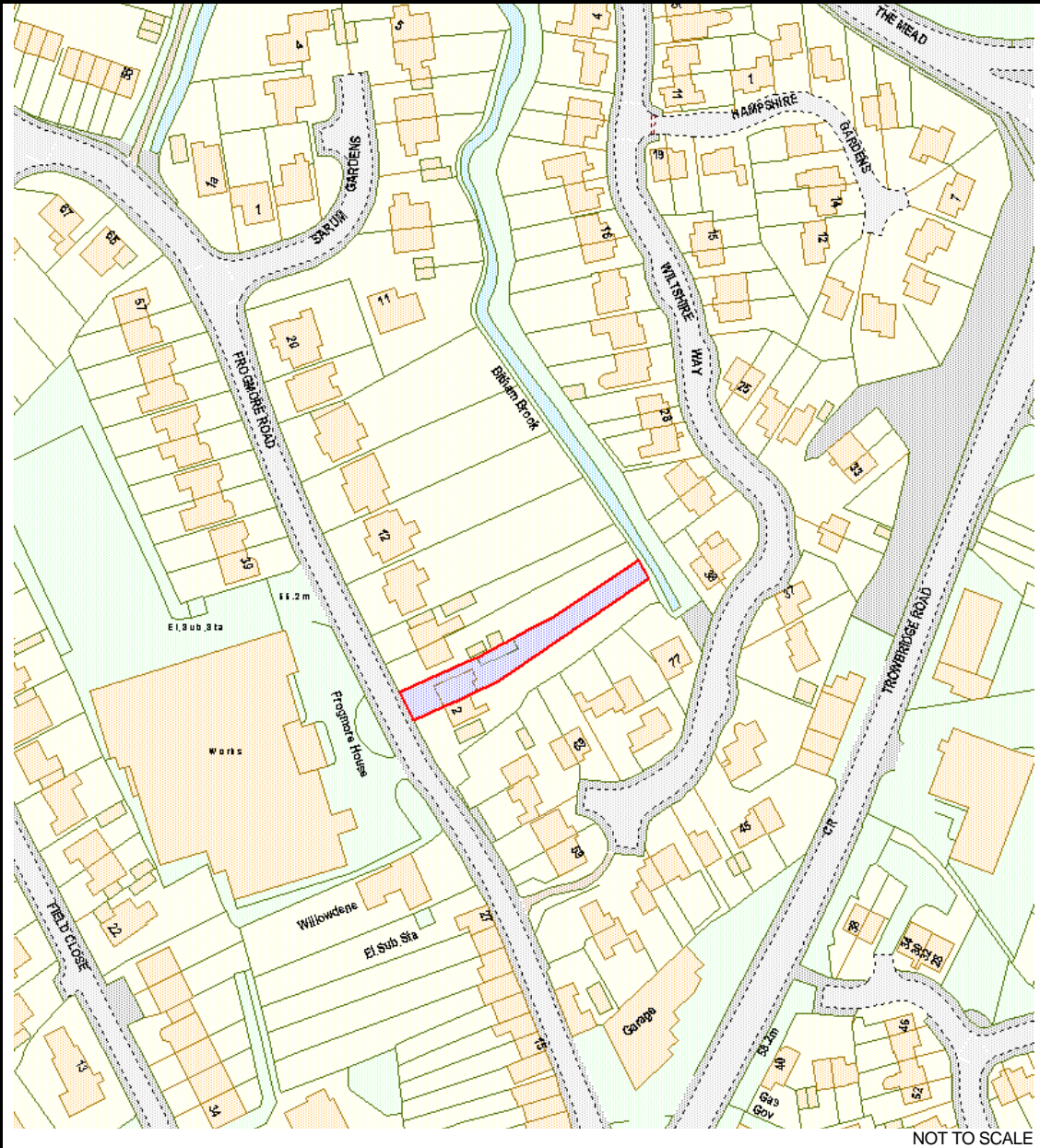
PLANNING COMMITTEE

21 August 2008

ITEM NO: 13

APPLICATION NO: 08/01979/FUL

LOCATION: Ferndale 4 Frogmore Road Westbury Wiltshire BA13 3AT



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SLA: 100022961

13 Application: 08/01979/FUL

Site Address: Ferndale 4 Frogmore Road Westbury Wiltshire BA13 3AT

Parish: Westbury Ward: Westbury Ham
Grid Reference 387326 151808
Application Type: Full Plan
Development: Resubmission of 07/02005/FUL for replacement single storey rear extension
Applicant Details: Mr Brent Pullen
Ferndale 4 Frogmore Road Westbury Wiltshire BA13 3AT
Agent Details: Mr Ian Bartlett
52 The Butts Westbury Wiltshire BA13 3EY
Case Officer: Mr James Taylor
Date Received: 08.07.2008 Expiry Date: 02.09.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 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 south 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 is brought to committee because Westbury Town Council objects contrary to your officer's recommendation.

This is a full planning application for the erection of a single storey rear extension. This is a revised and reduced scheme following the refusal of application 07/02005/FUL which was subsequently dismissed at appeal.

The single storey extension would replace the existing dilapidated conservatory and WC, projecting approximately 3.2 metres. The extension would utilise matching materials.

The host building is a modest semi-detached residential property located within the town. It has an elongated enclosed rear garden.

SITE VISIT / STATUTORY SITE NOTICES

Date of Site Visit : 8 July 2008

CONSULTATIONS

Parish/Town Council :

WESTBURY TOWN COUNCIL: The planning committee objects to this planning application because of the detrimental impact on 2 Frogmore Road.

Neighbours :

One letter received with the following comments:

Whilst we have no objections to the proposed plans we would like to ensure that neither our boundary wall or fence is damaged or moved in any way. Also when the plan was submitted last year a comment was made that there would be no port hole window overlooking our kitchen. I notice that there is no reference to this in the plan but would like to ensure that no window overlooking our property will be present.

NEGOTIATIONS / DISCUSSIONS

None

CONSTRAINTS

Planning history
Neighbouring amenity

POLICIES

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

Supplementary Planning Guidance on house alterations and extensions

RELEVANT PLANNING HISTORY

07/2005/FUL – Ground floor extension to rear of property to form kitchen & study – Refused 15.08.2007 (Dismissed at appeal 23.04.2008)

'The proposed rear extension, by reason of its bulk, mass and location would have a detrimental impact on the amenities of the adjoining neighbour in terms of loss of daylight, outlook and overpowering impact. It is therefore contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004, and the advice contained within the Council's Supplementary Planning Guidance on House Alterations and Extensions.'

KEY ISSUES

The key issue to consider is the planning history and if the previous reasons for refusal have been overcome.

OFFICER APPRAISAL

Compared to the refused scheme 07/02005/FUL this proposal reduces the overall length of the extension proposed by approximately 1.5 metres to a length of 3.2 metres. This would be 200mm further than the Council's guidance on single storey extensions on or close to the boundary with neighbouring properties.

The extension would be in line with part of the existing extension at the rear, but extend 1 metre further on the boundary than the existing dilapidated conservatory. Despite being a metre further on the boundary with number 2 than the existing arrangement it is not considered that it would cause significant harm to the amenity of the occupiers of that property.

The mono pitched roof of the proposal would be set at a height of 3.4 metres, 200mm less than previously proposed and reduce to approximately 2.5 metres. The boundary at this point is a 1.8 metre high wall. The orientation of the proposal to the neighbour reduces the potential loss of light.

It is considered that the previous reason for refusal has been adequately overcome and no significant harm would result from this reduced scheme. The observations of the planning inspector at the appeal have also been addressed in this revised proposal.

The comments of the neighbour have been noted. They raise no objection but would like assurance that the boundary wall/fence will be unaffected and that no windows will be overlooking their property. The proposed extension appears to be set in from the boundary by a nominal amount and may not necessarily be affected. However the boundary issue is actually a civil matter under the Party Wall Act and cannot be considered in this application. The issue of overlooking is highly unlikely to be an issue either, however it is considered prudent to impose a condition to prevent the insertion of windows given such a direct request for help and that to insert one would not be neighbourly.

RECOMMENDATION

Permission

RELATED PLANS

Drawing : SITE PLAN AND FLOOR PLANS received on 07.07.2008

Drawing : ELEVATIONS received on 07.07.2008

Drawing : RED LINE PLAN received on 07.07.2008

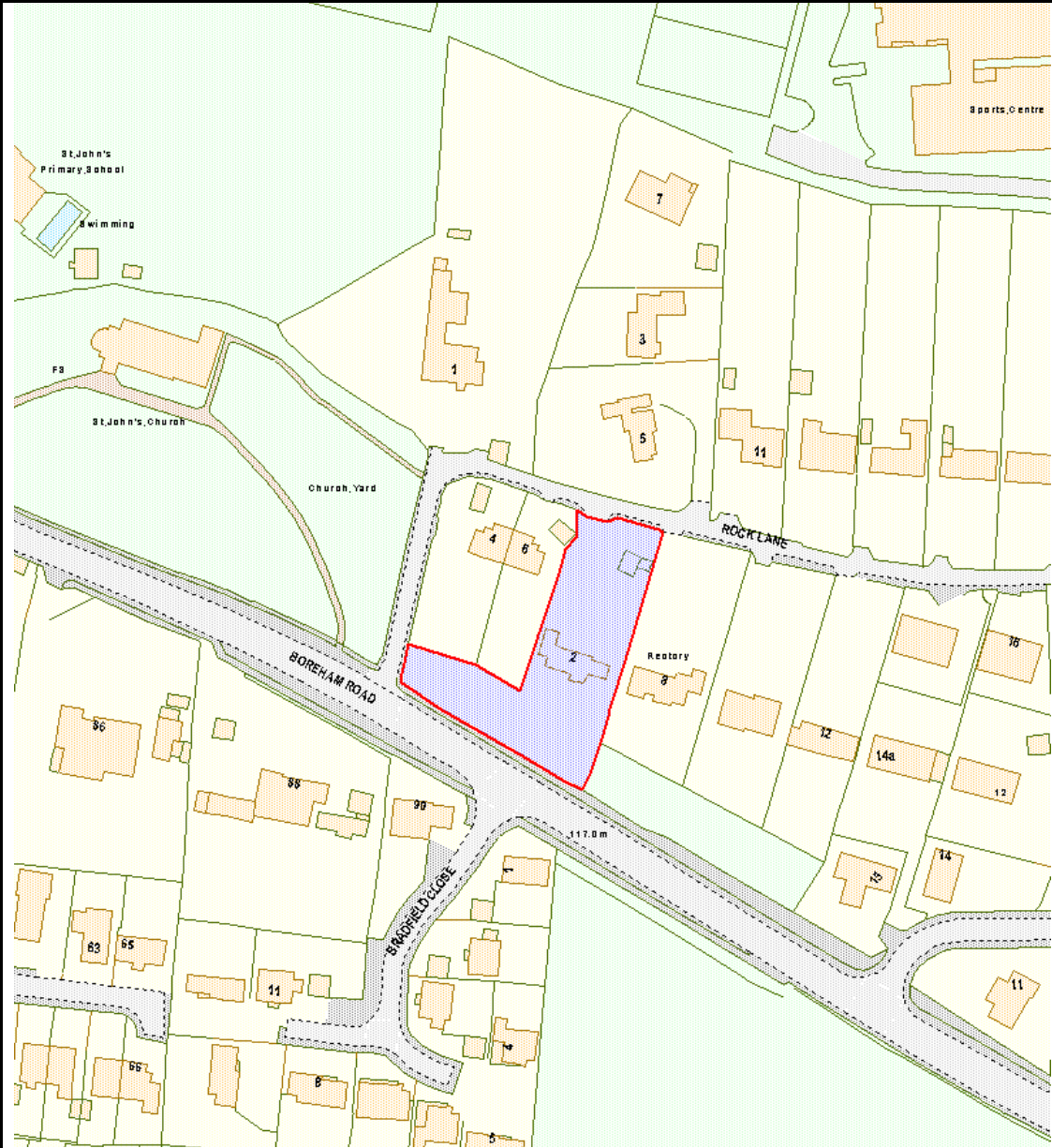
PLANNING COMMITTEE

21 August 2008

ITEM NO: 14

APPLICATION NO: 08/01309/FUL

LOCATION: 2 Rock Lane Warminster Wiltshire BA12 9JZ



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SLA: 100022961

14 Application: 08/01309/FUL

Site Address: 2 Rock Lane Warminster Wiltshire BA12 9JZ

Parish: Warminster Ward: Warminster East
Grid Reference 388589 144523
Application Type: Full Plan
Development: Creation of pedestrian access off Boreham Road
Applicant Details: Mrs D McGuckian
2 Rock Lane Warminster Wiltshire BA12 9JZ
Agent Details: Mr Peter Grist
Eversfield House Station Road Warminster Wiltshire BA12 9BP
Case Officer: Miss Carla Rose
Date Received: 01.05.2008 Expiry Date: 26.06.2008

RECOMMENDATION: Permission

Condition(s):

- 1 Prior to installation of the wire cage structures full structural details (including calculations) shall be submitted to the Local Planning Authority for written approval. The structure shall be built in accordance with the approved details.

REASON: In the interests of highway safety.

- 2 Full details of the proposed gabion retention system and the pathway construction must be submitted in the form of a Construct Method Statement (CMS). This CMS must include the finished surface and shall be submitted to and be approved in writing by the Local Planning Authority. The approved CMS shall be completed in accordance with approved details.

REASON: To enhance the amenities of the site and to secure a well planned development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32 and C40.

- 3 For the avoidance of doubt this permission does not grant permission for any pruning works to the trees to be retained on the site, which are protected by a Tree Preservation Order. Any such works should be subject to a separate Tree Works Application following the completion of the development hereby approved.

REASON: In order to protect the existing trees which are to be retained on the site and which are protected by a Tree Preservation Order until the Local Planning Authority has had the opportunity to fully consider their future in relation to the details of the proposed development.

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

COMMITTEE REPORT

APPLICATION DETAILS

This is a full application for the creation of a pedestrian access off Boreham Road in Warminster. The application has been brought to committee due to a request from Councillor Humphries.

The area is characterised by detached and semi-detached properties. The pedestrian access is opposite Bradfield Close. The proposed access would be approximately 0.7m wide. Stone filled wire cages are proposed with soil over to allow grass growth.

A planning application is required, as it is a highway. A highway is defined as 'a piece of land over which the general public has the right to pass, including a footpath, whether or not it is maintained by the Highway Authority. An unmade private street is therefore a highway.'

SITE VISIT / STATUTORY SITE NOTICES

Site visited and site notice displayed on 7th May 2008. Site notice re-displayed on 21st May 2008

CONSULTATIONS

Parish/Town Council : Warminster Town Council recommended refusal due to the unnecessary destruction of the bank and damage to the entrance to the town. They also viewed the pedestrian access as unnecessary, as the property already has two existing accesses. They also advised that the Planning Inspectorate does not want the bank 'carved up' and could not understand what had changed.

External : Rights of Way Technician – 'No comments regarding public rights of way'

Highway Authority has no objection subject to a condition

Internal : Landscape and Arboricultural Officer Comments: - There are no arboricultural or landscape reasons to refuse this application. However any consent must be subject to conditions.

Neighbours : Neighbours have the following concerns: -

Pedestrian access is unnecessary as they have pedestrian and vehicular accesses
Every house would do the same and it would create an eye sore and conifers would be lost.
An application was refused for a vehicular access and now a pedestrian access has occurred
Application is contrary to policies C31a and C32 of the District Plan
They consider the creation of the access as vandalism.
Impacts on visual amenity, street pattern and character of the area
Could set a precedent for other houses to do the same
Goes against Environmental Aims of West Wiltshire District Council 'To protect conserve and enhance both the natural and manmade environment'
Existing bank and trees have been removed
Road is very busy
Character and appearance of the area would be changed.
The bank is an important feature to the area
A precedent could be set for similar breaches.
Street scene is damaged
Visual impact
Attractiveness of area is spoilt
Parking in the street will occur
Primroses are on the bank

Petition in favour of the access: - 82 signatures in support.

NEGOTIATIONS / DISCUSSIONS

Discussion with the Highway Authority about the revised plans indicating stone filled wired cages. They advised that support would be required for the pedestrian access and that they would comment on the revised plans.

CONSTRAINTS

Neighbour amenity
Design

POLICIES

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

Supplementary Planning Guidance on house alterations and extensions (Adopted July 2004)

RELEVANT PLANNING HISTORY

07/02484/FUL New vehicular access off Boreham Road. Refused 18th September 2008

98/00732/FUL Dwelling and garage with new access to existing dwelling from Boreham Road.
Refused 12th November 1998

98/00860/FULL Vehicular access. Refused 5th August 2008

98/00732/REF Dwelling and garage with new access to existing dwelling from Boreham Road.
Appeal dismissed 12th May 1999

98/00860/REF Development Appeal. Appeal dismissed 20th December 2008

KEY ISSUES

Street scene
Neighbour amenity

OFFICER APPRAISAL

Street Scene

Issues of the visual impact on the street scene and the character of the area were raised by neighbouring properties

Although the pedestrian access would be visible from the street it would not be a dominant feature in the street scene, as it is sympathetic in design. The revised plans indicate that stone filled wire cages are proposed with soil over to allow grass to grow. Due to the proposed grass growth over the wire cages, there would be no adverse impact on the street scene. Further to this the pedestrian access is not in a conservation area. Warminster Town Council advised in their response that the pedestrian access is in a conservation area. Please note that the pedestrian access is not in a conservation area.

Concerns were raised by neighbours about the loss of vegetation. The hedge has been removed, but this would not require a planning application, as the hedge is not located in a conservation area. There are trees on the site that are protected by Tree Preservation Orders. In order to protect the trees conditions have been put on the application to protect these trees, which are very important in the street scene.

Neighbour consultation also raised concerns about road safety and parking. The Highway Authority were consulted on the application and had no objection subject to a condition requesting full structural details of the wire cage structures (including calculations).

There were concerns raised in the neighbour consultation that the pedestrian access would be contrary to policy C31a and C32. Policy C31a advises that new development should respect or enhance. The proposal would not enhance the area and is not ideal; however the design would be sympathetic to the area. Policy C32 discusses provision for landscaping. The revised plans indicate that soil is proposed to be grown over the cages, which would make the proposal more sympathetic to the street scene.

There have been previous applications that have been refused and appeals that have taken place and been dismissed for a vehicular access at the site. There has been much reference in Inspectors Reports and reasons for refusal regarding the impact that a vehicular access would have on the street scene and attractiveness of the area by punctuating the hedge. These points have been taken into consideration and on balance the pedestrian access is smaller in size and therefore would have a lesser impact on the street scene.

Although the pedestrian access is not ideal and could set a precedent for other properties to do the same, on balance, due to the sympathetic design there would be no objection to the application on planning grounds. Any future applications in the locality would be considered on their own merits and this will not set a precedent.

Neighbour Amenity

Due to the small nature of the pedestrian access there would be no adverse impact on the neighbouring properties.

RECOMMENDATION

Permission subject to conditions

RELATED PLANS

Drawing : EXISTING received on 01.05.2008

Drawing : REVISED PEDESTRIAN ACCESS received on 01.05.2008

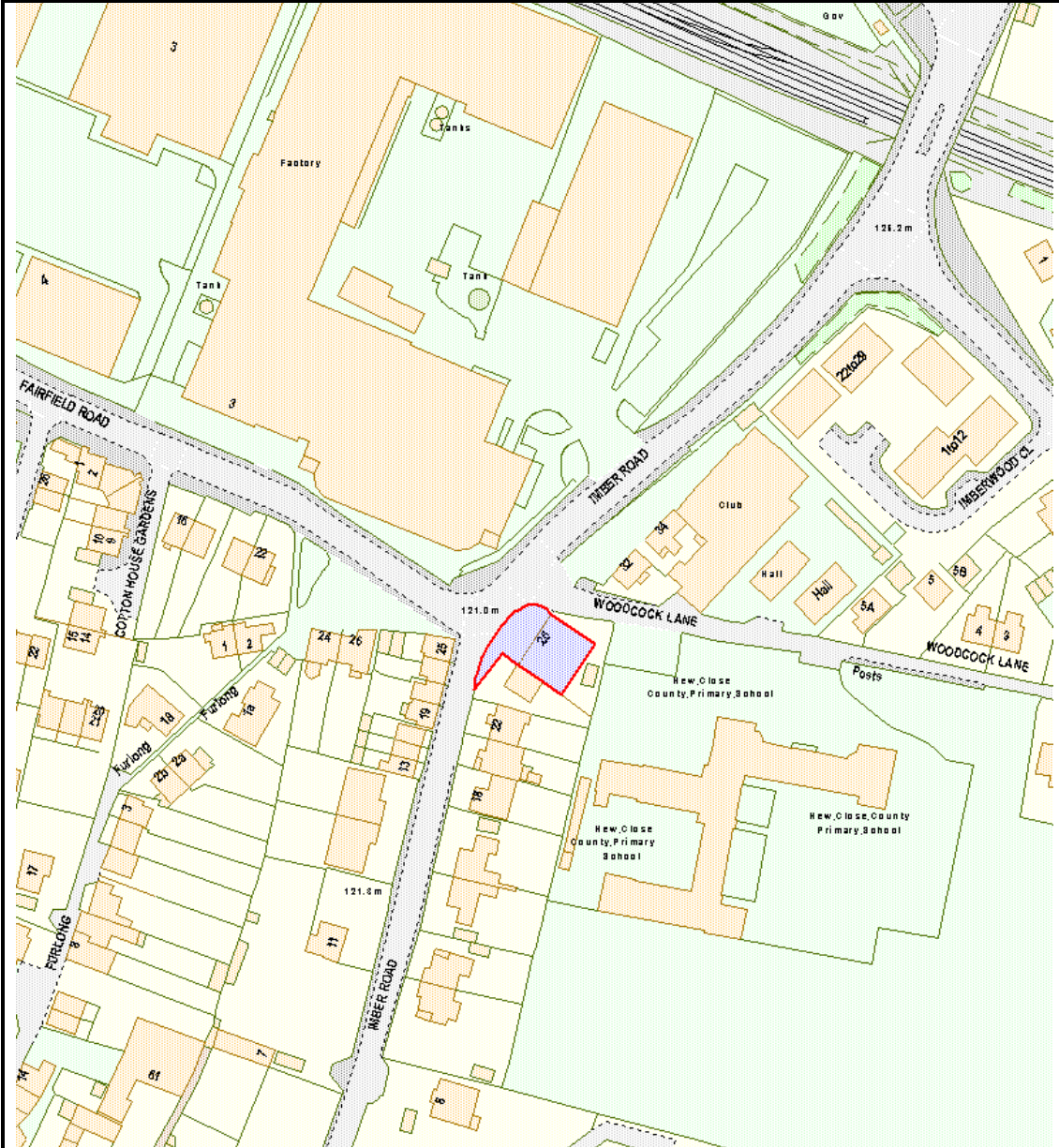
PLANNING COMMITTEE

21 August 2008

ITEM NO: 15

APPLICATION NO: 08/01563/ADV

LOCATION: 26 - 28 Imber Road Warminster Wiltshire BA12 9DB



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SLA: 100022961

15 Application: 08/01563/ADV

Site Address: 26 - 28 Imber Road Warminster Wiltshire BA12 9DB

Parish: Warminster Ward: Warminster East
Grid Reference 387935 145024
Application Type: Advertisement
Development: 2 internally illuminated free standing single sided display units (retrospective)
Applicant Details: Miss Helen Groth
Charlotte House 14 Windmill Street London W1T 2DY
Agent Details:
Case Officer: Miss Carla Rose
Date Received: 02.06.2008 Expiry Date: 28.07.2008

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

Condition(s):

1 The illumination of the signs hereby permitted shall not be of a flashing type.

REASON: In the interests of highway safety

2 The source of the illumination for the proposed sign shall not be visible to users of the highway.

REASON: In the interests of highway safety

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Warminster Town Council object to the proposal and the officers recommend permission. This is a retrospective application for two internally illuminated freestanding single sided display units.

The plans state that the two signs would be 1.3m by 1.9m and the stand would be 0.7m. The signs are proposed to have a lighting regime from dusk until dawn.

SITE VISIT / STATUTORY SITE NOTICES

Date of Site Visit : Monday 9th June 2008

Date Site Notice Posted : Monday 9th June 2008

CONSULTATIONS

Parish/Town Council : Warminster Town Council: -

'The member expressed grave concern that this plan presented further traffic hazards in an area where there is a parking issue, which is particularly heavy at the start and end of the school day. There are two schools, a primary and comprehensive. The illuminated signs are at the junction and it was felt that any additional lighting in the area would cause a distraction for drivers. Councillor Baker proposed refusal of the plan. Councillor Field seconded. Voting unanimous in favour of refusal.

External : Highway Authority - No objection subject to conditions

Neighbours : There has been no response to neighbour notification.

NEGOTIATIONS / DISCUSSIONS

None

CONSTRAINTS

Street scene
Amenity

POLICIES

West Wiltshire District Plan 1st Alteration 2004
C31a (Design)
C24 (Advertisements)

Supplementary Planning Guidance on house alterations and extensions (Adopted July 2004)

RELEVANT PLANNING HISTORY

04/01596/ADV Shop fascia sign and projecting sign - Consent

92/00426/ADV Shop fascia sign – Consent

98/00174/ADV Installation of cash dispenser with illuminated sign and 1 no projecting sign - Consent

KEY ISSUES

Street scene
Amenity

OFFICER APPRAISAL

The signs are visible from the street scene, but would not be a dominant feature, due to their modest size.

Concerns were raised by Warminster Town Council about safety and parking. Policy C24 states that advertisements should 'Avoid distracting or confusing passers-by thereby impeding the safe operation of any form of traffic movement.' The Highway Authority were consulted on the application and have raised no objection subject to a condition stating the sign must not flash and a condition that the illumination of the sign shall not be visible to users of the highway.

The sign would not be directly facing any residential properties. There is a property adjoining the shop in which the signs are close to, but there would be no adverse impact on this property, as a condition has been put on the application stating the sign must not flash.

Due to the modest size of the signs they would not have a negative impact on the amenity of the area.

RECOMMENDATION

Consent subject to conditions

RELATED PLANS

Drawing : SITE PLAN received on 02.06.2008

Drawing : SPECIFICATION DRAWING received on 02.06.2008

Drawing : CROSS SECTION received on 02.06.2008

Drawing : ELEVATION received on 02.06.2008

Drawing : LOCATION PLAN received on 02.06.2008