

# PLANNING COMMITTEE

11 September 2008

## Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	08/01226/OUT	Bungalow - Land Rear Of 9 Forest Road Melksham Wiltshire	Melksham (Town)	3
02	08/00078/FUL	Change of use of agricultural land to agricultural and equestrian use - Land South East Of Hillview Farm Bradford Road Winsley Wiltshire	Winsley	7
03	08/02107/FUL	Revised scheme for hotel - Thoulstone Park Golf Club Thoulstone Chapmanslade Wiltshire BA13 4AQ	Upton Scudamore	17
04	08/00004/FUL	Mixed-use development comprising: new build healthcare incorporating nursing home, assisted living units, and ancillary accommodation (Class C2); conversion of Berryfield House to 3 no. dwellings and erection of 8 no. new dwellings (Class C3); conversion of the Coach House and Bothy to offices (Class B1); and associated landscaping and access works - Bradford On Avon Hospital Berryfield Road Bradford On Avon Wiltshire BA15 1TA	Bradford On Avon	29
05	08/00005/LBC	Conversion and alterations to Berryfield House to form 3 no. residential units following demolition of 20 century rear extensions; conversion of the Coach House and Bothy to offices; and formation of an opening to facilitate new build residential development in the walled garden - Bradford On Avon Hospital Berryfield Road Bradford On Avon Wiltshire BA15 1TA	Bradford On Avon	49
06	08/01146/FUL	Demolition of bungalow and erection of 3 dwellings - 50A Woodcock Road Warminster Wiltshire BA12 9DF	Warminster	59
07	08/00903/OUT	Demolish existing sheds and construct 3 three bedroom cottages - Land Adjoining 1 Dursley Road Trowbridge Wiltshire	Trowbridge	67
08	08/02076/FUL	Placing a mobile catering trailer in car park - Trowbridge Retail Park 235 Bradley Road Trowbridge Wiltshire BA14 0RQ	Trowbridge	75
09	08/02255/FUL	Sub-division of existing dwelling to form 2 dwellings - 5 Woodstock Gardens Melksham Wiltshire SN12 6AN	Melksham (Town)	81
10	08/02290/FUL	Retrospective application for backfilling front garden, minor amendment to 07/02720/FUL - 28 Southleigh Bradford On Avon Wiltshire BA15 2EQ	Bradford On Avon	85
11	08/01955/FUL	Revised scheme for new dwelling - Land Adjacent To 115a High Street Chapmanslade Wiltshire	Chapmanslade	89
12	08/02163/FUL	Demolition of garage and construction of one and a half storey extension with lean-to garage - 2B Prestbury Drive Warminster Wiltshire BA12 9LB	Warminster	95

13	08/00750/FUL	Demolition and replacement of a single garage with new two storey dwelling - Land Adjacent 53 Woolley Street Bradford On Avon Wiltshire	Bradford On Avon	101
14	08/01368/FUL	Erection of detached dwelling and associated works - Land Adjacent 40 Shepherds Mead Dilton Marsh Wiltshire	Dilton Marsh	109
15	08/02092/FUL	Dormer on rear roof of property - 92 Trowbridge Road Bradford On Avon Wiltshire BA15 1EN	Bradford On Avon	115



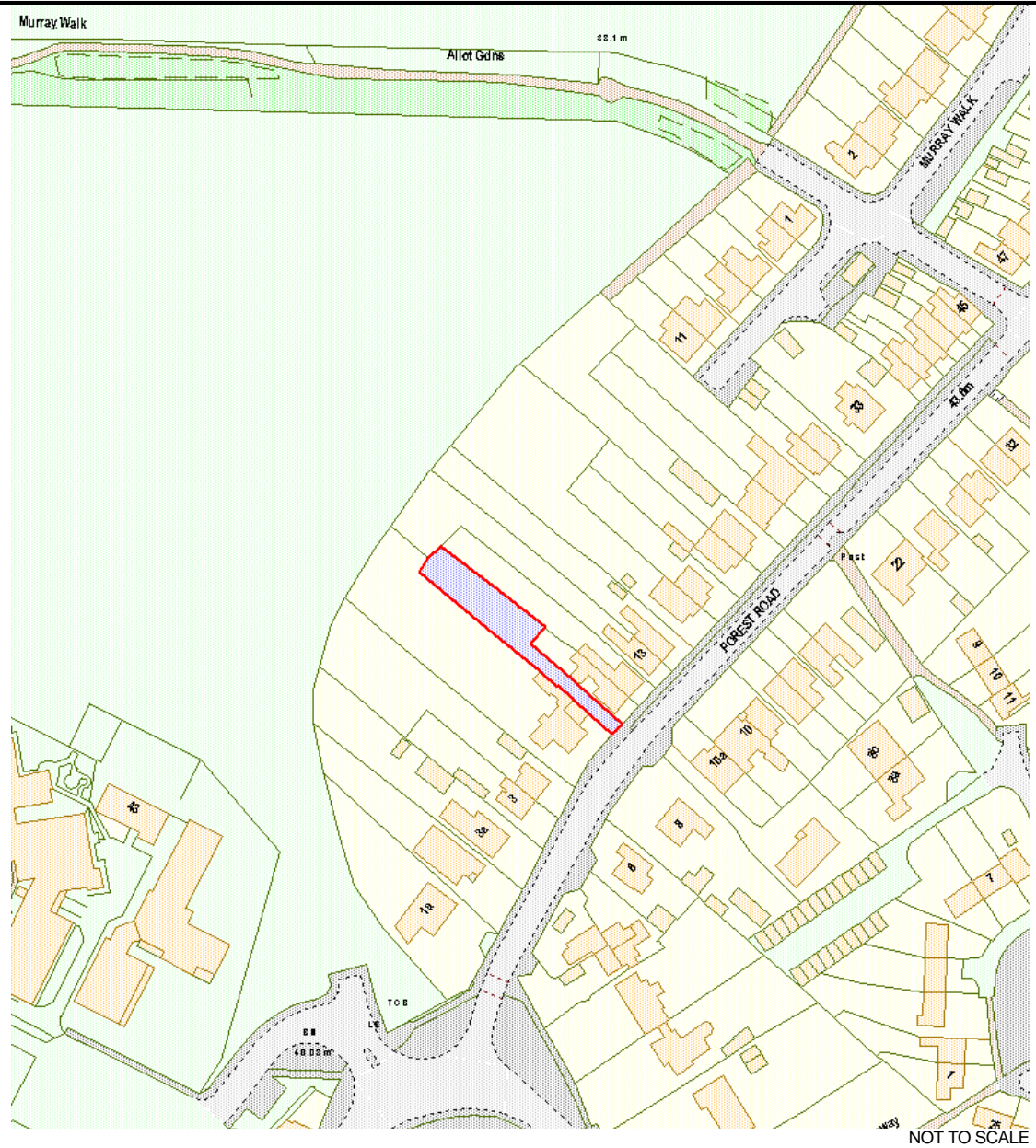
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 01

APPLICATION NO: 08/01226/OUT

LOCATION: Land Rear Of 9 Forest Road Melksham Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

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

SLA: 100022961



## **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

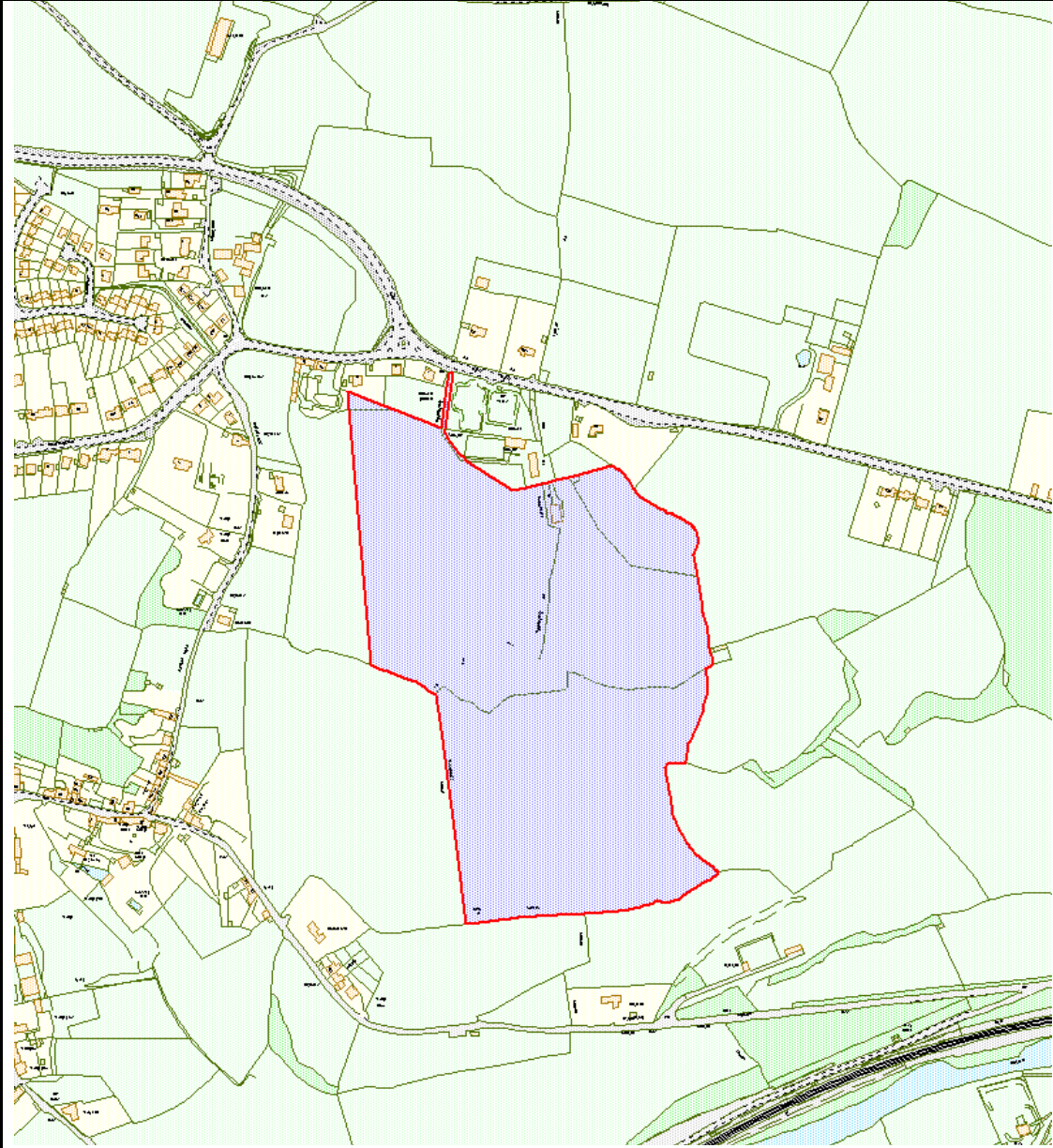
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 02

APPLICATION NO: 08/00078/FUL

LOCATION: Land South East Of Hillview Farm Bradford Road  
Winsley Wiltshire



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655  
Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961



**02 Application: 08/00078/FUL**

**Site Address: Land South East Of Hillview Farm Bradford Road Winsley Wiltshire**

Parish: Winsley Ward: Manor Vale  
Grid Reference 381018 161075  
Application Type: Full Plan  
Development: Change of use of agricultural land to agricultural and equestrian use  
Applicant Details: Mrs Rebecca Carson  
11 Magnon Road Bradford On Avon Wiltshire BA15 1PW  
Agent Details: Equine Consultancy Group  
FAO Mrs Rebecca Wilson Equine Consultancy Group Home Farm  
Westonbirt Tetbury  
Case Officer: Miss Julia Evans  
Date Received: 07.01.2008 Expiry Date: 03.03.2008

**JUSTIFICATION FOR RECOMMENDATION:**

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

**RECOMMENDATION: 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 There shall be no erection of any buildings or structures, including any permanent jumps or exercise equipment, on any part of the site.

REASON: In order to protect the openness of the Green Belt and to conserve the landscape character of the Cotswolds Area of Outstanding Natural Beauty.

POLICY: Wiltshire Structure Plan 2016 - DP12, and West Wiltshire District Plan – 1st Alteration 2004 – Policies C2 & E10.

- 3 Only equines at livery on the site may be exercised on the land.

REASON: In the interests of highway safety.

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

- 4 There shall be no right turn of any vehicle onto the B3108 when leaving the site.

REASON: In the interests of highway safety.

- 5 There shall be no holding of equine events, equine shows, or other such equine gatherings on the site.

REASON: in the interests of highways safety.

**Note(s) to Applicant:**

- 1 You are advised that the use of the northern-most barn does not have planning permission for equine livery, and that an application should be submitted to regularise its use as stabling.
- 2 You are advised to check with the Local Planning Authority to ascertain whether further buildings, structures, and facilities on the site require planning permission.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application was initially brought before the Planning Committee on the 19 June 2008 as the Parish Council object to the proposal and your officers recommend permission. At that meeting the Committee deferred the application for the following to be undertaken: -

- \* Neighbour notification letters to be sent out;
- \* An explanation of why Bradford on Avon Town Council were consulted; and
- \* To investigate any other outstanding enforcement matters.

The report has been updated to include the additional neighbour notification responses received, and the Officer Appraisal Section has been amended to address the other instructions of the Planning Committee.

This is a full application for the change of use of land Southeast of Hillview Farm from agricultural land to a mixed use of agricultural and equestrian use. The application is a re-submission of a similar application submitted in 2005 (reference 05/00282/FUL), which was recommended for permission but refused by the Planning Committee for the following reason: -

“Policy E10 of the West Wiltshire District Plan First Alteration states that equestrian facilities and changes of use will be required to minimise their effect on the highways infrastructure. The number of vehicle movements generated by the site would be detrimental to highway safety by virtue of the use of the western access and its proximity to a roundabout and the conflict with right turning traffic. The proposal is therefore considered contrary to this policy.”

The current application seeks to address this reason for refusal. The following supporting information has been provided: - “As I understand it, it was not the intention of the applicant to include additional buildings on the agricultural land, and indeed the granting of planning permission to a mixed agricultural and equine use of the existing land would in no way allow additional stabling on that land. This would be operational development which would require another planning application.” They go on to state: “In terms of vehicle movements, they will be identical to those that already exist. Riding horses in the fields (that are already stabled on the holding) will quite obviously not increase the vehicular movements coming onto the site.”

The application seeks to regularise the exercising of horses over the land: it is not to regularise the stabling of horses in the northern-most barn on site. They have confirmed that there are a total of 22 horses on site, 12 of which are the applicant’s own, and ten of which are in stabled livery, and that the northernmost barn is not used for equine livery. It is also stated that the eastern access is used only for agricultural access to the land.

## SITE VISIT / STATUTORY SITE NOTICES

The 15.4 hectare site lies to the south of the B3108, and is currently used for livery and agricultural purposes. There are two barns on the site which are used for stabling horses, a sand exercise ring, and a new access track. These facilities are located at the northern end of the site, adjacent to Wessex Water's reservoir. The land to the south is used for agricultural uses (including horse grazing) and for riding horses around. Part of the land is on the plateau above the steeply incised River Avon valley, with the rest on the steeply sloping valley side. Field boundaries are defined by dry stone walls and sporadic hedgerows.

The application has been advertised by a Site Notice.

## CONSULTATIONS

*Parish/Town Council* : WINSLEY PARISH COUNCIL – State “I am directed by the Parish Council to advise you that it would like to make the following observations in respect of the above mentioned planning application:

“1. This application claims to be a repeat of the previous refused application WY/O5/ 00282. That had been for "Change of use from agricultural to a mixed use including livery, ..... ". However, the current application seeks "Change of use of agricultural land to agricultural and equestrian use". Members will need to be advised whether one of those italicized terms has wider usage implications than the other.

“2. Current application drawing is not coloured and it is not clear therefore whether the application is for the whole outlined land to the south of B3108 road or solely the larger of the two outlined land areas that excludes the two access paths (in separate ownerships) and the buildings. The submitted application form certifies that nobody except the applicant was the owner of any part of the application land and that none of the application land is part of an agricultural holding. Members will need to be advised.

“3. The 18 June 04 permission (03/11938) was only relocations of livery stables into existing buildings, retention of exercise area (with fencing removed), and the new access track. There were many conditions attached, many of which have not been fulfilled. That permission was not about the larger land area at all and was not about change of use.

“4. The subsequent application (05/00282) did include the larger land area and was for change of use, but was REFUSED following a site visit.

“5. The current position seems to be that the buildings and western access track have conditional planning permission for agriculture and "livery", (not for unlimited "equestrian" use). The larger defined area south of the access path has prevailing permission for agriculture (which would cover those things to do with horses that are covered by agricultural use status).

“6. The applicant's agent asserts that there had been misunderstandings by the Parish Council which had resulted in the refusal. On the contrary, the Parish Council had sought clarifications on some particulars and, when those were received, had submitted further comments strengthening the case for refusal. The Parish Council's previous comments are applicable to this new application as follows:

“7. Previous applications for livery [and/or equestrian] use of the outer fields have been refused and lost on appeal. The reasons for rejecting spread into those areas were fully detailed in the Appeal Decision letter T/APP/F3925/A/99/1023079/P based firmly on policy, and are still valid, including:

- 7.1 Green Belt (PPG2 para 3.2). "There is only a narrow and fragile undeveloped gap between the main built-up areas of Winsley and Bradford on Avon. The site and the nearby dwellings lie within this gap and so it is important not to erode this. The increased activity associated with the business would also contribute to such erosion."

- 7.2 AONB policy. Proposal considered not "to be essential to the rural economy: it would provide a facility for horse owners and generate an income but it is not suggested that there would be any significant economic benefits to the local economy in general."

- 7.3 PPG2 Special Circumstances. " ..... there are no very special circumstances sufficient to overcome the presumption against such development. It would be contrary to national policy, Structure Plan Policy GB1 and District Plan Policy GB2."

Note: The words above between quotation marks are those of the Appeal inspector, not of the Parish Council.

"8. If the necessary regularising of use of the smaller designated area of land associated with the permission for stables relocation, exercise area and new access track (03/01938) has been properly accomplished separately, and all the conditions met, that is as far as permission should go. It is equally proper to uphold the policy objections to spreading livery or equestrian use over the whole site beyond what is permitted with the prevailing agricultural use status there. So the application should be REFUSED.

"9. If that regularising of use of the smaller designated area of land has not been accomplished previously, then that alone ought to be a separate new application, to avoid any doubt about intentions."

BRADFORD ON AVON TOWN COUNCIL – Have "no objections."

*External :*

HIGHWAY AUTHORITY: State – "From recent submitted information it is clear that this application is not to intensify the use of the site but to have permission to ride the existing horses kept on the site in the field which currently only has agricultural use permitted. Therefore, on the basis of the above, I raise no highway objection."

ENVIRONMENTAL AGENCY: State – "The Environment Agency has no objections in principle to this proposal, however, the following comments must be noted:-

"The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

"Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

"There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches."

WESSEX WATER: State – "We have no objection in principle to this proposal, providing there is not impact on Wessex Water infrastructure.

"According to our records, there is a public water main crossing the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

"It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your

Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.”

*Internal :*

ENVIRONMENTAL HEALTH: State – “Protection Comments: The site is located in a rural area with isolated neighbouring properties nearby. The usage proposed would not normally result in a loss of amenity for these residences. Recommendation: No objections. Conditions: None. Informatives: The applicant will need to ensure that any manure produced from the equestrian usage of the site is disposed of in an appropriate manner. The burning of manure may cause a loss of amenity to neighbouring properties, and may be considered a statutory nuisance under the applicable legislation. Lighting If exterior illumination for the building, outside lighting or illuminated signs are included in the proposal they should be well designed to control horizontal overspill of light from this site into neighbouring properties and to avoid glare and sky glow. During the construction phase of this redevelopment: NOHRS - No plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays. REASON: In order to safeguard the amenities of the area in which the development is located. POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.”

*Neighbours :*

Two letters have been received making the following comments: -

- \* Currently no valid permission for livery;
- \* No enforcement of any of the previous refusals;
- \* Children’s pony parties are held at the site;
- \* The accesses are not in the applicant’s ownership;
- \* The new access is dangerous, particularly so for children, pedestrians and horses;
- \* Flawed publicity procedures undertaken by case officer and incompletely advertised;
- \* The applicants will expand the use to include a cross country course;
- \* Previous conditions have always been ignored by the applicants;
- \* The application does not own all the land to which the application applies;
- \* Eastern access is not owned by the application and their rights are for agricultural access only.

A further two letters have been received from the same households as previously responded. The following additional comments have been made: -

- \* Notification of ombudsman complaint;
- \* Complaint as regards delays in receiving the neighbour notification card;
- \* Previous conditions have not been addressed;
- \* Description should be for livery not equestrian;
- \* Doubts about the area covered by the application.
- \* Fields are now being used for motor bike riding;
- \* Increased use of a dangerous access;
- \* The applicant does not comply with conditions;
- \* The change of use is contrary to Development Plan policy;
- \* Odd that anyone would keep 12 horses for their own pleasure; and
- \* No restriction on the number of horses that can be kept on the site.

**NEGOTIATIONS / DISCUSSIONS**

Revised plans provided showing use of western access, and information provided to Highway Authority regarding use of land only for existing horses on the site.

## **CONSTRAINTS**

- \* Western Wiltshire Green Belt;
- \* Cotswolds Area of Outstanding Natural Beauty;
- \* Bradford on Avon landscape setting;
- \* Highway safety;
- \* Amenity.

## **POLICIES**

### Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP12 Green Belt
- DP15 Housing, employment and related development in the open countryside
- T5 Parking
- C5 The water environment
- C8 Areas of Outstanding Natural Beauty
- HE6 Landscape setting
- RLT2 Informal countryside recreation

### West Wiltshire District Plan – 1st Alteration 2004

- C1 Countryside protection
- C2 Areas of Outstanding Natural Beauty
- C4 Landscape setting
- C6A Landscape features
- C31A Design
- C32 Landscaping
- C35 Light pollution
- C38 Nuisance
- E10 Horse related development
- T10 Car parking
- U1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding

### National Guidance

- PPS1 Delivering Sustainable Development
- PPG2 Green Belt
- PPS7 Sustainable Development in Rural Areas

## **RELEVANT PLANNING HISTORY**

93/09043/AGD – Barn and store unit – Refused 10.01.1994

94/00497/FUL – Erection of livestock accommodation and poultry house – Permission 24.11.1994

96/01478/FUL – Shed and store – Permission 17.02.1997

98/00951/FUL – Building containing 24 loose boxes for livery purposes and use of field for cross country course for exercising horses – Refused 26.08.1998. Appeal dismissed.

01/01941/FUL – 12 livery stables and exercise area, use of existing access to west of reservoir, new unfenced track, partial change of existing agricultural building to serve livery use and shared use of field for exercise/riding activities – Refused 04.10.2002

02/01913/FUL – Removal of wooden stables and relocation of 12 livery stables into existing hay barn (change of use from agricultural use) and retention of existing exercise arena (retrospective) and new access track – Refused 16.06.2003

03/01938/FUL – Relocation of stables into existing barn, retention of exercise arena (with fencing removed), and new access track – Permission 18.06.2004

05/00282/FUL – Change of use from agricultural to a mixed use including livery – Refused 31.10.2005.

## **KEY ISSUES**

- \* Planning history;
- \* Green belt;
- \* Area of Outstanding Natural Beauty;
- \* Bradford on Avon landscape setting;
- \* Use of agricultural land;
- \* Highway safety;
- \* Enforcement matters;
- \* Land ownership matters; and
- \* Procedural complaints.

## **OFFICER APPRAISAL**

The site has a long and complex planning history, which has arisen from the unauthorised use of the site for equine livery. Applicants were invited by the Enforcement Team to regularise these issues, and planning permission was granted in 2004 for the relocation of 10 stables into an existing barn, the retention of a sand ring (without fencing or lighting), and a new access track for livery uses. In 2005 a further application was invited by the Enforcement Team to apply for the use of a second barn for livery use, and for the use of the wider site for exercising horses. No further buildings or formal/permanent exercise structures and facilities were proposed with this application, which was reported to Planning Committee in October 2005. The application was refused in highways grounds, and the current submission has sought only to regularise the exercising of horses on the land, and not the use of the northern-most barn for livery use.

The application lies within the Western Wiltshire Green Belt where national policy protects the land from inappropriate development. Green Belt policy allows for the erection of new buildings where they provide essential facilities for outdoor sport and recreation, and for other uses which preserve the openness of the Green Belt. The mixed use of the land for agriculture and equine exercise for just those horses at livery on the site is considered acceptable subject to control by conditions: the use only of the land for horses at livery on the site, no events to be held, and no permanent facilities erected. An informative has also been attached as regards the need to regularise the use of the northern barn for equine livery.

Policy E8 of the West Wiltshire District Plan requires changes of use to equestrian uses to minimise their impact on the appearance of the countryside. The suggested conditions discussed above protect not only the Green Belt, but also the nationally important landscape character of the Area of Outstanding Natural Beauty, and the proposal is therefore considered acceptable in terms of these policies.

The new access track to the stables was permitted with the 2003 permission. Initially the Highway Authority raised objection to the proposed change of use of the land because it could involve the intensification of use of the access. With the previously refused application the Planning Committee refused it for highways safety grounds. The application has proposed only the use of the western access. The Highway Authority are now satisfied that the proposal will not result in an intensification of use of this access, so have raised no highways objection. With the previously refused application a condition was suggested by the Highway Authority restricting right turns of vehicles when leaving the site, and this has been suggested again to allay the fears of neighbouring residents.

Neither Wessex Water nor the Environment Agency raise any objection to the proposed change of use, and as no buildings or structures are included within the proposal, the suggested drainage measures have not been attached.

Neighbours have raised objections concerning land ownership issues and uses, particularly with the eastern access track. Land ownership and associated legal rights are not planning matters, but issues for the relevant parties to resolve. Ultimately it is not the role of the planning system to arbitrate over land ownership issues.

### Planning Committee Instructions

The Planning Committee requested at its meeting of 19 June 2008 that the application be deferred for the following to be undertaken: -

- \* Neighbour notification;
- \* An explanation as to why Bradford on Avon Town Council were consulted; and
- \* To investigate any other outstanding enforcement matters.

#### 1. Neighbour Notifications

This was undertaken and two further letters were received from the previous objectors. It is noted that an ombudsman complaint has been initiated by the neighbours. In addition to reiterating previous comments, they state the site is also being used for motor bike use. If a change of use has occurred then this needs to be addressed by the enforcement team on receipt of a complaint from the neighbours.

#### 2. Consultation with Bradford on Avon Town Council

Members questioned why this had been done. The application site lies within both Bradford on Avon Town Council and Winsley Parish Council areas, hence the dual consultation.

#### 3. Outstanding Enforcement Matters

Members requested that an investigation was undertaken to look into any other outstanding enforcement matters. The matter was passed to the Enforcement Team, who have investigated the site in response to complaint letters from two neighbours. Both neighbours have been comprehensively informed of the procedures that have occurred on the site and they were advised that "this Council's Enforcement Section has not been made aware of any enforcement issues on this site, other than my involvement with the applicant to procure a fresh planning application following the refusal of 05/00282. However, if you wish to raise any such complaints, I would advise you to put these in writing, addressed to the Senior Enforcement Officer. Your complaints will be investigated accordingly and I would think it probably that you will be provided with a set of Monitoring Log Sheets because we would wish you to monitor the site for a period of not less than 28 days and keep a detailed record of any alleged unauthorised uses of the site. After which these sheets should be returned for analysis. However, I have to further advise you that whilst planning application 08/00078 is still pending, we would be unable to carry out any enforcement investigations into this site."

The Enforcement Officer's response has also been sent to the Local Government Ombudsman in view of the complaints initiated by the neighbours.

### **RECOMMENDATION**

Permission, subject to conditions.

### **RELATED PLANS**

Drawing : SITE PLAN received on 23.01.2008





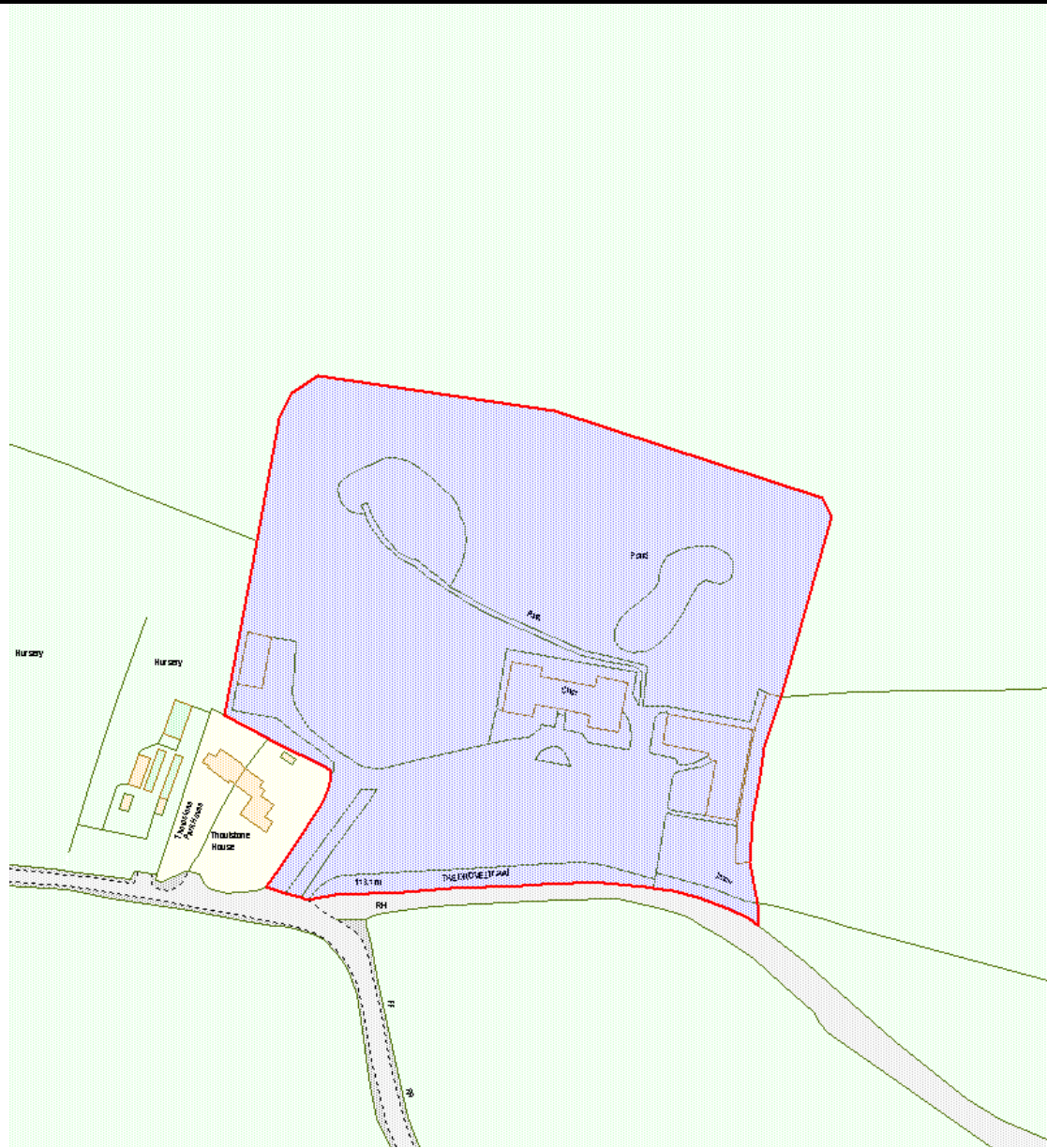
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 03

APPLICATION NO: 08/02107/FUL

LOCATION: Thoulstone Park Golf Club Thoulstone  
Chapmanslade Wiltshire BA13 4AQ



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655  
Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**03 Application: 08/02107/FUL**

**Site Address: Thoulstone Park Golf Club Thoulstone Chapmanslade  
Wiltshire BA13 4AQ**

Parish: Upton Scudamore Ward: Dilton  
Grid Reference 384175 148081  
Application Type: Full Plan  
Development: Revised scheme for hotel  
Applicant Details: Classic Lodges C/o Northern Trust Co Ltd  
FAO Mr A Beattie Lynton House Ackhurst Park Chorley  
Lancashire  
Agent Details: SMC DTR:UK  
FAO Mr Philip Emslie No 1 Old Hall Street Liverpool Merseyside  
L3 9HF  
Case Officer: Mick Roberts  
Date Received: 10.07.2008 Expiry Date: 09.10.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would not materially affect the amenities of the neighbours and would not significantly harm any interests of acknowledged importance.**

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

- 3 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding

4 No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before development commences.

REASON: To prevent pollution of the water environment.

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

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

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

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

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

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

7 No development shall take place until full details of a comprehensive landscaping scheme for both the 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, details of any to be retained and details of all earth mounding and associated works.

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

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

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

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

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

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

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

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

10 Prior to opening of the proposed development the applicant shall provide a full Travel Plan for the site. The plan should include details on the following issues:

- \* The identification of targets for trip reduction and modal shift;
- \* The methods to be employed to meet these targets;
- \* The mechanisms for monitoring and review;
- \* The penalties to be applied in the event that targets are not met;
- \* The mechanisms for mitigation;
- \* Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter;
- \* Mechanisms to secure variations to the Travel Plan following monitoring and review.

A review of the targets shall be undertaken within 3 months of the first occupation of the development and on an annual basis thereafter.

REASON: To ensure the operation of the Strategic Highway Network is protected and that sustainable travel objectives for the site are met and maintained.

11 Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the development shall have been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

REASON: To ensure that proper provision is made for the disabled.

12 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of public health and safety.

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

13 No live or amplified music or any other amplified sound shall be produced so as to be audible at the boundary of any inhabited premises either attached to or in the vicinity of the site to which this permission refers.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.

14 No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.

15 No external lighting, including floodlighting attached to buildings, of car parking, footways, buildings and associated terraces shall be installed without the prior written approval of the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies R15(3).

- 16 No development shall take place until details of the refurbishment of the golf course, club house, driving range and all associated golf related development at the site have been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the refurbishment will harmonise with the proposed building on the site.

- 17 The refurbished golf course, club house and driving range shall be brought into use prior to the first occupation of the hotel hereby permitted.

REASON: In the interests of ensuring that the golf course is directly related to the proposed hotel building.

- 18 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

- 19 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

**Note(s) to Applicant:**

- 1 The applicant is reminded to seek the advice of English Nature in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994 and the Protection of Badgers Act 1992.
- 2 Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is presented to Planning Committee at the request of Councillor Conley in the interests of public debate and at the request of Chapmanslade Parish Council. It is also brought to Committee because Upton Scudamore Parish Council objects.

This is an application for full planning permission for the redevelopment of the site with 54 bedroom four-star hotel, with associated public areas, bar, restaurant, spa pool, gym and treatment rooms and a function suite catering for up to 200 people. This proposal will involve the demolition of the original function suite building and retention refurbishment of the existing golf

changing rooms, pro shop and driving range facilities, which if necessary will be the subject of a separate planning application. The proposal implies that it will involve bringing the existing golf course back into active use.

The application site is located in open countryside to the south west of Dilton Marsh and south east of Chapmanslade. The proposal site sits within an identified special landscape area and is located on land just off the adjoining A36 trunk road.

The application proposal includes:

- the demolition of an existing function suite building on site to make way for the hotel;
- the provision of parking (186 spaces including 11 spaces for disabled parking), 18 cycle parking and servicing to the new complex;
- the refurbishment of the golf clubhouse to provide a pro-shop, changing facilities and a bar for club members all subject to future details;
- The existing golf course will be brought back into use. Clarification on what this will involve and timescale for implementation has been sought from the applicants.

The applicant as submitted is supported by a Design & Access Statement, Transport Assessment prepared by i-Transport LLP dated July 2008, an extended Phase 1 Habitat Survey prepared by Andrew McCarthy Associates dated June 2008 and Flood Risk Assessment prepared by Peter Mason Associates dated June 2008.

## **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* : 18 July 2008.

*Date Site Notice Posted* : 18 July 2008.

## **CONSULTATIONS**

*Parish/Town Council* :

CHAPMANSLADE PARISH COUNCIL: - Views awaited.

UPTON SCUDAMORE PARISH COUNCIL: - At the meeting on the 30th July 2008, the Parish Council discussed the above planning and decided by a majority that they could not support the application. They had serious reservations regarding the size, road access to the Hotel of the A36, Flood risk management measures and the height of the new building. They also felt that the planning application submitted needed to be clearer as the actual application seemed to be just for a hotel but paperwork submitted was a Hotel and Golf Course.

*External* :

HIGHWAY AGENCY: Having reviewed the application we are content that the impact of the revised scheme compared to that consented should not have a material affect on the A36 and are therefore content that the proposal can be permitted.

When considering this application we note that there is no Travel Plan included. Having spoken to the developers Transport Consultants (i-Transport) for this proposal it has been acknowledged that a Travel Plan will be required however in this instance we are prepared to accept this by way of condition. In light of this we would expect any permission granted to include the condition identified below.

“Prior to opening of the proposed development the applicant shall provide a full travel plan for the site. The acceptability of these proposals will need to be agreed in writing by the Local Planning Authority and Local Highway Authority (in consultation with the Highways Agency acting on behalf of the Secretary of State for Transport). The applicants will need to address the following issues:

- \* The identification of targets for trip reduction and modal shift;
- \* The methods to be employed to meet these targets;
- \* The mechanisms for monitoring and review;
- \* The penalties to be applied in the event that targets are not met;
- \* The mechanisms for mitigation;
- \* Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter;
- \* Mechanisms to secure variations to the Travel Plan following monitoring and review.

A review of the targets shall be undertaken within 3 months of the first occupation of the development and on an annual basis thereafter.”

Reason: To ensure the operation of the Strategic Highway Network is protected and that sustainable travel objectives for the site are met and maintained.

i-Transport have also made reference to the potential measure of providing a collection service from local stations to the proposal site. We consider this a very positive measure for this site and would expect to see this incorporated into the Travel Plan.

HIGHWAY AUTHORITY: - Views awaited.

NATURAL ENGLAND: - Natural England believe at this point in time the survey information provided (from Andrew McCarthy Associates) is insufficient to establish the effect the proposal may have on protected species, and as such we have no option but to object to the application at this stage. We would like to see the results of the recommended bat emergence survey and great crested newt survey along with a detailed mitigation strategy before a decision is made.

If this further information is submitted then Natural England will be happy to make comment.

ENVIRONMENT AGENCY: - The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Regarding the design of the surface water drainage system, the off site surface water runoff rate should be attenuated to the existing runoff rate. We support the calculation of the existing runoff rate being based on I of H 124 methodology. In the course of discharging the below recommended condition we would expect to see the calculations of how the figures referred to in section 3.2 and 3.3 were arrived at. Likewise, we support the intention to attenuate the surface water runoff rate to the 1:100 year plus climate change allowance of 30%; however, we will need to see evidence of where the rainfall intensities data came from. We would have no objection to the use of a flow control structure, which limits discharge to 5.0 litres/second.

We would support the attenuated volume to be accommodated within open detention areas, for example, if the adjacent pond had capacity. We would suggest that other sustainable drainage systems are considered and incorporated into the design of the surface water drainage system such as porous paving instead of impermeable tarmac for the car parking areas. Furthermore, soakaways, grass swales and infiltration trenches could also work well in contributing to reducing the surface water runoff rate. A comprehensive drainage strategy should be submitted, which explains what methods will be used to reduce the surface water runoff rate.

A SuDS approach is encouraged by Approved Document Part H of the Building Regulations 2000. Further information on SUDS can be found in: - PPS25 Annex F: Managing Surface Water CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales.

Interim Code of Practice for Sustainable Drainage Systems (advice on design, adoption and maintenance issues, available at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and [www.ciria.org/suds](http://www.ciria.org/suds)).

We recommend that the following conditions are imposed:



CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.

CONDITION Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

WESSEX WATER: - The application states that the new development plans to connect to the existing Mains Sewer, furthermore 2.3 of the Flood Risk Assessment states;

"The redevelopment is to take place on an already serviced site. The foul and surface water drainage systems are already connected to the public sewerage systems and the natural watercourse of the site".

As you will note from the enclosed extracts of the site (scaled at 1 :2500 and 1:10000) there are no public or foul sewers to connect to within the vicinity of the site and we do not have any records to indicate the current method of such drainage.

With regards to Water Supply it is likely that our network would require re-enforcement to supply this site. To establish what form this would take the applicant would need to provide required flow rates as outlined on our Water Supply Application available on our Website ([www.wessexwater.co.uk/ developerservices](http://www.wessexwater.co.uk/developerservices))

*Neighbours :*

Neighbours were notified of the proposal and a public notice was posted.

One representation was received, which makes the following points:

- \* Draws attention to the fact that the boundary between the parishes of Upton Scudamore and Chapmanslade passes through the application site
- \* New proposals should contain the same level of conditions, as the previous proposal
- \* There should be stringent controls over noise emissions and external lighting emissions including floodlighting.
- \* Any nightclub use on the process should be subject to an hours of operation condition
- \* No mains drainage exists in the asset of the application site
- \* Desirable to see the speed camera restored on A36
- \* Desirable to see recycling facilities restored in a golf course car park
- \* There has not been sufficient consultation with local residents.

## **NEGOTIATIONS / DISCUSSIONS**

Pre-application discussions resulted in the submission of the current application.

## **CONSTRAINTS**

Existing golf course;  
 Countryside;  
 Planning history.

## **POLICIES**

Wiltshire Structure Plan 2016

DP1	Priorities for Sustainable Development
DP2	Infrastructure
DP14	Development in the Open Countryside
T1	Integrated Transport Plans
T5	Cycling and Walking
C1	Nature Conservation
C2	Nature Conservation
C3	Nature Conservation
RLT1	Recreation, sport and Leisure
RLT8	Tourism
RTL9	Hotels and Camping Sites

West Wiltshire District Plan - 1st Alteration 2004

C1	Protection of the rural landscape and environment
C3	Special Landscape Areas
C27	Character and setting of Listed Buildings
C38	Effects of development on neighbouring properties
C31a	Design
T10	Parking
T03	Hotels, guest houses and self-catering accommodation
R15	Golf course development
U3	Flooding

Supplementary Planning Guidance on Good Design.

PPS1	Delivering sustainable development.
PPS6	Planning for Town Centres
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport

Good Practice Guide on Planning for Tourism July 2006

## **RELEVANT PLANNING HISTORY**

90/01456/FUL - Erection of two storey clubhouse 20 bay floodlighting golf driving range with shop/café and two flats over -(Permission 15/10/90)

05/00497/FUL - Construction of hotel and spa and landscaping/car parking - (Withdrawn 15/03/05)

05/02400/FUL – Erection of a 40 bedroom hotel, spa, function facility and ancillary activities and demolition of existing function suite building, associated car parking, servicing and landscaping. – (Permission 15/09/06)

## **KEY ISSUES**

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy.

The principle of hotel accommodation in this location has already been accepted by the approval, as noted above for a 40 bedroom hotel

Of particular concern with this revised application is therefore:

- The degree to which the development complies with Policy R15 including the design of the proposed building.
- Any adverse impact arising from the increase in the size of hotel accommodation;
- The traffic impact arising from the increased size of the hotel accommodation of the proposal, in particular the impact on the A36;
- Any ecological issues arising from increasing scale of accommodation.

## **OFFICER APPRAISAL**

As set out above the principle of hotel accommodation in this location has been established by the earlier permission on the site and in relation to Policies T03, E8 and R15 of Local Plan and the sequential test for development in PPS6. At that time it was noted that the existing building on the site where in a state of disrepair and boarded up. The Thoulstone Park Golf Club closed in 2002 as it was no longer a viable venture due to its rural location and increased competition from nearby golf courses. Prior to its closure, the golf club had approximately 300 members, a 150 capacity function suite, and a gym/health club.

An hotel and spa in this location was considered acceptable in principle in that it would encourage opportunities to meet the need of sports, recreation and leisure as part of the development and to realise the County's potential for business tourism. These are aims consistent with Tourism policies contained in the Development Plan. The planning history for the site also indicates that as far back as 1990, the principle of using the site for a hotel associated with the golf course has been accepted.

That earlier proposal was considered to comply with Policy R15 in that it will revive the golf course as an attraction linked to the new development. As such it was consistent with tourism and economic development objectives and has been supported by the West Wilts Economic Partnership.

The applicants previously indicated in the supporting material accompanying their application that the hotel is dependent on the golf course and that the reinstatement of the golf course is integral to their proposals for the site. The current submission does not state this position as clearly as the last application and the applicants have been asked to reaffirm their position on the reinstatement. It is proposed that, as before, conditions requiring that the golf course and associated buildings to be brought back into use as part of the redevelopment are imposed.

In supporting information the applicant argued that the low bedroom count of the approved proposal would not provide sufficient footfall to the public areas, and that the limited bed stock would be under capacity for the function room and therefore collectively these issues, put a doubt over the viability of such a scheme. In the applicant's view to provide a four-Star hotel with necessary supporting facilities requires a minimum of 50 bedrooms, hence the submission of the revised application. The Design & Access Statement also emphasises that the proposal will bring economic benefits

As before this proposal involves the demolition of the existing function suite building. The approved building was located to the north and west of the existing structure and was of a substantially larger scale than the structure it replaced. The design showed a three storey central element with elongated wings to the sides and rear

The design concept in the current application is that of a traditional country estate that has evolved over a period of time. The applicants indicate that such an appearance has a natural synergy with the operator's brand identity. The architecture is Georgian in proportion and such detailing has been carried through consistently to all parts of the scheme. This is presented in a proposal that is slightly more compact in its width, but provides for two wings of accommodation to the sides of central frontage three-storey section of the building.

The whole building is also now set forward, some 14 m from the position of the previous building aligned in an approximately southwest orientation to face the front entrance. A two storey wing is located on the northeast side of the central section and a single storey section on southeast western side, with a single and two-storey wing behind. This rear wing houses the function room, swimming pool and gym area.

The extensive tarmac frontage car parking area will be rearranged and the amount of hardstanding reduced. The car parking will now be provided in a crescent shaped form, stretching from the driving range building around to in front the bedroom wing of the proposed new hotel. This arrangement allows for additional landscaping to be provided within the parking area, softening the impact of the car park and also the appearance of the building. Conditions would be required to ensure suitable landscaping of this area.

The access into the site is to be improved to ensure safe access and ingress. A "Travel Plan" is yet to be submitted but some details are provided of what matters it will contain. The submission and implementation of such a plan should be required by condition, as has been suggested by the Highway Agency in their observations.

It is considered that the details and proportion of the design now submitted provide a more acceptable form of building providing a more balanced appearance than the previous approved proposal. Although the building has additional bulk the manner in which it has been designed does not result in any significant additional impact on its countryside location nor on the amenity of the surrounding area. The style of the proposed building is typical of buildings associated with golf courses and consequence its scale and form is considered appropriate. The proposal is considered to be acceptable.

No external artificial lighting or fencing details have been supplied so these need to be controlled through the imposition of relevant conditions. Conditions are also required for arrangements for the disposal of foul and surface water.

The revised Transport assessment has examined the traffic flows from the enlarged building compared with the permitted development. The report suggests that the proposed development will result in less than a 1% increase in traffic on the A36 when compared with the traffic generated by the permitted scheme. These increases are considered negligible.

No changes are proposed to the existing the ghost island arrangement at the north western junction between the unclassified road and the A36 which are considered appropriate to the proposed development. It will be noted that the Highway Agency have considered the proposal and raise no objection to the level of the intensification of use of the existing access (the unclassified road) onto A36.

At the time of the preparation of this report no comments have been received from the County Highways Authority. In the absence of any contrary view from the County Highways Authority this application can be supported in terms of its negligible impact on the surrounding highway network.

This scheme will be supported by an extended Phase 1 Habitat Survey prepared by Andrew McCarthy Associates dated June 2008. This confirmed a number of actual and potential constraints within the site with the presence of bats confirmed and the potential for further protected species; great crested newt, reptiles and dormouse. The survey recognises that these constraints will require addressing prior to development and that further survey work for in particular bats and great crested newts with mitigation strategy if required. It recognises that with the presence of roosts of the nationally rare greater horseshoe, (a European Protected Species), lesser horseshoe and barbastelle bats within 4km of the site Natural England will need to be formally consulted and an (EPS) licence required.

Whilst English Nature have objected as set out above to the lack of survey work at this stage of the process as the principle of redevelopment of the site demolition of the building has been agreed it would seem an unnecessary step to delay a decision pending this required survey work. The requirement of such work has been recognized and was handled by the imposition of a condition for surveys and mitigation on the last application. This approach is considered to be appropriate again on this application.

## Conclusion

The principle of hotel accommodation with ancillary facilities has been established on the site by the extant previous planning permission, which is capable of implementation subject to the submission of details required in conditions imposed on that planning consent.

The issue to be addressed on this application is whether the increase in the scale of the accommodation, the resultant increased bulk of building and traffic flows that may arise will have any extra detrimental impact on surrounding residential properties and on the character of the area.

For information submitted the Highway Agency satisfied that no additional traffic problems will arise from the scheme.

In design terms, submitted scheme is now considered to be other preferential design to that previously proposed. And no objection is raised to the proposal on the basis of the increased its scale of the hotel and ancillary facilities.

Conditions are recommended that will control the reinstatement of the golf course and associated buildings, and also to deal with matters as set out in the report above

For these reasons, the application can be supported.

## **RECOMMENDATION**

Permission

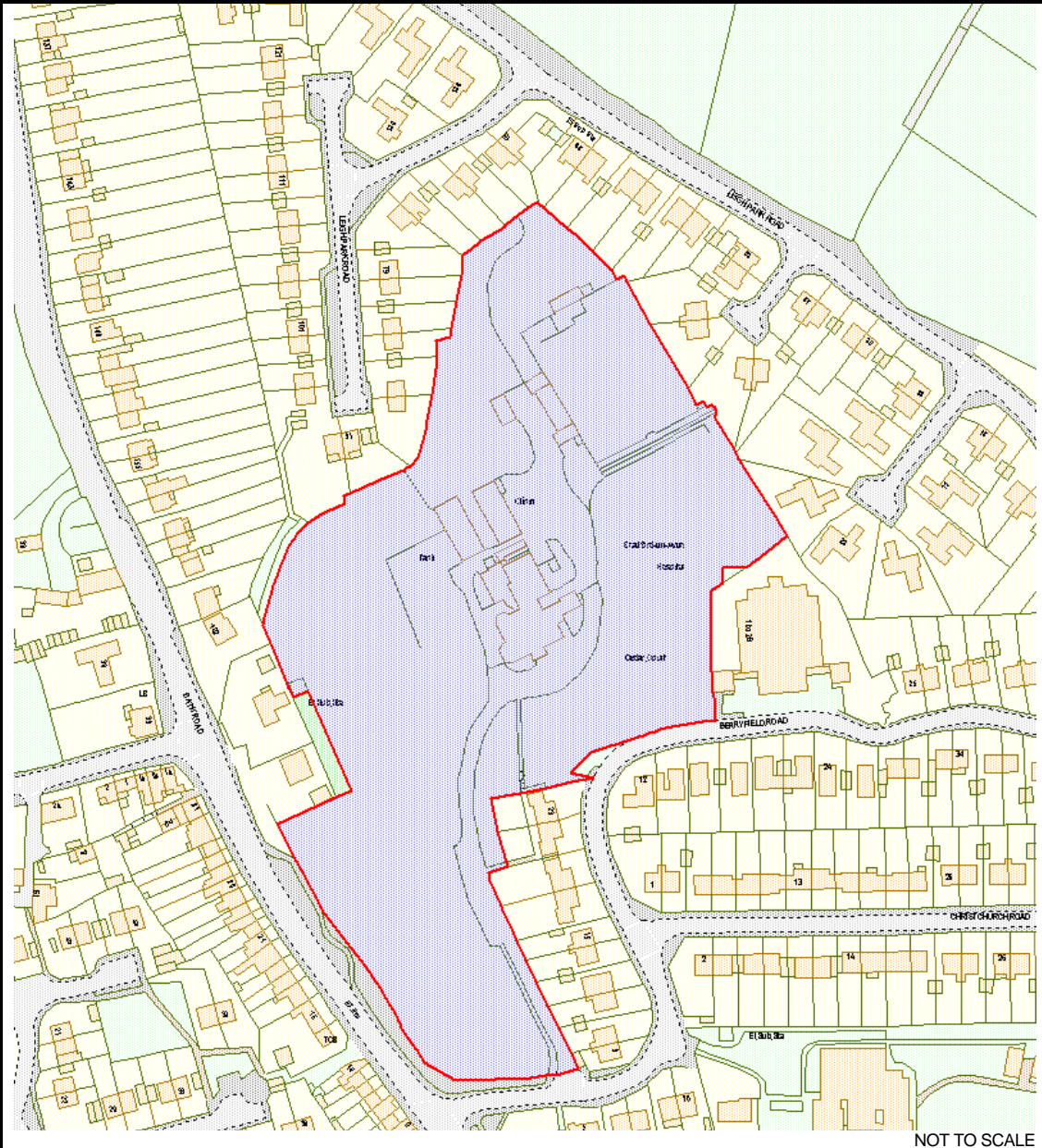
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 04

APPLICATION NO: 08/00004/FUL

LOCATION: Bradford On Avon Hospital Berryfield Road Bradford  
On Avon Wiltshire BA15 1TA



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office

© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655

Fax: 01225 770314

[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**04 Application: 08/00004/FUL**

**Site Address: Bradford On Avon Hospital Berryfield Road Bradford On Avon Wiltshire BA15 1TA**

Parish: Bradford On Avon Ward: Bradford On Avon North

Grid Reference 382633 161633

Application Type: Full Plan

Development: Mixed-use development comprising: new build healthcare incorporating nursing home, assisted living units, and ancillary accommodation (Class C2); conversion of Berryfield House to 3 no. dwellings and erection of 8 no. new dwellings (Class C3); conversion of the Coach House and Bothy to offices (Class B1); and associated landscaping and access works

Applicant Details: Berryfield House Regeneration Company  
72 New Bond Street London W1S 1RR

Agent Details: Nash Partnership  
FAO Mr Chris Beaver 23A Sydney Buildings Bath BA2 6BZ

Case Officer: Miss Julia Evans

Date Received: 03.01.2008 Expiry Date: 03.04.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 Policy HE7 of the Wiltshire & Swindon Structure Plan 2016 states that developments involving listed buildings should have special regard to preserving the building, its setting, and any features of special architectural or historic interest which it possesses. The proposed terrace of three dwellings to the rear of the main house is considered to form a large bulky and incongruous building, at odds both with the form and function of the listed buildings. The proposal is considered detrimental to the special architectural and historic interest of the settings of the listed buildings and contrary to development plan policy.
- 2 Policy HE7 of the Wiltshire & Swindon Structure Plan 2016 states that developments involving listed buildings should have special regard to preserving the building, its setting and any features of special architectural or historic interest which it possesses. The sub division of the garden around the main house results in a loss of the open character of the grounds to the listed building.

The proposal is considered detrimental to the special architectural and historic interest of the settings of the listed building, and contrary to development plan policy.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application has been brought before the Planning Committee at the request of Councillor Repton if it is to be recommended for refusal.

This is a full application for a mixed use development at Bradford on Avon Hospital, Berryfield Road, Bradford on Avon. The application proposes the following:

- \* A healthcare building incorporating a nursing home (Building A);
- \* 27 assisted living units and ancillary accommodation (Class C2) (Buildings B, C and D);
- \* The conversion of Berryfield House to 3 dwellings;
- \* The erection of 8 new dwellings;
- \* The conversion of the Coach House and Bothy to offices; and
- \* Associated landscaping, parking and access works, and bin stores.

The proposal splits the existing site between the residential and office uses in the hospital, and walled garden area, with the healthcare building and assisted living units being to the western part of the site. The existing access to the southern-most point of the site would be retained to provide access to buildings A, B, C and D. An existing hedge running north/south to the west of the hospital would form a green divide between the two parts of the site. Building A, the healthcare facility would lie between this hedge and the western boundary of the site. It would have a footprint of just over 900m<sup>2</sup>, and consist of a 42 bed roomed care home (Use Class C2). It would be a maximum of 3 storeys high, with two and single-storey elements and be constructed of Ashlar Bath Stone with a slate roof. Metal easement windows would be used, along with timber and glass on the projecting bays.

Because of the sloping nature of the north-east part of the site, the building would be set into the landscape by approximately 1.8m. The maximum ridge height of the building itself would be just under 11m.

Buildings B, C and D would provide three blocks of assisted living apartments to the western boundary of the site. Building B would be located along the western boundary of the site, and would have an approximate footprint of 560m<sup>2</sup>. It would provide two bed roomed assisted living units over three stories. It would be constructed of a mix of Ashlar Bath stone to the front and rear elevations, within render and timber cladding to the sides. The roof would be tiled within slates, and would have a maximum ridge height of approximately 11m. Again the sloping nature of the site requires the building to be set into the landscape.

Building C, also provides assisted living apartments, is linked to Building B on the first floor. It provides another four, two bed roomed apartments in a two storey building. It would have an approximate footprint of 180m<sup>2</sup>. It would be constructed of Ashlar Bath stone walls within slate eaves, and would have a maximum ridge height of 7m.

Building D is located in the south western most corner of the site. It would provide another 8 two bed roomed assisted living apartments in a 3 storey building. It would be constructed of Ashlar Bath stone and render walls along within timber cladding, under a slate roof. The building has an approximate footprint of 540m<sup>2</sup>, within a maximum ridge height of 10m.

57 car parking spaces are provided for these buildings, along within a cycle stand to the south of Building A. The existing trees, included those protected, would be retained on the site, and new metal railings and an entrance gate would be provided to the southern and western boundaries. An emergency vehicle access route would run in front of Berryfield House. Linking up to the new access road coming off Berryfield Road to provide a separate access for the housing and offices. Again, like the existing access new iron entrance gates would be provided, along within new metal boundary railings.

Berryfield House is to be converted into three residential units, within a vertical sub division of the property occurring. Many of the insensitive modern additions to the listed building are being removed and demolished, including the metal fire escapes, outside stores, and the pre-fabricated single storey rooms to the rear of the house. The main house would be converted to a four bed roomed house, utilising the main staircase. The attached single storey flat roofed extension would be used as a double garage.

The northern most part of the main house and the servants quarters would be sub divided to create a further two dwellings of five and six bedrooms. One would be orientated to look to the west, and the other to the east of the site, by effectively splitting the servants' quarters vertically down the middle.



New doors and windows would be provided both internally and externally to allow the conversion to occur. The existing detached storage building to the north of the house would be retained and used as a general store for the housing, along with bin storage. A total of seven parking spaces would be provided for the three units.

On the approximate footprint of the modern single storey extension to the house a terrace of three, three storey dwellings is proposed. These four bed roomed houses could be constructed of Ashlar stone to the front, and render to the site and rear under natural slate roofs. They would have painted timber casement windows, balconies and dormers. The terrace would have a maximum ridge height of approximately 10m. To the front elevation of the terrace, seven car parking spaces would be provided. To the rear of the terrace the existing garden would be subdivided to create gardens for both the three new build properties and the 3 conversions.

A detached four bed roomed dwelling is proposed in the south eastern corner of the site. The square shaped two storey house would have a glazed lantern to the roof, and four chimneys. It would be constructed of Ashlar stone plinths, with render above, painted wood casement windows and a natural slate roof. It would have a double garage with a green roof, and a gravel access track from the main internal road. The house would be just over 7m tall at its ridge.

Within the walled garden adjacent to the northern wall is a single storey four bed roomed dwelling with mono-pitched roofs. It would not be attached to the garden wall, but would be separated by a gap of approximately 20cm. At its tallest, it would be approximately 4m high, which is around 20cm lower than the garden wall. The dwelling would be constructed of timber cladding and render panels, with sedum flat roofs and metal sheet mono-pitched roofs. The whole of the walled garden would be for the private use of this property, and access to it would be from the north, within a new gateway on the western elevation of the wall.

To the outer side of the northern part of the garden wall would be garaging for nine cars and a bin store, again within a sedum roof. These garages would be for both the garden dwelling and the terrace of three new houses to the extreme north of the site.

This two storey terrace provides three 3 bed roomed properties, constructed of timber cladding and render, with green roofs. The windows would be in the front and rear elevation, with obscured glazed panels on the sides. At their highest they would be approximately 8m tall. To the rear of the terrace would be private gardens. Within a parking space to the western elevation.

The Coach House forms the western boundary of the walled garden and is proposed for conversion to offices, with a floorspace of approximately 245m<sup>2</sup>. The stalls and stable fittings would be retained on the ground floor, with the first floor forming an open plan office. In addition, all the existing upvc windows in the building would be replaced with timber casement ones. To the north and south ends of the building a total of 6 car parking spaces are provided.

The Bothy is also proposed for conversion to offices, providing approximately 50m<sup>2</sup>. New doors and windows, including a glazed screen would be provided.

The application was supported within the following documents:

- \* a design and access statement, including the commonly consultation statement and flood risk assessment;
- \* an ecological survey;
- \* an archaeological evaluation;
- \* a health case needs assessment;
- \* an arboriculture assessment;
- \* an historical report;
- \* a contamination investigation report;
- \* a structural report; and
- \* a report of the walled garden.

## **SITE VISIT / STATUTORY SITE NOTICES**

Berryfield House is a Grade II Listed Building, which is currently vacant. Its last use was a community hospital, as a result of which a number of insensitive modern additions were undertaken, including external fire escapes, single storey flat roofed extensions, ramps, upvc windows and internal alterations. Notwithstanding this, the building still possesses a significant amount of architectural detail, including complete rooms, some doors, windows and the original staircases. The main house is approximately square in footprint, within two principle elevations, and extensions to the rear and south sides. Those to the rear are three storey, beyond which lies the modern prefab single storey wards.

In addition to the house there is also a Bath stone and slate coach house attached to a walled garden, with a single storey Bothy to the north of this. These are all considered as listed curtilage structures.

The house and its outbuildings lie within mature gardens, characterised by grass and trees. Many of the trees are protected, including a number of magnificent mature specimen trees. The existing access to the site is off Berryfield Road.

Surrounding the site is mostly modern residential properties. The western boundary of the site is bounded by trees and the conservation area. In total the whole site covers approximately 3.06ha.

The application has been advertised by site notices and revised information site notices.

## **CONSULTATIONS**

*Parish/Town Council :*

BRADFORD ON AVON TOWN COUNCIL : Have "no objections".

*External :*

HIGHWAY AUTHORITY : Following receipt of the latest submission from Denis Wilson on the 7th July (letter dated 4th July) I can advise that I recommend that no highway objection be raised, subject to the following conditions being attached to any permission granted:

Before the development starts full details of the bus stop works, together with the tactile paving/crossing at the junction of Berryfield Road/Bath Road and the footway works at both site accesses shall be submitted for approval in writing by the Local Planning Authority; and the works shall be complete in accordance with the approved details before first occupation of the development.

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.

LIBRARIES & HERITAGE : Thank you for your consultation on the above and the additional information for the above application.

An archaeological evaluation has now taken place at the above site. This comprised seventeen trenches, with a total length of 340m, excavated across the site. The only features that were identified in these trenches were those relating to the use of the park in the 19th century. No earlier archaeological features or finds were uncovered. On the basis of this evaluation, I do not consider that any further archaeological investigation is required on the site and I have no further comments to make on the application.

The report on the evaluation will be held by this service as a record of the site and to assist in the further understanding of the history of Bradford-on-Avon.

CHIEF EDUCATION OFFICER : Thanks for consulting us on the above. From the supporting documentation, it appears that 14 units of 3 and 4 bed type housing, (none affordable) are proposed?

An assessment based upon 14 units indicates a case for primary school contributions only, as Christ Church cannot accommodate the additional pupils within current capacity. Four places would be required.

ENVIRONMENT AGENCY : Thank you for referring the above application. I apologise for the delay in replying. The Environment Agency -South West Region make the following comments:-

Upon consideration of the Flood Risk Assessment within the Design & Access statement (December 2007) we have no objection to the proposed development. However, as the proposals involve a significant increase in hardstanding area we recommend that the following condition should be imposed on any planning approval:

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

We would further recommend the following conditions:

CONDITION: Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001 ").

CONDITION: Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

In the event of planning permission being given we request that the Decision Notice contains the following information:

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Please note the Environment Agency requests that the surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to the maximum allowable rate, i.e. no increase in the rate &/or volume of run-off and preferably a reduction.

2. Drainage calculations must be included to demonstrate the surface water drainage system is appropriately designed (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.

4. Adoption and maintenance of the drainage system must be addressed and stated.

Details of the proposed methods to meet these criteria should be submitted in due course for the Environment Agency to recommend the relevant planning condition be discharged.

We recommended that the developer investigate the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- a) Interception and reuse
- b) Porous paving/surfaces
- c) Infiltration techniques
- d) Detention/attenuation
- e) Wetlands.

A copy of the Agency's leaflet on Sustainable Drainage Systems has been sent to the applicant/agent.

All demolition wastes produced from the site must be removed from the site and disposed of only at sites holding a permit appropriate for the category of waste.

WESSEX WATER : Further to our letter dated 18 January 2008, regarding the above site, I am pleased to confirm our Engineer's comments as follows:

#### Water Supply

- \* The existing system is adequate to serve the proposed redevelopment of the site
- \* Buildings with more than two storeys will require on-site pumped storage
- \* We suggest that the connection to the existing 4" dia main off Bath Road be retained and used.

#### Foul drainage

- \* the existing system is adequate to serve the proposed redevelopment of the site
- \* it may be feasible to utilise existing connection(s)
- \* the adoption of existing private drainage can be considered subject to the condition and performance of the pipelines
- \* a new connection to the public foul sewer in Leigh Park Road may be necessary for any development on the northern part of the site -a requisition for a connection may also be required in order to cross third party land

#### Surface Water Drainage

- \* the site plan indicates large areas of open space and soakaways should be used wherever feasible
- \* road drainage should not be connected to public sewers
- \* A highway drain/culverted watercourse is located in Bath Road -the developer should contact the local Highways Department for more details
- \* there is a small diameter public storm sewer in Berryfield Road -a greenfield run-off equivalent of 5 l/s/ha can be connected here
- \* a storm sewer and open ditch/culverted watercourse exist in Leigh Park Road, although the crossing of third party land would be involved for a connection.

Please do not hesitate to contact me should you require any further information.

ENGLISH HERITAGE : Thank you for your letter of 7 January 2008 notifying English Heritage of the application for listed building consent/planning permission relating to the above site. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to English Heritage under the relevant statutory provisions, details of which are enclosed.

WILTSHIRE WILDLIFE TRUST : We have no objection, and have the following comments:

Protected species The Trust is pleased that an ecological survey has already been carried out for the site (Environmental Gain Ltd, November 2007). We agree with all recommendations, including the need for further surveys. We do note, however, that the Design and Access Statement mentions only further surveys for bats are being conducted. All recommendations should be a condition of planning permission.

The breeding bird season is commonly cited as running from March to August inclusive, as opposed to running from early April as included within the survey report. The Trust would recommend that the former be adhered to.

Natural England no longer provides protected species advice on planning applications. We recommend that you refer the applicant to the relevant District Ecologist who may refer them to the Natural England licensing unit where necessary.

Measures to enhance biodiversity All public bodies (including the Council) have a Biodiversity Duty under the Natural Environment and Rural Communities Act (NERC) 2006, to have due regard for conserving biodiversity .This includes restoring or enhancing a population or habitat. Simple measures could be incorporated into the proposal, such as installing bird and bat boxes and the planting of native, locally-sourced species, in order to fulfil the Duty of the Act.

The ecological survey recommends measures to enhance the site for wildlife, such as erecting bat and bird boxes, and creating new management regimes. The Trust supports such suggestions, which may form part of an Environmental Management Plan (EMF) for the site.

It is stated in the ecological survey that contractors should be made aware of their responsibilities towards protected species. This awareness raising and training should be included in a Construction Environmental Management Plan (CEMP) for the site.

Creation of both a CEMP, and an EMP, should be conditions of planning permission.

Whilst we support efforts to retain many of the trees on site, we are unsure as to the practicality of relocating a mature cedar tree. It is most likely that such a mature tree will not survive the trauma.

Measures to increase sustainability

We are pleased that several of the proposed houses will have green roofs and other sustainable features built-in. We would wish to see this commitment extended across the site, with all dwellings achieving a level of 3 on the Code for Sustainable Homes (which has replaced the BREEAM Echoes).

WILTSHIRE & 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 this site the following should be considered with reference to the above planning application.

Bats are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations. Planning Policy Statement (PPS) 9, paragraph 16, states that planning authorities should ensure that species which receive statutory protection under a range of legislative provisions should be protected from the adverse effect of development, where appropriate, by using planning conditions or obligations.

The Government Circular: Biodiversity and Geological Conservation (paragraph 99) states that the presence of protected species, and how they would be affected by the proposal, should be established before planning permission is granted.

Please find attached guidance from Natural England concerning what the applicant should do next.

NATURAL ENGLAND : Natural England believe at this point in time there is insufficient information available to establish the effect the proposals may have on protected species, and as such we have no options but to object to the application.

The Ecological Appraisal conducted by Environmental Gain Ltd identifies the need for further surveys to be carried out. We believe it is necessary for the results and conclusions of these surveys, including any proposals of appropriate mitigation measures, to be made available before a decision is made.

ANCIENT MONUMENTS SOCIETY : The revisions do not appear to address the fundamental objections we had made to the application in our earlier emails. We therefore continue to object to the proposals." These stated "We object to the proposals because we believe that they are severely damaging to the setting of the listed building. Despite some extensions Berryfield House still reads as a late Georgian villa in an appropriate setting. The new proposals will almost totally remove this character, altering the historic approach and dividing the site; the grounds will be substantially lost to the new development.

GEORGIAN GROUP : Thank you for notifying the Georgian Group of the proposed-mixed-use development and conversion of Berryfield House, Coach House and Bothy. After studying the information available within the application the Group wish to register our objections towards the proposed scheme.

The Group are extremely concerned by the level of development proposed. Any development which may be prejudicial and limit the future use and marketability of the GII House should be subjected to rigorous scrutiny. The optimum viable use of Berryfield House as defined by the Secretary of State in PPG15 would clearly be as a single private dwelling; the Georgian Group is confident that if the property were placed on the open market at a realistic price it would readily find an owner willing to use it for that purpose. Any development of this nature would arguably limit the long-term potential of establishing and maintaining the optimum viable use for this historic asset.

The Secretary of State has reminded local authorities (PPG15 section 2.16) that sections 16 and 66 of the 1990 Act 'require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.' The Secretary of State also advises in the same paragraph that: '-The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to compliment its design or function.' Section 2.17 of the PPG advises that: '-the setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great merit) and to the quality of spaces between them.'

Despite the long established institutional use of Berryfield House, and the encroachment of twentieth century housing, the character and setting of the House and landscape are remarkably intact and free from modern accretions. The House and the Coach House are an intriguing example of the Regency synthesis of architectural styles, which are clearly - read within the context of the historic landscape. The relationship between the Coach House and the walled garden is also a significant part of the historic landscape -the proposed development within the walls and surrounding this area is therefore also highly contentious.

*Internal :*

POLICY : On the basis of the information contained in the legal opinion, it appears to me that there is a distinction between the "non nursing beds" provided with this development, which the opinion rates as C2 use, and McCarthy and Stone retirement units, which are clearly C3. This is essentially because the former still relate to people who require "a minimum of one hour's care".

CONSERVATION OFFICER : Interim comments, following meeting 01 August 2008

Units A-D

Landscape

The number of care units in building A is a requirement for viability and this is a much needed facility with significant local support. The number of units dictates the parking requirements and hence the amount of hardstanding. Consequently I am willing to withdraw my objection to the parking arrangement subject to softening of the main area of hardstanding.

Recommendation:

1. Landscape parking area where possible to improve views from the driveway and the first floor of Berryfield House.

Detailed Design

This area contains a nursing home and retirement units, consequently the design is functional. There have been some minor amendments to these buildings including reducing the height, unifying the fenestration and repositioning. The concept is intended to be clean and modern. Following detailed discussion it is understood that:

- \* Elaborate detailing would not aid the building in appearing subservient to the listed manor.
- \* The use of high quality materials will ensure a quality finish and appearance
- \* The proposed complex roof plans are complemented by the simple fenestration and in reality will not appear cluttered
- \* The glazed columns could be visually strong and attractive features providing that the construction and materials are of suitable quality, heavy metal frame would not be appropriate. This can be dealt with by condition

Consequently, it is felt that I can support to design concept.

Building A

Having seen the model, it is clear that the change in levels and the staggered roof heights will help of offset the scale of the proposed building and ensure it does not compete with . the listed building. The single storey element and the chimneys are still considered to be at odds with the main building. These elements should be reconsidered:

Recommendations:

2. The single storey element does not look like part of the same building, regard should be had to its visual relationship with the main building
3. The chimneys should be reduced or made more complementary to the overall design i.e. less industrial.

## Building B

The open walkways are a requirement of the occupiers, being positioned to the rear of the building away from Berryfield House, it is considered that in the circumstances this is not objectionable.

The two storey element of this building has an industrial feel due to the roof design and does not carry to glassed columns well.

Recommendation:

### 4. Redesign the two storey element in terms of roof and glazing columns Buildings C & D

It has been accepted that this scheme will function as two separate entities, therefore these buildings do not need to be gateway buildings for Berryfield House. Nevertheless, glazed columns and the roof design do not work well together.

Recommendation :

### 5. Reconsider glazing columns with regard to roof design Units 4-10 and Cedar Lodge

Landscape Some hedging to the rear of the main house in a linear fashion might not be objectionable as it would not be highly visible, and would not be seen on approach to the main frontage. The additional subdivisions of this site with fencing of any kind is not appropriate, with the exception of some fencing running along the driveway although in the absence of amended illustrations it seems appropriate that it only run along the main driveway to the front of Berryfield House.

The inclusion of some kind of low bollard was suggested to prevent inappropriate use of the emergency route; this would be supported, although the design must be subject to condition .

Recommendations:

6. The main driveway should run to the front of the house with all other routes appearing subservient. The parking arrangement to the rear of the main building should also have an informal approach.

ENVIRONMENTAL HEALTH : The proposal is to redevelop a disused hospital site to include a health centre, office and housing in the grounds. The normal usage of such premises is not likely to result in a loss of amenity, as the buildings are located in the grounds of the property and the nearest residences are located some distance away.

Recommendation: No objections.

Conditions: None.

Informatives: Lighting

If exterior illumination for the buildings, outside lighting or illuminated signs are included in the proposal they should be well designed to control horizontal overspill of light from this site into neighbouring properties and to avoid glare and sky glow.

Construction activity

During the construction phase of this redevelopment :

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

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



POLICY: West Wiltshire District Plan - 1st Alteration- Policies C36 & C38.

TREE AND LANDSCAPE OFFICER : Further to a site meeting held on the 27th June 2008 to assess tree protection and areas for exploratory pits outside tree protection areas and appraising the submitted landscape plans and details, I can confirm that all appears to be in order and acceptable. If consent is to be granted, the following conditions should be applied:

Landscaping scheme to be implemented

The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- \* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- \* All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- \* The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- \* The whole scheme shall be subsequently retained.

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

Hard Landscaping - Submission of Details Required

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

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

Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

Reason - To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas in accordance with Policy C32 and C40 of the West Wiltshire District Plan First Alteration 2004

Note: This condition should be used in addition to a condition requiring the submission of a landscaping scheme.

Implementation of Landscape Management Plans

All works relating to landscape maintenance and general management shall be carried out as specified in the approved Landscape Management plan and shall be supervised by the appointed landscape consultant and where appropriate an arboricultural consultant holding nationally recognised qualifications.

#### Implementation of Arboricultural Method Statement

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

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

#### TR040 - Arboricultural Supervision

Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

Reason - In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004.

Please note: I am unable to calculate off-site calculation until it has been agreed with Policy Planning whether or no the residential care home should be taken in to the calculation equation.

RECOMMENDATION: There are no arboricultural or landscape reason to refuse this application. However any consent must be subject to the aforementioned conditions.

BUILDING CONTROL MANAGER : The works including alterations, change of use and new build will need to accord with the Building Regulations for which an application or initial notice would be required. Once it has been decided which of these procedures is to be selected we can then determine if pre submission advice is appropriate. Recent changes to the regulations now include more onerous thermal insulation requirements including to changing the use buildings where upgrading of the existing thermal envelope is normally required.

Consideration should also be given to Fire fighting appliance and refuse collection vehicle access where gated entrances are proposed, with bin store locations being shown to accord with part H being within 30M of the dwelling and 25M of the waste collection point with appropriate positioning / enclosures. Other aspects will need to be considered when an application has been received unless you have specific concerns regarding compliance.

HOUSING SERVICES : I refer to your recent consultation dated 23rd July 2008 regarding the above.

I can confirm that my email dated the 6th March 2008 still stands with regard to the amount of AH required on this site ie. 12 units in total, 10 to be provided on site and 2 to be provided via a commuted sum.

At the time of my original response I confirmed the number of units on site that would qualify for AH provision with Karol in planning policy, we had several discussions regarding this matter and I am satisfied that the AH requirements are correct based on the advise from Planning Policy at that time.

I can not stress enough the overwhelming need for AH in Bradford on Avon with around 203 households in priority need. There is also a distinct shortage of smaller family units for open market sale at prices that local residents can afford.

Policy is quite clear on the provision of AH within the District, however, if the applicant is unable to afford to make a contribution due to the viability of the scheme, provision exists for the applicant to enter into an open book appraisal which will test whether the viability of the scheme is prejudiced by the contribution and, if so, enables a reduced contribution to be made.

In the absence of an agreement with the applicant as to the AH, the application should be refused on the follow grounds:-

"The application fails to meet the requirements of policy H2 Housing in that no contribution towards the provision of affordable housing has been included within the application, nor has an open book exercise been undertaken which might justify a reduction of policy requirements"

### *Neighbours :*

The application was advertised within site notices and revised plans and information site notices. Twenty responses were received making the following comments:

- \* no direct neighbour notification;
- \* the Council's website is not updated very frequently;
- \* the 3 storey nature of Blocks and B means that they will dwarf surrounding properties and also result in overlooking and loss of light;
- \* loss of trees will result;
- \* use of render is a cheap option not in keeping within its surroundings;
- \* increased use of the site will cause traffic problems, particularly within regard to the site's proximity to the school and its existing access;
- \* who is responsible for the site's boundaries;
- \* plain modernistic design is not sympathetic to the listed buildings or the site;
- \* loss of wildlife resulting from the proposal;
- \* no consideration of emergency vehicle access to the site;
- \* no consideration to drainage of the site;
- \* no mention of lighting arrangements;
- \* overdevelopment of the site;
- \* loss of privacy due to new housing proposals;
- \* loss of views;
- \* devalue neighbouring properties;
- \* support for general principle of healthcare uses on the site; and
- \* Bradford on Avon Preservation Trust object to the housing in the walled garden, but support the redevelopment of the site.

## **NEGOTIATIONS / DISCUSSIONS**

Extensive pre-application and during application discussions and negotiations, particularly as regards design and impact on the listed buildings and their settings.

## **CONSTRAINTS**

- \* Listed buildings and their settings;
- \* Conservation Area and its setting;
- \* Trees with preservation orders on them;
- \* Archaeology;
- \* Protected species;
- \* Highways matters;
- \* The water environment;
- \* Education contributions;
- \* Affordable housing;
- \* Public open space; and
- \* Amenity.

## **POLICIES**

### Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP2	Infrastructure
DP3	Development strategy
DP5	Town centres, district centres and employment areas
DP7	Housing in towns and main settlements
DP8	Affordable Housing
DP9	Re-use of land and buildings
T5	Cycling and walking
T6	Demand management
C1	Nature conservation
C5	The water environment
HE2	Other sites of archaeological or historic interest
HE7	Conservation Areas and Listed Buildings
RLT1	Recreation, sport and leisure

### West Wiltshire District Plan – 1st Alteration 2004

C15	Archaeological assessment
C17	Conservation Areas
C18	New development in Conservation Areas
C23	Street scene
C26	Maintenance of buildings
C28	Alterations and extensions to listed buildings
C31A	Design
C32	Landscaping
C35	Light pollution
C37	Contaminated land
C38	Nuisance
C40	Tree planting
R4	Open space in new housing developments
F11	Footpath and rights of way
H1	Further housing developments in towns
H2	Affordable housing within towns and villages
H24	New housing design
E4	Premises outside employment policy areas
E5	Loss of employment floorspace
T10	Car parking
T11	Cycleways
T12	Footpaths and bridleways
CF1	Community facilities
CF2	Re-use of community facilities
U1A	Foul water disposal
U4	Groundwater Source Protection Areas
I1	Implementation
I3	Access for everyone

### SPG

Design Guidance - Principles (Adopted July 04)
Residential Design Guide (Adopted November 05)
Affordable Housing (Adopted July 2004)
Open Space Provision in New Housing Development (Adopted August 2004)
Bradford on Avon Character Assessment (Adopted Jan 2001)

National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG4 Industrial and Commercial Development in Small Firms  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport  
PPG15 Planning & the Historic Environment  
PPG16 Archaeology and Planning  
PPS23 Planning & Pollution Control  
PPG24 Planning & Noise  
PPS25 Development and Flood Risk

## **RELEVANT PLANNING HISTORY**

85/00374/GOV – New day care hospital – No objection 14.05.1985

89/01126/GOV – Covered way between the day hospital and existing hospital corridors – No objection 11.07.1989

94/00495/FUL – New external lighting – Permission 02.06.1994

94/00496/LBC – External lighting – Consent 02.06.1994

94/00843/LBC – Rebuilding of 3 chimneys and removal of 3 further chimneys – Consent 13.10.1994

94/01135/LBC – Erection of handrails to entrance steps – Consent 24.10.1994

97/00065/LBC – Handrail to fire escape from first floor – Consent 24.02.1997

97/00066/FUL – Handrail to fire escape from first floor – Permission 24.02.1997

00/00980/OUT – Community hospital and nursing home, associated infrastructure and landscape – Withdrawn 16.01.2006

00/00981/FUL – Residential conversion of Berryfield House into 9 units and the Coach House into 3 units, associated infrastructure and landscape works – Withdrawn 16.01.2006

00/00982/OUT – Residential development of 23 dwellings and associated infrastructure and landscape works – Withdrawn 16.01.2006

02/00991/LBC – Internal alterations to provide palliative care area and disabled toilets, two external vents – Consent 25.09.2006

02/01856/LBC – Replacement of existing internal door and associated alterations – Consent 06.01.2003

03/02052/FUL – Provision of clinical waste compound on a concrete base – Permission 22.01.2004

03/02080/LBC – Construction of a timber fire escape ramp from ground floor 5-bed female ward – Consent 23.01.2004

03/02107/FUL – Construction of timber fire escape ramp from ground floor 5-bed female ward – Permission 23.01.2004

05/02185/FUL – Erection of chain link fence and gates to main entrance – Refused 10.03.2006

06/01120/FUL – Erection of chain link fence and gates to main entrance as highlighted on attached plan – Permission 24.05.2006

08/00005/LBC – Conversion and alterations to Berryfield House to form 3 residential units following demolition of 20 Century rear extensions; conversion of the Coach House and Bothy to offices; and formation of an opening to facilitate new build residential development in the walled garden – Pending

96/00013/IND – Bradford on Avon Community Hospital – Confirmed.

98/01357/TPO – Deadwood Oak tree – Consent 02.11.1998

99/01226/TPO – Works to Oak tree – Consent 04.10.1999

01/00007/IND – Bradford on Avon hospital – Confirmed.

06/00015/MIXED – Bradford on Avon Hospital (No2) – Confirmed.

## KEY ISSUES

- \* Listed buildings and their settings;
- \* Conservation Area and its setting;
- \* Trees with preservation orders on them;
- \* Archaeology;
- \* Protected species;
- \* Highways matters;
- \* The water environment;
- \* Education contributions;
- \* Affordable housing;
- \* Public open space; and
- \* Amenity.

## OFFICER APPRAISAL

PPG15 and Section 66 of the Planning (Listed Building & CA) Act 1990 highlights that the Local Planning Authority has a duty to pay special attention to the desirability of preserving a listed building and its setting or any features of special architectural or historic interest which it possesses. PPG15 and Section 72 of the same Act highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area and its setting. In addition, Policy C28 of the West Wiltshire District Plan requires

C28 Alterations and extensions to a building listed as being of Special Architectural or Historic Interest will only be permitted provided the following guidelines are followed:

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

The Council's Urban Designer and Conservation Assistant was consulted for her comments on this application, and has negotiated with the applicants to try and address her concerns. Although she now has no objections to the internal works proposed to sub divide Berryfield House into three residential units, strong objections are still expressed concerning the principle of locating three dwellings to the rear of the house. As proposed, the terrace of three, three storey high houses is

considered unacceptable in terms of its proximity within the main house. The design of the terrace makes no reference to this historic character of the site and its location, and introduces an unsympathetic block which is overbearing and intrusively dominant in terms of its impact on the main house and its associated listed curtilage buildings. It is not felt that conditions could overcome the fundamental objections to the proposal, hence the scheme is recommended for refusal.

In terms of the conversion of the other listed structures and buildings on site, no objection is raised, subject to conditions as regards materials, structural reports and surveys, etc. Particular improvements achieved during the processing of the application have been the reduction in the number of proposed houses in the walled garden and retention of the stalls within the coach house.

Other issues of concern that can be overcome by condition are the landscaping to the site, where the treatment and amount of hard surfaces is unsatisfactory in terms of the listed buildings and their settings. What cannot be addressed by condition, however, is the sub division of the house's garden into smaller plots, particularly to the rear of the terrace of three. This significantly detracts from the setting of the listed building producing a cluttered and confused appearance to an area that is historically and visually of great functional and visual importance to the listed building. This forms a further reason for refusal.

The proposal also consists of four new buildings to provide a care home, healthcare facilities and assisted living accommodation on the western side of the site. The provision of such facilities is generally supported by the community, although concerns have been raised as regards the design of the buildings in relation to the listed buildings and the setting of the CA. The Urban Designer and Conservation Assistant considers that the proposed buildings are broadly acceptable, subject to conditions concerning materials and landscaping.

Many of the trees within the site are protected with Tree Preservation orders. The application has worked with the Council's Landscape Officer and a layout has now been reached that is considered acceptable subject to conditions.

The applicant was advised that archaeological investigations would be required on the site. An evaluation was undertaken and the County Archaeologists are satisfied that no further investigation is needed.

The application was supported by a protected species report that advised further surveys were undertaken. Natural England have objected to this situation, but the Wiltshire Wildlife Trust have raised no objections subject to conditions being attached to any permission requiring further surveys. In light of this conflict between the ecological experts, the view of the Trust is taken whereby further surveys could be conditioned.

The previous application on the site raised concerns as regards the increase use of the existing access. The current application proposes the creation of a second access onto Berryfield Road, which has met with the satisfaction of the Highways Agency. Notwithstanding the concerns of neighbouring residents, subject to conditions concerning highways work and surface water disposal, no objection is raised by the Highways Authority.

Several of the neighbouring residents have raised concerns as to the drainage of the site. Both the Environment Agency and Wessex Water had no objections to the proposed subject to conditions being attached concerning surface and foul water drainage works, chemical storage and satisfactory connection of the development onto Wessex Water's facilities.

Revised plans and submissions have reduced the number of residential properties on the site from fourteen to eleven properties. The Planning Policy Section has taken the view that the assisted living units do not trigger the need for affordable housing. The HS have disputed this view. The Housing Services section had lengthy discussions with Planning Policy as regards the definition. The final view of the Planning Policy Manager is that the assisted living units do not generate an affordable housing contribution, despite the conflict this has with previous interpretation. Your Development Control supports the view of the Planning Policy Manager.

The applicant has agreed to provide an education and public open space contribution. Both of these matters would be dealt with through the imposition of a legal agreement on the site.

Several of the neighbouring properties have raised concerns as regards loss of amenity and overlooking. Revised designs have improved some of the direct overlooking that was occurring, particularly as regards unit 9. Building A has also caused concern, but it is considered that the existing (protected trees) vegetation and distance from neighbouring properties is considered just about acceptable.

#### Conclusion

The current application proposes a number of benefits to the listed buildings than was approved by Committee in 2000. The vertical sub division of the house, only one property in the walled garden and the sensitive conversion of the Coach House and Bothy are all more sympathetic to the listed building. However, the terrace of three to the rear of the house and the sub division of the gardens are unacceptable and detrimental to the setting of the listed buildings. These form reasons for refusal.

#### **RECOMMENDATION**

Refuse.





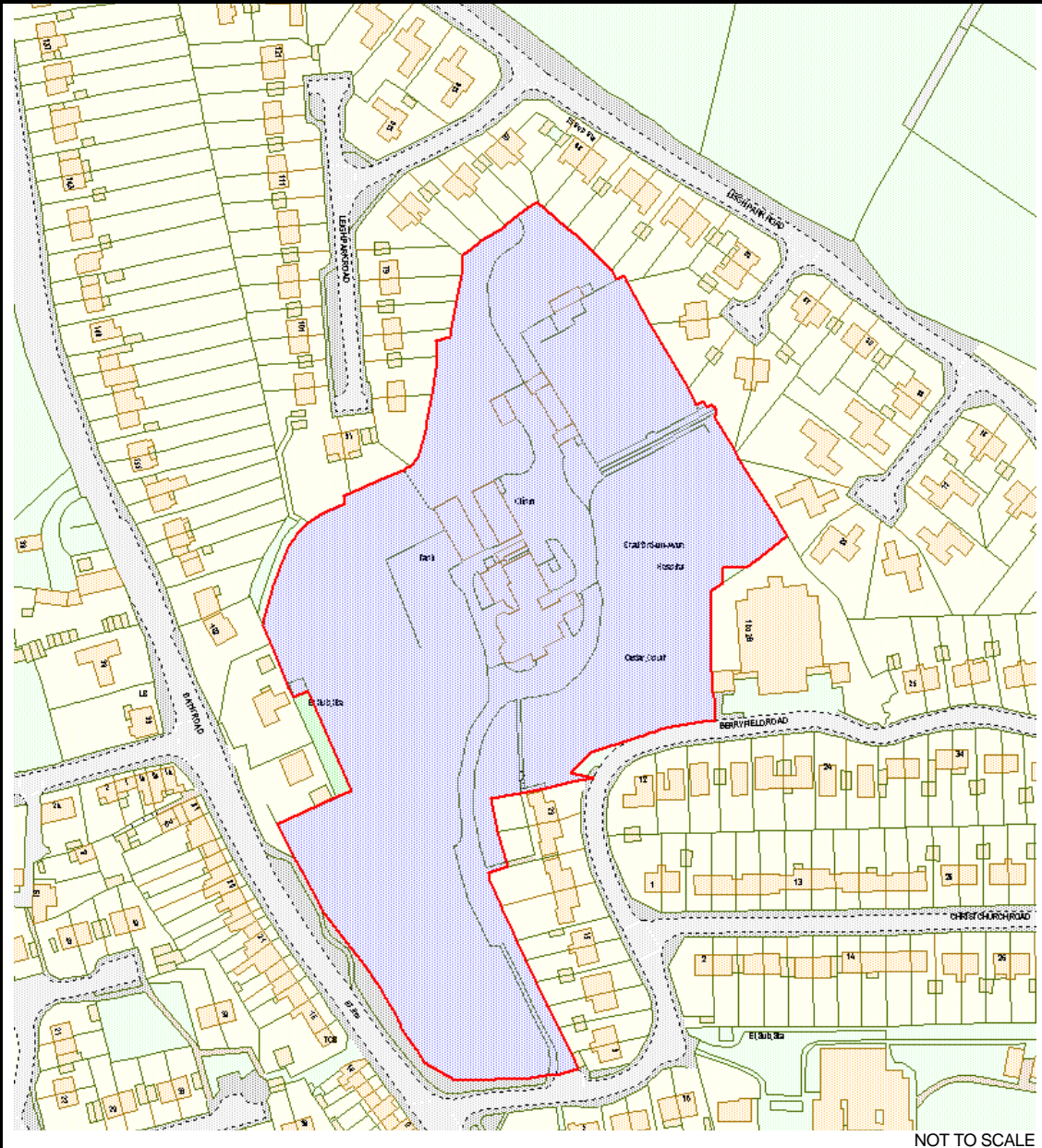
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 05

APPLICATION NO: 08/00005/LBC

LOCATION: Bradford On Avon Hospital Berryfield Road Bradford  
On Avon Wiltshire BA15 1TA



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office

© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655

Fax: 01225 770314

[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961



- \* A healthcare building incorporating a nursing home (Building A);
- \* 27 assisted living units and ancillary accommodation (Class C2) (Buildings B, C and D);
- \* The conversion of Berryfield House to 3 dwellings;
- \* The erection of 8 new dwellings;
- \* The conversion of the Coach House and Bothy to offices; and
- \* Associated landscaping, parking and access works, and bin stores.

The proposal splits the existing site between the residential and office uses in the hospital, and walled garden area, with the healthcare building and assisted living units being to the western part of the site. The existing access to the southern-most point of the site would be retained to provide access to buildings A, B, C and D. An existing hedge running north/south to the west of the hospital would form a green divide between the two parts of the site. Building A, the healthcare facility would lie between this hedge and the western boundary of the site. It would have a footprint of just over 900m<sup>2</sup>, and consist of a 42 bed roomed care home (Use Class C2). It would be a maximum of 3 storeys high, with two and single-storey elements and be constructed of Ashlar Bath Stone with a slate roof. Metal easement windows would be used, along with timber and glass on the projecting bays.

Because of the sloping nature of the north-east part of the site, the building would be set into the landscape by approximately 1.8m. The maximum ridge height of the building itself would be just under 11m.

Buildings B, C and D would provide three blocks of assisted living apartments to the western boundary of the site. Building B would be located along the western boundary of the site, and would have an approximate footprint of 560m<sup>2</sup>. It would provide two bed roomed assisted living units over three stories. It would be constructed of a mix of Ashlar Bath stone to the front and rear elevations, within render and timber cladding to the sides. The roof would be tiled within slates, and would have a maximum ridge height of approximately 11m. Again the sloping nature of the site requires the building to be set into the landscape.

Building C, also provides assisted living apartments, is linked to Building B on the first floor. It provides another four, two bed roomed apartments in a two storey building. It would have an approximate footprint of 180m<sup>2</sup>. It would be constructed of Ashlar Bath stone walls within slate eaves, and would have a maximum ridge height of 7m.

Building D is located in the south western most corner of the site. It would provide another 8 two bed roomed assisted living apartments in a 3 storey building. It would be constructed of Ashlar Bath stone and render walls along within timber cladding, under a slate roof. The building has an approximate footprint of 540m<sup>2</sup>, within a maximum ridge height of 10m.

57 car parking spaces for provided for these buildings, along within a cycle stand to the south of Building A. The existing trees, included these protected, would be retained on the site, and new metal railings and an entrance gate would be provided to the southern and western boundaries. An emergency vehicle access route would run in front of Berryfield House. Linking up to the new access road coming off Berryfield Road to provide a separate access for the housing and offices. Again, like the existing access new iron entrance gates would be provided, along within new metal boundary railings.

Berryfield House is to be converted into three residential units, within a vertical sub division of the property occurring. Many of the insensitive modern additions to the listed building are being removed and demolished, including the metal fire escapes, outside stores, and the pre-fabricated single storey rooms to the rear of the house. The main house would be converted to a four bed roomed house, utilising the main staircase. The attached single storey flat roofed extension would be used as a double garage.

The northern most part of the main house and the servants quarters would be sub divided to create a further two dwellings of five and six bedrooms. One would be orientated to look to the west, and the other to the east of the site, by effectively splitting the servants' quarters vertically down the middle.

New doors and windows would be provided both internally and externally to allow the conversion to occur. The existing detached storage building to the north of the house would be retained and used as a general store for the housing, along with bin storage. A total of seven parking spaces would be provided for the three units.

On the approximate footprint of the modern single storey extension to the house a terrace of three, three storey dwellings is proposed. These four bed roomed houses could be constructed of Ashlar stone to the front, and render to the site and rear under natural slate roofs. They would have painted timber casement windows, balconies and dormers. The terrace would have a maximum ridge height of approximately 10m. To the front elevation of the terrace, seven car parking spaces would be provided. To the rear of the terrace the existing garden would be subdivided to create gardens for both the three new build properties and the 3 conversions.

A detached four bed roomed dwelling is proposed in the south eastern corner of the site. The square shaped two storey house would have a glazed lantern to the roof, and four chimneys. It would be constructed of Ashlar stone plinths, with render above, painted wood casement windows and a natural slate roof. It would have a double garage with green roof, and a gravel access track from the main internal road. The house would be just over 7m tall at its ridge.

Within the walled garden adjacent to the northern wall is a single storey four bed roomed dwelling with mono-pitched roofs. It would not be attached to the garden wall, but would be separated by a gap of approximately 20cm. At its tallest, it would be approximately 4m high, which is around 20cm lower than the garden wall. The dwelling would be constructed of timber cladding and render panels, with sedum flat roofs and metal sheet mono-pitched roofs. The whole of the walled garden would be for the private use of this property, and access to it would be from the north, within a new gateway on the western elevation of the wall.

To the outer side of the northern part of the garden wall would be garaging for nine cars and a bin store, again within a sedum roof. These garages would be for both the garden dwelling and the terrace of three new houses to the extreme north of the site.

This two storey terrace provides three 3 bed roomed properties, constructed of timber cladding and render, with green roofs. The windows would be in the front and rear elevation, with obscured glazed panels on the sides. At their highest they would be approximately 8m tall. To the rear of the terrace would be private gardens. Within a parking space to the western elevation.

The Coach House forms the western boundary of the walled garden and is proposed for conversion to offices, with a floorspace of approximately 245m<sup>2</sup>. The stalls and stable fittings would be retained on the ground floor, with the first floor forming an open plan office. In addition, all the existing upvc windows in the building would be replaced with timber casement ones. To the north and south ends of the building a total of 6 car parking spaces are provided.

The Bothy is also proposed for conversion to offices, providing approximately 50m<sup>2</sup>. New doors and windows, including a glazed screen would be provided.

The application was supported within the following documents:

- \* a design and access statement, including the commonly consultation statement and flood risk assessment;
- \* an ecological survey;
- \* an archaeological evaluation;
- \* a health case needs assessment;
- \* an arboriculture assessment;
- \* an historical report;
- \* a contamination investigation report;
- \* a structural report; and
- \* a report of the walled garden.

## **SITE VISIT / STATUTORY SITE NOTICES**

Berryfield House is a Grade II Listed Building, which is currently vacant. Its last use was a community hospital, as a result of which a number of insensitive modern additions were undertaken, including external fire escapes, single storey flat roofed extensions, ramps, upvc windows and internal alterations. Notwithstanding this, the building still possesses a significant amount of architectural detail, including complete rooms, some doors, windows and the original staircases. The main house is approximately square in footprint, within two principle elevations, and extensions to the rear and south sides. Those to the rear are three storey, beyond which lies the modern prefab single storey wards.

In addition to the house there is also a Bath stone and slate coach house attached to a walled garden, with a single storey Bothy to the north of this. These are all considered as listed cartilage structures.

The house and its outbuildings lie within mature gardens, characterised by grass and trees. Many of the trees are protected, including a number of magnificent mature specimen trees. The existing access to the site is off Berryfield Road.

Surrounding the site is mostly modern residential properties. The western boundary of the site is bounded by trees and the CA. In total the whole site covers approximately 3.06ha.

The application has been advertised by site notices and revised information site notices.

## **CONSULTATIONS**

*Parish/Town Council* : BRADFORD ON AVON TOWN COUNCIL - have "no objections".

*External* :

LIBRARIES & HERITAGE : Thank you for your consultation on the above and the additional information for the above application.

An archaeological evaluation has now taken place at the above site. This comprised seventeen trenches, with a total length of 340m, excavated across the site. The only features that were identified in these trenches were those relating to the use of the park in the 19th century .No earlier archaeological features or finds were uncovered. On the basis of this evaluation, I do not consider that any further archaeological investigation is required on the site and I have no further comments to make on the application.

The report on the evaluation will be held by this service as a record of the site and to assist in the further understanding of the history of Bradford-on-Avon.

ENGLISH HERITAGE : Thank you for your letter of 7 January 2008 notifying English Heritage of the application for listed building consent/planning permission relating to the above site. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to English Heritage under the relevant statutory provisions, details of which are enclosed.

ANCIENT MONUMENTS SOCIETY : state "The revisions do not appear to address the fundamental objections we had made to the application in our earlier emails. We therefore continue to object to the proposals." These stated "We object to the proposals because we believe that they are severely damaging to the setting of the listed building. Despite some extensions Berryfield House still reads as a late Georgian villa in an appropriate setting. The new proposals will almost totally remove this character, altering the historic approach and dividing the site; the grounds will be substantially lost to the new development."

GEORGIAN GROUP : Thank you for notifying the Georgian Group of the proposed-mixed-use development and conversion of Berryfield House, Coach House and Bothy. After studying the information available within the application the Group wish to register our objections towards the proposed scheme.

The Group are extremely concerned by the level of development proposed. Any development which may be prejudicial and limit the future use and marketability of the GII House should be subjected to rigorous scrutiny. The optimum viable use of Berryfield House as defined by the Secretary of State in PPG15 would clearly be as a single private dwelling; the Georgian Group is confident that if the property were placed on the open market at a realistic price it would readily find an owner willing to use it for that purpose. Any development of this nature would arguably limit the long-term potential of establishing and maintaining the optimum viable use for this historic asset.

The Secretary of State has reminded local authorities (PPG15 section 2.16) that sections 16 and 66 of the 1990 Act 'require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.' The Secretary of State also advises in the same paragraph that: '-The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to compliment its design or function.' Section 2.17 of the PPG advises that: '-the setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great merit) and to the quality of spaces between them.'

Despite the long established institutional use of Berryfield House, and the encroachment of twentieth century housing, the character and setting of the House and landscape are remarkably intact and free from modern accretions. The House and the Coach House are an intriguing example of the Regency synthesis of architectural styles, which are clearly - read within the context of the historic landscape. The relationship between the Coach House and the walled garden is also a significant part of the historic landscape -the proposed development within the walls and surrounding this area is therefore also highly contentious.

*Internal :*

CONSERVATION OFFICER : Interim comments, following meeting 01 August 2008

The proposed works to the listed and curtilage listed structures is sensitive to their characters and is strongly supported. However, the retention of some of the historic features and open aspect of the building is required.

Recommendations:

1. Remove proposed fencing that runs across the site.
2. Redesign driveways - all other routes must be subservient to the principle driveway which leads to the front of Berryfield House.
3. One of the blind windows is to be retained. This to the bedroom on the south east corner (alteration number 14 on the original plan).
4. The horizontal bar in the French doors is to be removed.
5. Ensure the width of glazing bars in replacement windows is representative of appropriate existing windows to be retained.

For the purposed of repair work or new blockwork involved in the listed or curtilage listed structures sample materials including details of any proposed new mortar will need to be conditioned.

The Bothy – no objection

The Stable Block – no objection

The Walled Garden – no objection

The setting and new building proposed are considered in the comments made on the full application 08/00004/FUL

Conclusions:

- \* Objections will be reconsidered subject to suitable amendments, as outlined above.
- \* There will need to be suitable conditions for material samples and landscape details.

*Neighbours :*

Neighbours - The application was advertised within site notices and revised plans and information site notices. Twenty responses were received making the following comments:

- \* no direct neighbour notification;
- \* the Council's website is not updated very frequently;
- \* the 3 storey nature of Blocks and B means that they will dwarf surrounding properties and also result in overlooking and loss of light;
- \* loss of trees will result;
- \* use of render is a cheap option not in keeping with its surroundings;
- \* increased use of the site will cause traffic problems, particularly with regard to the site's proximity to the school and its existing access;
- \* who is responsible for the site's boundaries;
- \* plain modernistic design is not sympathetic to the listed buildings or the site;
- \* loss of wildlife resulting from the proposal;
- \* no consideration of emergency vehicle access to the site;
- \* no consideration to drainage of the site;
- \* no mention of lighting arrangements;
- \* overdevelopment of the site;
- \* loss of privacy due to new housing proposals;
- \* loss of views;
- \* devalue neighbouring properties;
- \* support for general principle of healthcare uses on the site; and
- \* Bradford on Avon Preservation Trust object to the housing in the walled garden, but support the redevelopment of the site.

## **NEGOTIATIONS / DISCUSSIONS**

Extensive pre-application and during application discussions and negotiations, particularly as regards design and impact on the listed buildings and their settings.

## **CONSTRAINTS**

- \* Listed buildings and their settings;

## **POLICIES**

Wiltshire Structure Plan 2016  
HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan – 1st Alteration 2004  
C28 Alterations and extensions to listed buildings



## RELEVANT PLANNING HISTORY

85/00374/GOV – New day care hospital – No objection 14.05.1985

89/01126/GOV – Covered way between the day hospital and existing hospital corridors – No objection 11.07.1989

94/00495/FUL – New external lighting – Permission 02.06.1994

94/00496/LBC – External lighting – Consent 02.06.1994

94/00843/LBC – Rebuilding of 3 chimneys and removal of 3 further chimneys – Consent 13.10.1994

94/01135/LBC – Erection of handrails to entrance steps – Consent 24.10.1994

97/00065/LBC – Handrail to fire escape from first floor – Consent 24.02.1997

97/00066/FUL – Handrail to fire escape from first floor – Permission 24.02.1997

00/00980/OUT – Community hospital and nursing home, associated infrastructure and landscape – Withdrawn 16.01.2006

00/00981/FUL – Residential conversion of Berryfield House into 9 units and the Coach House into 3 units, associated infrastructure and landscape works – Withdrawn 16.01.2006

00/00982/OUT – Residential development of 23 dwellings and associated infrastructure and landscape works – Withdrawn 16.01.2006

02/00991/LBC – Internal alterations to provide palliative care area and disabled toilets, two external vents – Consent 25.09.2006

02/01856/LBC – Replacement of existing internal door and associated alterations – Consent 06.01.2003

03/02052/FUL – Provision of clinical waste compound on a concrete base – Permission 22.01.2004

03/02080/LBC – Construction of a timber fire escape ramp from ground floor 5-bed female ward – Consent 23.01.2004

03/02107/FUL – Construction of timber fire escape ramp from ground floor 5-bed female ward – Permission 23.01.2004

05/02185/FUL – Erection of chain link fence and gates to main entrance – Refused 10.03.2006

06/01120/FUL – Erection of chain link fence and gates to main entrance as highlighted on attached plan – Permission 24.05.2006

08/00005/LBC – Conversion and alterations to Berryfield House to form 3 residential units following demolition of 20 Century rear extensions; conversion of the Coach House and Bothy to offices; and formation of an opening to facilitate new build residential development in the walled garden – Pending

96/00013/IND – Bradford on Avon Community Hospital – Confirmed.

98/01357/TPO – Deadwood Oak tree – Consent 02.11.1998

99/01226/TPO – Works to Oak tree – Consent 04.10.1999

01/00007/IND – Bradford on Avon hospital – Confirmed.

06/00015/MIXED – Bradford on Avon Hospital (No2) – Confirmed.

## **KEY ISSUES**

\* Listed buildings and their settings.

## **OFFICER APPRAISAL**

PPG15 and Section 66 of the Planning (Listed Building & CA) Act 1990 highlights that the Local Planning Authority has a duty to pay special attention to the desirability of preserving a listed building and its setting or any features of special architectural or historic interest which it possesses. PPG15 and Section 72 of the same Act highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area and its setting. In addition, Policy C28 of the West Wiltshire District Plan requires

C28 Alterations and extensions to a building listed as being of Special Architectural or Historic Interest will only be permitted provided the following guidelines are followed:

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

The Council's Urban Designer and Conservation Assistant was consulted for her comments on this application, and has negotiated with the applicants to try and address her concerns. Although she now has no objections to the internal works proposed to sub divide Berryfield House into three residential units, strong objections are still expressed concerning the principle of locating three dwellings to the rear of the house. As proposed, the terrace of three, three storey high houses is considered unacceptable in terms of its proximity within the main house. The design of the terrace makes no reference to this historic character of the site and its location, and introduces an unsympathetic block which is overbearing and intrusively dominant in terms of its impact on the main house and its associated listed curtilage buildings. It is not felt that conditions could overcome the fundamental objections to the proposal, hence the scheme is recommended for refusal.

In terms of the conversion of the other listed structures and buildings on site, no objection is raised, subject to conditions as regards materials, structural reports and surveys, etc. Particular improvements achieved during the processing of the application have been the reduction in the number of proposed houses in the walled garden and retention of the stalls within the coach house.

Other issues of concern that can be overcome by condition are the landscaping to the site, where the treatment and amount of hard surfaces is unsatisfactory in terms of the listed buildings and their settings. What cannot be addressed by condition, however, is the sub division of the house's garden into smaller plots, particularly to the rear of the terrace of three. This significantly detracts from the setting of the listed building producing a cluttered and confused appearance to an area that is historically and visually of great functional and visual importance to the listed building. This forms a further reason for refusal.

The proposal also consists of four new buildings to provide a care home, healthcare facilities and assisted living accommodation on the western side of the site. The provision of such facilities is generally supported by the community, although concerns have been raised as regards the design of the buildings in relation to the listed buildings and the setting of the CA. The Urban Designer and Conservation Assistant considers that the proposed buildings are broadly acceptable, subject to conditions concerning materials and landscaping.

#### Conclusion

The current application proposes a number of benefits to the listed buildings than was approved by Committee in 2000. The vertical sub division of the house, only one property in the walled garden and the sensitive conversion of the Coach House and Bothy are all more sympathetic to the listed building. However, the terrace of three to the rear of the house and the sub division of the gardens are unacceptable and detrimental to the setting of the listed buildings. These form reasons for refusal.

#### **RECOMMENDATION**

Refuse.

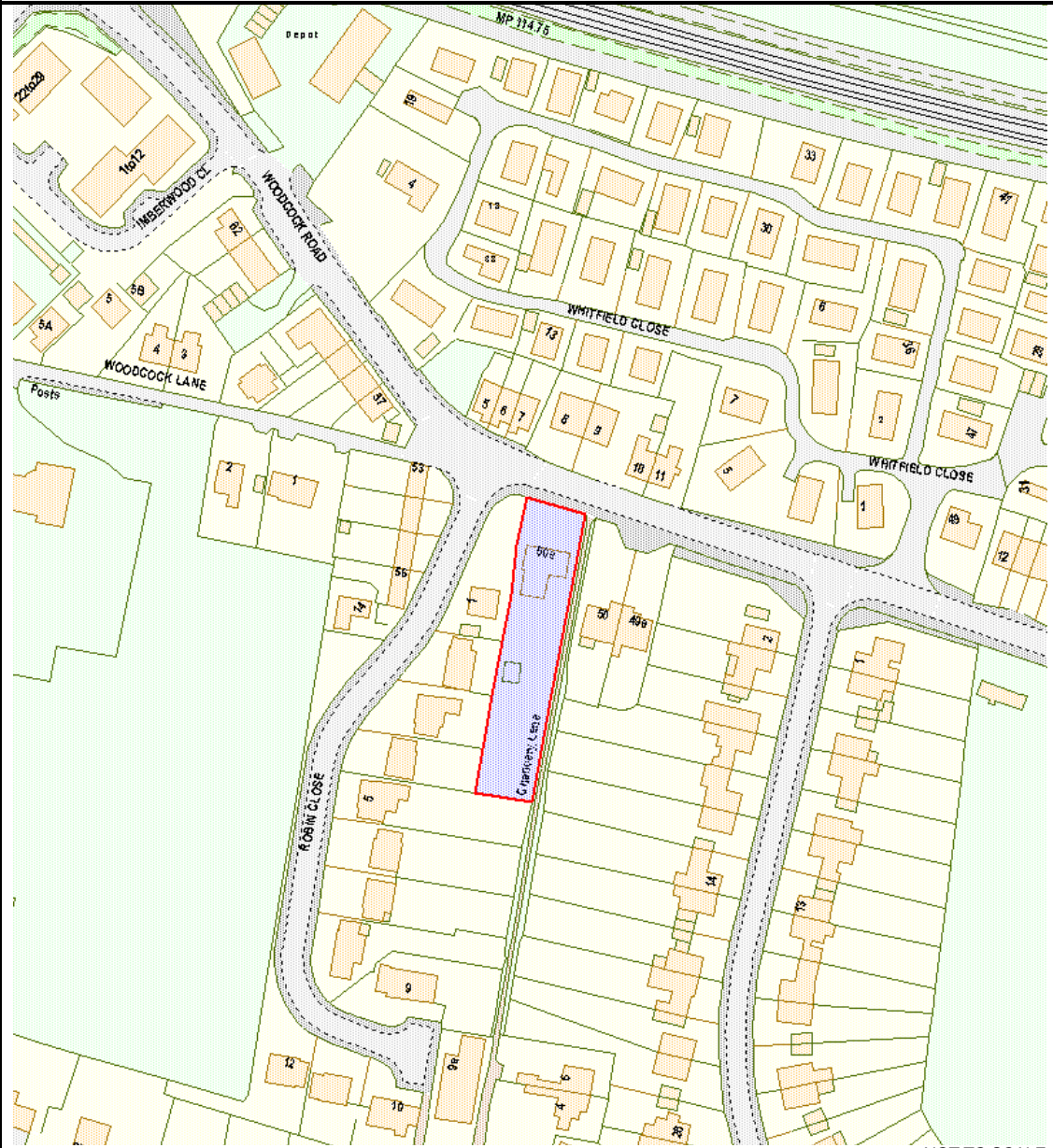
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 06

APPLICATION NO: 08/01146/FUL

LOCATION: 50A Woodcock Road Warminster Wiltshire BA12 9DF



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office

© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655

Fax: 01225 770314

[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**06 Application: 08/01146/FUL**

**Site Address: 50A Woodcock Road Warminster Wiltshire BA12 9DF**

Parish: Warminster Ward: Warminster East  
Grid Reference 388146 144974  
Application Type: Full Plan  
Development: Demolition of bungalow and erection of 3 dwellings  
Applicant Details: Mrs Debbie Martin  
11 Mendip Close Warminster Wiltshire BA12 8QZ  
Agent Details: Barrie Taylor Associates  
39 Silver Street Warminster Wilts BA12 8PT  
Case Officer: Mr Matthew Perks  
Date Received: 15.04.2008 Expiry Date: 10.06.2008

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

REASON: In the interests of highway safety.

- 4 Before the development is occupied, the driveway for the first 5m shall be properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

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

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

6 The upstairs windows in the eastern and western elevations of the semi-detached dwellings shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows shall be added to the eastern and western elevations at roofspace level of the bungalow at the rear of the property hereby permitted.

REASON: In the interests of amenity and privacy.

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

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

REASON: To prevent trees on site from being damaged during construction works.

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

9 Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works.

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This is an application for full planning permission for the demolition of a bungalow and erection of 3 dwellings at 50a Woodcock Road, Warminster. The site is some 1200m<sup>2</sup> in extent and is rectangular in shape, with a frontage on to Woodcock Road of approximately 15.5m. The property has a depth of approximately 75m. There is a substantial ash tree that is the subject of a tree protection order located on the eastern boundary of the site, approximately 50m from the street boundary. A public right of way passes adjacent to this eastern boundary.

The proposals include a double storey semi-detached pair of dwellings set back by 12.8m from the street boundary and located on the eastern side of the property. An access of 4m in width would pass to the west of this building. An oak-framed carport is proposed within a parking and turning area to the front of these dwellings, in the north eastern corner of the site. The dwellings would be relatively modest 3- bedroom units, with private amenity spaces of 14m in depth to the rear.

The third dwelling would be a modest 2-bedroom bungalow located 8m from the rear of the site. The building would have an "L"-form with a roof ridge height of 5.9m. A low-profile oak-framed carport for 1 vehicle would be provided adjacent to the eastern boundary serving this dwelling.

The scheme provides for an additional 3 on-site parking spaces apart from the carports, and secure bicycle parking in close proximity to the new dwellings.

The initially submitted plans were revised insofar as the highway authority requested certain amendments (discussed below).

### **CONSTRAINTS**

The site is located within Town Policy Limits for Warminster.

### **POLICIES**

West Wiltshire District Plan – 1st Alteration 2004

C31a Design

C32 Landscaping

C38 Nuisance

H1 Housing development within towns

PPS1 Delivering sustainable development.

PPS3 Housing

### **RELEVANT PLANNING HISTORY**

None

### **SITE VISIT / STATUTORY SITE NOTICES**

The initial site visit was carried out on 25 April 2008, when a site notice was posted. Two further follow-up visits took place, with site notices being placed on 17 July 2008 in respect of revised plans.

## **CONSULTATIONS**

### *Parish/Town Council :*

WARMINSTER TOWN COUNCIL - Initial plans: no comment received.

Revised plans: Objection on grounds of inappropriate development.

### *External :*

#### HIGHWAY AUTHORITY:

Initial plans: No objection in principle, subject to amended plans addressing access width.

Amended plans: No objection subject to conditions in relation to surface water disposal and the driveway.

WESSEX WATER: - No objection.

### *Internal :*

LANDSCAPE OFFICER: - No objection subject to conditions.

### *Neighbours :*

Neighbours were notified of the proposal. Four neighbours responded, (more than one letter was received from each of these neighbours).

- Traffic hazards in Woodcock Road;
- potential overlooking and loss of light at No. 50;
- destruction of character of footpath;
- parking and traffic when Highbury Park FC are training or playing;
- rear bungalow could become double storey in future;
- overdevelopment of the site;
- harm to neighbouring properties, specifically No's 3 and 4 Robin Close because of location of proposed bungalow;
- loss of value to properties in Robin Close and loss of security to these properties;
- impact of driveway on neighbouring properties in Robin Close in terms of noise;
- flooding of sewers during rainstorms;
- boundaries on proposal plans do not reflect those in the title deeds for neighbouring properties;
- noise and disruption during construction;
- impact of parking and bin storage on west side of property on neighbours.

## **KEY ISSUES**

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

## **OFFICER APPRAISAL**

### Principle of Allowing the Development

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



The development site at  $\pm 1200\text{m}^2$  would represent development at approximately 25 units per ha. This would be a lower density than the recommended by government guidance in the form of PPS3, which states that LPAs should pursue development at a minimum national average density of 30 units per ha. However, there are site constraints which limit the density potential. The dominant factor is the protected Ash tree which would require a root protection zone with a radius of approximately 10m beneath a canopy of the same spread. The site itself is of an elongated and fairly narrow form. PPS3 guidance also states that the specific outcomes that the planning system should deliver are, inter alia, a mix of housing, particularly in terms of tenure and price to support a wide variety of households in all areas and a sufficient quantity of housing.

The proposal is not considered, in the light of the foregoing, to constitute inappropriate development of the site, although the Town Council Comments are noted.

### Design and Relationship to Neighbouring Dwellings

The proposal includes a mix of dwelling types. The semi-detached double storey dwellings and the bungalow would not be alien types within the wider area, which is characterised by dwellings of various forms. The roof ridge height to the semi-detached pair would not dominate that of the immediately neighbouring properties which are of a type which make use of roof spaces served by elongated dormers. The street scene does not have any particular uniformity that would be harmed by the building which would be of contemporary appearance. Although the carport would be forward of the dwelling, a situation that is not normally encouraged, this is again a consequence of the site constraints. Placing the parking and garaging to the rear of the dwellings would have the consequence that vehicles to all three dwellings would have to pass along an elongated driveway and park in rear spaces with consequent impacts on neighbouring amenity. As the proposal stands the driveway, would serve the parking for the bungalow proposed to the rear of the site plus one additional space, and the single garage located on the eastern boundary, away from the Robin Close properties. Neighbour objections inter alia relate to the access and these parking spaces to the rear. The two parking spaces would occupy an area that currently has a garage on it, and which is served by an existing driveway and turning area. Any increase in vehicular activity would therefore be limited to one vehicle above the fallback position where the driveway exists. At present the boundary next to the parking is defined by a 1.8m wooden fence which would effectively screen this area, as well as the proposed locality for the domestic bins to the bungalow.

The proposed semi-detached pair includes side elevation upstairs windows to bedrooms which would present the potential for a degree overlooking towards neighbouring properties. To the east (No. 50 Woodcock Road) the overlooking would be over a driveway on the street frontage and would not result in any significant loss of privacy. To the west there is however private amenity space. The windows are however not primary windows (there are windows to the front elevation) but would allow for additional light to the bedrooms. A condition requiring obscure glazing to upstairs windows in the side elevations is considered to be reasonable.

The location of bungalow to the rear of the site is the primary subject of neighbouring objections. This building would be in close proximity to the rear boundaries to numbers 3 and 4 Robin Close. No 3 would be the nearest dwelling to the bungalow, at a distance of approximately 12m from the rear-facing windows. No 4 is some 17m away. Both properties are located to the west, and are dwellings with rooms to their roofspaces with dormers facing the application site. The agent has submitted a drawing showing that the new building would provide for a visibility projection line from neighbouring ground floor windows (at No 3) to the proposed roof ridge of less than  $20^\circ$ , allowing for a sight line which is considered to be acceptable. Of particular concern to the neighbour at No.3 was the width of the end of the building that would abut that boundary, which would have been 5.9m. In subsequent discussions the agent agreed to rotate the footprint of the building through  $180^\circ$ , and plans have been received showing this. This would place the chimney on the opposite side of the building, and simultaneously reduce the width of the end elevation adjacent to No 3 to approximately 3.8m. It is considered that this revision reduces any overbearing impact to an acceptable degree. No. 4 has a greater depth of garden and would not be subject to any harm that would justify refusal.

Other neighbour objections include a dispute over boundary alignments. The submitted drawings are based on a survey of the site that reflects current boundary locations, and accords with information available to Council officers. A neighbour has submitted a plan understood to have been part of title deeds which shows a kink in boundaries that is not indicated on survey. An attempt was made to match this plan to the survey map but, since no scale or dimensions was available, accurate measurement was not possible. The survey plan therefore is accepted for the purposes of the proposal. Any decision reached would furthermore not affect the rights of neighbours in terms of ownership, should a variation be demonstrated at a later stage. Loss of value to properties would not be a planning consideration, and noise during the development stage would be temporary and could not form any grounds for refusal. Security to the Robin Close properties would appear to possibly be improved by the application with the development and occupation of a dwelling in the vacant rear sector of this site.

### Highways

Following the submission of a revised plan the highway authority has no objection subject to conditions. Neighbouring comments in respect of highways issues are noted, but on-site parking for all three dwellings would be provided and the highway authority is satisfied with sight lines and the access.

### Tree Preservation

The application was accompanied by an "Arboricultural Implications Assessment" which provides for protective measures for the TPO tree during and after construction. The scheme layout also takes consideration of the Ash tree located within the adjacent property, No 1 Robin Close.

Council's Landscape Officer has no objections, but feels that conditions are required.

## **RECOMMENDATION**

Permission.

## **RELATED PLANS**

Drawing : 27055-03 A received on 15.04.2008

Drawing : 27055-04 D received on 27.08.2008

Drawing : 27055-05 D received on 27.08.2008

Drawing : 27055-06 D received on 27.08.2008

Drawing : 27055-08 B received on 27.08.2008

Drawing : 27055-09 A received on 27.08.2008



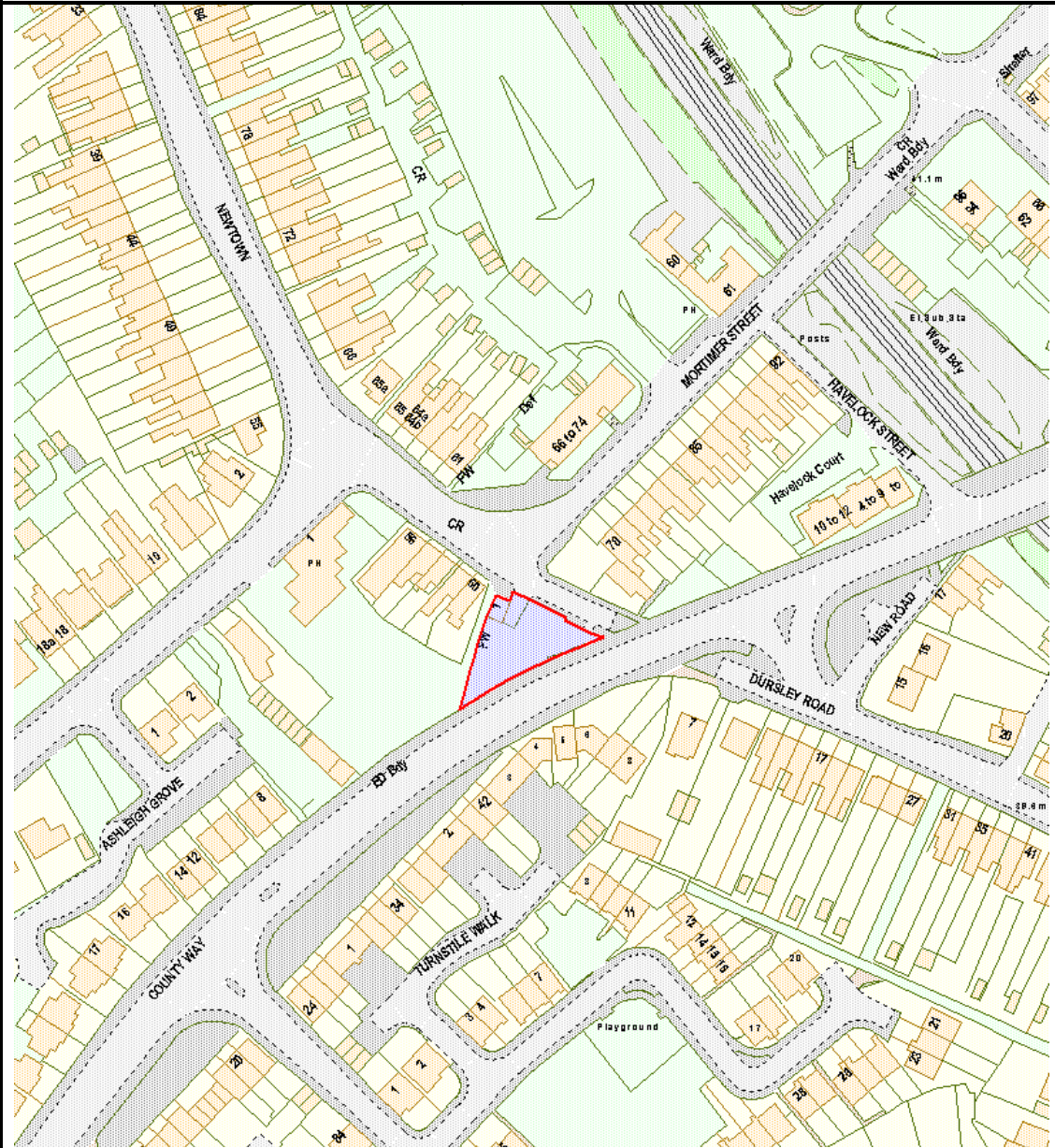
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 07

APPLICATION NO: 08/00903/OUT

LOCATION: Land Adjoining 1 Dursley Road Trowbridge Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655  
Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**07 Application: 08/00903/OUT**

**Site Address: Land Adjoining 1 Dursley Road Trowbridge Wiltshire**

Parish: Trowbridge Ward: Trowbridge Central

Grid Reference 385379 157305

Application Type: Outline Plan

Development: Demolish existing sheds and construct 3 three bedroom cottages

Applicant Details: Mr Rod Towler  
4 Rosenheim Rise Bratton Westbury Wiltshire BA13 4SU

Agent Details:

Case Officer: Mrs Judith Dale

Date Received: 25.03.2008 Expiry Date: 20.05.2008

**JUSTIFICATION FOR RECOMMENDATION:**

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

**RECOMMENDATION: 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 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.

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

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

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

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

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

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

- 6 The 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.

- 7 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

- 8 Prior to occupation, the alterations to the existing footway (dropped kerb crossing and reinstatement of footway at the redundant vehicle access) shall be implemented to the satisfaction of the Local Planning Authority in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety

- 9 Prior to occupation the access and parking spaces shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety

- 10 The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of amenity and road safety.

11 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.

12 Notwithstanding the above condition, the proposed wall along the County Way boundary shall be erected prior to the occupation of any of the approved units and shall subsequently be retained and maintained.

REASON: In the interests of residential amenity and the appearance of the street scene.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31a & C38.

13 The first floor window in the rear elevation of Unit 1 shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

14 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class(es) A - E inc. of the Order shall be carried out without the express planning permission of the Local Planning Authority.

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

15 During the construction phase of this development, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.

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

POLICY: West Wiltshire District - 1st Alteration 2004 - Policies C36 & C38.

**Note(s) to Applicant:**

1 The applicant is advised to consult with Wessex Water with regard to agreement to the connection to existing infrastructure, easement widths on either side of Wessex apparatus and the protection of infrastructure crossing the site.

# COMMITTEE REPORT

## APPLICATION DETAILS

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

The proposal is for the erection of 3 terraced dwellings on a triangular piece of land adjacent to County Way, currently used for the storage and sale of statuary and garden ornaments. The scheme is for a simple terrace of 2 bed cottages 'fronting' onto County Way but located behind a proposed continuation of the boundary wall which characterises much of the margins of this major road. Small individual rear gardens and 3 parking spaces are accessed from Dursley Rd, with a further 2 spaces identified along this spur road for general parking.

The proposed units are one and a half storeys in height with first floor accommodation partially within pitched roofs with dormers. Individual front porches and chimneys have been added to the brick built terrace under a gabled roof whose broken ridge line reflects the slight downward slope across the site.

This application has been submitted to address those reasons for refusal attached to a previous application for 3 units on this site, and has itself been modified throughout the processing of this latest proposal.

## SITE VISIT / STATUTORY SITE NOTICES

01/04 - Site notices posted 1. Dursley Rd fence 2. County Way fence.

## CONSULTATIONS

*Parish/Town Council* : TROWBRIDGE TOWN COUNCIL -

Original plans: Objection on following grounds:

- Reduction in employment land and employment due to change of use
- Inappropriate change of use to residential
- Failure of applicant to inform existing tenant of application
- Reduction in availability of roadside parking
- Absence of elevation drawings to indicate relative height of proposed dwellings to existing properties.

Revised plans: Objection on grounds of 'loss of local employer to the town.'

*External* :

HIGHWAY AUTHORITY: Original request for amended plans to provide for the widening of the footpath opposite the site to improve the existing cycle way network, dropped kerbs at the junction of Mortimer St and repositioning of parking space for plot 3.

The revised proposal removes the need for the former, addresses the latter, and subject to further plans detailing the dropped kerbs, is acceptable in highway terms

WESSEX WATER: No objection subject to agreement to connection to infrastructure, easement widths on either side of Wessex apparatus, protection of infrastructure crossing site.

*Internal* :

ENVIRONMENTAL HEALTH OFFICER: (Protection) - No objection subject to a condition re working hours



### *Neighbours :*

5 letters of objection, including one from the current tenant of the premises, have been received on the following grounds:

- inadequate parking
- increased congestion on adjoining roads
- development out of keeping with the neighbourhood
- 3 storey properties would overshadow existing dwellings
- loss of existing business from local community
- new housing is unnecessary in the current economic climate
- there are more appropriate sites elsewhere
- impact of loss of business on current tenant

### **NEGOTIATIONS / DISCUSSIONS**

A site meeting with the Highway Authority to clarify the access and parking issues, and several meetings with the agent over the details of the scheme have been held culminating in the revised plans for this development.

### **CONSTRAINTS**

Site located within Town Boundary limits  
Small triangular shaped site  
Previous refusal for development on this site  
Existing employment site

### **POLICIES**

Wiltshire Structure Plan 2016

DP7 Housing in Main towns and settlements

DP9 Use of previously developed land

West Wiltshire District Plan – 1st Alteration 2004

H1 Further Housing development within towns

H24 New Housing Design

C31a Design

C38 Noise

E5 Loss of employment floorspace

T10 Parking

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13 Transport

### **RELEVANT PLANNING HISTORY**

07/01056/OUT - Erection of 3 two bed cottages - Refused - 12/06/07

### **KEY ISSUES**

Loss of employment  
Impact on character and appearance of area and street scene  
Impact on amenities of adjoining properties  
Highways and parking  
Amenity of occupiers of proposed units

## OFFICER APPRAISAL

While there are a number of key issues raised by this current application, this proposal has been submitted in an attempt to address the reasons for refusal of application 07/01576/OUT. That outline application, which was for a staggered terrace of 3 no 2 storey dwellings backing onto County Way, was refused for three reasons:

- The proposed dwellings 'by reason of their siting, design and relationship with County Way' would harm the character and appearance of the area.
- The proposed house on plot 1 would have an overbearing impact on no 60 Mortimer St.
- The habitable rooms and rear gardens would be unacceptably close to the busy County Way resulting in undue noise and disturbance for their occupiers.

Assessing the key issues of this current proposal against this background, the following conclusions may be drawn:

### Loss of Employment

Policy E5 resists the loss of employment floorspace within the district unless certain criteria can be met, including that there is an adequate supply and mix of genuinely available land elsewhere. This aspect was addressed as part of the previous application when it was concluded that since there was an available unit nearby and the site itself was so small, 'it is not recommended that a refusal on loss of employment land is included'.

Since the size of the current site remains unchanged and loss of employment was not previously given as a formal reason for refusal, it would not now be considered reasonable to introduce this principle as a reason to resist the current proposal.

### Impact on Character and Appearance of Area

The previous application was considered to have an unacceptable impact on the appearance of the area due to the uncharacteristic orientation of the terrace with its rear elevations and gardens facing County Way, and the prominence of the nearest unit to the road with no public frontage. The current scheme has addressed these concerns as follows:

- the terrace has been re-orientated so that the units now front onto County Way to present an acceptable public frontage and to mirror the majority of dwellings along this road.
- the frontage of the site, currently open, is to be delineated by a 35m length of 2m high brick wall with railings, which is an existing feature along much of County Way.
- the front elevation of the terrace is to be set back approx 3m from the new boundary and to parallel its line to further reduce the prominence of the terrace in the street scene and reflect the pattern of existing development fronting this road.
- the height of the individual units has been reduced by approximately 1.3m to less than 7m overall and the terrace 'steps down' the site to reduce its overall impact and dominance in the street scene.

The combination of these revisions not only addresses the first of the previous reasons for refusal, but as a 'new' scheme is considered to meet the principles of policies H1 and H24. The density of the scheme at 60 per hectare is slightly in excess of the government guidelines, but is not considered to be excessive in this fairly central location. Two bed units are highly appropriate on this sustainable site, the design of the individual units is very much in keeping with the style of new development in the immediate vicinity, and the proposed choice of materials is suitable in this predominantly brick built area.

### Impact on Amenities of Adjoining Properties

The adjoining property to the north west, 60 Mortimer Street, has clear glazed windows at ground and first floor level facing the application site. The previous scheme was considered to have an unacceptable impact on the amenities of that property by presenting 'a blank elevation some 8 metres high between 5.5 and 7.5 metres from these windows' giving rise to an 'unacceptable overbearing impact on the occupiers of that house.'

The reorientation of the terrace has moved the dwellings further away from the side elevation of that property so that at its nearest point, there is now a distance of 10 metres. Any overlooking of the side elevation or garden area has been further compensated by a single bathroom window only in the first floor rear elevation which is to be obscurely glazed. The reduction in height of the terrace by approx one metre further reduces the 'overbearing' impact on that property.

Any impact on the amenities of the property to the south east, at a distance of some 20m and on the opposite side of Dursley Road, is considered to be minimal.

#### Highways and parking

Following a site meeting with an officer from the Highway Authority, and the subsequent clarification of the extent of highway owned land, the revised parking arrangements of one space per dwelling on site and the modification of the existing informal roadside parking to provide for two general spaces is considered acceptable.

#### Amenity of Occupiers of Proposed Development

The previous scheme was considered unacceptable due to the proximity of units to County Way and the siting of rear gardens immediately adjoining this road which would be subject to noise and disturbance. It is accepted that there are many houses nearby, recently constructed, which are as close to the road, but the great majority have their front rooms and elevations facing the road with private useable amenity areas to the rear.

The current application has reversed the orientation of the units so that their rear gardens are now adjoining Dursley Road while the distance to the front boundary is at least 3 metres to the main elevations. Since this now reflects the majority pattern in the area and the Environmental Health Officer raises no objection, this previous concern would appear to have been overcome.

#### Conclusion

This revised scheme is considered to have addressed the three reasons for refusal attached to the previous application for residential development on this site - the siting and layout now reflects the prevalent character of existing development along County Way; the former impact on the adjoining property has now been reduced and a condition limiting the future introduction of additional windows will maintain existing levels of privacy; the quality of amenity for proposed occupiers of the new dwellings is now considered acceptable. Concerns over the loss of employment are acknowledged, but since this was not raised in a previous reason for refusal, would not now be supportable. The scheme would deliver three small units on a sustainable site, accompanied by an appropriate level of parking for its location and is now recommended for permission.

### **RECOMMENDATION**

Permission

### **RELATED PLANS**

Drawing : ABL 426 07 A received on 28.08.2008

Drawing : ABL 426 12 received on 28.04.2008

Drawing : ABL 426 13 received on 28.04.2008

Drawing : ABL 426 15 received on 25.07.2008

Drawing : ABL 426 16 A received on 28.08.2008

Drawing : ABL 426 17 received on 25.07.2008

Drawing : ABL 426 18 received on 25.07.2008

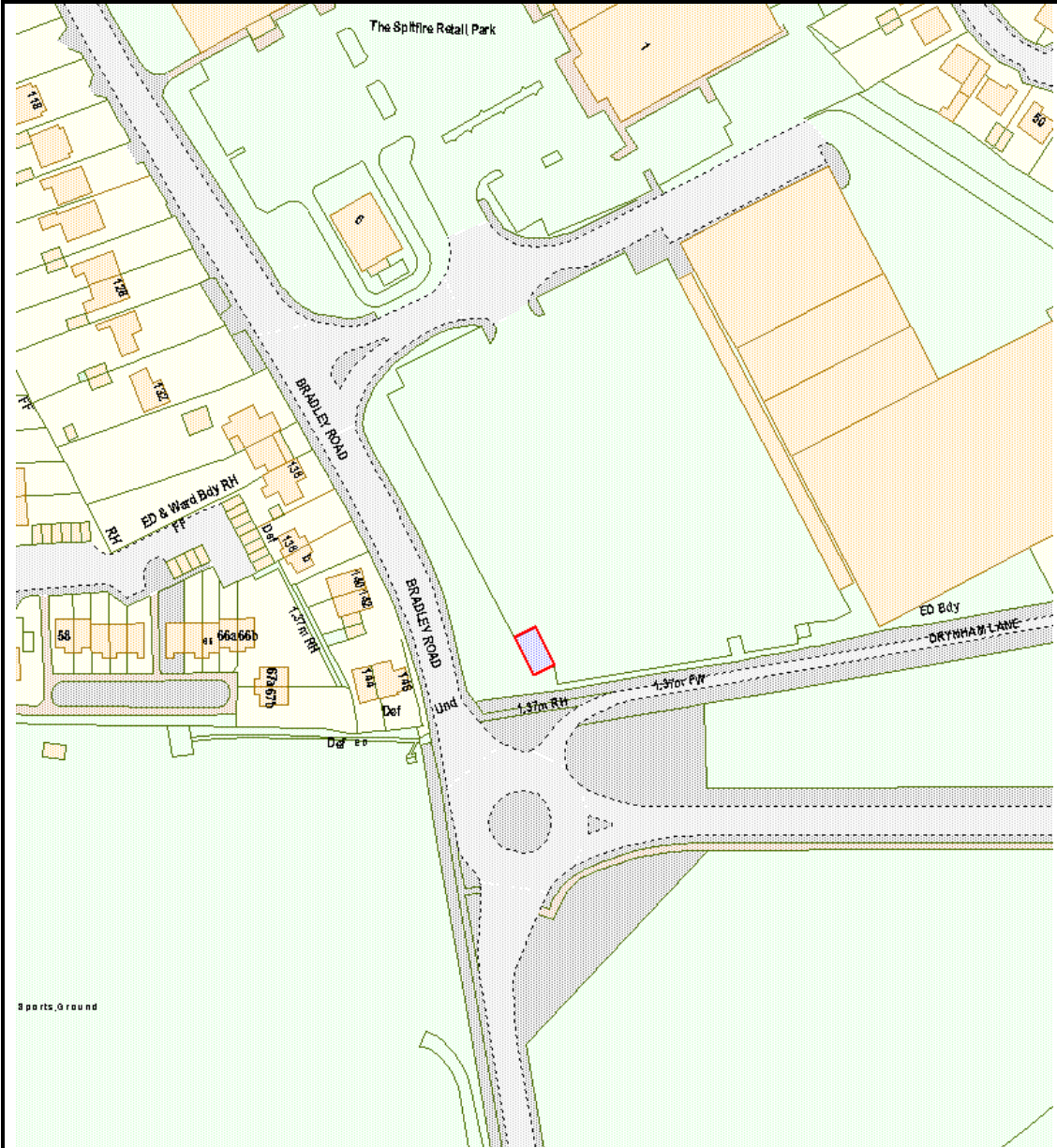
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 08

APPLICATION NO: 08/02076/FUL

LOCATION: Trowbridge Retail Park 235 Bradley Road Trowbridge  
Wiltshire BA14 0RQ



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

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

SLA: 100022961

**08 Application: 08/02076/FUL**

**Site Address: Trowbridge Retail Park 235 Bradley Road Trowbridge  
Wiltshire BA14 0RQ**

Parish: Trowbridge

Ward: Trowbridge And North  
Bradley

Grid Reference 385585 155976

Application Type: Full Plan

Development: Placing a mobile catering trailer in car park

Applicant Details: Mrs Donna Barraclough  
11 Hillside Drive Frome Somerset BA11 5AS

Agent Details:

Case Officer: Mr Steve Vellance

Date Received: 01.07.2008

Expiry Date: 26.08.2008

**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 The development hereby permitted shall not commence until details of all litter bins to be provided have been submitted to and approved by the Local Planning Authority.

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

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

- 3 The use hereby permitted shall not be open to customers outside the following times: 07.30hrs and 20.00hrs on Mondays to Saturdays and 07.30hrs and 16.00hrs on Sundays and Bank Holidays.

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

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

- 4 As this is a form of development which would not normally be acceptable on a permanent basis and therefore to enable the Local Planning Authority to grant permission without committing itself beyond the period specified and thereby to retain control of the situation, this planning permission shall cease to have effect on the 11.09.2011, by which date the catering van shall have been removed from the site.

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

- 5 In order to protect the amenity of the area, to safeguard the general appearance of the site and to prevent the possibility of inappropriate uses becoming established, the permission shall relate to the stationing of one catering van, as detailed within this planning permission and for no other food or other sales. The van shall be located as outlined in red on the approved plan.

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

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

- 6 In order to protect the amenity of the area and to safeguard the general appearance of the site, the catering van will be removed off site after the cease of trading on each working day.

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

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

The proposal is for the siting of a catering trailer to be located within Trowbridge Retail Park, 235 Bradley Road, Trowbridge. The trailer would have a length of 5.09 metres, a width of 2.16 metres and a height of 2.24 metres and would be located within the existing large sized car park.

The applicant states that waste water and refuse will be removed and disposed of on a daily basis and that the trailer will not be left on site overnight.

### **SITE VISIT / STATUTORY SITE NOTICES**

Site visited and site notice displayed on 18 July 2008.

### **CONSULTATIONS**

*Parish/Town Council* : Trowbridge Town Council: Object to this planning application and stated the following:

“The committee felt this was an unsustainable location outside of the town centre and there was not a need for this as a fast food restaurant was close by, other catering applications had been refused in this location. This is an unsustainable location for an all day mobile unit”.

*External* :

Highway Authority: No objections with the following comments:

“ The proposed catering trailer is very small scale, located in the far corner of the retail park and will utilise a very small number of parking spaces at the retail park “.

*Internal :*

Environmental Health (Protection): No objection subject to the following caveats:

“ If the hours of operation are to be restricted to 07.30hrs to 20.00hrs daily that a significant loss of amenity to neighbours should not occur. The applicant is to ensure that suitable refuse receptacles are provided to prevent litter accumulation on the site”.

*Neighbours :* No comments received.

## **NEGOTIATIONS / DISCUSSIONS**

Not applicable.

## **CONSTRAINTS**

Urban area.

## **POLICIES**

West Wiltshire District Plan 1st Alteration (2004)

C36 Noise

C38 Nuisance

H1 Town Policy Limits

## **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

The main issues that need to be considered within this application are whether the proposal is acceptable in terms of highway safety, parking and amenity considerations.

## **OFFICER APPRAISAL**

The area in which the trailer would be sited forms part of the formal parking layout on the site and would take up to three car parking spaces. The highway authority does not object to the proposal and consider that the proposal is of a very small scale.

Environmental Health also does not consider the proposal to pose a significant loss of amenity to neighbouring properties, as long as the hours of operation are controlled via the use of planning conditions and suggest hours of operation. The applicant has submitted a basic scheme for the disposal of waste water and litter on a daily basis and the implementation of litter bins is conditioned accordingly. The applicant states that a small table and four chairs will be set out for customer use and that the trailer will be taken away every night. Therefore the overall impact of the proposal should be minimal.

From an amenity aspect, the proposal would be set behind a slightly raised grassed banked area, a mature hedgerow and some established trees; therefore it is considered that residential properties across Bradley Road should not have their amenities affected by this proposal.

In direct response to the Town Council's concerns it is true that there is a fast food takeaway restaurant close by, however if permitted this outlet will give the public greater choice. Similarly, the planning history indicates that there has only been one other application for a food outlet at this site that had been refused, which was for the siting of a portacabin for use as a coffee shop.

The applicant has made efforts to be sustainable by the removal of the trailer and associated refuse on a daily basis.

No third party representations were received and as a whole the proposal complies with policy. For the reasons stated, planning permission should be granted for a temporary three year trial period with the imposition of the suggested planning conditions.

## **RECOMMENDATION**

Permission.

## **RELATED PLANS**

Drawing : SITE LOCATION PLAN received on 01.07.2008

Drawing : SIDE ELEVATION received on 01.07.2008

Drawing : SIDE ELEVATION received on 01.07.2008





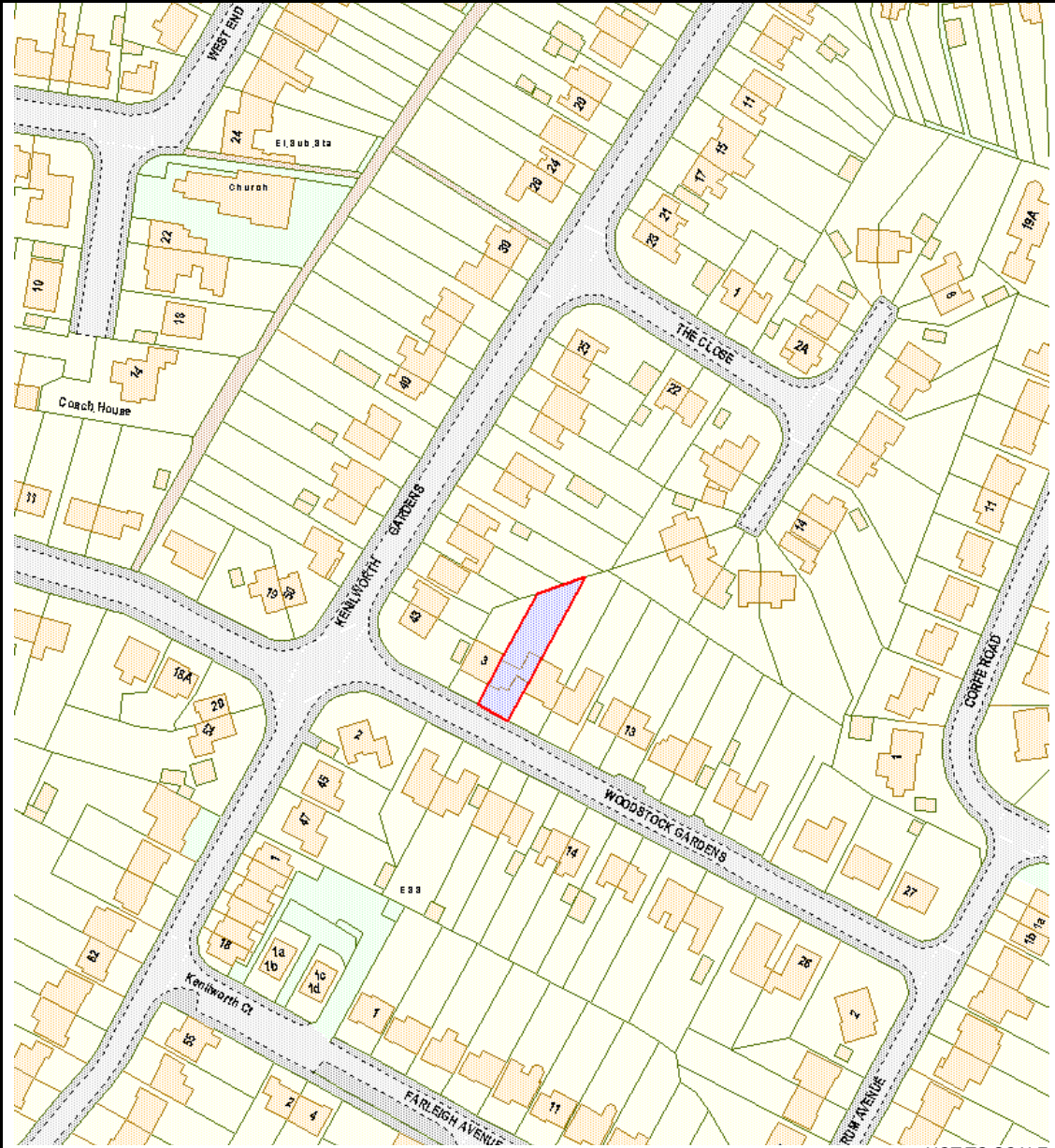
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 09

APPLICATION NO: 08/02255/FUL

LOCATION: 5 Woodstock Gardens Melksham Wiltshire SN12 6AN



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655

Fax: 01225 770314

[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**09 Application: 08/02255/FUL**

**Site Address: 5 Woodstock Gardens Melksham Wiltshire SN12 6AN**

Parish: Melksham (Town) Ward: Melksham Spa  
Grid Reference 390613 163169  
Application Type: Full Plan  
Development: Sub-division of existing dwelling to form 2 dwellings  
Applicant Details: Mr Richard Wood  
C/o Mr Mark Campbell LBC (Trull) Ltd Trull Tetbury  
Gloucestershire  
Agent Details: LPC (Trull) Ltd  
F.A.O Mark Campbell Trull Tetbury Gloucestershire GL8 8SQ  
Case Officer: Mr Kenny Green  
Date Received: 30.07.2008 Expiry Date: 24.09.2008

**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 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1; Classes A-E; of the Order shall be carried out without the express planning permission of the Local Planning Authority.

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the design, height and use of materials of new boundary treatments to be erected. The boundary treatment shall be completed before the second planning unit is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

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

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

Under this planning application, the applicant wishes to sub-divide an existing 4-bed dwellinghouse (which is located on the northern side of Woodstock Gardens, in a residential area of Melksham) to form two separate residential planning units.

No external changes are proposed to the exterior of the dwellinghouse. However, dedicated off-street car parking spaces would be provided at the site frontage to replicate that found at the neighbouring property (No.7 Woodstock Gardens).

The plot at present measures 0.031 hectares and the proposed sub division would result in the rear garden ground being sub divided so that the host building retains about 105 square metres of rear garden. The new unit would have about 100 square metres of rear garden.

### **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* 05.08.2008

*Date Site Notice Posted* 05.08.2008 – posted at site frontage (on entrance gate).

### **CONSULTATIONS**

Melksham Town Council: Objects on the grounds of lack of amenities and raised concerns over the precedent that would be set if the application is approved; and, any breach of conditions that were imposed when the present extension was built.

*External*

Highway Authority No objections on the grounds that 2 car parking spaces would be provided for the host property and 1 space for the proposed dwelling.

Neighbours There was no response to the site notice or neighbour notifications.

### **NEGOTIATIONS / DISCUSSIONS**

None.

### **CONSTRAINTS**

None.

### **POLICIES**

West Wiltshire District Plan – 1st Alteration

C31a – Design

C38 – Nuisance

H1 – Further Housing Development within Towns

### **RELEVANT PLANNING HISTORY**

92/00136/FUL – Two-storey extension – Approved 16.03.1992

## **KEY ISSUES**

Would the proposal result in causing any detriment to neighbouring properties or road safety interests?

## **OFFICER APPRAISAL**

Since there are no material changes proposed to the exterior of the existing dwellinghouse (apart from the formation of the dedicated off-street car parking spaces and forming a common boundary down the centre of the rear garden), the key issue concerns the principle of forming an additional residential unit from an existing 4-bed dwellinghouse.

Under Local Plan Policy H1, the Council is committed to encouraging the provision of new housing (whether it is new build or conversion/sub division) through the re-use of previously developed land.

In this particular case, the sub-division of the host property is considered acceptable in terms of Policy H1 and given that the proposal involves no extensions or formation of new openings, neighbouring amenities would not be detrimentally affected. Furthermore, the County Council Highways Authority reports no objections in terms of road safety interests.

The size of the rear garden to be associated to the 1-bed unit would be similar to other properties nearby. Therefore, it is considered unreasonable to refuse the application on the grounds of lack of amenities.

Any breach (or alleged breach) of conditions attached to previous planning approvals on the site is not a material consideration, and it should not influence the determination of this application.

The applicant has not detailed how the plot would be separated (i.e. the boundary treatment between the two new units). Therefore, a planning condition is necessary to ensure that the rear garden is appropriately sub-divided.

## **RECOMMENDATION**

Approve.

## **RELATED PLANS**

Drawing : LOCATION PLAN received on 23.07.2008

Drawing : BLOCK PLAN received on 23.07.2008

Drawing : BLOCK PLAN REV A received on 30.07.2008

Drawing : EXISTING FLOOR PLANS received on 16.07.2008

Drawing : PROPOSED FLOOR PLANS received on 16.07.2008

Drawing : EXISTING ELEVATIONS received on 16.07.2008

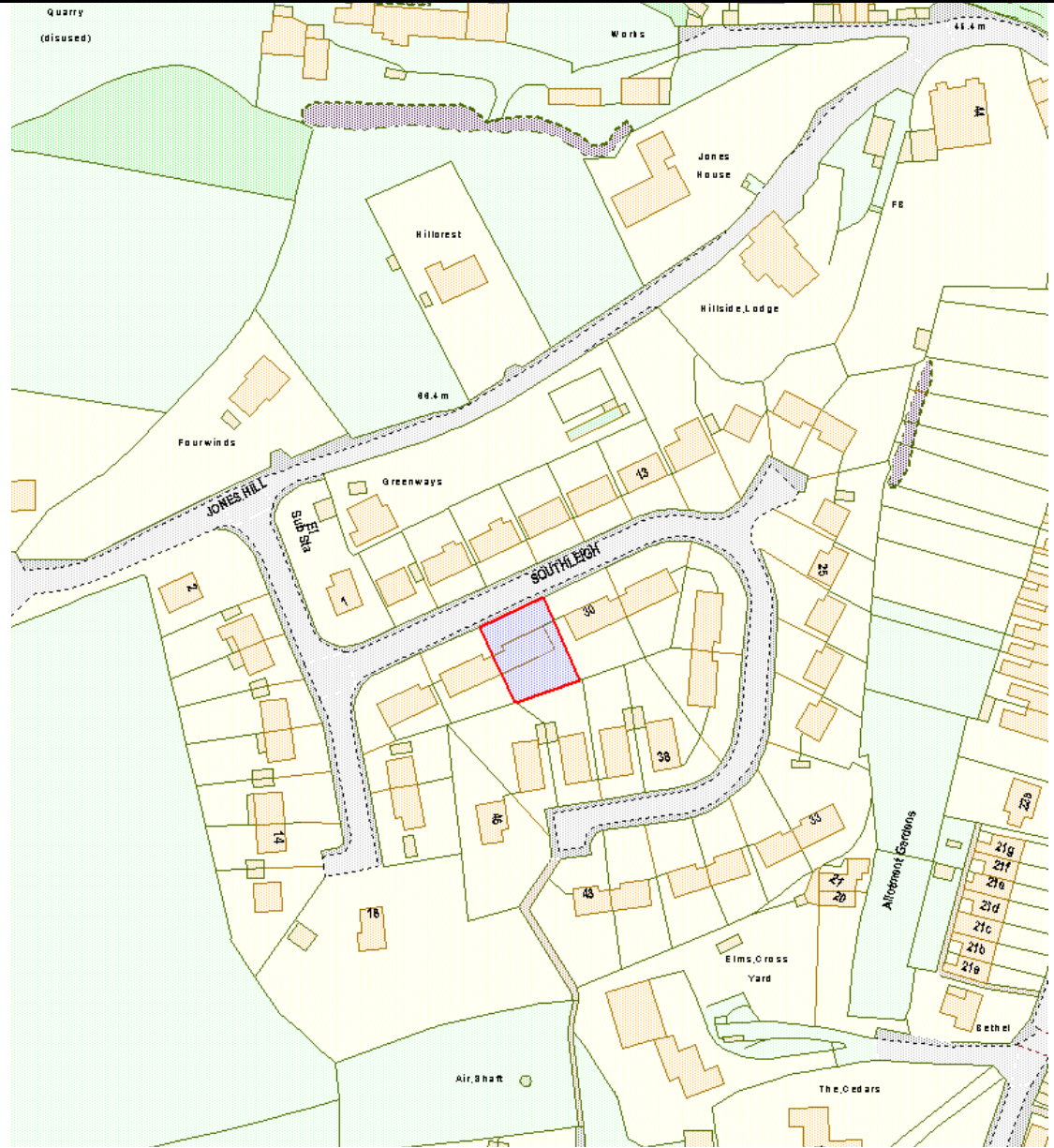
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 10

APPLICATION NO: 08/02290/FUL

LOCATION: 28 Southleigh Bradford On Avon Wiltshire BA15 2EQ



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

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

SLA: 100022961

**10 Application: 08/02290/FUL**

**Site Address: 28 Southleigh Bradford On Avon Wiltshire BA15 2EQ**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382361 160172  
Application Type: Full Plan  
Development: Retrospective application for backfilling front garden, minor amendment to 07/02720/FUL  
Applicant Details: Mr Nigel Bedford  
28 Southleigh Bradford On Avon Wiltshire BA15 2EQ  
Agent Details: Nigel Bedford  
Atelier 17 Ltd 11 Silver Street Bradford On Avon BA15 1JY  
Case Officer: Miss Jennifer Fivash  
Date Received: 05.08.2008 Expiry Date: 30.09.2008

**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 The materials to be used in the construction of the external surface of the store building hereby permitted shall match those used in the existing building.

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

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to committee as Bradford on Avon Town Council object, contrary to the officer's recommendation.

This is a full planning application for a retrospective retaining wall and amendments to planning application 07/02720/FUL. The site is 28 Southleigh Bradford on Avon which is a semi-detached bungalow with an attached garage on the east side of the property. The amendment is a single storey extension attached to the permitted en-suite to include an external store. The retaining wall is located to the front of the property creating a terraced garden,

The retaining wall is 8.4 metres wide and 0.9 metres high next to the highway and 1.4 metres high at the highest point in front of the house. The proposed extension would be 2.9 metres by 1.1 metres with a height of 3.6 metres.

### **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* : 14 August 2008

### **CONSULTATIONS**

*Parish/Town Council* : BRADFORD ON AVON TOWN COUNCIL – Recommends refusal on the following grounds:-

1. It deplores this retrospective application;
2. Inappropriate scale;
3. Inappropriate materials;
4. Out of character with the rest of this 1960's estate. Comments received 22 August 2008.

*Neighbours* :

3 letters of objection received raising concerns over the retaining wall not complying with clauses within the deeds of the property, the materials not in keeping with the street character.

Also 1 letter received in support.

### **NEGOTIATIONS / DISCUSSIONS**

None

### **CONSTRAINTS**

None

### **POLICIES**

West Wiltshire District Plan – 1st Alteration 2004

C31A Design

C38 Nuisance

SPG Design Guidance House Alterations and Extensions



## **RELEVANT PLANNING HISTORY**

08/02111/FUL – Amendments to planning consent 07/02720/FUL, en-suite to be modified to include external store – Withdrawn 30.07.2008.

07/02720/FUL – Ground Floor extension to provide new living room, porch and en-suite, loft conversion to provide study/library – Permission 19.11.2007.

## **KEY ISSUES**

- Impact on host building and street scene
- Impact on neighbours

## **OFFICER APPRAISAL**

The proposed extension would project out by 1.1 metres and be 3.5 metres high at the highest point. Due to the size and location of the proposed extension it would not be overlooked and it will not affect the amenities of the property nor the surrounding neighbours.

The proposed extension would be visible from the highway but due to its location and size no harm would occur.

On the second part of the application the retaining wall has been built using railway sleepers and reusing the soil taken from the rear garden. The retaining wall does not cause any adverse affect to the street scene and is similar to several other properties within the street which have terraced front gardens. In terms of design the retaining wall reflects the extensions to the property and creates a sympathetic addition. If this had not been a retaining wall then the wall which has caused most of the problems in term of objections would be permitted development and no application would be necessary.

The proposal complies with policy.

## **RECOMMENDATION**

Permission

## **RELATED PLANS**

Drawing : 012 P11 received on 05.08.2008

Drawing : 012 P10 received on 05.08.2008



**11 Application: 08/01955/FUL**

**Site Address: Land Adjacent To 115a High Street Chapmanslade Wiltshire**

Parish: Chapmanslade Ward: Dilton  
Grid Reference 382337 147894  
Application Type: Full Plan  
Development: Revised scheme for new dwelling  
Applicant Details: Wessex Autocolours Ltd  
F A O Mr M Waller 6 Headquarters Road Westbury Wiltshire BA13  
4JR  
Agent Details: Mr A Howard  
32 Shurnhold Melksham Wilts SN12 8DG  
Case Officer: Mr James Taylor  
Date Received: 01.07.2008 Expiry Date: 26.08.2008

**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 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.

- 3 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.

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

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

- 5 Prior to the first occupation of the development hereby approved, details including the final finish material of the access, turning and parking area shall be submitted to and approved in writing by the Local Planning Authority and the works completed strictly in accordance with those details.

REASON: In the interests of Highway safety.

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

**Note(s) to Applicant:**

- 1 The applicant is encouraged to discuss their proposals with Wessex Water to ensure adequate connect to and protection of Wessex Water infrastructure. Wessex Water can be contacted on 01225 516000.

**COMMITTEE REPORT**

**APPLICATION DETAILS**

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

This is a retrospective application for a new dwelling. The dwelling has a foot print of approximately 95 sq.m. and a height to eaves and ridge of 2.5 metres and 6.1 metres respectively. The proposal includes bedrooms in the roof area.

The proposal is a revised design scheme of planning permission 01/01665/FUL which based on the available information appeared to have expired prior to commencement of works. The revised scheme is identical except it includes rooms in the roof space, a window in the north gable end elevation, rooflight over the stairway and two rooflights to the south elevation.

Access to the site has been established (although not finished) to the south with the garden area to the north private. The site has been enclosed by fencing approximately 1.8 metres in height. The site has been partially landscaped.

The application site is located within the village policy limits of Chapmanslade an area designated for its special landscape significance and a groundwater protection zone.

**SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit : 8 July 2008*

## CONSULTATIONS

### *Parish/Town Council :*

#### CHAPMANSLADE PARISH COUNCIL: Objects:

1. It is our belief that there is a significant error in the plans submitted by the applicant, in particular drawing no 1116/4. The drawing gives the misleading impression that the roof ridges of no.115a High Street and the new property are both of an equivalent height. This, however, is clearly not the case. The roof ridge of the new building is geographically substantially higher than that of no. 115a.
2. Therefore, we are seriously concerned that the actual height of the ridge may be in excess of the 6.1 metres which forms part of the 2002 planning consent, and a visit by a District Planning Officer to verify the dimensions may be justified. We accept that the error in the drawing dates back to the time of the planning application of 2001, but it is our view that there has been plenty of time for the developer to correct this error and to submit an accurate version to the planning authority.
3. As a consequence the property, as already constructed, is quite out of character and proportion with properties in the surrounding area and overshadows no 115a on its eastern boundary, particularly from about 1.00pm when the sun moves towards the west . It also has a detrimental effect on the landscape of our village. If the height of the ridge is found to be in excess of 6.1 metres, we would hope for and expect an enforcement order to have it reduced.
4. We believe, too, that the property as constructed lies far too close to the properties located immediately to the west and is therefore not in accordance with the permitted footprint. This refers in particular to no. 121 Forest Walk. We do not see how condition 3 of the 2002 permission, which stipulates a close boarded fence of at least 1.8 metres in height, can ever be met in respect of that part of the boundary adjacent to no. 121 Forest Walk. Indeed, we believe it may be the case that the guttering of the new building actually encroaches onto no. 121's garden.
5. We have serious concerns about the request to install windows on the first floor of the property. Should planning permission be granted for the existing building to be converted into a two-storey dwelling, householders in the immediate vicinity would suffer a significant reduction in their privacy and the quality of their lives by the inclusion of these windows. The proposed north-facing window, in particular, would form a major intrusion into the privacy of no. 125 Forest Walk.
6. Finally, the Parish Council has been mindful, throughout its discussions, of the carefully considered conclusions of the Planning Inspector, Stephen Amos, in his dismissal of the 2001 planning appeal relating to this site. He concluded that "the proposed dwelling would cause serious harm to the character and appearance of the area." He stated, too, referring to the steeply sloping roof, that the proposal would be "over-dominant and overbearing". Albeit that the property has been built on a slightly different footprint from that originally proposed, and that this has reduced slightly the impact on no. 115a, the overall effect of the building as it now stands, and as it is proposed it should be developed, will have an even more detrimental affect than that described by Mr Amos in 2001.

### *External :*

HIGHWAY AUTHORITY: The proposed incorporation of upper storey bedrooms in the existing roof with associated windows and roof lights will not have an adverse effect on the highway, therefore no Highway objection is raised.

### *Internal :*

PLANNING ENFORCEMENT: The application is exactly the same in every detail as planning permission 01/01665/FUL except for provision of a room in the loft, a window in the gable end at the rear and some rooflights. Planning permission 01/01665/FUL was granted on 2nd May 2002 with a statutory 5 year commencement condition. However information indicates that this was not adhered to and the planning permission 01/01665/FUL has therefore expired.

## *Neighbours :*

4 letters of objection have been received raising the following issues:

- The building has been built too close to boundary damaging a hedge.
- Planning history and appeal decisions over this development.
- Building is significantly larger than others and out of keeping with the area.
- Loss of privacy and light.
- Overlooking.
- Built within 5 metres of an existing soakaway.
- Do not want first floor accommodation and highlight West Wiltshire's previous decisions to this effect.
- Connection to infrastructure appropriate.
- Inaccurate plans in order to deliberately deceive.
- Proposals do not have extant permission.
- Should not be tempted to allow the development because it is so near completion.
- Requests an internal enquiry to look into this highly irregular occurrence prior to a decision being reached.

## **NEGOTIATIONS / DISCUSSIONS**

None other than to confirm planning permission required.

## **CONSTRAINTS**

Village Location  
Neighbouring amenity  
Highway safety

## **POLICIES**

West Wiltshire District Plan 1st Alteration (2004)  
C31a Design  
C38 Nuisance  
H17 Village Policy Limits

National guidance  
PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport

## **RELEVANT PLANNING HISTORY**

98/00962/OUT - Erection of bungalow – Permission - 19.11.1998  
00/01917/FUL - One dwelling – Refusal - 25.01.2001 (Appeal dismissed)  
01/01665/FUL - One dwelling – Permission - 02.05.2002

## **KEY ISSUES**

The key issues to consider with this application are the potential impact on the neighbouring amenity and the planning history as a material consideration.

## **OFFICER APPRAISAL**

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

This retrospective application has been considered like any other planning application but mindful of previous planning decisions including Planning Inspector comments at appeal.

The application site is within the defined village policy limits where the principle of further housing development is acceptable in principle.

In addition to this officers are mindful that planning permission has been granted for an identical built form on this site except for habitable first floor space and windows/rooflights. This decision was reached in 2002 when the relevant development plan policies were broadly in accordance with the subsequently adopted West Wiltshire District Plan 1st alteration 2004. Further the officers' report at that time refers to the emerging policy. Since that decision it concluded that there have been no relevant or significant changes to the development plan context. At a national level Planning Policy Statement 3 on housing has emerged which continues to place an emphasis on making efficient use of land.

In light of the above it is not considered that the built form can be reasonably objected to in so far as the scheme is virtually identical to that previously approved albeit expired. Therefore the only point of reasonable debate is the impact of the changes proposed, i.e. having first floor accommodation with windows and rooflights.

However it is important to note that if the approved plans have not been complied with then that is a matter for planning enforcement and not directly relevant to this planning application.

The additional window in the north elevation at first floor level would overlook the proposed dwelling's own enclosed and private rear garden. It is approximately 15 metres to the boundary of the site and then direct views are to a parking/garden area. There would be oblique views over to other people's garden areas to the north west and north east. However such overlooking is not considered to cause such great harm as to merit grounds for refusal.

The rooflight over the stair on the east elevation is proposed to be obscure glazed which is prudent and can be secured by condition.

The two rooflights in the south elevation would look over the proposed dwelling's own front garden and access. It is approximately 37 metres to the boundary. Again there would be scope for overlooking to the sides from oblique angles but this would not be so significant to merit refusal of permission.

Officers have been mindful of the planning history on the site which restricted first floor development previously, however it is not considered that significant overlooking or loss of privacy would occur. Planning permission 01/01665/FUL did not prevent first floor accommodation or limit development to single storey per se. Rather condition 4 removed permitted development rights to prevent insertion of windows and rooflights to any first floor area. On balance it is not considered that the addition of windows or rooflights would merit refusal as no significant harm would result.

It is not considered that any other material considerations have been raised sufficient to merit refusal of the planning permission.

## **RECOMMENDATION**

Permission

## **RELATED PLANS**

Drawing : 1116/L received on 01.07.2008

Drawing : 1116/1 received on 01.07.2008

Drawing : 1116/2 received on 01.07.2008

Drawing : 1116/3 received on 01.07.2008

Drawing : 1116/4 received on 17.07.2008

Drawing : 1116/5 received on 01.07.2008

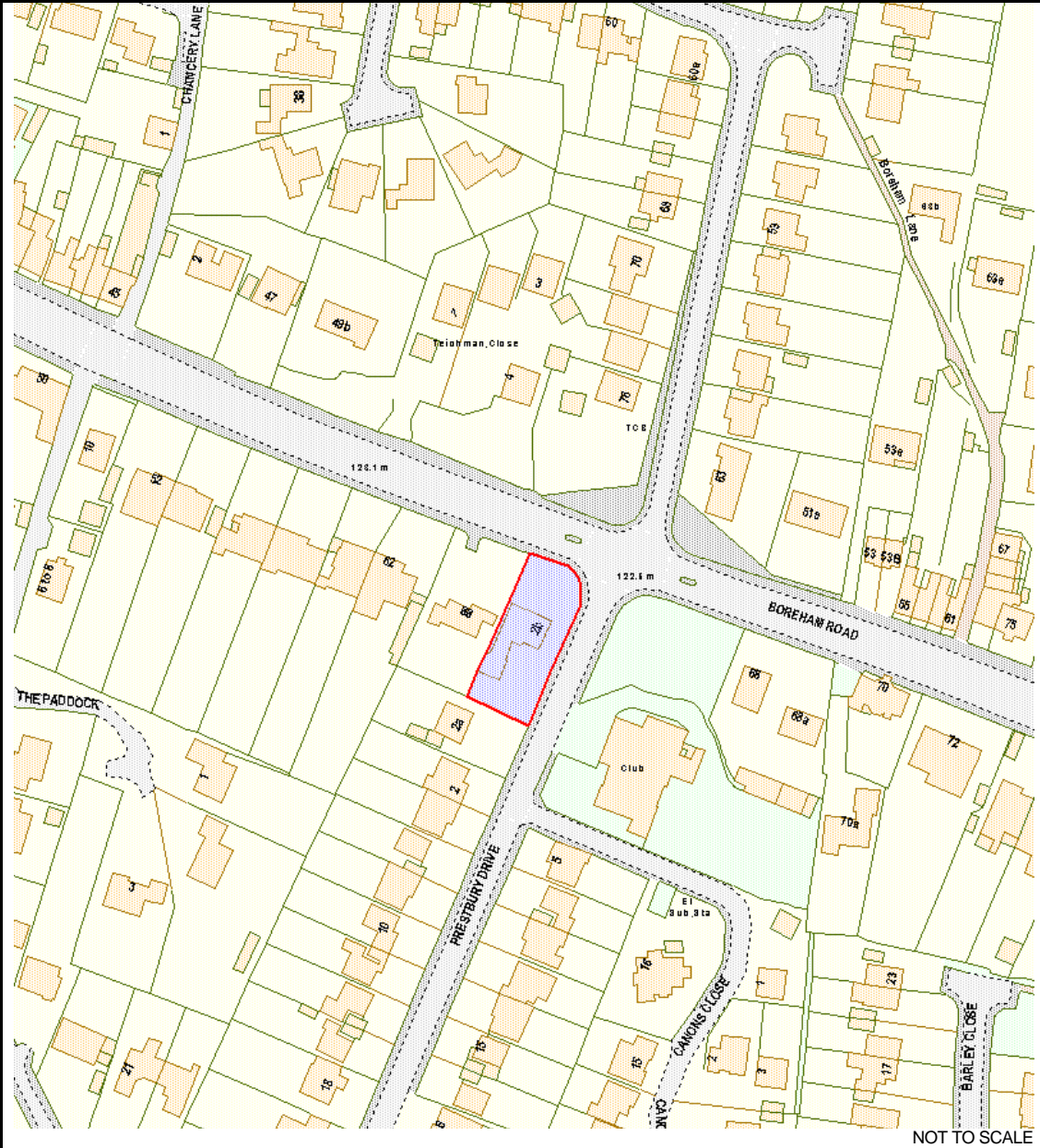
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 12

APPLICATION NO: 08/02163/FUL

LOCATION: 2B Prestbury Drive Warminster Wiltshire BA12 9LB



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

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

SLA: 100022961



**12 Application: 08/02163/FUL**

**Site Address: 2B Prestbury Drive Warminster Wiltshire BA12 9LB**

Parish: Warminster Ward: Warminster East  
Grid Reference 388193 144623  
Application Type: Full Plan  
Development: Demolition of garage and construction of one and a half storey extension with lean-to garage  
Applicant Details: Mr W Parks  
2B Prestbury Drive Warminster Wiltshire BA12 9LB  
Agent Details: Mr Peter Grist  
Eversfield House Station Road Warminster Wiltshire BA12 9BP  
Case Officer: Mr James Taylor  
Date Received: 16.07.2008 Expiry Date: 10.09.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposal by reason of its height, scale, mass, bulk, form and siting on a prominent corner plot would be incongruous and out of keeping with the host building and the street scene contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration (2004) and the Council's adopted Supplementary Planning Guidance on house alterations and extensions.
- 2 The proposal by reason of its height, scale, mass, bulk, form and siting on a prominent corner plot would be incongruous and fails to preserve or enhance the character and appearance of the conservation area contrary to Policies C17 and C19 of the West Wiltshire District Plan 1st Alteration (2004).
- 3 The proposal by reason of its height, scale, mass, bulk, location and orientation would have a detrimental impact on the amenities of the adjoining neighbour at 66 Boreham Road in terms of loss of daylight, outlook and dominant impact contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) and the Council's adopted Supplementary Planning Guidance on house alterations and extensions.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to committee because the applicant is a Councillor.

This is a full planning application for the construction of a 1 ½ storey extension with lean-to garage to replace the existing double garage on site. Although the existing double garage would be demolished this forms the footprint for the 1 ½ storey new building. In addition it is proposed to add a single lean-to garage to the south of this creating an additional footprint of 3 metres by 5.9 metres.

The proposed development would have a height to ridge of 6.4 metres, but with the bonnet hips proposed to the roof it would create a built form up to 5.1 metres high on the boundary with the adjoining neighbour. The proposal would be constructed with matching materials to the host building.

The host building is a bungalow property that is situated at the corner of Boreham Road and Prestbury Drive. The property is sunken below the road level. It has a single storey wing to the south elevation which includes a double garage. The property actually fronts onto Prestbury Drive with the private rear garden to the north of the property. The site is located within a designated Conservation Area.

## **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* : 23 July 2008

*Date Site Notice Posted* : 23 July 2008

## **CONSULTATIONS**

*Parish/Town Council* :

WARMINSTER TOWN COUNCIL: No objection.

*Neighbours* : 2 letters received from the adjoining properties stating 'no objection'.

## **NEGOTIATIONS / DISCUSSIONS**

The proposals have been discussed with the applicant prior to registration and concerns have been expressed over the design and potential impact on neighbouring properties. No officer support or encouragement for the application has been given. The application has been submitted in spite of advice from officers to consider alternative solutions that meet the need for further accommodation.

## **CONSTRAINTS**

Conservation Area and street scene  
Neighbouring amenity

## **POLICIES**

West Wiltshire District Plan 1st Alteration (2004)  
C17 Conservation Areas  
C19 Alterations in Conservation Areas  
C31a Design  
C38 Nuisance

Supplementary Planning Guidance on house alterations and extensions

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

## **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

The key issues to consider with this application are the potential impact on the neighbouring amenity, the design and its impact on the street scene and how this will affect the character and appearance of the conservation area.

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

## **OFFICER APPRAISAL**

The principle of increasing the footprint of the built form on this site does not in principle pose any significant concerns. However increasing the height of the built form to the extent and in the manner proposed causes some significant concern and should not be considered acceptable. The existing built form on the site is modest single storey development sunken below the level of the road. This is an application to extend a bungalow that is quite discrete within the street scene to add an additional floor of living accommodation linked, but ultimately remote from the main body of the building.

The proposal, although described as a 1 ½ storey development would clearly present first floor accommodation to the street scene, albeit with a reduced eaves level and bonnet hips in an attempt to minimise its impact. It is concluded that this ultimately fails to adequately mitigate its impact. If considered as an extension to the existing dwelling then it is contrary to the guidance contained in the Council's adopted SPG on house alterations and extensions because the form and height of development proposed is not in keeping with the modest bungalow. Not only would it fail to be sympathetic because it is incongruous, but it would not be subservient and would dominate the host building, almost appearing to be a separate dwelling.

It is acknowledged that the application site is sunken below that of the road and that the proposal would utilise matching materials. However given that this is a corner plot and as such needs to be treated with sensitivity then such an alien and large first floor extension cannot be considered acceptable in this context.

Further, although this building is clearly not historic it does form part of the designated conservation area. Although the building is typical of its type and has a neat and tidy appearance it is beneficial to the conservation area that the existing built form is quite discrete and modest. The proposal would as described above significantly increase the height of the built form on a prominent corner plot. Although matching materials are proposed the built form has a greater height and an alien form. The development would harm the design of the host building and make it more prominent within the conservation area. As such it has to be concluded that the development would fail to either preserve or enhance the character and appearance of the conservation area.

In addition to issues of design and heritage it is important to assess the impact of the proposals on the neighbouring amenity. The built form extending along the boundary of the site to the south is established at a single storey level. Currently the built form extends 11.3 metres along the boundary at a height of approximately 2.6 metres, rising to a ridge height of 4.2 metres set back from the boundary. This proposal would increase the length of extension along the boundary to 14.3 metres, a further 3 metres. This itself is not ideal. However in addition and of more significance is the increase in height at the boundary. The first floor area would be 5.1 metres high, rising to 6.4 metres at the ridge. At the boundary this is an increase in height of 2.5 metres, albeit not along the full length. Such a substantial increase in height at the boundary located to the south east of a neighbouring property would have a significant impact on the outlook and light received by the neighbour. Further the height at the boundary would have a dominant impact, quite oppressive to the reasonable amenity of the current and future occupiers of the neighbouring property 66 Boreham Road. This is again contrary to the Council's guidance on such matters.

It is noted that the neighbour has made the effort to write in to state that they have no objection, however consideration needs to also be given to potential future occupiers.

The proposal could be considered to be tantamount to a new dwelling. However this is not what has been applied for and given that it is located within the town policy limits does not pose any significant issues in principle. If allowed then the authority would still retain control over division of the property and the associated details.

## **RECOMMENDATION**

Refusal.

## **RELATED PLANS**

Drawing : PROPOSED ELEVATIONS AND F'PLANS received on 13.06.2008

Drawing : EXISTING AND SITE PLAN received on 13.06.2008



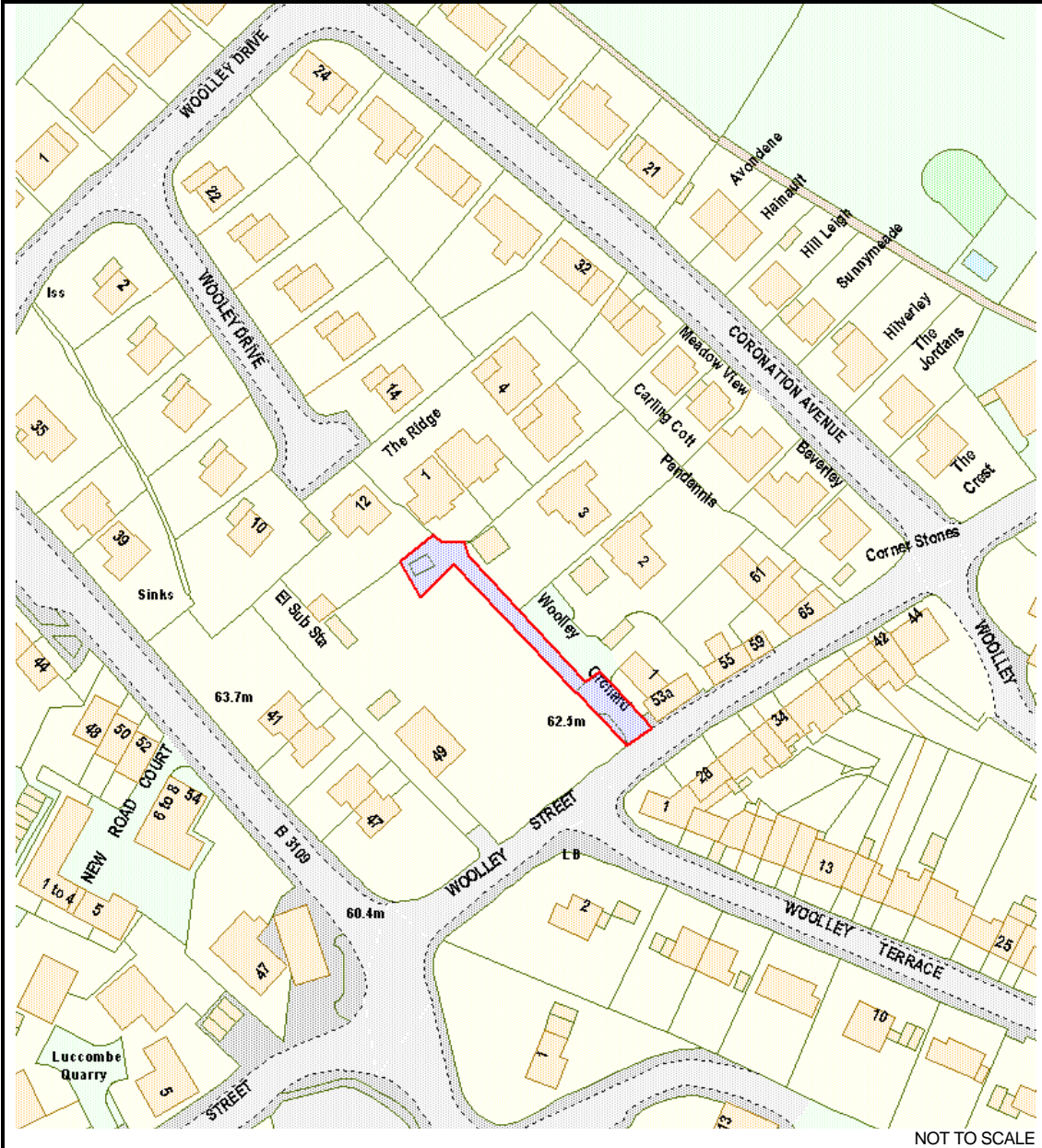
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 13

APPLICATION NO: 08/00750/FUL

LOCATION: Land Adjacent 53 Woolley Street Bradford On Avon  
Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office

© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655

Fax: 01225 770314

[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**13 Application: 08/00750/FUL**

**Site Address: Land Adjacent 53 Woolley Street Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon North

Grid Reference 383207 161237

Application Type: Full Plan

Development: Demolition and replacement of a single garage with new two storey dwelling

Applicant Details: Hadfield Associates Architects  
FAO Mr David Hadfield The Old Brushworks 56 Pickwick Road  
Corsham Wiltshire

Agent Details:

Case Officer: Miss Julia Evans

Date Received: 01.04.2008

Expiry Date: 27.05.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 Policy H1 of the West Wiltshire District Plan – 1st Alteration 2004 states that proposals for housing development within the built-up area of Bradford on Avon will be permitted provided that siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area. Policy C18 of the West Wiltshire District Plan – 1st Alteration 2004 seeks to preserve or enhance the special character or appearance of designated Conservation Areas, including open spaces and views into, out of and within the area which are important to its character. Policy C31a seeks to ensure new development respects or enhances the townscape, its spatial characteristics, architectural quality, and pay particular attention to proportion, composition, form, massing and scale, whilst integrating landscape into the design. The proposal by reason of its location, design, form, massing, scale, absence of landscaping and small size of the plot means it would constitute an alien building in a prominent location which neither preserved or enhanced the character of the adjacent Conservation Area, nor respect the character of the surrounding area. The proposal is, therefore, considered contrary to Development Plan policies.
- 2 Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004 states that development will not be permitted if the amenities of neighbouring residents are detrimentally impacted on. The proposal, by reason of its close proximity to neighbouring houses, and direct overlooking of neighbouring site will result in a loss of privacy to neighbouring properties, which is contrary to Development Plan policy.
- 3 Policies C32 and C31A of the West Wiltshire District Plan - First Alteration 2004 seeks to ensure that landscaping is an integral part of a development. Policy C40 of the West Wiltshire District Plan – 1st Alteration 2004 seeks to retain trees of visual amenity value. The proposal, by reason of the proximity of development to trees, other soft landscape features and the need to widen the access would be to the detriment of the health of existing trees and hedgerows which are important visual elements to the setting of the Woolley Conservation Area. The proposal is therefore in tree and landscape terms considered contrary to Development Plan policies.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application has been brought before the Planning Committee at the request of Councillor Bolwell.

This is a full application for the demolition of an existing single storey garage and the erection of a two-storey dwelling at land adjacent to 53 Woolley Street, Bradford-on-Avon. Excluding the long and narrow access to the site, the site area is approximately 90m sq, and the proposed two-bedroomed house and its courtyards would occupy the whole area. The house would have a distinctive flat-roofed design, with its shape determined by the boundaries of the site. The house would be constructed of bath ashlar stone walls with fibreglass and sedum roofs. The boundaries would be of matching materials.

The existing access to the garage would be utilised for the house, and no additional parking or turning provision is provided, as the applicant proposes that the shared access and the drive itself could be used for parking.

### **SITE VISIT / STATUTORY SITE NOTICES**

Site visits – 22 April 2008 and 26 June 2008.

The existing single garage is constructed of reconstituted stone and roman clay tiles. It lies at the end of a long narrow access drive which is bounded on either side by mature maintained hedgerows. The site lies on a hillside and is visible from distance views from the south, west and east. In addition to the garage there are building supplies stored on site. This is a residential area, with the large open area of number 49's garden lying to the south.

### **CONSULTATIONS**

*Parish/Town Council* : BRADFORD ON AVON TOWN COUNCIL – “The Town Council recommends refusal as contrary to District Plan Policy H1 (A and B). There will be a loss of amenity for neighbours. There are access problems to the site along a lengthy private drive.

“The Town Council agrees with Mrs Gillian Ellis-King’s letter dated 7 July 2008. She states that “The future of this important boundary hedge that marks the edge of the Conservation Area is therefore under threat and it is likely that some or all of it will be lost. This would be contrary to Policies C18 and C31a, as well as C32.”

“Also the drawings appear to be inaccurate and misleading”.

*External* :

HIGHWAY AUTHORITY – State – “I refer to the amended plan(s) in respect of the above planning application received on 25 June 2008.

“My initially refusal was due to inadequate parking provision available on the site. However, there is existing use of a garage permitted on the site and although the turning area is substandard vehicles are capable of entering and leaving the highway in forward gear.

“In view of the above, I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:- The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Reason: In the interests of amenity and road safety.”

LIBRARIES AND HERITAGE – Have not responded.

ENVIRONMENT AGENCY – “Have no comment to make on this application.”



WESSEX WATER – State – “The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

“The developer has proposed to dispose of surface water to main sewer. There should be no increase in combined flows to the combined sewer. It will be necessary for the developer to discuss discharge rates with our Development Engineer, Peter Weston. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

“With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

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

“The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.”

*Internal :*

PLANNING POLICY – Have not responded.

CONSERVATION OFFICER – Has not responded.

TREE AND LANDSCAPE OFFICER – states “the general character of Woolley Street and the local area is being eroded. Each development over the years has resulted in the removal of trees, some in good condition, others not so good. This is changing the general character of the area and this development is no different.

“The site and access to it, is very tight. It would be difficult to provide an access drive to the proposed property without impacting or removing part or all the current hedging vegetation.

“The Silver Birch at the top of the drive and next to the proposed dwelling would be unacceptably impacted on. It would not be impossible to develop this site without causing irreversible damage to what is already a tree under considerable stress.

“Recommendation: Policies C32 and C31A of the West Wiltshire District Plan - First Alteration 2004 seeks to ensure that landscaping is an integral part of development. Policy C40 of the West Wiltshire District Plan - First Alteration 2004 seeks to retain trees of visual amenity value. The proposal by reason of the proximity of the development to trees, other soft landscape features and the need to widen the access would be to the detriment of the health of existing trees and hedgerows, which are important visual elements to the setting of the Woolley Street Conservation Area. The proposal is therefore in tree and landscape terms contrary to development plan policy and should be refused.”

*Neighbours :*

The application was advertised with Site Notices and revised information/plans Site Notices, and 22 responses have been received, from 9 households and organisations.

The following comments have been made: -

- \* Interesting design but the site is far too small;
- \* Access road is totally inadequate, especially for emergency vehicles;
- \* Site is very visible;
- \* No landscaping for the site, it relies on other properties;
- \* Detrimental to neighbouring amenity;
- \* Design is out of character with the area;
- \* The loss of the boundary hedge would have a detrimental impact on the appearance of the area;
- \* Inaccurate information on turning circles;
- \* Poor amenity for the proposed occupants of the property;
- \* Loss of trees on site due to proximity of the development; and
- \* The turning space uses other people's land.

## **NEGOTIATIONS / DISCUSSIONS**

Revised/further information as regards access and highways. The applicant has been made aware of design and amenity concerns.

## **CONSTRAINTS**

- \* Adjacent to Conservation Area;
- \* Design;
- \* Size and shape of plot;
- \* Access and highways;
- \* Amenity;
- \* Principle of development; and
- \* Existing trees.

## **POLICIES**

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP9 Reuse of land and buildings
- T6 Demand management
- C1 Nature conservation
- C5 The water environment
- HE7 Conservation Areas and listed buildings

West Wiltshire District Plan – 1st Alteration 2004

- C17 Conservation Areas
- C18 New development in Conservation Areas
- C31a Design
- C32 Landscaping
- C38 Nuisance
- C40 Tree planting
- H1 Further housing developments within towns
- T10 Car parking
- U1a Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Area

SPG

- Design guidance – Principles (Adopted July 2004)
- Residential Design Guide (Adopted November 2005)
- Bradford on Avon Character Assessment (Adopted January 2001)

National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport  
PPG15 Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

03/00856/FUL – Pitch roof to garage – Permission 13.11.2003

04/00889/FUL – Demolition of existing dwelling and erection of 8 three and four-bedroom dwellings - Withdrawn 05.07.2004

04/00992/FUL – Pitch roof to garage – Permission 05.08.2004

## KEY ISSUES

- \* Adjacent to Conservation Area;
- \* Design;
- \* Size and shape of plot;
- \* Access and highways;
- \* Amenity;
- \* Principle of development; and
- \* Existing trees.

## OFFICER APPRAISAL

The site lies within the Bradford on Avon town policy limit (Policy H1), whereby the principle of development is acceptable subject to a number of caveats:

- A Siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area.
- B They would not create inappropriate backland or tandem development;
- C They provide adequate services for the disposal of surface water, without increase of flood risk to downstream riparian owners;
- Ca They provide adequate water supplies, sewerage and sewage treatment, without adversely affecting the environment;
- D They do not result in the loss of an open area or visual gap important for recreation or amenity reasons.
- E They protect and conserve important nature conservation interests.
- F They provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway and, where appropriate, rail facilities, without creating transport problems;
- G They do not conflict with any other Structure Plan or District Plan 1st Alteration policies. Priority will be given to proposals for the reuse of previously developed land."

The site adjoins the Woolley Conservation Area; the southwest boundary of the site is the edge of the Conservation Area. As a result Policy C18 of the West Wiltshire District Plan – 1st Alteration 2004 is applicable. This states that "Open spaces and views into, out of and within the area, which are important to its character, are protected".

The site lies in an elevated position above a large garden, and is visible from a wide area. The small size of the plot, plus its elevated position, and the proposed contemporary and blocky design of the house are not considered in keeping with the character of the surrounding area. For the same reasons it is felt to be detrimental to the character and appearance of the Conservation Area, introducing a house design that is at odds with its surroundings.

Policy C31a emphasises that new development on prominent or sensitive sites should respect and enhance the townscape. The proposal, by reason of its design, location, proportion, composition, form, massing, and scale, is considered to be an alien visual feature within the townscape which cannot be supported.

Policy H1 also requires safe and convenient connection to transport options. The applicant has demonstrated that the proposal can be accessed and parked on without causing highway problems. Although several residents have raised concerns about the proposal, including using land not within the control of the applicant to turn in, the Highway Authority have raised no objection to the proposal, subject to a condition concerning unobstructed parking.

Policy H1 also requires adequate sewerage and drainage arrangements. Wessex Water have raised no objection to the proposal subject to agreeing points of connection and to and protection of their apparatus.

Several neighbours have raised concerns as to the loss of amenity that the proposal will create. The smallness of the site, and the proposed house's complete development of it has meant that it would lie in close proximity to neighbouring residential properties. Removal of permitted development rights could address some of the potential for overlooking, but would not address the first storey bedroom windows directly overlooking land to the southwest, particularly as this land is subject to a live application for four houses. In addition it would not address the massing impact of the proposal on properties to the northwest boundary of the site. As a result it is felt that the proposal is contrary to Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004 which seeks to protect neighbouring amenity.

The site contributes to the green and open character of the town at this particular location and the Conservation Area. The proposal shows the retention of the Silver Birch on site, but the proximity of the proposed house to it means that it is unlikely to survive. The access to the site is bounded by hedgerows on both sides, and in order to provide sufficient room they would need to be cut back hard to the surveyed root line. This again is not felt to be beneficial to the health of the vegetation, the eventual loss of which would harm the character and appearance of the area.

## **RECOMMENDATION**

Refuse.

## **RELATED PLANS**

Drawing : WOOLLEY STREET received on 18.06.2008

Drawing : 480.1.000

Drawing : 480.1.001

Drawing : 480.1.00

Drawing : 480.1.002

Drawing : 480.1.004

Drawing : HAD-WOOLLEY-STREET



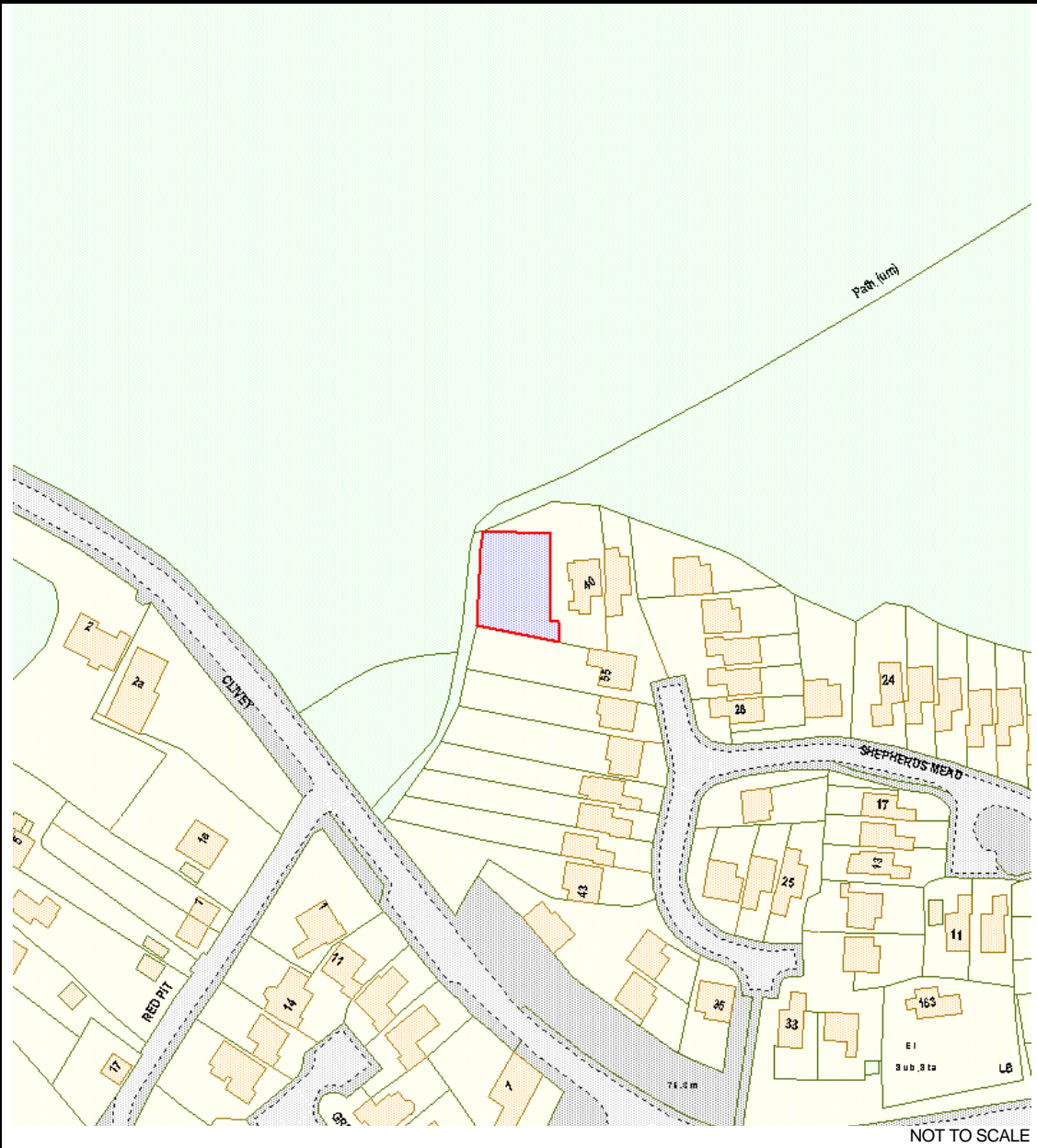
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 14

APPLICATION NO: 08/01368/FUL

LOCATION: Land Adjacent 40 Shepherds Mead Dilton Marsh  
Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office

© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655

Fax: 01225 770314

[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**14 Application: 08/01368/FUL**

**Site Address: Land Adjacent 40 Shepherds Mead Dilton Marsh Wiltshire**

Parish: Dilton Marsh Ward: Dilton  
Grid Reference 384296 149904  
Application Type: Full Plan  
Development: Erection of detached dwelling and associated works  
Applicant Details: Mrs J Hine  
Land Adjacent 40 Shepherds Mead Dilton Marsh Wiltshire  
Agent Details: A N Horner Consulting  
F A O Mr A Horner 121 The Oval Bath BA2 2HF  
Case Officer: Mr James Taylor  
Date Received: 08.05.2008 Expiry Date: 03.07.2008

**JUSTIFICATION FOR RECOMMENDATION:**

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

**RECOMMENDATION:**

**Planning permission be granted in the event of the Development Control Manager being satisfied that a Section 106 agreement has been entered into to ensure that the existing restrictive covenant contained in an agreement entered into on 13 March 1987 under Section 52 of the Town and Country Planning Act 1971 shall no longer be enforced.**

**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 commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

REASON: In the interests of highway safety.

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

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

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

- 6 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, the garage(s) shall at all times remain available for the garaging of cars, and shall not be converted for use as living accommodation.

REASON: To ensure that adequate provision is made for parking.

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

- 7 The parking and turning areas shown on the submitted plans shall be kept clear of obstruction so as to be available for the parking and manoeuvring of cars only and in perpetuity.

REASON: In order to ensure adequate vehicle parking and turning facilities are maintained on site for the development hereby approved.

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

**Note(s) to Applicant:**

- 1 The developer is advised to contact Wessex Water in order to ensure connection to and protection of Wessex Water infrastructure. They can be contacted on 01225 516000.
- 2 The applicant and developer are reminded of the presence of a public right of way immediately to the west of the application site. For further information they should contact the Rights of Way Officer at Wiltshire County Council on 01225 713000.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This is a resubmission of a full planning application for the erection of a detached dwelling on land adjacent to 40 Shepherds Mead in Dilton Marsh, currently used as the extended garden to that property.



The proposed dwelling would be 2-storey in height. It is proposed to have a modest single storey lean-to porch and garage at the frontage and a modest conservatory to the rear. The proposal would also have one parking space at the end of the extended driveway to the proposed dwelling from 40 Shepherds Mead.

The application site is located on the very fringe of the village tucked away down a private access track which currently serves two properties. This accesses the highway through a residential cul-de-sac which is characterised by a variety of property styles and dates from the approximately the late 1970s. Immediately to the west of the application site is a public right of way. Beyond this to the west and north is open countryside. To the south is a neighbouring rear garden.

## **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* : 29 May 2008

*Date Site Notice Posted* : 29 May 2008 on public right of way.

## **CONSULTATIONS**

*Parish/Town Council* :

DILTON MARSH PARISH COUNCIL: Objects to the proposed development for the following reasons:

- The access to the proposed development is narrow and is obstructed by parked vehicles. The development of a large property on the proposed site and the associated parking and access demands will exacerbate an already serious problem. Access to the proposed development by emergency vehicles will be severely restricted and is likely to be impossible.
- Contrary to the statement on the planning application (see Section 9), there is an adjacent footpath – although outside the curtilage of the proposed development site – and unrestricted access by the public must be protected.

*External* :

HIGHWAY AUTHORITY: No objection. The access and parking arrangements are as for the previous application (W08.0037) and therefore I maintain my recommendation of no objection.

WESSEX WATER: No comments received to date (27.08.2008).

*Internal* :

PLANNING POLICY: Given that the site falls within the Dilton Marsh village policy limits, and given the size and orientation of the garden of no.40 Shepherd's Mead, I consider that the amenity provisions of Policy H17 are met. The means of access will need to be resolved satisfactorily. Subject to the resolution of the access issues, there need be no policy reason for refusal.

HOUSING SERVICES: No comments received to date (27.08.2008).

*Neighbours* :

6 letters have been received objecting to the proposals on the following grounds:

- Access provision and additional vehicles would be unsafe – it is reaching breaking point – within the cul-de-sac of 10 properties 31 cars are registered with the DVLA.
- Emergency vehicles are unlikely to be able to get access.
- Inadequate drainage (clay soils) and Wessex Water infrastructure here cannot cope.
- Out of keeping and overdevelopment of the area
- Application outside of the original village policy limit and subject to a section 52 agreement to prevent further residential development.
- Surface waters will damage adjacent public right of way
- Loss of amenity from additional vehicle movements on their boundary
- Is there adequate connection to services?
- Overlooking

- Notification process changed from last application and site notice erected in different location.
- Sneaky and underhand by hiding the notice on a public right of way that not a lot of people use.
- Public right of way should not be altered.
- Loss of wildlife habitat including a garden pond and tress that could be subject to TPOs.

## **NEGOTIATIONS / DISCUSSIONS**

Discussions regarding the previous refusal have taken place in order to explain these matters and the right of appeal against the decision was highlighted.

## **CONSTRAINTS**

Village Policy Limits  
 Neighbouring amenity  
 Adjacent Public Right of Way  
 Adjacent Sewerage Buffer Zone  
 Section 52 agreement restricting further residential development on the site beyond garden.

## **POLICIES**

West Wiltshire District Plan 1st Alteration (2004)  
 C31a Design  
 C38 Nuisance  
 H2 Affordable Housing Within Towns and Villages  
 H17 Village Policy Limits  
 H24 New Housing Design  
 R11 Footpaths and Rights of Way  
 U5 Sewerage Treatment Works

National policy  
 PPS1: Delivering Sustainable Development  
 PPS3: Housing  
 PPG13: Transport

## **RELEVANT PLANNING HISTORY**

86/01427/FUL – Extension of garden land – Permission - 31.01.1987  
 08/00037/FUL – Erection of detached dwelling and associated works – Refusal – 28.02.2008  
 1. The proposed development represents an inefficient use of land contrary to Policy H17 of the West Wiltshire District Plan 1st Alteration (2004) and national guidance in Planning Policy Statement 3: Housing.  
 2. The proposed development, by reason of its form, massing, including the large number of dormer windows, proportion, width and scale would be out of keeping with the character, appearance and distinctive grain and pattern of development in the locality contrary to Policies C31a, H17 and H24 of the West Wiltshire District Plan 1st Alteration (2004).  
 3. The proposed development would lead to an unacceptable degree of overlooking of the neighbouring garden to the south, number 55 Shepherd's Mead from the proposed habitable first floor rooms which have windows on the front elevation within approximately 8 metres of the boundary contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) and Supplementary Planning Guidance on house alterations and extensions.

## **KEY ISSUES**

The key issues to consider with this application are if the previous reasons for refusal have been overcome and if there have been any material changes in circumstances since the previous decision in February of this year. Further it needs to be considered if the revised scheme raises any new issues and if so are they harmful.

## **OFFICER APPRAISAL**

The proposal has been modified so that the application area is reduced, leaving the existing property with a more spacious garden than previously proposed. Whilst it is still contended that the site is capable of accommodating two dwellings, it has to be acknowledged that the current proposal would not be such a low density of development to be out of keeping with the area. Further it is noted that the proposal would ultimately result in another house erected within the existing village policy limits as detailed in the proposals maps. Whilst the approach taken is not necessarily ideal, given that Planning Policy raise no objection, then on balance it is considered that the previous reason 1 for refusal has been adequately overcome.

The current proposal has been amended and no dormer windows are proposed on this application. It is considered that the revised design is improved by this and would be more in keeping with the other built forms in the locality. It is acknowledged that the overall height would actually be greater and the width of the property is similar to that previously proposed however on balance it is considered that the revised design would not cause any significant harm to the character of the area or the street scene. The previous reason for refusal has been adequately addressed by the removal of the dormer windows.

The proposal has been re positioned so that the front elevation of the new build at first floor level would be at least 10 metres aware from the neighbouring boundary to the south. The proposal would overlook the neighbouring garden, but to a degree that is in accordance with the Council's adopted Supplementary Planning Guidance on house alterations and extensions. In light of this it is considered that the previous reasons for refusal have been adequately overcome.

There have been no material changes in circumstances, development plan policies or national guidance since the previous decision and as such it is considered that the application can be recommended for permission. The proposal meets the tests of the development plan and conditions can be utilised in regards to some of the neighbour concerns, such as surface water drainage. The proposal is outside of the Sewerage Buffer Zone and the right of way is outside of the application area.

The issue of highway safety and access has been raised again by the Parish Council and the neighbouring residents. It is noted that the Highway Authority maintain that they have no objection to the proposals. Conditions should be used in order to prevent the proposed garage and allocated parking space being used for anything other than parking or converted. This would ensure that 2 parking spaces for the new build are provided. Access is not ideal but as previously concluded it would not cause any significant harm to highway safety under reasonable usage.

Finally the matter of the extant section 52 agreement which prevented further residential development on the land must be addressed. Planning permission should not be granted whilst this still has effect, even though as discussed above the proposal is in accordance with the development plan. For that reason it must be concluded that this has to be revised prior to the formal granting of consent as a separate matter to this planning application.

## **RECOMMENDATION**

Permission subject to a legal agreement.

## **RELATED PLANS**

Drawing : SITE PLAN received on 06.05.2008  
Drawing : DWG 03 received on 06.05.2008  
Drawing : DWG 02 received on 06.05.2008  
Drawing : DWG 01 received on 06.05.2008

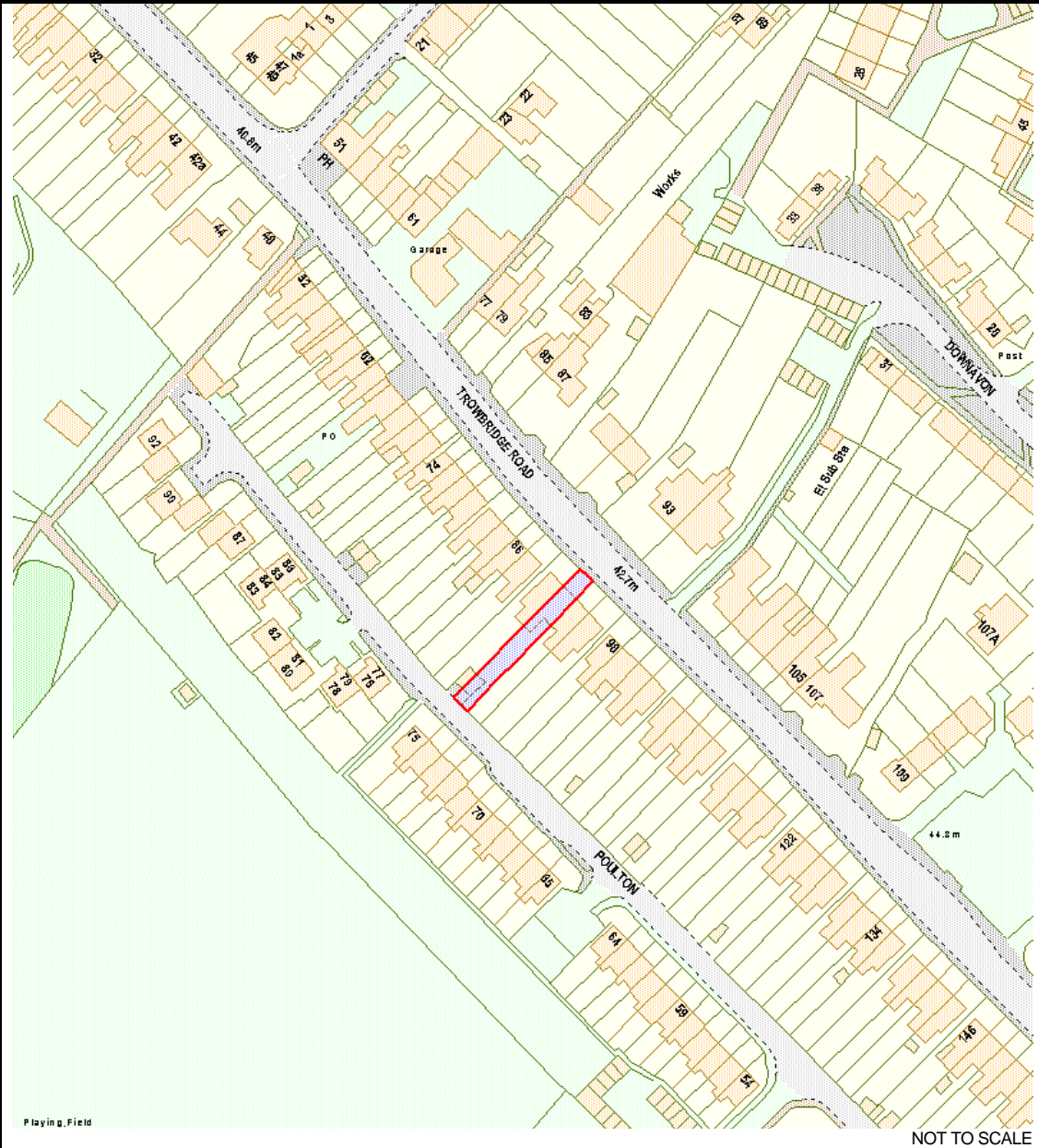
# PLANNING COMMITTEE

11 September 2008

ITEM NO: 15

APPLICATION NO: 08/02092/FUL

LOCATION: 92 Trowbridge Road Bradford On Avon Wiltshire  
BA15 1EN



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office

© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655

Fax: 01225 770314

[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**15 Application: 08/02092/FUL**

**Site Address: 92 Trowbridge Road Bradford On Avon Wiltshire BA15 1EN**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382860 160349  
Application Type: Full Plan  
Development: Dormer on rear roof of property  
Applicant Details: Mr Scott Hill  
92 Trowbridge Road Bradford On Avon Wiltshire BA15 1EN  
Agent Details: Mr Fred Powell  
40 Shrewton Close Trowbridge BA14 0XS  
Case Officer: Miss Jennifer Fivash  
Date Received: 14.07.2008 Expiry Date: 08.09.2008

**JUSTIFICATION FOR RECOMMENDATION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 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.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to committee because Bradford on Avon Town Council object contrary to the officer's recommendation.

This is a full planning application for the construction of a flat roofed dormer on the rear of the property. It would project from the roof plain by 3.9 metres, would be 4.6 metres wide, 2.6 metres high and would be located approximately 0.3 metres below the ridge.

The host building is a stone built terraced property under clay tiled roof.

### **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* : 23 July 2008

*Date Site Notice Posted* : 23 July 2008 on telegraph pole to the front of the property

### **CONSULTATIONS**

*Parish/Town Council* : Bradford on Avon Town Council - The Town Council recommends refusal due to use of inappropriate materials in the Conservation Area. (Policy C19) .

*External* :Bradford on Avon Preservation Trust – Supports Bradford Town Council recommendation for refusal. Comments received 26 August 2008.

*Neighbours* : No comments received.

### **NEGOTIATIONS / DISCUSSIONS**

None

### **CONSTRAINTS**

Conservation Area

### **POLICIES**

West Wiltshire District Plan – 1st Alteration 2004  
C18 New Development in Conservation Areas  
C19 Alterations in Conservation Area  
C31A Design  
C38 Nuisance

SPG - House Alterations and Extensions (July 2004)

### **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

- Impact on the host building and street scene
- Impact upon conservation area
- Impact upon neighbouring amenity

## **OFFICER APPRAISAL**

The flat roof design, although not characteristic of a building of this age, would not be sufficient to warrant a refusal, as these dormers appear to be a re-occurring feature of the street scene to the rear of these dwellings and the neighbouring property. Therefore the proposal would have minimal impact upon the character of the host building and would have a neutral impact on the preservation or enhancement of this part of the Conservation Area. Furthermore, it would be unlikely to result in a significant loss of neighbouring amenity.

It should be noted that Officer's explained to the Town Council that a similar type rear dormer extension was given permission to the neighbouring property earlier in the year using the same materials (broseley tiles and UPVC frames) as on this application which they did not object to at the time. The Town Council would not remove there objection and therefore, it has had to be referred to the Planning Committee.

## **RECOMMENDATION**

Permission

## **RELATED PLANS**

Drawing : SITE PLAN received on 14.07.2008

Drawing : SHEET 3 received on 14.07.2008

Drawing : SHEET 2 received on 14.07.2008

Drawing : SHEET 1 received on 14.07.2008