

# **PLANNING COMMITTEE**

**18 NOVEMBER 2004**

## **Planning Applications for Determination**

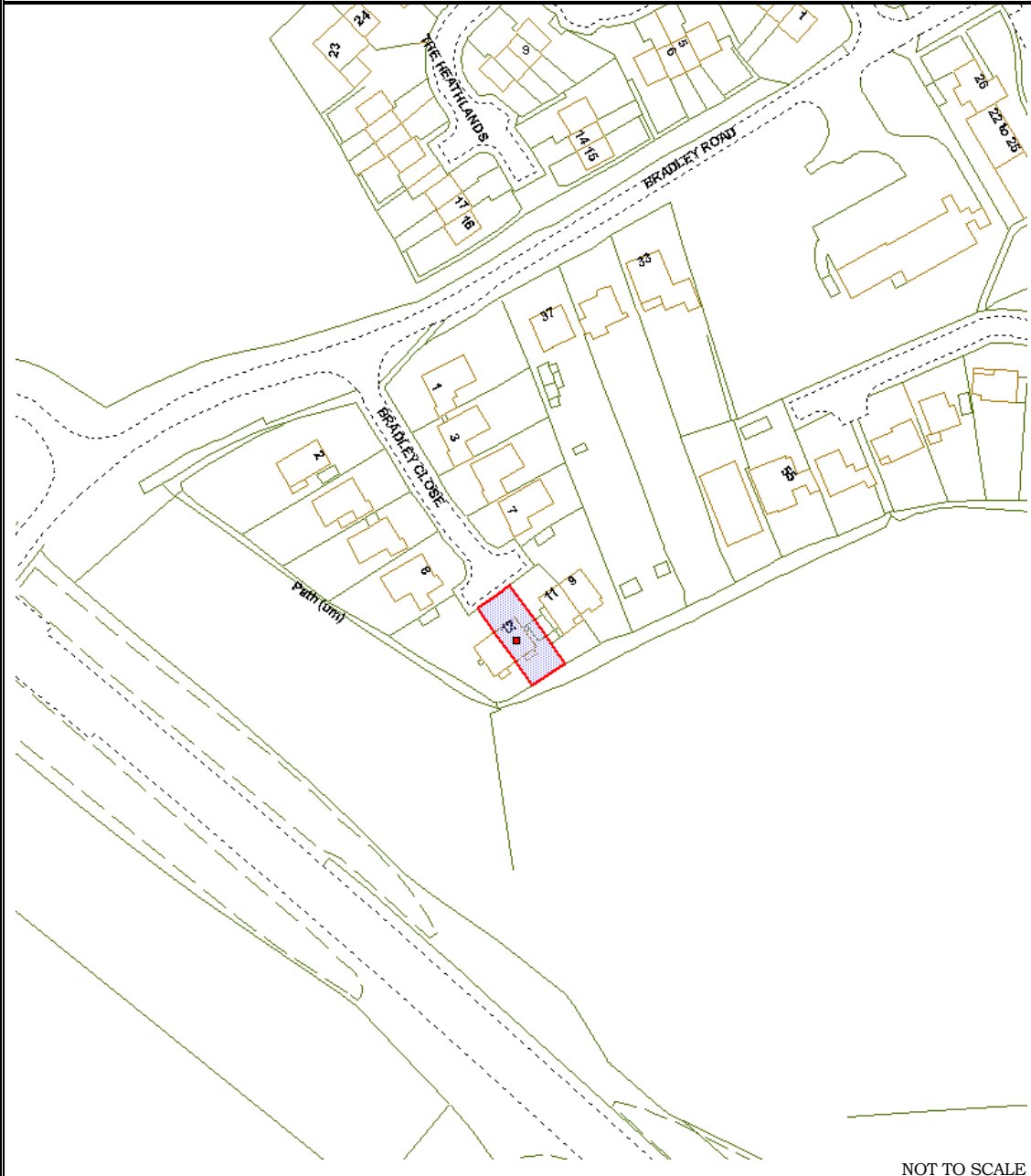
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## PLANNING COMMITTEE

18 November 2004

ITEM NO: 01 (04/01828/FUL)

LOCATION: 12 Bradley Close Warminster Wiltshire BA12 8BW



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

SLA: 100022961

**01 Application: 04/01828/FUL**

**Site Address: 12 Bradley Close Warminster Wiltshire BA12 8BW**

Parish: Warminster Ward: WARMW

Grid Reference 386505 143842

Application Type: Full Plan

Development: Conservatory and side entrance porch

Applicant Details: Miss Sear  
12 Bradley Close Warminster Wiltshire BA12 8BW

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 23.09.2004 Expiry Date: 18.11.2004

**REASON(S) FOR PERMISSION:**

**The proposed development is consistent with Development Plan Policy. It 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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 & E2.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is put to Committee as Warminster Town Council objects to the application and your officers recommend permission.

The application is for a conservatory on the rear of the property to replace the existing conservatory, and an entrance porch to the north east elevation of the property to replace an existing porch. The proposed conservatory would measure 6 metres by 3.2 metres and would have a pitched roof being 2.3 metres to eaves and 3.2 metres to ridge. The proposed porch would measure 7.2 metres by 1.6 metres and would have a lean-to pitch roof being a maximum of 2.7 metres in height. Both parts of this application would be constructed in white UPVC. The property is a semi-detached bungalow located in the far south west of Warminster

### **WARMINSTER TOWN COUNCIL**

Object to the application on the grounds that the proposal would have an adverse effect on the amenity of the neighbouring property.

### **PUBLICITY**

One letter of objection received from the occupants on 10 Bradley Close raising many matters that are not material considerations in the determination of this application and issues relating to loss of privacy and the impact on the area, which are material considerations.

### **RELEVANT PLANNING HISTORY**

None

### **PLANNING POLICY**

West Wiltshire District Plan 1st Alteration:  
C38 - Nuisance  
C31a - Design

Supplementary Planning Guidance - House Alterations and Extensions

### **PLANNING OFFICER'S COMMENTS**

The main issue in this case is the potential impact of the proposed conservatory on the adjoining property, number 10 Bradley Close.

The neighbours at number 10 Bradley Close have objected to the application on the grounds that the proposal would enable the applicants to look directly into the habitable room of the adjoining property. The potential for overlooking is negated by the southwest elevation being constructed with a solid panel rather than glass. There would, therefore, be no overlooking of the adjoining property.

The Supplementary Planning Guidance states that a single storey extension that exceeds 3 metres in length at or near the boundary is more likely to have an effect on neighbour amenity. In this case the proposal would be 0.2 metres over this recommended length. This length would bring the proposed conservatory out to the same line as the existing conservatory on the adjoining property (10 Bradley Close). There would therefore be no adverse impact on the adjoining property.

With regard to the proposals being in keeping with the area, the proposed conservatory would not be visible from Bradley Close and the proposed porch would not significantly alter the appearance of the house from the street. The proposals would therefore not affect the street scene.

The neighbours also raise issues concerning the plans, the boundary and the drainage systems, which are not planning matters and not relevant to the application.

## CONCLUSION

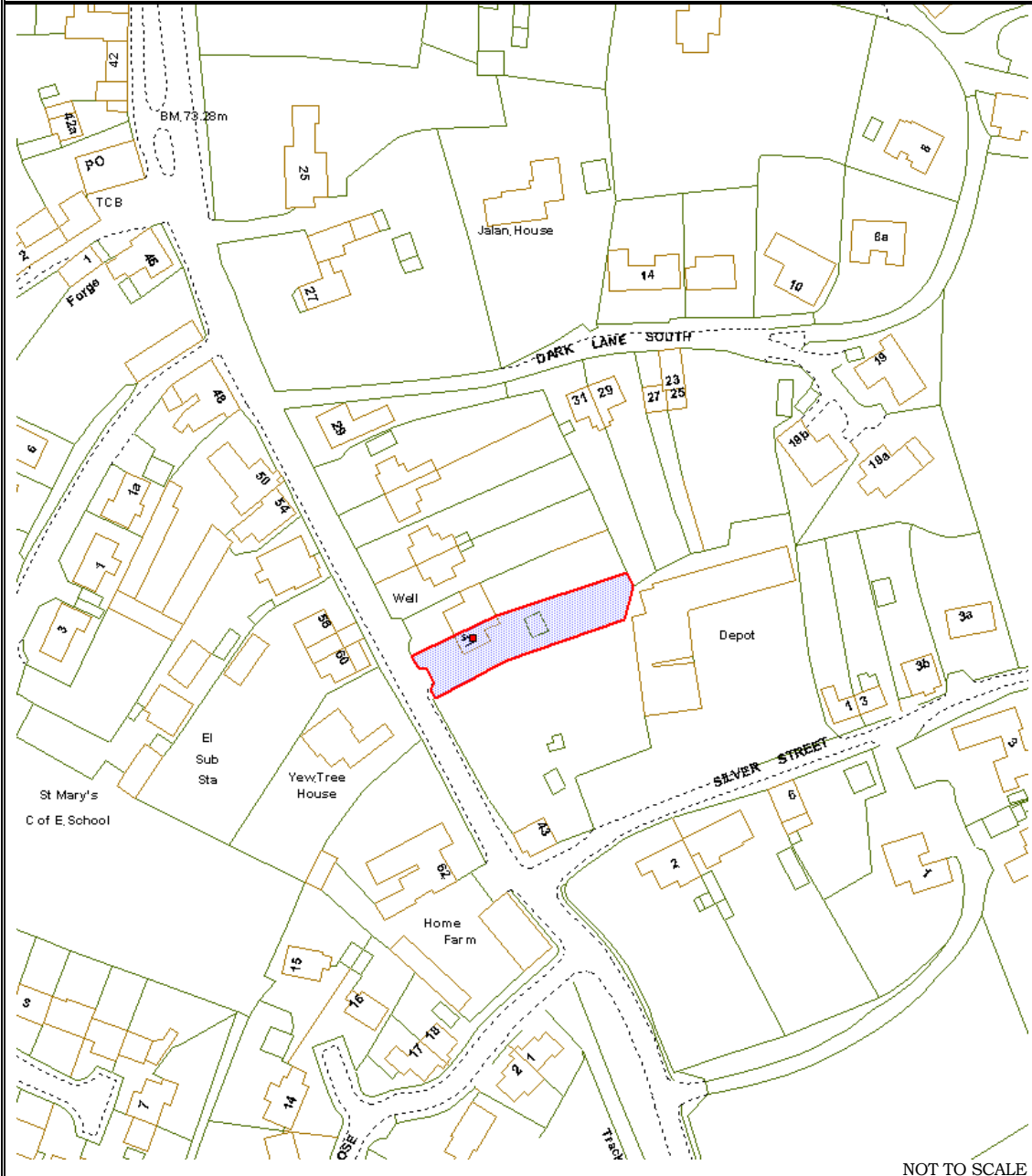
The proposal is consistent with Development Plan Policy and there are no material considerations to outweigh this policy consideration. It would have no adverse impact on the adjoining property. The application proposal is therefore acceptable.

# PLANNING COMMITTEE

18 November 2004

ITEM NO: 02 (04/01691/FUL)

LOCATION: 41 High Street Steeple Ashton Wiltshire BA14 6EU



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SLA: 100022961

**02 Application: 04/01691/FUL**

**Site Address: 41 High Street Steeple Ashton Wiltshire BA14 6EU**

Parish: Steeple Ashton Ward: SUMMER  
Grid Reference 390763 156690  
Application Type: Full Plan  
Development: Two storey extension  
Applicant Details: Mr And Mrs P Beech  
41 High Street Steeple Ashton Wiltshire BA14 6EU  
Agent Details: Quartley Hodges Hood  
6 Fore Street Trowbridge Wilts BA14 8HD  
Case Officer: Mr Aaron Smith  
Date Received: 03.09.2004 Expiry Date: 29.10.2004

**REASON(S) FOR PERMISSION:**

**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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 & E2.

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

REASON: In the interests of amenity and privacy.

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application was deferred from the Planning Committee on the 28th October 2004, to inform the Parish Council of the Committee date.

This application is brought before the Planning Committee as the Parish Council object and officers recommend permission.

This is a full planning application for a two storey side extension to this semi-detached house in Steeple Ashton. The application site is located within the Steeple Ashton Conservation Area.

This proposal involves a two storey extension to the south elevation of this semi-detached property in Steeple Ashton. The extension would measure 4 metres wide, 5 metres depth, 4.5 metres to eaves and 7.3 metres to the pitch. The extension would be stepped back from the front and rear of the host building by 1.2 metres and would have a roof ridge 0.6 metres lower than the existing ridge. Also included would be a small porch and a new conservatory with a lean-to roof which would be attached to the existing kitchen extension.

The materials and detailing of the proposed extension would match the host building. In addition the existing gable detailing would be replicated on the new gable.

This application has been submitted following the previous refusal of a two-storey side extension application reference 04/00672/FUL.

### **STEEPLE ASHTON PARISH COUNCIL**

"Steeple Ashton Parish Council feels that this Planning Application is not significantly different from the previous application, 04/00672/FUL, which was refused by West Wiltshire District Council on 2nd June 2004. They feel that they must support your previous refusal and recommend that this very similar application is not given consent for the same reasons as given by West Wiltshire District Council in the previous application.

Nevertheless, they are not against enlarging the property in principle and would suggest that any alterations to the dwelling should be in sympathy with the neighbouring attached property and should be attached to the back of the property, so that there is no imbalance in the symmetry of the semi-detached houses as viewed from High Street."

### **THE FRIENDS OF STEEPLE ASHTON**

Object to proposal

- extension would destroy the symmetry of the building
- affect the character of the whole row of houses

### **PUBLICITY**

This application has been advertised on site as affecting the character / setting of a conservation area, and neighbour notification has been carried out.

No comments received

### **RELEVANT PLANNING HISTORY**

04/00672/FUL Two storey extension - Refused 02/06/2004

Reason: "The proposal by reason of its form, scale, height and dimensions would result in an unsympathetic and unbalanced impact on the semi-detached pair of houses to the detriment of the host building, streetscene and the character and appearance of the Steeple Ashton



Conservation Area, contrary to Policy C12 of the West Wiltshire District Plan and Policies C17, C18 & C31a of the West Wiltshire District Plan 1st Alteration (as Modified) and the Council's Draft Supplementary Planning Guidance - Houses Extensions and Alterations."

## PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 - Listed Buildings and Conservation Areas

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C18 - New Development in Conservation Areas

C19 - Unlisted Buildings in Conservation Areas

C31a - Design

C38 - Nuisance

PPG1 - General Policies and Principles

PPG15 - Planning and the Historic Environment

Supplementary Planning Guidance (House Alterations and Extensions)

Steeple Ashton Village Design Statement

## PLANNING OFFICER'S COMMENTS

The main issues for this application are whether there would be any effect upon the character or appearance of the Steeple Ashton Conservation Area, neighbouring amenity and design.

The Supplementary Planning Guidance Design Guide 'House Alterations & Extensions' states that the design of a new extension or an alteration should be sympathetic to the existing development and surrounding area in character, style, proportion and materials.

In addition, Section 3 the Steeple Ashton Village Design Statement (The High Street southwards from the Village Green to Silver Street), states:

"The houses on the east side, from Vicarage Lane to Silver Street, are widely spaced and stand further back from the road in spacious gardens with many trees.....At the southern end of this stretch, there are three pairs of semi-detached estate cottages dating from the turn of the century".

In this case the proposed side extension should respect the host building and its setting in the street scene. In addition the property is within the Steeple Ashton Conservation Area, within which proposals for new development will be permitted if they would preserve or enhance the character or appearance of the Conservation Area.

In respect of the appearance of this part of the Conservation Area, the Village Design Statement states that this specific character area is visually harmonious, and that there is no significant jarring element which could affect the streetscene.

41 High Street is part of a collection of 3 semi-detached dwellings along the eastern side of the High Street. 31, 33, 35 and 37 are of identical design to each other (with subservient side two storey extensions), 39 and 41 form part of the same group, but have a different design with a lower pitch roof and two highway fronting gable dormer windows. The design and form of the host building is fairly simple and symmetrical.

The proposed scale and design of the extension would appear sympathetic to the host building. The materials and fenestration details would match the host building. Also the south facing elevation of 41 has an identical design and features as the north facing elevation, this includes detailed gable end. It is proposed to replicate this gable end feature on the new extension.

It is acknowledged that the other half of the host building does not have a two storey side extension, however it does have a single storey flat roof extension visible from the highway. The proposed extension would be a sympathetic and subservient design and form, the reductions in the massing and dimensions from that previously refused by the Council have addressed the concerns stated in the reason for refusal.

The neighbouring properties to the north of the application site, all have a symmetrical form of the semi-detached dwellings. It appears that two storey extensions to the side are characteristic of this group, provided that they do not unbalance and dominate the host building.

The revised form of the two storey extension, including setting the extension back from the front building line, altering the dimensions and form to be in proportion with the host building and similar side extensions of the group results in a form and scale of development complimentary of the characteristics of the host building, the group of three semi-detached dwellings and would preserve and enhance the Conservation Area's character and appearance.

Turning to neighbouring amenity, in this case a two storey extension may affect neighbouring amenity by reason of proximity to the neighbouring properties and any overlooking. The proposed extension would not be sited in close proximity to an adjoining property, and there would be some increased overlooking from the new south elevation first floor windows. However this would overlook a garden and there would be a distance of over 20 metres to the nearest dwelling's windows to the south. Whilst there would be some loss of privacy to the neighbouring garden, this is a large site and would not impact upon the immediate private area close to the house. It would not, therefore, be sufficient to justify a refusal on this issue.

## CONCLUSION

For the reasons stated above no planning objections are recommended.

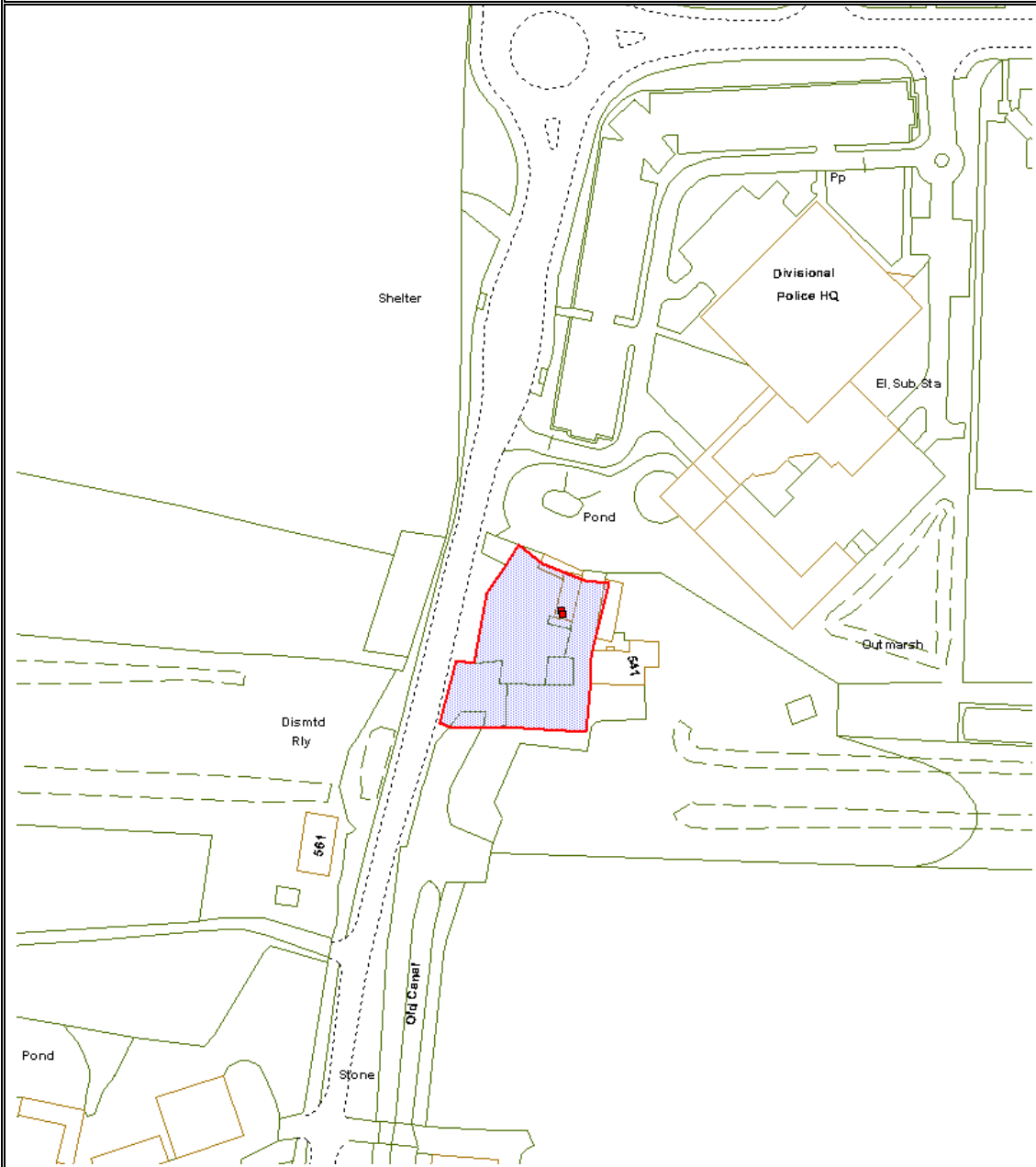


## PLANNING COMMITTEE

18 November 2004

ITEM NO: 03 (04/01361/OUT)

LOCATION: Old Railway Farm Semington Road Melksham Wiltshire  
BA14 6JX



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SLA: 100022961

**03 Application: 04/01361/OUT**

**Site Address: Old Railway Farm Semington Road Melksham Wiltshire BA14 6JX**

Parish: Melksham Without Ward: MELKW  
Grid Reference 390078 161575  
Application Type: Outline Plan  
Development: Erection of two storey building for use as warehouse, showroom and offices  
Applicant Details: Catchdecree Holdings Ltd  
541 Outmarsh Semington Trowbridge Wiltshire BA14 6JX  
Agent Details: Muston Planning  
75 Dovers Park Bathford Bath BA1 7UD  
Case Officer: Mr Aaron Smith  
Date Received: 16.07.2004 Expiry Date: 10.09.2004

**REASON(S) FOR PERMISSION:**

**The proposed development does not entirely conform to the Development Plan, although other material considerations justify the granting of a planning permission in this instance.**

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 - 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 - Policy C32.

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

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

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

- 5 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. 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. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

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

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

- 6 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

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

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

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

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

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

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

- 9 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

- 10 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

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.

**Note(s) to Applicant:**

- 1 The applicant is advised of the following requirements:

a) Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

b) Vehicles/equipment washing must be undertaken within a designated area with all wash water conveyed to the foul sewer, if available, following the prior approval of the sewerage undertaker. Should connection to the foul sewer prove impracticable, vehicle wash water should be conveyed to a sealed tank system for subsequent disposal in an approved manner. Due to the emulsifying action of detergents and other cleansing agents, wash water must not be discharge via a petrol/oil interception facility.

c) Should the proposal provide for the storage/use of substances of a potentially polluting nature, the applicant is advised to contact the Environment Agency's Area Environmental Management section, at the Bridgwater office, to discuss appropriate pollution prevention measures.

- 2 The applicant is advised that the following pollution measures must be adopted, where applicable:

a) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed.

c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent materials (regularly replaced when contaminated) to control spillage and leakage.

In addition, the Environment Agency must be notified immediately of any incident likely to cause pollution.

Environment Agency, Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS

Tel: 01278 484627

- 3 The applicant is advised to agree with Wessex Water a point of connection onto the system for the satisfactory supply of water for the proposal.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought before the planning committee as the Parish Council recommend refusal and officers recommend permission.

This is a planning application for erection of a two-storey building for use as a warehouse, showroom and offices. The site is to the south of the Melksham Police Station and is accessed via the old A350 Semington Road.

The application site is adjacent (to the west) of a Grade II Listed Building of 541 Outmarsh (The Old Railway Farmhouse and the Siding).

This application was originally submitted in Outline form including details of siting and means of access, however due to the sensitive nature of development which could affect the setting of a listed building, further details of the design and external appearance have been requested for your consideration.

The proposed building would be two storeys and would measure 13m by 24m in ground area (including overhang of canopy), 5.7m to eaves and 8.8m to ridge of the pitched roof. Details of the external materials would include reconstituted stone for the walls and a reconstituted slate for the roof, the windows and doors would be aluminium.

### **MELKSHAM WITHOUT PARISH COUNCIL**

Object on these following grounds:

- modern building out of keeping with listed building
- affect on the setting of listed building
- provision for landscaping
- anti pollution measures required

### **HIGHWAY AUTHORITY**

No objections

### **ENVIRONMENTAL HEALTH**

No objections subject to a condition

### **ENVIRONMENT AGENCY**

No objections subject to conditions

### **WILTS AND BERKS CANAL TRUST**

As part of our overall programme to restore the Wilts & Berks Canal, The Wilts & Berks Canal Trust seeks to establish a route from the Kennet & Avon Canal at Semington to connect with the River Avon at Melksham. The preferred route would pass through farmland west of the A350 road, but until this route has been secured we would expect that the protection from development on the original line would be maintained.

### **WESSEX WATER**

No objections

### **ENGLISH NATURE**

No comments



## WILTSHIRE WILDLIFE TRUST

No comments

## PUBLICITY

This application has been advertised as a Departure from the Development Plan and affecting the character / setting of a listed building.

No responses received

## RELEVANT PLANNING HISTORY

88/01374/FUL - Change of use to storage yard and erection of low profile yard office -  
Permission 13.09.1988

99/01209/FUL - Change of use from residential to class B1 and B8 - Permission 14.10.1999

## PLANNING POLICY

Wiltshire Structure Plan 2011

DP1 - Priorities for Sustainable Development

DP4 - Towns and Main Settlements

DP5 - Town Centres, District Centres and Employment Areas

DP9 - Re-use of Land and Buildings

T5 - Parking

HE7 - Conservation Areas and Listed Buildings

RLT4 - Other Canals

West Wiltshire District Plan 1st Alteration 2004

C7 - Protected Species

C21 - Outline Planning Applications

C27 - Listed Buildings

C31a - Design

C32 - Landscaping

C35 - Light Pollution

C36 - Noise

C38 - Nuisance

CA4 - Wilts and Berks Canal

E1B - New Employment Land Allocation (Melksham - south and west of the existing Bowerhill Industrial estate)

E2 - Employment Policy Areas

T10 - Car Parking

SP3 - Out of Centre Shopping

U1a - Foul Water Disposal

U2 - Surface Water Disposal

I3 - Access for Everyone

PPG1 - General Policies and Principles

PPG4 - Industrial, Commercial & Small Firms

PPG6 - Towns Centres and Retail Developments

PPG13 - Transport

PPG15 - Planning and the Historic Environment

PPG17 - Open Space, Sport & Recreation

Circular 11/95 - The Use of Conditions in Planning Permission

Wilts & Berks Feasibility Study Draft Report - April 2002

## PLANNING OFFICER'S COMMENTS

The main issues for this application include, the principle of an employment development, effect upon the setting of the Grade II Listed Building and the effect on the historic alignment of the former Wilts & Berks Canal.

### Principle of Employment Development

The principle for a new building at this existing employment site is acceptable, as it is located within the Melksham Bowerhill Industrial Estate (Allocation of E1B in the West Wiltshire District Plan 1st Alteration 2004).

### Impact on the route of the canal

The application site is located upon the historic alignment of the Wilts & Berks Canal. The proposed new building is proposed upon this alignment, in the north west corner of the application site.

Polices in the Development Plan protect this historic alignment of the canal and its associated works from inappropriate development, with a view to its re-establishment as part of a navigable waterway.

Much of the original line of the canal through Melksham has since been built upon, however in many places the line can be followed. In this case the existing employment development of the warehouse and ancillary yard (planning permission 88/01374/FUL) covers this line, in addition surrounding new buildings such as the Melksham Police Station and the new employment land designation covers over this historic route.

In such circumstances, there would be no likelihood of this particular part of the historic line of the canal being used as and when the canal is restored. In addition the Wilts & Berks Canal Trust had published a Draft Feasibility Study in April 2002 for a new canal alignment at Melksham, as "it will not now be possible to restore significant lengths of the original canal route, due to recent developments that have taken place obliterating the route" (para 2.2.1).

This document explores the potential of alternative routes for the canal around Melksham and Semington. None of these preferred alternative routes proposes to utilise the existing historic alignment at this point. Therefore given the existing site being previously developed (permission 88/01374/FUL), existing development on neighbouring sites on the historic alignment and the future intention of the Canal Trust to seek alternative routes, development on this site would not compromise the restoration of the former canal at this part.

### Impact on the historic environment and design

It is acknowledged that the design and form of the proposed building would be of a modern style, quite visually different to the Listed Building. However, it is designed to be in-keeping with existing modern employment developments in the immediate surroundings such as the Police Station. This form of building does not attempt to compete with the Grade II Listed Building (The Old Railway Farmhouse), and as such in its siting in the north west corner would not interfere with the vitally important landscaped setting of the Old Railway Farmhouse as viewed from the south (from the line of the former railway).

The bulk of the proposed two storey building would be minimised by the hipped roof form. In addition the redevelopment in the application site would tidy up the existing mixture of small ancillary buildings and the yard, which would then introduce a cleaner / enhanced setting for the historic building. As details of the external surface materials have not been submitted, a condition is recommended for a schedule of materials to be submitted.

### Other Material Considerations

The Employment Policy Area E1B is relatively accessible to residential areas at Melksham, Berryfields, Bowerhill and Semington. There would be 16 car parking spaces, including 2 disabled and a secure storage parking for 4 cycles. In respect of the highways considerations,

the Highway Authority have been consulted and have no objections to the proposed parking layout.

In respect of wildlife interest, protected species have previously been encountered along the length of the historic canal alignment. As such the relevant nature conservation bodies have been consulted and have no specific comments on this proposal. It must be noted that the application site had already been developed for employment use, and is entirely hardstanding.

Turning to the other concerns of the Parish Council regarding landscaping and potential air pollution, conditions are recommended to ensure details to be submitted.

## CONCLUSION

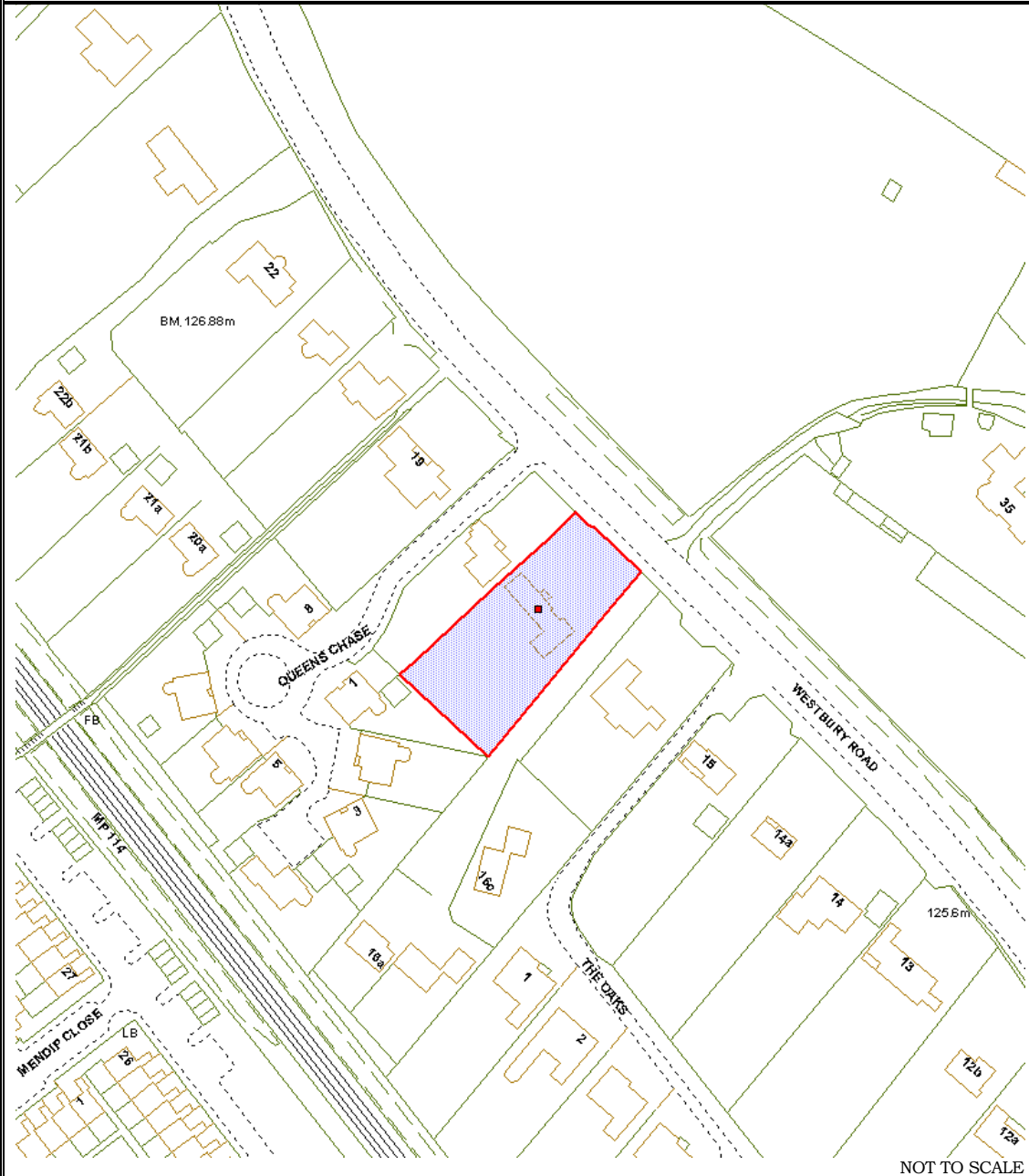
On balance, for the reasons stated above no planning objections are recommended.

## PLANNING COMMITTEE

18 November 2004

ITEM NO: 04 (04/01791/FUL)

LOCATION: 17 Westbury Road Warminster Wiltshire BA12 0AN



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SLA: 100022961

**04 Application: 04/01791/FUL**

**Site Address: 17 Westbury Road Warminster Wiltshire BA12 0AN**

Parish: Warminster Ward: WARMW  
Grid Reference 387338 145947  
Application Type: Full Plan  
Development: The replacement of an existing front boundary hedge with a new 0.5 high brick boundary wall with inset wrought iron railing panels and new 1.6m high wrought iron gates  
Applicant Details: Tim Payne  
17 Westbury Road Warminster Wiltshire BA12 0AN  
Agent Details: Richard Payne  
Peter Swann & Associates 20 Were Close Warminster BA12 8TB  
Case Officer: Miss Nicola Rogers  
Date Received: 17.09.2004 Expiry Date: 12.11.2004

**REASON(S) FOR PERMISSION:**

**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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 Within one month of the date of this permission full details of the application of colour to the railings shall be submitted in writing to the Local Planning Authority. The approved colour shall be applied no later than one month from the date of this approval.

REASON: To ensure the development harmonises with its setting.

POLICY: West Wiltshire District Plan 1st Alteration - Policy C31a.

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

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

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

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application is put to Committee as Warminster Town Council has objected to the application and your officers recommend permission.

The proposal is to replace the low hedge at the front of the property with a brick wall to 0.5 metres in height and iron railings to 1.4 metres. The wall would have brick piers measuring 0.45 metres square topped with sandstone coloured coping stones. The proposal also includes wrought iron double gates to form the entrance.

The property is a large two-storey dwelling set back from the road by approximately 20 metres. The front garden of the property is large and currently bounded to the front by a low box hedge, to the east by a 1.8 metre hedge and to the west by a 2 metre wooden fence.

This application is a revised version of a previous application for a high brick wall, refused on the grounds that it would introduce an alien feature into the street scene.

### WARMINSTER TOWN COUNCIL

Object to the application as they believe that railings are out of place in the street and would have an adverse impact on the AONB.

### HIGHWAY AUTHORITY

No objections subject to no part of the wall being erected on land forming part of the public highway.

### PUBLICITY

No comments received

### RELEVANT PLANNING HISTORY

04/00579/FUL - Boundary wall and gates, refused

### PLANNING POLICY

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

Draft Supplementary Planning Guidance - Design Guide

### PLANNING OFFICER'S COMMENTS

The main issues in this case are the suitability of the proposed boundary treatments in the location, and the effect on the street scene.

The Supplementary Planning Guidance states that boundary treatments should be chosen to respect the character of the area. In this case the majority of surrounding boundary treatments are low walls with hedges, some railings and similar gates exist on properties further down the road, towards Warminster. The town council believes that the proposal is not in keeping with the area, however a mix and variety of boundary treatments are to be found along Westbury Road, and the addition of a low wall with iron railings would not be detrimental to the street scene.

The design of the proposal is not too enclosing as the brick wall is proposed to only be 0.5 metres in height; this would retain the openness of the area, which faces onto open land whilst still providing the required security for the residents. The design of the proposal is not obtrusive and would not detract from the main house or the street scene.

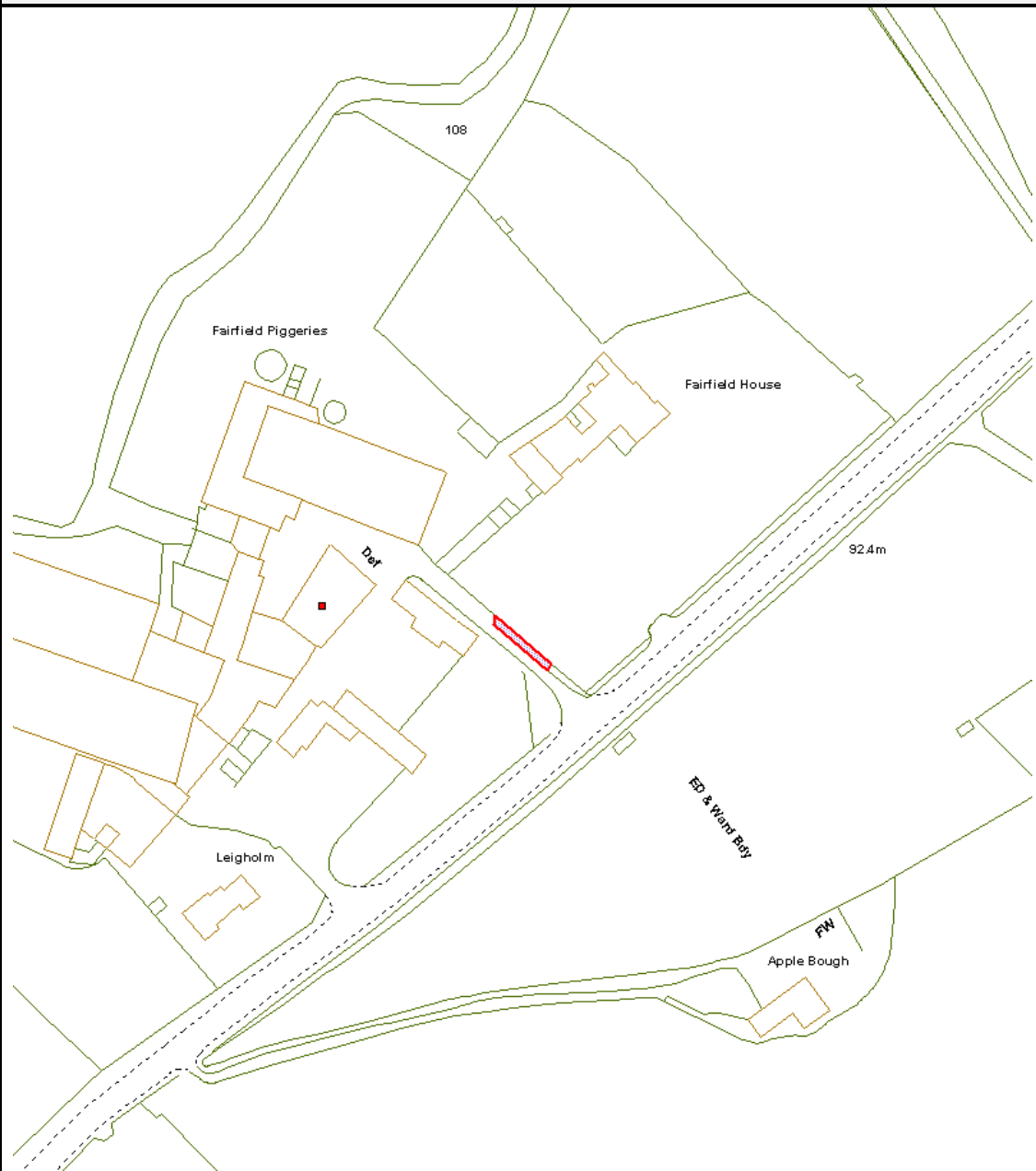
With regard to the comments made by the Town Council in terms of the effect on the AONB, the site is located approximately 3 kilometres from the closest boundary to the AONB, and within the built up area of Warminster. The proposed wall would face north east, away from the closest boundary to the AONB. Taking these facts into account, the proposed wall and railings would not have any effect at all on the AONB. Officers have spoken to the Town Council and requested that an amendment be made to their recommendation, but have been told that it cannot, even though this part of the objection is clearly incorrect.

## PLANNING COMMITTEE

18 November 2004

ITEM NO: 05 (04/01522/FUL)

LOCATION: Fairfield Piggeries Leigh Road Bradford On Avon Wiltshire



NOT TO SCALE

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SLA: 100022961



**05 Application: 04/01522/FUL**

**Site Address: Fairfield Piggeries Leigh Road Bradford On Avon Wiltshire**

Parish: South Wraxall Ward: MANORV  
Grid Reference 383431 162378  
Application Type: Full Plan  
Development: Installation of a weighbridge  
Applicant Details: R J Compton And Sons  
C/O Onward Buildings 207 Deansgate Manchester M3 3NW  
Agent Details: The Graham Bolton Planning Partnership Ltd  
Onward Buildings 207 Deansgate Manchester M3 3NW  
Case Officer: Miss Julia Evans  
Date Received: 11.08.2004 Expiry Date: 06.10.2004

**REASON(S) FOR PERMISSION:**

**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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

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

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

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

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

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

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

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

- 3 No development shall take place until full details of both hard and soft landscape works, including completion of the stone wall, 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, walls and hedgerows on the land, and details of any to be retained. The landscaping shall be maintained thereafter for a period of not less than five years. Any trees or shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

REASON: To ensure that the setting of the listed building is preserved and to provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C32.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because South Wraxall Parish Council objects and officers recommend approval.

This is a full application for the installation of a weighbridge at Fairfield Piggeries, Leigh Road, Bradford on Avon. The application site lies within the Western Wiltshire Green Belt. The weighbridge would be located to the north of the access into the Piggeries. To the north of the site is the garden of Fairfield House, which is a Grade II listed building. A stone wall bounding the garden has already been demolished, and the site of the weighbridge has been excavated and cleared of trees. To the north and west of the site lies the Piggeries buildings and associated open yard areas.

The applicant has provided the following supporting statement for the proposal:

"The proposed weighbridge is required to serve the two animal by-product processing plants at the subject site. Annex II of EU ABPR 1774/2002 Regulations concerning the processing of animal by-products requires that there is a complete record of material coming in and leaving such premises which not only relates to the source and ultimate destination, but also the weight of such material and therefore a weighbridge is essential to comply with these regulations.

You will see from the site layout plan that it is proposed to site the weighbridge, which measures 15m x 3.2m, on the access road to the two plants which is 18m inside the point of access to the site. Apart from the need to ensure that any vehicle waiting to use the weighbridge is clear of the highway, the regulations referred to above require that where two plants adjoin each other which process different categories of animal by-products, delivery vehicles for one plant must not access the operational areas of the other plant. Therefore it is essential that the weighbridge is located at a point from where both plants can be accessed without entering either of the plants operational areas. "

The weighbridge is installed in a pit with the weighing platform above. This would be flush with the road level so that vehicles can easily drive on and off of it. There are no associated buildings with the weighbridge.

## SOUTH WRAXALL PARISH COUNCIL

"If permission were to be granted it is felt that a condition should be added restricting further ancillary use as this could result in increased traffic for which the access and road would be inappropriate."

ENVIRONMENTAL HEALTH has no objections to this proposal.

HIGHWAY AUTHORITY has no highway objections.

HERITAGE DEVELOPMENT OFFICER has no concerns or objections to make regarding this application - it is evidently a necessary plant that should not have a vast detrimental impact to the surrounding site.

## PUBLICITY

The application has been advertised and neighbour notifications have been undertaken. No responses have been received.

## RELEVANT PLANNING HISTORY

There have been a number of applications on the wider Piggeries site, but none specifically covering the area of the weighbridge.

## PLANNING POLICY

Wiltshire Structure Plan 2011

DP12 Western Wiltshire Green Belt

C5 The Water Environment

HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

GB2 Control of development in Green Belt

C1 The countryside

C27 Listed buildings

C31A Design

C32 Landscaping

C36 Noise

C38 Nuisance

U1A Foul water disposal

U2 Surface water disposal

U4 Groundwater Source Protection Areas

PPG1 - General Policy and Principles

PPG2 - Green Belts

## PLANNING OFFICER'S COMMENTS

This application raises the following planning matters:

- Green Belt matters;
- Impact on the setting of the neighbouring listed building;
- Amenity issues; and
- Green Belt issues.

## Green Belt Issues

PPG2 states in paragraph 3.12 that "The statutory definition of development includes engineering and other operations, and the making of any material change in the use of the land. The carrying out of such operations and the making of material changes in the use of the land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt". The applicant has stated that the

proposal is a requirement of EU ABPR 1774/2002 Regulations, which requires the Piggeries to provide a complete record of not only the nature of the material entering and leaving the site, but also the quantities of that material. The weighbridge is set down into the ground, so that it sits flush with the ground surface. The use of the facility would be intermittent: ie. no vehicles would be parked on the facility for any length of time. In view of these circumstances, and the fact that no associated buildings are proposed with the weighbridge, the proposal is neither considered to be inappropriate development nor harmful to the Green Belt.

The application proposal is consistent with development plan policy. Policy GB2 requires that consideration is given to the environmental and highway implications of proposals in the Green Belt. In this case the proposals would not have a detrimental impact on the surrounding environment and there are no objections to the proposals raised by the Highway Authority.

The Parish Council have objected to the proposal in that they consider a condition should be attached restricting it to use just for the Piggeries so as to prevent public use. The applicant states that "the weighbridge will not be a public weighbridge but is for the sole use in connection with the animal by-product processing plants". In addition, the Highway Authority have not raised objection to the proposal. Therefore the Parish Council objection is not supported.

#### Impact on the Setting of the Neighbouring Listed Building

At the time of the site visit, works had already started in that trees had been felled, a pit for the weighbridge had been partially dug, and a stone wall had been partially demolished. The proposal would be visible from the house and grounds of Fairfield House, which is a Grade II listed building. In view of the demolition of the wall and impact of the proposal on the setting of this Grade II listed house, a consultation was initiated with the Heritage Development Officer, who considered that the proposal "is evidently a necessary plant that should not have a vast detrimental impact to the surrounding site". In view of this opinion, the proposal and its use is not considered harmful to the setting of the listed building. However, conditions have been suggested as regards protecting the remaining trees, landscaping and the partially demolished wall, in order to screen the proposal from the house and its garden.

#### Amenity Issues

The proposal lies some way from neighbouring residential properties, the nearest of which is over 60 metres away. The Environmental Health Section raise no objection to the proposal, so this, plus the proximity of neighbouring properties raises no significant amenity issues.

#### CONCLUSION

The proposal is not considered to be harmful to the openness of the Western Wiltshire Green Belt. The proposal is not considered to result in a detrimental impact on neighbouring properties, nor is it considered to be harmful to the setting of the adjacent listed building. The proposal is considered to be in accordance with the Development Plan and subject to the attached conditions, no objection is raised.



## PLANNING COMMITTEE

18 November 2004

ITEM NO: 06 (04/01229/OUT)

LOCATION: Land Adjacent 50 Methuen Avenue Melksham Wiltshire



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SLA: 100022961

**06 Application: 04/01229/OUT**

**Site Address: Land Adjacent 50 Methuen Avenue Melksham Wiltshire**

Parish: Melksham (Town) Ward: MELKN  
Grid Reference 391001 164994  
Application Type: Outline Plan  
Development: A pair of semi detached houses  
Applicant Details: Mr C Erickson  
43 Methuen Avenue Melksham Wiltshire SN12 7AJ  
Agent Details:  
  
Case Officer: Mr Aaron Smith  
Date Received: 01.07.2004 Expiry Date: 26.08.2004

**REASON(S) FOR PERMISSION:**

**The proposed development does not entirely conform to the Development Plan, although other material considerations justify the granting of a planning permission in this instance.**

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 Approval of the details of external appearance, means of access, design and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

- 4 Sufficient space for one garage and one parking space (or two parking spaces) together with a vehicular access thereto shall be provided for each dwelling, before it is occupied, in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: In the interests of amenity and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10.

- 5 The driveway 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 interest of highway safety.

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

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

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

- 7 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 - 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 - Policy C32.

- 9 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 - Policy C32.

- 10 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 & E2.



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

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

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

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

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

**Note(s) to Applicant:**

- 1 The applicant is advised that it will be necessary to agree a point of connection onto the system for the satisfactory supply of water for the proposal. You are advised to agree with Wessex Water prior to the commencement of any works on site.
- 2 The applicant is advised that a designated public Footpath No 6 is affected by the proposal. Before any works are commenced on the site, the applicant is advised to obtain a footpath diversion order from Wiltshire County Council.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because the Parish Council objects and officers recommend permission.

This is an outline planning application for a pair of semi-detached houses on land adjacent to 50 Methuen Ave Melksham. Siting is applied for now, with the means of access, design, external appearance and landscaping (the reserved matters) are reserved for future consideration, if permission is granted.

The application site which has an area of approximately 0.04 hectares, is located to the east of 50 Methuen Ave adjacent to an area of estate amenity space. There is an access to the east to private garages and a recreation ground containing a children's play area. The neighbouring properties are predominately semi-detached with rows of terraced properties.

The application site is partially located upon part of the historic alignment of the Wilts & Berks Canal.

### **MELKSHAM TOWN COUNCIL**

Object to this application:-

This application would result in over development of the site. The site is located down a very narrow road, which is already congested with cars parking on the road. If parking is going to be provided on the site the splay will encroach onto a footpath and access to a play area and will be opposite the access to garages.

#### HIGHWAY AUTHORITY

No objections subject to conditions

#### WILTS & BERKS CANAL TRUST

No comments received

#### RIGHTS OF WAY OFFICER

Can confirm the shortly to be revised route of Footpath 6 will not be affected by the proposal.

#### COUNTY LIBRARY & HERITAGE

Nothing of archaeological interest is likely to be affected by the proposal.

#### WESSEX WATER

No objections subject to conditions

#### ENVIRONMENTAL HEALTH OFFICER

The site is adjacent to the former course of the Wiltshire and Berkshire Canal, now infilled and lies 170m north east of a landfill site. Both of these uses have the potential for the generation of groundgases.

Reference to British Geological Survey sheet 265 indicates that the subject site and its locality are located on alluvial deposits, which have the potential to be gas permeable, and thence Oxford Clay at depth.

Recognising that the proposal is for the site to be developed for the most sensitive of uses, as a residential property with gardens and the groundgas status of the site is yet to be evaluated, there would be no objections subject to conditions.

#### PUBLICITY

This application has been advertised on site with a public notice and advertised as a departure from the Development Plan.

No comments have been received

#### HIGHWAY AUTHORITY

No objections to be raised subject to conditions

#### WESSEX WATER

No objections subject to conditions

#### RELEVANT PLANNING HISTORY

None

#### PLANNING POLICY

Wiltshire Structure Plan 2011

RLT4 Other Canals

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

CA4 Wilts and Berks Canal

H1 New Housing Development

T10 Car Parking  
U1a Foul Water Disposal  
U2 Surface Water Disposal

PPG1 General Policies and Principles  
PPG3 Housing

Circular 11/95 - The Use of Conditions in Planning Permission

Wilts & Berks Feasibility Study Draft Report - April 2002

#### PLANNING OFFICER'S COMMENTS

The main issues for this application are the acceptability of two new dwellings in this location, the affect of the development upon the character of the area, and the historic alignment of the Wilts & Berks Canal.

Policy H1 (New Housing Development) of the West Wiltshire District Plan 1st Alteration 2004, has established settlement boundaries for the five main towns, including Melksham. These boundaries indicate what areas are principally capable of sustaining future housing development.

Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 states that further housing development outside of the urban area, as defined by the town and village policy limits, will not be permitted during the Plan period. Therefore there is a presumption in favour of developing new dwellings within those housing limits.

The application site is in the north of Melksham. The northern boundary of the application site forms part of the northern boundary of the Melksham Town Policy Limit. The site is therefore within the existing built-up area of Melksham.

The application site is formed from two land uses, approximately 239 sq metres forms part of the domestic garden of 50 Methuen Ave and approximately 29.51 sq metres of the site forms part of Council owned land (currently estate amenity space).

The District Plan and PPG3 give priority to new housing proposals for the re-use of previously developed land. 89% of this application site is classed as previously developed land. 11% of the application site forms part of the estate amenity space, however its loss in the wider context would not compromise the provision in the neighbourhood or adversely affect the character of the area. There is a large formal children's play area and recreation field directly to the north of the application site.

Taking into account the size of the application site and the proposed number of dwellings. The application site area would constitute a theoretical density of 74 dwellings per hectare. This is larger than the recommended 30 to 50 dwellings per hectare guidance in PPG3. However, minded of the extremely large rear gardens of neighbouring properties, and the relatively compact street frontage nature of the streetscene, the addition of these two new dwellings would not result in any cramped form of development out of character with the area.

In respect of the siting and layout of the proposed dwellings would appear to respect the overall character of the area, in that they follow an approximate floor coverage as neighbouring properties and would be in-keeping with the existing pattern (semi-detached) and grain of the housing development. The proposed dwellings would compliment and respect the existing characteristics and as such fit well with the composition of the residential area.

In terms of concerns about highway safety, the Highway Authority have been consulted and have no objection to this proposal, albeit subject to the conditions recommended.

The application site is partially located upon the historic alignment of the Wilts & Berks Canal. This alignment runs alongside the eastern side of the application site.

Policy CA4 in the District Plan protects this historic alignment of the canal and its associated works from inappropriate development, with a view to its re-establishment as part of a navigable waterway.

Much of the original line of the canal through Melksham has since been built upon, however in many places the line can be followed. In this case the existing houses are built around the historic alignment, however gardens of dwellings cover over the canal line in many places and to the north of the site a group of domestic garages are built on a section of the alignment. In addition, running centrally through the housing estate are Public Rights of Way 5 and 6 appear to follow the former towpath line of the canal.

In such circumstances, there would be no likelihood of this particular part of the historic line of the canal being used as and when the canal is restored. In addition the Wilts & Berks Canal Trust had published a Draft Feasibility Study in April 2002 for a new canal alignment at Melksham, as "it will not now be possible to restore significant lengths of the original canal route, due to recent developments that have taken place obliterating the route" (para 2.2.1).

This document explores the potential of alternative routes for the canal around Melksham and Semington. None of these preferred routes are proposed to utilise the historic alignment at this point. Therefore given slight extension of the application site onto part of the historic alignment and existing development on neighbouring sites upon the historic alignment and the future intention of the Canal Trust to seek alternative routes, development on this site would not compromise the restoration of the former canal at this part.

## CONCLUSION

On balance, for the reasons stated above, there are no planning objections and permission is recommended.

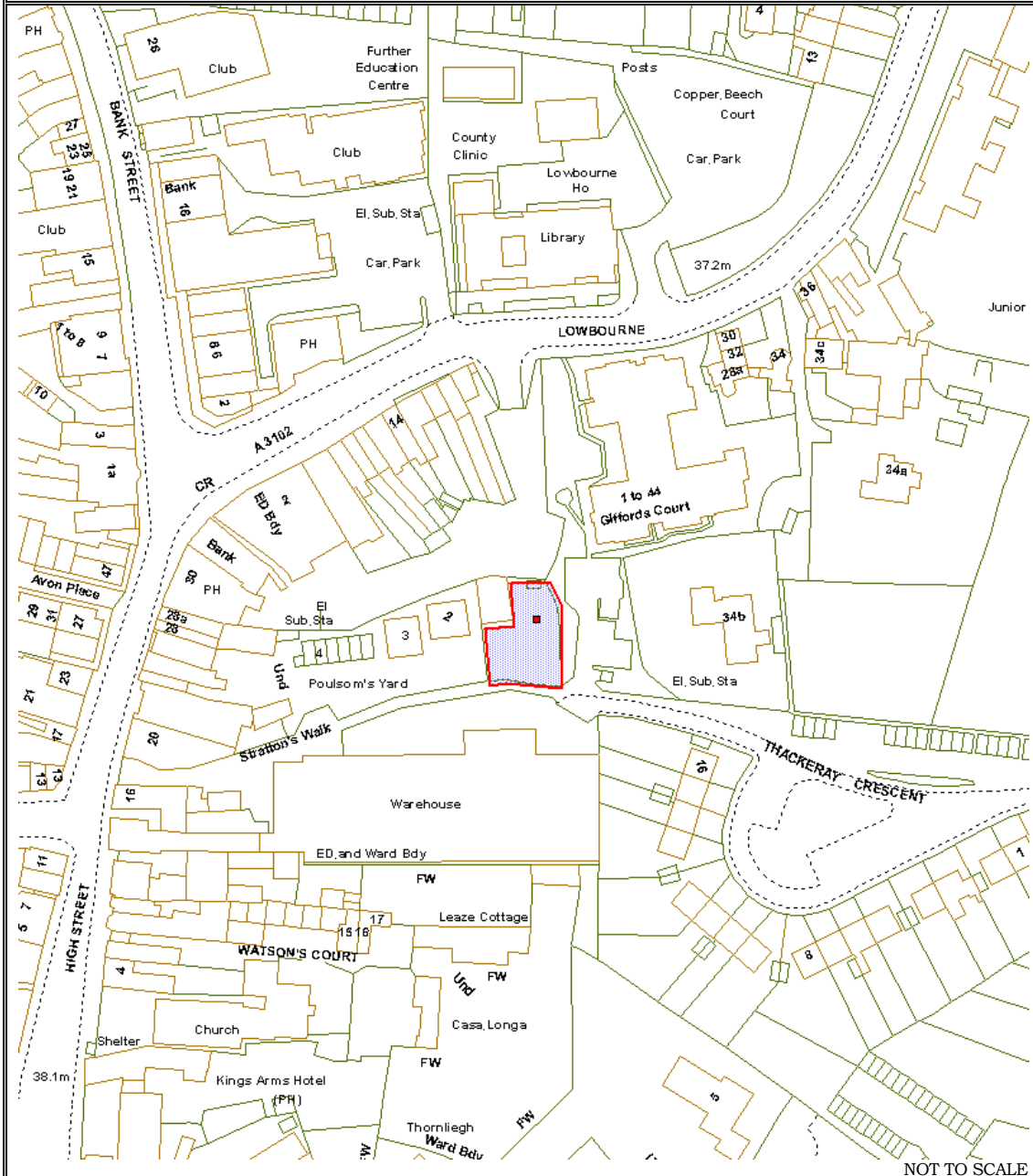


## PLANNING COMMITTEE

18 November 2004

ITEM NO: 07 (04/01530/FUL)

LOCATION: Land East Of 1 Poulsons Yard Strattons Walk Melksham  
Wiltshire



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SLA: 100022961

**07 Application: 04/01530/FUL**

**Site Address: Land East Of 1 Poulsons Yard Strattons Walk Melksham Wiltshire**

Parish:

Ward:

Grid Reference 390592 163803

Application Type: Full Plan

Development: Erection of one storey building for B1 and B2 uses

Applicant Details: Mr H J Noad  
Rose Cottage Kenn Road Kenn Clevedon Somerset

Agent Details: David R Pearce BSc Frics  
Land Development \_ Planning Consultants Ltd Lavender Cottage  
Nettleton Chippenham Wiltshire

Case Officer: Mr Russell Brown

Date Received: 11.08.2004

Expiry Date: 06.10.2004

**REASON(S) FOR PERMISSION:**

**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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

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

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

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

- 3 No plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 7.30am to 8.00pm Mondays to Fridays and 7.30am to 4.00pm 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.

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

REASON: In the interests of pollution prevention.

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

Councillor Barker requested that this application be brought to the Planning Committee in the interest of public debate.

This is an application for a detached single storey unit for B1 and B2 use within the Conservation Area. The building would be located at eastern end of Poulson's Yard in Melksham. Poulson's Yard contains several other industrial buildings of a similar type.

The proposed building would be of the same type of design and materials as the existing pre-fabricated type of buildings - concrete block walls and fibre cement roof. The building would be approximately 10 metres by 8.5 metres and have a shallow pitch roof with a ridge height of 3.4 metres. The proposal includes 3no. parking spaces.

The yard is enclosed by a stone wall and is 20 metres from a residential development as part of the overall mixed use of the site - the site is part of a mixed use allocation. The access to the site is via Stratton's Walk to the west of the site.

The applicant has stated that the building would be occupied by the existing business in units 1, 2 and 3 on site.

### **MELKSHAM TOWN COUNCIL**

No objections.

### **HIGHWAY AUTHORITY**

No objections to revised plan showing three parking spaces.

### **WESSEX WATER**

No objections.

### **ENVIRONMENT AGENCY**

No objections subject to conditions.

### **PUBLICITY**

The application was advertised by site notice and in the local press and neighbour notifications were undertaken. No responses have been received.



## RELEVANT PLANNING HISTORY

94/00561/FUL - Erection of temporary buildings for light industrial use - Permission  
20.06.1994

99/00937/FUL - Two temporary buildings for light industrial use (renewal W94/0561) -  
Permission 09.08.1999

## PLANNING POLICY

Wiltshire Structure Plan 2011  
DP4 Towns and Main Settlements

West Wiltshire District Plan - 1st Alteration 2004  
C17 Conservation Areas  
C31a Design  
C38 Nuisance  
H4 Urban Mixed Use Brownfield Allocations  
SP1 Town Centre Shopping

PPG1 General Policy and Principles  
PPG4 Industrial, Commercial Development and Small Firms  
PPG6 Town Centres and Retail Development  
PPG13 Transport

## PLANNING OFFICER'S COMMENTS

The key issues in this application are the effect of the proposal on the mixed use allocation, highways matters, neighbouring amenity and the character and appearance of the Conservation Area.

The site is within a mixed use allocation and would create an additional unit within an established commercial site.

Whilst there are minor concerns about the location of a new B2 use in proximity to adjoining residential uses, given the scale of the proposed development, and the fact that this will form an extension to an existing (on site) commercial development, there are compelling economic development grounds to allow the proposal.

Due to the proximity to residential properties conditions should be imposed limiting the amount of noise and light that can be generated from the unit.

There are 3 no. parking spaces proposed as part of the development, this is in accordance with the Highway Authority's requirements as it provides the required parking provision for a building of this size. Also, the vehicular access to the site is from the west, rather than past the neighbouring residential properties to the east, this will reduce the impact on neighbours.

The building would be a single storey structure with a height of only 3.4 metres. In its siting adjacent to existing similar buildings and behind a stone wall, it is unlikely that the building would have a detrimental impact on neighbouring residential properties. The use of the building, although in part B2, subject to amenity conditions should not be detrimentally harmful to the amenities of local residents.

The design of the building is typical of a pre-fabricated building of this type. It would match the existing surrounding buildings on site and therefore would have a neutral impact on the area. Your officers are of the opinion that there would be no greater harm to the character and appearance of the Conservation Area, and its setting than exists at the present time. Although this is a pre-fabricated building a temporary condition is considered unnecessary.

With regard to imposing a temporary condition on the proposal, paragraph 109 of Circular 11/95 states: "...it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent. ...the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard the amenities."

There does not appear to be a valid planning reason to impose a temporary permission as the suggested conditions would safeguard the amenities of the area.

## CONCLUSION

The building is acceptable to the area as it is located in an existing commercial site albeit within the Conservation Area and the amenity implications of the use would be minimised by the use of conditions. Although the site is within the Conservation Area there are similar buildings within the site and it is considered on balance that the current proposals would not result in any greater harm to the character and appearance of the locality and its impact would be neutral. The proposal is also acceptable in highways terms. Therefore the application is recommended for permission.

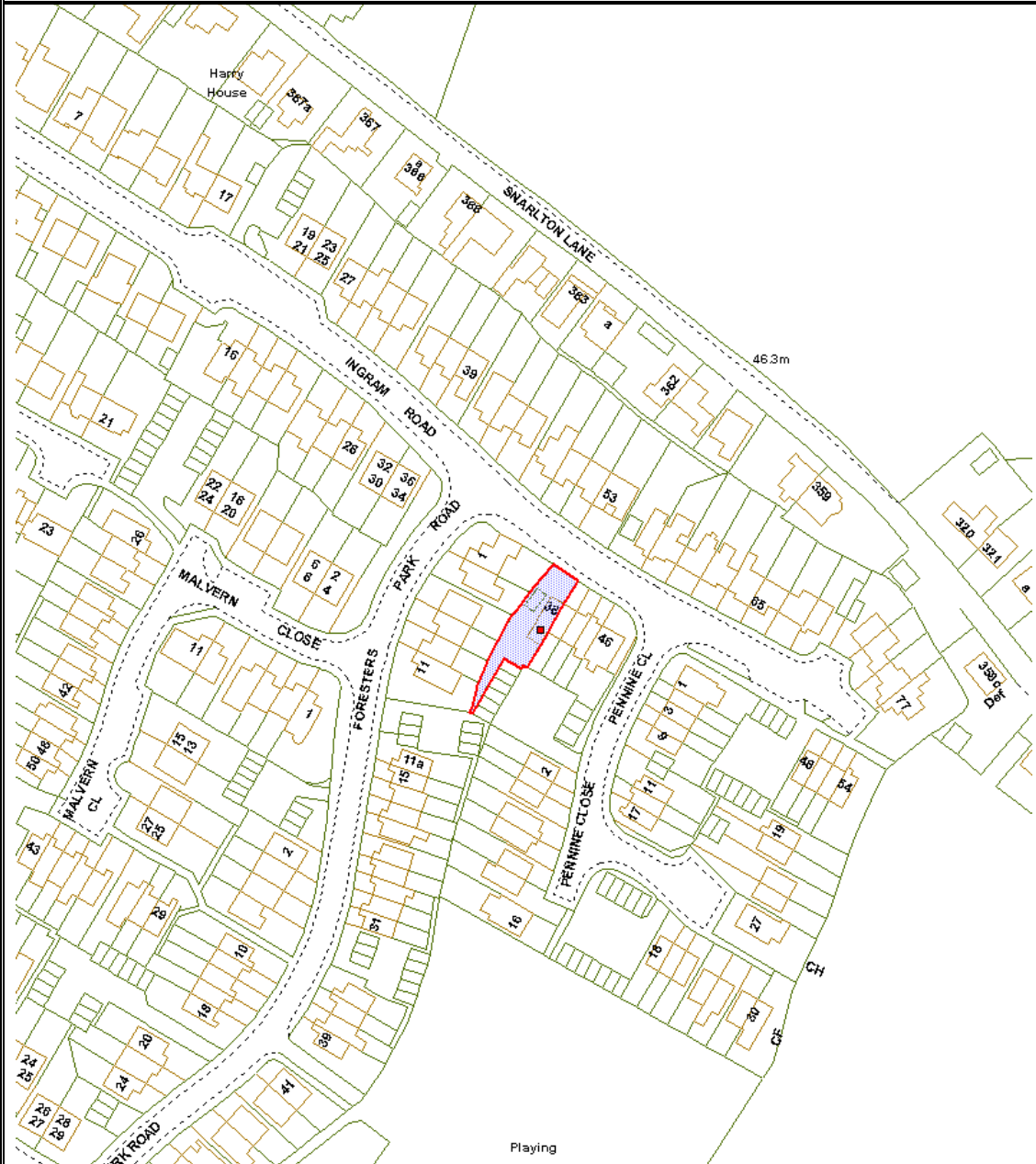


## PLANNING COMMITTEE

18 November 2004

ITEM NO: 08 (04/01852/FUL)

LOCATION: 38 Ingram Road Melksham Wiltshire SN12 7JH



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SLA: 100022961

**08 Application: 04/01852/FUL**

**Site Address: 38 Ingram Road Melksham Wiltshire SN12 7JH**

Parish: Melksham (Town) Ward: MELKWR  
Grid Reference 391612 164026  
Application Type: Full Plan  
Development: New starter house attached to existing, including alterations to existing house  
Applicant Details: Ms J Alyffe And Mr A Dougray  
38 Ingram Road Melksham Wiltshire SN12 7JH  
Agent Details: Vines & Lipscombe  
Boyers House Black Horse Lane Westbury Leigh Westbury Wilts  
Case Officer: Mrs Judith Dale  
Date Received: 27.09.2004 Expiry Date: 22.11.2004

**REASON(S) FOR PERMISSION:**

**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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

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

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

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

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1 Class(es) A to D 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.

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

REASON: In the interests of amenity of privacy.

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

- 5 The proposed parking spaces shall be laid out in accordance with the approved plan, completed and made available for use before the development is occupied and maintained thereafter for the parking of vehicles.

REASON: In the interest of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is being brought to Committee because of the objection from the Town Council contrary to the officer's recommendation.

This detailed proposal is for the construction of a two-bedroomed dwelling at the end of an existing terrace of five. The dwelling measures 3.6 metres wide, to the full depth of the adjoining terrace, shares an almost identical footprint and layout with the existing dwelling, and is to be constructed of matching brickwork under a mono-pitched tiled roof.

An existing detached garage in the side garden is to be demolished to permit the development; replacement parking for both existing and proposed units will be accommodated on grasscrete hard-standings in both front gardens.

### **MELKSHAM TOWN COUNCIL**

Objection on the following grounds: -

- Over-development of the site
- Highways/increased traffic/parking
- Loss of amenity for neighbours.

### **HIGHWAY AUTHORITY**

The Highway Authority originally recommended refusal on the grounds that the proposal only makes provision for one parking space per dwelling, below the recommended standard of two.

Following confirmation of the existing parking arrangement for those dwellings in the remainder of the terrace, a revised comment has been received.

The Highway Authority has concerns with regard to the lack of parking provision for the proposed and existing dwelling and ideally would expect two parking spaces per dwelling. However, it is understood that at other houses in the area have only one parking space or a garage located in a communal forecourt. In addition, there is on street parking available which is not encouraged, but given the residential nature of Ingram Road, parked vehicles

would not prejudice highway safety. In view of the above the Highway Authority does not feel that it would have a strong enough case to support a planning appeal on highway grounds only. In this case the proposed development with one parking space per dwelling would be acceptable.

#### PUBLICITY

Neighbours were notified of the application and five letters of objection have been received on the following grounds: -

- The area is already "over-developed"
- A further starter home is unnecessary
- Exacerbation of parking difficulties
- No provision of siting for wheelie bins or recycling boxes
- Loss of daylight/sunlight to adjacent properties
- Insufficient distance between the proposed dwelling and the rear elevations of those properties adjoining
- Proposed development is for monetary gain with the current occupier unlikely to remain at the property.

#### RELEVANT PLANNING HISTORY

03/00333/FUL - Two-storey extension - Refused 24.06.03

03/01513/FUL - Two-storey extension and associated works - Permission 21.10.03

#### PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

H1 Housing

C31a Design

T10 Parking

PPG3 Housing

#### PLANNING OFFICER'S COMMENTS

The main issue with this application is the appropriateness of this form of development within this residential area.

Policy H1 permits new housing development where: -

- Siting, layout and design considerations are satisfactory and in keeping with the character of the surrounding area.
- It does not create inappropriate backland or tandem development.
- It does not result in the loss of an open area or visual gap important for recreational or amenity reasons.
- It provides safe and convenient access to the highway without creating transport problems.

Despite objections from the Town Council and several neighbouring residents, it is considered that this proposal meets the requirements of this policy in a number of ways.

The proposed unit is an end of terrace two-bedroomed property, identical in size and type to the existing host property. The amenity area and garden space for both existing and proposed dwellings would be equal to, or larger than, adjoining central terrace properties

In terms of footprint, the proposed dwelling would, in fact, be smaller than a two-storey side extension previously permitted on this property in October 2003 (03/01513/FUL)

Although concern has been expressed over the 10-metre distance between the proposed side elevation and the rear elevation of those properties located at right angles in Forresters Park Road, this replicates the arrangement previously permitted with that approved extension. Significantly, this point has been raised by a neighbour living opposite the site and not by the residents who may be deemed to be affected by the "repositioning" of the side elevation

The repositioned side elevation proposes a landing window only at first floor level which could, of course, be obscurely glazed and be retained as such be condition

With regard to the parking arrangements, the proposal shows one parking space each for both host and proposed dwellings in their front gardens. While the Highway Authority has expressed a preference for two spaces, and initially objected to the proposal on the grounds of this shortfall, the existing parking arrangements for this terrace of properties, (and others), is for no on-site parking but with one allocated garage in a nearby garage forecourt. Additional parking, if required, is provided by the roadside or within the garage forecourts, but clearly on a non-allocated basis. In view of the current arrangement, to insist on the on-site provision of two spaces in this case would clearly be unreasonable

The design and external appearance of the new dwelling replicates the rather unusual detailing of the existing terrace, with the existing mono-pitched roof over the existing dwelling being "transferred" to the new unit, thus maintaining the visual integrity of the existing terrace.

Other concerns expressed about the need for this unit, the location of wheelie bins and the intentions of the applicant in submitting this application are not valid planning considerations.

## CONCLUSION

In the light of the above, the proposal is considered to meet the requirements of the Council's policy for new development and there would appear to be no planning reasons for resisting permission.



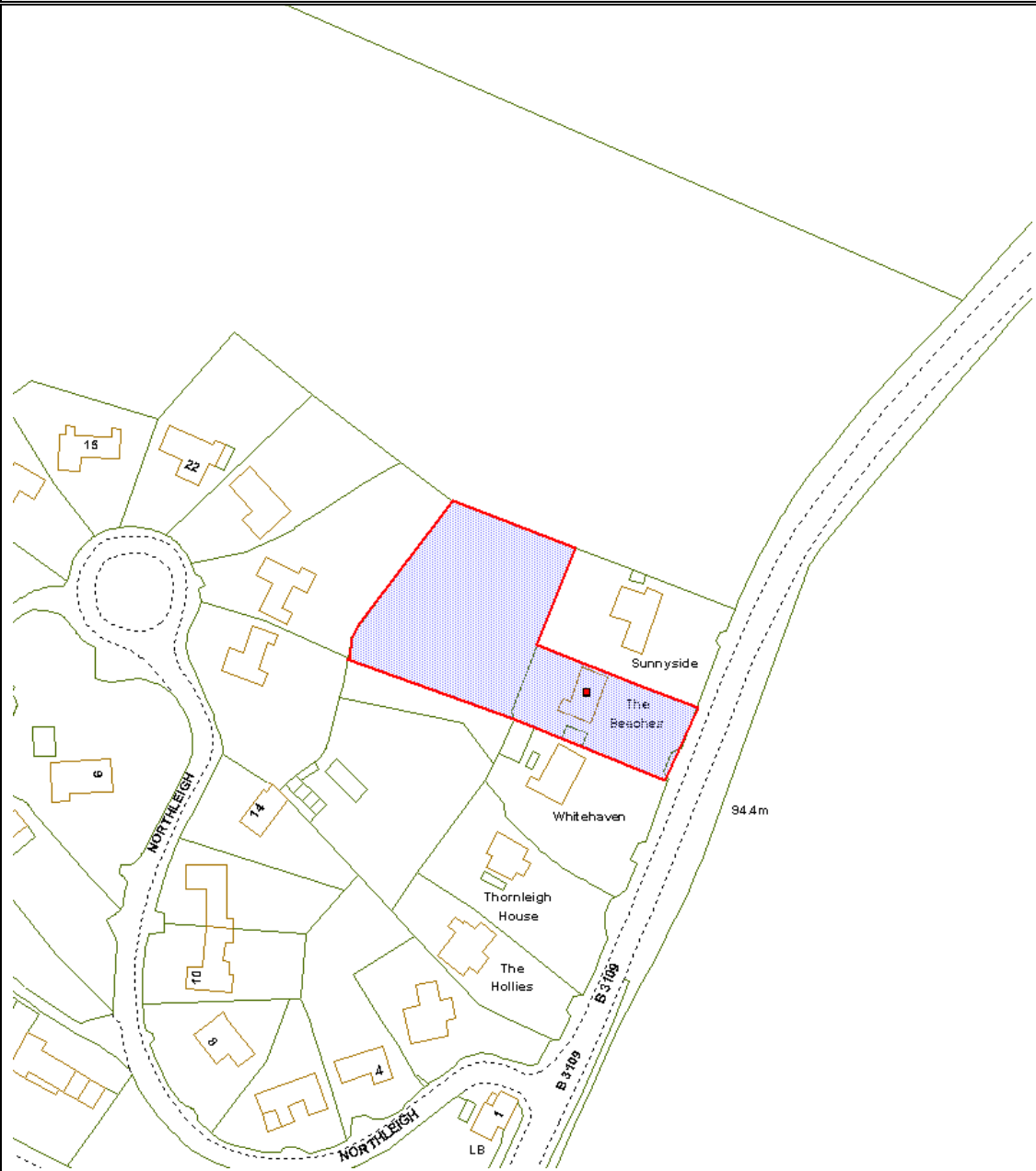


## PLANNING COMMITTEE

18 November 2004

ITEM NO: 09 (04/01934/FUL)

LOCATION: The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ



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SLA: 100022961

**09 Application: 04/01934/FUL**

**Site Address: The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ**

Parish: Bradford On Avon Ward: BOANTH  
Grid Reference 383206 162085  
Application Type: Full Plan  
Development: Alterations and extension  
Applicant Details: Mr And Mrs J D Thomson  
The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ  
Agent Details:  
  
Case Officer: Mr Aaron Smith  
Date Received: 11.10.2004 Expiry Date: 06.12.2004

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The size, bulk, mass and form of the proposed extensions would result in disproportionate additions over and above the original building and therefore inappropriate development, which would not maintain the openness of the Western Wiltshire Green Belt. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. This proposal is therefore contrary to Policy GB2 of the West Wiltshire District Plan 1st Alteration and Planning Policy Guidance Note 2 (Green Belts).

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because the applicant's partner is a member of the Council's staff and has declared an interest.

This application proposed new ground and first floor extensions to The Beeches, Leigh Road, Bradford on Avon, the individual elements of the proposal are described in detail in the Officer's comments below.

The existing property is a bungalow built of reconstituted stone and concrete roof tiles. There is a detached prefabricated garage to the immediate south of the bungalow and a flat roofed sunroom to the rear. The accommodation is on one floor and comprises a kitchen, dining room, living room, three bedrooms and a bathroom. The bungalow has a large back garden and is set back from the highway.

The applicant also proposes to demolish the existing garage to the south of the dwelling, however there still be provision for at least two off-street car parking spaces within the curtilage.

This is a revised planning application for extensions and alterations to the original building following the granting of permission in June 2004. The additions to that already approved include: -

- An increase of the depth of the extension at both the ground and first floor levels on the west elevation, to increase the overall depth by 0.5 metres.

- Addition of a new first floor dormer window on the west elevation.

#### BRADFORD ON AVON TOWN COUNCIL

No comments.

#### PUBLICITY

No comments received.

#### RELEVANT PLANNING HISTORY

02/00864/FUL - Ground and first floor extensions - Refused 14.11.2002

APP/F3925/A/02/1105797 - Ground and first floor extensions - Dismissed 25.07.2003

04/00423/FUL - Alterations and extensions to existing dwelling - Permission 24.06.2004

#### PLANNING POLICY

Wiltshire Structure Plan 2011

DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan - 1st Alteration 2004

GB2 The Western Wiltshire Green Belt

C1 The Countryside

C31a Design

C38 Nuisance

PPG1 General Policies and Principles

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

Supplementary Planning Guidance (House Alterations and Extensions)

#### PLANNING OFFICER'S COMMENTS

The main issues for this application are the presumption against inappropriate development in the Western Wiltshire Green Belt, the planning history of the application site, design and neighbouring amenity.

The starting consideration for these extensions and alterations to this dwelling within the Western Wiltshire Green Belt, is Policy GB2 (iv) of the West Wiltshire District Plan 1st Alteration 2004. This states that approval will not be given, except in very special circumstances for development other than the limited extension and/or alteration of existing dwellings provided it does not result in disproportionate additions over and above the size of the original building.

If a proposal would result in disproportionate additions to the original building then it would represent 'inappropriate development' as defined in PPG2 (Green Belts). There is a strong presumption against inappropriate development within Green Belts. Such development shall not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, which would lead to a loss of openness, the fundamental attribute of Green Belts.

Green Belt policy requires the extent of the original building to be established. In this case the Inspector who dismissed the earlier application, stated that it was unlikely that either the sun room and garage was part of the original dwelling. Therefore these have not been counted as part of the original dwelling house. The approximate volume of the original building is 432m<sup>3</sup>.

This scheme essentially proposes 4 elements of new extensions to the original dwellinghouse. These elements include:

- E1 - Revised east elevation proposed a porch and roof lights - 9m<sup>3</sup>
- E2 - West elevation single storey kitchen, dining and family room extension - 132.9m<sup>3</sup>
- E3 - West elevation first floor master bedroom and en-suite extension - 39.7m<sup>3</sup>
- E4 - West Elevation dormer window with gable end - 4.8m<sup>3</sup>

Original dwelling = 432m<sup>3</sup>

Total of E1+E2+E3+E4 = 186.4m<sup>3</sup> = 43.1% increase over the size of the original building

The three proposed main extension elements on the west elevation, and the east elevation porch are themselves individually considered to be limited extensions. However consideration needs to be given to whether these four elements combined would result in disproportionate additions in relation to the original building.

The principle of limited extensions to this property had been established by planning application reference 04/00423/FUL, granted in 2004. The total bulk of the extensions in that case totalled 150.2m<sup>3</sup>. In this case the current proposal would provide an additional 36.2m<sup>3</sup> of accommodation. These additional extension elements comprise of:

- An increase of the depth of the extension at both the ground and first floor levels on the west elevation, to increase the overall depth by 0.5 metres.
- Addition of a new first floor dormer window on the west elevation.

The Inspector's decision letter of the 2003 Appeal states that in that case a volume increase of 39.7% to the overall volume of the original building was considered disproportionate, and dismissed the Appeal. The Council had successfully negotiated limited extensions to the original building in application 04/00423/FUL and approved a limited 34.8% increase.

The volume calculation is a statistical representation of the increase of bulk to the original building. In this case an increase in bulk of extensions of 43.1% would appear disproportionate in relation to the original building. It must be noted that this current increase of bulk is over that previously refused by the Council in 2002 and that dismissed by the Inspector in 2003.

The increase in bulk represents a disproportionate increase to the original building, and therefore inappropriate development, which is by definition harmful to the Western Wiltshire Green Belt.

The Green Belt's openness is its most important attribute. The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

In this case the west elevation extensions would consist of substantial extensions and alterations which significantly alter the roof in mass and proportion. The roof would be dominated by two competing gable ends and the total mass and scale of the alteration to the existing simple bungalow design would appear visually intrusive and gives a more prominent form of house development, which due to the disproportionate bulk of the extensions would therefore not maintain the openness of the Western Wiltshire Green Belt.

Turning to whether the applicant has demonstrated that any very special circumstances are present which would outweigh the presumption against inappropriate development. The Council considers that no such circumstances are present and the presumption against inappropriate development has not been outweighed.

In respect of neighbouring amenity the Supplementary Planning Guidance (House Alterations and Extensions) states that planning permission will not be granted for an extension where the position of the windows will directly affect the neighbour's privacy.

The position of the proposed dormer window to serve bedroom 3 would be located in close proximity to the boundary. There would undoubtedly be some degree of overlooking of the neighbour's (Sunnyside) garden, however the portion potentially overlooked would be the very rear.

In design terms the proposed extensions would appear subservient to the host building and the other design features and alterations are designed so as minimise their effect upon the appearance of the dwelling. The proposed materials, including the use of timber framing on the walls of the extension provide character with a modern contemporary look to this modest bungalow.

## CONCLUSION

As stated above, the proposed extensions to The Beeches.

Would consist of disproportionate additions and extensions to the original building and would therefore amount to inappropriate development in the Western Wiltshire Green Belt;

Would not maintain openness of the Western Wiltshire Green Belt; and

No very special circumstances have been provided to justify any very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm.

For the reasons stated above, this application is recommended for refusal.

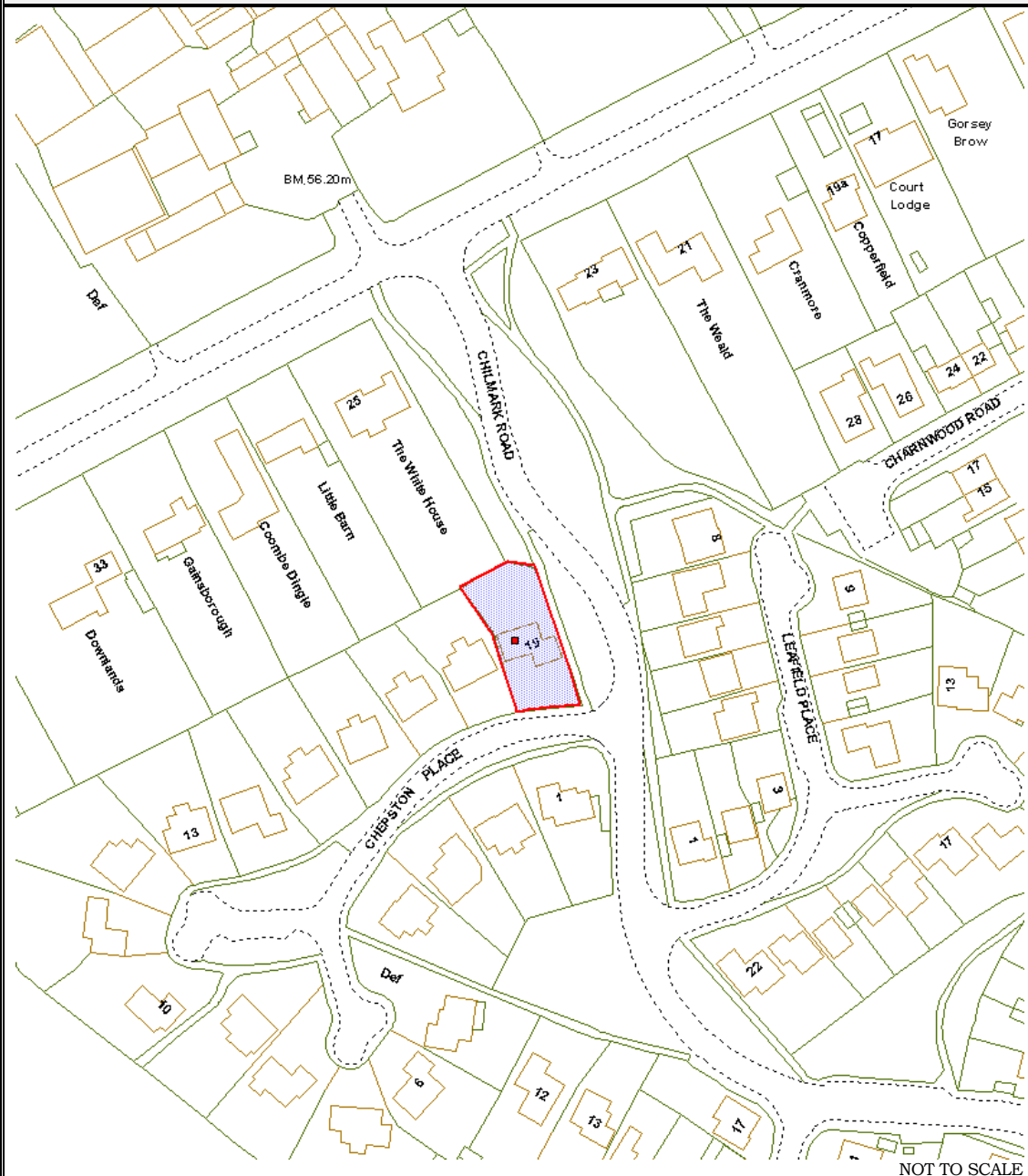


## PLANNING COMMITTEE

18 November 2004

ITEM NO: 10 (04/01802/FUL)

LOCATION: 19 Chepston Place Trowbridge Wiltshire BA14 9TA



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SLA: 100022961



**10 Application: 04/01802/FUL**

**Site Address: 19 Chepston Place Trowbridge Wiltshire BA14 9TA**

Parish: Trowbridge Ward: JOHNGT  
Grid Reference 383871 158257  
Application Type: Full Plan  
Development: Lightweight wooden lean-to construction with tiled roof at the west elevation of the property  
Applicant Details: M A McCambridge  
19 Chepston Place Trowbridge Wiltshire BA14 9TA  
Agent Details:  
Case Officer: Mr Mark Reynolds  
Date Received: 16.09.2004 Expiry Date: 11.11.2004

**REASON(S) FOR PERMISSION:**

**The proposed development would not result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.**

**RECOMMENDATION: Permission**

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because the Town Council object to the application and the officer recommends permission.

This is a retrospective planning application for a single storey lean-to construction erected at the south west side elevation of this property. The property in question is a detached red brick house with brown roofing tiles.

The lean-to construction measures 6m in length, 2.5m in width and it is 3m in height to the ridge of the mono-pitched roof sloping to 2m in height at eaves level. The lean-to extension has been constructed utilising timber which has been stained brown. The lean-to employs a tiled roof which matches the existing dwelling.

### **TROWBRIDGE TOWN COUNCIL**

Objection on grounds of the design being out of keeping with the use of materials in use on that estate.

## PUBLICITY

Neighbours have been notified and one neighbour letter was received raising the following objection: -

- Part of the edifice overhangs neighbouring property
- Drainage
- Wooden facing material inappropriate
- Smell and health risk from pests

## RELEVANT PLANNING HISTORY

93/01504/FUL - First floor extension  
02/00984/FUL - Extensions

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004  
C38 Effects of development on neighbouring properties  
C31A Design

PPG1 General Policies and Principles

SPG Supplementary Planning Guidance - Household Alterations and Extensions

## PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are the impact which the scheme would have upon neighbouring amenity and the impact which the proposal would have upon the street scene.

To consider the issue of neighbour amenity it is noted that the extension is in close proximity to No.18. This being said the dwelling at No.18 is positioned approximately 2m from the boundary with the application site. The east facing elevation of the property at No.18 is a blank gable wall and there should not be any impact in terms of overshadowing, overbearing or a loss of privacy to this neighbouring property. A neighbour letter raised the prospect of smells and pests as a result of the open side of the extension. This is not however a planning matter and the Environmental Health legislation may deal with this if this manifests itself as a problem. The extension positioned slightly stepped back from the building frontage at the side elevation should not impinge on any other neighbours amenity.

In terms of the extensions impact upon the street scene the following may be considered. There is evidence of side extensions within the street scene and provided that they represent subordinate additions and are acceptable in terms of relevant district plan policies and the Supplementary Planning Guidance - Household Alterations and Extensions then they may be permitted. The side extension is stepped back from the existing dwelling and is modest in size therefore establishing it as subservient to the original dwelling.

The Town Council and a neighbour letter raised the issue that the materials used were out of keeping with the surrounding area. Whilst the Council would prefer to have seen a brick built structure in this location, it is felt that the wooden structure which has been stained to be sympathetic in colour to the existing dwelling is acceptable. It is noted that the structure is partially obscured from view by an existing fence structure. Further, whilst this proposal is acceptable in visual amenity terms the applicant has also planted a passion flower plant that it is suggested will grow at a rate of 6-8 feet in the first year thereby in future reducing the visibility of the extension.

The applicant has submitted a selection of photos of similar styled extensions within five minutes walk from the application site. Whilst the Officer cannot confirm whether planning permission was required for all of the extensions depicted in the submitted photos it is likely that some of these extensions would have required express planning permission.

Notwithstanding the issue of whether planning permission was required the submitted photos illustrate that a diversity of construction materials have been utilised in this area.

The neighbour letter received raised the issue of potential run off into the neighbouring property at No.18 this cannot be controlled by the planning department. The neighbour further comments that the extension overhangs their property. Notice was served on the neighbour and this is a civil matter to be resolved between the applicants and the neighbours.

## CONCLUSION

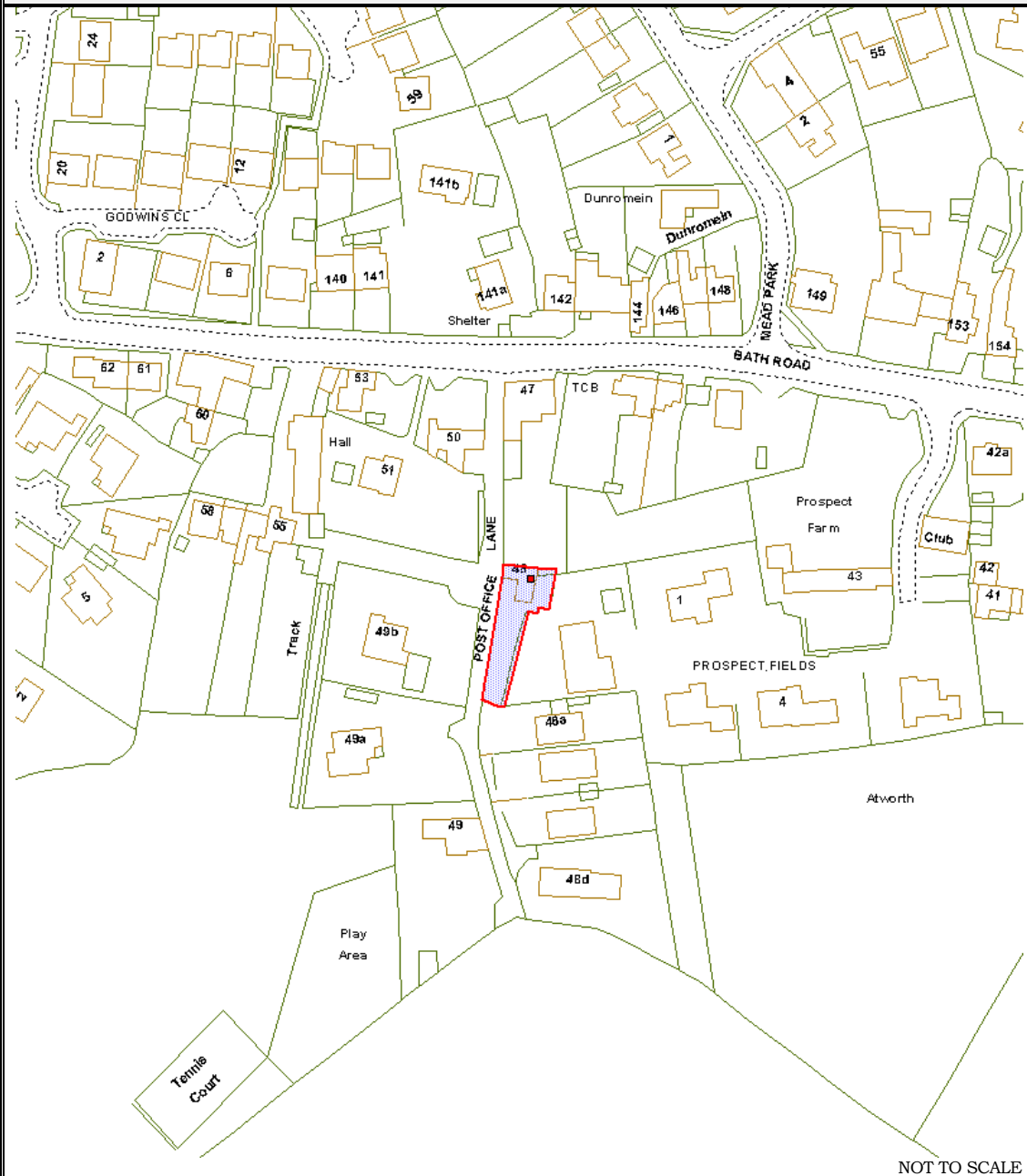
In conclusion the extension would not harm neighbour amenity and it is acceptable in design terms.

## PLANNING COMMITTEE

18 November 2004

ITEM NO: 11 (04/01815/FUL)

LOCATION: 48 Bath Road Atworth Wiltshire SN12 8JX



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SLA: 100022961

**11 Application: 04/01815/FUL**

**Site Address: 48 Bath Road Atworth Wiltshire SN12 8JX**

Parish: Atworth Ward: ATWHIT

Grid Reference 386568 165903

Application Type: Full Plan

Development: Annex to house

Applicant Details: Mr S R Jordan  
48 Bath Road Atworth Wiltshire SN12 8JX

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 22.09.2004 Expiry Date: 17.11.2004

**REASON(S) FOR PERMISSION:**

**The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.**

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

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

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

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

- 3 The property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, the main dwelling and it shall not be let or sold as separate accommodation.

REASON: Because the creation of a separate dwelling unit would be contrary to planning policy in this area.

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

- 4 The loft space window to the western elevation 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.

- 5 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

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

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

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

REASON: In the interests of amenity and privacy.

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This is a full planning application for the conversion of a detached garage at 48 Bath Road for use as a residential annexe to the dwelling on the property. The external appearance of the garage would be changed only on the southern elevation with the garage door being replaced by a window. The interior would be altered to accommodate one bedroom, a kitchen/lounge area, and a bathroom. An existing stairway to an attic space would be removed and replaced by a ceiling hatch.

### **SITE AND SURROUNDING AREA**

The property falls within Atworth Village Policy Limits. It is situated in a side branch of Bath Road to the south of the main road itself (known as Post Office Lane). The property is not located within the Conservation area.

The proposed annexe is located ±17m from the dwelling. There is a parking area and garden between the two structures. There is an area to the south of the proposed annexe that provides the access.

The building itself occupies a footprint of ±30m<sup>2</sup> (5x6m) in the southern portion of the domestic curtilage of No. 48. It is located immediately adjacent to the roadway, and some 16m from the neighbouring dwellings to the east. To the west a substantial hedge defines the road boundary opposite the building, and the dwelling beyond is some 15m away at the nearest point.

## ATWORTH PARISH COUNCIL

Objects to the proposal. The Council views the proposal as overdevelopment of the site, which would not be acceptable as a new build. Parking is also inadequate. The Council suggests conditions restricting occupation and linking the annex to the primary dwelling if the LPA is minded to grant permission.

## CONSULTATION

### Highway Authority

Does not object to the proposal. A condition permanently linking the accommodation to the dwelling is recommended.

## PUBLICITY

Neighbours were notified of the proposal. 6 Letters of objections were received. The following observations were submitted:-

- Parking is an issue;
- The doorway on the western elevation opens directly onto the roadway, creating a hazard;
- The building would not really be an annex it is separate and located far from the dwelling;
- Conditions on occupation and linkage to the dwelling should be imposed;
- The building hasn't been used as a garage, but as business premises;
- Increased traffic would become a problem in Post Office Lane, importantly for children that at present are able to play freely in the area ;
- There is upstairs storage space which must not be converted to habitable space;
- Loss of privacy and increase in noise; and
- Affects on amenity and property values.

## RELEVANT PLANNING HISTORY

95/00004/FUL : Extension : Permitted

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

C38 - Effects of development on neighbouring properties

C31a - Design

T10 - Parking

PPG 1 - General Policies and Principles

SPG on House alterations and extensions.

## PLANNING OFFICER'S COMMENTS

The main issue relevant to the application is that of the impact of the development on neighbouring amenity.

The building which now forms the subject of this application already exists, but its conversion must be examined in terms of the affect on the surrounding area. The proposed accommodation would include - one bedroom of 2.6x3.3m, an en-suite bathroom and combined kitchen/dining area within a building of limited scale. There would be no overlooking or overshadowing issues.

The proposed annexe is approximately 17 metres from the dwelling, but this in itself would not comprise grounds for refusal. The removal of the staircase would prevent the use of the loft as habitable space.

The Highway Authority does not object to the proposal, provided that the property is not subdivided in the future. There is a gap of  $\pm 1\text{m}$  between the roadside doorway and the street, with a low garden wall to the north of the doorway. There are 6 dwellings gaining access from "Post Office Lane" beyond the garage, and the road is narrow and not conducive to speed.

In the light of the objections, the applicant has confirmed in writing that the accommodation would be restricted to use by a member of the main household. The intention is furthermore that the annexe and the dwelling would remain as one planning unit. A condition relating to the latter should be made applicable.

## CONCLUSION

Overall it is considered that no policy objection can be made to the proposal. The proposed conversion of the garage is consistent with Policies C31A and C38 of the West Wiltshire District Plan 1st Alteration, as it would have no detrimental impact on surrounding residential amenity. There are no material considerations which outweigh this policy consideration.



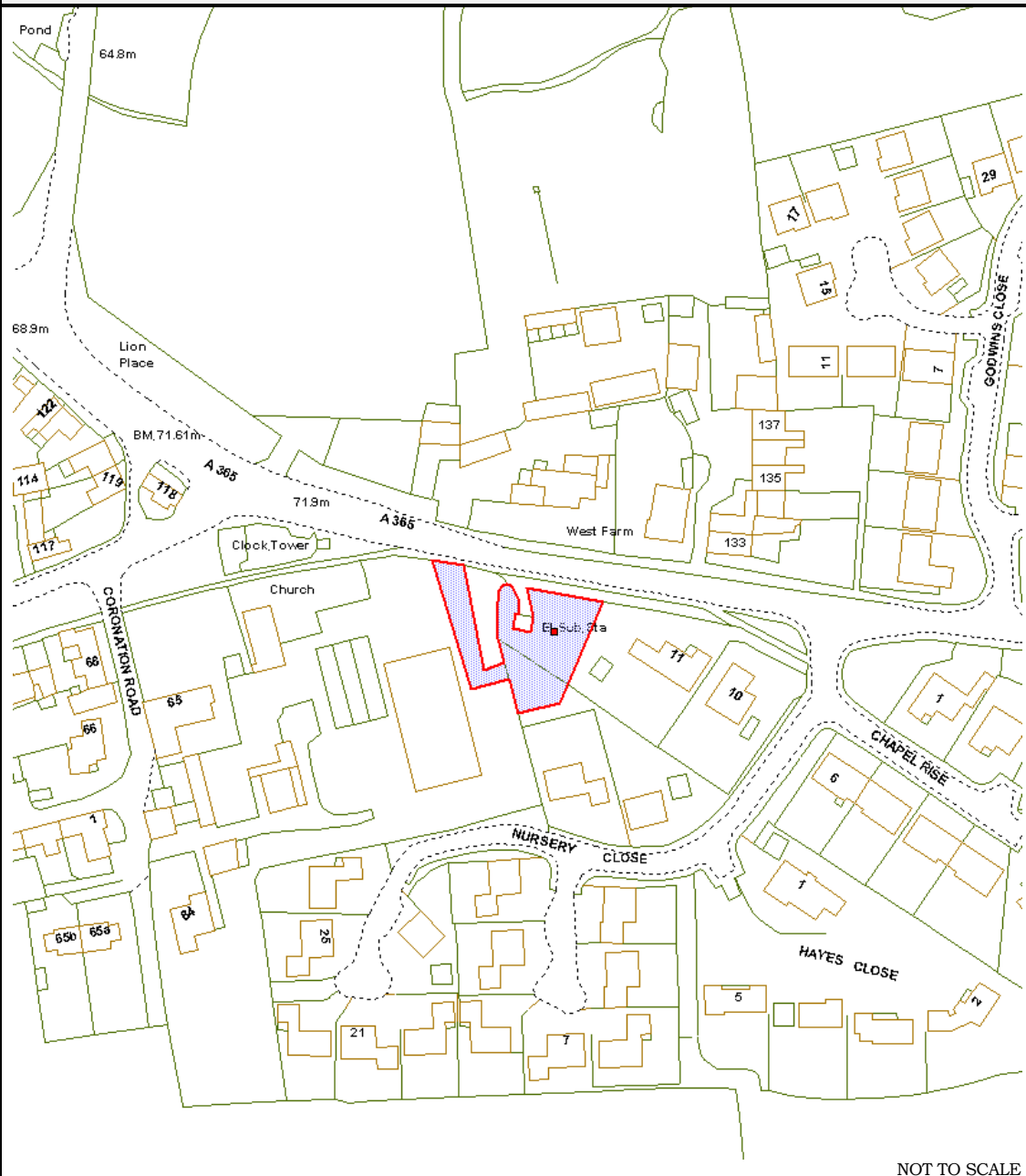


## PLANNING COMMITTEE

18 November 2004

ITEM NO: 12 (04/00275/FUL)

LOCATION: Land Adjacent 11 Chapel Rise Atworth Wiltshire



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SLA: 100022961

**12 Application: 04/00275/FUL**

**Site Address: Land Adjacent 11 Chapel Rise Atworth Wiltshire**

Parish: Atworth Ward: ATWHIT  
Grid Reference 386324 165969  
Application Type: Full Plan  
Development: Erection of detached dwelling and garage and associated siteworks  
Applicant Details: Ashford Homes (SW) Limited  
Doric House Merlin Way Bowerhill Melksham Wiltshire  
Agent Details: Vines And Lipscombe  
Boyers House Black Horse Lane Westbury Leigh Westbury Wilts  
Case Officer: Mr Matthew Perks  
Date Received: 17.02.2004 Expiry Date: 13.04.2004

**REASON(S) FOR PERMISSION:**

**The proposed development is in accordance with the Development Plan and would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene.**

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 The development hereby permitted shall not be occupied prior to the completion of a 2m wide, 55 m long footpath between Chapel Rise and the Former Nursery Site (Clocktower View) to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

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

REASON: In the interests of highway safety.

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

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

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

- 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 - Policy C32.

**Note(s) to Applicant:**

- 1 The applicant is advised to contact Wessex Water (01225 526000) prior to the commencement of any works on site with regard to linkage to the foul sewer system and water supply.
- 2 The applicant is advised to contact Southern Electric prior to the commencement of any works on site with regard to the health and safety issues and the protection of local electricity infrastructure.

## **COMMITTEE REPORT**

### **DETAILS**

This matter is referred to Committee because it affects a decision in respect of the original Planning Application that was considered by Committee in May 2004.

This is a request by the applicant for Council to issue the Planning Consent in respect of Application 04/00275/FUL, (New House on Land Adjacent to 11 Chapel Rise, Atworth) without the completion of a S106 obligation in respect of footway improvements.

### **BACKGROUND**

At the Planning Committee on 13th May 2004 the above application was considered and it was resolved that:-

"Planning permission be granted at a future date in the event of the head of Regulatory Services being satisfied as to the completion of a S106 obligation in respect of footway improvements".

This resolution was in response to the Parish Council's recommendation that the developer be required to upgrade the footpath between Chapel Rise and the Clock Tower to the recognised Council standard as part of the development.

The S106 agreement has not yet been entered into for reasons outside of the control of the applicant. The works would have to be carried out by contractors under the auspices of the Wiltshire County Council as Highway Authority. Whereas the applicant is already involved in carrying out works to the roadway in relation to an adjacent development in the area using agents for the Highway Authority, it is proposed that the required footway improvements be dealt with as part of this activity.

The applicant has negotiated with Messrs. Ringway Parkman, as agents for the Highway Authority (WCC) for the carrying out of the works. The WCC Area Highway Engineer has in turn made a proposal for the works including costs, which the applicant has accepted. The Area Highway Engineer has verbally confirmed that the exchange of correspondence between the Authority and the applicant constitutes a contractual agreement for the works to be carried out. The relevant documents are attached to this report.

#### PLANNING OFFICER'S COMMENTS

The works proposed by the Area Highway Engineer and agreed to by the applicant would widen the footway to 2m for a length of 55m fronting 11 Chapel Rise. This would widen the footpath between the entrance to Chapel Rise/Nursery Close and the entrance to the Former Nursery Site (Clock Tower View) development where the other works being carried out to the roadway are located.

It is considered that the cumulative effect of the works would create a satisfactory and improved situation with regard to the walkway. The completion of the works carried out in terms of the arrangement between the applicant and the agents for the Highway Authority would obviate the need for a S106 agreement.

An appropriate condition guaranteeing the completion of the works would need to be imposed. Since the works would take place on land outside the applicant's ownership, this would need to take the form of a Grampian condition. This form of condition makes it lawful for a local planning authority to grant planning permission, even in respect of land not within the planning applicant's ownership, subject to a negative condition restricting its implementation, in whole or in part, until some event has occurred. In this case the prevention of occupation of the development until the works had been completed would ensure that the walkway is completed.

#### CONCLUSION

Provided that the highway works are completed prior to the occupation of development on site, the agreement between the applicant and the agents for the Highway Authority would meet the intended purpose of the S106 Agreement. The works could be completed in the near term, reducing the overall period of disruption alongside the roadway fronting Chapel Rise and the Former Nursery Site (Clock Tower View).

#### RECOMMENDATION

It is recommended that the applicant's request for Planning Permission to be issued without the requirement for the completion of a Section 106 be granted. The conditions made applicable to the Permission should however be expanded to include a Grampian condition preventing occupation of the development prior to the completion of the highway works (see Condition 6 above).