

PLANNING COMMITTEE

23 JUNE 2005

Planning Applications for Determination

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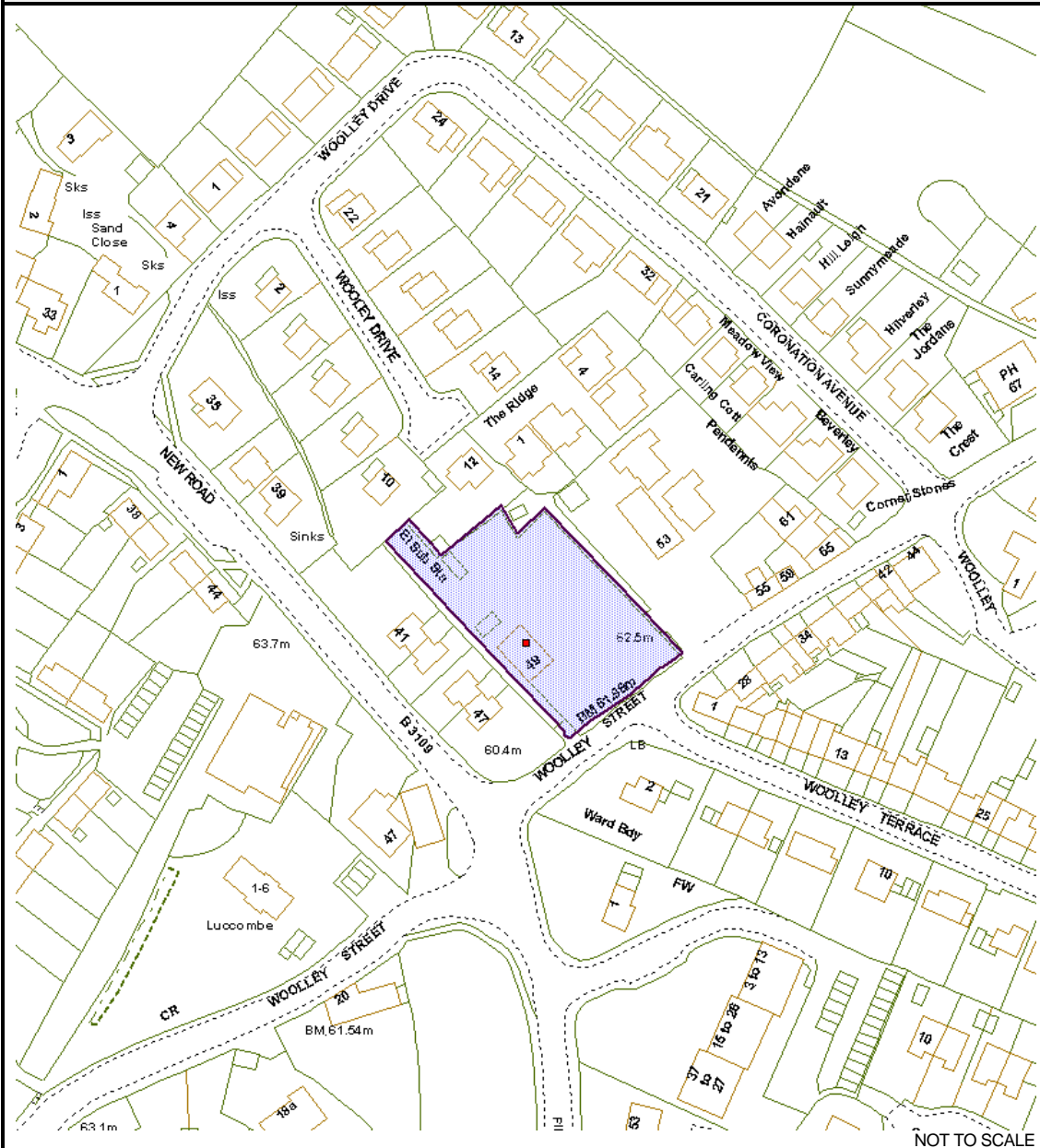
PLANNING COMMITTEE **23 June 2005**

23 June 2005

ITEM NO: 01

APPLICATION NO: 05/00214/FUL

LOCATION: Brooklands 49 Woolley Street Bradford On Avon Wiltshire
BA15 1AG



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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 05/00214/FUL

Site Address: Brooklands 49 Woolley Street Bradford On Avon Wiltshire BA15 1AG

Parish: Bradford On Avon Ward: BOANTH
Grid Reference 383209 161201
Application Type: Full Plan
Development: Demolition of existing dwelling and erection of six 3-bedroom terraced cottages and associated works
Applicant Details: Beswick Homes
63 Goddard Avenue Old Town Swindon Wiltshire
Agent Details: Ian Sullivan Architectural Design Ltd
2 - 4 Wood Street Swindon Wiltshire SN1 4AB
Case Officer: Mr Aaron Smith
Date Received: 08.02.2005 Expiry Date: 05.04.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

That the Development Control Manager be authorised to grant permission at a future date in the event of the satisfactory completion of a s106 Agreement to secure contributions towards the provision of off-site highway works in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

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 the development hereby permitted is first commenced the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and the extremities of the site frontage shall be cleared of obstruction to visibility at and above a height of 1 metre above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy H1.

- 3 Notwithstanding the materials specified on the approved plans. 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 C17, C18 & C31A.

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

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

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

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

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

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

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

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

- 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.

Note(s) to Applicant:

- 1 Please note that drawing no. 0700/003 revision E shows planting within the visibility splay, this would not be acceptable as there is a hedge to obstruct visibility. Please refer to condition 2.
- 2 The applicant is advised to investigate the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involved controlling the sources of increased surface water, and include:
- a) Interception and reuse
 - b) Porous paving / surfaces
 - c) Infiltration techniques
 - d) Detention / attenuation
 - e) Wetlands

Please contact the Environment Agency (North Wessex Office) on 01278 457333 for further details.

COMMITTEE REPORT

APPLICATION DETAILS

This planning application was considered at the 2 June 2005 Planning Committee, a decision was deferred for a site visit.

This planning application is brought before the Planning Committee as the Town Council objects to this application contrary to officer's recommendation.

This is a full planning application for the demolition of the existing detached bungalow (No.49 Woolley Street) and the erection of six dwellings and associated works. Five dwellings would be terraced, running along the south west side of the site, with a detached dwelling fronting onto Woolley Street. Each dwelling would have a single storey element to the rear, with a communal amenity area beyond. There would be parking, turning and access utilising the existing access point onto Woolley Street.

The application site comprises of an area of 0.2183 hectares. The proposals would constitute a density of 27 dwellings per hectare. The area proposed for redevelopment is immediately outside the boundary to the Bradford on Avon No.2 Conservation Area apart from part of the wall fronting the site that actually forms part of the western edge of the conservation area. To the south and west of the site are 1960s housing developments. Development within the Conservation Area is characterised by 19th Century terraces, which are generally two storey of linear form and either parallel or at right angles to the street with a compact layout. The development is based on the house/path/garden pattern. Stone walls, including those forming boundaries and extending out into the countryside, including those outside the Conservation Area are important.

The application has had several revisions as part of the planning process.

BRADFORD ON AVON TOWN COUNCIL

The Town Council recommends that the application be refused:

- The design, layout and landscaping of the houses is unsatisfactory
- With this many houses the proposal constitutes overdevelopment of the site
- It is not in keeping with the character of the surrounding area contrary to District Plan Policy H1
- Pedestrian safety in the locality will be compromised
- The proposed development would also have an adverse effect on the setting of the Crown Court / Woolley Street Conservation Area contrary to District Plan Policy and guidance in PPG15 - Planning and the Historic Environment
- There are too many proposed houses on this site
- Plain clay tiles are not a Bradford on Avon tradition and the stone needs to be specified as locally sourced.
- Would be detrimental to the character of this area, which is small scale housing and gardens
- PPG 3 recommends the retention of buffer strips and landscape areas.

HIGHWAY AUTHORITY

No highway objection is raised subject to condition.

In addition, there is a requirement for a contribution towards the cost of a double mini roundabout at the junction of Woolley Street with New Road. In addition, work is needed to extend the footway from New Road into Woolley Street. A condition must be applied to any permission granted to secure the above works and contribution in the form of a Section 106. Details of which shall be submitted to and approved in writing by the Local Planning Authority.

ENVIRONMENT AGENCY

No objections subject to conditions

WESSEX WATER

No objections subject to conditions and informatives.

PUBLICITY

This application has been advertised with a site notice, by press advertisement and by neighbour consultation.

58 letters of objection have been received, a summary of the comments received are:

- Too many houses in relation with the size of the site, the overall density would be out of character with the area, would lead to town cramming
- Prominence of the parking area adjacent to the eight houses
- Road / highway safety and traffic danger caused by the substandard access and increase in traffic, there are poor sight lines and the junction of Woolley Street with New Road would not be able to cope with the intensification of traffic movement in the area, which is subject to a number of existing hazards
- Could lead to increased parking on the road
- There is a need for traffic calming and pedestrian safety measures
- Site forms part of the gateway into the Conservation Area
- Statutory duty to preserve or enhance the character or appearance of the Conservation Area
- Design, appearance and layout in relation to the type of existing development
- Need to preserve the green and open space and protect views into and out of the Conservation Area, retain this site as a buffer strip
- The application site forms a green and open setting to the Conservation Area, development upon which would intrude this open setting and views into and out of the Conservation Area. The development would be far too intrusive on the visual approach to the Conservation Area.
- Any development on this plot should be well set back from the road. The site should be laid out so that the gardens should front onto Woolley Street.
- Advice of the highway authority that no more than 5 dwellings should be served off a private drive
- Reduction in the height of the boundary wall would alter views into and out of the Conservation Area, original stone walls should be preserved
- Loss of an open green frontage to Woolley Street would harm the setting of the Conservation Area
- Overdevelopment of the site, density should be significantly lower than proposed and dwellings sited to the rear of the site to preserve open views
- The scale and height of unit 1 would dominate the streetscape, this would neither reflect nor compliment the traditional architecture of the Woolley Conservation Area
- Alterations to create the revised access and highway works would create a urbanised design
- Sewerage arrangements and connections

RELEVANT PLANNING HISTORY

85/01088/FUL - Outline application for 1 No dwellings with detached garage - Permission 12.11.1985

04/00889/FUL - Demolition of existing dwelling and erection of 8 no. 3 and 4 bedroom dwellings - Withdrawn 05.07.2004

04/01988/CON - Demolition of existing dwelling and alterations to existing stone wall (Proposals for 8 three bedroom cottages) - Withdrawn

04/01991/FUL - Demolition of existing dwelling and erection of 8 three bedroom terraced cottages and associated works - Refused 10.12.2004

PLANNING POLICY

Wiltshire Structure Plan 2011

- | | |
|-----|---|
| DP1 | Priorities for Sustainable Development |
| DP2 | Infrastructure |
| DP4 | Towns and Main Settlements |
| DP7 | Housing in Towns and Main Settlements |
| DP9 | Re-Use of Land and Buildings |
| HE7 | Listed Buildings and Conservation Areas |

West Wiltshire District Plan - 1st Alteration 2004

- | | |
|------|---------------------------------------|
| C17 | Conservation Areas |
| C18 | New Development in Conservation Areas |
| C31a | Design |
| C38 | Nuisance |
| H1 | New Housing Development |
| H24 | New Housing Design |
| T10 | Car Parking |
| U1a | Foul Water Disposal |
| U2 | Surface Water Disposal |
| I1 | Implementation |

PPS1 Delivering Sustainable Development
PPG3 Housing
PPG13 Transport
PPG15 Planning and the Historic Environment

Supplementary Planning Guidance - Design Guide
Bradford on Avon Conservation Area Character Assessment 2001

PLANNING OFFICER'S COMMENTS

The main issues for this application are the appropriateness of the new dwellings in accordance with District Plan Policies H1 and H24, effect upon the character and the setting of the Bradford on Avon No.2 Conservation Area, highway considerations and neighbouring amenity.

Principle of Residential Development

The application site is located within the existing built-up area of Bradford on Avon as defined by the Town Policy Limit. Therefore further infill housing development is encouraged, in the pursuit of a pattern of sustainable development. The site also constitutes previously developed land (as defined by Annexe C of PPG 3) as the site forms the curtilage of an existing dwellinghouse. The redevelopment of this site would make for a more efficient use of the land, for six dwellings, approximately 27 dwellings per hectare.

Design and Conservation Area

The siting and layout of the proposed six dwellings has significant merit. The row of five terraced houses is not out of line with the form of historic development that has been carried out within this area. A staggered approach has been taken in breaking up the frontages of this originally proposed row. A break has been created between proposed units 1 and 2, this would be an interesting element and would reflect the forms of development so characteristic of the Woolley area. This also helps to break up the rooflines as the terraced development processes uphill to the north west. The introduction of chimneys and stone copings to the roofs, would also help to represent an architecturally interesting group.

This proposal includes one detached unit fronting full onto Woolley Street. This unit is designed so as to create a sense of overlooking the street frontage and its form replicates characteristics of other buildings further up Woolley Street. The overall scale, form, bulk, design and height of the proposed dwellings would respect their surroundings (Policy C31a) and would not harm the setting of the Conservation Area (Policy C17).

The plans indicate the use of clay plain tiles, these would not be in keeping with the area, but a condition addresses this concern, further details are required to be submitted of a more appropriate roof treatment. The use of a good quality slate which is traditional to the area is recommended.

In respect of the contribution of the site as an open space, and views into and out of the Conservation Area. There are views of the existing garden plot and bungalow which have been opened up by the removal of the vegetation and trees that once formed part of the garden. The site acts as an entrance into the Conservation Area from the south. There are prominent views of the site from the east in Woolley Terrace which is in an elevated position above the site. The overall design, layout and form would be in-keeping with the form and scale of development in Woolley Terrace itself.

The main issue is whether a redevelopment of an essentially open plot to a six dwelling housing development with a much reduced amount of open ground would effect the character of the area. Due to specific site constraints the proposal has retained as much garden space towards the southern and eastern boundaries as possible. These boundaries being closest to the Conservation Area boundary, the area itself has a character of enclosure as any terraced / street fronted inner urban area.

The frontage proposed unit would be sited set back from the highway edge. Its siting would therefore not be the hard frontage which exists elsewhere in the locality, and would enable the site to retain a greater degree of openness than would have otherwise been formed through alternative sitings. Although the proposal would not preserve the existing sense of open space, the siting and layout of the development would provide an appropriate transition setting between the 1960s and historic developments within the Conservation Area. The density of housing development is proposed below that recommended in PPG 3. The justification for this density is to ensure that the proposals are not cramped, a sense of openness is maintained, the layout / siting respects the character of the area, highways restrictions and to ensure there is no harm to the setting of the Conservation Area.

Furthermore, as the rear of the proposed dwellings would be visible, the inclusion of outbuildings and boundary treatments within each individual garden plots to the rear could diminish the impression of openness and sense of space. It is recommended that the permitted development rights for boundary treatments, hardstanding and residential outbuildings are removed in the interest of maintaining the sense of space.

It is noted from photographs that the site was once informally landscaped with mature trees dominating views of the site, these trees had been removed (they fell outside the scope of planning control) leaving the site with an open appearance. Limited landscaping is shown on the submitted plans, therefore an appropriate landscaping scheme is required to be submitted, as recommended by conditions 4 and 5.

Highways and Parking

A single access road, parking and turning area as proposed onto Woolley Street. This and the layout of the dwellings would reinforce the traditional local street patterns and design characteristics of the linear terraced area. This development would take the total number of dwellings served off the improved access to 10. This scheme proposes an improvement to the Woolley Street bellmouth, widening to satisfactory accommodate the increase in vehicle movements. The access bellmouth would be widened to 5.5m and a radius of 7.5m. A new footpath would be created along the north side of Woolley Street from the site entrance to New Road. In addition to address previous highway concerns, visibility has been improved to the east with the existing stone wall being reduced to 1m.

The wall along the site frontage is an attractive and characteristic feature of the street scene and is indicative of other walls in the vicinity. This section is within the Conservation Area and it forms the north western boundary. The reduction of this wall to a height of 1m would fall outside the scope of planning control. Its reduction is necessary to overcome the previous highway visibility objections.

In respect of the concerns raised regarding highway safety, access arrangements and parking provision, the Highway Authority have not objected to the proposed additional 6 dwellings being served off the proposed access, the previous reason for refusal has been overcome. There is a requirement for a contribution towards the cost of a double mini roundabout at the junction of Woolley Street with New Road. In addition, work is needed to extend the footway from New Road into Woolley Street. A condition is recommended to secure the above works and contribution in the form of a S106 Legal Agreement.

CONCLUSION

For the reasons stated above this application is recommended for permission, subject to the satisfactory completion of a S106 Legal Agreement to contribute towards the cost of off site highway works.

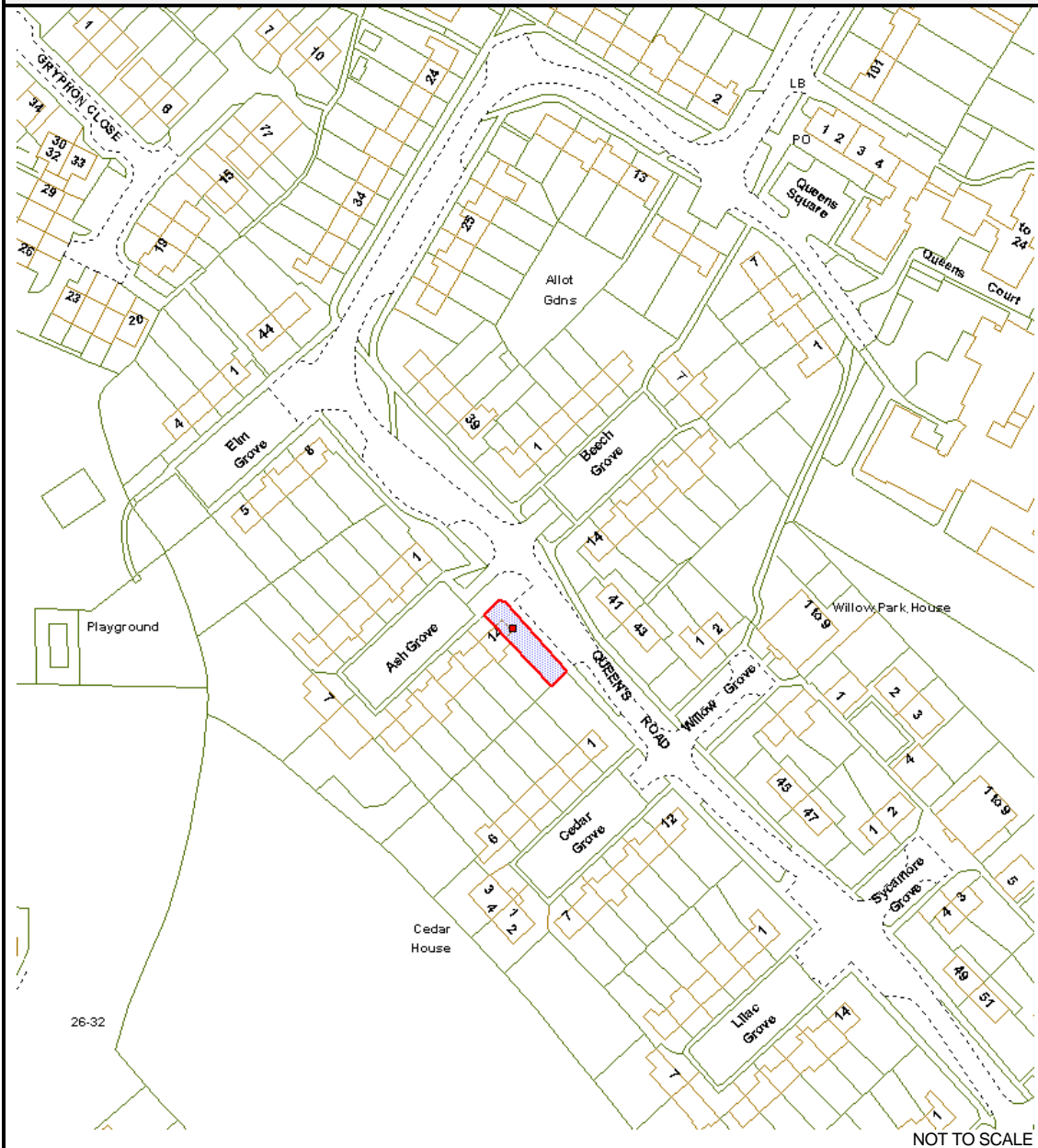
PLANNING COMMITTEE

23 June 2005

ITEM NO: 02

APPLICATION NO: 04/02337/OUT

LOCATION: Land Adjacent 14 Ash Grove Westbury Wiltshire



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SLA: 100022961

02 Application: 04/02337/OUT

Site Address: Land Adjacent 14 Ash Grove Westbury Wiltshire

Parish: Westbury Ward: WESTHM

Grid Reference 386396 151221

Application Type: Outline Plan

Development: Demolition of existing lean-to, relocation of gable end windows and back door and construction of 2 flats plus parking for 4 cars

Applicant Details: John McGuire
14 Ash Grove Westbury BA13 3NH

Agent Details:

Case Officer: Mr Aaron Smith

Date Received: 10.12.2004

Expiry Date: 04.02.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The extension to the existing property for the formation of two self contained flats by reason of its siting and off-street parking arrangements would result in a prominent and cramped form of development, which would harm the spacious and verdant character of this residential area, would appear intrusive in the streetscene and erode an important visual gap, contrary to Policies H1, C31a, H24 and C38 and the advice contained within PPS1 and PPG3, paragraph 54.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the applicant is an officer of the Council.

This is an outline planning application for the demolition of the existing single storey lean-to element, and the construction of a building to contain 2 flats, plus parking to the rear to accommodate 4 cars on land adjacent to No.14 Ash Grove in Westbury. Approval of the siting and means of access are sought at this stage, the design, external appearance and landscaping would be the subject of reserved matters if outline permission is granted.

The application site is located within a predominately residential area with two storey terraces and semi-detached properties, either fronting the highway or are at right angles to the highway edge. The estate is set within generous amounts of estate amenity space, to which the majority of dwellings have an outlook upon.

WESTBURY TOWN COUNCIL

Object to this proposal:

- concern over the means of access
- overdevelopment of the site
- and likely loss of public parking

HIGHWAY AUTHORITY

No objections subject to conditions

PUBLICITY

A petition signed by 7 residents has been received, objecting to this application on the following grounds:

- Loss of communal parking spaces that run along the side of the property. At present parking spaces are at a premium, the loss of any more would cause many problems with congestion and safety.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

H1 - New Housing Development

H24 - New Housing Design

T10 - Car Parking

PPS 1 - Delivering Sustainable Development

PPG 3 - Housing

PPG 13 - Transport

PLANNING OFFICER'S COMMENTS

The main issues for this application are; the effect the development would have on the character and appearance of the surrounding area, parking and highway safety, and the effects on the amenities of the adjoining residents.

The application site lies within a residential area, defined by a uniform appearance of a simple repetitive design, a sense of spaciousness and a large proportion of openness and public amenity space surrounding the dwellings. This horseshoe pattern of development surrounding an area of public estate amenity space is repeated on Elm Grove, Ash Grove, Cedar Grove, Lilac Grove, Hazel Grove, Chestnut Grove, Hawthorne Grove, Sycamore Grove, Willow Grove and Beech Grove. Queens Road passes through these housing groups, with a clear wide path, separated from the bulk of the dwelling street frontages by a significant distance, bordered by communal car parking, highway verge and estate amenity space.

Houses throughout the estate are typically set back from 6 to 8 metres from the road, the dwellings are set deep in their plots. The building line of both the south and north sides of Queens Road are relatively uniform and the separateness between each property frontage provides a strong spacious / openness characteristic.

The erection of a seventh building (to contain two flats) as an extension to the line of the terraced properties would represent a significant departure from the established pattern. The siting shows the proposed building would be brought towards the highway by 5.5m, and would bring it to within about 0.5m of the public footway adjacent to any side elevation. The flats would therefore be 5.5 m nearer the highway than are those houses on both north and south sides of Queens Road. The siting would restrict longer views within the estate and would erode its spacious character.

The generous amounts of estate amenity space and private gardens contributes to an overall sense of space and openness. PPG 3 at paragraph 52, the Government attaches particular importance to such 'greening' of residential environments. The prominent plot between No.14 and the highway is therefore of particular value within this estate which justifies its protection.

The character of the area would be further eroded by the proposed siting of the 4 off-street parking spaces (as required by the Highway Authority to alleviate concerns over a loss of communal parking). These would erode the green edge to the estate. In addition the parking spaces would take up 3/4 of the existing rear garden at No.14, leaving very little private amenity space for No.14 and no amenity space around the proposed flat building. This would not respect the character of the area nor would the cramped and uncharacteristic development provide a satisfactory residential amenity environment.

Overall the proposed development would harm the spacious and verdant character of this residential area and (as it would protrude the building line) would appear intrusive in the streetscene. This would be by reason of the siting of the building (to contain two flats) and parking arrangement erode an important visual gap and would provide a visually dominant building in the streetscene. Contrary to Policies H1, C31a, H24 and C38 and the guidance contained within PPS 1 and PPG 3.

CONCLUSION

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

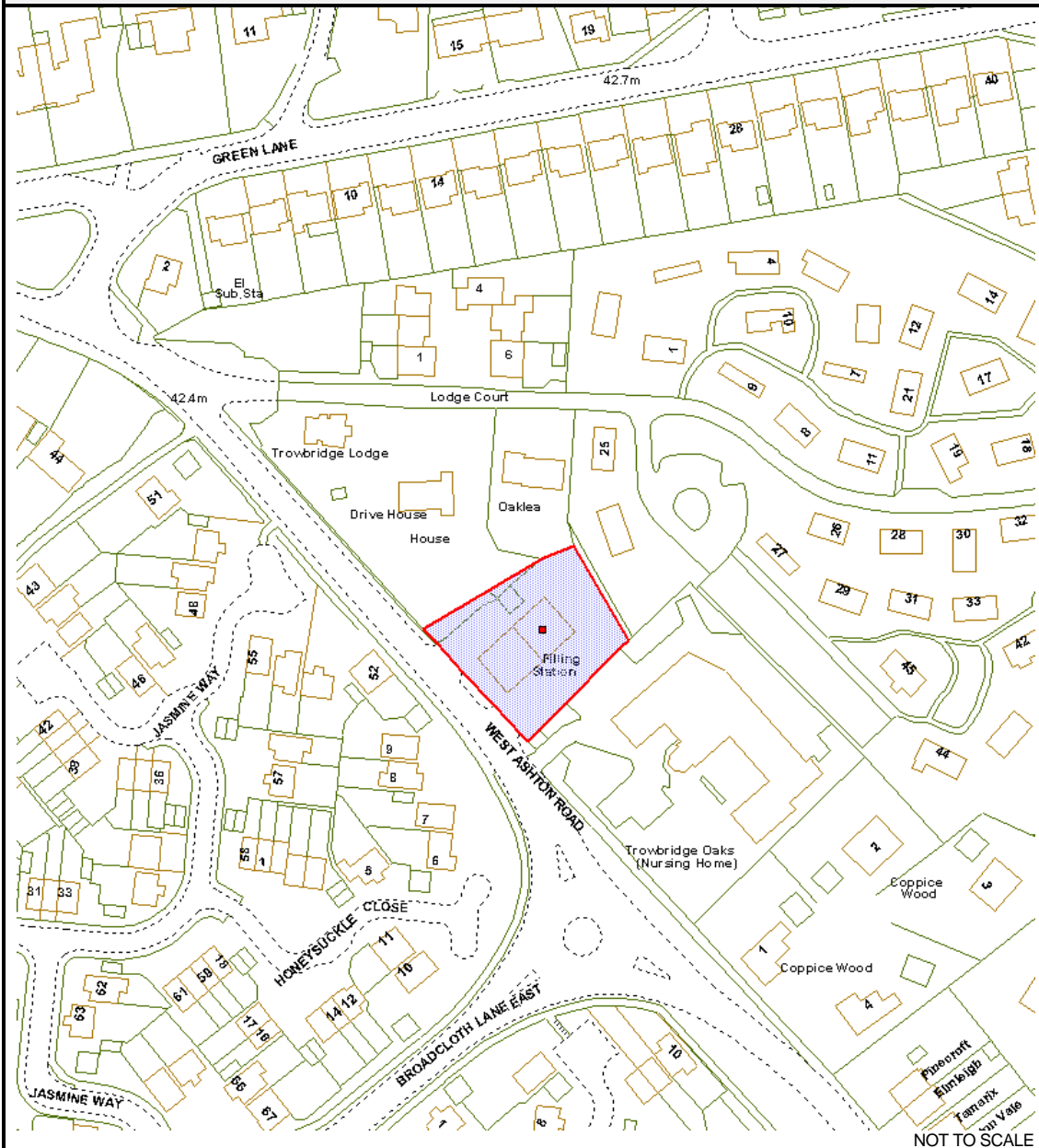
PLANNING COMMITTEE

23 June 2005

ITEM NO: 03

APPLICATION NO: 05/00552/FUL

LOCATION: Trowbridge Lodge Service Station West Ashton Road
Trowbridge Wiltshire BA14 6DW



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SLA: 100022961

03 Application: 05/00552/FUL

Site Address: Trowbridge Lodge Service Station West Ashton Road Trowbridge Wiltshire BA14 6DW

Parish: Trowbridge Ward: PARK
Grid Reference 386534 157572
Application Type: Full Plan
Development: Single storey rear and side extensions and open jet wash
Applicant Details: Douglas Seaton Limited
Abbey Business Centre Preston Road Yeovil BA20 2EN
Agent Details: A Walden
Cockspurs New Street Somerton Somerset TA11 7NS
Case Officer: Mr Russell Brown
Date Received: 22.03.2005 Expiry Date: 17.05.2005

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

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.
- 4 The use of the car wash facilities hereby permitted shall not be open to customers outside the following times: 0700 and 2200 hours Monday to Saturday and 1000 and 1600 hours on Sundays.

REASON: In order to safeguard the amenities of adjoining residents.

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

- 5 Notwithstanding the submitted plans, prior to the commencement of the jet wash hereby granted permission, a splash screen shall be installed on the northwest side of the jet wash in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

REASON: In order to safeguard the amenities of the adjoining residents.

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

- 6 No development approved by this permission shall be commenced until:

a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information

b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- Refinement of the Conceptual Model, and
- The development of the Method Statement detailing the remediation requirements.

REASON: Activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies U1a and U2.

- 7 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.

Note(s) to Applicant:

- 1 In addition you are advised to agree with Wessex Water, points of connection onto their systems for the supply of water and the satisfactory disposal of foul flows and surface water flows generated by the proposal. You should also contact Wessex Water's Trade Effluent Officer, Phil Sinclair (07836 324300), regarding the approval of any trade effluent disposal from the site.
- 2 The Environment Agency must be notified immediately of any incident likely to cause pollution.
- 3 The applicant is advised that there is a private sewer within the site and you should contact the appropriate party to obtain the necessary consents.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee at the request of Councillor Bryant. The application was previously heard at the Planning Committee meeting on 12/05/05, and deferred in order to assess noise, spray and potential contamination arising from the application proposal. Accordingly, Environmental Health, Wessex Water and the Environment Agency were consulted.

This is an application for extensions to this petrol station in Trowbridge. The proposals comprise a single storey rear extension to form staff facilities and a store area for the station shop use, a single storey side (north west) extension to create a car wash. The proposal also includes moving the existing jet wash from the existing side elevation to the side of the proposed car wash extension.

The extensions would be constructed in painted render to match the existing building.

The proposed side extension would be over 30 metres from the nearest neighbouring property to the north west. The rear extension would be over 16 metres from the rear neighbouring property to the north east. There is 2 metre high fencing around the site as well as various trees and other vegetation.

TROWBRIDGE TOWN COUNCIL

No objection

HIGHWAY AUTHORITY

No objection

ENVIRONMENTAL HEALTH

No objections subject to a condition that the use of the proposal be restricted to the hours between 0700 and 2200.

ENVIRONMENT AGENCY

No objection subject to a ground contamination condition

WESSEX WATER

No objections:

The development is located within a sewered area, with foul and surface water sewers available. The developer has proposed to dispose of surface water to existing arrangements.

They have advised that there will be an increase in flows to the private sewers in the area and there are certain criteria that need to be met in order for a new trade effluent agreement to be issued.

They also include other informatives relating to drainage and the connection onto public and private systems.

PUBLICITY

Neighbour notifications were undertaken and 4 letters have been received making the following points:

- The development would only be 5 metres from the back garden of the rear neighbour
- The noise from the car washing facility, car engines and car radios would be excessive
- Pollution from car exhaust fumes would increase in neighbouring gardens
- This is a commercial site in a residential area
- There are several car washing facilities in Trowbridge
- The jet wash would be moved to a metre from the neighbouring garden which would increase the noise level
- The extension would be only 1 metre from the garden boundary with The Drive House
- The access is not adequate
- Water and chemicals from the jet wash would kill or affect the growth of nearby trees

- Increase in amount of water being used and consequences on reservoir levels and greenhouse effect
- The drainage is linked to nearby residential properties and this may cause problems
- Effect of drainage on local vegetation
- Wessex Water and the Highway Authority should carry out risk assessments
- The hours restriction condition should be more restrictive

RELEVANT PLANNING HISTORY

94/01069/FUL - Automatic car wash - Permission 19.01.1995

00/00121/FUL - Installation of automatic car wash - Permission 13.04.2000

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

U1 - Infrastructure

U1a - Foul Water Disposal

U2 - Surface Water Disposal

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PLANNING OFFICER'S COMMENTS

The key issues in this application are the effect of the extensions on the character of the area and the street scene, their effect on highways matters, drainage and pollution issues and neighbouring amenity.

The application is very similar to the two previous schemes for a car wash extension, both of which were granted planning permission. There has been no material change in circumstances to suggest that the principle of a car wash in this location would now not be acceptable.

The design and materials of the extensions would match the existing building and are therefore acceptable in terms of the character of the surrounding area and street scene.

The Highway Authority have no objection, the site is spacious enough to accommodate traffic flow around the building to access the car wash.

With regard to the Members' concern in respect of potential contamination, the Environment Agency has no objections to the proposal and recommend a condition be imposed to ensure that if significant ground contamination from the proposal is confirmed by a desk study, that appropriate mitigation and remediation measures are undertaken.

The proposed extension to the rear would be a minimum of 8 metres from the neighbouring garden boundary. The building would be a single storey, structure built in materials to match the existing building to be used for storage and it would not have a detrimental impact on the amenities of those rear neighbours.

The house to the north west would be over 30 metres away from the proposed car wash extension and the effect of the development on that property would be unlikely to be materially greater than as existing. Although the edge of the re-sited jet wash base would be only 1 metre from the garden boundary with this property, the actual jet wash machinery which generates the noise would be 4.5 metres away. The boundary is a 2 metre high fence which is itself over 22 metres from the house.

The application site is an existing commercial use from which a level of noise above that of a residential site must be expected. However, it is considered that the noise from the site would not be significantly greater than as existing as the proposed car wash would be enclosed and there would likely be a similar number of cars waiting as the site area is not increasing. In fact the extensions would reduce the amount of space available for waiting vehicles.

The Environmental Health Officers have not raised any objection in noise terms subject to a condition limiting the hours of operation.

At the Planning Committee of 12/05/05, an issue was raised regarding a potential for increasing the height of the boundaries with neighbouring properties to create a larger barrier. Your Officers have explored this issue and have concluded that this would result in a greater detrimental impact on neighbouring amenity than the effects of the proposal and would also result in detrimental harm to the street scene.

Potential problems from the drainage on site could be overcome through the use of appropriate conditions in addition to the requirements of the water and pollution authorities under separate legislation.

CONCLUSION

There has been no material change in circumstances since either of the two earlier permissions for this proposal, the proposal would not detrimentally harm neighbouring amenity or create highway problems and would not be harmful to the character of the surrounding area and the street scene. Therefore the application is recommended for permission.

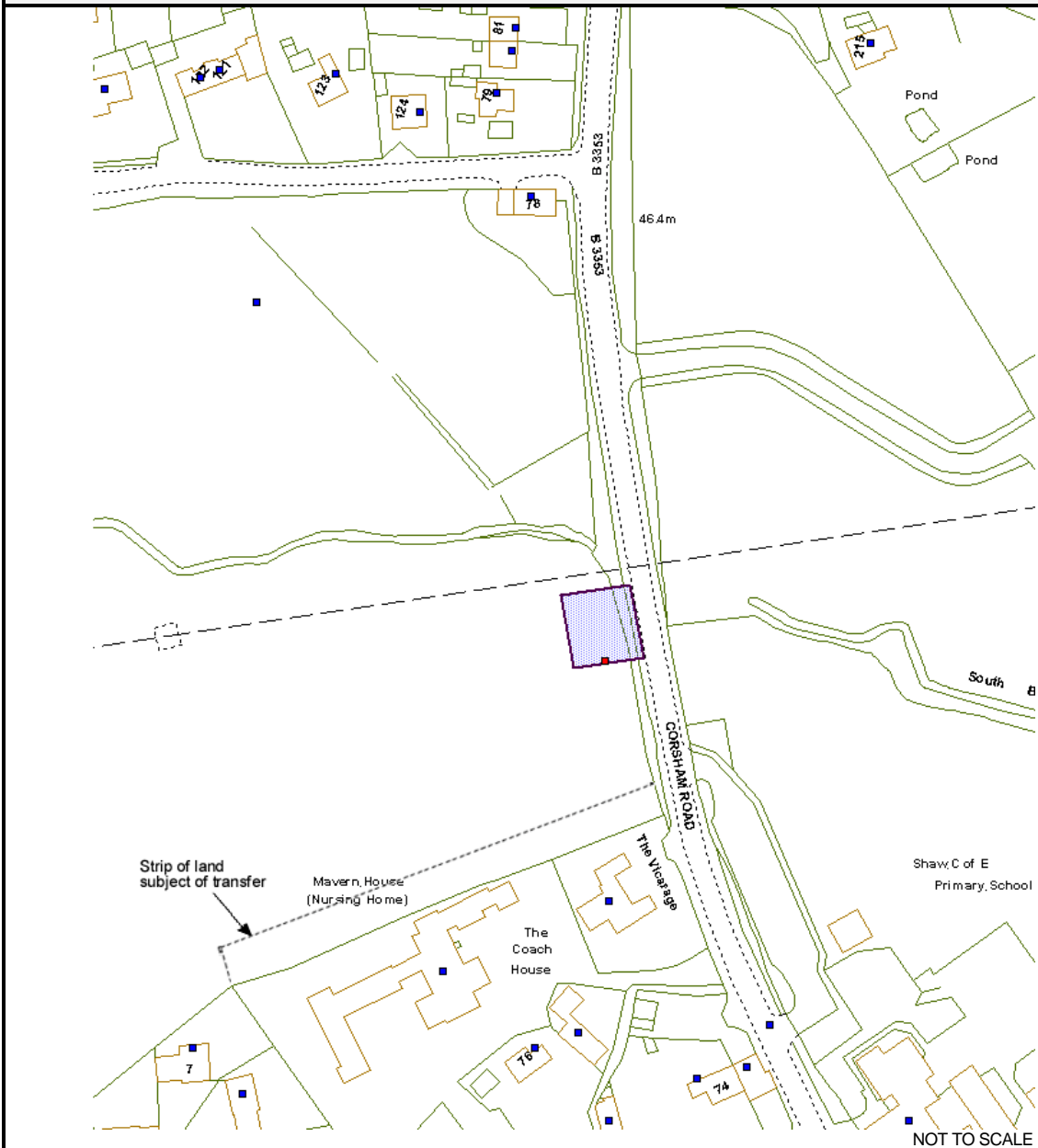
PLANNING COMMITTEE

23 June 2005

ITEM NO: 04

APPLICATION NO: 05/00452/FUL

LOCATION: Land Adjacent Vicarage Corsham Road Shaw Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 05/00452/FUL

Site Address: Land Adjacent Vicarage Corsham Road Shaw Wiltshire

Parish: Melksham Without Ward: ATWHIT

Grid Reference 388757 165885

Application Type: Full Plan

Development: Access for agricultural vehicles

Applicant Details: Gilbert James Pearson
Greystones Middle Street Salisbury Wiltshire SP2 8LW

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 08.03.2005 Expiry Date: 03.05.2005

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 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

REASON: In the interests of highway safety.

- 3 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 90M from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 900MM above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 4 The access hereby granted permission shall not be surfaced in loose stone or gravel.

REASON: In the interests of highway safety.

- 5 No development shall take place until details of the gate and any surface materials 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 brought to planning committee because Melksham Without Parish Council object to this application and your Officer recommends permission.

This is an application for an agricultural access into a field currently in agricultural use. The proposed access would measure 4.8m in width across the gateway.

This is a large field which is bordered to the south by residential units and a nursing home.

MELKSHAM WITHOUT PARISH COUNCIL

Question the position of the existing access to this field, and why another access is required, and how the grass has been cut in the past. The proposed entrance of 16ft seems very large. Another entrance right opposite the entrance to the busy Shaw School car park will make this stretch of road more hazardous.

HIGHWAY AUTHORITY

No objection subject to conditions

PUBLICITY

Three letters were received raising the following issues;

- Why is further access required?
- Already an existing access
- Possibility of future application for industrial use on land
- Public footpath and stile to be affected?

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C1 - Countryside

C38 - Effects of development on neighbouring properties

PPS 1 - Delivering Sustainable Development

The Planning System: General Principles

PPS 7 - Sustainable Development in Rural Areas

PLANNING OFFICER'S COMMENTS

The key issues to consider in this application are the principle of the proposed access and the effect of the proposed access on highway matters and the character of the countryside.

The new access is required because the strip of land on which the existing access exists is in the process of being transferred to Mavern House and will not be available for use as a field access. This application is therefore required for the purposes of the land owner to gain access to the field to maintain it. There is no proposal to change the use of the field as part of this application and the applicant has indicated that the proposed access would only be used two to three times a year.

The Highway Authority have been consulted on this application and they have raised no objection to the creation of an access onto this field. Therefore whilst other comments received on highway safety are noted your Officer does not believe that this proposal will jeopardise highway safety.

The existing agricultural field is rural in character and the inclusion of an access in the proposed position should not harm the visual amenity of this location.

The applicant has confirmed that the proposal should not impact upon the public footpath and stile which exist to the north of the proposed gateway. A comment has been received noting that this application for an agricultural access may be the precursor to an application to change the use of the land. The application must be considered on the planning merits of the case. Any future change of use will be the subject of a separate application for consultation on its planning merits.

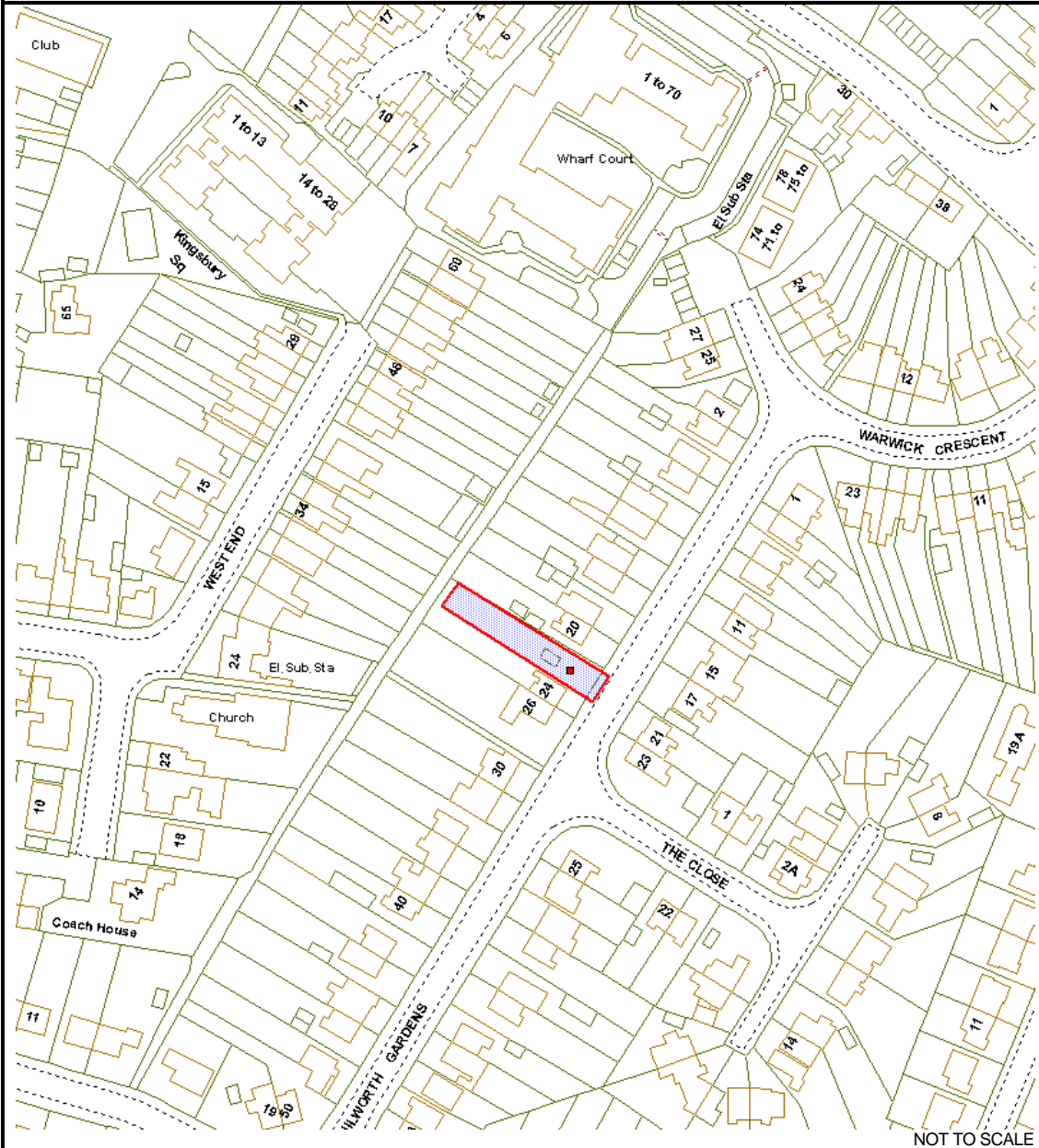
PLANNING COMMITTEE

23 June 2005

ITEM NO: 05

APPLICATION NO: 04/02380/FUL

LOCATION: Land Adjacent 24 Kenilworth Gardens Melksham Wiltshire



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SLA: 100022961

05 Application: 04/02380/FUL

Site Address: Land Adjacent 24 Kenilworth Gardens Melksham Wiltshire

Parish: Melksham (Town) Ward: MELKS
Grid Reference 390631 163304
Application Type: Full Plan
Development: 3 bedroom house
Applicant Details: Mr D Whalley
197 Norrington Common Broughton Gifford Wiltshire SN12 8LR
Agent Details: Mr K Joyce
3 Semington Road Melksham Wiltshire SN12 6DA
Case Officer: Mr Mark Reynolds
Date Received: 16.12.2004 Expiry Date: 10.02.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

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

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

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

- 5 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.

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

REASON: In the interests of highway safety.

- 7 During construction the hours of operation shall be limited to between 07.30 and 18.00 hours Mondays to Fridays and 08.00 and 13.00 on Saturdays and at no time on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of this residential area.

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

- 8 The development hereby permitted shall provide two parking spaces for both the proposed dwelling and No.24 Kenilworth Gardens in accordance with the submitted plans. The parking spaces shall be provided before the proposed dwelling is first occupied and shall subsequently be retained thereafter.

REASON: In the interests of Highway safety.

- 9 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.

Note(s) to Applicant:

- 1 The developer is required to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to the planning committee because Melksham Town Council object to the application and your Officer recommends permission.

This is a full planning application for a two storey three bedroom dwelling to be located at the side of 24 Kenilworth Gardens within a residential street. The proposed dwelling would measure 10.8m in depth, 6.6m in width and it would be 7.4m in height to ridge level of the proposed pitched roof sloping to 4.8m in height at eaves level. The application site measures 0.08ha and measures approximately 7.5m across the frontage.

The application has made provision for the parking of two cars within the front garden of the proposed dwelling and two parking spaces have been incorporated within the front garden of No.24. The proposed building would be constructed of brick under a tiled roof.

The application site is located within a residential street of Melksham and the proposal would be located on an existing garden at the side of No.24 Kenilworth Gardens.

The application plans have been revised as the application has progressed.

MELKSHAM TOWN COUNCIL

Objected to the application on the following grounds:

- Dwelling in this size of plot out of keeping with the street scene contrary to policy
- Loss of off-road parking
- Overlooking
- Loss of light
- Precedent for future development

HIGHWAY AUTHORITY

No objection subject to a condition

WESSEX WATER

No objections

ENVIRONMENTAL HEALTH

No objections to this proposal

PUBLICITY

Four letters were received raising the following issues;

- Building out of keeping with the symmetry of Kenilworth Gardens
- Loss of light and increased need for artificial light and energy consumption increased
- Overlooking
- Disruption associated with the construction
- Increased traffic and parking raising highway safety issues
- Security of the site at night time and weekends
- Dwellings originally planned with one entrance
- Building out of character with neighbouring dwellings
- Precedent

RELEVANT PLANNING HISTORY

03/01426/OUT - Erection of two storey house - PERMISSION 23.10.03

PLANNING POLICY

Wiltshire Structure Plan 2011

DP7 - Housing in Towns and Main Settlements

West Wiltshire District Plan 1st Alteration 2004

H1 - Further housing development within towns

C38 - Effects of development on neighbouring properties

C31A - Design

T10 - Car parking

PPS 1 - Delivering Sustainable Development

The Planning System: General Principles

PPG 3 - Housing

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are the impact which the scheme would have upon neighbouring amenity, highway safety issues, the planning history of the site, the design of the proposed dwelling and the character and appearance of the area.

It is important firstly to document the planning history of the site. Planning permission in outline form was granted reference: 03/01426/OUT for the erection of a two storey house on the 23.10.03. The principle in favour of a dwelling on this plot has therefore been established by the granting of planning permission for a single dwelling.

Regarding the impact of the proposal on neighbouring amenity several issues need to be considered. The issue of potential overlooking of neighbouring plots has been raised. There are no windows proposed in either the north or south side elevations and the windows proposed in the west elevation would look down the garden of the proposed dwelling and should not overlook either No.24 or No.20. With regard to the loss of light to neighbouring properties the following is noted. The dwelling would be positioned in relatively close proximity to the neighbouring property at No.24. It is acknowledged that there exists several windows in the side elevation of this property. However these do not appear to supply light to habitable rooms and there exists a 1m gap between No.24 and its boundary with the proposed plot of No.22. Overshadowing of No.24 should not occur because it is located to the south of the application site. There exists a sizeable gap of 3m from the proposed dwelling to the existing dwelling at No.20.

This application has been revised to remove a large single storey rear extension which should help to ensure that the proposed dwelling will not overbear the neighbouring properties. It was concluded in the outline planning application reference: 03/01426/OUT that a dwelling could be accommodated on this plot and it is not considered that neighbouring amenities would be harmed by this proposal.

The issue of highway safety has been raised in comments received on the application. The Highway Authority have been consulted on the application and they have raised no objections to the current proposal which has been revised to incorporate two off-road parking spaces for both No.24 and the proposed dwelling.

The character of the area is of a spacious development with two storey houses set within relatively large gardens but there is clearly a wider gap between numbers 20 and 24 and it is considered that there is sufficient space for an infill plot in this location. The proposed dwelling would be similar in scale to surrounding semi-detached dwellings. The proposed dwelling would be constructed in brick with a tiled roof, these are characteristic materials of the area and the design is considered acceptable. The dwelling would be located in line with the neighbouring properties and parking would be accommodated at the front of the dwelling which would be in keeping with the character and appearance of the area.

It has been suggested that this development would set a precedent for other such developments. The principle of development has been established by the outline permission in this case. However each case should be dealt with on its own individual merits. Moreover your Officer does not accept that this form of development is necessarily unacceptable particularly in view of guidance offered in PPG 3 Housing.

The loss of off-road parking was raised by Melksham Town Council however this proposal would retain two spaces for both the existing and the proposed dwelling.

A comment has been received regarding energy consumption being increased by virtue of overshadowing occurring. Your Officer does not consider that this proposal would significantly increase the need for artificial lighting of a neighbouring property.

A comment has been received noting that the original layout of the area should be respected. In this case as was raised in the outline application the numbering of the street misses out No.22 which may well indicate that it was originally proposed for a dwelling to go in this position.

A comment has been received raising the issue of site safety on weekends and in the evening, this is not a planning matter.

The potential for disruption to occur during the construction process were this application permitted has been considered in this application. A condition was originally placed on the outline permission controlling building works and a similar condition could be applied here to protect neighbouring amenity.

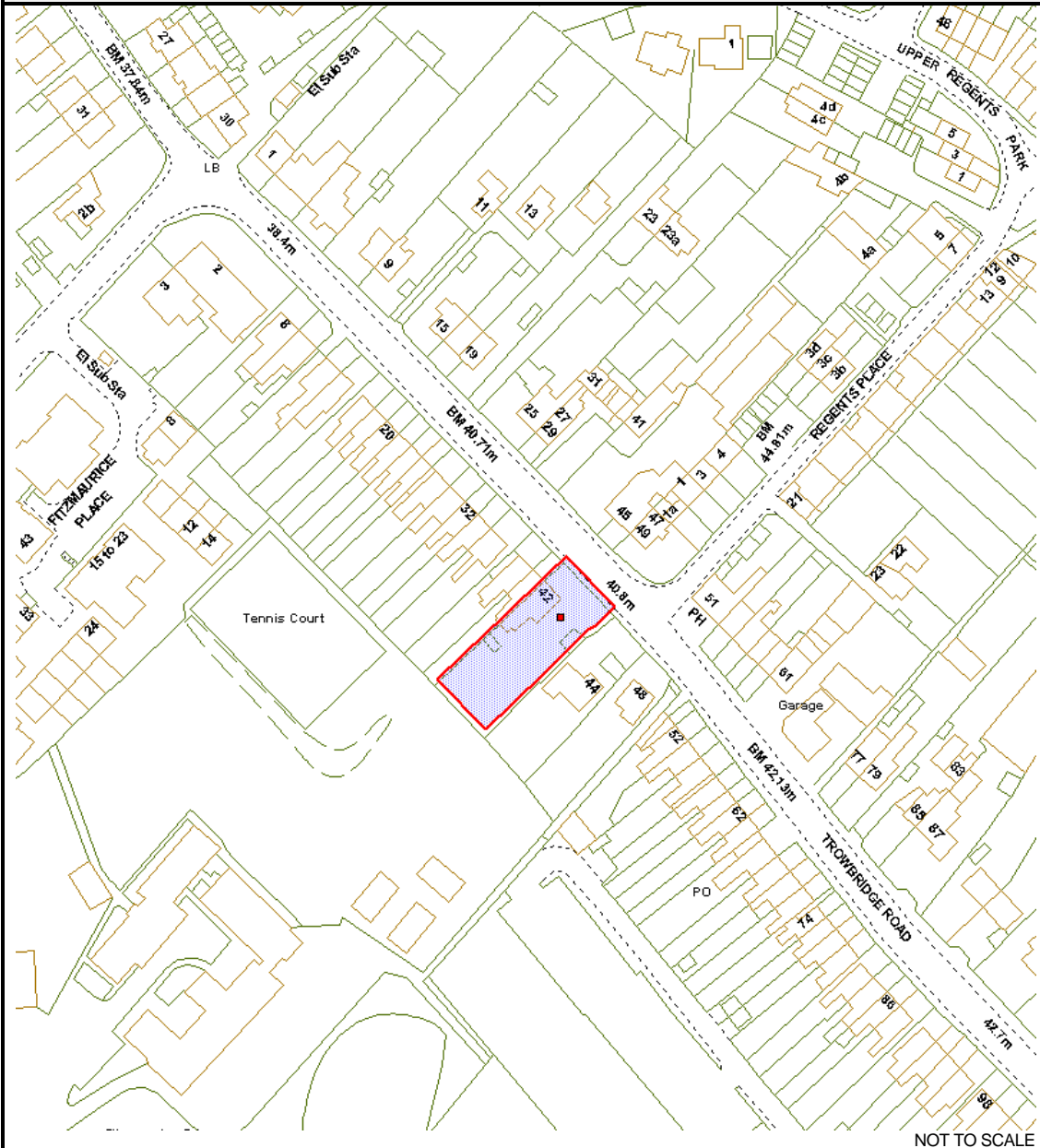
PLANNING COMMITTEE

23 June 2005

ITEM NO: 06

APPLICATION NO: 05/00814/FUL

LOCATION: Land Adjacent 42 Trowbridge Road Bradford On Avon
Wiltshire



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SLA: 100022961

06 Application: 05/00814/FUL

Site Address: Land Adjacent 42 Trowbridge Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: BOASTH
Grid Reference 382757 160458
Application Type: Full Plan
Development: Erection of new dwelling as extension to terrace
Applicant Details: Mr T Coombes
42 Trowbridge Road Bradford On Avon Wiltshire
Agent Details: LPC (Trull) Ltd
Trull Tetbury Gloucestershire GL8 8SQ
Case Officer: Mr Aaron Smith
Date Received: 27.04.2005 Expiry Date: 22.06.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall 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, as amended, no development falling within Schedule 2, Part 1, Class(es) A to E Inclusive of the Order shall be carried out without the express planning permission of the Local Planning Authority.

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

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

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

- 5 The development hereby permitted shall provide two parking spaces for both the proposed dwelling and No.42 Trowbridge Road. The parking spaces shall be provided prior to the first occupation of the dwelling hereby permitted and shall be maintained as such thereafter.
- REASON: In the interests of Highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy H1.
- 6 Before the development hereby permitted is first occupied, the turning space shown on the approved plan shall be surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and maintained as such thereafter.
- REASON: In the interests of highway safety.
- 7 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5 metres from the carriageway edge.
- REASON: In the interests of highway safety.
- 8 The first 5 metres of the driveway from the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of highway safety.
- 9 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.
- 10 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.

Note(s) to Applicant:

- 1 The applicants are advised that there is a public foul crossing the site and a surface water sewer close to the site. Wessex Water normally requires a minimum, three metre, easement width on either side of its apparatus, for the purposes of maintenance and repair, you may need to agree diversion or protection works with Wessex Water. Please contact Wessex Water (ref PH/WW/NC/1160) prior to commencing any works on site to agree any arrangements for the protection of Wessex Water infrastructure crossing the site.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the Town Council recommends refusal and officers recommend permission.

This is a full planning application for a new two storey dwelling on land to the south east of 42 Trowbridge Road, Bradford on Avon. The dwelling would be attached to No.42, an extension of the existing terrace in height, form, style, design and detailing. The front street elevation would be a handed design of No.42, and would contain an oriel window and parapet gable end to the south east elevation. The dwelling would have a rear projecting two storey element, projecting 8 metres, and 2.5 metres from the boundary with No.42.

The application site comprises part of the existing garden of No.42 Trowbridge Road, and is at the south east end of a row of Edwardian Terraced dwellings along Trowbridge Road, constructed in natural stone and mostly slate roofs. The application site is within the Bradford on Avon Conservation Area No.2. The south east boundary of the application site forms the extent of this conservation area. Existing structures included within the site, which are proposed to be demolished, include a workshop (approximately 106 m3), shed and a car port and a single bay pitched roof garage.

On the south side of Trowbridge Road there is a break between two terraced rows of dwellings between No.42 and No.52. Within the original gap 2 infill detached dwellings have been built (Nos.44 & 48), of which No.44 was granted planning permission on the 20 October 1970, reference 70/J/72/531. This current application follows the refusal of planning permission in both 2004 and early 2005 for a detached dwelling on this site.

BRADFORD ON AVON TOWN COUNCIL

Object to this application:

- The parking provision for the development in front of the buildings will have an adverse affect on the street scene contrary to Policy H1 C and D.
- The development will not preserve or enhance the character of the Conservation Area contrary to Policy C18, and will reduce the amenity of the neighbouring houses.
- The gardens of this terrace are very important in this part of the Conservation Area. The Town Council is also unhappy about the high wall in front of the proposed dwelling made of reconstructed stone and recommends that the wall be rebuilt to match the neighbours wall with stone pillars and railings.
- While the Town Council approves of the new design for this proposed house, if permission were given considerable care would have to be taken over sourcing the materials and workmanship.

HIGHWAY AUTHORITY

Having carried out a swept path analysis it would appear that the proposed parking and turning arrangement is acceptable. No objection to the proposal, subject to conditions being attached to any permission.

WESSEX WATER

No objection subject to informatives and conditions. Informative is required to inform the applicant that a public foul sewer crosses the site, therefore Wessex Water requires a three metre easement for essential maintenance and repair.

PUBLICITY

This application has been advertised by press advertisement and on site with a public notice, in addition neighbour notifications has been undertaken.

3 letters of objection:

- Proposals would have a deleterious effect on the rest of the houses in the row, all of which have front gardens separating them from the row, providing a pleasant and harmonious effect along the entire terrace.
- Create a precedent which could lead to other houses following suit and wrecking the pleasant aspect mentioned above.
- Visual impact of cars parked in the front gardens, cars should be parked at the side of the house.

RELEVANT PLANNING HISTORY

04/00742/FUL - To construct a five bedroom detached house in the garden of 42 Trowbridge Road Bradford on Avon retaining the existing garage. To construct access to the road for off road parking at 42 Trowbridge Road - Refused 15.06.2004

05/00410/FUL - Erection of new dwelling - Refused 04.04.2005

PLANNING POLICY

Wiltshire Structure Plan 2011
DP1 - Priorities for Sustainable Development
DP4 - Towns and Main Settlements
DP9 - Reuse of Land and Buildings
HE7 - Listed Buildings and Conservation Areas

West Wiltshire District Plan 1st Alteration 2004
C17 - Conservation Areas
C18 - New Development in Conservation Areas
C31a - Design
C38 - Nuisance
H1 - New Housing Development
H24 - New Housing Design
T10 - Car Parking
U1a - Foul Water Disposal
U2 - Surface Water Disposal

PPS1 - Delivering Sustainable Development
PPG3 - Housing
PPG15 - Planning and the Historic Environment

Supplementary Planning Guidance - Design Guide
Bradford on Avon Conservation Area Character Assessment 2001

PLANNING OFFICER'S COMMENTS

The application site lies within the urban area of Bradford on Avon as defined by the town policy limits (Policy H1). Further infill housing developments within the built up area will be permitted providing criteria A to G inclusive of Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 is met, and there is no conflict with other relevant Development Plan Policies.

The application site forms part of the domestic curtilage of No.42 Trowbridge Road, it is defined in PPG 3 as previously developed land. Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 gives priority for the reuse of previously developed land, however this needs to be balanced with the detailed criteria of H1 and other Development Plan Policies.

Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 requires that for new development, the siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area. In addition, as the application site is within the Bradford on Avon No.2 Conservation Area therefore the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The south east boundary of this application site forms a boundary and entrance into the Bradford on Avon No.2 Conservation Area. This boundary clearly separates the linear ranks of terraced cottages (within the Conservation Area) from the noticeable infill detached houses of the 1960s and 1970s. The application site is generally open in character, albeit with small scale, ancillary domestic outbuildings, which are low in profile and set back from the street frontage. Policy C18D of the West Wiltshire District Plan 1st Alteration 2004 states that "open spaces and views into, out of and within the area, which are important to its character, are protected". In addition, the Bradford on Avon Conservation Area Character Assessment (2001) states that within the "town landscape form, open areas and a range of features play an important role in determining character". Furthermore it advises that private gardens which provide separation between ranks of cottages and individual buildings play an important role in defining the town landscape form and character and the area.

The open nature of the application site is considered to form a clear visual break between contrasting developments and therefore positively defines the entrance and approach into the Conservation Area and the historic centre of Bradford on Avon. This proposal would reduce the open space by the width of a dwelling unit, however, this would not harm the appearance of the Conservation Area, mainly due to the satisfactory design as discussed below and that a 6 metre wide gap to the boundary with No.44 would be maintained. In addition, the proposed removal of these outbuildings would enhance the sense of separation between the contrasting developments at the edge of the Conservation Area.

Advice is given in PPG 15 of the replacement of gap / infill sites with new development. It advises that these should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance an area. Furthermore it states "What is important is not that new buildings should directly imitate past styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own."

The proposed design, form, siting and proportions of the proposed dwelling have significant architectural merit. The Bradford on Avon Conservation Area Character Assessment locates the application site within the Fitzmaurice Character Area. It states that the developments south of the town centre along Trowbridge Road and Junction Road are largely late 19th century. In addition the architectural appearance is a "unity formed by the style, construction and materials of the buildings and their positioning along the street lines." The dwelling would be a continuation of the existing terrace in layout, form, scale and design, therefore the linear pattern of development and the street building line would be preserved. The design and form of the dwelling would be a handed design of No.42, utilising detailing and finishes (such as the oriel window, fenestration detailing, parapet gable end and doorway) which are so characteristic of the properties in the area. The development would blend with its setting, the use of quality traditional materials is expected, the applicant has suggested slate and natural stone, a condition is recommended to ensure samples of external materials are approved. The proposed design of the dwelling would preserve the appearance of the Bradford on Avon No.2 Conservation Area.

- Neighbouring amenity

The proposed siting of the dwelling as an extension to the existing terrace, and handed at the rear, would overcome previous concerns regarding a detrimental effect to the amenities of neighbouring properties. Previous concerns regarding the creation of a tunnelling effect, loss of privacy and overshadowing have been addressed by the revised layout, siting and height of the subservient rear projecting two storey element.

- Highways

The Highway Authority have been consulted, they consider that there is no highway safety and amenity objections provided conditions are attached to any permission.

Concern has been raised regarding the amount and location of the off-street car parking provision, to be in front of the proposed and existing dwellings and the effect this would have on the character and appearance of the Conservation Area. The front gardens of the properties on the south side of Trowbridge Road are defined by the stone pillars and railings along the highway boundary edge, with a straight path and a planted garden to one side, parking is predominately on street except for some off-street parking for properties at the town centre end. Off street parking is considered essential in this location in the interests of highway safety. Especially as the existing dwelling benefits from such highway access, and any new dwelling would also be required to accommodate 2 off-street parking spaces.

No.42 Trowbridge Road already has a vehicular access on to Trowbridge Road, this would be maintained for both dwellings, with parking for the proposed unit to the south east elevation, and parking for No.42 in the existing front garden. Placing hardstanding and parking vehicles in the front garden of these properties would not preserve the appearance of the Conservation Area. however, having regard to the permitted development rights which could lawfully be implemented by No.42 for the creation of hardstanding on the front garden, this element would fall outside the scope of planning control, there is considered to be no harm. In addition, in response to the concerns of the objectors, this would not create a precedent for other dwellings on Trowbridge Road to use their front gardens for the parking of vehicles. The Local Planning Authority retain control over any subsequent development through conservation area consent, and Trowbridge Road is classified, planning permission is required for any vehicular access created.

CONCLUSION

For the reasons stated above this planning application is recommended for permission.

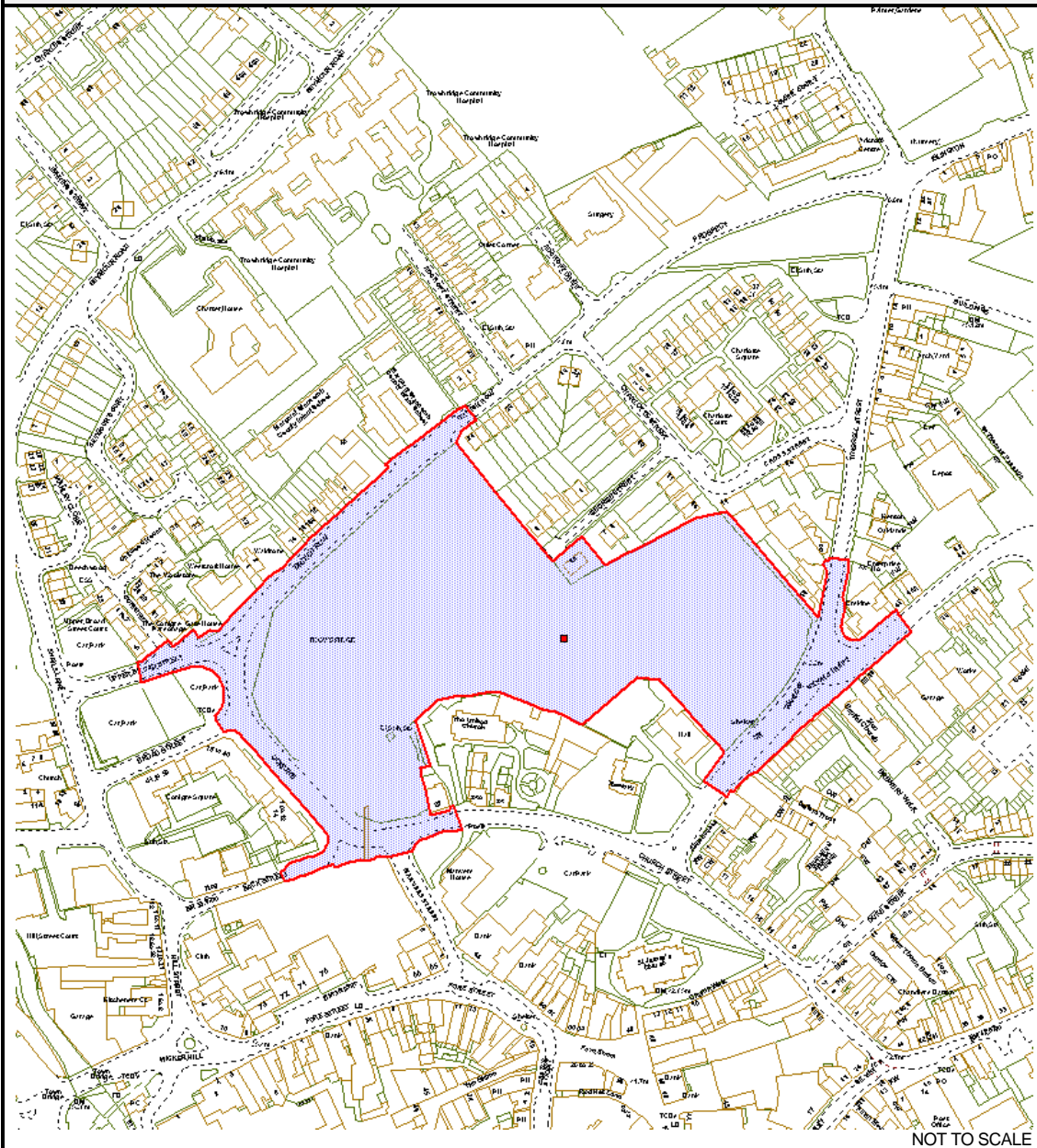
PLANNING COMMITTEE

23 June 2005

ITEM NO: 07

APPLICATION NO: 04/02107/FUL

LOCATION: Former Bottling Plant Union Street Trowbridge Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314

www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 04/02107/FUL

Site Address: Former Bottling Plant Union Street Trowbridge Wiltshire

Parish: Trowbridge Ward: ADCRFT
Grid Reference 385593 158235
Application Type: Full Plan
Development: Redevelopment to provide 80 dwellings; 7040sqm (GIA) of non food retail (A1), 623sqm (GIA) restaurant/public house (A3), 598sqm offices (B1); access arrangements; car parking and provision of landscaping
Applicant Details: Mystique Limited
C/o Kevin Hodgson White Young Green Planning Ropemaker Court 12 Lower Park Row Bristol
Agent Details: White Young Green Planning - Kevin Hodgson
Ropemaker Court 12 Lower Park Row Bristol BS1 5BN
Case Officer: Mr David Hubbard
Date Received: 29.10.2004 Expiry Date: 24.12.2004

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed built form of the development on this significant site on the edge of Trowbridge town centre would be out of keeping with and inappropriate to this locality which adjoins the Trowbridge Conservation Area and affects the setting of a number of Listed Buildings. The proposals would be contrary to advice in PPS1, PPG3, PPS6 and PPG15, The provisions of the Trowbridge Urban Development Framework and policies C31a, H4, C17 and C18 of the West Wiltshire District Plan 1st Alteration.

COMMITTEE REPORT

APPLICATION DETAILS

This application is a revised proposal following the First Secretary of State's decision to dismiss the previous application after he called in (03/00381).

This is a mixed use proposal that differs in land use terms from the application dismissed by the ODPM as follows:

| Proposal | Retail floorspace (m2) | Restaurant/ bar (m2) | Offices (m2) | Dwellings (no.) |
|-----------------------|------------------------|----------------------|--------------|-----------------|
| Dismissed application | 7,040 | 623 | - | 92 |
| Current application | 7,040 | 623 | 598 | 80 |

The current application proposes to develop the site for 10 retail units in one building located towards the north west of the site with restaurant/wine bar on two floors at the southern end of the building close to the pedestrian access off Church Street. A three storey building on the south western corner with British row would provide office accommodation adjacent to the proposed service/delivery entrance, Some 6 no. 3 bed town houses are proposed on the British Row frontage, 10 no. 1, and 2 bed flats fronting the Conigre over the 3 no small retail units and with a further 64 dwellings located on the north eastern corner of the site with access onto Union Street. These would comprise of 1 and 2 bed flats with 2,3, and 4 bed houses. Total dwellings proposed would be 80 dwellings.

The buildings would be constructed predominantly in brick under concrete tiles with some reconstructed stone features

A total of 237 parking spaces are proposed for the commercial development, 10 of which would be for staff and located mainly in the centre of the site. 13 spaces are allocated for the offices. For the residential units 10 parking spaces would be provided for the British Row houses, 20 for the Conigre flats and 69 for the Union Street houses of which 17 would be garages.

Vehicular access to the commercial part of the site would be via Union Street with a new mini roundabout and an additional access to the residential development with a separate roundabout. The main delivery/service entrance would be via a new roundabout at the Conigre/British Row/ Upper Broad Street junction.

A comprehensive soft and hard landscaping scheme has been submitted involving the different treatment of pedestrian, parking and circulation areas, soft landscaping around the housing and a comprehensive programme for planting semi-mature trees, advanced nursery stock trees and a variety of shrubs and bushes.

Documents submitted in support of the application are essentially the same as those for the Planning Inquiry and as follows.

- Planning Statement
- Retail Assessment
- Transport Assessment
- Noise Assessment
- Geotechnical and Contamination Investigation
- Archaeological Study
- Waste Audit

The Council gave a screening opinion on 9 December 2004 stating that the proposal would not require the submission of an environmental impact assessment.

The proposal is for a cleared site with an area of about 3.8ha. It was once occupied by the Usher's bottling plant, which was demolished in 2001. The site lies to the north of the town centre shopping area and is bounded by British Row, Conigre and Church Street to the north and west, by the United Church group of buildings and Union Street to the south, and by residential properties off Timbrell Street, George Street and British Row to the east.

The southern boundary of the site adjoins the Trowbridge No. 1 Conservation Area and a number of listed buildings grouped around the United Church and to the north west off British Row, where a group of 8 listed buildings includes Westcroft House, listed Grade II*. This latter group is currently being restored as part of a permission for residential development comprising a mixture of refurbishment and new build. To the west, on the other side of Conigre, another new build housing is currently nearing completion.

TROWBRIDGE TOWN COUNCIL

Originally expressed concerns about the lack of pitched roof to the retail unit. On receipt of additional information expressed no objection.

WCC STRATEGIC AUTHORITY - Retail Assessment

Summary of conclusions

- The proposal is acceptable in isolation from a strategic retail point of view.
- In accordance with the deliberations of the First Secretary of State, there is not capacity for both the former Ushers site and former Tesco site proposals at the 2007 design date put forward on behalf of the applicants.
- There is an acknowledged need for further major comparison goods provision in Trowbridge. But there is potential for a sequence of events that could result in a lack of further retail development in the vicinity of Trowbridge town centre for some considerable time.
- In these circumstances it is suggested that, if the former Ushers site proposal were to be phased and when using a realistic 2008 design date, both that proposal and the former Tesco site proposal would together be acceptable from a strategic retail point of view.

Additionally, in the event that the application were to be considered for approval, then the detailed points identified as having strategic retail implications i.e. implementation, mezzanine floors and the Shopping Direction, will apply.

HIGHWAY AUTHORITY

This latest application addresses the major area of highway concern identified in the previous application. For this reason there is no highway objection subject to the completion of a legal agreement to secure the following:

1. The design, funding and construction of works on the public highway, generally comprising roundabouts at the junctions of Union Street/Timbrell Street, British Row/Conigre and on Union street, a pedestrian refuge on British Row together with associated works, and a controlled pedestrian crossing over Church Street
2. The sum of £100,000 towards off site highway works to improve the Manvers Street, Fore Street and Conigre areas. The monies will be paid on the implementation of the planning consent; if the monies are not utilised within 5 years they will be paid with accrued interest to the developer
3. The terms and conditions of a car park management and pricing strategy that, for the avoidance of doubt, will allow the local authority to exercise a significant degree of control, and
4. A Green Travel Plan, the purpose of which will accord with the aims and objectives of contemporary best practice, and the strategy and policies set out in the Local Transport Plan

WILTSHIRE COUNTY ARCHAEOLOGY SERVICE

An earlier evaluation revealed evidence of medieval settlement activity in the southwest corner and suggest that this may represent the northern extent of medieval Trowbridge. Structures relating to Conigre House were uncovered in Trench 1.

Advise, as previous application, that an archaeological excavation be undertaken in the south west corner of the site prior to development and a watching brief in other areas by a professional archaeological contractor. (a brief is enclosed) and a condition to this effect.

ENVIRONMENT AGENCY

No objection subject to a conditions in respect of surface water drainage and ground contamination and informatives regarding Sustainable Drainage Systems, connections to the public utility companies.

WESSEX WATER

All information in previous letter still applies [ie. the previous application] which were summarised as follows:

No objections are stated. After giving technical advice on connection to existing mains Wessex Water recommend that a condition or informative is placed on any consent to require the developer to protect the integrity of their system, including any arrangements for protecting the public surface water sewer crossing the site.

WCC EDUCATION AUTHORITY

Based on 80 dwellings, assuming no 1 bed properties and no affordable housing they confirm a contribution of £250,722.00 for secondary schooling. Primary pupils can be accommodated within the existing buildings at the local school.

Further clarification has been received advising that the revised developer Education contribution figures for Secondary pupils based on the development of 80 dwellings which includes 9 one bedroom apartments and 24 affordable housing units can be calculated as follows:

Open Market Housing: $47 \times 0.22 \times £13,929 = £144,026$

Affordable housing: $24 \times 0.22 \times 0.7$ (30% discount) $\times £13,929 = £51,482$

Based on the above figures, I can therefore confirm the total developer contribution to Secondary Education equates to £195,508.

ENGLISH HERITAGE

Original scheme

Cannot recommend or endorse any decision to grant approval and would urge that steps are taken to engage in the broader review of the scheme as suggested.

The reinstatement of a successful street scene is dependent on the creation of a built up frontage and commensurate degree of architectural quality. In response to the Inspectors report for enhanced amenity relationship between the British Row dwellings and retail block behind, the terrace has been disaggregated into a series of smaller units rotated by 90 degrees. These now have dedicated parking and amenity space which they face and lies within the preferred front and rear building lines. They acknowledge that commercial and other imperatives may strongly influence the desire not to interfere with the footprint of the retail units and that the amendments represent one way of addressing the amenity issue previously identified. Inwardly the scheme may not have change a great deal. Outwardly in terms of how the scheme addresses its context, the net effect is a significantly retrograde one.

Instead of the built up frontage sought there is a mix of uses, forms and styles with different treatments to the street frontage cause by the splitting up of the residential accommodation and introduction of off street parking and amenity space. The result is a concept which fails to achieve the quality of unified street scene necessary for a successful scheme. This demonstrates the difficulty in tackling the British Row frontage in isolation and strongly suggest that an overall review of the whole scheme is needed.

Amended Scheme

While accepting some improvement has been achieved, maintains its objection because of the open view of the rear of a retail unit in a prominent position off British Row which again serves to highlight the difficulty of addressing the design of parts of the site in isolation from the whole site.

TROWBRIDGE CIVIC SOCIETY

Object to that part of the plan relating to the change in elevation of British Row. The proposed layout does not give an appropriate street scene for the town centre where terraced houses are the norm.

HOUSING OFFICER

Confirms there is a high demonstrable need for affordable housing in Trowbridge which supports a 30% affordable housing contribution from this site would require 24 units for Affordable Housing in the Union Street residential area. Tenure - Social Housing for Rent.

ENVIRONMENTAL HEALTH SCIENTIFIC OFFICER

The site investigation works had limited numbers of exploratory excavations mainly at the periphery of the site. These have identified areas requiring additional investigation. An electrical transformer sub station and switch gear room are potential source of ground contamination.

The general degree of site investigation works carried out is insufficient in the context of the proposed development particularly in respect of the eastern area where residential housing is proposed.

If planning permission is to be granted it should be subject to a condition to secure additional site investigations and remedial validation works.

SOUTH WEST REGIONAL DEVELOPMENT AGENCY

The proposals do not accord with the Trowbridge Urban Design Framework that sets out a comprehensive and viable approach to the successful and sustainable regeneration of Trowbridge.

ENVIRONMENTAL HEALTH OFFICER

Suggests conditions or informatives in respect of limited hours for construction works, no materials burn on site, dust and litter control, noise and vibration control from power floating activities, noise attenuation measures, limited hours for deliveries, no live or amplified music and details of lighting.

LEISURE MANAGER

Any provision for leisure/health/fitness facilities would result in an over provision in Trowbridge. There is no reference to % for the arts to which the site lends itself. The position of the site does not appear to offer any opportunity for formal recreations.

TECHNICAL SERVICES

No comments to make

ECONOMIC DEVELOPMENT OFFICER

Advised orally that they had no comments.

PUBLICITY

The application has been advertised by a statutory site and press notice and the adjoining properties notified.

Revised plans - 2 letter of objection

- Can see no considerable improvement just the setting of the houses may be slightly more pleasing to look at the front instead of the side.
- No increase in parking spaces nor changes to the access to the parking for the houses creating a traffic hazard.
- Loss of privacy from overlooking windows
- Height and design of the retail units are not in keeping with the rest in Trowbridge
- Residents will have an outlook onto the rear of an ugly prefabricated building.
- Proximity of the delivery yard will cause noise nuisance
- If lighting installed at the back of the retail unit it will create light pollution.
- Suggest the need for restrictions during construction to combat noise, pollution, inconvenience and rubbish
- British Row is in a conservation area
- Little shown for landscaping and tree planting
- The scheme could and should be designed to be more sustainable

RELEVANT PLANNING HISTORY

01/01614 - redevelopment comprising 64 dwellings, retail and leisure uses, access, parking and landscaping - refused permission November 2002. Subsequent appeal withdrawn.

03/00381/FUL - redevelopment comprising 92 dwellings, retail and food and drink uses, access, parking and landscaping - supported by this council, June 2003. Called in by the first secretary of state. Dismissed on appeal, October 2004.

PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 - Towns and Main Settlements

DP5 - Town Centres, District Centres and Employment areas

DP6 - Shopping

DP7 - Housing in Towns and Main Settlements

DP8 - Affordable Housing

DP9 - Reuse of Land and Buildings

T5 - Parking

West Wiltshire District Plan 1st Alteration

C17 - Conservation Areas

C18 - New Development in Conservation Areas

C27 - Listed Buildings

C31a - Design

R4 - Open Space in New Housing development

H1 - Further Housing Development within towns

H2 - Affordable Housing within Towns and Villages

H4 - Urban Mixed Use Brownfield Allocations

H24 - New Housing Design

T10 - Car Parking
SP3 - Out of Centre Shopping
TC1 - Upper Floor Uses in Town Centres
S1 - Education

Trowbridge Urban Design Framework (SPG)

PPS1 - Delivering Sustainable Development
PPG3 - Housing
PPS6 - Planning for Town Centres
PPG15 - Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The main issues in this application are:

- planning policy,
- planning history, including the First Secretary of State's decision on the recent planning appeal at the site
- retail issues,
- character and appearance of the area and design of British Row

Planning policy

The District Plan 1st Alteration proposes the redevelopment of the former Ushers brewery site for a mix of uses including about 120 dwellings and either retail, leisure/arts or office/business. The adjacent brewery building site has permissions for 60 dwellings.

The development proposals for the former bottling plant are, in overall land uses terms, in general accordance with the Plan on the basis that the development envisages a development of retail, food and drink, office and residential units.

The urban development framework identifies the site as providing limited retail opportunities mainly as part of a mixed block but the surrounding housing suggests the consolidation of this part of the Town Centre as the main residential development area. It emphasises the need for permeability and linkages with other sites on the northern area of the town centre and the need to start to rebalance the provision of open space to the north of the town centre. The urban development framework goes on to address proposed uses, access, height and massing and design.

Planning history

A similar scheme was submitted in 2003. The committee resolved to grant permission subject to S106 heads of agreement and several conditions. The application was called in by the Secretary of State and the issues heard by means of a public Inquiry.

It is on the basis of these comments that the applicants have submitted the revised scheme. Normally, the applicants would only be expected to overcome the previous reason for refusal unless there has been a material change in circumstances.

Since the First Secretary of State's decision, the Council have granted permission for another retail scheme at Castle Place/St Stephens Place (the Old Tesco site and Castle Place car park). This must now be taken into account as a material consideration in this application, especially in respect of the affect on the vitality and viability of the town centre. More detailed information on this issue is set out below.

Secretary of State's decision.

Whilst the Planning Inspector accepted that there was a need for non convenience shops and the town could accommodate the scheme without detriment to vitality and viability of the Town she expressed some concerns about aspects of the proposal. However, she concluded on balance that the proposal could be recommended for permission. The First Secretary of State agreed on with the retail assessment but took a different view of the design issues especially the treatment of the British Row frontage and level of amenity for the future occupiers of those houses.

The first Secretary of state concluded -

The proposal would broadly accord with the objectives of PPG13 and many aspects of PPG3. The Secretary of State is satisfied that there are no sequentially preferable sites in Trowbridge or any other town centre and the proposal would have only a minimal impact on the vitality and viability of existing town centres. However, whilst there is a need for additional comparison goods floorspace, the Secretary of State is not satisfied that need has been demonstrated to justify those elements of the proposal which could sell convenience goods (but given that the plans indicate that comparison goods will predominate overall) he concludes that overall need has been demonstrated in line with PPG6 as clarified

However and most importantly in his consideration of the proposal, the Secretary of State considers that the design and layout of the proposal would fail to have regard to the residential amenity of the proposed housing on the site. He concludes that the poor layout and design of the proposal would conflict with PPG3, which seeks to achieve quality in residential developments in urban areas through good design, and with the aim in PPG6 to create high quality design in urban areas. The Secretary of State considers that this is a significant failing in the proposal.

Although an element of retail development is in accordance with Plan policy, these proposals have to satisfy the requirements of retail planning policy, in terms of need, the sequential approach, and retail impact on nearby centres. The retail proposals are the same as those considered at the public inquiry in May 2004. The conclusions of the First Secretary of State and Inspector are therefore material.

Retail Issues

Although an element of retail development is in accordance with Plan policy, these proposals have to satisfy the requirements of retail planning policy, in terms of need, the sequential approach, and retail impact on nearby centres. The retail proposals are the same as those considered at the public inquiry in May 2004. The conclusions of the First Secretary of State and Inspector are therefore material.

The Secretary of State was not satisfied that need had been demonstrated at that Inquiry for those elements of the proposal which could sell convenience goods. The Secretary of State was satisfied that there was, just, sufficient quantitative need for the comparison element of the proposal but disagreed with the Inspector that there was a need for considerably more retail than the proposed scheme. At that time, the application for the Tesco site had only recently been submitted and therefore the Secretary of State did not consider the issue of whether there was cumulative need for both proposals.

Since this decision, the Tesco site scheme has been approved. The Secretary of State has decided not to call in that application. It is appropriate for this Council to assess this application in the light of a Council resolution to approve a substantial retail scheme to the south of the town centre.

There is not capacity for both the former Ushers site and former Tesco site proposals at the 2007 design date put forward on behalf of the applicants.

There is an acknowledged need for further major comparison goods provision in Trowbridge. But there is potential for a sequence of events that could result in a lack of further retail development in the vicinity of Trowbridge town centre for some considerable time.

In these circumstances it is suggested that to avoid this scenario retail elements of the scheme before the committee should be phased to control the timing of the implementation of the retail elements of this scheme and detailed points identified as having strategic retail implications such as the insertion of mezzanine floors. On this basis both this proposal and the former Tesco site proposal would together be acceptable from a strategic retail point of view. If the committee is minded to approve this proposal, the phasing of the development could be controlled by agreement.

Additionally, in the event that the application were to be considered for approval the Shopping Direction, will apply.

The Secretary of State concluded in the recent appeal at this site that there are no suitable, available or viable sequentially preferable sites in nearby centres and I do not consider that there have been any material changes in local circumstances to dispute this conclusion.

Character and appearance of the area

In dismissing the 2004 appeal, the key issue identified by the First Secretary of State was the design and layout of the proposal. He identified that this would:

- fail to have regard to the residential amenity of the proposed housing on the site.
- result in a poor layout and design of the proposal which would conflict with PPG3, which seeks to achieve quality in residential developments in urban areas through good design, and
- result in a poor layout and design of the proposal which would conflict with the aim in PPG6 to create high quality design in urban areas.

In considering this aspect of the proposals the committee must consider the extent to which these concerns are overcome by the latest proposals.

Members must also take account of the stance the council took in supporting the scheme which was subsequently considered at appeal together with any material changes in circumstances surrounding the site which have taken place since that committee decision was taken and the appeal decided.

In that regard since those decisions were taken Planning Policy Statements 1 (Delivering Sustainable Development) and 6 (Planning for Town Centres) have been published both of which increase the government's emphasis on the need for good design. PPS1 states that good design is indivisible from good planning and that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

PPS6 sets out design principles which should be taken into account. These include:

- development orientated so that it fronts the street
- respect for building lines of the existing urban environment
- maximising active street frontage
- avoidance of inward looking designs and blank frontages
- level access from public realm
- in edge of town centre locations good pedestrian access to the centre

It encourages maximising the use of sites, avoiding standard designs not well integrated with the local context and the importance of hard and soft landscaping.

Also the West Wiltshire District Plan 1st Alteration and Trowbridge Urban Design Framework have been adopted. The weight to be attached to these documents has increased significantly since the committee considered the earlier proposal. At the time of the appeal the Trowbridge Urban Development Framework had been adopted and the District Plan first alteration was close to adoption. Both documents carried significant weight in the decision making process at that time.

In considering this application, the committee needs to take into account these changes to guidance and policy which have taken place since the decision to support the earlier proposal for this site. In the light of these changes it would be wholly reasonable for the committee to come to a decision wholly different to that made in 2003.

A further key issue here is the need to ensure that development preserves or enhances the conservation area and that the development achieves good quality urban design.

The proposals have two main elements - a retail element with office and housing development on its northern and western edges facing British Row and Conigre and a block of housing off Union Street.

The housing element off Union Street is considered acceptable.

At the core of the main part of the development is the building comprising the retail units and the A4 unit and the associated car parking. These elements of the scheme are inward looking and pay little attention to the setting of the site or the pattern of streets of which it is a part. In the context of the design principles set out in PPS6 this core part of the site is inward looking, not orientated towards street frontages and fails to maximise use of existing street frontages.

The applicants have not proceeded with any major re-modelling of this scheme which did not meet all the urban development framework targets of design, context of the locality and permeability. Neither have they made any attempt to revisit the design of the retail units or attempted to add any additional design into the retail units in order to create more attractive buildings more in keeping with the setting of the site. A new design for the whole site incorporating more of the urban development framework's design concepts and principles would have been a more convincing approach to take given the lack of full support in terms of conservation area and urban development framework requirements on the previous scheme. Indeed the new scheme seems to only deal with the actual part of the site that failed to meet required amenity values when a fresh design perhaps employing a new architectural approach would have been a more positive reaction to the planning appeal outcome.

As with the scheme considered at appeal, the frontages of the site to Conigre and British Row comprises buildings which wrap themselves around most of the retail buildings and their associated service yard. A three storey building on the south western corner with British Row would provide office accommodation adjacent to the proposed service/delivery entrance, a terrace of six houses is proposed on most of the British Row frontage and flats and 3 small retail units are proposed to front the Conigre. However, this device is not successful in an urban design context.

The original plans for this application replaced the "single aspect" housing along British Row from the previous scheme with detached blocks of houses. Although this improved the residential environment in terms of sunlight and private amenity space, in so doing, it exacerbates the previous problem of the visibility of the large retail units and service yards behind the housing, thereby having a greater adverse impact upon the setting and views out of the Conservation Area. In addition, the proposed blocks of housing did not reflect the terraced pattern of the existing housing characteristic of the locality.

The scheme has been amended to replace the six semi detached houses with a terrace of six dwellings. The terrace is pulled forward and the width of the houses kept narrow to give a six metre deep rear garden, thus overcoming objections to the poor living conditions created by single aspect dwellings in this location. This reduces the number of gaps giving views of the rear elevations of the retail units and gives a greater sense of continuity along this frontage of the site. However this is at the expense of exposing a view of one very prominent corner of the rear of a retail building prominent in the north west corner of the site off British Row.

There are areas of blank frontage where blank walls link existing blocks which heightens the lack of surveillance and "life" on the street. For example associated with the office blocks on the corner of British Row and Conigre which in themselves may have the impact of creating a deadening effect on this important corner plot and the adjacent conservation area especially at night.

The introduction of offices allows the scheme to be more in line with the aspirations for this site in the UDF. One office building is opposite the Grade II* listed Westcroft House that has just been converted to housing units. It would be appropriate to this part of the conservation area to try and relate the proposed uses more to the uses that are in close proximity and housing would therefore have been more appropriate to this particular proposed building. Alternatively, a better approach to introducing this use into the site might have been to integrate it more into mixed use structures not simply having one building block in one use and segregating the uses as this proposal is indicating.

The application proposes the use of clay pantiles in some sensitive areas, concrete tiles, brick, render reconstructed stone and UPVC windows. It is considered that this mix of materials with a predominance of artificial materials would be detrimental to the setting of the adjacent conservation area in British Row. This part of the conservation area is characterised by a group of terraced houses of typical Victorian style and proportions, with a group of semi-detached listed houses known as British Row to the west. This area is not in the conservation area but is immediately adjacent and policy C18 of the local plan does state "Within Conservation Areas or outside where development proposals would affect the setting..."

While it is not considered that the scheme harms the setting of any listed buildings, it is not considered that the proposals will either protect or enhance the setting of the conservation area. On this basis the proposals would be contrary to policies C17 and C18A,B,D and E.

The permeability of the scheme, particularly regarding pedestrian permeability through the site from the north remains an area of concern. No desirable and safe route segregated from traffic exists through the site. Indeed the main purpose of pedestrian movement at the site is to access the retail unit not to improve access and permeability in this part of the town as advocated by the urban development framework. The need to gate the poorly designed footpath to the north west of the retail units in the interests of community safety further reduces permeability.

The proposed scheme is weak in terms of its urban design elements. It pays little regard to well established principles of good urban design as advocated by PPS6 for this type of development. At its heart is an inward looking retail park scheme which turns its back on the area of Trowbridge in which it is situated. Those parts of the scheme which front onto British Row and Conigre are there with the primary purpose of seeking to mitigate the poor urban design elements of the retail scheme in an attempt to prove the overall concept of the scheme acceptable. It is not considered that these attempts at mitigation are successful. The scheme pays little regard to the established pattern of development in this part of Trowbridge or to the aspiration of the urban development framework to see this site redeveloped in a form which respects the character of the area and preserves and enhances the adjoining conservation area and setting of nearby listed buildings. The site offers nothing in the way of enhanced permeability through the area as is sought by the urban development framework but rather seeks only to bring people to the retail units at its core.

In terms of the issues identified by the First Secretary of State in dismissing the earlier appeal, this proposal has improved the residential amenity of the housing proposed on British Row. However, in terms of the overall design of the scheme while the proposed housing areas have been improved, the scheme as a whole remains poor in terms of layout, design and urban form and therefore conflicts with the aims of PPS1 and PPS6 to secure high quality design for development in urban areas.

Other Issues

Affordable Houses, highway issues, open space, education contribution, landscaping and footpaths are all issues which can be satisfactorily resolved in the context of this application. However if members are minded to approve the application all these matters will require to be included in a section 106 agreement.

There is a requirement on town sites of this size and nature to provide for the affordable housing needs of the area. Sites should provide up to 30% affordable housing, taking account of need, site conditions and the economics of provision. The priority need is for social rented housing provided through a Registered Social Landlord and the transfer of a commuted sum covering the build costs of the units by the developer to the Council.

Under the 30% nil subsidy policy, of the 80 dwellings proposed on this scheme require 24 units for affordable housing in the Union Street residential area would be required.

The Affordable housing to be provided in perpetuity. The affordable housing should be provided in small clusters. The Registered Social Landlord - West Wiltshire Housing Society - had worked on layout and design previously and this is unchanged for the I9 previously identified but there is a need to increase to 24 units (ie 5 more on site units). This could be accommodated as there is a block of five units in the Union Street area which could be adapted to meet the required Housing Corporation Scheme Development Standards. The design and layout of the affordable housing units would need to be approved by the Council/Registered Social Landlord.

If the committee is minded to approve this scheme further negotiations would be required to identify a block of five further affordable houses.

Proposals for residential development need to provide for recreation open space in accordance with the National Playing Fields Association standards. In this case, on-site provision should be made for children's play space for which financial contributions will be required, although the more formal element could be provided on a nearby site.

There will be a requirement for an education contribution from this site.

Detailed landscape proposals must be submitted and include additional trees within the street scene around both the retail and residential areas.

The existing pedestrian route between Union Street and George Street needs to be included and upgraded to cycle way.

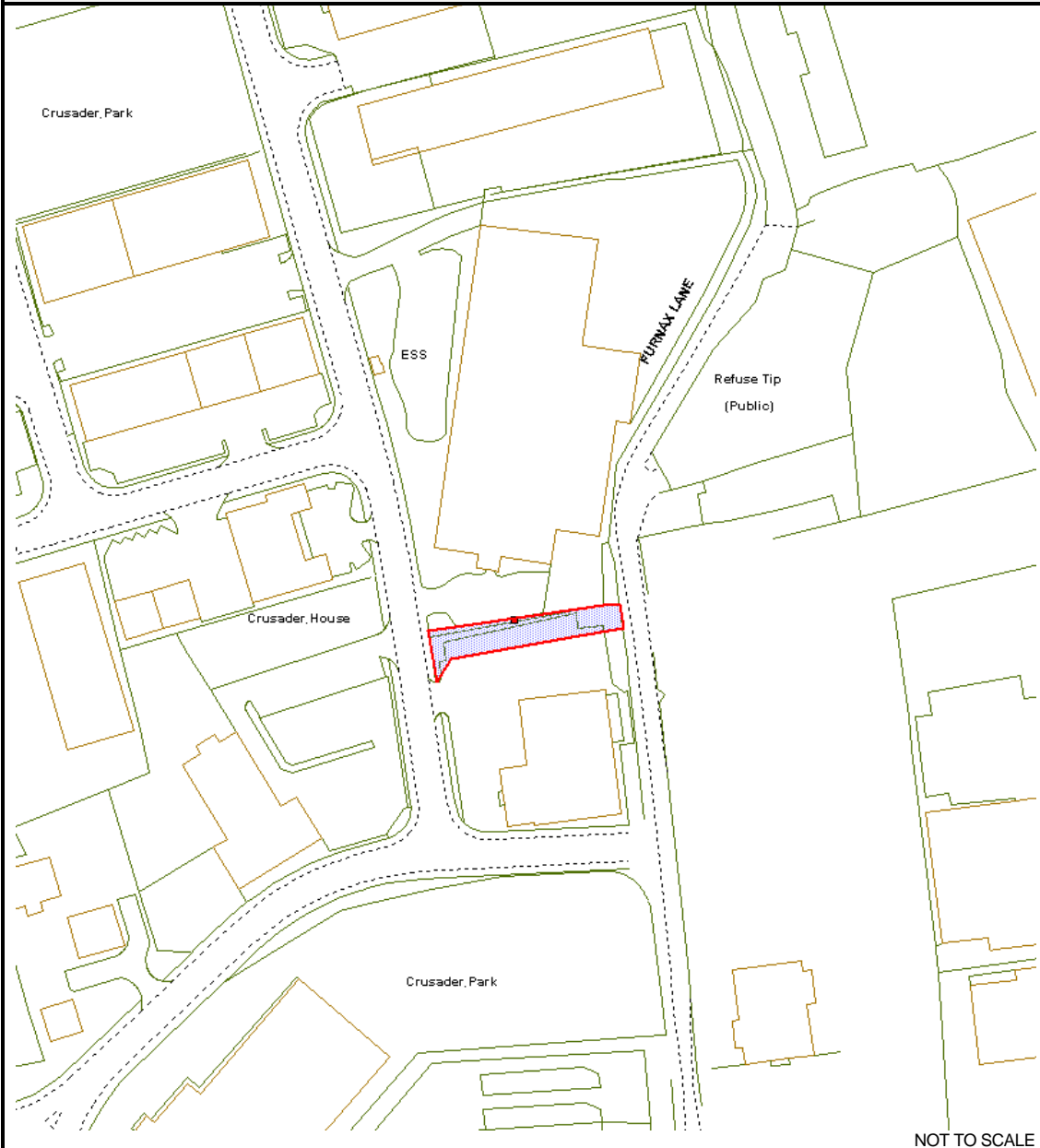
PLANNING COMMITTEE

23 June 2005

ITEM NO: 08

APPLICATION NO: 05/00341/FUL

LOCATION: Land North Of ARCO Roman Way Crusader Park
Warminster Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 05/00341/FUL

Site Address: Land North Of ARCO Roman Way Crusader Park Warminster Wiltshire

| | | | |
|--------------------|---|--------------|------------|
| Parish: | Warminster | Ward: | WARMW |
| Grid Reference | 386646 146085 | | |
| Application Type: | Full Plan | | |
| Development: | Proposed access road | | |
| Applicant Details: | Degan Developments 34 Boreham Road Warminster Wiltshire | | |
| Agent Details: | Mr Peter Grist Furlong House East Street Warminster Wilts BA12 9BZ | | |
| Case Officer: | Mr Russell Brown | | |
| Date Received: | 22.02.2005 | Expiry Date: | 19.04.2005 |

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed development would result in a reduction in the parking and turning areas associated with the existing Arco site, and would result in difficulties for the manoeuvring of larger vehicles into the warehouse.
- 2 The proposed access road is unsuitable as a means of access to the site, by reason of its substandard junction with Furnax Lane where there is limited junction visibility and pedestrian intervisibility, and where large vehicles crossing the route of Furnax Lane would introduce conflicting traffic movements causing danger and inconvenience to all highway users.

COMMITTEE REPORT

APPLICATION DETAILS

This is a full application for the provision of a new access road to serve Gibbs Transport Services Ltd. It has been brought before the Planning Committee because Councillor Kay Whatley-Gibbs is part of this company.

The Gibbs Transport Services Ltd site is located on land east of Furnax Lane in Warminster. Furnax Lane also serves the Household Recycling Centre and is a footpath access to the surrounding countryside.

This application is seeking a new access from Crusader Park through the current site of the Arco factory. This would mean that vehicles currently accessing the Gibbs Transport site would no longer drive the length of Furnax Lane, but would still cross Furnax Lane at a newly created crossroad junction.

The proposal includes the creation of a new access road though the north of the Arco site and the consequent widening of the Arco access and repositioning of the parking for the Arco factory.

Furnax Lane is a designated public right of way and classified as a public footpath. The lane is a single carriageway and currently not wide enough to form an acceptable access to accommodate an increase in large HGVs using the site.

WARMINSTER TOWN COUNCIL

No objection to original plans or revised plans

HIGHWAY AUTHORITY state, referring to the revised plans:

"Whilst it would seem that the parking spaces for the Arco site have been indicated on the submitted revised plan, this results in a much reduced area for access for large vehicles into the building, and no swept path analysis has been submitted to demonstrate that this arrangement would not compromise access and turning movements.

However, the latest plan does not overcome my concerns in respect of the junction of the access road with Furnax Lane, and the cross movements over Furnax Lane.

I therefore maintain my objection for the following reasons:

The proposed development would result in a reduction in the parking and turning areas associated with the existing Arco site, and would result in difficulties for the manoeuvring of larger vehicles into the warehouse.

The proposed access road is unsuitable as a means of access to the site, by reason of its substandard junction with Furnax Lane where there is limited junction visibility and pedestrian intervisibility, and where large vehicles crossing the route of Furnax Lane would introduce conflicting traffic movements causing danger and inconvenience to all highway users."

PUBLICITY

The application has been advertised by site notice and neighbours have been notified. One letter has been received from Warminster Civic Trust making the following points:

- The area is an unfinished mixture of old and new surfacing
- Furnax Lane is in need of improvement and the Trust would support any move to do so

RELEVANT PLANNING HISTORY

The following application was for the Arco factory:

01/00126/FUL - Industrial building with ancillary offices and demonstration areas - Permission 22/03/2001

The following application is for the Gibbs Transport Services site:

01/02033/FUL - Warehouse and storage with access road and parking - Permission 17/06/2002

04/00385/FUL - Section 73 application for the carrying out of warehouse and storage with access road and parking without complying with Condition 03 imposed on planning permission reference 01/02033/FUL - Refused at Planning Committee 24/06/04 - Appeal pending

PLANNING POLICY

Wiltshire County Council Structure Plan 2011

DP2 - Infrastructure

DP4 - Towns and main settlements

DP5 - Town Centres, District Centres and Employment Areas

West Wiltshire District Plan 1st Alteration 2004

E2 - Employment Policy Areas

R11 - Footpaths and Rights of Way

T10 - Car Parking

T12 - Footpaths and Bridleways

National Guidance

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PLANNING OFFICER'S COMMENTS

The key issues in this application are the effect of the proposed access road on the parking, turning and site layout of the Arco site, the highways implications of vehicles crossing the Furnax Lane public footpath to get to the Gibbs Transport site and planning history.

Policy E2 of the West Wiltshire District Plan 1st Alteration 2004 states that employment development must provide safe and convenient connection to the highway without creating transport problems.

At present, Furnax Lane is tarmaced and serves both as an access to the District Waste Recycling Depot, and as a public right of way into the wider countryside. In the opinion of the Highway Authority and of the Planning Committee, as shown in the refusal decision for application 04/00385/FUL, Furnax Lane is too narrow to properly accommodate the increase in large vehicles such as HGVs and articulated lorries permitted under permission 01/02033/FUL.

The current proposal would mean that the vehicles, including the HGVs and articulated lorries, using Furnax Lane to access the Gibbs Transport site would be able to access the site from Crusader Park. They would still have to cross the public footpath of Furnax Lane, so a new crossroad junction has been proposed for this purpose. The siting of the new road would be from Roman Way, Crusader Park, across the existing parking area for the Arco factory, then crossing Furnax Lane into the Gibbs Transport Services site. The revised plans show the parking re-sited to the south of the proposed road.

The existing site layout has 11.5 metres between the edge of the car parking area and the edge of the lorry parking space adjacent to the loading door of the factory. In the proposed layout this distance would be reduced to 6.5 metres. The applicant has not demonstrated that there is sufficient space for vehicle manoeuvring, and the Highway Authority are concerned that the parking and turning movements on-site would be compromised by the proposal. Although the number of parking spaces would be increased by 2, the turning area on site would be reduced.

Condition 3 of 01/02033 states:

"To ensure adequate parking and servicing provision is available at the time the use is commenced, the parking and servicing areas indicated on the approved plans together with the means of access thereto shall be constructed and made available for use before the premises are occupied."

This was attached to ensure the provision of an improvement to this road to create an acceptable access for HGVs to this site from Crusader Park.

The subsequent 04/00385/FUL application sought to remove Condition 3 of 01/02033/FUL, this was refused by the Planning Committee for the following reason:

"Policies E2 of the West Wiltshire District Plan and West Wiltshire District Plan - 1st Alteration 2004, state that employment development will be permitted, subject to caveats. This includes that they provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway, and where appropriate, rail facilities, without creating transport problems.

"The condition 3 of the planning permission for 01/02033/FUL was required to secure the delivery of an access road link between this site and the Crusader Park development, to enable large vehicles to utilise appropriately constructed roads, as opposed to the public right of way known as Furnax Lane. The loss of this condition would result in HGV movements on a substandard access road, which is classified as a public footpath, with consequential danger and inconvenience to other users. The proposal would therefore, be contrary to the above referenced policies and be prejudicial to public safety."

The safety issues surrounding Furnax Lane are still valid. Furnax Lane is a public footpath with no pedestrian reservations or facilities. The Highway Authority state that the junction of the proposed access road with Furnax Lane is not acceptable for use as an access for vehicles to cross Furnax Lane. Notwithstanding the outstanding appeal on application 04/00385/FUL, the proposal is considered unacceptable in highway safety terms. Your Officers are still of the opinion that the requirements of Condition 03 of 01/02033/FUL to provide highway improvements to Furnax Lane, including the widening of its width, are absolutely necessary to the operation of Gibbs Transport Services particularly now that the site is in use. Although, the current proposal seeks an alternative to this requirement, it does not overcome the fundamental highway safety issues.

CONCLUSION

The proposal has not overcome the wider issues of highway safety surrounding Furnax Lane nor the servicing areas of the Arco factory. It is not considered that conditions could overcome these objections. Therefore the application is recommended for refusal.

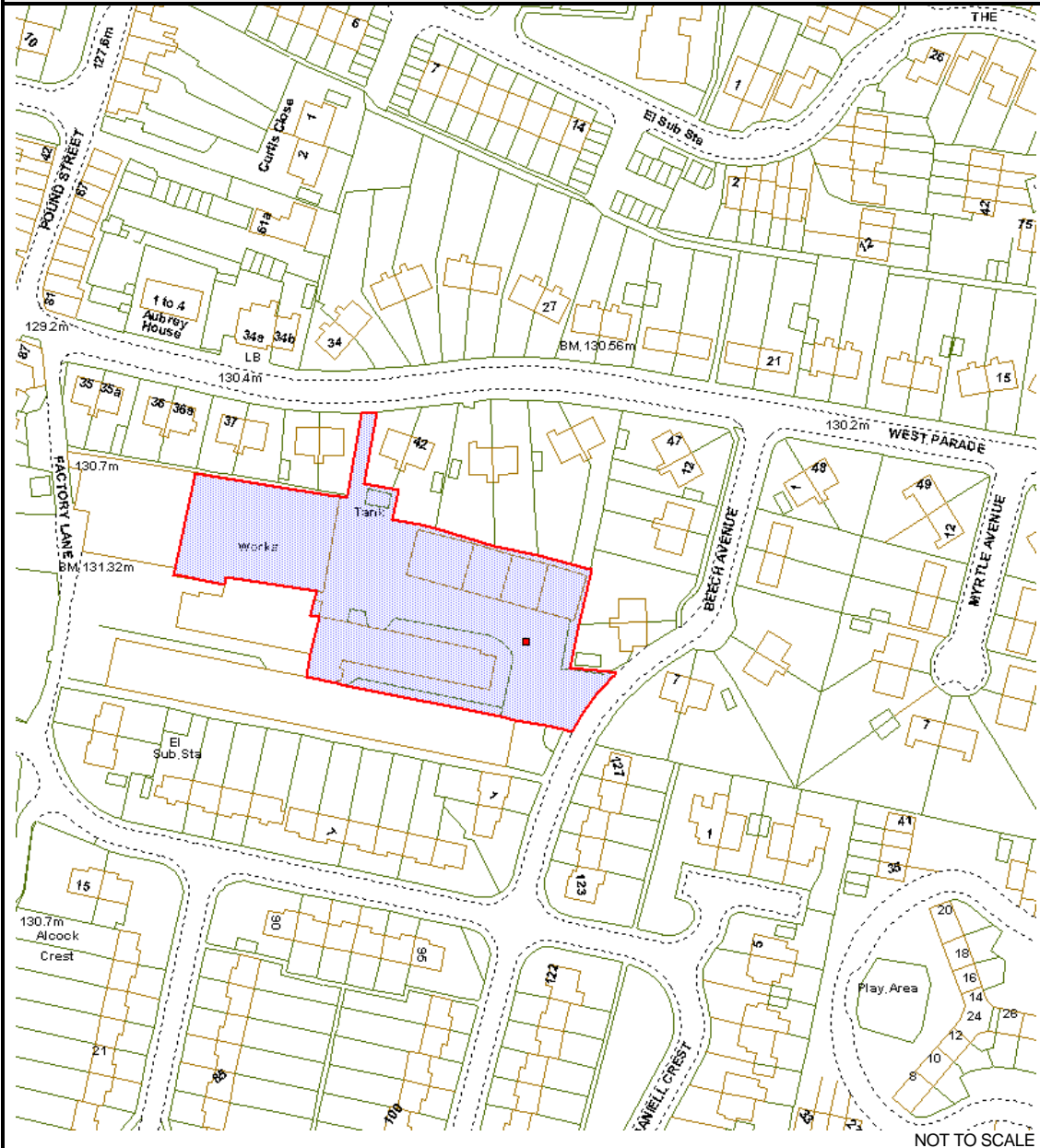
PLANNING COMMITTEE

23 June 2005

ITEM NO: 09

APPLICATION NO: 05/00722/FUL

LOCATION: The Old Silkworks Beech Avenue Warminster Wiltshire
BA12 8LX



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SLA: 100022961

09 Application: 05/00722/FUL

Site Address: The Old Silkworks Beech Avenue Warminster Wiltshire BA12 8LX

Parish: Warminster Ward: WARMW
Grid Reference 386699 144702
Application Type: Full Plan
Development: Extension to existing light industrial unit
Applicant Details: May K Ltd
PO Box 862 Brookwood Woking Surrey GU24 0WX
Agent Details: Radley House Partnership
Radley House 8 St Cross Road Winchester Hants SO23 9HX
Case Officer: Mr Matthew Perks
Date Received: 14.04.2005 Expiry Date: 09.06.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The parking layout of 35 spaces indicated on the approved plan 2026:02 that forms part of this permission, or a revision of such plan providing the same number of on-site spaces and having the written approval of the Planning Authority, shall be set out to the satisfaction of the Planning Authority before the extension hereby approved is brought into use.

REASON: In the interests of the users of the site and in order to facilitate ordered vehicle parking and manoeuvring within the site.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for an extension to an existing light industrial unit at The Old Silk Works, Beech Avenue, Warminster. The proposal would extend an existing building of 45 x 12 m by 6m in length over its existing width. The extension would occupy an area of 72m² and is designed to match the existing structure.

The proposal is a re-submission of a scheme that was twice previously granted permission. (Applications W96/1155 and W90/0957) A similar extension was also permitted under W88/0378. None of these plans has been acted upon.

The applicant states that there would be no additional part time or full time staff employed and would not result in any additional visitors to the site.

SITE

The building to be extended currently occupies a footprint of 45 x 12m in the north eastern corner of the site. There are residential properties to the north, with the nearest dwelling being some 15m from the existing industrial building.

WARMINSTER TOWN COUNCIL

Objects to the proposal as detrimental to local residents. The extension would generate additional heavy goods vehicles going through Beech Avenue.

The member for Warminster West queried the current situation with regard to parking on site, and working hours conditions.

PUBLICITY

Neighbours were notified of the proposal. One letter of response was received. The plans are misleading. The statement of ownership on the application form is also misleading. The activities on site are hardly classifiable as light industrial. The on site parking plan cannot be achieved because of existing storage and other uses on the site.

RELEVANT PLANNING HISTORY

W87/1342 : Construction of 4 new small industrial units : Permission
W88/0034 : 5m extension to previously approved small industrial unit : Permission
W90/0957 : Extension to light industrial unit : Permission
W96/1155 : Extension to light industrial unit : Permission

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

E2 - Employment Policy Area

PLANNING OFFICER'S COMMENTS

The main issues relevant to the application relate to neighbouring amenity.

This is effectively a renewal of two previous applications that were granted permission. Government Guidance with regard to renewal of planning applications is that these should only be refused where there has been some material change of planning circumstances since the original permission was granted. The previous application was considered against the West Wiltshire District Plan and the current proposal is being considered against the West Wiltshire District Plan First Alteration. W96/1155 would have been evaluated in terms of Policy E2 of the West Wiltshire District Plan, 1996. Policy E4 of the West Wiltshire District Plan First Alteration applies to the current case. Both of these policies permit extensions to employment development subject to local area character, parking and transport considerations. Policy E4 of the West Wiltshire District Plan First Alteration has an additional criterion relating to neighbouring amenity.

The observations of the Town Council and the objections must be noted. During the site inspection it did appear that parking was an issue. However, the proposed extension must be examined on its own merits. The applicant has stated that there would be no additional staffing or visitors. The highway authority is satisfied with the parking layout that would form part of the approved plan. There would be a degree of impact from the northern perspective on the site, but in the context of the existing extent of the building this would not result in significantly increased harm. The proposal on its own would therefore not give rise to a loss of amenity that would form the basis of refusal contrary to the previous permissions. Importantly the parking scheme that forms part of the proposal would have to be implemented. At this stage, as the objector pointed out, a number of the parking spaces identified in the plan are blocked or cannot be utilised for other reasons. The scheme as proposed, including the parking layout, would alleviate to a degree the parking problems that are apparent.

CONCLUSION

While acknowledging that there are certain local amenity issues in relation to this industrial site as a whole, the current proposal must be considered on its own merits and in the light of the history of permissions. On balance the application should be permitted, especially where it would give rise to an improved parking situation on site.

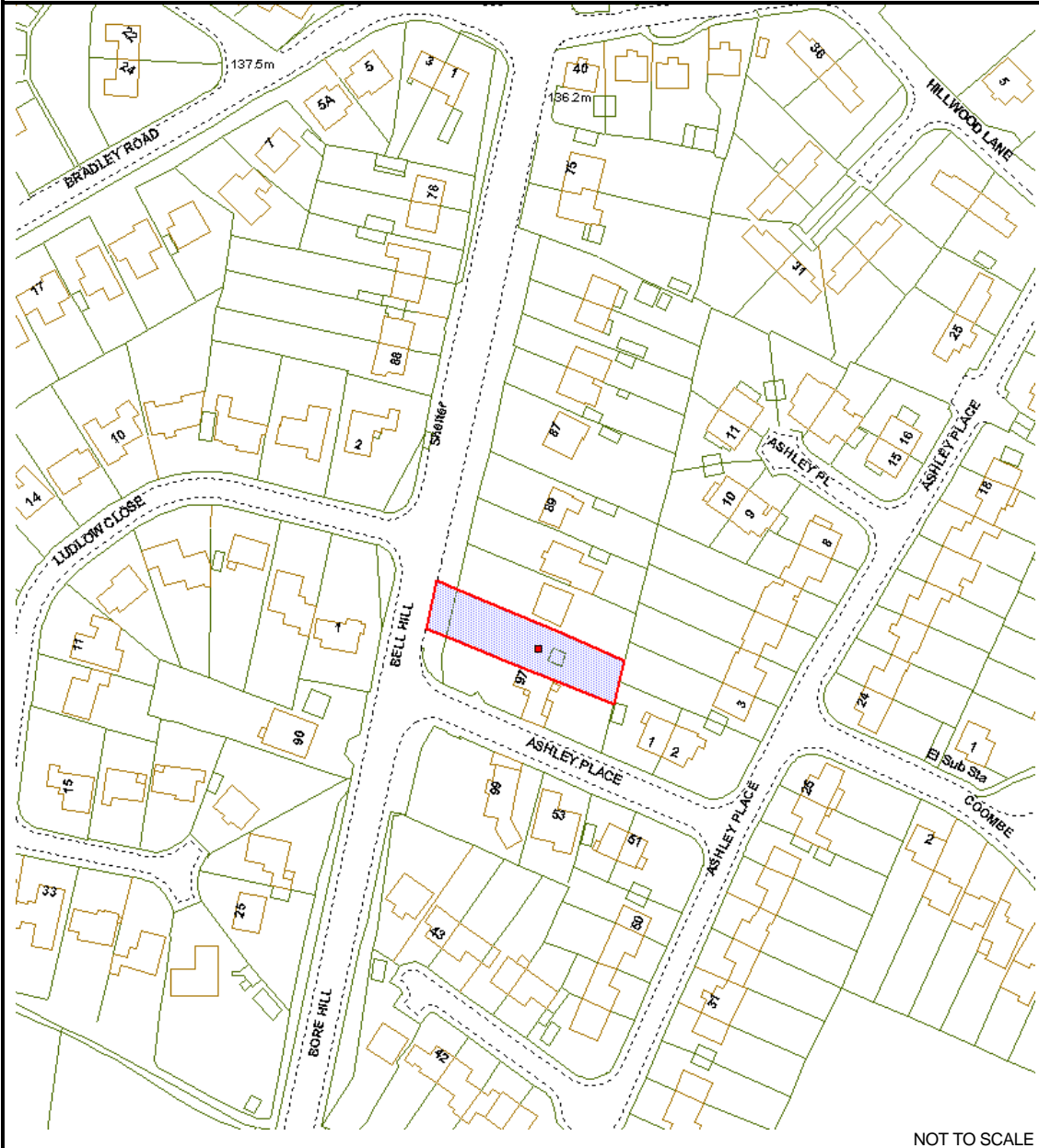
PLANNING COMMITTEE

23 June 2005

ITEM NO: 10

APPLICATION NO: 05/00224/OUT

LOCATION: Land North Of 97 Deverill Road Warminster Wiltshire



NOT TO SCALE

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SLA: 100022961

10 Application: 05/00224/OUT

Site Address: Land North Of 97 Deverill Road Warminster Wiltshire

Parish: Warminster Ward: WARMEA

Grid Reference 386855 143956

Application Type: Outline Plan

Development: Link detached four bedroomed house with integral garage

Applicant Details: Mr & Mrs A J Field
97 Deverill Road Warminster Wiltshire BA12 9QL

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 09.02.2005 Expiry Date: 06.04.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 Approval of the details of the design and external appearance of the building(s) and the landscaping of the site ("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 Before the access hereby approved is first brought into use a properly consolidated and surfaced turning space for vehicles shall be constructed to the satisfaction of the Local Planning Authority in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

REASON: In the interests of highway safety.

- 5 Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to an approved by the Local Planning Authority.

REASON: In the interests of highway safety.

- 6 The proposed access shall incorporate splays on both sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction above a height of 0.6m.
- REASON: In the interests of highway safety.
- 7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of highway safety.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 9 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.
- 10 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.
- The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres out side the group canopy.
- Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.
- If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.
- The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete
- REASON: To ensure that existing trees of value are adequately protected.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.
- 11 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Warminster Town Council object and your Officers recommend approval.

This is an application for outline planning permission for a dwelling with all matters reserved for subsequent approval except siting and means of access.

The application site is land within the curtilage of no.97 Deverill Road within the settlement boundary of Warminster. The site for the proposed residential development is land between numbers 93 and 97 Deverill Road on the eastern side of this main route to the south of the town centre.

WARMINSTER TOWN COUNCIL

Object on the grounds of lack of information

The Committee comment that this is two doors down from Ashley Coombe and there are no extensions or developments in that area. It was decided that this application be deferred as they feel that the current plan has insufficient information.

PUBLICITY

Neighbouring properties were consulted.

One representation was received from the occupiers of the neighbouring property, expressing concern about:

1. Loss of light
2. Loss of privacy
3. Potential loss of trees
4. Proposal would detract from the ambience of the area.

CONSULTATIONS

Highways Authority

No objection subject to the imposition of conditions. Have expressed concern about access to the site from Ashley Place and the provision of 2 car parking spaces.

Environment Agency

No objection

Wessex Water

No objection

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 Main Settlements

West Wiltshire District Plan First Alteration

H1 Further Housing Development within Towns

PLANNING OFFICER'S COMMENTS

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

Development Plan Policy

The principle of further residential development in this location is established in development plan policy.

The Wiltshire and Swindon Structure Plan 2011 Policy DP4 identifies Warminster as a main settlement where housing and employment development should be concentrated. Therefore the principal use of this land as residential development is acceptable in Structure Plan policy.

District Plan Policy H1 states that proposals for housing development within the built-up area of Warminster will be permitted where siting layout and design is satisfactory. This is an application for planning permission to establish the principle of residential development on the site and to confirm that the siting of and the access to the proposed development is acceptable. The submitted plans indicate that the proposed dwelling would be located in line with the existing properties at numbers 93 and 97. It is considered that this is an appropriate site for further residential development in this location. It would not create inappropriate backhand or tandem development. It would not have a detrimental impact on neighbouring properties, just as typical terrace accommodation has no detrimental impact on neighbouring amenity. It would not result in any loss of light to the neighbouring property and the permission can be conditioned to ensure that there is no loss of nearby trees.

Local Plan policy requires proposals to make adequate water supplies, sewerage and sewage treatment, without adversely affecting the environment. Wessex Water has indicated that they are satisfied with the proposal.

The application site is surrounded on all sides by residential development and will therefore not result in any loss of an important visual gap, area of nature conservation interest and would create no traffic problems.

Overall it is considered that the application proposal complies with policy H1

Material considerations

Approval of the means of access forms part of this application proposal. It is proposed to use the existing access to the site from Deverill Road. The access to no. 97 Deverill Road from Ashley Place will not be employed as part of this proposal. Indeed this access falls outside the application site. There is also ample space for the provision of at least 2 car parking spaces within the site.

The County Highways Authority have been consulted and have indicated that they have no objection to the proposed access, subject to the imposition of conditions.

The Town Council has objected on the grounds of lack of information. This objection cannot be supported. The applicants have submitted sufficient information to establish whether the principle of residential development is acceptable on this site. Therefore there is sufficient information to consider this application for outline planning permission.

CONCLUSION

The principle of residential development is acceptable in policy terms and there are no policy considerations to outweigh this policy and the proposal can therefore be supported.

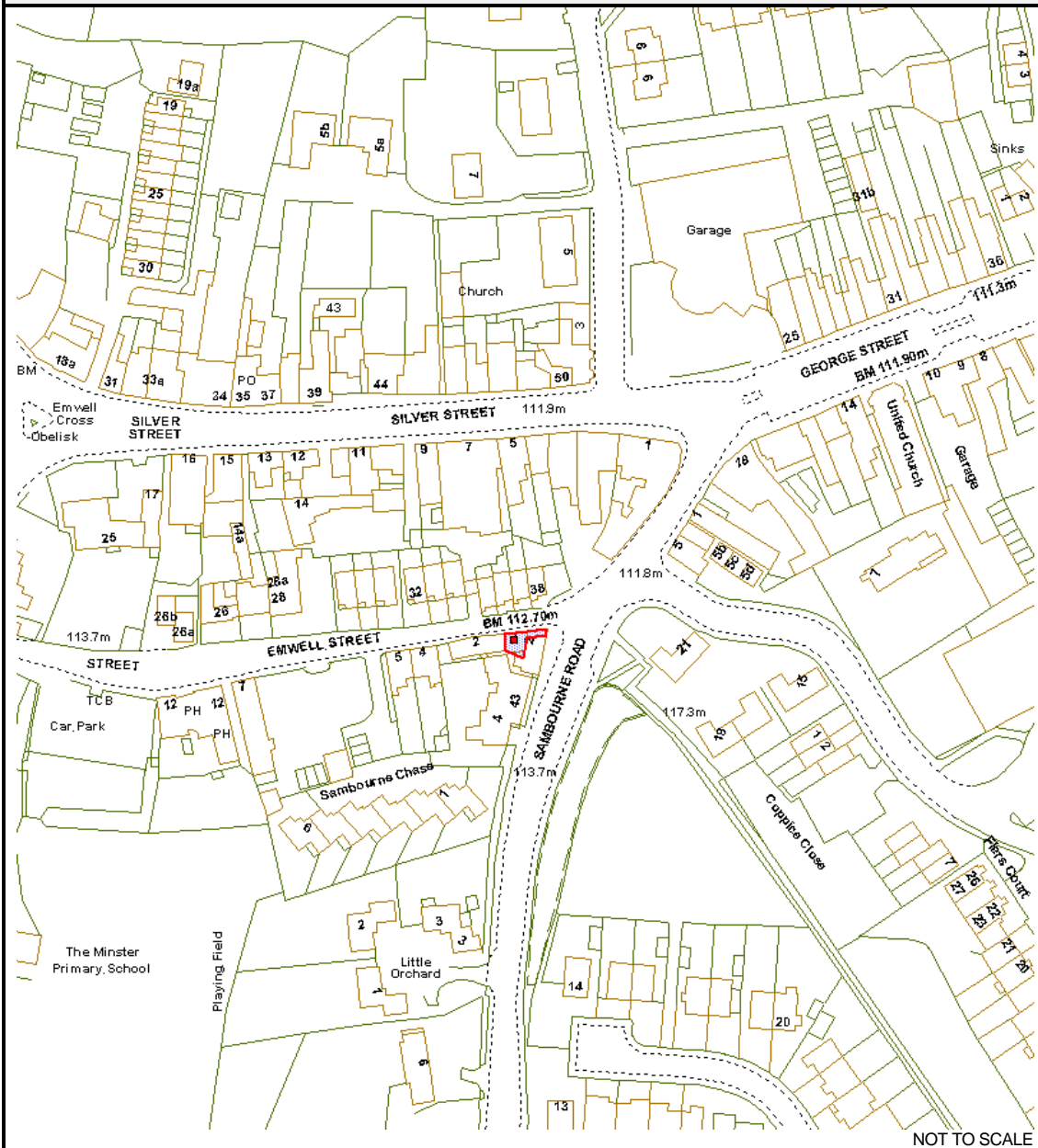
PLANNING COMMITTEE

23 June 2005

ITEM NO: 11

APPLICATION NO: 05/00588/FUL

LOCATION: 1 Emwell Street Warminster Wiltshire BA12 8JA



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SLA: 100022961

11 Application: 05/00588/FUL

Site Address: 1 Emwell Street Warminster Wiltshire BA12 8JA

Parish: Warminster Ward: WARMW

Grid Reference 387079 145076

Application Type: Full Plan

Development: Change of use from residential to offices, storage and accommodation for training

Applicant Details: Mrs Julie King
22 Hillwood Lane Warminster Wiltshire BA12 9QG

Agent Details:

Case Officer: Mr Aaron Smith

Date Received: 30.03.2005 Expiry Date: 25.05.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall 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 use hereby permitted shall not be operated outside the following times: 08.30 and 18.00 on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank Holidays.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the Town Council recommends refusal and officers recommend permission.

This is a full planning application for a change of use of No.1 Emwell Street in Warminster from its existing residential use (1 dwelling) to a ground floor office, first floor storage and training accommodation in connection with the office use (Class B1) of the building for an organisation providing care staff. A total of 4 staff would be employed at this premises, training up to 5 clients at any time.

The property is located on the periphery of the central area of Warminster, within the Warminster Conservation Area. The immediate vicinity is a mixture of commercial and residential properties, however, Emwell Street is predominately residential.

WARMINSTER TOWN COUNCIL

Object to this application:

"The committee point out that there are numerous empty shops in the town and they cannot see any conceivable reason why this residential development should be turned into offices."

PUBLICITY

This application has been advertised by press advertisement, and on site with a public notice, in addition neighbour notification has been undertaken.

No comments received

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C20 - Changes of Use in Conservation Areas

C38 - Nuisance

E4 - Premises Outside Employment Policy Areas

PPS 1 - Delivering Sustainable Development

PPG 4 - Industrial, Commercial Development & Small Firms

Circular 3/2005 - Changes of Use of Buildings and Land

PLANNING OFFICER'S COMMENTS

The main issues for this planning application are, its effect upon the amenities enjoyed by occupiers of adjoining properties, effect on the character or appearance of the Conservation Area, is the property a sustainable location and does the development make adequate provision for car parking and access.

The proposed use of 1 Emwell Street would be as an office, which is Class B1 in the Use Classes Order. Class B1 is a business class which groups together many office and light industrial uses which are broadly similar in their limited environmental impact. By definition, these uses are capable of being carried out within a residential area without harm. In this case, the property is an end terrace at the corner of terraced properties on Emwell Street and Sambourne Road. There would be no direct overlooking of any residential adjoining properties and there are no gardens to the rear of neighbouring dwellings. However, in order to preserve residential amenities, an hours of operation condition is recommended.

This property is located within the Warminster Conservation Area. Changes of use could be harmful to the Conservation Area, if the new use required any changes in the appearance or setting of the building. In this case, there would be no external changes to this property for this change of use. The proposal would not be harmful to the visual amenities of the area. The use of a residential building on the periphery of the Warminster Conservation Area for a commercial purpose would preserve the character of the Conservation Area and is typical of similar properties on Silver Street and Vicarage Street.

In respect of highway issues, there is no provision for parking or access within the application site. The existing property does not benefit from off-street parking. On street parking immediately adjacent to the property is restricted by double yellow lines. However, there is a short stay car parking adjacent to the Weymouth Arms Public House (100 metres) and across the Zebra Crossing, parking is available on Sambourne Road and at the Safeway car park. Mindful of the location of the proposed office, in a readily accessible location, just outside the Warminster Town Centre Commercial Area, which is well served by public transport and public car parking, no highway objections are raised.

CONCLUSION

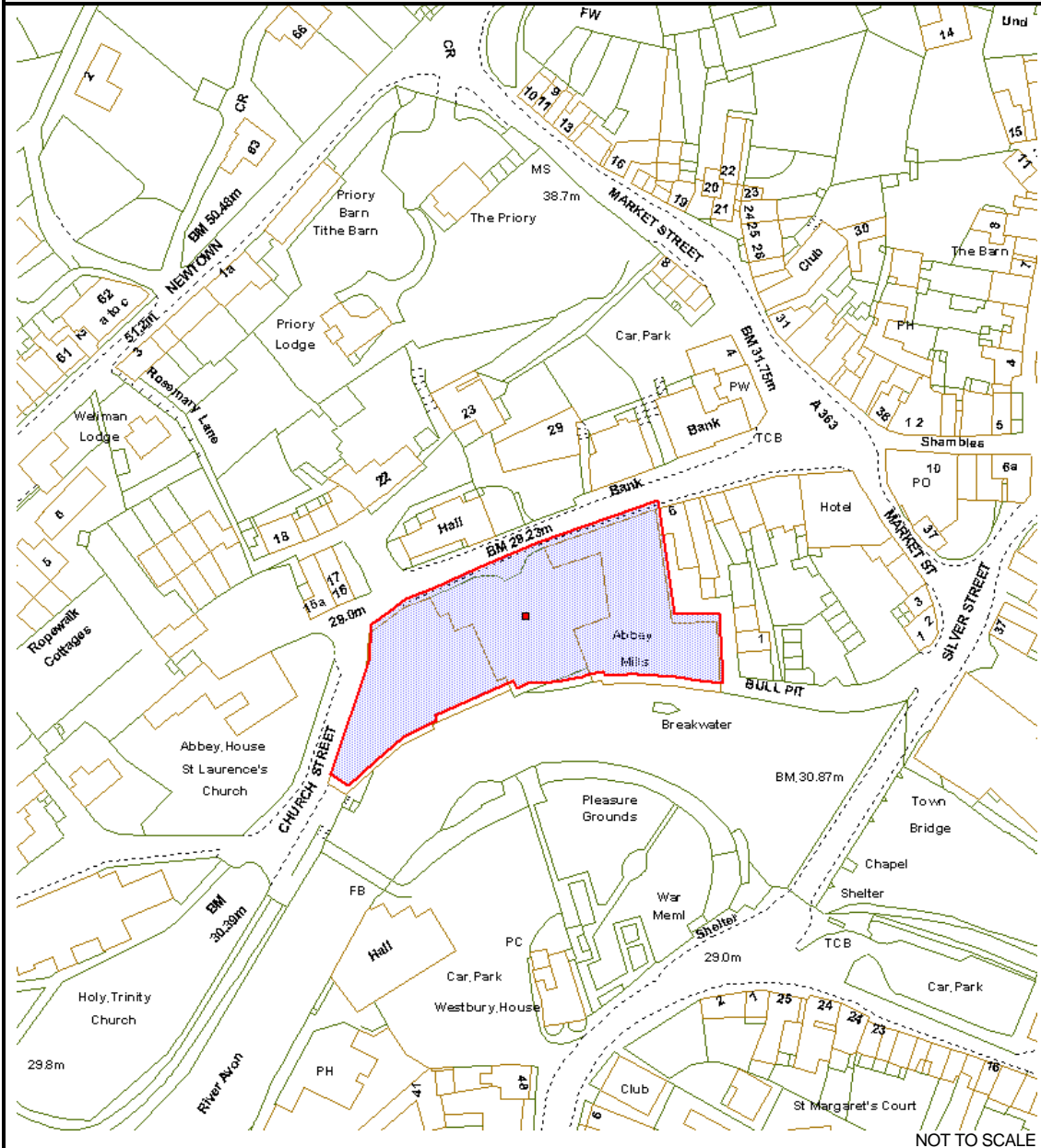
For the reasons stated above this application is recommended for permission.

23 June 2005

ITEM NO: 12

APPLICATION NO: 05/00632/LBC

LOCATION: Abbey Mill Church Street Bradford On Avon Wiltshire
BA15 1HB



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SLA: 100022961

12 Application: 05/00632/LBC

Site Address: Abbey Mill Church Street Bradford On Avon Wiltshire BA15 1HB

Parish: Bradford On Avon Ward: BOASTH
Grid Reference 382530 160957
Application Type: Listed building
Development: Retrospective application for extension to existing TV mast
Applicant Details: Peverel Management Services Limited
Abbey Mill Church Street Bradford On Avon Wiltshire BA15 1HB
Agent Details:

Case Officer: Ms Kate Williams
Date Received: 01.04.2005 Expiry Date: 27.05.2005

JUSTIFICATION REASON:

The proposed development would not result in any detrimental impact on the fabric of the Listed Building, its character, integrity or setting.

RECOMMENDATION:

The Development Control Manager be authorised to grant consent following referral to the First Secretary of State as a Grade II* listed building which the Council are minded to grant consent with the following conditions.

Condition(s):

- 1 The consent hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Note(s) to Applicant:

- 1 In respect to the applicant's future intention to transfer the separate FM aerial mast to the new extended section and to downsize the present system as and when technology /transmission Policy permits, they are reminded that such alterations will also require the submission of a further Listed Building application, prior to the commencement of any works being carried out.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council object and officers recommend permission.

This application seeks to regularise the extension of a television and radio aerial located on the roof of a Grade II* listed building. It has been extended by 2.25m, by inserting a 50mm extension tube and a similarly sized aerial (suitable for receiving digital signals). It has replaced an array of black coloured poles and aerials.

The application site, a large 5-storey building, formerly the India Rubber Mills factory, is now a block of converted flats. It is located in a prominent, central location by the River Avon in Bradford on Avon, Conservation Area.

This application is a re-submission of a similar proposal, (04/01676/LBC), refused in October 2004 on the grounds of scale, height, alien material, lack of information, potential harmful impact to the character of the Listed building, surrounding Listed buildings, and the historic roofscape.

BRADFORD ON AVON TOWN COUNCIL

Bradford on Avon Town Council regrets this retrospective application. It recommends refusal and suggests that the mast is moved into the centre and pushed into the middle so it will become slightly less obtrusive. A drawing was attached.

ENGLISH HERITAGE

Do not want to make any representations and recommend the case be determined by the Conservation Case Officer.

PUBLICITY

The application was publicised by site notice and Press advertisement - No comments have been received.

RELEVANT PLANNING HISTORY

97/01241/LBC - Application for a communal satellite dish and radio/TV aerial. Consent granted - 11.12.1997.

04/01676/LBC - Alterations to TV and radio aerials - Refused - 18.10.2004.

PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 - Historic Buildings

West Wiltshire District Plan - 1st Alteration 2004
C27 - Character and setting of listed buildings

PPS 1 - Delivering Sustainable Development & Planning System - General Principles - 2005
PPG 15 - Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The issues to consider within this application are the effects of the development on the character and appearance of the Listed building, its setting and the setting of the surrounding Listed buildings.

The fixture was erected to meet the government's policy in phasing out analogue transmissions and to provide not only digital reception, but also any TV reception for the elderly residents of Abbey Mill, which is their main source of recreation. The proposal is located or designed to be the least visually disruptive - a steel rather than black coloured mast, which is deemed more discreet against the Bradford Skyline..

Although the aerial is visible from numerous vantage-points within this Conservation area, there are also many other visible masts.

The applicants have found no alternative solution and until the technology for aerials improves it would be unreasonable to refuse this application. The installation of this mast has had no detrimental impact to historic fabric or harmed the essential character and appearance of the Listed Building; the Council consequently feels this application should be permitted.

CONCLUSION

For the reasons outlined above, the application is recommended for consent as it complies with District Plan Policies and the principles laid out in PPG 15 - Planning and the historic Environment.

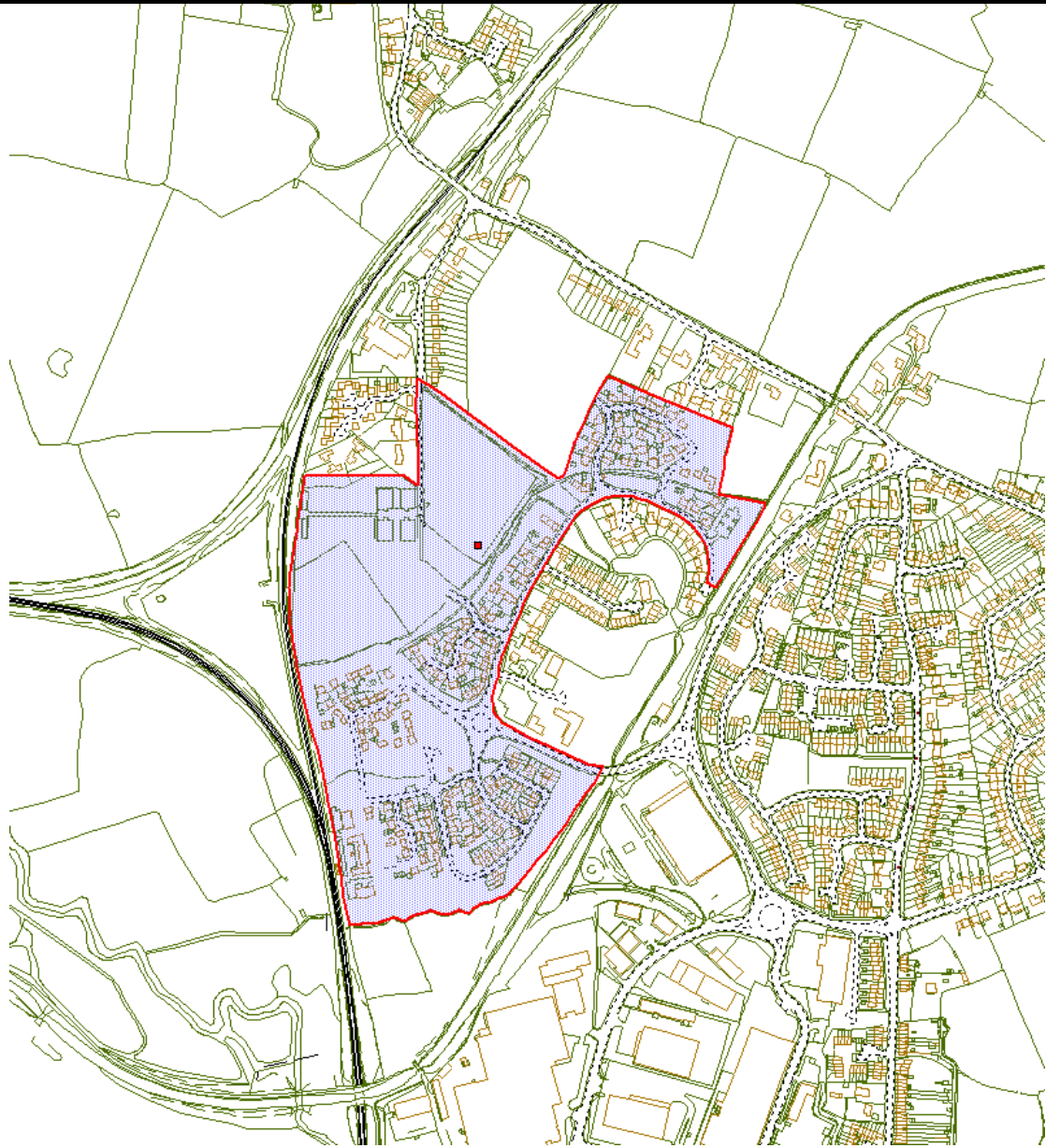
PLANNING COMMITTEE

23 June 2005

ITEM NO: 13

APPLICATION NO: 05/00582/FUL

LOCATION: Land Off Hammond Way Staverton Marina Staverton
Wiltshire



NOT TO SCALE

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SLA: 100022961

13 Application: 05/00582/FUL

Site Address: Land Off Hammond Way Staverton Marina Staverton Wiltshire

Parish: Staverton Ward: PAXCFT

Grid Reference 385665 160088

Application Type: Full Plan

Development: Variation of condition 1 of outline planning permission 98/00284 to extend period for submission of reserved matters

Applicant Details: Persimmon Homes (Wessex) Limited
Persimmon House Tetbury Hill Malmesbury Wiltshire SN16 9YF

Agent Details:

Case Officer: Mr Russell Brown

Date Received: 29.03.2005 Expiry Date: 28.06.2005

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 further approval of the Local Planning Authority shall be obtained before any development is commenced, concerning the reserved matters relating to that phase of the development (siting, design, external appearance, levels, and means of access) in respect of which details have not been given in the application before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and 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 2004 - Policy C32.

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

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

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

- 4 The details submitted pursuant to Condition 1 shall include a scheme of conservation of hedgerows, woodlands and watercourses to include protection and enhancement of all wildlife habitats and details of species to be used in the creation of new habitats, and upon approval by the Local Planning Authority shall be implemented in full during the first appropriate planting season following the commencement of each phase.
- REASON: In the interests of the conservation and enhancement of natural features of the site.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C7.
- 5 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.
- 6 Full details (including samples of materials where appropriate) of the finished surface of each road, footway or any other hard surfaced area shall be submitted to and approved by the Local Planning Authority before any work on the relevant phase of the development is commenced.
- REASON: In the interests of visual amenity and to ensure visual harmony throughout the development.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C31a.
- 7 All parking spaces within residential areas as may be approved as part of subsequent detailed proposals, together with any access thereto, shall be provided concurrently with the development to which they relate.
- REASON: To enable the Local Planning Authority to ensure that these integral and essential features of the development are in existence when they are needed
- 8 Any screen walling or fencing as may be approved as part of subsequent detailed proposals shall be provided concurrently with the development to which it relates.
- REASON: To enable the Local Planning Authority to ensure that these integral features of the development are in existence when needed.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C31a.
- 9 No development approved under this permission shall be commenced until a scheme for the provision of surface water drainage works, a surface water regulation system and details of existing ditches and watercourses, have been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before development commences or discharge from any part of the development, if made to the watercourses on the site.
- REASON: To prevent the increased risk of flooding.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy U3.
- 10 The submission of details under Condition 1 shall include details of footpaths and cycleways both existing and proposed.
- REASON: In the interests of securing a proper access through the site for pedestrians and cyclists.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies T11 and T12.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought before the Planning Committee as the Parish Council have objected and your officers recommend permission.

This is an application to vary Condition 1 of planning permission 98/00284/OUT for residential development which states:

"Because this is an outline permission, granted under the provisions of the Town and Country Planning (General Development Procedure) Order 1995, the further approval of the Local Planning Authority shall be obtained before any development is commenced, concerning the reserved matters relating to the development (siting, design, external appearance, levels, and means of access) in respect of which details have not been given in the application."

No time limit is placed on the submission of reserved matters applications however Section 92(3) of the Town and Country Planning Act 1990 provides that the application for approval of reserved matters shall be made not later than the expiration of three years from the date when planning permission was granted. The planning permission was granted on 3 April 2002 and therefore in this case the reserved matters applications should be submitted before 3 April 2005.

Most of the reserved matters applications have been submitted however there may be some outstanding issues regarding the final phases of the development. The applicant is therefore seeking to extend the time limit for submitted reserved matters applications in order to be able to resolve any outstanding issues through reserved matters applications.

STAVERTON PARISH COUNCIL

Objection.

"There has already been sufficient time to carry out this work and therefore an extension should not be granted"

PUBLICITY

Site notices have been put up at the site and no responses have been received.

RELEVANT PLANNING HISTORY

98/00284/OUT - Residential development (outline) - Permission 03/04/2002

PLANNING POLICY

Wiltshire Structure Plan 2011
DP1 - Sustainable development
DP4 - Towns and main settlements
DP8 - Affordable housing
T5 - Car parking
HE7 - Listed buildings

West Wiltshire District Plan 1st Alteration 2004
H1 - Housing development within towns
H2 - Affordable housing
H24 - Housing design
C27 - Setting of Listed buildings
C31A - Design
T10 - Car parking

National Guidance
PPS1 - Delivering Sustainable Development (Jan 2005)
Planning System - General Principles (Jan 2005)
PPG3 - Housing
PPG13 - Transport
PPG15 - Planning and Historic Environment
Circular 11/95 - The use of Conditions in Planning Permissions

By Design - Document issued in 2000 dealing with urban design in the planning system

PLANNING OFFICER'S COMMENTS

The key issue in this case is whether there has been any material change in planning circumstances since the proposal was granted planning permission in 2002. If planning permission was granted, it would effectively renew the permission for another 3 years. When dealing with an application to renew a permission, Circular 11/95 advises that as a general rule applications should only be refused where there has been a material change in planning circumstances that would merit a different decision, such as the introduction of new local or national planning policies.

Since the 2002 decision, there has been no material change in planning circumstances that would indicate that a refusal should be given. The West Wiltshire District Plan 1st Alteration 2004 has been adopted and various PPGs have been replaced with PPSs however this has not involved a change in any Policy area to warrant a refusal of this scheme.

Most of the applications for reserved matters have been submitted by the applicant for all phases of this residential development. The intention of varying Condition 1 of the outline application is to ensure that if further reserved matters are required to address specific issues on site, for example the landscaping of certain areas, then these can be dealt with through reserved matters applications.

CONCLUSION

There has been no material change in planning circumstances since outline planning permission was granted in 2002. The life of this permission could therefore be extended by imposing the same conditions as the original decision.

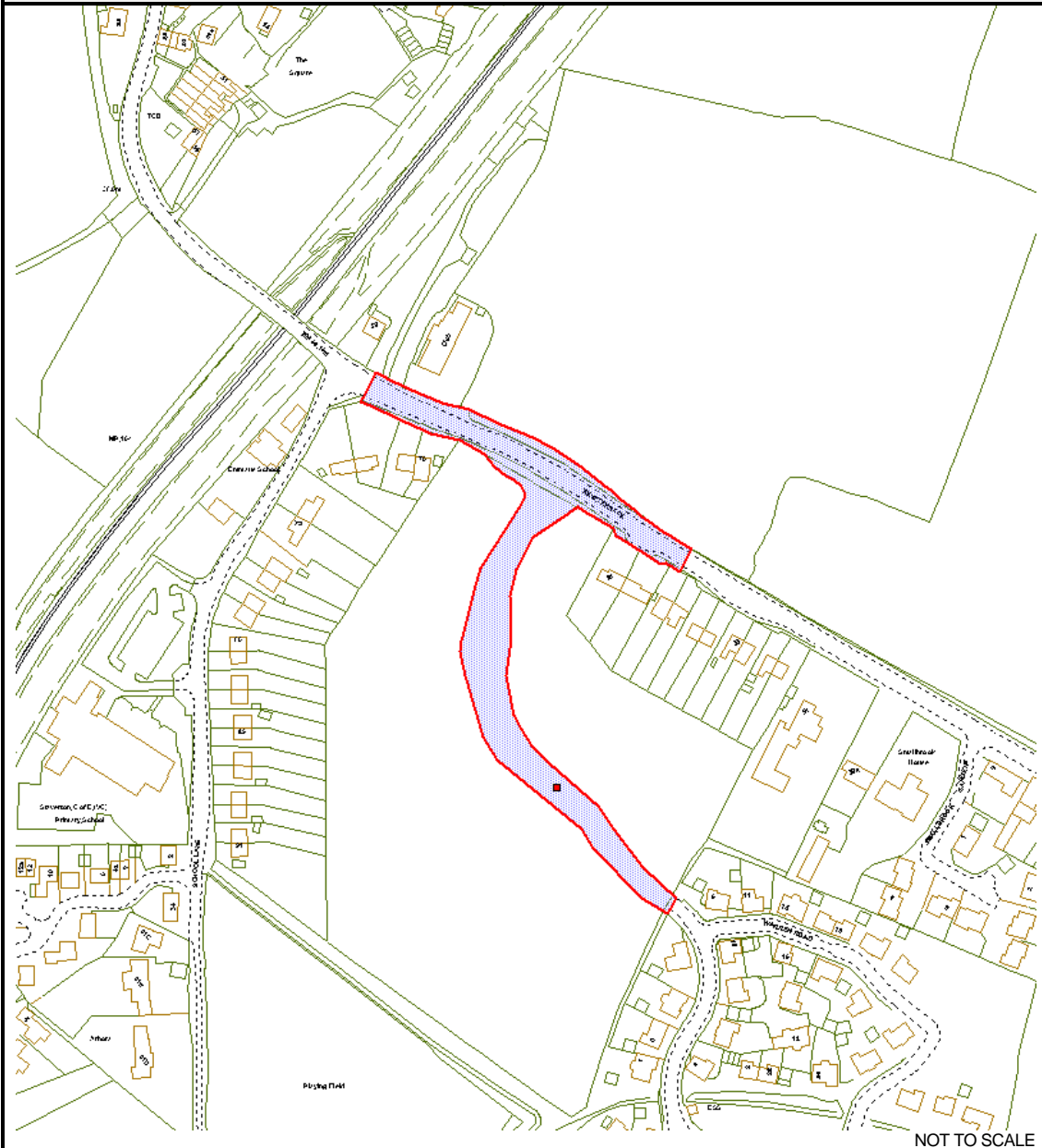
PLANNING COMMITTEE

23 June 2005

ITEM NO: 14

APPLICATION NO: 05/00324/REM

LOCATION: Land Between New Terrace And Marina Drive Staverton
Wiltshire



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SLA: 100022961

14 Application: 05/00324/REM

Site Address: Land Between New Terrace And Marina Drive Staverton Wiltshire

Parish: Staverton Ward: PAXCFT
Grid Reference 385755 160318
Application Type: Reserved Matters
Development: Reserved matters application (related to outline approval 01/01616/out) for detail of link road (new terrace link)
Applicant Details: Persimmon Homes (Wessex) Limited
C/O Pegasus Planning Group 6 - 20 Spitalgate Lane Cirencester Gloucester GL7 2DE
Agent Details: Pegasus Planning Group (c/o G.Jones)
6 - 20 Spitalgate Lane Cirencester Gloucester GL7 2DE
Case Officer: Mrs Rosie MacGregor
Date Received: 21.02.2005 Expiry Date: 18.04.2005

RECOMMENDATION: Approval

Note(s) to Applicant:

- 1 This approval is not a planning permission but must be read in conjunction with the outline planning permission 01/01616 and any Conditions attached thereto. In particular this approval relates only to the matters contained in the application, and the applicant must obtain separate approval of any other matters reserved by the outline permission if he has not already done so.
- 2 You are advised that it will be necessary for you to enter into a Section 38 Legal Agreement with the Highway Authority to secure the highway works comprising the right-turn lane, link road to Marina Drive, the provisions of bus stops and shelters on the new link road, the relocation of two existing stops on New Terrace and any other associated works.
- 3 The Archaeological Evaluation carried out by the Cotswold Archaeological Trust discovered a variety of archaeological features dating from the Neolithic/Bronze Age to Medieval times. Late Iron Age and Roman materials were also identified, although whether the activity relates to a settlement or agricultural use remains unclear. You are reminded in order to fully investigate and record the archaeological resource, which will be disturbed by the development, additional work will be necessary in accordance with Condition 1 on the outline planning permission.
- 4 You are advised that the Parish Council is of the view that Badgers and Great Crested Newts, which both have statutory protection, may be present at the site and that you should cease work and consult with English Nature if any evidence of protected species is discovered at the site during construction works.
- 5 You are advised that you should contact Wessex Water prior to commencing any works as a foul sewer crosses the site, and it will be necessary to protect the integrity of the Wessex systems and agree arrangements for the protection of infrastructure.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Parish Council objects contrary to Officer's recommendation, and at the request of Trevor Carbin in order to consider if the proposed traffic calming measures on the B3098 are adequate.

This is an application for approval of reserved matters for the construction of a link road and associated works between Marina Drive and New Terrace at Staverton. Details of the means of access from New Terrace were submitted at outline stage with all other matters reserved.

The current application is accompanied by construction details including details of the carriageway and drainage together with traffic calming measures and provision of a forward visibility envelope midway along the route of the proposed access road where it turns towards the east.

A new bus stop together with a high-kerb would be provided on the southern carriage of the main road leading through Staverton and the existing bus shelter on the opposite side of the road would be located with a high kerb fronting the highway.

The application has been revised during the planning process in order to accommodate recommendations from the Highway Authority.

STAVERTON PARISH COUNCIL

The Parish Council originally objected to this application and made the following comments: -

1. No traffic calming measures on the link road appear on the plan. The Parish considers that traffic calming will need to be installed on this part of the road in order to prevent it being used as a short cut from The Consortium through to Staverton village.
2. A pedestrian crossing (Puffin or similar) needs to be provided to facilitate the crossing of the B3105 especially for children accessing the village school. From a pedestrian viewpoint this needs to be sited between School Lane and the link road junction (this then saves having to cross the link road).
3. A speed responsive sign needs to be installed on the approaches, both ways, to the School Lane and link road junctions ie on the incline of the railway bridge travelling to Trowbridge and along the B3105 by Smallbrook House travelling to Nestle.
4. Adequate street lighting of the junction needs to be provided.

The Parish Council trusts that the above will be taken into consideration when deciding this application.

Further to its earlier letter the Parish Council subsequently wrote to comment that no provision seems to have been made on the link road plan for the Badgers to get to their Setts or to their feeding grounds along New Terrace. Residents of New Terrace have also informed the Parish Council that there is evidence of Great Crested Newts.

On commenting on the most recent revision the Parish Council writes as follows:

The Parish Council writes to acknowledge receipt of the revised plans and are pleased to see the traffic calming and an additional crossing point.

However the Parish is still concerned that there are no warning signs on the approach from the Trowbridge side of the junction and that the warning signs of the impending junctions at School Lane and the link road are insufficient from the river bridge side. Also will there be lighting at the junction?

The B3105 is a busy road and at peak times school children are using the footpaths and will need to cross the B3105 and the link road. A pedestrian crossing is far more preferable rather than refuges in the middle of the road.

The Parish hopes that these comments will be taken into account as there is great concern locally about pedestrians, especially children, crossing the roads.

HILPERTON PARISH COUNCIL

The Parish Council thanks the Case Officer for sending particulars of this application, but as the proposed development is some distance from the Hilperton/Staverton boundary the Parish Council does not feel that it is in a position to comment.

HIGHWAY AUTHORITY

The road layout has been amended and is now satisfactory. The relocation of the bus stop opposite New Road junction may require further relocation in order to avoid necessary conflicts with through and right-turning traffic, but the Highway Authority is satisfied that this can be dealt with through the Legal Agreement process with the County Council.

No highway objection is raised subject to an informative being attached to the approval requiring the completion of a Legal Agreement with the County Council to secure the highway works, comprising the right-turn lane, link road to Marina Drive, the provision of bus stops and shelters on the new road link, the relocation of two existing stops on New Terrace, and any other associated works.

WESSEX WATER

No objection in principle subject to informatives.

ENVIRONMENT AGENCY

No objection in principle.

COUNTY ARCHAEOLOGIST

It is recommended that a programme of archaeological work be carried out prior to the development commencing on site.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified.

No objections have been received.

RELEVANT PLANNING HISTORY

80/00889/OUT - Residential development - Refused 13.08.80 - Appeal dismissed 27.01.81

98/00284/OUT - Residential development - Approved 04.09.98

01/01616/OUT - Outline application for link road and associated works between Marina Drive and New Terrace - Approved 28.02.02.

PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- T7 Transport for new development
- HE2 Archaeological or historic interest sites

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside protection
- C14 Archaeology
- C15 Archaeological development
- C16 Site of archaeological value
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- U1 Infrastructure
- U2 Surface water disposal
- U3 Flooding
- I1 Implementation

PLANNING OFFICER'S COMMENTS

The principle of the New Terrace link was established by the outline planning permission in February 2002 and details of the access onto New Terrace were agreed at that time. The only matter for consideration at this stage is the design and layout of the proposed link road.

An archaeological evaluation was submitted in February 2002 which discovered a variety of archaeological features dating from the Neolithic/Bronze Age to Medieval times. Late Iron Age and Roman material was also identified, although it is unclear whether the activity relates to settlement or agricultural use. It was the view of the County Archaeologist at that time, that additional investigative work would be necessary in order to investigate and record the archaeological resource which would be disturbed by the development. There is still a requirement to carry out this work under the Condition imposed on the outline permission. An informative to the applicant to remind them of the necessity to carry out additional archaeological works is considered appropriate in the circumstances.

The Highway Authority has no objection to the latest revisions to the layout and details following the omission of speed cushions which were unacceptable to the Highway Authority. There are no planning objections to the detailed design of the proposed link road or its access onto New Terrace which was approved as part of the outline application. The Highway Authority will require the applicant to enter into a Section 38 Legal Agreement with the Highway Authority. It is considered appropriate to add an informative to the approval to remind the applicant of these obligations.

The outline application W98/0284 was approved subject to a Section 106 Legal Agreement to include the provision of a secondary access to New Terrace on completion of 488 dwellings at the Marina development. It is essential therefore that the details of the proposed access are approved in order that the second road access can be constructed to ensure that the developers are not in breach of their planning obligations. There are no policy objections to the proposals and no reason why approval should not be granted.

The Parish Council has raised concerns over Badgers and Great Crested Newts.

This application is for approval of reserved matters only and nature conservation and ecology have previously been considered. There have been a number of ecology surveys submitted for this site and surrounding area. Although badgers have been identified in the area there is no evidence of a badger sett on this site and the surveys have not identified Great Crest Newts. Both these species are afforded statutory protection and in the circumstances an informative is considered appropriate. The field in question is regularly ploughed and there has been no request from the Wiltshire Wildlife Trust or from English Nature for further survey works to establish whether or not protected species or their habitats are present. There is no provision shown for badgers to cross the link road at any specific point as this forms part of a network of roads within a residential area and it is not considered necessary.

CONCLUSION

The detailed proposals conform with the outline permission and to planning policy for the area.

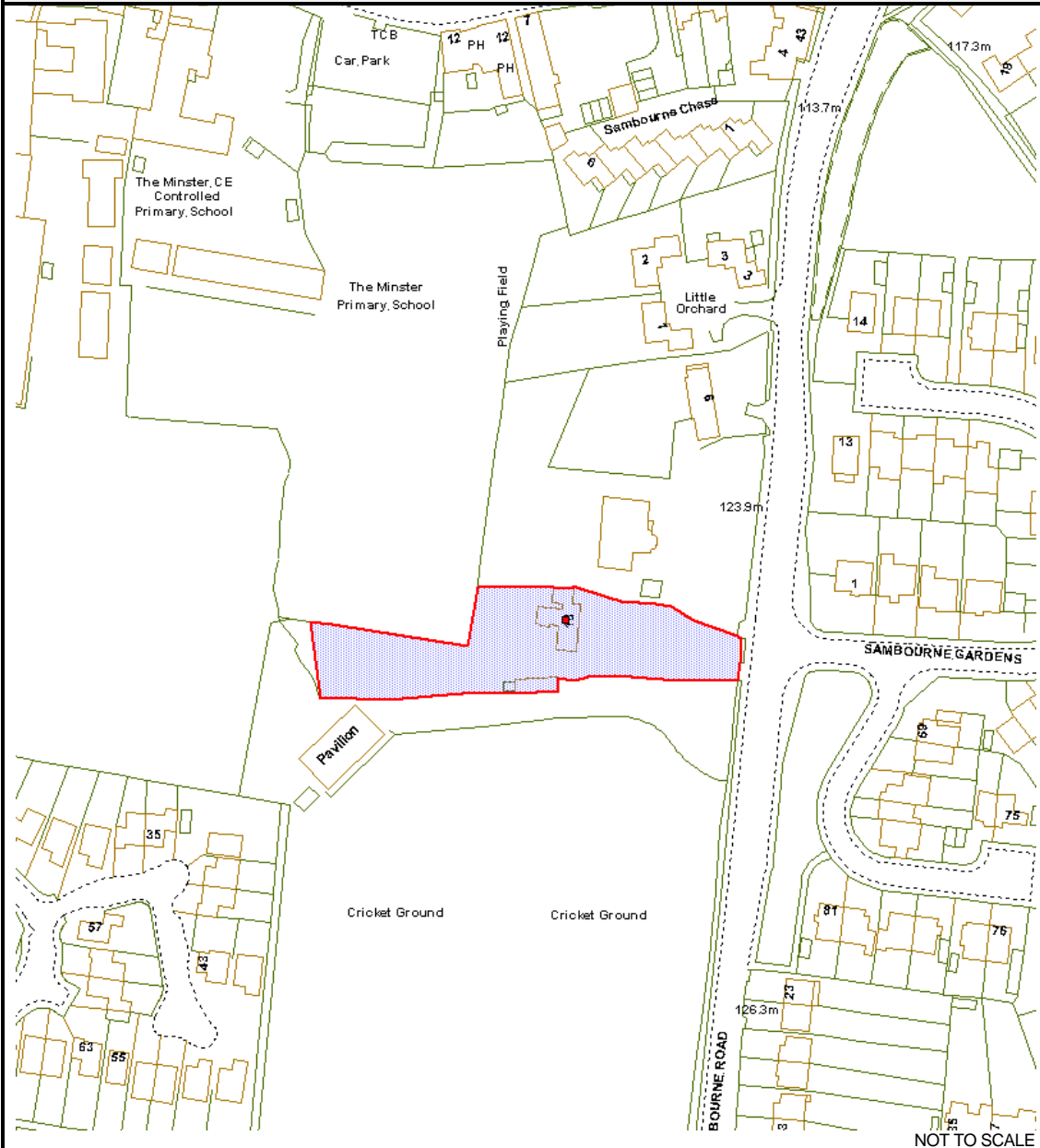
PLANNING COMMITTEE

23 June 2005

ITEM NO: 15

APPLICATION NO: 05/00815/FUL

LOCATION: Stable House 10 Sambourne Road Warminster Wiltshire
BA12 8LJ



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SLA: 100022961

15 Application: 05/00815/FUL

Site Address: Stable House 10 Sambourne Road Warminster Wiltshire BA12 8LJ

Parish: Warminster Ward: WARMW
Grid Reference 387018 144909
Application Type: Full Plan
Development: Proposed studio to replace existing dilapidated outbuildings
Applicant Details: Mr And Mrs R Curtis
Stable House 10 Sambourne Road Warminster Wiltshire BA12 8LJ
Agent Details: Mr Peter Withey
3 Hill Deverill Warminster Wilts BA12 7EF
Case Officer: Ms Kate Williams
Date Received: 27.04.2005 Expiry Date: 22.06.2005

REASON(S) FOR PERMISSION:

The proposed development conforms to the District Plan and would not result in any detrimental impact on the character and integrity of the Listed building or to the character and appearance of its setting.

RECOMMENDATION: Permission

Condition(s):

- 1 The consent hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

REASON: To protect and preserve the character of the building and setting of the Listed building.

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

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

REASON: To ensure that the character and appearance of this Listed curtilage building is conserved.

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

- 4 The building hereby granted permission shall be used for the purposes incidental to the enjoyment of the dwellinghouse and shall not be used as separate living accommodation or commercial unit.

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

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

- 5 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.

- 6 No development shall take place until a sample panel of the proposed render colour to be used on the external surfaces of the development hereby permitted, has 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.

- 7 Notwithstanding the submitted plans, the whole roof of the building hereby granted permission shall be finished in slate in accordance with details to be submitted pursuant to condition No 5.

REASON: In order to preserve the setting of the listed building.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council object and your officers recommend permission.

This is a revised application following a previous withdrawn application for the replacement of a former stable building, located in the curtilage of a Grade II Listed building, to a studio.

The original building is located within the curtilage of Stable House, a Grade II listed building and situated within the town policy limits of Warminster. The main house is a detached dwelling built of Ashlar stone under a slate roof. The existing outbuilding, proposed to be demolished, is a single storey detached building, constructed in a mix of Ashlar stone, vertical timber boarding under a corrugated sheet roof. It is currently in a dilapidated condition.

WARMINSTER TOWN COUNCIL

The Town Council object to the proposal on the grounds that the development would have an adverse impact on the Listed building that is within the curtilage.

PUBLICITY

The application was publicised by site notice and press advertisement - No comments have been received.

RELEVANT PLANNING HISTORY

04/02293/FUL - Proposed Studio to replace existing dilapidated outbuilding - Withdrawn 25.01.05.

PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 - Historic Buildings

West Wiltshire District Plan - 1st Alteration 2004
C27 - Character and setting of listed buildings
C28 - Alterations and extensions to listed buildings

PPS 1 - Delivering Sustainable Development & Planning System - General Principles - 2005
PPG 15 - Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The main issues to consider within this application are design and the effects of the development on the setting of the Listed building.

Although this building is now in a poor state of repair, records show that a stable/outbuilding has stood in this location for a considerable number of years. It therefore contributes significantly to the historic integrity and character of the site and this feature should therefore be retained.

Whilst the northern side of the proposed roof would be finished in slate, the applicants propose to use metal sheeting for the southern elevation. This is not, in your officer's opinion, acceptable for the setting of a Listed Building and recommend a condition to ensure slate on both elevations.

It is felt that previous areas of concern have been addressed in this revised scheme. The proposed materials are appropriate and the design of the studio mirrors the character and appearance of the existing stable far more. The new structure should largely stand on the existing footprint, not being excessively larger or over-bearing than the existing building within this historically sensitive setting.

CONCLUSION

The proposal complies with District Plan Policies and the principles laid out in PPG15 - Planning and the Historic Environment; the application is therefore recommended for Permission.