

PLANNING COMMITTEE

4 AUGUST 2005

Planning Applications for Determination

Item No	Application No	Location	Parish	Page No
01	05/00549/FUL	Demolition of existing dwelling and redevelopment of site to provide 9 dwellings - 2 The Avenue Warminster Wiltshire BA12 9AA	Warminster	1
02	05/00795/CON	Demolition of existing dwelling - 2 The Avenue Warminster Wiltshire BA12 9AA	Warminster	11
03	05/00214/FUL	Demolition of existing dwelling and erection of six 3-bedroom terraced cottages and associated works - Brooklands 49 Woolley Street Bradford On Avon Wiltshire BA15 1AG	Bradford On Avon	15
04	05/00986/FUL	Retrospective application to permit change of use from agricultural to domestic garden - 54 Midford Lane Limpley Stoke Wiltshire BA2 7DF	Limpley Stoke	23
05	05/00828/FUL	Removal of stone wall and re-instatement at rear and reinstatement door to utility area and replacement brick pillar on front elevation - Manor Farmhouse Beanacre Manor Old Road Beanacre Wiltshire	Melksham Without	27
06	05/00827/LBC	Insertion of four rooflights, change of use of store to garage and utility room, installation of gates, replacement roof tiles and removal of stone wall and reinstatement at rear - Manor Farmhouse Beanacre Manor Old Road Beanacre Wiltshire	Melksham Without	31
07	05/01014/FUL	Erection of four one bedroom flats, eight two bedroom flats and two office suites - Land To Rear Of 62 And 66 Market Place Warminster Wiltshire	Warminster	37
08	05/01033/LBC	Demolition of remains of boundary wall to allow development of site - Land To Rear Of 62 And 66 Market Place Warminster Wiltshire	Warminster	45
09	05/01262/FUL	Demolition of bungalow and erection of a new dwelling - Moonrakers 6 Butts Lane Keevil Wiltshire BA14 6LZ	Keevil	49
10	05/00978/FUL	Conversion of derelict building to residential use - Old Workmens Hall Bath Road Atworth Wiltshire	Atworth	53
11	05/01154/OUT	Erection of one, 2 bedroom single storey dwelling with attached garage - Land Rear Of 21 Middle Lane Trowbridge Wiltshire	Trowbridge	57
12	05/01078/FUL	Improvements and alterations to 27 Woolley Terrace and improvements and extension to 29 Woolley Terrace - 27 - 29 Woolley Terrace Bradford On Avon Wiltshire	Bradford On Avon	63
13	05/01193/FUL	Boundary wall - 1 Stirling Close Bowerhill Wiltshire SN12 6TF	Melksham Without	67
14	05/01009/FUL	Proposed single storey guest bedroom and garage - 71 The Common Broughton Gifford Wiltshire SN12 8NE	Broughton Gifford	71
15	05/01081/ADV	Two Knorr-Bremse logo signs - Land South Of Shails Lane Bowerhill Wiltshire	Melksham Without	75
16	05/01069/REM	Removal of conditions relating to application 04/1329/REM. Units on sites A1, A2, A3 and A4 for class B1/B2/B3 uses - Land South Of Stephens Way Warminster Business Park Warminster Wiltshire	Warminster	79
17	05/01217/FUL	Rear extension and roof conversion - 95 Winsley Hill Limpley Stoke Wiltshire BA2 7JL	Winsley	87
18	05/00275/FUL	Detached double garage with carport with attic room - 1 Prospect Fields Atworth Wiltshire SN12 8RS	Atworth	91

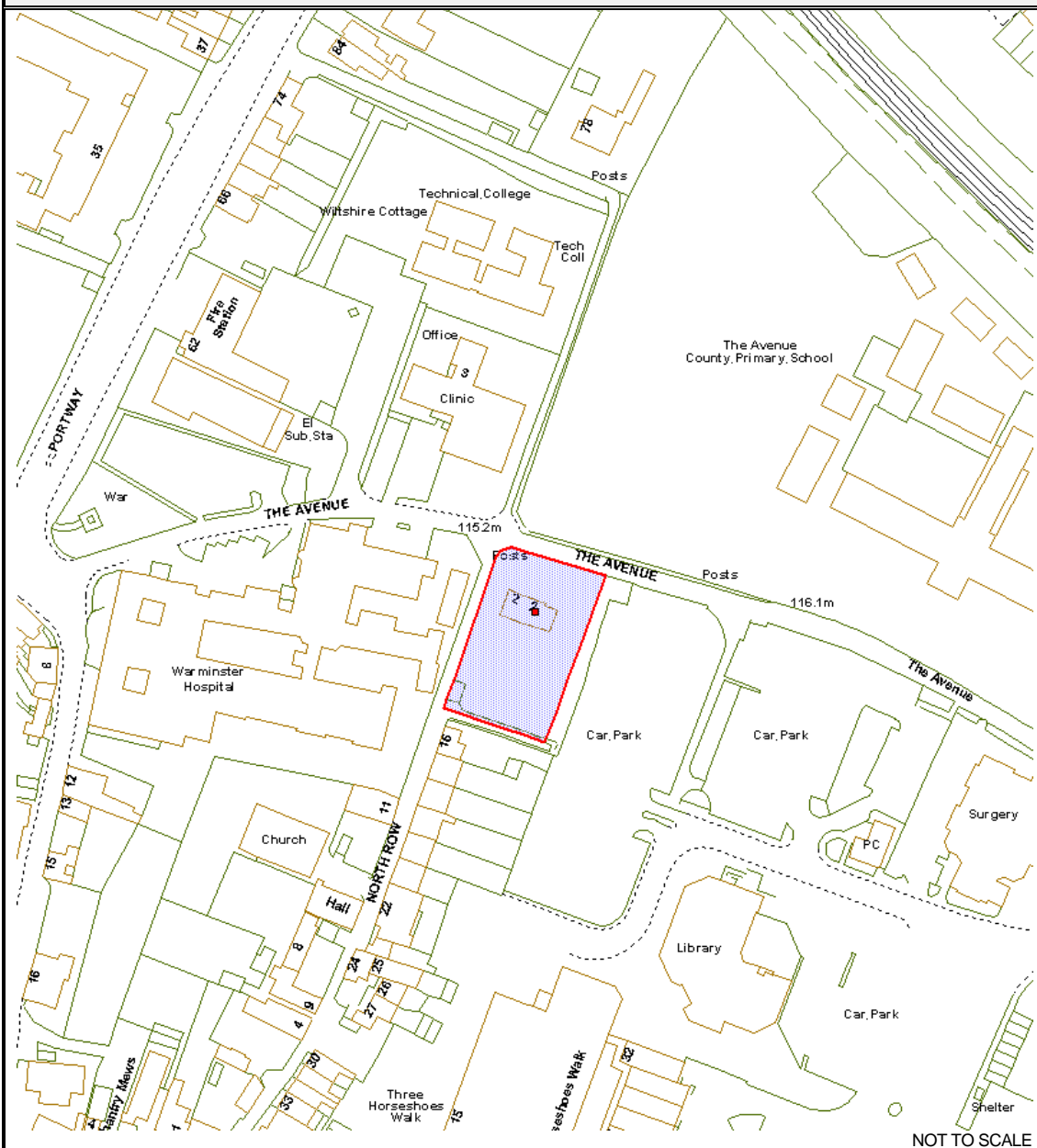
PLANNING COMMITTEE

4 August 2005

ITEM NO: 01

APPLICATION NO: 05/00549/FUL

LOCATION: 2 The Avenue Warminster Wiltshire BA12 9AA



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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 05/00549/FUL

Site Address: 2 The Avenue Warminster Wiltshire BA12 9AA

Parish: Warminster Ward: Warminster East

Grid Reference 387503 145302

Application Type: Full Plan

Development: Demolition of existing dwelling and redevelopment of site to provide 9 dwellings

Applicant Details: Mr P Atyeo
2 The Avenue Warminster Wiltshire BA12 9AA

Agent Details: Mr P Withey
The Studio 3 Hill Deverill Warminster Wiltshire BA12 7EF

Case Officer: Mrs Judith Dale

Date Received: 22.03.2005 Expiry Date: 17.05.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.
- 2 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 samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.
- 4 Details, including samples where appropriate of the materials for the surfaces of all footways and pedestrian areas, cycleways and all other hard surfaced areas, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development, or prior to the commencement of any relevant phase of the development whichever is appropriate. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

- 7 Details of the design, external appearance and finish of all new walls, including the proposed stone wall along the southern boundary of the site, the boundary detailing along the western side of the proposed footpath link, and all other fences or means of enclosure within the site shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 8 The existing boundary walls along the north and western boundary of the site shall be retained and maintained in a satisfactory condition.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 9 No pedestrian access or opening shall be subsequently created in the existing boundary walls along the northern and western boundaries of the application site.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 10 The storage buildings hereby approved shall be retained for ancillary use in connection with the development and shall not be used for any commercial purpose whatsoever.

REASON: To ensure the facilities are retained for use by residents and in the interests of residential amenity.

- 11 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 E, and Class G and Part 2 Class B 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.

- 12 The proposed pedestrian access shall incorporate splays on both its sides to the rear of the carriageway based on co-ordinates of 2.4 metres by 2.4 metres which shall be kept free of obstruction above a height of 600mm in order to provide for pedestrian intervisibility.

REASON: In the interest of highway safety.

- 13 In connection with the above mentioned condition, before any work is commenced, details of the design, form and method of construction of these splays shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a sample wall panel, not less than 1 metre square to be first constructed on site and left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.
- REASON: To ensure that the character and appearance of the Conservation Area is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.
- 14 The pedestrian access, for at least the first 5 metres shall be surfaced in a bound material (not loose stone or gravel) in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of highway safety.
- 15 Any gates to be erected to the pedestrian access shall be set back a minimum distance of 1.7 metres and shall be made to open inwards only, in order to provide adequate room for wheelchairs and pushchairs between the gates and the highway. (See note 1).
- REASON: In the interests of highway safety.
- 16 Provision shall be made within the site for the disposal of surface water from the pedestrian access so as to prevent its discharge onto the highway.
- REASON: In the interests of highway safety.
- 17 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.
- 18 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.
- 19 A comprehensive management plan including long-term design objectives, management responsibilities and maintenance schedules for all communal landscape areas, external walls along the boundaries of the site and the footpath along the eastern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The management plan shall be carried out as approved.
- REASON: To ensure the adequate maintenance of amenity space and to ensure that the character and appearance of the Conservation Area is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17, C18 and C32.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Members at the Planning Committee on 14 July 2005 for a site visit. It was previously reported as follows:

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

This is a detailed application for the demolition of an existing detached dwelling and the erection of 8 "terraced" units and 1 detached dwelling.

The proposal is for an L-shaped layout of 2-storey, cottage style dwellings, inward facing towards the centre of the site which would function as a shared communal garden. In the south-east corner, it is proposed to construct a linear "run" of single storey outbuildings, built of stone and brick with pitched gabled roofs. The dwellings, themselves, are of simple and similar design, stone built under both clay tiles and natural slate roofs.

Access to the development is pedestrian only, through the existing entrance which emerges at the junction of North Row with The Avenue. There is no vehicular access and the scheme is proposed as a car free development aimed "at both first time buyers and retired people who do not necessarily own their car but use public transport".

The application site occupies a corner site, located at the junction of North Row with The Avenue, with these two external boundaries marked by substantial 2.6 metre high stone and brick walls which effectively screen the interior of the site from public view. The site is level, rectangular, has site frontages of 45 metres along North Row and approximately 27 metres along The Avenue, and measures approximately 0.13 hectare. It is currently occupied by a modest 3-bedroomed detached dwelling, located well within the body of the plot.

This town centre site is located at the edge of, but within the Warminster Conservation Area; it also abuts the commercial area boundary along its western side.

The application is accompanied by a Planning Statement.

WARMINSTER TOWN COUNCIL

The Committee welcomed the rear access to these dwellings and that there will be no increase of traffic into North Row and the surrounding junction and will only be used for commercial use. Councillor Davis moved for acceptance, seconded by Councillor Syme. All in favour. Unanimous.

HIGHWAY AUTHORITY

The current proposal seeks the construction of 9 units with no private parking facilities.

It is acknowledged that the development would still generate a need for servicing the properties. The absence of private on-site parking facilities and the restrictive widths of the adjoining carriageways to enable on-street parking would limit the impact on the highway and would be the only acceptable way of redeveloping the site.

There are public parking facilities adjoining the site, and therefore any visitors can be adequately catered for.

Conditions proposed are relating to vision splays at the pedestrian entrance, the surfacing of the access, pedestrian gates, disposal of surface water, and removal of permitted development rights with respect to the formation of hardstandings or vehicular accesses.

WESSEX WATER

No objection subject to approval to a point of connection to Wessex infrastructure; the satisfactory disposal of surface water; the provision of 3-metre easement widths on either side of Wessex apparatus; arrangements of protection of Wessex infrastructure crossing the site.

PUBLICITY

The application was advertised by site notice and in the local press. Neighbours were notified and 12 letters of objection were received on the following grounds: -

- Absence of parking provision which will encourage parking on nearby public land and adjoining highways;
- Over-development of the site;
- The development would not preserve or enhance the Conservation Area in design terms;
- The proposed enclosure of modern houses does not resemble the existing character of North Row;
- 9 dwellings will bring an increase of vehicle movements along The Avenue and North Row;

- Pedestrian safety will be compromised as there are no pavements in the area;
- Loss of privacy;
- Increase in noise disturbance;
- Loss of habitat for birds;
- The site is surrounded by public establishments and is already congested;
- Difficulties for refuse collection;
- Who will maintain responsibility for the boundary wall around the site;
- The demolition of the existing house will obviously effect the character and appearance of the Conservation Area;
- Pressure on existing drainage facilities;
- Loss of trees.

In addition, a letter has been received from the Warminster Civic Trust expressing strong reservations about the proposal on the grounds of lack of parking, and that to develop this site prejudices its potential use as an access way from Portway to the adjoining car park to relieve town centre traffic congestion.

RELEVANT PLANNING HISTORY

04/02040/FUL - Demolition of existing dwelling and redevelopment of site to provide 7 dwellings - Withdrawn 29.12.04

04/02218/CON - Demolition of existing dwelling and redevelopment of site to provide 7 dwellings - Withdrawn 29.12.04

05/00795 - Demolition of existing dwelling - Pending.

PLANNING POLICY

Wiltshire Structure Plan 2011

DP4	Towns and main settlements
DP7	Housing in towns and main settlements
DP9	Reuse of land and buildings
T5	Parking

West Wiltshire District Plan - 1st Alteration 2004

H1	Further housing development within towns
H24	Design
C17	Conservation Areas
C18	New development in conservation Areas
C22	Demolition in Conservation Areas
C31A	Design
C32	Landscaping
C38	Nuisance
T10	Parking

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

PLANNING OFFICER'S COMMENTS

The main issues with this application are: -

- The principle of residential development on this site, including density;
- The impact of the development on surrounding Conservation Area;
- Design and amenity issues;
- Access and parking.

Residential Development

The proposal seeks the redevelopment of a single dwelling site located in a sustainable position within the town centre and within the Conservation Area. Planning policy encourages the redevelopment of urban brownfield sites for housing, and the efficient use of land. Subject to appropriate design and highway criteria being met, the principle of residential redevelopment on this site is acceptable.

The site area of 0.13 hectare for a development of 9 units represents an overall density of 69 dwellings per hectare. While this is higher than the standard of 30 to 50 advised in PPG3, its highly sustainable town centre position lends itself to a more urban density. The existing density along North Row is very variable, with those dwellings immediately abutting the southern boundary of the site at a density closer to 50 per hectare, but with pockets of higher density further away. The remaining 3 corner sites at the junction of North Row and The Avenue are in use as a Hospital, a Clinic and a School and within this context, the proposed scale of development would not be inappropriate.

Conservation Area

The site lies at the northern edge of the Conservation Area in what is a very mixed general area. As previously stated, the 3 corresponding corner sites are in varying public uses, with varying frontages onto the highway. The application site, by contrast, is a discreet, enclosed area, contained by high boundary walls and predominantly hidden from public view.

Policy C18 of the District Plan will permit new development in Conservation Areas providing that: -

- The development will preserve or enhance the character and appearance of the area;
- The form and design of the development is characteristic of the area;
- Important boundaries and means of enclosure which contribute to the area's character are retained;
- Open spaces which are important to its character are protected.

The proposed development is designed as 2 linked terraces continuing the pattern of linear terraced development along North Row. The units are cottage-like in style and size, and will be enclosed within the existing walled garden. The existing boundary walls, 2.6 metres high, are an important feature in this part of the Conservation Area, and the proposal has been designed so that they are retained in their entirety. The exception is at the point of the pedestrian access, which is to be widened slightly to incorporate visibility splays for pedestrian safety; there are no other proposed openings in these feature walls.

In order to maintain the illusion of a walled garden development, a new 2-metre high stone wall is to replace the existing timber fence along the southern boundary of the site.

It is clear that the proposed development would create more of a presence along North Row and The Avenue than the existing single dwelling, but the communal garden within the interior of the site would maintain the perception of the existing large contained garden. Although the existing dwelling is partially screened from the highway behind these walls and existing vegetation, the site cannot be realistically described as an "open" space - its development, therefore, would not contribute to the loss of an open area important for amenity reasons.

The development of the site as a car free scheme without the need to accommodate a new vehicular access and parking areas, is again an attempt to retain the appearance and character of the site as an enclosed walled garden. In addition, many of the existing dwellings in North Row do not themselves have in-curtilage provision, which the format of the proposed layout would replicate.

Design and Amenity

This scheme has been designed as an inward-facing, self-contained development, based on an open courtyard arrangement with a shared frontage, but small enclosed private gardens to the rear. As required by Policy H24, the development shows a mix of development sizes and types, although there is a predominance of 2-bedroom cottages to reflect the character of the existing development in North Row and to provide appropriately sized accommodation for the first time buyers and retired market.

The scale, massing and height of this 2-storey development would not dominate visually, and with ridge heights approximately 1 metre higher than adjacent properties in North Row, would not be significantly out of character.

While policy generally encourages developments to face out onto the public realm, the particular features of the site clearly lend it to an inward-facing scheme. Additionally, the height of the boundary wall would obscure the entire ground floor of the proposed dwellings, above which, the particular orientation of the development is not evident.

To accord with Policy C18, materials would be traditional, with walls of natural stone and timber boarding, and quoins and window heads a mixture of brick and stone; roof tiles would be plain clay or natural slate, and doors and windows of timber.

As regards residential amenity, the layout and design of the units would not give rise to overlooking of adjoining gardens or loss of light to existing properties.

Access and Parking

This application is a revision of an earlier scheme for 7 units which was to include vehicular access to the site and ancillary onsite parking. That application was withdrawn, following an objection by the Highway Authority.

The potential for the redevelopment of this site has been considered in the past, and concerns have been consistently raised over the matter of access to the site. The location of the site is at a narrow crossroads, where there is a mixture of vehicular and pedestrian traffic generated by residents in North Row and visitors to the nearby Hospital, the Avenue School, Smallbrook Surgery, the Avenue Early Excellence Centre and Warminster College.

It is acknowledged that the existing situation gives rise to conflict between vehicles and pedestrians and that any redevelopment on this site would have to include a scheme which excludes vehicles accessing the land. It is also recognised that any scheme would generate a need for servicing the site, but the Highway Authority is satisfied that this would have limited impact on the overall current situation.

With regard to parking, Policy T10 of the adopted District Plan states that: -

"The quantity of parking to be provided within new development will be limited to maximum standards. The level of maximum parking provision will reflect the sites relative accessibility by public, or alternative modes of transport and will be accordance with an acceptability framework and criteria. Where parking cannot be provided onsite planning obligations will be sought where appropriate towards improving public transport or walking and cycling provision."

In determining the required quantity of car parking for any development, an objective assessment can be based on the site's accessibility by alternative means of transport. This is determined by applying the County Council's "Parking in Wiltshire Study" accessibility matrix. A highly accessible site can justify a reduction in the normal parking standards, theoretically resulting in a zero parking requirement for a highly accessible site. Applying this test to the application site a significant reduction can be achieved in the required standard.

Since, however, any on-site parking is not acceptable to the Highway Authority, it remains a matter of judgement whether the scheme is acceptable without the benefit of any parking provision. While car free schemes may not always be an appropriate solution on town centre sites, this is considered to be an entirely appropriate solution in this particular case.

- The eastern boundary of the application site physically abuts a large public car park where parking for residents and visitors would be closely available.
- The proposed development incorporates a new footway which would join an existing footpath along the southern wall which already accesses the adjoining car park.
- The scale of the proposed development is aimed at the first times buyers and retired markets where car ownership is likely to be lower.
- The site is in a highly sustainable location, very close to the town centre, with a wide range of facilities within a short walking distance.

Paragraph 60 of PPG3 states that: -

"Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street parking where there is no need, particularly in urban areas where public transport is available or where there is a demand for car free housing."

PPG13 (Transport) advises that the Local Planning Authority should: -

"..... be flexible in the requirements for off-street residential parking spaces and reduce or waive where necessary to provide quality and affordable high density development in areas of good access to other means of transport."

In the light of Government guidance towards greater sustainability and a more pragmatic approach to parking in areas of good accessibility, a refusal of this scheme on these grounds alone would be difficult to support. It is recognised that this view does not seem to be shared by many local residents, and it is a valid point that the proposal does not incorporate any specific solutions to the issues of car ownership and parking. However, on this most sustainable of sites with parking immediately adjacent, a car free development would be an acceptable solution.

Your Officers draw your attention to the recent Appeal decision relating to the site at 62 and 66 Market Place, Warminster at Item 7 on this Planning Applications Agenda in which the Inspector concluded that a development close to a town centre was an appropriate location for dwellings with little or no parking provision.

CONCLUSION

Both the principle and details of this development are considered acceptable from both the land use and Conservation Area points of view. The proposed development would provide a number of much needed small residential units, in a form which would generally be in keeping with the character of the area. In line with Government advice, it would result in a more efficient use of an existing urban site and create a highly sustainable pattern of development which meets with both local and national objectives.

While the concerns over parking are valid, it is an important consideration that any development of this site raises conflicting objectives. Irrespective of the views from the Highway Authority on safety grounds, to provide any on-site parking would require the partial demolition of the boundary walls around the site which are a particularly important feature in this part of the Conservation Area and whose loss would not be acceptable; this inevitably prejudices any on-site parking and directs towards a car free scheme. A balanced judgement has therefore to be made between the competing objectives of parking and the character of the Conservation Area, based on the planning merits of the case.

In this particular case, and for the reasons outlined in this report, this scheme is recommended for permission.

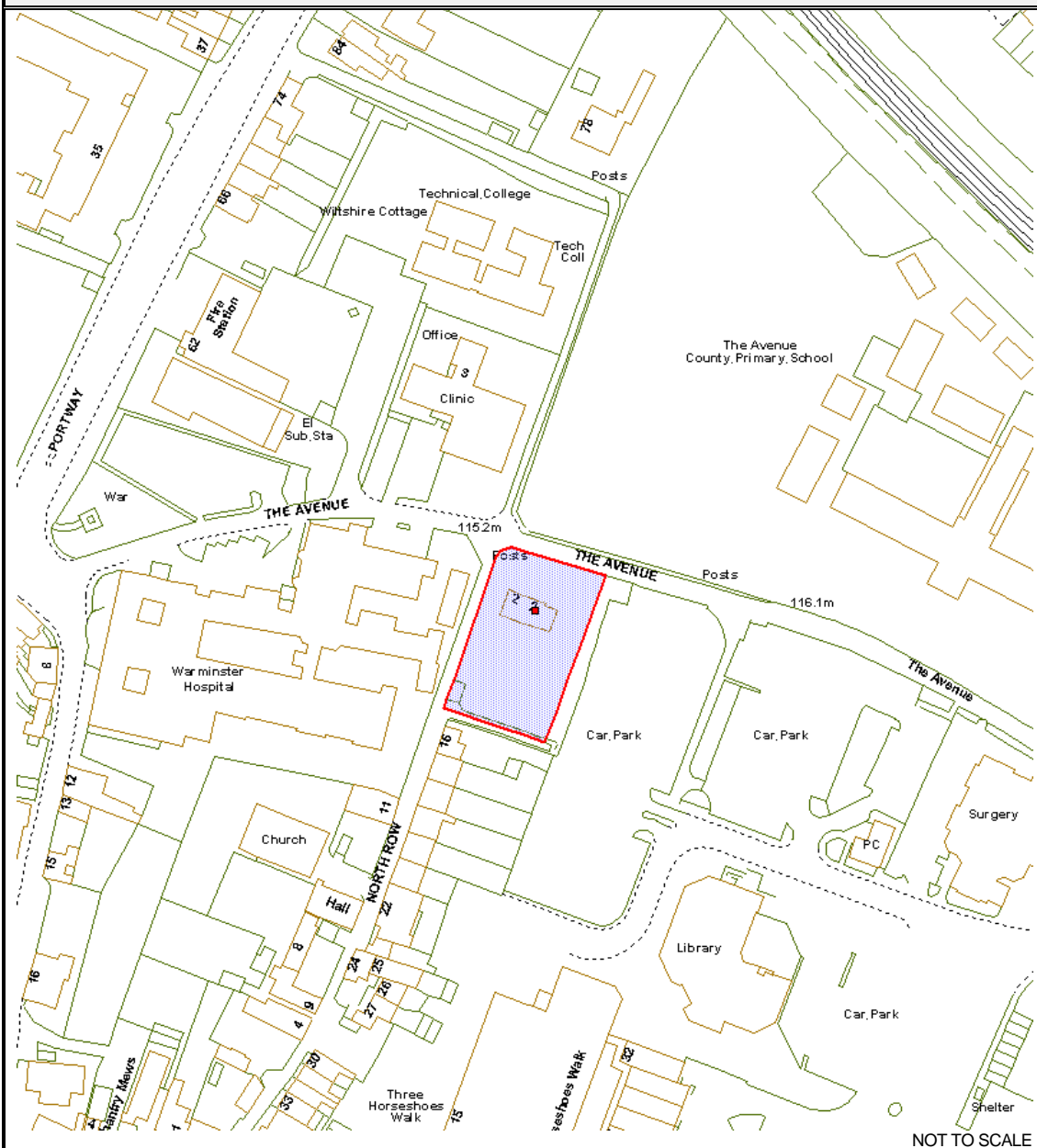
PLANNING COMMITTEE

4 August 2005

ITEM NO: 02

APPLICATION NO: 05/00795/CON

LOCATION: 2 The Avenue Warminster Wiltshire BA12 9AA



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 05/00795/CON

Site Address: 2 The Avenue Warminster Wiltshire BA12 9AA

Parish: Warminster Ward: Warminster East

Grid Reference 387503 145302

Application Type: Conservation Area

Development: Demolition of existing dwelling

Applicant Details: Mr P Atyeo
2 The Avenue Warminster Wiltshire BA12 9AA

Agent Details: Mr Peter Withey
3 Hill Deverill Warminster Wilts BA12 7EF

Case Officer: Mrs Judith Dale

Date Received: 22.04.2005 Expiry Date: 17.06.2005

REASON(S) FOR CONSENT:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Consent

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

- 2 The building(s) shall not be demolished before a contract for the carrying out of the works of redevelopment of the site has been entered into, and planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the character and appearance of the conservation area is conserved.

Policy: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.

- 3 This consent relates solely to the demolition of the existing dwelling house and detached garage.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 4 Before any modification of the external boundary walls to the site is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of Local Planning Authority in writing. The development shall be carried out in accordance with the approved sample.

REASON: To ensure that the development harmonises with its setting and the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Members at the Planning Committee on 14 July 2005 for a site visit. It was previously reported as follows:

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

This application is for consent to demolish number 2 The Avenue as part of the redevelopment scheme, the subject of application number 05/00549/FUL reported above and therefore supports that application.

The site in question is a level rectangular garden site, measuring approximately 0.13 hectare. It occupies the southeast corner plot at the junction of North Row with The Avenue, with frontages of 45 metres and 27 metres respectively - both these boundaries are marked by 2.6 metre high stone walls.

The site is currently occupied by a 1950's 3-bedroomed detached dwelling which it is proposed to demolish in order to accommodate a redevelopment scheme of nine 2 and 3 bedroomed dwellings.

WARMINSTER TOWN COUNCIL

Due to an error in the description in the area of development the Committee deferred comment on this application "because of insufficient details to make a decision."

Following the correct amendment to the description, the town Council were reconsulted but, as yet, no further comment has been received.

PUBLICITY

The application was advertised by Site Notice and in the local press - no letters of comment or objection in relation to the demolition of the property were specifically received, although a number were submitted in response to the redevelopment aspects of the proposal. (See 05/00549 above).

RELEVANT PLANNING HISTORY

04/02040/FUL - Demolition of existing dwelling and redevelopment of site to provide seven dwellings - Withdrawn 29.12.04

04/02218/CON - Demolition of existing dwelling and redevelopment of site to provide seven dwellings - Withdrawn 29.12.04

05/00549/FUL - Demolition of existing dwelling and redevelopment of site to provide nine dwellings - Pending.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C22 Demolition in conservation areas

PLANNING OFFICER'S COMMENTS

Policy C22 will only permit the demolition of building in conservation areas where the proposed demolition and any replacement development will not adversely affect the character or appearance of that area.

The existing property is a detached dwelling with a flat roofed detached garage located in the southwest corner of the garden. The property itself, is of brick construction with concrete window surrounds and UPVC windows under a concrete interlocking tiled roof and is typical of late 1950's design.

It is believed to have been built in the walled garden of an existing dwelling which was demolished when the redevelopment of the Three Horseshoes Mall and adjoining car park were constructed. Maps of Warminster dating back to 1840 indicate no other building on the site prior to this.

The demolition of this dwelling is not considered detrimental to the Conservation Area at this point for the following reasons: -

- The existing dwelling, although visible from the The Avenue and North Row, is largely hidden from public view behind the high stone walls surrounding the site and internal vegetation
- The building itself is of no particular historical merit
- The proposal would retain the existing stone boundary walls around the site with only minimal alteration to the existing pedestrian access. The importance of these walls is their contribution to the area as a whole, and not to the existing dwelling house contained within the site.

With regard to the demolition to the existing garage in the southwest corner, this is of no historic interest and raises no Conservation Area concerns.

CONCLUSION

The merits of the redevelopment proposals on this site have been fully outlined in the accompanying application 05/00549/FUL and are, themselves, considered acceptable.

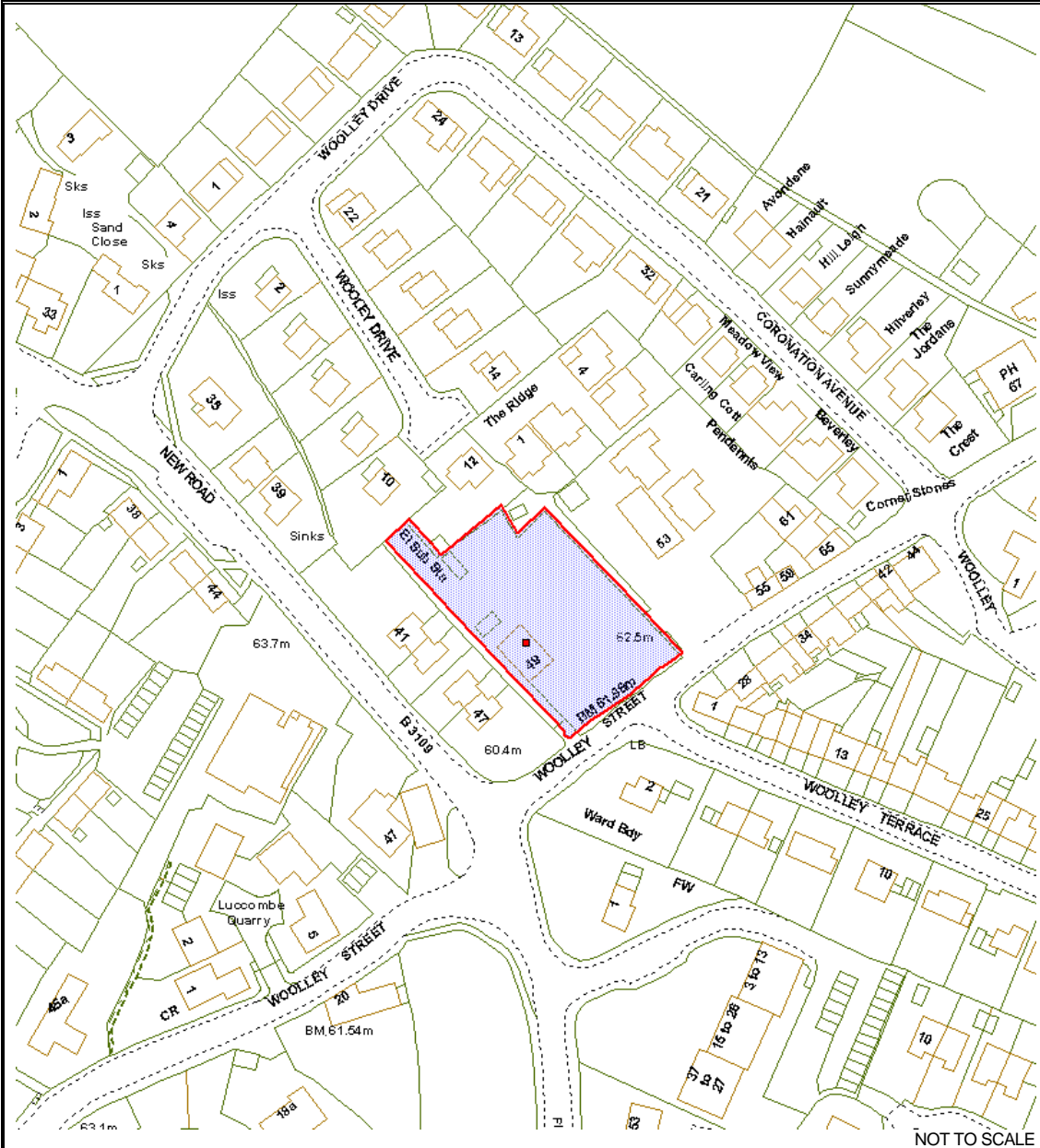
PLANNING COMMITTEE

4 August 2005

ITEM NO: 03

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

03 Application: 05/00214/FUL

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

Parish: Bradford On Avon Ward: Bradford On Avon North

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

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal to reduce the height of the traditional dry-stone coursed rubble frontage wall, which is of historic importance and prominent within the streetscene, would neither preserve nor enhance the character or appearance of the Conservation Area, contrary to Policies C17 and C18 of the West Wiltshire District Plan - 1st Alteration 2004.
- 2 The proposed detached frontage dwelling, by reason of its height and position relevant to the highway, the contours of the site and level of the ground, would appear unduly prominent within the streetscene. This would create a discordant element that would be uncharacteristic of the area and harmful to the setting of the adjoining Conservation Area, contrary to Policies C17, C18, C31A, H1 and H24 of the West Wiltshire District Plan - 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This planning application was previously considered at the 2 June 2005 Planning Committee, and a decision was deferred for a site visit. A decision was again deferred at the 23 June 2005 Planning Committee, for further investigation with the Conservation Officer.

This was to assess the effect of the reduction in height of the front boundary wall of the site on the character and appearance of the Conservation Area. The aim being to establish whether, as a result of this alteration to the wall, the proposal as a whole would fail to preserve or enhance the character or appearance of the Bradford on Avon No.2 Conservation Area.

This planning application is brought before the Planning Committee as members deferred the decision from the 23 June 2005 meeting.

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 southwest 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. Off site highway works are shown to the junction of Woolley Street and New Road, also alterations are shown to the existing stone wall (along the Woolley Street frontage) to be reduced to a height of 1 metre to comply with highway visibility recommendations.

The application site comprises of an area of approximately 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 forming 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 and prominent in the street scene.

The application has been revised on several occasions as part of the planning process. Responses are awaited on the consultations to the later revisions and these will be reported on the Late List.

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.
- Concern over air quality in Bradford on Avon and the impact the additional dwellings will have on the environment.

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.

ENVIRONMENTAL HEALTH

In response from an email received from the Bradford on Avon Planning Committee and Traffic & Air Quality Committee received 15 June 2005. The Environmental Health department have been consulted, they state that as the development site lies just outside the Air Quality Management Area for Bradford on Avon, if permission were granted, a condition is recommended for the applicant to submit details demonstrating that the impact of vehicles generated through the development is not significant in terms of nitrogen dioxide and PM10.

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.

67 letters of objection have been received including observations from Friends of Woolley, a summary of the comments as follows 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 application site is located within the existing built-up area of Bradford on Avon as defined by the Town Policy Limit, where 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 Annex C of PPG 3) as the site forms the curtilage of an existing dwellinghouse. The redevelopment of this site would represent a more efficient use of the land, for six dwellings, at approximately 27 dwellings per hectare.

The presumption in favour of further housing developments within towns needs to be assessed against the preservation or enhancement of the character, appearance and setting of the Bradford on Avon No.2 Conservation Area. The appropriateness of the design, layout and siting in relation to the character of the area, highway considerations and effect upon neighbouring amenities all need to be considered.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on Local Planning Authorities, to pay special attention to the "desirability of preserving or enhancing the character or appearance of that area". Policy C17 of the West Wiltshire District Plan 1st Alteration 2004 replicates the statutory duty and also states that the settings of Conservation Areas will be preserved and enhanced.

In addition, Policy C18 specifically includes reference to the need to retain historically important boundaries and street patterns, trees, walls, railings and other means of enclosure which contribute to an area's character. However, in every case an individual assessment of the feature(s) of value to that area must be made.

A 20-metre length of the frontage wall along the southeast boundary of the application site abutting Woolley Street is located within the Bradford on Avon No.2 Conservation Area. This wall forms the boundary of the Conservation Area. Works are proposed which would alter its appearance to provide vehicular visibility to the east in order to meet Highway Authority visibility requirements.

The existing "cock and hen" top to this wall varies in height from approximately 1.9 metres high at its eastern end to 1.3 metres high adjacent to the access to No.49. The height of the wall falls gradually from the eastern end, its entire existing length along the site frontage is 33 metres, the wall then turns the corner to follow the access drive.

Stone walls within the Woolley Street and Crown Court area have a value in contributing to the character and appearance of the Conservation Area. This is clearly stated in the Bradford on Avon Conservation Area Character Assessment. This frontage wall defines the extent of the Bradford on Avon No.2 Conservation Area and its style, form and height all positively contributes towards its traditional setting. The wall itself is an attractive feature indicative of many other walls in the vicinity. It is a dry stone coursed rubble wall with the typical "cock and hen" finishing to the top course. The historical importance of a boundary wall at this point is recognised as it would almost certainly have marked the separation of the historic core of the Woolley settlement and open fields beyond.

The proposal would reduce the length of this wall to 25 metres, with the section of wall outside of the Conservation Area removed to provide the enlarged access and bellmouth. The height of the 25 metre length section of wall would be lowered to 1 metre to accommodate the necessary highway visibility from the development site, but would be finished to match the original style of the "cock and hen" top.

The alterations to the wall would not enhance the character or the appearance of the Conservation Area, as it would be lowered from its existing height.

The height would not be preserved at its current level, which is marginally lower than other stone boundary walls fronting on to Woolley Street and Woolley Terrace, both in and outside the Conservation Area. However, although the wall would be reduced in height, a stone wall would continue to define the historical street pattern and extent of the historical Woolley settlement area, and would be maintained with the traditional finish. The main issue for consideration is the importance of the height of this wall on the character and appearance of the area, and whether its reduction would be so harmful as to make the residential scheme unacceptable.

The proposals to remove the top section of wall along the entire length of the development site would clearly erode the significance of this wall as an important feature at the entrance to the Conservation Area. It would have a harmful impact given the important visual contribution it makes, where most other walls in the area are of a similar height and stature.

The Crown Court and Woolley area has a compact layout, with a linear form of development in very close proximity to the highway. The dwellings are situated within a clear street pattern which is defined by stone walls of various heights between 1.2 to 2 metres high forming the street boundaries.

The proposed development would replicate this traditional form of development. The detached dwelling which would be the frontage property would be stepped back from the wall by a maximum of 7 metres and the land to its right-hand side would remain open. Therefore without a compact building layout and sense of enclosure provided by a residential development, the alterations to the height of the wall would be more noticeable in eroding its stature in the street scene and the character of the area. The proposed scheme and would not respect the traditional layout in the adjoining Conservation Area.

The proposed development would not therefore positively preserve the character and appearance of the Conservation Area, and this significant reduction in height would leave the character of the area harmed.

Policy C17 of the West Wiltshire District Plan 1st Alteration 2004 states that the character or appearance of Conservation Areas and their settings will be preserved and enhanced. There are views out of the Conservation Area which would include the proposed residential development. Views are particularly prominent from the raised ground of Woolley Terrace.

The present application site forms the entrance into the Conservation Area from New Road, with the stone wall providing a sense of enclosure, that is of great importance to the area's character. The site itself forms a relatively open break between the historic core of Woolley and the 1960s developments to the north and west, however, the character of the site could be significantly altered by the implementation of permitted development rights (i.e. outbuildings). The existing views of the bungalow and its garden have recently been revealed to a greater extent by the removal of vegetation and trees that once formed part of the garden, close to the stone wall.

There would be substantial benefits and enhancements to the setting of the Conservation Area as the development of a relatively untidy site and loss of the bungalow, and its replacement with group of buildings of significant architectural merit reflecting distinctive siting, designs and forms in line with the form of historic development that exists within the Crown Court and Woolley 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 progresses uphill to the north west. The introduction of chimneys and stone copings to the roofs, would also help to represent an architecturally interesting group that would respect the traditional appearance of the groups of cottages within the Conservation Area.

This proposal includes one detached unit fronting full onto Woolley Street. This unit is designed in part so as to create a street frontage and sense of overlooking, and its design replicates characteristics of other buildings further up Woolley Street. However, this unit would not be sited as close to the highway edge as other traditional buildings in the area, and although the general principles of a frontage development would be maintained, it would be at variance with the traditional pattern of development in this area, and would interrupt the rhythm of the more traditional street frontage to the north. Furthermore, because of the contours of the site and level of the land, which is significantly higher than the road level, it would appear unduly prominent and uncharacteristic of the more traditional cottages on this side of the street. This would result in the building being disproportionately higher than the new development adjacent and would interrupt the rhythm of the streetscene and relative levels of rooftops.

The frontage wall acts as a retaining wall to the existing garden and the ground level would appear from the information submitted to remain relatively high. Since the proposed frontage dwelling would be built at ground level it would result in discordant visual relationship between the house fronting Woolley Street and the remaining wall. The disparity in ground levels between the highway and garden is such that instead of the house being set down at road level, behind the boundary wall, it would sit prominently above it, and at some distance removed. This would be at variance with the manner in which other buildings in the conservation area relate to their curtilage walls.

The proposed design of the dwellings would make a positive contribution to views out of the Conservation Area, however, the application site (dwellings) are not within the Conservation Area. The preservation of existing site features such as historic street patterns and boundary treatments are so important that it is essential that any new developments sit and blend in well within its existing environment.

The revised plans detail a cross section of the Woolley Street frontage, these show the top height of the proposed wall (1m above Woolley Street level) at a ground level of between 50.11 and 51.71, this is compared to the finished floor level of the detached unit at 51.40. Therefore the top of the wall would mainly be below the ground level of the detached dwelling, with the stone wall only retaining the ground behind, and not providing a boundary treatment for the development. This arrangement would not preserve the character of the Conservation Area, where a continuation of a retaining stone wall between 0.5 to 1 metre high or a hedge defines the frontage. The proposed arrangement with the necessary 2.4m area cleared of all obstruction to visibility would leave a open bank, which would harm the appearance and setting of the Conservation Area.

The Council's Conservation Officer has commented on this application, the Officer expresses a view that the reduction in height of the wall would be detrimental to the setting of the adjacent Conservation Area. This alteration would neither preserve or enhance the character and appearance of the Conservation Area. On this basis the Conservation Officer recommends this planning application be refused, on the grounds that it is contrary to Policy C17 and C18.

Your officers consider that whilst, the proposed design of the dwellings themselves would be likely to enhance the setting of the Conservation Area, but this would not outweigh the harm caused by the alterations to the wall which would fail to preserve or enhance the character and the appearance of the Conservation Area or the prominent position of the frontage dwelling. Similarly views out of the Conservation Area would be harmed by the prominence of the development and the proposed lowered wall would no longer adequately define this boundary.

Highway Considerations:

In respect of highways considerations, the proposed site access road 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 satisfy 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. To enable a further 5 dwellings on this site, these elements address highway safety, access arrangements and parking provision concerns raised by consultation responses and originally by the Highway Authority. 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. Also, work is needed to extend the footway from New Road into Woolley Street, a S106 Legal Agreement would be required to achieve these works.

However, as detailed above, as the proposed development has taken account of the ideal highways layout, the negative consequences of the improved visibility on the character and appearance of the Conservation Area are not outweighed by the need to safely access the proposed residential development.

The Need for Conservation Area Consent:

The Town and Country Planning Act (Listed Buildings and Conservation Areas) Act 1990 secures the necessity to apply for Conservation Area consent for the demolition of unlisted buildings in a Conservation Area. Subsequent Regulations identified those cases which were exempt from the need for express consent, the latest of which is Circular 1/2001 which states

"Removal of Conservation Area Control from certain descriptions of Buildings

(b) any gate, wall, fence or means of enclosure which is less than 1 metre high where abutting on a highway (including a public footpath or bridleway), waterway or open space or less than two metres high in other cases."

However, the issue in this case is not what is excluded from requiring Conservation Area consent for demolition [i.e. walls less than 1 metre fronting a highway and 2 m elsewhere] but what constitutes alteration or demolition. The approach taken by most authorities before *Shimitzu (UK) Ltd v Westminster City Council* [1997] was very simple, in that any demolition of a wall or part thereof over 1 metre fronting a highway would have needed consent. Following the *Shimitzu* case, the interpretation of 'demolition' was restricted to total or significant removal. Anything less than that is deemed to be an 'alteration' which does not require Conservation Area consent.

With this wall, only part of the wall is in the Conservation Area and the bulk of it remains intact. At present it runs from 1.9 metres high to 1.3 metres high. It would be reduced to 1 metre in height (within the Conservation Area) with curved return (outside the Conservation Area) for the access into the site. However, not all the wall is in the Conservation Area and therefore the amount of demolition is not significant. It therefore follows that the element of demolition to this wall amounts to 'alteration' [as a matter of fact and degree] and falls outside the definition of demolition as applied to post *Shimitzu* cases.

In respect of the fallback position regarding the frontage wall it is clear now that Conservation Area consent would only be required for the total, or near total, demolition of an unlisted building in a Conservation Area (further qualified by the advice in Circular 01/2001). The proposed works to reduce the height of this wall by the amount suggested would not require Conservation Area consent, and would therefore be outside the scope of Conservation Area consent control.

This view has been endorsed by the Council's Legal officers.

This was the view conveyed to the Town Council by officers. If they, or any other third party, wish to question that view they are free to take their own legal advice.

It has been drawn to our attention that a member of the public has contacted the Government Officer to request this application be called in. They have been advised that officers had recommended a deferral for the further investigation and they considered this to be a suitable course of action.

CONCLUSION

Although your officers originally recommended permission, further investigative work has been carried out, and additional information provided by the applicant's agent. This together with legal advice had lead your officers to review the original recommendation and take a different stance.

The proposed development by reason of the alterations in the height of this historically important, prominent and traditional coursed dry stone wall fronting onto Woolley Street, would neither preserve or enhance the character or the appearance of the Bradford on Avon No.2 Conservation Area, harmful as the loss of the compact sense of enclosure would erode its stature in the streetscene, and would not set the proposed residential development within an adequately defined and strong formal boundary. The proposal is contrary to Policies C17, C18, C31a, H1 and H24 of the West Wiltshire District Plan 1st Alteration 2004, Policy HE7 of the Wiltshire Structure Plan 2011.

The proposed detached frontage dwelling and its height and position relevant to the highway would by reason of the contours of the site and level of the ground, appear unduly prominent within the streetscene and as such would create a discordant element uncharacteristic of the area and harmful to the setting of the adjoining Conservation Area, contrary to Policies C17, C18, C31A, H1 and H24 of the West Wiltshire District Plan - 1st Alteration 2004.

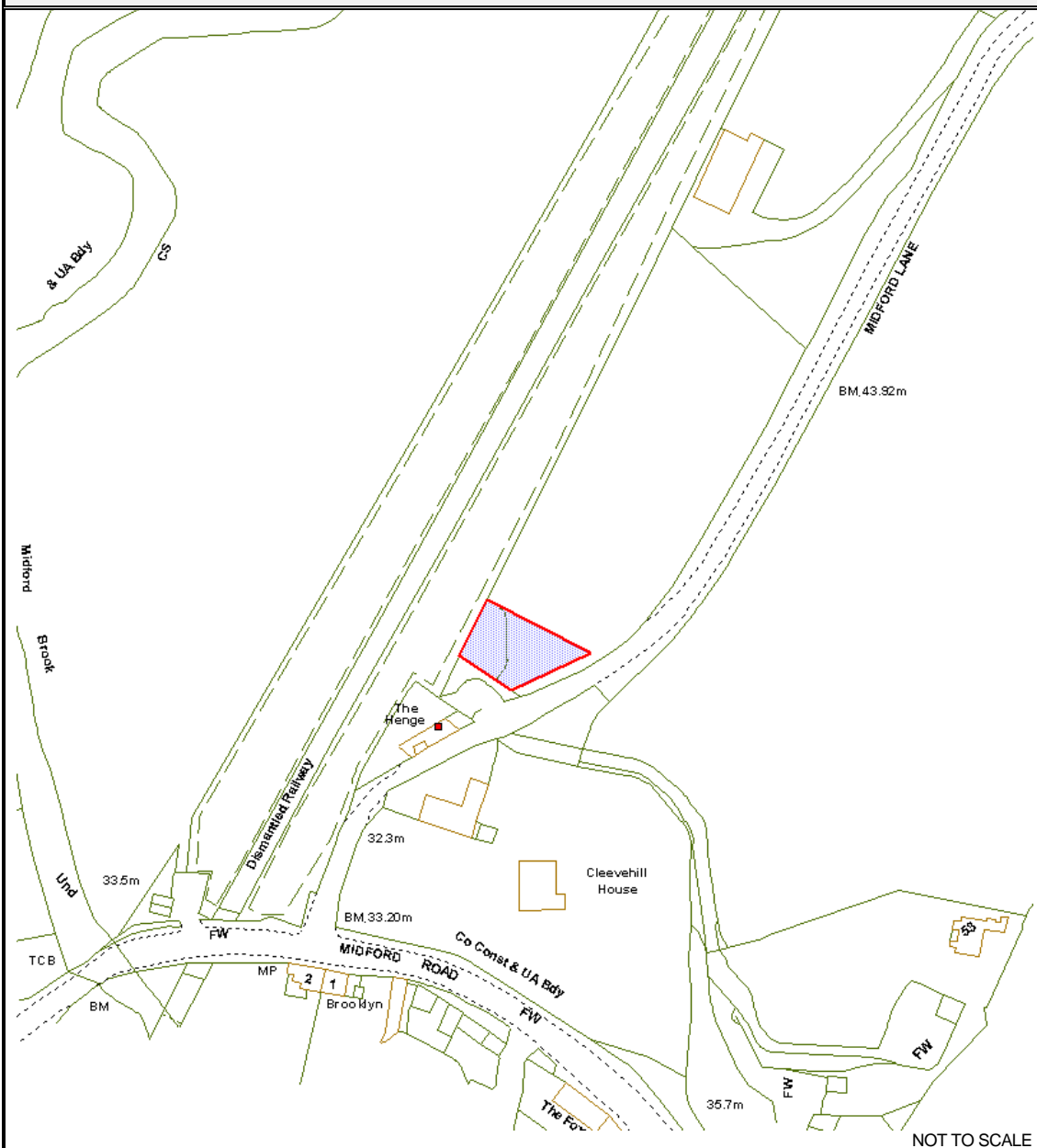
PLANNING COMMITTEE

4 August 2005

ITEM NO: 04

APPLICATION NO: 05/00986/FUL

LOCATION: 54 Midford Lane Limpley Stoke Wiltshire BA2 7DF



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 05/00986/FUL

Site Address: 54 Midford Lane Limpley Stoke Wiltshire BA2 7DF

Parish: Limpley Stoke Ward: Manor Vale

Grid Reference 376251 160769

Application Type: Full Plan

Development: Retrospective application to permit change of use from agricultural to domestic garden

Applicant Details: Richard And Claire Wiliams
The Henge Midford Lane Limpley Stoke Wiltshire BA2 7DF

Agent Details:

Case Officer: Mr Aaron Smith

Date Received: 20.05.2005 Expiry Date: 15.07.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 This development by reason of the extension of the residential curtilage into the open countryside results in a material change of use that does not maintain the openness of the Western Wiltshire Green Belt, is in conflict with the purposes of including land within it, and it constitutes inappropriate development in the Western Wiltshire Green Belt, which is by definition harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt, and any other harm. This development is therefore contrary to Policy DP12 of the Wiltshire Structure Plan, Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 and contrary to the Government advice contained within paragraphs 1.4 and 3.12 of PPG 2.
- 2 The development by reason of the unacceptable intrusion of a domestic curtilage on this prominent site into the open countryside would neither conserve or enhance the special landscape character of the Cotswolds Area of Outstanding Natural Beauty, detrimental to the character of the nationally important landscape. This proposal is contrary to Policies C1 and C2 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee at the request of Councillor Viles in the interests of public debate.

This is a retrospective full planning application for a change of use of land from agricultural to domestic garden on land immediately to the northeast of 54 Midford Lane between Midford and Limpley Stoke.

The area of land sought for the change of use is approximately 600 square metres, it is domestic garden in appearance and already contains structures such as hardstanding, seating area, retaining wall and a pergola. The land is bordered to the south by Midford Lane and to the north by the disused railway embankment.

The application site is located within the Cotswolds Area of Outstanding Natural Beauty and within the Western Wiltshire Green Belt.

The applicant has provided a supporting statement, including supportive letters from immediate neighbours.

LIMPLEY STOKE PARISH COUNCIL

No objections to this application and suggest that if permission is granted a condition to remove the permitted development rights for the erection of new buildings and structures should be used.

PUBLICITY

No comments have been received

RELEVANT PLANNING HISTORY

83/00102/FUL - Alterations - Permission 22.02.1983

01/00427/FUL - Extension to provide living room and master bedroom - Permission 02.07.2001

04/00081/FUL - Single storey rear extension - Refused 26.02.2004

05/00987/FUL - Retrospective application to permit retention of agricultural storage shed and track - Permission 14.07.2005

PLANNING POLICY

Wiltshire Structure Plan 2011
DP12 - The Western Wiltshire Green Belt

West Wiltshire District Plan 1st Alteration 2004
GB2 - Green Belt
C1 - The Countryside
C2 - Area of Outstanding Natural Beauty

PPG2 - Green Belts
PPS 7 - Sustainable Development in Rural Areas

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are the impact which the change of use would have on the Western Wiltshire Green Belt and the special landscape character of the Cotswolds Area of Outstanding Natural Beauty.

Green Belt

The starting consideration for this application within the Western Wiltshire Green Belt, is Policy GB2 (iii) of the West Wiltshire District Plan 1st Alteration 2004. This states that approval will not be given, except in very special circumstances for development other than the change of use of land which maintains the openness of the land and does not conflict with the purposes of including such land in the Green Belt. In addition, paragraph 3.12 of PPG 2 states that the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

If a proposal would not meet this requirement then it would represent 'inappropriate development' as defined in PPG2 (Green Belts). There is a strong presumption against inappropriate development within Green Belts. Such development shall not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.

Dealing firstly with openness, there exists a seating area, retaining wall, hardstanding and pergola located within the application site. The grassed area has been maintained and is different in appearance to the rough grazing land to the north east of this site. There are also a number of ornamental trees and scrubs which further change its appearance to domestic. By changing the use of this land from agricultural to domestic curtilage and the resultant alterations in appearance and the addition of assorted domestic trappings (many beyond the scope of planning control i.e. washing lines) this proposal would not maintain the openness of the Green Belt, contrary to Policy GB2 and paragraphs 1.4 and 3.12 of PPG2.

The openness of the Green Belt is its greatest attribute. This would be likely to be prejudiced by the addition of the paraphernalia associated with the domestic use of the land. The visual amenities of the Green Belt should not be injured by proposals for development within, or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Secondly, PPG 2 sets out the purposes of including land within Green Belts. One of these purposes is to check the unrestrictive sprawl of large built up areas. The application site is at the north eastern edge of Midford on the edge of Bath, with all residential development tightly centered around the village core, comprising of the Midford Stream and Midford Road. There is a clear, distinctive and sudden change in the use of land when traveling towards Limpley Stoke along Midford Lane, from residential to agricultural use. The extension of the domestic curtilage would constitute an extension of sprawl of Bath, which is to be resisted.

Thirdly, a further purpose of including land within the Green Belt is to assist in safeguarding the countryside from encroachment. Extending a residential use into the countryside amounts to encroachment of an urban type of development into the undeveloped countryside.

Therefore, this change of use does not maintain the openness of the Green Belt and conflicts with these purposes of including land within the Green Belt, and therefore conflicts with Policies GB2 and DP12. The proposal is therefore inappropriate development, which is by definition harmful to the Green Belt.

Turning to whether the applicant has demonstrated any very special circumstances. Paragraph 3.2 of PPG 2 states that it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

The applicant has suggested that:

- The application site represents only a small fraction of the entire plot. An agricultural use of the application site and adjoining grazing land has been investigated, however, farmers in the area consider that the site would not make a viable farming option.
- If the land were to be restored to its former state, it would be unsightly, and would fill with aggressive weeds. Its retention as garden would enable more fragile species to grow strongly and would encourage wildlife.

Very special circumstances generally constitute exceptional, overriding and positive benefits to the Green Belt, outweighing the harm by reason of inappropriateness and any other harm. It is therefore concluded that no very special circumstances have been demonstrated to show why permission should be granted.

Area of Outstanding Natural Beauty

The application site is located within the Cotswolds Area of Outstanding Natural Beauty, the application site is clearly visible from Midford Lane and Midford Piggeries. The extension of the domestic curtilage has had a detrimental affect on the nationally important landscape designation. Its prominence dramatically impinges on the rural character of the area. Also the application plot bears little relation to adjoining land uses and introduces domestic features into the open countryside.

CONCLUSION

The change of use to domestic has not maintained the openness of the Western Wiltshire Green Belt, would not safeguard the countryside from encroachment and would add to the sprawl of the Bath urban area. Therefore, it amounts to inappropriate development, which is by definition harmful to the Green Belt.

In addition, the proposal would represent an unacceptable urban intrusion into the open countryside, adversely harming the character of the nationally important Cotswolds Area of Outstanding Natural Beauty landscape designation.

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

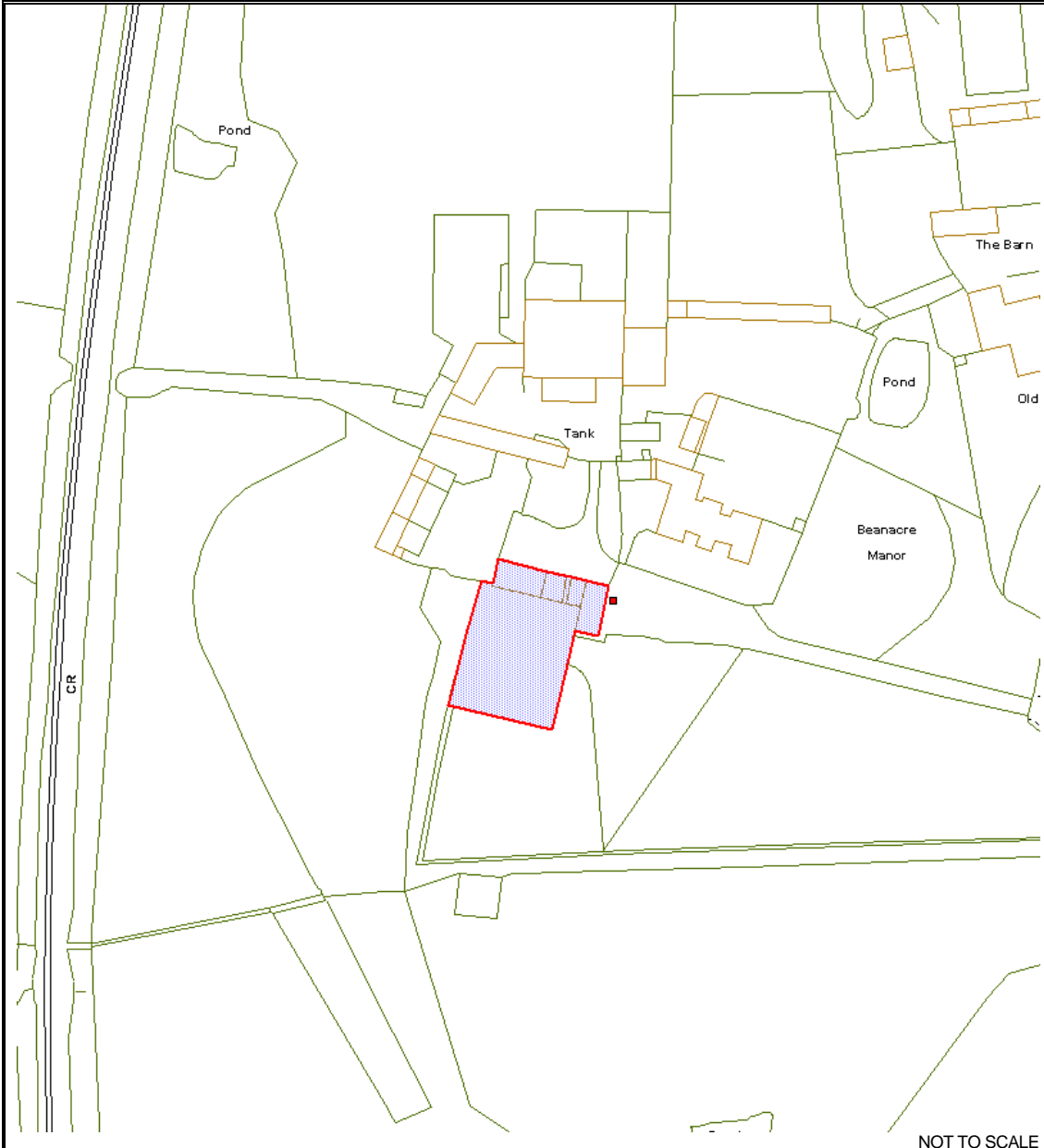
PLANNING COMMITTEE

4 August 2005

ITEM NO: 05

APPLICATION NO: 05/00828/FUL

LOCATION: Manor Farmhouse Beanacre Manor Old Road Beanacre
Wiltshire



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SLA: 100022961

05 Application: 05/00828/FUL

Site Address: Manor Farmhouse Beanacre Manor Old Road Beanacre Wiltshire

Parish: Melksham Without Ward: Melksham Without
Grid Reference 390057 165714
Application Type: Full Plan
Development: Removal of stone wall and re-instatement at rear and reinstatement door to utility area and replacement brick pillar on front elevation
Applicant Details: Mr And Mrs King
C/O King Sturge (FAO Kevin Hunt) 40 Berkeley Square Bristol BS8 1HU
Agent Details: King Sturge (FAO Kevin Hunt)
40 Berkeley Square Bristol BS8 1HU
Case Officer: Ms Kate Williams
Date Received: 29.04.2005 Expiry Date: 24.06.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 Notwithstanding the submitted plans, this permission does not regularise the gates and gate posts, which do not form part of the application.

REASON: In order to define the terms of this permission.

COMMITTEE REPORT

APPLICATION DETAILS

This Planning Application is brought to Committee as the Parish Council objects contrary to Officer's recommendation.

This is a retrospective application and is for the regularisation of various unauthorised alterations carried out to a Grade II Listed building. The application follows a previous refusal for works that have now been deleted from the current scheme, and the commencement of enforcement action.

The proposals include the removal and reinstatement of a stone wall in a reverse location to create a garage, the raising of the roof height on the former garage, and enlarging it to provide a wood store.

This Grade II Listed property is set within the curtilage of a Grade II* Listed Manor. Formerly a stable-block belonging to the main house, it is now under separate ownership and has been converted to a dwelling house. It dates back to the early C18 and is comprised of rubble stone; prior to the alterations being carried out, the roof had a mix of clay Roman pantiles. The setting is rural and the site is reached via a drive, set well back from the main road; land and outbuildings surround the site, giving it a very private and enclosed character.

MELKSHAM WITHOUT PARISH COUNCIL

Object to this application:

"It appears from the crowded drawings which have been submitted, that major alterations are being proposed which are inappropriate for a Listed building. Is the stone wall being reinstated because it has been formerly removed and Planning Officers have asked for it to be put back again? Is the replacement brick pillar in lieu of something else, which has been wrongly added? The rooflights look out of place in the traditional roof. There need to be much clearer plans to show the overall effect of the proposed alterations on the property and to display the gates, new wall etc in the proposed setting."

Comments to the revised drawings:

"While the revised plans have improved some aspects of this application, the Council wishes to reiterate its continuing concern about the proposed four rooflights which look cheap and out of place in such a beautiful old house."

PUBLICITY

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

RELEVANT PLANNING HISTORY

00/01937/LBC - creation of garden room in existing outbuilding, replacement staircase, associated works and overhaul of roof - Consent 17.01.2001.

00/01936/FUL - creation of garden room in existing outbuilding, replacement staircase, associated works and overhaul of roof - Permission 17.01.2001.

02/00663/LBC - Formation of gateway in existing wall - Consent 29.05.2002.

04/00899/LBC - New roof covering, rooflights, conversion of store to extend dwelling and provide garages and the conversion of the garage to a store - Refused 09.07.1004.

04/00893/FUL - Conversion of store to extend dwelling and provide garaging, increase height of former garage, creation of log store and installation of gates - Refused 09.07.1004.

05/00827/LBC - Removal of stone wall and reinstatement at rear, reinstatement of door opening and replacement pillar on front elevation (and alterations to former garage) - Pending.

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 are the effects of the proposed/existing alterations to the to the character and appearance of the Listed building, to its setting and that of the surrounding Listed buildings, specifically, the Grade II* Listed Manor. Any adverse impact to amenity should be considered and the former reasons for refusal addressed and overcome.

The number of rooflights will be considered as part of the parallel Listed building application.

The removal of the front stone wall of the outbuilding, and its reinstatement to the rear, (formerly open), was carried out in order to integrate this part of the building with the rest of the property. Although the character and appearance of this building has been altered, it is not felt that this has been detrimental. The stone has been re-used and the method of reconstruction has been appropriate and in line with the original.

Sympathetic, matching materials have been used in the reconstruction. The amenity and setting of the Listed building and that of neighbouring Listed buildings has therefore been preserved.

The size and form of the building has been altered and increased. The roof has been raised by approximately 450mm and a wood store attached on one side. These alterations to this structure are acceptable and the more contentious alterations will be addressed as part of the parallel Listed building application.

The Parish Council is concerned about the quality of the drawings, but these are similar to those previously submitted to which they had no objection. There is sufficient information on which to determine the application.

CONCLUSION

These changes in themselves are not deemed harmful to the over-all Listed building, its setting, amenity or that of surrounding Listed buildings.

This application has addressed the previous reasons for refusal and for the reasons stated above, it is recommended for Permission.

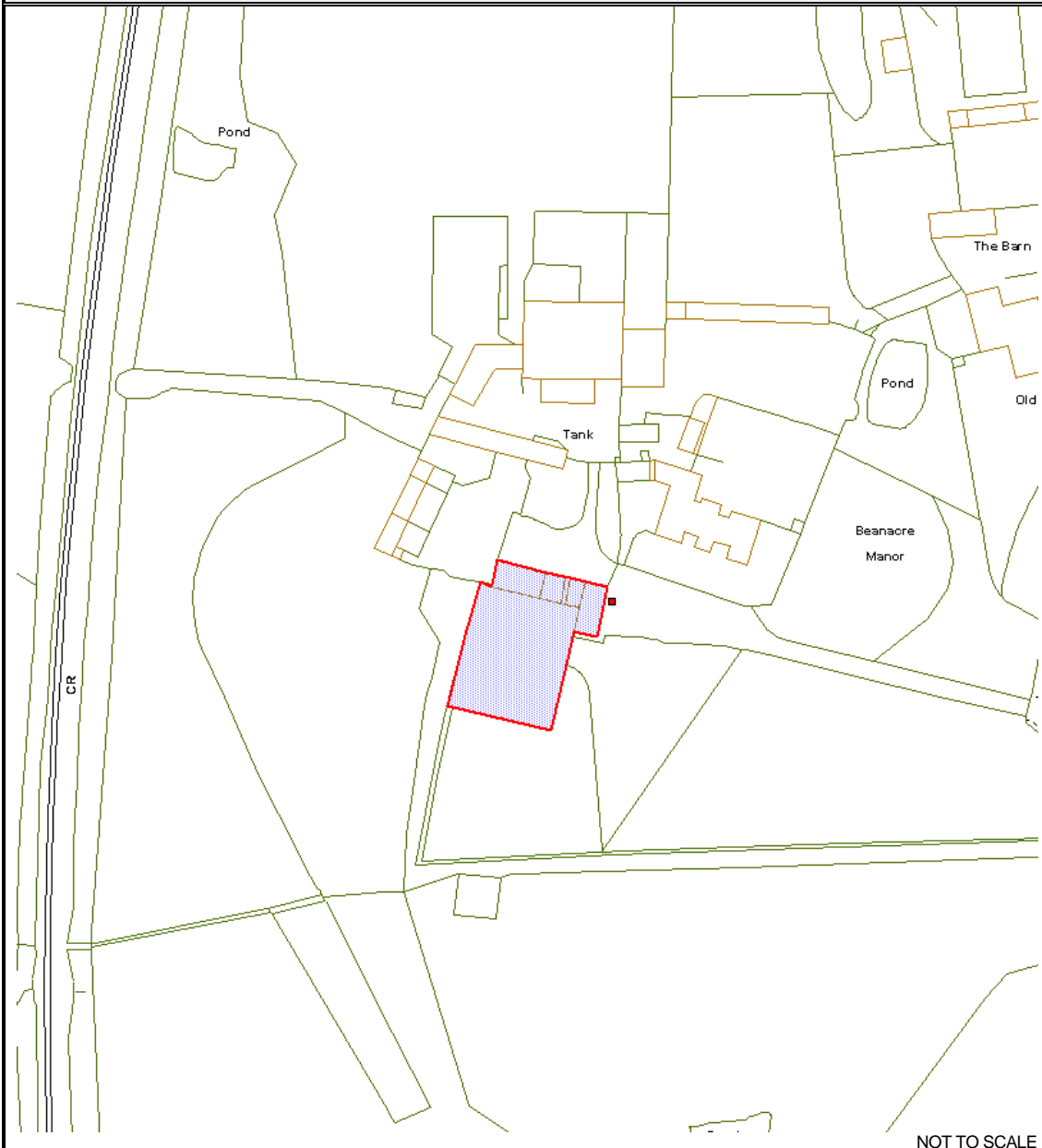
PLANNING COMMITTEE

4 August 2005

ITEM NO: 06

APPLICATION NO: 05/00827/LBC

LOCATION: Manor Farmhouse Beanacre Manor Old Road Beanacre
Wiltshire



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SLA: 100022961

06 Application: 05/00827/LBC

Site Address: Manor Farmhouse Beanacre Manor Old Road Beanacre Wiltshire

Parish: Melksham Without Ward: Melksham Without

Grid Reference 390057 165714

Application Type: Listed building

Development: Insertion of four rooflights, change of use of store to garage and utility room, installation of gates, replacement roof tiles and removal of stone wall and reinstatement at rear

Applicant Details: Mr And Mrs King
C/o King Sturge (Kevin Hunt) 40 Berkeley Square Bristol BS8 1HU

Agent Details: King Sturge (Kevin Hunt)
40 Berkeley Square Bristol BS8 1HU

Case Officer: Ms Kate Williams

Date Received: 29.04.2005 Expiry Date: 24.06.2005

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

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 The unauthorised tile-hung cladding on the former single garage shall be replaced with feather-edged boarding. Details of its finish shall be submitted to and approved by the Local Planning Authority prior to their installation on the building. The works shall then only be carried out in strict accordance with those approved details.

REASON: In order to define to the terms of the condition and protect the character and appearance of the Listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

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

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

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

- 4 Within 4 weeks, details of the elevations of all new or replacement external rooflights and door elevations for the former garage, including details of material and finish and any glazing, at a scale of not less than 1:20, and sections through all frames and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 A sample wall panel, not less than 1 metre square, reflecting the treatment of the rear former garage wall, including details of jointing method and mortar mix, which shall be lime and sand based only, shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31A.
- 6 Notwithstanding the submitted plans, this consent does not regularise the gates and gate posts, which do not form part of the application.
- REASON: In order to define the terms of this permission.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee as the Parish Council objects to the proposals contrary to Officer's recommendation.

This is a retrospective application and is for the regularisation of various unauthorised alterations carried out to a Grade II Listed building. It also proposes revisions to these works, following a previous refusal and the commencement of enforcement action.

The proposals include re-roofing of the former stable block with clay Double-Roman rooftiles, insertion of rooflights, removal and reinstatement of a stone wall in a reverse location to create a garage, reinstatement of a door to the utility area and replacing a brick pillar on front elevation with stone. Further alterations include the raising of the roof height on the former garage, blocking up of the West opening and insertion of new door on the East elevation, creation of wood store and replacement of the unauthorised tile hung cladding with feather edge boarding on the East elevation.

This Grade II Listed property is set within the curtilage of a Grade II* Listed Manor. Formerly a stable-block belonging to the main house, it is now under separate ownership and has been converted to a dwelling house. It dates back to the early C18 and is comprised of rubble stone; prior to the alterations being carried out, the roof had a mix of clay Roman pantiles. The setting is rural and the site is reached via a drive, set well back from the main road; land and outbuildings surround the site, giving it a very private and enclosed character.

MELKSHAM WITHOUT PARISH COUNCIL

Object to this application:

"It appears from the crowded drawings which have been submitted, that major alterations are being proposed which are inappropriate for a Listed building. Is the stone wall being reinstated because it has been formerly removed and Planning Officers have asked for it to be put back again? Is the replacement brick pillar in lieu of something else, which has been wrongly added? The rooflights look out of place in the traditional roof. There need to be much clearer plans to show the overall effect of the proposed alterations on the property and to display the gates, new wall etc in the proposed setting."

Comments to the revised drawings:

"While the revised plans have improved some aspects of this application, the Council wishes to reiterate its continuing concern about the proposed four rooflights which look cheap and out of place in such a beautiful old house."

PUBLICITY

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

RELEVANT PLANNING HISTORY

00/01937/LBC - creation of garden room in existing outbuilding, replacement staircase, associated works and overhaul of roof - Consent 17.01.2001.

00/01936/FUL - creation of garden room in existing outbuilding, replacement staircase, associated works and overhaul of roof - Permission 17.01.2001.

02/00663/LBC - Formation of gateway in existing wall - Consent 29.05.2002.

04/00899/LBC - New roof covering, rooflights, conversion of store to extend dwelling and provide garages and the conversion of the garage to a store - Refused 09.07.1004.

04/00893/FUL - Conversion of store to extend dwelling and provide garaging, increase height of former garage, creation of log store and installation of gates - Refused 09.07.1004.

05/00828/FUL - Removal of stone wall and reinstatement at rear, reinstatement of door opening and replacement pillar on front elevation (and alterations to former garage) - Pending.

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 are the effects of the proposed/existing alterations on the character and appearance of the Listed Building, to its setting and that of neighbouring Listed buildings. Any adverse impact to the building's integrity or to significant historic fabric also needs to be considered. Finally, the previous reasons for refusal need to be addressed and overcome.

The number of rooflights is to be reduced to that previously approved in 2000. The only difference will be the slight relocation of 2 rooflights, now proposed over the utility area. These proposals are considered to be acceptable. The intention to remove the majority of unauthorised rooflights addresses the previous reason for refusal. Those retained will be replaced with Conservation rooflights which would preserve the character and appearance of the Listed Building. Remedial works will overcome any damage to the historic fabric and improve the setting of the neighbouring Listed buildings.

One of the most invasive and detrimental of the alterations carried out to the former stable block has been the removal of the clay Roman pantiles and replacement with plain clay tiles. This has harmed both the setting of this Listed building and neighbouring Listed building whilst also seriously compromising the character of the Listed building. This was one of the principal areas of contention in the previously refused application. Their impact has been exacerbated by the large expanse of roof and its visibility from surrounding vantage-points. The replacement plain clay tiles were a wholly unsuitable roof material for such a building.

The proposal to now reinstate natural clay, double Roman tiles is acceptable as a traditional material that will age well with the building and surrounding historic buildings.

The disposal of the original tiles clearly harmed the original fabric. However, the original tiles were a mixed assortment and those proposed should both restore integrity to the building and enhance its character and setting of neighbouring Listed buildings.

The reinstatement of a former doorway within the front elevation would preserve and enhance the character and appearance of the Listed Building, as would the replacement of a former brick pillar with stone. Evidence shows that the wall as it appears now is a great improvement to its original appearance. It therefore enhances the character of this part of the building and there has been no harm to historic fabric.

The removal of the front stone wall of the outbuilding, and its reinstatement to the rear, (formerly open), was carried out in order to integrate this part of the building with the rest of the property. Although the character, appearance and of this building has been altered, it is not felt that this has been detrimental. The stone has been re-used and the method of reconstruction has been appropriate and in line with the original. The integrity of the building is therefore unharmed.

The blocking of the former double door entrance to the West elevation with concrete block then cement rendered has been particularly harmful, considering the prominence of this elevation to the main entrance of all Listed buildings at the site, including the Grade II* Manor. This is to be remedied by re-facing the wall with natural stone which would be traditional and sympathetic treatment. The increase in its roof height has been marginal and is not considered to have harmed the character and appearance of the site or the setting of the Listed buildings.

The other small alterations should dramatically improve the character, appearance, integrity and setting of this historic settlement.

The Parish Council is concerned about the quality of the drawings, but these are similar to those previously submitted to which they had no objection. There is sufficient information on which to determine the application.

CONCLUSION

The proposals address the previous reasons for refusal and there are no objections on Listed building grounds.

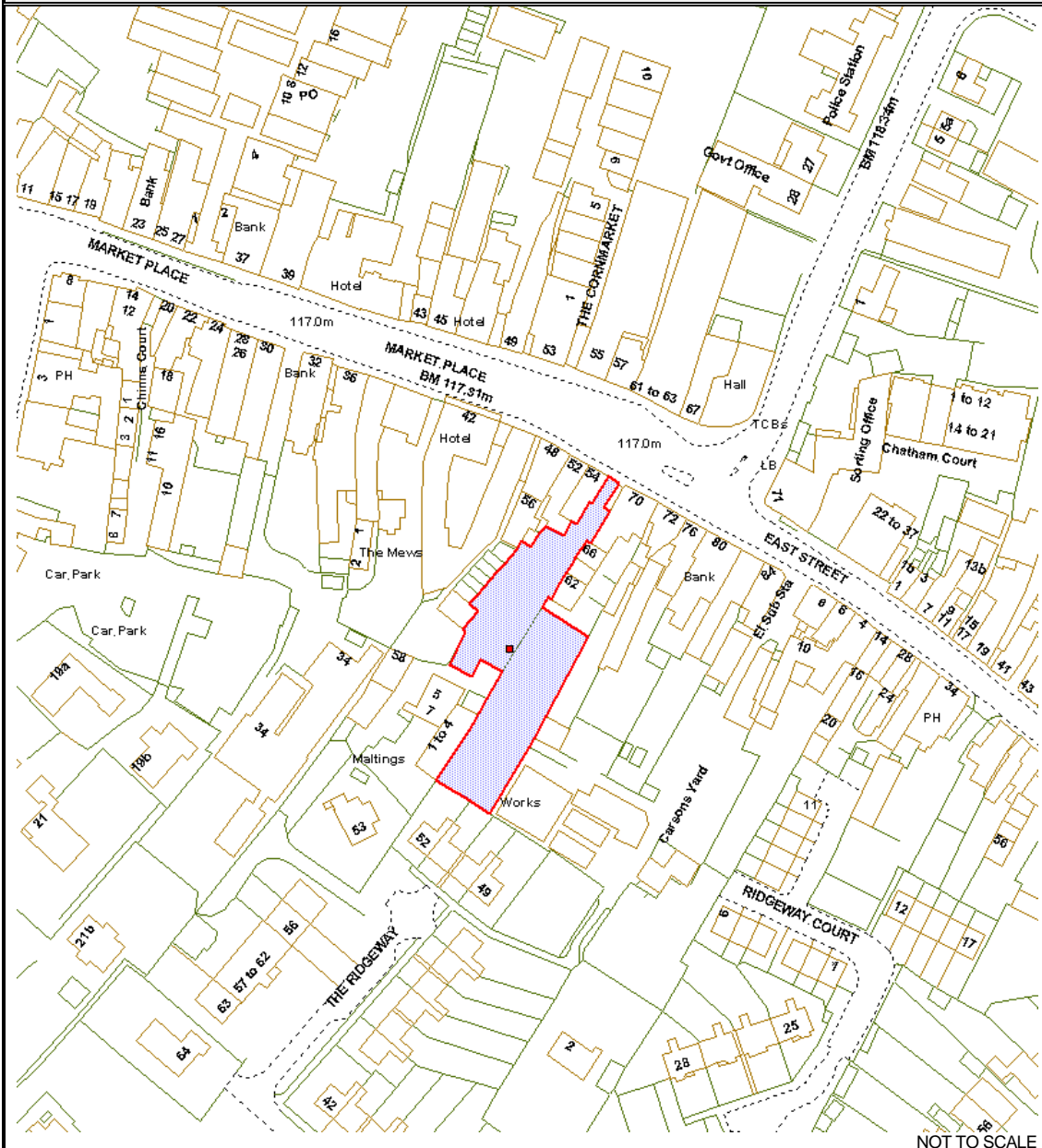
PLANNING COMMITTEE

4 August 2005

ITEM NO: 07

APPLICATION NO: 05/01014/FUL

LOCATION: Land To Rear Of 62 And 66 Market Place Warminster
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 05/01014/FUL

Site Address: Land To Rear Of 62 And 66 Market Place Warminster Wiltshire

Parish: Warminster Ward: Warminster East

Grid Reference 387560 144986

Application Type: Full Plan

Development: Erection of four one bedroom flats, eight two bedroom flats and two office suites

Applicant Details: C Barkshire Esq
The Long House Sutton Veny Warminster BA12 7AL

Agent Details: Barrie Taylor Associates
39 Silver Street Warminster BA12 8PT

Case Officer: Mrs Judith Dale

Date Received: 31.05.2005 Expiry Date: 30.08.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Head of Regulatory Services being satisfied as to the prior completion of a Legal Agreement to

(1) Secure a developers contribution towards the provision/maintenance of public open space facilities in Warminster Park.

(2) To secure an appropriate traffic management scheme, to control the operation and management of the access courtyard which serves the development site.

(3) To retain the 12 residential units as car free dwellings with no vehicular rights of access onto the site or authority to park any vehicle therein.

and subject to the following conditions:

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 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.
- 4 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31A.
- 5 A sample wall panel, not less than 1 metre square, shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31A.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- REASON: To ensure that adequate recreation space is provided to meet the needs of the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 9 The western boundary wall shall not be demolished before a contract for the carrying out of the works of re-development to the site has been entered into, and planning permission has been granted for the re-development for which the contract provides.
- REASON: To ensure that the character and appearance of the conservation area is conserved.
- POLICY: West Wiltshire District Plan Policy C12 and West Wiltshire District Plan (as Modified) Policies C17 and C18.

- 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.
- 11 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.
- 12 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.
- 13 Before the development hereby permitted is occupied, the first 5 metres of the existing access to the site, as measured from the back of footpath, 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 and maintained as such thereafter.
- REASON: In the interest of highway safety.
- 14 Any gate, bollard or other form of barrier provided to close the proposed access shall be set a minimum distance of 5 metres from the back of the footpath and shall not open outwards.
- REASON: In the interest of highway safety.
- 15 Pedestrian access shall at all times be available through the development site in accordance with the approved scheme.
- REASON: In the interest of sustainability.
- POLICY: West Wiltshire District Plan Policy T11 and West Wiltshire District Plan (as Modified) Policy T11.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a detailed application for the erection of 12 flats and 2 office suites on land to the rear of 62 and 66 Market Place.

In detail, the proposal is for the demolition of the western boundary wall and the erection of an E-shaped building along the spine of the site. The proposed building is predominantly 2-storey, rising, in parts, to 3-storey "feature" elements and in terms of length would occupy the majority of the site. Three lateral blocks would extend across the width of the site to provide for amenity areas and to allow pedestrian access through the development to link Market Street with The Ridgeway to the rear.

The development would provide four 1-bedroomed and eight 2-bedroomed flats with two small office suites measuring approximately 30 square metres on the ground floor.

As a concept, the scheme is car free and makes no car parking provision for occupants of the development, although those properties with rights to park in the adjoining courtyard will continue to do so.

The development site itself is a discreet, self contained 0.08 hectare rectangular area of land lying behind the main frontage development along Market Street. The site has a width of 16 metres and a depth of 53 metres, is currently overgrown, enclosed on three sides by high brick boundary walls and rises gently up towards the rear to a point some 2 metres higher than its "frontage". The site is accessed through an existing parking courtyard, which serves a number of backland properties and garages, predominately residential, and which emerges onto Market Street numbers 54 and 70.

The site is located within the Warminster Conservation Area and adjacent to a number of Grade II Listed Buildings. Consequently, the application has been accompanied by a Design Statement, an Archaeological Evaluation and a Traffic Impact Survey.

WARMINSTER TOWN COUNCIL

Recommends refusal - Felt that this was still over-development of the site and their comments had not been addressed; must listen to the comments of the public. They did not have any reason to change their previous comments.

HIGHWAY AUTHORITY

Refers to concerns expressed previously with regard to the lack of parking and servicing for the proposed development.

This has been considered at appeal and the Inspector was of the opinion that the development was acceptable subject to appropriate controls of the access. The appeal was dismissed on grounds of harm to the living conditions of neighbours.

This issue has now been addressed on the current submission, they maintain their concerns regarding the access, but are mindful of the Inspector's decision and therefore raise no highway objections subject to the completion of a Legal Agreement with the Local Planning Authority to control the ownership of cars and to manage the access of vehicles into the courtyard parking area.

WESSEX WATER

No objection subject to agreement to a point of connection to Wessex infrastructure; the investigation of alternative methods for the satisfactory disposal of surface water; the provision of a minimum 3 metre easement width on either side of Wessex apparatus; the protection of Wessex infrastructure crossing the site.

ECONOMIC DEVELOPMENT OFFICER

No comment.

PUBLICITY

The application was advertised by site notice and in the local press. Five letters of objection were received on the following grounds: -

- Excessive density of the scheme;
- The height of building is excessive;
- Unacceptable proximity of development to The Maltings;
- Inadequate access and parking;
- Impact of the development on existing access and parking arrangements;
- Any legal agreement must be acceptable to existing owners of the affected land;
- Existing rights of way will be prejudiced;
- There are no revised proposals to specifically replace the demolished wall;
- Impact on loss of light and privacy to adjoining properties;
- Proximity of bin area giving rise to smell and noise;

In addition, a letter has been received from the Warminster Civic Trust objecting on the following grounds: -

- Piecemeal development which does not address the wider needs of the community and might hinder the improvement of the town centre environment;
- It would be premature pending vehicular access to the rear of the site by the Ridgeway;

- The developer should be required by condition to contribute to this rear provision;
- The development should be considered as part the wider plan for development of this part of the town;
- Details of east elevation not submitted;
- Maintenance of the boundary wall would be difficult because of the new building;
- Increase in traffic, prejudicial to improving the town centre for pedestrian use (particularly during the 18-month construction phase).

RELEVANT PLANNING HISTORY

98/01620/FUL - Terrace of five houses and block of five flats - Withdrawn 18.02.99.

99/01712/FUL - Residential development of four terraced houses and a block of four flats - Withdrawn 17.10.02.

03/01180/FUL - Erection of six 1-bedroom flats, seven 2-bedroom flats and two office suites - Withdrawn 22.09.03.

03/01185/LBC - Demolition of remains of boundary wall to allow development of site - Withdrawn 25.09.03.

04/00410/FUL - Erection of four 1-bedroomed flats, eight 2-bedroomed flats and two office suites - Refused 03/06.04 and dismissed on appeal.

04/00414/LBC - Demolition of remains of boundary wall - Refused 03.06.04 and dismissed on appeal.

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
T5	Parking
HE7	Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

H1	Further Housing Development within Towns
H24	Housing design
C14	Archaeology
C17	Conservation Areas
C18	Development in Conservation Areas
C21	Planning permission in Conservation Areas
C22	Demolition in Conservation Areas
C27	Listed Buildings
C31A	Design
C38	Nuisance
R4	Open space within New Housing Developments

PPG1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The main issues with this proposal are the appeal decision, neighbours amenity, the Conservation Area and highways.

In March 2004, the current applicant submitted a planning application for a very similar mixed development scheme comprising twelve flats and two studio units on this site, together with the parallel application for the "necessary" demolition of one of the existing boundary walls. Both applications were refused by the Planning Committee.

The former (04/00410/FUL) was refused for two reasons - the lack of onsite parking provision, with consequent issues of highway safety and inconvenience; the proposed impact of the development on adjacent residential properties. The latter demolition was refused because the demolition of the historic wall, deemed to contribute to the character and amenity of the area, would be unacceptable without a satisfactory replacement scheme.

In considering the subsequent appeals, the Inspector identified three main issues: -

- The impact of the development on the living conditions of neighbouring properties;
- The effect of the proposal on the character and appearance of the surrounding Conservation Area;
- The effect of the proposal on highway safety.

As the current application is similar to the appeal proposal, the test in determining the application must be whether the applicant has overcome the Inspector's reason for dismissing the previous appeal. It is therefore clearly relevant to consider the current proposals within this framework.

Impact on Living Conditions of Neighbouring Properties

In dismissing the previous appeal, the Inspector concluded that the "proposal would be unacceptable because of its impact on the living conditions of the occupiers of The Maltings".

In reaching this conclusion, he referred specifically to a ground floor kitchen window in the side elevation of number 1 The Maltings, one of four flats located in a Listed Building which physically abuts the site. The window in question actually lies on the boundary line, overlooking the rear part of the development site, and as originally proposed, the 2 storey side wall of the new development would have been only 1.5 metres away.

To address this specific concern, the footprint of the relevant part of the development has been reduced and revised, so that a 7 metre length of wall has been shortened to 4.5 metres and moved back to a distance of 5 metres from the boundary. In addition, the eaves height on the part of the building closest to The Maltings has been reduced from 2-storey (5 metres) to 1.5 storey (4 metres).

This would significantly increase the potential amount of daylight received by the affected kitchen window and would reduce the overpowering impact of the new building on the adjoining flats. It is therefore considered that this amendment addresses the Inspector's specific concerns on the living conditions at The Maltings.

In his decision letter, the Inspector also considered the potential impact of the development on all of the residential properties adjoining the site. He concluded that there would be no unacceptable impact on properties either to the north (62 Market Place) or east (72/74 Market Place). Since the revised application proposes no alterations in respect of these properties, it is considered that the issues of amenity and living conditions has now been fully resolved.

Character and Appearance of Conservation Area

In his assessment of the appeal proposal, the Inspector stated the following: -

"I consider that the special interest of the Conservation Area relates to the relatively dense layout of buildings in the town centre, their design and materials. The appeal site has been identified as an area requiring improvement and as being suitable for some form of development. The proposal has been carefully designed to be in keeping with the general scale and proportions of the adjacent buildings, some of which are listed, and materials proposed would be appropriate and could be controlled by condition. While I acknowledge that parts of the proposal would be 3-storey, the overall scale and massing, because of the arrangement of much of the top storey partly within the roof space, would not be over dominant. In my view, the tower feature would add interest and individual character to the proposed development. This would enhance the appearance of the Conservation Area generally and the setting of the adjacent listed buildings."

In terms of overall massing, scale and design, this revised scheme differs little other than at the southern end of the development where it lies adjacent to The Maltings. Here some very minor changes to the height and roofline have been incorporated to address those aspects of residential amenity referred to in the previous section. In practical terms, this makes no material difference to the scale of the development on this Conservation Area site, which the Inspector previously concluded was an appropriate form and pattern of development in this part of the town centre.

As a second main issue, the Inspector considered the impact of the loss of the high wall along the western boundary of the site.

"On the basis of the evidence presented and my site inspection the wall does not have historical interest that would lead me to conclude that its removal would be unacceptable. However, it does define the plots of land at the rear of the buildings. In my opinion, this definition could equally be achieved by the proposal. The front elevation, although set back a little, would generally follow the line of the wall. However, as I have found the proposal to be unacceptable in relation to its impact on the neighbouring occupiers, I consider the loss of the wall without a suitable replacement of the boundary definition would be unacceptable."

It clearly follows from this, that if an acceptable redevelopment proposal were to be approved which met the objectives of plot definition, then any objection to the loss of the wall, per se, would be removed. The Inspector has commented that the original scheme already meets this objective, and the proposed revision does not affect that part of the building which lies adjacent to this boundary wall. Consequently, if members support the recommendation to approve this application, any objection to the loss of the wall "disappears".

Highway Safety

In considering highway safety and the implications of a car free scheme on this site, the Inspector noted that the appeal site was "close to many services and facilities, there are parking restrictions on the adjacent road and there are car parks nearby". He therefore considered that "this is an appropriate location for dwellings with little or no parking". Both this and the previous proposal is for a car free development with vehicular use of the site by the future occupants being controlled legally. This could be achieved by a covenant attached to the dwellings, with access to the site also managed and controlled. The Inspector's view was that "this would be essential to ensure increased use of the yard would not occur as a result of the development".

In addition, it is evident that unauthorised parking is occurring in the courtyard. It is proposed that this would be prevented by provision of a bollard at the entrance allowing vehicles into the site, thus preventing tailbacks onto the road and unauthorised vehicles exiting the site. The Inspector's decision letter noted that a survey suggests that others with an interest in the courtyard would welcome a controlled access. On this point the Inspector considered "taking into account that some service vehicles visiting the proposal would enter the site, that overall that with a barrier arrangement future usage would be likely to be little different to current usage".

He concluded that a suitable legal agreement would be able to control ownership of cars and to manage access of vehicles to the courtyard parking area" and, subject to such an agreement being in place, "the proposal would not have significant implications for road safety and would not conflict with the aims and objectives of Local Plan Policy H1."

Without an agreement, the proposal would clearly be unacceptable, and an appropriate document is currently in the course of preparation to meet these objectives.

Other Material Considerations

A development of this size would generate the need for some Public Open Space facilities. This cannot be provided on site but the developer has agreed to a financial contribution to improve facilities in Warminster park.

CONCLUSION

While the original scheme for development on this site was refused permission and dismissed on appeal, there were only two areas of concern upheld by the Inspector - the impact on the amenity of flat dwellers in The Maltings because of the loss of light to existing windows; and the demolition of the external boundary wall without an acceptable redevelopment scheme to maintain its function of plot definition.

The scheme has been revised to address the amenity issues, and is now considered acceptable; an acceptable scheme, by definition, would meet the Inspector's (and Council's) concern over the loss of the wall. Since the proposal remains unchanged in all other respects, those earlier concerns raised by Members have already been examined through the appeal process and deemed to be acceptable - to raise them again in the context of this scheme would leave the Council open to criticism of being unreasonable.

In the light of the above, and subject to an appropriate S106 agreement, this application is recommended for permission.

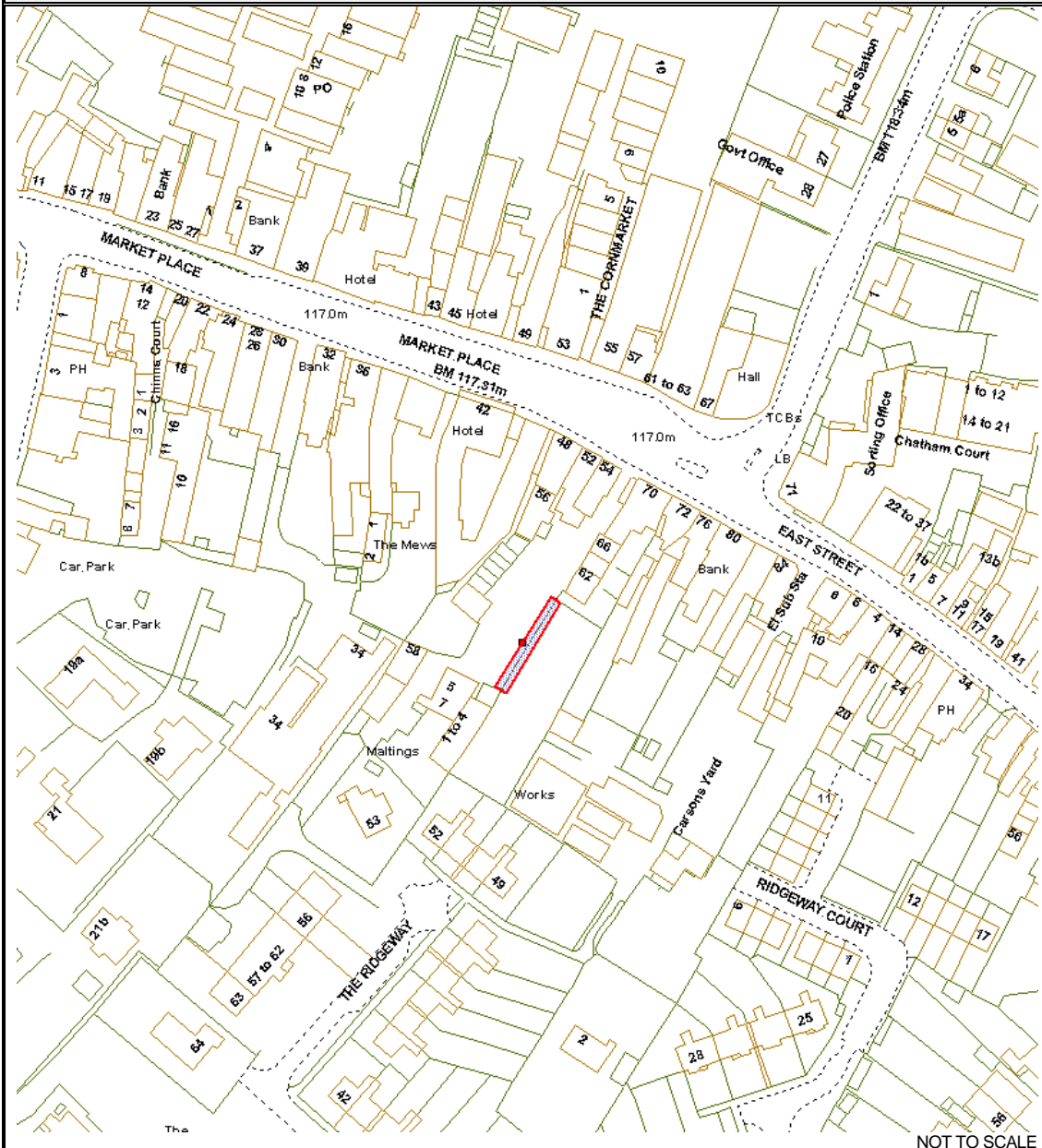
PLANNING COMMITTEE

4 August 2005

ITEM NO: 08

APPLICATION NO: 05/01033/LBC

LOCATION: Land To Rear Of 62 And 66 Market Place Warminster
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 05/01033/LBC

Site Address: Land To Rear Of 62 And 66 Market Place Warminster Wiltshire

Parish: Warminster Ward: Warminster East
Grid Reference 387560 144986
Application Type: Listed building
Development: Demolition of remains of boundary wall to allow development of site
Applicant Details: C. Berkshire Esq
The Long House Duck Street Sutton Veny Warminster Wiltshire
Agent Details: Barrie Taylor Associates
39 Silver Street Warminster Wilts BA12 8PT
Case Officer: Mrs Judith Dale
Date Received: 31.05.2005 Expiry Date: 26.07.2005

JUSTIFICATION REASON:

The proposed development is required in connection with the redevelopment of the site which would enhance the character and appearance of this part of the conservation area.

RECOMMENDATION:

That the Development Control Manager be authorised to grant consent in association with and at the same time as the application reference 05/01014/FUL.

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 No work shall be commenced until a full survey and photographic record of the listed walls has been submitted to and approved in writing by the Local Planning Authority, and a copy has been deposited with the Wiltshire County Records Office.

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

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

- 3 The building(s) shall not be demolished before a contract for the carrying out of the works of redevelopment of the site has been entered into, and planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the character and appearance of the conservation area is conserved.

Policy: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.

COMMITTEE REPORT

APPLICATION DETAILS

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

This application proposes the demolition of the boundary wall along the western boundary of the application site in connection with the proposed redevelopment detailed in the foregoing report (05/01014/FUL). The wall is a 2.2 metre brick structure, is linked to a Grade II Listed Building (The Maltings) and extends for a length of 26 metres, separating the development site from the access courtyard.

WARMINSTER TOWN COUNCIL

Recommend refusal - they have received a letter from someone in that area expressing their sentiments, Listed Building Consent and an established part of Warminster, this had been refused before and they must listen to the voice of the people.

It was pointed out that there was supposed to be a barrier, this would set a precedent, it should have been placed before members with the other development application and would not support this. Proposed that they do not support this on Listed Building and conservation grounds.

PUBLICITY

The application was advertised by Site Notice and in the local press - one further letter of objection, in addition to those reported in the previous report (05/01014/FUL) has been received. The grounds of objection are based on the objectives of local plan policies.

RELEVANT PLANNING HISTORY

03/01185/LBC - Demolition of remains of boundary wall to allow development of the site - Withdrawn 25.09.03

04/00414/LBC - Demolition of remains of boundary wall - Refused 03.06.04 and dismissed on appeal.

PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004
C22 Demolition in Conservation Areas
C27 Listed Buildings
C29 Demolition of Listed Buildings

PLANNING OFFICER'S COMMENTS

As was stated in the previous report, the Inspector's decision concluded that the demolition of this boundary wall would not be unacceptable provided that there was a suitable replacement of the boundary definition. Such "definition could equally be achieved by the proposal" the subject of the previous appeal.

If Members now support the recommendation on 05/01014/FUL above, and approve that application, it follows that this parallel proposal to demolish the wall must now be considered acceptable.

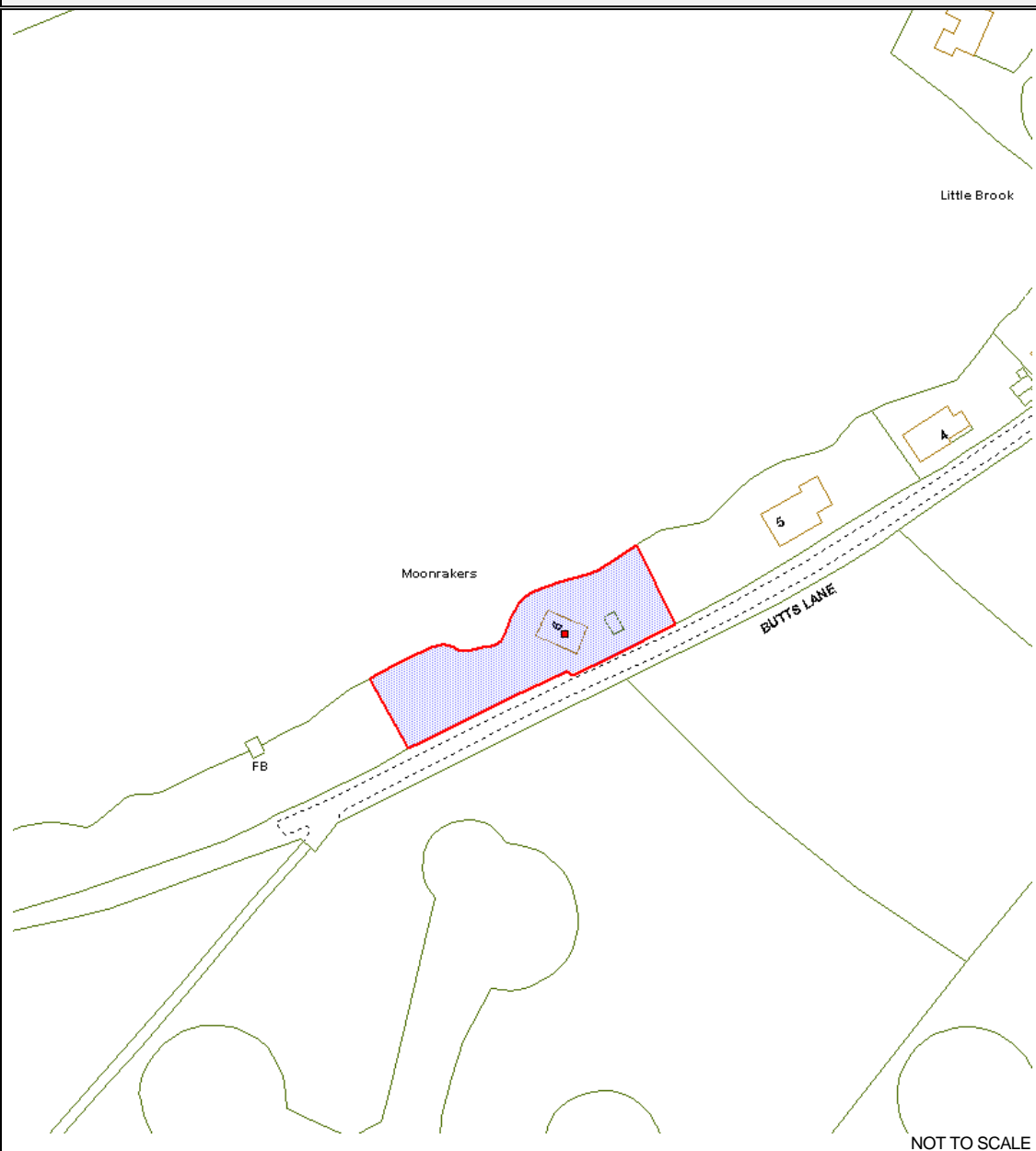
PLANNING COMMITTEE

4 August 2005

ITEM NO: 09

APPLICATION NO: 05/01262/FUL

LOCATION: Moonrakers 6 Butts Lane Keevil Wiltshire BA14 6LZ



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SLA: 100022961

09 Application: 05/01262/FUL

Site Address: Moonrakers 6 Butts Lane Keevil Wiltshire BA14 6LZ

Parish: Keevil Ward: Summerham
Grid Reference 391819 157719
Application Type: Full Plan
Development: Demolition of bungalow and erection of a new dwelling
Applicant Details: Moi Yeong
12 Orwell Close Malmesbury Wilts
Agent Details: QHH Architects
6 Fore Street Trowbridge BA14 8HD
Case Officer: Mrs Judith Dale
Date Received: 24.06.2005 Expiry Date: 19.08.2005

REASON(S) FOR PERMISSION:

In the light of the planning history on this site, there can be no objections to the proposed modifications.

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a detailed application for the demolition of the existing bungalow and its replacement with a new dwelling.

The proposed dwelling would be a chalet bungalow, to occupy predominantly the same site as the existing Woolaway building, but reorientated by approximately 40 degrees. It is designed as a four bedroom unit with a half hipped tiled roof, and two gabled roof dormers in both front and rear elevations.

The existing single prefabricated garage is to be demolished and would be replaced with a brick built double garage, 8m x 6.5m x 7m high, with a matching half hipped roof.

The 0.15 hectare site lies outside the Village Policy Limits for Keevil, with a 77m frontage onto Butts Lane, which is a narrow tarmacked lane terminating shortly beyond the application site. The northern boundary of the plot abuts the Keevil Conservation Area boundary, beyond which lies open farmland with St Leonard's Church in the near distance.

KEEVIL PARISH COUNCIL

Keevil Parish Council agreed, unanimously, that it objected to the application on the following grounds:

- The proposed development is outside the Village Policy Limit but is on the edge of the Conservation Area and a two storey building will detract from views to/from St Leonard's Church. This is covered by Planning policies C17 & C18 and the Keevil Village Design Statement.
- Planning permission already exists (KV00/00592) for a two storey house which was granted before the Keevil Village Design Statement was published. Any two storey building along Butts Lane is out of keeping with the adjacent bungalows.

In summary, the Parish Council would prefer to see a bungalow on this site but, if West Wiltshire District Council decides otherwise, then a house should be constructed from materials in keeping with the bungalows in Butts Lane.

HIGHWAY AUTHORITY

No objections subject to conditions relating to entrance gates and surfacing details of the site access.

WESSEX WATER

No objections subject to agreement to a point of connection to Wessex infrastructure; a minimum 3m easement width on either side of this apparatus; protection of Wessex infrastructure crossing the site.

PUBLICITY

The application was advertised by site notice and in the local press. No letters of comment or objection have been received.

RELEVANT PLANNING HISTORY

00/00592/FUL - Demolition of existing bungalow and erection of new dwelling with attached garage - Permission 31.08.00

05/00614/FUL - Demolition of bungalow and erection of new dwelling - Withdrawn 24.05.05

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C1 Countryside
C31A Design
C17 Conservation areas
H20 Replacement dwellings

Supplementary Planning Guidance
Keevil Village Design Statement

PLANNING OFFICER'S COMMENTS

The main issues with this application are whether it complies with District Plan policy for replacement dwellings in the countryside, its impact on the setting of the adjoining conservation area and the planning history on this site which would act as a material consideration.

District Plan Policy H20 allows for the replacement of existing dwellings in the countryside provided that the new dwelling is not materially larger than the existing. The existing bungalow is a modest, rendered structure with a single storey footprint of approximately 77 square metres, and a height to ridge of 5m; the single low-profiled prefabricated garage measures approximately 19 square metres with a maximum height of 2.4m.

The proposed dwelling would have an increased footprint of 96 square metres, floor areas which doubles this accommodation of approximately 190 square metres and a roof height some 8m high; in terms of overall volume this represents an increase in the region of 118%. With regard to the garage, this represents a three-fold increase in footprint and a six-fold increase in volume. This clearly does meet the policy requirements of H20 and fails on this ground.

The northern boundary of the site physically abuts the village conservation area, from which there are uninterrupted views across to St Leonard's Church. As such it is a prominent and sensitive site and the impact of any development on the setting of the conservation area should be carefully assessed - due to the scale, massing and volume of the proposed new buildings, it is not considered that the proposed new development would be acceptable in this context.

However, this current application is a "resubmission" of a virtually identical proposal which was approved in August 2000 (00/00592/FUL). The dimensions in terms of footprint and height of both house and garage remain unchanged, but there are incorporated minor design alterations as follows:

- The repositioning of the chimney to an external wall from a central position.
- Internal changes to the layout of the accommodation.
- Alteration to fenestration details.
- Reorientation of the approved replacement footprint.

While the recently adopted District Plan and the Keevil Village Design Statement have been approved since that earlier permission was granted, this consent remains extant until August this year - providing a material start is made before that date, the scheme, as approved, will continue to remain valid and can be implemented.

The proposed modifications in themselves, make no material difference to the scheme as approved, either to neighbouring properties or to the impact of the development on its setting. Consequently, despite underlying objections to the development per se on policy grounds, it would be unreasonable for an objection to be raised to the minor cosmetic changes now proposed. Similarly it is not considered appropriate for any additional conditions to be imposed which are not part of the existing permission.

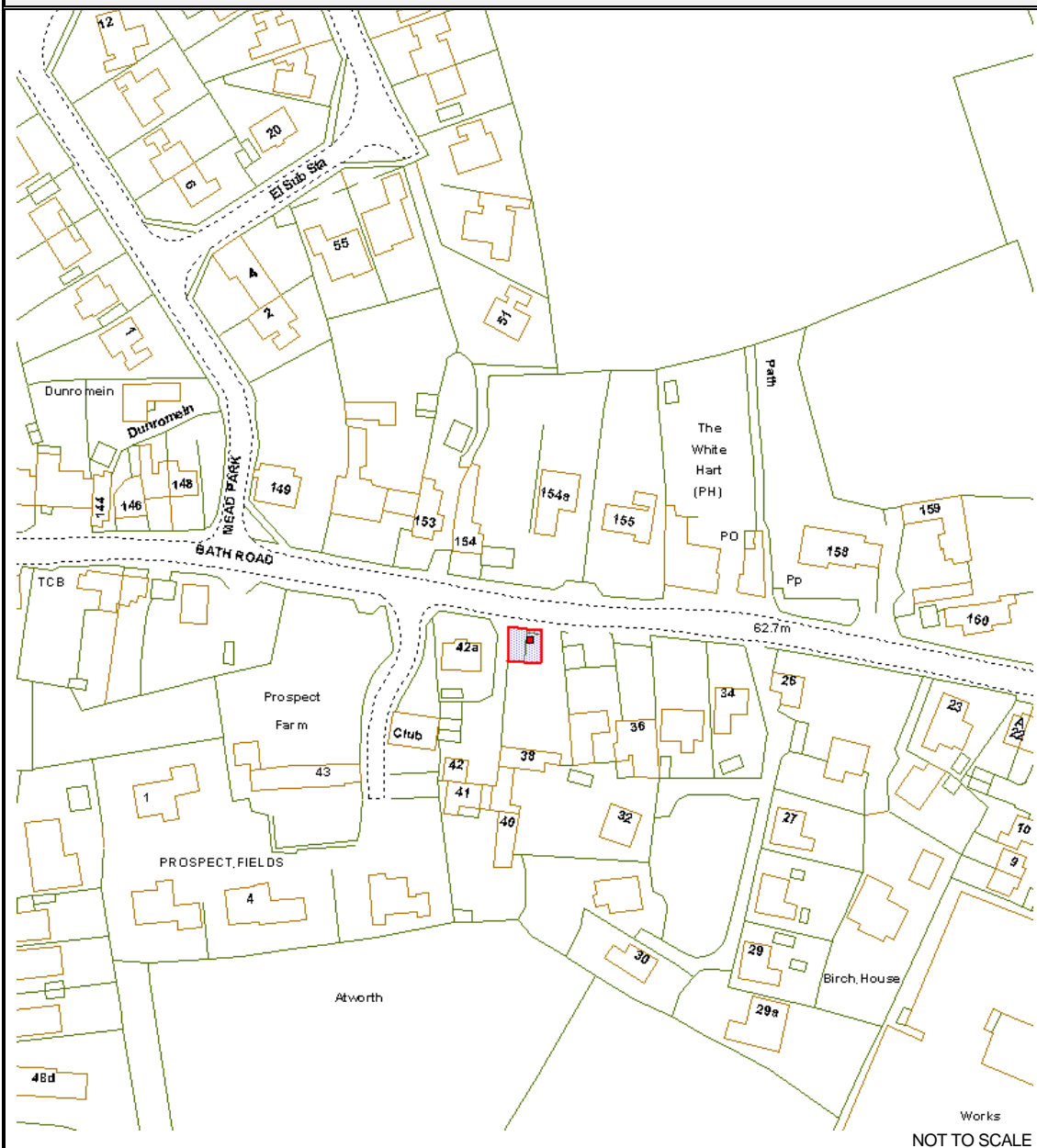
PLANNING COMMITTEE

4 August 2005

ITEM NO: 10

APPLICATION NO: 05/00978/FUL

LOCATION: Old Workmens Hall Bath Road Atworth Wiltshire



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SLA: 100022961

10 Application: 05/00978/FUL

Site Address: Old Workmens Hall Bath Road Atworth Wiltshire

Parish: Atworth Ward: Atworth & Whitley
Grid Reference 386706 165937
Application Type: Full Plan
Development: Conversion of derelict building to residential use
Applicant Details: Mr J Dunseith
108b Church Street Atworth SN12 8JA
Agent Details: Mr G N Bodman
The Paddocks Whiteheads Lane Bradford On Avon Wiltshire BA15 1UU
Case Officer: Mr Matthew Perks
Date Received: 23.05.2005 Expiry Date: 18.07.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed change of use to residential would result in the loss of existing employment use contrary to Policy E5(i) of the West Wiltshire District Plan 1st Alteration, 2004 in that there is no justification to show that there is an adequate supply and mix of genuinely available employment land and premises in the vicinity.
- 2 The site by virtue of its limited size, poor pedestrian visibility and limited off-road parking cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear which would encourage undesirable vehicle manoeuvres on the adjoining A Class road contrary to Policy E5(iii) of the West Wiltshire District Plan 1st Alteration, 2004.
- 3 The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point. The proposal is therefore contrary to Policy E5(iii) and T10 of the West Wiltshire District Plan 1st Alteration, 2004.
- 4 The proposal fails to provide sufficient external amenity space which would result in an unsatisfactory and inadequate residential environment for the future occupants of the dwelling.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee at the request of Councillor Chivers in the interests of public debate.

This is a full planning application for the conversion the derelict Old Workmen's Hall, Bath Road, Atworth to residential accommodation. The proposal includes the conversion of the existing building for residential use, and repairs to the structure that is in relatively poor condition. Part of the repair would include the replacement of the stone roof with slate.

The dwelling would comprise a ground floor with kitchen/dining room, living room and integral garage, with two bedrooms above. An amenity space measuring 1.9m x 3.25m would be provided to the rear side of the dwelling.

The proposal is a revision to a scheme (Ref: 05/00178/FUL) that was refused planning permission on 29 March 2005 for the following reasons:

1. The proposed change of use to residential would result in the loss of existing employment use contrary to Policy E4(i) of the West Wiltshire District Plan 1st Alteration, 2004 in that there is no justification to show that there is an adequate supply and mix of genuinely available employment land and premises in the vicinity. The Decision Notice incorrectly refers to Policy E4 not Policy E5.
2. The site by virtue of its limited size, poor pedestrian visibility and limited off-road parking cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear which would encourage undesirable vehicle manoeuvres on the adjoining A Class road contrary to Policy E5(iii) of the West Wiltshire District Plan 1st Alteration, 2004.
3. The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point. The proposal is therefore contrary to Policy E5(iii) and T10 of the West Wiltshire District Plan 1st Alteration, 2004.
4. The proposal fails to provide any external amenity space which would result in an unsatisfactory and inadequate residential environment for the future occupants of the dwelling.

The application proposal remains for the conversion of derelict buildings to residential use. This application however includes additional information relating to the disuse of the building on the site. The amenity space of $\pm 6.5\text{m}^2$ has also been added to the proposal.

Site and Surrounding Area

The building abuts immediately onto the southern side of Bath Road, the main route through the village. The building is in poor condition and is unused. It is a double storey of random rubble stone under stone roof tiles. A prominent gable end of the structure forms the road frontage of the property. A lean-to addition to the eastern side of the building also abuts onto the roadside.

ATWORTH PARISH COUNCIL

Supports the application. The Council is concerned that the Hall might fall further into disrepair and can see no benefit to it being retained as commercial premises.

HIGHWAY AUTHORITY

Objects to the application. The two bedroomed dwelling such as that proposed would require a minimum of 2 car parking spaces and would generate vehicle manoeuvres during peak times on the A Class Road it fronts onto. The site provides one parking space in the form of a garage/car port and cannot accommodate the turning manoeuvres required to prevent a vehicle having to enter or leave the highway in reverse gear. Intervisibility with pedestrians and vehicles emerging from the garage is limited at this location. Refusal recommended on grounds of parking, manoeuvring space and pedestrian safety.

ECONOMIC DEVELOPMENT

Objects to the change of use because it would result in the loss of employment opportunities for small businesses in a rural area. A site such as this could be developed to support the growth of small start-up business of the type that plays an important role in the local economy.

PUBLICITY

Neighbours were notified of the proposal. No comments were received.

RELEVANT PLANNING HISTORY

05/00178/FUL - Conversion from commercial use to residential accommodation - Refused 29.03.05

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

E5	Loss of employment floorspace
H17	Village Policy Limits
C38	Effects of development on neighbouring properties
T10	Parking

PLANNING OFFICER'S COMMENTS

The main issue relevant to the application is whether the proposal overcomes the earlier reasons for refusal. (Application 05/00178/FUL).

Reason 1

The applicant has now submitted a statement to the effect that the building has been in long-term disuse. This is supported by a document showing that Council's Revenue Section granted "Empty Property Relief" in respect of revenue collection commencing in 2001. No detailed history on the much earlier (and superseded) community use could be established. While it is accepted that evidence has been provided to indicate that the site is disused this does not overcome Reason 1 for refusal because the floorspace, although unoccupied, nevertheless contributes towards the mix of available land and premises available in the locality for employment use. No evidence in relation to the overall supply of employment land in the proximity has been provided.

No evidence has been provided to indicate that the application site has been marketed. Reason 1 has not been overcome.

Reasons 2 and 3

The Highway Authority has re-stated its concerns raised in response to the previous application. Pedestrian and vehicular traffic problems would arise out of the development. The applicant has submitted evidence showing that vehicular access was granted to the site in 1963, and that notwithstanding the vacancy of the building, the garage has been in informal use. The currency of such use could not be established during the site inspection however. The Highway Authority objection remains relevant in terms of the locality of the building, parking issues and access directly onto the main road, and the re-introduction of a regular usage of the garage that would result from the development. It is therefore considered that the second and third reasons for refusal have not been overcome.

Reason 4 - Amenity Space

The amenity space that has been incorporated into the revised proposal comprises some 6.5m², with the building occupying the entirety of the remainder of the site. This would not overcome the amenity space reason for refusal on the earlier application which stated that the proposal fails to provide adequate amenity space that would result in an unsatisfactory residential environment for the future occupants of the dwelling.

The applicant, following discussion, did attempt to negotiate additional space on a neighbouring site as a means of overcoming the access and amenity space issues but it is understood that this was not feasible.

Affordable Housing

Where the proposal would result in an additional dwelling within Village Policy Limits, Council's Affordable Housing Policy would apply. This Policy was adopted subsequent to the refusal of the earlier application. Where refusal is again being recommended it would be premature to enter into negotiations on this aspect however.

CONCLUSION

While there have been slight alteration to the previously refused plan and the applicant has shown that the building has been unoccupied for some time, there is no evidence showing that an adequate mix of employment land justifying the loss of the floor space would be justified, the highway and pedestrian traffic issues still remain and the introduction of the extremely limited amenity space would not adequately address the previous reasons for refusal.

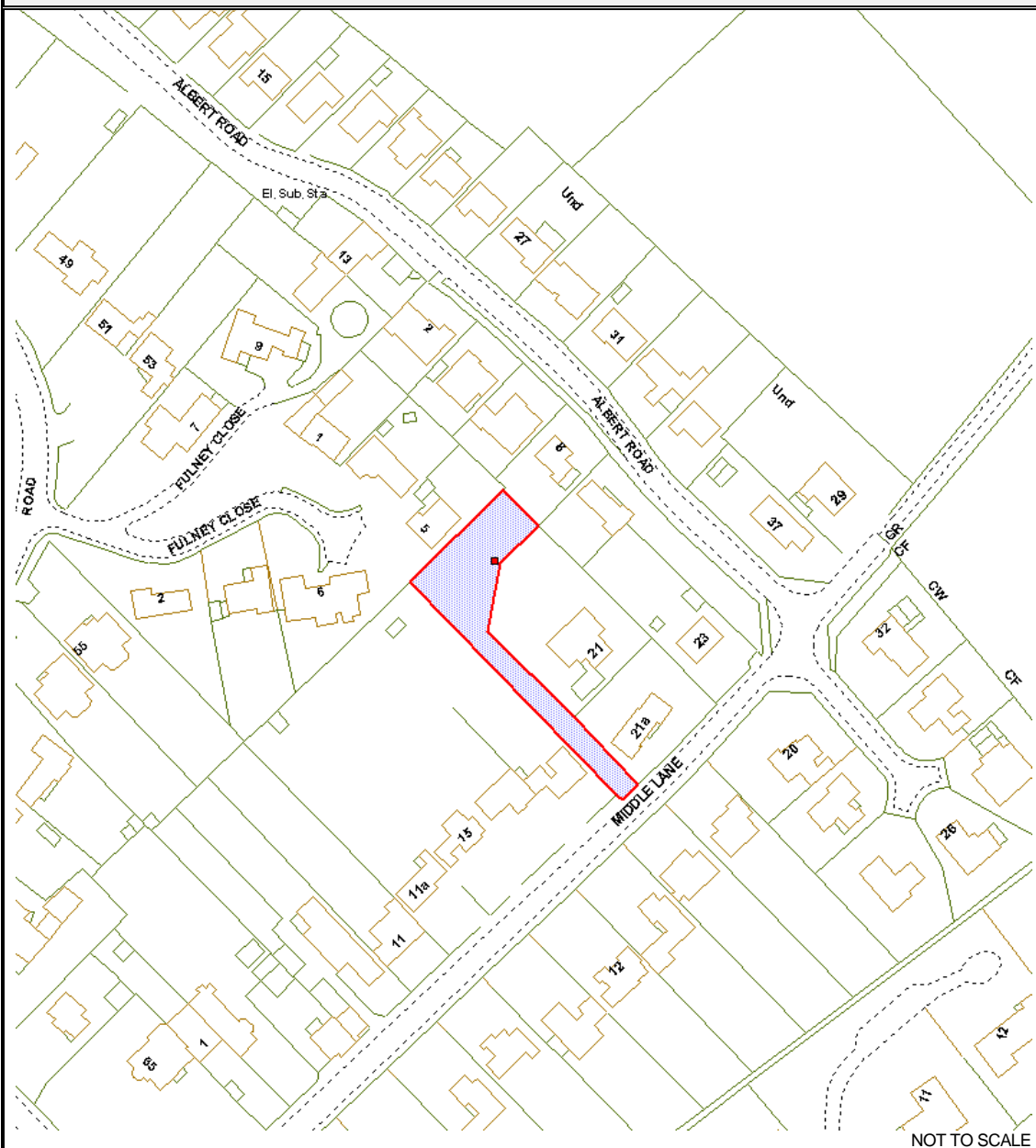
PLANNING COMMITTEE **4 August 2005**

4 August 2005

ITEM NO: 11

APPLICATION NO: 05/01154/OUT

LOCATION: Land Rear Of 21 Middle Lane Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 05/01154/OUT

Site Address: Land Rear Of 21 Middle Lane Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 386642 158929

Application Type: Outline Plan

Development: Erection of one, 2 bedroom single storey dwelling with attached garage

Applicant Details: Mr And Mrs Doel
21 Middle Lane Trowbridge Wiltshire BA14 7LG

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 14.06.2005 Expiry Date: 09.08.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and any planning objections have been overcome by conditions.

RECOMMENDATION: Permission

Condition(s):

- 1 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.

- 2 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.

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

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

- 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 | <p>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.</p> <p>REASON: To provide a satisfactory landscaped setting for the development.</p> <p>POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.</p> |
| 6 | <p>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.</p> <p>REASON: To provide a satisfactory landscaped setting for the development.</p> <p>POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.</p> |
| 7 | <p>Sufficient space for one garage and one parking space together with a vehicular access thereto shall be provided for the dwelling, before it is occupied, in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purposes of access.</p> <p>REASON: In the interests of amenity and highway safety</p> |
| 8 | <p>The first 5 metres of the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of highway safety</p> |
| 9 | <p>A turning space shall be provided within the site and maintained for that purpose only.</p> <p>REASON In the interests of highway safety</p> |

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee as Trowbridge Town Council object to the application and your officers are minded to grant permission.

This is an outline application for one dwelling to the rear of 21 Middle Lane, the proposed dwelling would be single storey and located in the far eastern corner of the plot. Approval is sought for siting as part of this application and additional plans show the proposed external appearance and layout of the proposed dwelling. All other matters are reserved for subsequent approval.

The proposed dwelling would be 23 metres in length by 9 metres (garage) and 8 metres (living). The applicants have provided an indicative plan which shows that the roof would be low pitched, being 4 metres to the ridge and sloping to 2.5 metres at eaves.

TROWBRIDGE TOWN COUNCIL

Object to the application on grounds that it would not be sympathetic to the spatial form or character of the surrounding area

HIGHWAY AUTHORITY

No objections subject to conditions requiring parking spaces, turning areas and a properly consolidated drive.

PUBLICITY

Consultation letters have been sent to neighbouring properties. As a result four letters of objection received raising the following planning matters:

- trees would be lost and the appearance of the area would be spoiled,
- boundary treatment to be considered
- increased traffic along a private access drive

RELEVANT PLANNING HISTORY

83/00504/OUT - Outline erection of dwelling (permitted)

85/00490/REM - Erection of dwelling on land adjacent to Downapple 21 Middle Lane (approved)

PLANNING POLICY

West Wiltshire District Plan 1st Alteration

C31a - Design

C38 - Nuisance

H1 - Further housing development in towns

PPG3 - Housing

PLANNING OFFICER'S COMMENTS

The main issues in this case are whether the principle of a new dwelling on this land is in accordance with the Development Plan, and highway safety in this location and whether there are any material considerations to outweigh the development plan policy.

The land is within the identified town policy limits for Trowbridge. Proposals for housing development within the built up area of Trowbridge during the plan period subject to a number of criteria.

The applicant has stated that the present use of the site is as a domestic garden, therefore the application site is considered in planning terms to contribute to the District's pool of previously developed (brownfield) land. Guidance in PPG 3 (Housing) encourages Local Planning Authorities to consider further appropriate infill development within existing urban areas, in order to make the best use of land.

One dwelling on the site would represent a density of 10 dwellings per hectare, well below the range of between 30 and 50 dwellings per hectare as encouraged in paragraph 58 of PPG 3. The development would, however be at a comparable density to the surrounding properties, which are all at a similarly low density. The pattern of development in this location is of dwellings set in the middle of long plots.

The town council has objected to the application on the grounds that it would not be sympathetic to the character of the area. Were this application to gain permission the development would form the third in a line of dwellings behind each other, the original being number 21 and the second being permitted in 1985. This application is considered to be 'tandem' development, which should be considered carefully. Inappropriate tandem development is contrary to policy H1 of the West Wiltshire District Plan 1st Alteration, however, providing the access is suitable and the amenity of neighbouring properties is not affected, this development would not be inappropriate tandem development.

As this application represents tandem development off a single access, the comments of the Highway Authority should be considered. No objection is raised by the Highway Authority regarding the access, and there is a considerable amount of space available for parking and turning.

The closest property to the application site is number 5 Fulney Close, to the rear of the plot, this property is a chalet style bungalow, with a dormer window facing into the plot, information from the applicant indicates that this window serves a bathroom. The proposed property has been designed so three skylights serving a hallway and living area, are the only windows facing this property. The proposed property employs large areas of glazing to allow light into the habitable rooms. Sufficient boundary treatment would be required to screen the proposed dwelling from the existing, to avoid overlooking in either direction. The proposed property is located over 25 metres from the existing property, therefore, there would be no overlooking of the new property from the existing.

A number of the neighbouring residents are concerned about the proposed loss of the trees in the rear garden of number 21. This area of Trowbridge benefits from many trees surrounding the properties and this location also has a number of mature trees, the majority of which form part of the boundary to the application plot. A number of trees are proposed to be removed to make way for this proposed development, however, many will be retained, especially on the boundary with the properties on Albert Road. A satisfactory landscaping scheme would need to be approved by the Council before development can take place, and this would be the means to retain as many mature trees as possible. This can be contained by condition.

CONCLUSION

The proposal would be consistent with policy H1 of the West Wiltshire District Plan 1st Alteration and would not harm the amenity of the neighbouring properties. It is therefore supported.

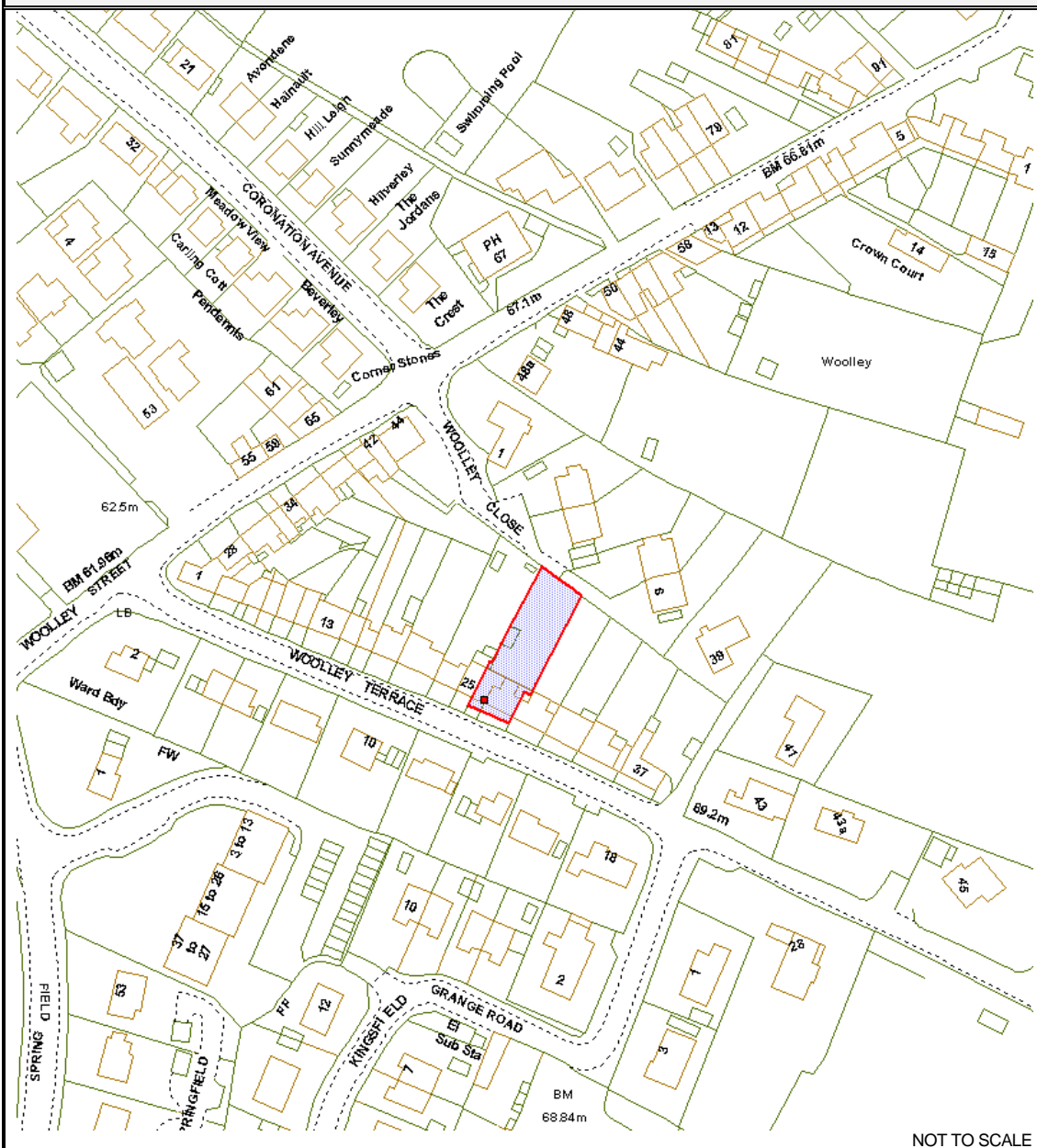
PLANNING COMMITTEE

4 August 2005

ITEM NO: 12

APPLICATION NO: 05/01078/FUL

LOCATION: 27 - 29 Woolley Terrace Bradford On Avon Wiltshire



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SLA: 100022961

12 Application: 05/01078/FUL

Site Address: 27 - 29 Woolley Terrace Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon North

Grid Reference 383332 161152

Application Type: Full Plan

Development: Improvements and alterations to 27 Woolley Terrace and improvements and extension to 29 Woolley Terrace

Applicant Details: Mr W H J Freeme
6 Woolley Close Bradford On Avon Wiltshire BA15 1BH

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 07.06.2005 Expiry Date: 02.08.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would enhance the appearance of the Conservation Area from the rear aspect of the terrace.

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 A schedule of the window and door types and materials to be used as new or replacements 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) - Policies C31A and C19.

Note(s) to Applicant:

- 1 The applicant's attention is invited to the need to urgently address the drainage problems associated with the valley guttering and damage to the roof.
- 2 The applicant's attention is invited to the Party Wall Act, 1996 in terms of which anyone intending to carry out work on a party wall must give adjoining owners written notice thereof in order to obtain agreement for the works.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee at the request of Cllr. Repton in the interests of public debate.

This is a full planning application for alterations and extensions to 27 to 29 Woolley Terrace, Bradford On Avon. The proposal comprises repair works to the existing dilapidated structure and extensions to the rear of the property. An existing double storey extension to no.29 would be extended by ±2.4m replacing a portion of an existing lean-to. A dormer is proposed to an existing rear single storey extension to no. 27. These extensions would enable internal alterations to provide 3 bedrooms to no 29, and two to no.27. The Materials would be natural stone under welsh slate.

This is a revision to a scheme (Ref: 04/01593/FUL) that was refused planning permission on 12 October 2004 for the following reason:

"The proposals by reason of the scale and form of the extensions together with the use of non-traditional materials as well as inappropriate fenestration detail would be unsympathetic to the original form of the rear of the host building, resulting in development which would neither preserve or enhance the character or appearance of the Bradford On Avon Conservation Area contrary to Policies C18, C19 and C31a of the West Wiltshire District Plan 1st Alteration (2004)."

SITE AND SURROUNDING AREA

The properties are located towards the eastern end of Woolley Terrace within the Bradford On Avon Conservation Area. The subject dwellings are in a dilapidated state of repair, and detract from the overall appearance of the terrace. The terrace is prominently visual mainly on the front elevation onto the street, but the rear elevation is also visual to a lesser degree to publicly accessible areas in the Conservation Area. Other alterations that have been made to the terrace are predominantly to the rear, and take the form of staggered mono-pitch or parallel ridged extensions.

BRADFORD ON AVON TOWN COUNCIL

The Town Council has no objection subject to the withdrawal of Permitted Development Rights, and the particular protection of the original doors and windows to the front elevation. Conditions in relation to materials for windows and doors should also be imposed. There is concern with the possible loss of amenity to the neighbour where the extension abuts the neighbour's walls. Water extraction from the central gullies should be sorted out.

CONSULTATION

Highway Authority

Do not object to the proposal.

PUBLICITY

Neighbours were notified of the proposal. A Public Notice was also posted.

One letter of objection was received from a neighbour. The proposed demolition would be destroying part of the heritage of the terrace within the Conservation Area. The drawings are not clear. There has been no consultation on the affects on the party wall. The new building would dominate the rear of the neighbour's property. The new building would obscure sunlight in the evenings, and would result in overlooking onto no. 31.

The Bradford On Avon preservation Trust regards the scheme as being poor, and "drawn up by an unidentified agent". The drawings are not clear. The rooms would be small. Water problems arising from the gullies have not been dealt with at all. It is not clear what materials are proposed for the windows.

RELEVANT PLANNING HISTORY

04/01593/FUL : Alterations and extensions to form two separate dwellings : Refusal.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

C19 - Alterations in Conservation Areas

C38 - Effects of development on neighbouring properties

C31a - Design

PPG 1 - General Policies and Principles

PPG 15 - Planning and the Historic Environment

SPG on House alterations and extensions.

PLANNING OFFICER'S COMMENTS

The main issue relevant to the application is whether the proposal overcomes the earlier reasons for refusal. (Application 04/01593/FUL).

The design of the previously refused scheme did not reflect local building form or fenestration. The extension to No. 29 would have had a roof pitch, orientation and width that was not typical of the area. The proposed ground floor windows were of a modern shape and design that emphasised the horizontal rather than the vertical. Reconstituted Bath Stone was proposed and was seen as an unacceptable material.

The revised scheme has re-aligned the proposed roof ridge to be parallel with that of the existing terrace, removing the gable end previously proposed at 90° to the existing roofline. Fenestration with a more vertical emphasis and traditional design has been introduced. Materials in keeping with the original terrace are proposed, although detailed materials for windows and doors have not been indicated. (It should be noted there is variety in the scale of rear extensions to the terrace. Proposed materials are in fact an improvement on others that have been used on the rear of other buildings). The extensions together with the repairs to the building, would represent an enhancement to the appearance of the Conservation Area, provided that appropriate materials are utilised.

The internal layout of the dwellings would be very compact, but the rear extension to no. 29 does allow for improvements including bathrooms to the upstairs level of both units.

No alterations are proposed to the front of the building, although it is clear that extensive repair work will be required.

The double storey element objected to by the neighbour would have windows orientated directly towards the rear garden of no.29. The nearest window would furthermore be ±3.3m from the property boundary. A single storey lean-to structure would be located adjacent to the boundary, replacing an existing structure of similar form. No unacceptable loss of amenity would arise.

CONCLUSION

The revised scheme has overcome the previous reasons for refusal and should be supported.

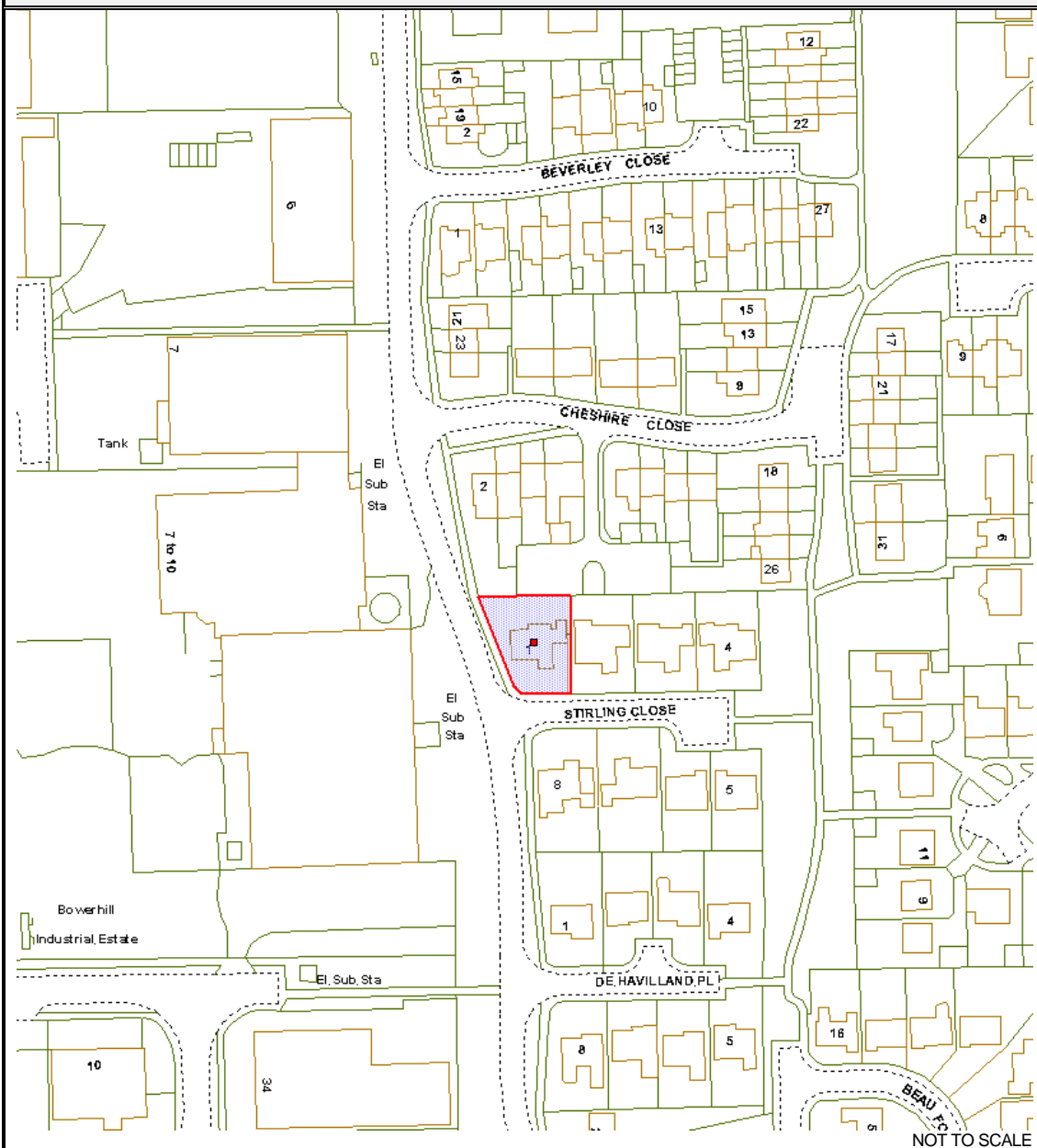
PLANNING COMMITTEE

4 August 2005

ITEM NO: 13

APPLICATION NO: 05/01193/FUL

LOCATION: 1 Stirling Close Bowerhill Wiltshire SN12 6TF



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SLA: 100022961

13 Application: 05/01193/FUL

Site Address: 1 Stirling Close Bowerhill Wiltshire SN12 6TF

Parish: Melksham Without Ward: Melksham Without

Grid Reference 391212 161928

Application Type: Full Plan

Development: Boundary wall

Applicant Details: Mr K Wallace
1 Stirling Close Bowerhill Wiltshire SN12 6TF

Agent Details: AW Francis
35 Seend Cleeve Melksham SN12 6PU

Case Officer: Mr David Cox

Date Received: 17.06.2005 Expiry Date: 12.08.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

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

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

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 full planning permission for a boundary wall at 1 Stirling Close, Bowerhill. The wall would replace an existing hedge, which is approximately 3 metres tall, which consists mainly of conifers. The property is alongside a public footpath that adjoins Halifax Road, as it is a corner plot. The wall would be 1.95 metres tall and would start from the back of the rear garden up to the front wall of the dwelling house. This would be a 17.5 metre long section of wall. The wall would then step down to 0.975 metres beyond the point of the front wall of the dwelling house. This section would be 7.65 metres long and come to near the edge of the boundary of the property. It would follow the existing line of the hedge.

Both No 2 Cheshire Close to the north and No 8 Stirling Close to the south (which are also both corner plots facing side on to Halifax Road) have approximately 1.7 and 2 metre tall red brick walls facing onto Halifax Road respectively. The boundary wall of this application would join onto the boundary wall of No 2 Cheshire Close.

The wall itself would be built with LBC Tudor bricks and would have 5 sections of vertical featheredge boarding in between 7 brick pillars. The boarding sections will be 0.975 metres tall with 0.975 metres of brickwork below.

MELKSHAM PARISH COUNCIL

Object on the grounds that the proposed wall is too high and will adversely affect highway visibility. It is also out of keeping with the surrounding area, which is open plan. The former Bradford and Melksham RDC placed a covenant on these properties to prevent high boundaries from being constructed.

HIGHWAY AUTHORITY

No objection

PUBLICITY

Neighbours were notified of the proposal by letter. No comments were received.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C38 Nuisance

SPG House Alterations and Extensions

PLANNING OFFICER'S COMMENTS

The key issues in this case are the effect of the boundary wall on safety, on the host building and on the character of the street scene.

Supplementary Planning Guidance states that planning permission will not be granted for boundary walls that create a road safety hazard. The Highways Department does not have any objections to the proposal and it would actually reduce the height of the screen of the hedge in front of the front wall of the dwelling, as it currently is approximately 1.5 metres tall. The proposal is to only have a 0.975 metre tall wall here.

Policy C31a of the Local Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. The proposal is acceptable in terms of its design and in the materials it would use. Considering both corner plots to the immediate north and south of the application site have similar walls protecting their own rear amenity the principle of brick side walls is established. SPG suggest that timber boarded fences can detract from the street scene however, I do not consider this would occur here.

The objection of the Parish Council cannot be supported. If there is a covenant preventing "high boundaries" from being constructed, then this is a legal matter which lies outside planning. Your officer's opinion is that the application proposal is acceptable and can be supported.

CONCLUSION

This application complies with development policy and there are no material considerations to outweigh this policy considerations.

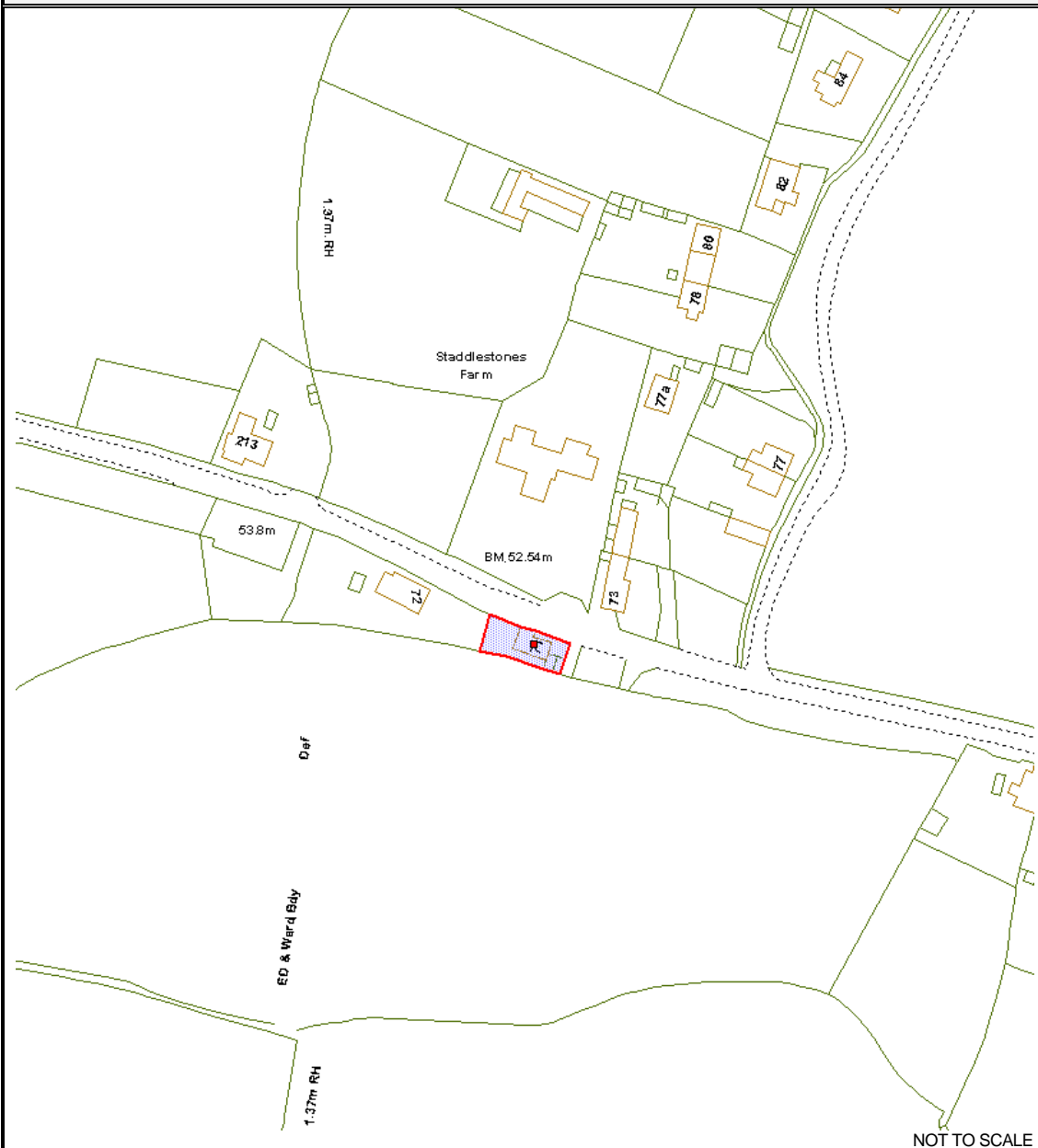
PLANNING COMMITTEE

4 August 2005

ITEM NO: 14

APPLICATION NO: 05/01009/FUL

LOCATION: 71 The Common Broughton Gifford Wiltshire SN12 8NE



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SLA: 100022961

14 Application: 05/01009/FUL

Site Address: 71 The Common Broughton Gifford Wiltshire SN12 8NE

Parish: Broughton Gifford Ward: Holt

Grid Reference 387037 164350

Application Type: Full Plan

Development: Proposed single storey guest bedroom and garage

Applicant Details: Mr And Mrs L Ridley
71 The Common Broughton Gifford Wiltshire SN12 8NE

Agent Details: Mr A Harlow
46 Longford Road Melksham Wiltshire SN12 6AT

Case Officer: Mr David Cox

Date Received: 27.05.2005 Expiry Date: 22.07.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

Note(s) to Applicant:

- 1 In the light of the objection raised by the Parish Council, the applicants are advised to ensure that the proposal does not conflict with Section 193 of the Law of Property Act 1925.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Broughton Gifford Parish Council object to this application and your Officer recommends permission.

This is an application for a single storey guest bedroom and garage at 71 The Common, Broughton Gifford.

The host building is a detached two storey dwelling with gable ends that lies horizontally to the main road. The western side of the front elevation there is a protruding two storey gable end with a ridge the same height of the host building. To the rear of the property is a centrally placed conservatory with a lean to roof. To the eastern side of the front elevation there is a single storey side extension which includes a double garage. This section has a hip roof but it only extends up to the first garage. The second garage has a flat roof. This section is also set back from the host building in order to achieve a 6 metre driveway from the main road to the garage door.

The proposal is to convert the first garage into living space whilst retaining the second garage. A gable end roof would replace the hip roof over the garage with this whole side section measuring 7.9 metres wide, 5 metres deep and 4.8 metres tall sloping to 2.7 metres at eaves. The ridge of the new roof would be at the same height of the eaves on the host building. The roof on the rear elevation would have two velux windows and there would also be additional windows. On the rear elevation there would also be a new lean to roof that would join the conservatory roof with the new roof over the garages.

This site is on the edge of the Broughton Gifford Conservation Area and is next open countryside. The dwelling can be seen from the No 18 Broughton Gifford public right of way footpath.

BROUGHTON GIFFORD PARISH COUNCIL

Object on the grounds that the proposed garage will be encroaching onto common land. The Parish Council was aware that the existing timber garage was encroaching onto common land, but it was erected without planning permission and, since it is a temporary construction that could easily be removed, decided not to take legal action at that time. However, the Parish Council objects profusely to a permanent building, with foundations being erected in its place. It would need the permission of the Secretary of State to erect any such building on common land, as it would contradict Section 193 of the Law of Property Act 1925.

PUBLICITY

Neighbours were notified of the proposal by letter and site notice. No comments were received.

RELEVANT PLANNING HISTORY

95/00770/FUL - Extension to dwelling - 10.08.1995

96/01289/FUL - Garage - 28.11.1996

97/01132/FUL - Conservatory - 06.10.1997

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C18 - New Development in Conservation Areas

C19 - Alterations in Conservation Areas

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

PLANNING OFFICER COMMENTS

The key issues in this case are the effect of the extension on the Conservation Area, the host building and the effect on neighbouring amenity.

Policies C17, C18, C19 and C31a are relevant to this application. C18 states that proposals should preserve or enhance the character and appearance of the Conversation Area. Policy C31a states that the quality of architecture of surrounding buildings should be respected whilst Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene. C18 also states that development should use materials and colours, which blend with their setting. Traditional materials will be expected, except in locations away from public view. The application intends to use matching materials and a condition can be included to ensure samples are provided prior to development.

This proposal would enhance the Conservation Area by replacing a hipped roof that is out of character with the gable end design of the main building, with a gable end roof. It would also replace the flat roof, which would give the dwelling a more balanced feel and be more symmetrical with the host building. This would also therefore enhance its position in the street scene.

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. The neighbouring amenity would not be affected by this proposal.

Land ownership is not a planning matter and from the information submitted to us, by the red line outline and Certificate A form we assume the land is indeed in the applicants ownership. Note that the parish Council has not raised any objection in terms of the proposal's design or its impact on the street scene or Conservation Area and whether if it will affect neighbouring amenity.

CONCLUSION

This application complies with development plan policy and there are no material considerations that outweigh the policy.

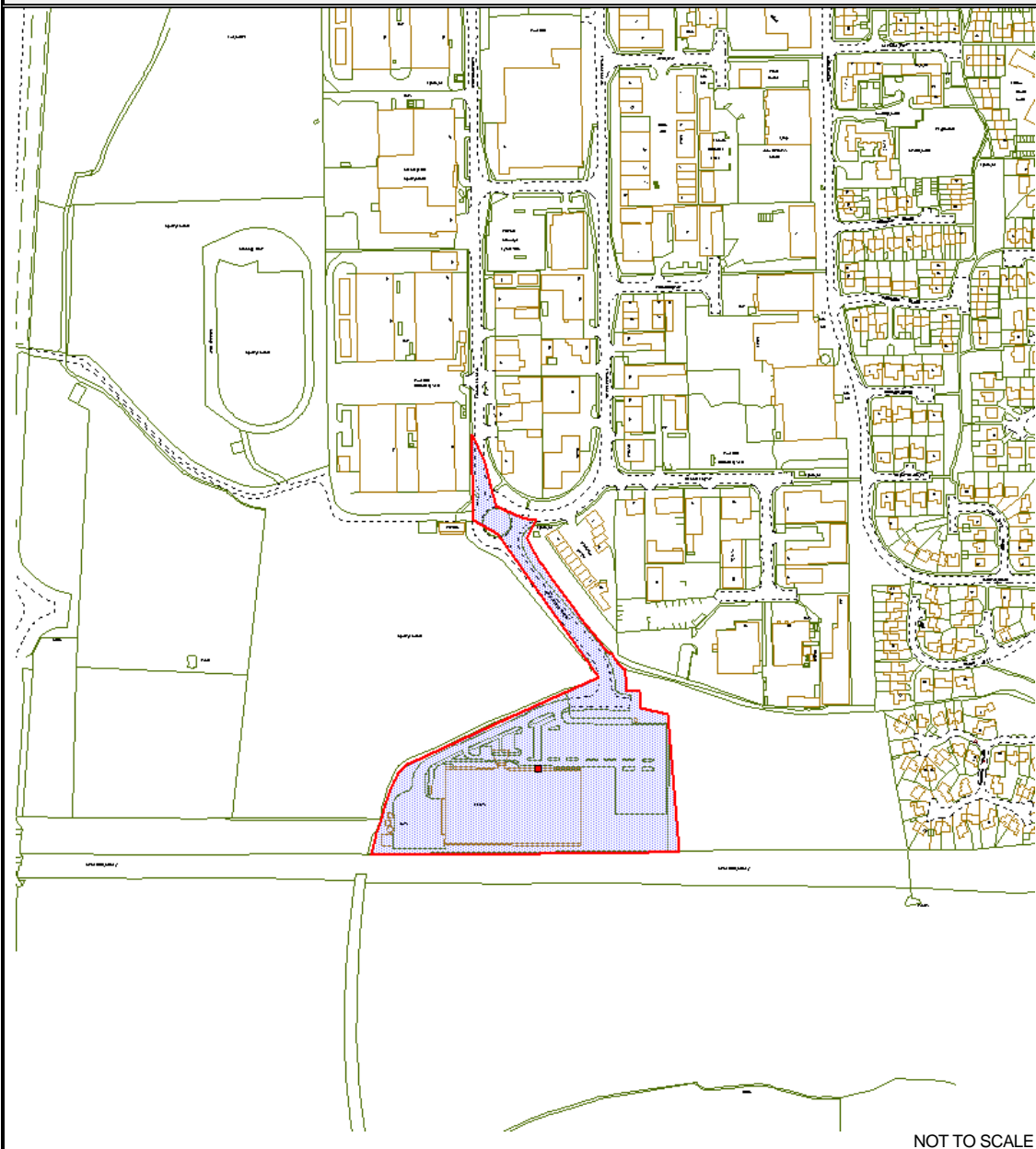
PLANNING COMMITTEE

4 August 2005

ITEM NO: 15

APPLICATION NO: 05/01081/ADV

LOCATION: Land South Of Shails Lane Bowerhill Wiltshire



NOT TO SCALE

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SLA: 100022961

15 Application: 05/01081/ADV

Site Address: Land South Of Shails Lane Bowerhill Wiltshire

Parish: Melksham Without Ward: Melksham Without
Grid Reference 390935 161597
Application Type: Advertisement
Development: Two Knorr-Bremse logo signs
Applicant Details: Mr M Perkins
Knorr-Bremse Rail Systems (UK) Ltd Westinghouse Way Hampton Park
East Melksham Wiltshire
Agent Details: TKL Architects
Richmond House Main Road Otterbourne Winchester Hampshire
Case Officer: Mr Mark Reynolds
Date Received: 06.06.2005 Expiry Date: 01.08.2005

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because the Parish Council objects contrary to Officer's recommendation.

This is a retrospective application for two signs with advertising logos attached at Knorr-Bremse, a commercial premises lying off the Bowerhill Trading Estate, within an Employment Land Allocation. The signs measure 1.7m in width and 1.7m in height and are located on the northern frontage of the building. The signage would be illuminated by ground level up-lighters. The signs are located 9m above ground level.

MELKSHAM WITHOUT PARISH COUNCIL

The Council strongly objects to the proposed up-lighting as it causes unnecessary light pollution of the night sky and can confuse aircraft. The Council request either down-lighting with signs being illuminated from above, or that signs which are internally illuminated be erected.

HIGHWAY AUTHORITY

No objections subject to a condition

PUBLICITY

No comments received

RELEVANT PLANNING HISTORY

03/01625/FUL - Construction of industrial unit with office accommodation, car parking and service yard -
Permission 4.11.03

05/00499/ADV - Two pole mounted free standing signs and four flag poles with standards - Consent 10.5.05

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C24 - Advertisements

PPG19 - Outdoor Advertisement Control

PLANNING OFFICER'S COMMENTS

This application raises the following planning matters:

- Impact on public safety
- Impact on amenity

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

The signage is modest in size located on a large building which has a frontage exceeding 110m in width. The signs are up-lit from ground up-lighters and they are illuminated overnight. There exists other sources of illumination within the application site including the car parking facilities. The building upon which the signs are located is positioned approximately 50m from the edge of the application site and the signs should not be too intrusive. The closest residential properties to the signage is positioned approximately 300m from the proposed signage and these properties are located to the east of the application site away from the northern elevation of the building which displays the signage. This area employs mixed uses most notably acting as an employment policy area and as a recreational space. In this context the signs and their mode of illumination should not harm amenity.

In considering an advertisement's impact on public safety, Local Planning Authorities are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport. The Highway Authority has raised no objections to the signage subject to a condition being attached that the source of the illumination for the signs shall not be visible to the users of the highway. This is however a retrospective application and a condition to this effect would not be necessary. The signage should not however harm public safety.

The Parish Council's comments are noted regarding the possibility of light pollution and aircraft being confused by the up-lighters. Your Officers do not believe that the signage acts to confuse aircraft particularly given that the site at the moment displays external lighting and the lighting of these modest signs should not result in unacceptable levels of light. Although the light source is directed upwards it is focused directly onto the signage and not into the air above.

There are no planning reasons why consent should not be granted.

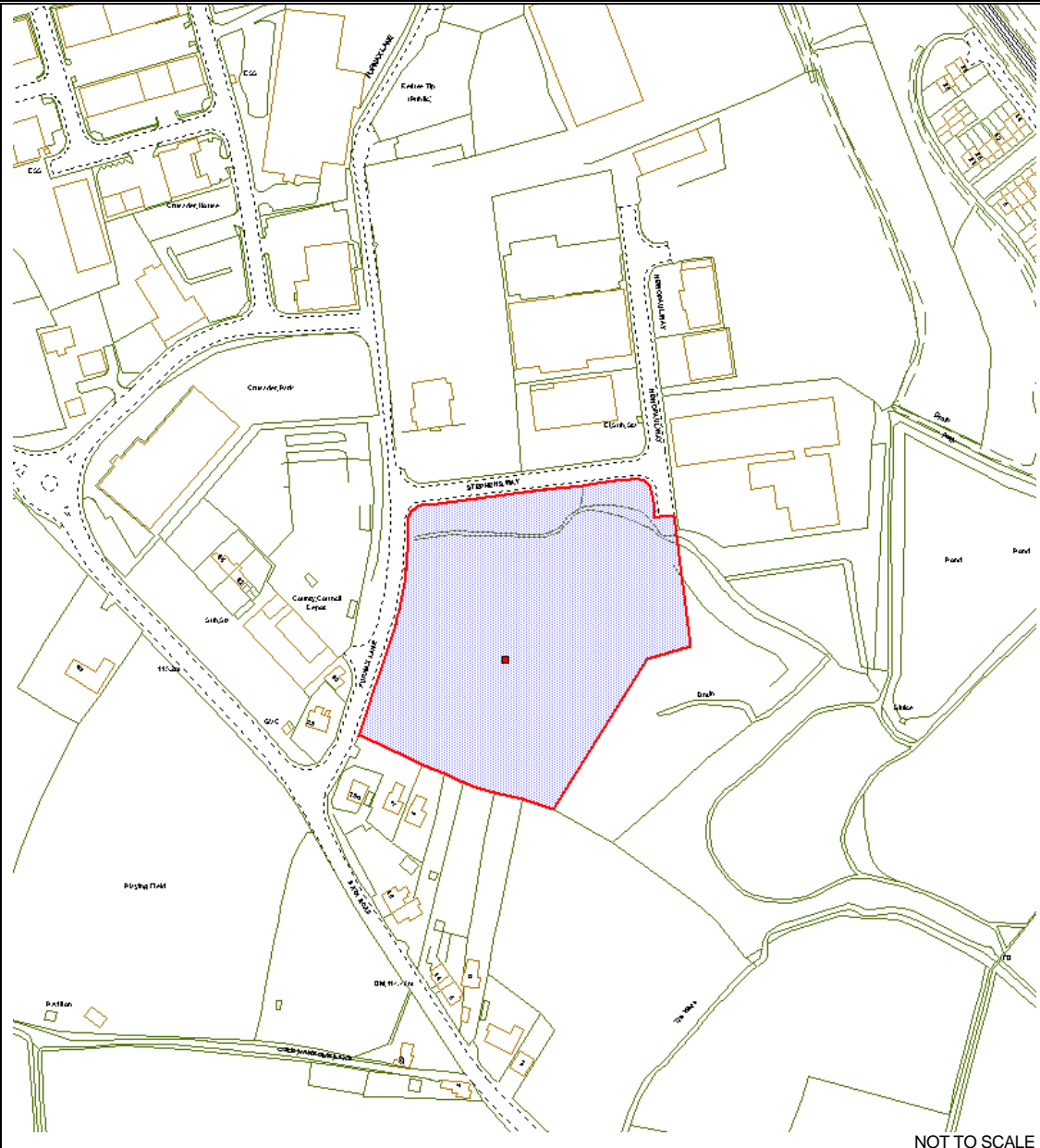
PLANNING COMMITTEE

4 August 2005

ITEM NO: 16

APPLICATION NO: 05/01069/REM

LOCATION: Land South Of Stephens Way Warminster Business Park
Warminster Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

16 Application: 05/01069/REM

Site Address: Land South Of Stephens Way Warminster Business Park Warminster Wiltshire

Parish: Warminster Ward: Warminster West

Grid Reference 386751 145851

Application Type: Reserved Matters

Development: Removal of conditions relating to application 04/1329/REM. Units on sites A1, A2, A3 and A4 for class B1/B2/B3 uses

Applicant Details: Prospect Land Ltd
Pullman House Old Station Yard Edington Westbury BA13 4NT

Agent Details: Pegasus Planning Group
6-20 Spitalgate Lane Cirencester Glos GL7 2DE

Case Officer: Miss Julia Evans

Date Received: 03.06.2005 Expiry Date: 29.07.2005

REASON(S) FOR APPROVAL:

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

RECOMMENDATION: Approval

Condition(s):

- 1 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.

- 2 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to the existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention and amenity.

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

- 3 Details of the construction of the earth bund and its landscaping shall be submitted to and approved in writing by the Local Planning Authority, and its construction completed, prior to the first operational use of the premises hereby permitted. The details submitted shall include measures to conserve trees and hedges and to prevent spillage onto adjacent land.

REASON: In the interests of pollution prevent and amenity.

POLICY: West Wiltshire District Plan - Policy C38.

- 4 The parking and servicing spaces indicated on the approved plans shall be formally laid out and marked on site, and shall be provided concurrently with the development to which they relate.
- REASON: To ensure that an adequate area for parking and servicing is available in the interest of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10.
- 5 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- REASON: In the interests of highway safety.
- 6 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.
- REASON: In the interests of highway safety.
- 7 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. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. The works shall be carried out in accordance with the approved details.
- REASON: To ensure that the development can be adequately drained, and in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.
- 8 The development hereby permitted shall not be commenced until sewage and foul water disposal works have been submitted to and approved in writing by the Local Planning Authority. Foul drainage must be kept separate from clean surface and roof water. The works shall be carried out in accordance with the approved details.
- REASON: To ensure that the development can be adequately drained, and to prevent pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies U1A and U4.
- 9 Before the commencement of any works on site, details of the easement, diversion or protection works for the public sewer crossing the site need to be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken in accordance with these approved details.
- REASON: To protect the public infrastructure crossing the site.
- 10 Details of lighting to the site (including measures of minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be in accordance with the Institution of Lighting Engineers' "Guidance Notes for the Reduction of Light Pollution". The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of light pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water as regards point of connection with their apparatus.

- | | |
|---|--|
| 2 | Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed. |
| 3 | The Environment Agency must be notified immediately of any incident likely to cause pollution. |
| 4 | You are advised that parking and servicing areas should be kept free of obstruction. |

COMMITTEE REPORT

APPLICATION DETAILS

The application has been brought to Committee because of the Town Council objection.

This is a Section 73 application to remove conditions to the approval of reserved matters under 04/01329/REM, for proposed units on sites A1, A2, A3 & A4 for general B1, B2 & B8 uses at land south of Stephens Way, Warminster Business Park, Warminster. Conditions were attached to the 2004 approval which did not relate to the matters being determined at the reserved matters stage, which should have been siting, design, external appearance, and means of access. Landscaping was not applied for at that time. The conditions attached to the reserved matters approval have been summarised as follows:

- 01 External material samples;
- 02 limitation of building A1 to B2 uses only;
- 03 details of earthworks;
- 04 construction and landscaping of the earth bund;
- 05 no noise to be audible at the site boundary;
- 06 limitation on hours of delivery and despatches;
- 07 limitation on the hours of machinery use;
- 08 details of atmospheric emissions;
- 09 formal laying out of parking and servicing spaces;
- 10 bound material surfaces to access roads and parking areas;
- 11 no outside storage, etc;
- 12 unobstructed visibility splays;
- 13 surface water drainage details;
- 14 foul water and sewage disposal;
- 15 no contamination of the water environment;
- 16 bunded chemical storage;
- 17 protection of the public sewer; and
- 18 details of site lighting.

The applicant has sought legal counsel's opinion on the implication of these conditions and he concluded that "conditions 2, 5, 6, 7, and 11 impose limitations which ought properly to have been imposed at the outline stage." In addition, he goes on to conclude that "I also consider that conditions 8, 13, 14, 15, 16, 17, and 18 fall into a similar error. It may be that, in respect of some of those conditions, they are a clear omission from the outline planning permission. That does not make it legitimate to seek to impose them via the Reserved Matters approvals." The views of the Council's Solicitor and Development Control Manager were such that the conditions that were ultra vires were 02, 05, 06, 07, 08, 11, 15, and 16, and that the Council is not in a position to be able to enforce these conditions. However, it was considered that conditions 13, 14, 17, and 18 were legal, as the first three have layout implications and the latter affects the external appearance of the development. Consequently, the applicant has now applied for the removal of conditions 02, 05, 06, 07, 08, 11, 15 & 16.

The 2004 reserved matters application was for the development of sites A1, A2, A3 & A4 of the Warminster Business Park for general B1, B2 & B8 uses. The applicant had applied for siting, design, external appearance and means of access with this reserved matters application, with landscaping not being applied for. The four proposed units lie to the south of Stephens Way, with the wildlife reserve to the southeast of the site. The applicant has stated that the four units will be used for the following uses:

- Unit A1 - B1 uses;
- Unit A2 - B1, B2 & B8 uses;
- Unit A3 - B2 & B8 uses; and
- Unit A4 - B1, B2 & B8 uses

Units A1 & A2 would be accessed off Furnax Lane, whilst units A3 and A4 would be accessed off Stephens Way. The following parking provision is provided for each unit:

A1 provides 13 spaces, two of which are for disabled users;
A2 provides 36 spaces, with four for disabled users;
A3 provides 22 spaces, two for disabled users; and
A4 provides 9 spaces, four for disabled users.

Each unit has turning and servicing space, and provision for one lorry parking space. The units would be constructed of brickwork skirts, with profile steel cladding above and to the roof.

The site lies within the E2K employment land allocation for Warminster. The southern boundary of the site is also subject to Policy C40, which requires tree planting to the site.

The approved drawings for the 2005 have been resubmitted for consideration with this S73 application.

WARMINSTER TOWN COUNCIL

"Discussed this and see no reason to overturn these conditions".

HIGHWAY AUTHORITY states:

"The application seeks the removal of a number of conditions imposed on the permission under application reference W04.1329, the majority of which are amenity and environmental related, and therefore a matter for your Council.

"However, condition 11 requires that there be no outside storage. In this regard, I would feel bound to resist the removal of this condition on the grounds that this may adversely affect the parking and turning facilities within the site."

"In the absence of a plan indicating the location of proposed outside storage areas, I would feel bound to maintain my comments in my letter of 14 June 2005.

"However, if areas for outside storage were specifically identified and which did not cause any conflict for parking and turning facilities, I would be happy to reconsider by objection."

ENVIRONMENT AGENCY state:

"However, we would have no objection to the removal of these conditions and offer the following in relation to conditions 15 and 16:

"Condition 15. It is a separate offence in its own right to discharge this type of material to a receiving environment. We do not think there is a need for this condition as an absolute requirement.

"Condition 16. This is part guidance and information and part requirement to ensure that, in an ideal situation, any applicants plans for new oil storage requirements are appraised by the Local Planning Authority (they presumably may already require planning permission in their own right). Again, we have no particular requirement for this condition, unless the scheme is proposed to include the storage of oil in accordance with Soil Storage Regulations etc."

WESSEX WATER state:

"It is noted that this application is for reserved matters only. Should this have any implications on Wessex Water infrastructure, I would be happy to comment."

WILTSHIRE WILDLIFE TRUST

Have not responded to date.

ENGLISH NATURE state:

"As you are aware our concerns are with maintaining the water vole population to the south of the proposed development at a favourable conservation status. In section 78 of the "Landscape Plan, Method and Programme of Works", Chalkhill Consultants have outlined the possible effects of the development on the hydrology and water quality of the area marked as a wildlife reserve. Paragraph 7.6 describes how the contaminated water from hard standing areas will be retained in ditches and will not enter the area of marsh and the pools where the water vole population is.

Condition 15 relates to the discharge of contaminated water. English Nature is concerned that the removal of this condition may affect the wildlife reserve by contaminating the water in this area. It is essential to safeguard the area of marsh and pools from contamination from the development during and after construction. We advise that this is strongly related to the developers in the form of conditions of obligations."

PUBLICITY

Neighbour notifications have been undertaken and five responses have been received making the following comments:

- imperative that the conditions are retained so as to prevent flooding, nuisance from noise and lighting;
- the outline consent did not protect the amenity of neighbouring homes;
- the close proximity of the units is detrimental to residential amenity;
- concerns are raised as to the health hazard of flooded septic tanks;
- unregulated noise will result as a result of no conditions limiting hours of operation and delivery;
- light pollution if unlimited use takes place;
- the conditions imposed on the reserved matters protected residential amenity of those eleven properties that would be affected by the proposal;
- residents' quality of life would deteriorate dramatically if the conditions are removed;
- require the Council to take independent legal advice to look into the matter;
- the applicant has already cleared the site, and as a result the water table has risen, causing problems with septic tanks;
- the bund has been constructed and has become overgrown with weeds;
- outside storage will encourage crime; and
- the residents should be compensated for the problems caused by the development.

RELEVANT PLANNING HISTORY

Excludes plots already constructed.

98/00755/OUT - Light/general industrial warehouse/distribution, use classes B1, B2 & B8 - Permission 01.07.98

99/00647/FUL - Removal of condition 04 of permission 98/00755/OUT - Permission 08.07.99

02/01178/S73 - Section 73 application for a variation in time limit in relation to an approved outline application reference 98/00755/OUT - Permission 17.04.03

04/00592/REM - Proposed units on sites A1, A2, A3 and A4 for general B1, B2, and B8 usage - Withdrawn 22/06/05

04/01329/REM - Units on sites A1, A2, A3, and A4 for general B1, B2, and B8 - Approval 28/10/05.

The housing along the site's southern boundary - ie land to the rear of 18a Bath Road, and now addressed as 2 and 4 Furnax Lane:

89/01010 - Proposed residential development - Permission 25/07/05

90/00389 - Erection of two dwellings - Permission 24/ 04/90

PLANNING POLICY

Wiltshire Structure Plan 2011

- | | |
|-----|---|
| DP1 | Priorities for sustainable development |
| DP2 | Infrastructure |
| DP4 | Towns and main settlements |
| DP5 | Town centres, district centres and employment areas |
| T5 | Parking |
| C1 | Nature conservation |
| C5 | The water environment |
| HE6 | Landscape settings |

West Wiltshire District Plan - 1st Alteration 2004

C4	Landscape setting
C7	Protected species
C9	Rivers
C31A	Design
C32	Landscaping
C35	Light pollution
C36	Noise
C38	Nuisance
C40	Tree planting
E2(K)	Employment areas
T10	Car parking
U1A	Foul water disposal
U3	Flooding
U4	Groundwater source protection areas

National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS24	Planning & Noise
PPG25	Development and Flood Risk

PLANNING OFFICER'S COMMENTS

This application raises the following planning matters:

- planning history and principle of development;
- protected species;
- flooding and water issues;
- highways and parking matters; and
- residential amenity

The site lies within an employment area allocated in the West Wiltshire District Plan - 1st Alteration 2004. Outline permission was originally granted for the site in July 1998, and in April 2002 a Section 73 permission was granted extending the life of the outline permission. Neither of these permissions imposed conditions concerning residential amenity or flooding matters. The last permission was subject to the following conditions:

- 01 Outline condition, reserving siting, design, external appearance and means of access;
- 02 a landscaping condition;
- 03 details of parking and servicing provision;
- 04 buildings on the site to be erected on the northernmost part of the site with related parking areas laid out to the south side of the building;
- 05 details of protected species protection;
- 06 a landscape plan for wildlife, and
- 07 a re-survey of the protected species.

Informatives were also attached advising on the provision of a substantial landscaping bund to the southwest boundary of the site, protection measures for protected species; land drainage consent information; and arrangements for surface water disposal.

The reserved matters approval, 04/01329/REM, requested consideration of siting, design, external appearance and means of access. Landscaping was not applied for. Four units were proposed for B1, B2 & B8 uses. Unit A1 was proposed for B1 uses, A2 for B1, B2 & B8 uses, A3 for B2 & B8, and A4 for B8 uses. The nearest residential property lies approximately 15m from the site boundary, separated by its garden. A landscape bund would separate the employment site from the residential gardens, with an approximate basal width of 7m.

Conditions were attached to the reserved matters application which were seeking to protect residential amenity, water environment and nature conservation matters. These have been challenged by the applicant as being ultra vires. Conditions on applications for reserved matters should only be imposed if they relate to those matters being determined at the reserved matters stage. Paragraph 45 of Circular 11/95 states that "Once outline planning permission has been granted,..... any subsequent approval of reserved matters does not constitute the granting of a further planning permission. Any conditions relating to anything other than the reserved matters should be imposed when outline permission is granted.

The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those matters." Unfortunately the outline consents did not address the amenity issues of the neighbouring residential properties. The conditions seeking to do this on the reserved matters application are, therefore, not legitimate. As a result the following conditions are considered ultra vires, as they seek to control matters that should have already been considered as part of the outline permission. These conditions are:

- 02 Limitation of use of building A1;
- 05 machinery not audible at the site boundary;
- 06 limitation on delivery hours;
- 07 limitation on hours of operation of commercial vehicles;
- 08 control and disposal of atmospheric emissions;
- 11 no outside storage and display;
- 15 discharge of contaminated water; and
- 16 bunded chemical storage.

Consequently, these conditions have not been included on the recommendation. It should be noted from the consultation comments that the Highway Authority are concerned about unregulated areas of outside storage affecting parking and turning facilities (condition 11), while English Nature are concerned that removing condition 16 may affect the wildlife reserve by contamination both during construction and once in use. An informative has been attached advising that parking and servicing areas should be kept free from obstruction, whilst conditions 13 (surface water drainage) and 14 (foul water drainage) remain, and as they require details for submission and approval, so some control is in place to address these matters.

The suggested conditions address the matters under consideration for reserved matters. The proposed design of the units is considered acceptable in terms of the character of the existing buildings on site. A condition has been attached requiring sample materials. Details of the bund and associated landscaping have also been attached as has one concerning external lighting to the site, to protect residential amenity.

With the consultations on the 2004 approval, the Environment Agency required the following informatives and conditions:-

- * a standard surface water drainage condition to prevent the increased risk of flooding by ensuring a satisfactory means of surface water disposal;
- * no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site;
- * foul water drainage must be kept separate from the clean surface and roof water;
- * the foul drainage must be connected to the public sewerage system;
- * oil, fuel, or chemical storage facilities should be sited in bunded areas;
- * discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

Although they have now withdrawn these requirements, residential neighbours are very concerned about increased flood risk and problems with the septic tanks. Conditions remain which require details of foul and surface water drainage, and in discharging these conditions the views of the Agency will be sought.

The condition previously required by the Highway Authority as regards outside storage has already been discussed, but the others concerning surface water disposal and visibility splays remain.

CONCLUSION

Conditions on applications for reserved matters can only be imposed if they relate to those matters being determined at the reserved matters stage. The application needs to be read in conjunction with the outline permission, of which it forms a part, and the conditions thereby attached. The principle of development, is therefore, not for consideration now, but the details are. The Council cannot legally impose conditions on a reserved matters application which should have been attached at the outline stage. It is accepted that conditions were attached to the 2005 reserved matter which were ultra vires, and the current recommendation seeks to address this matter.

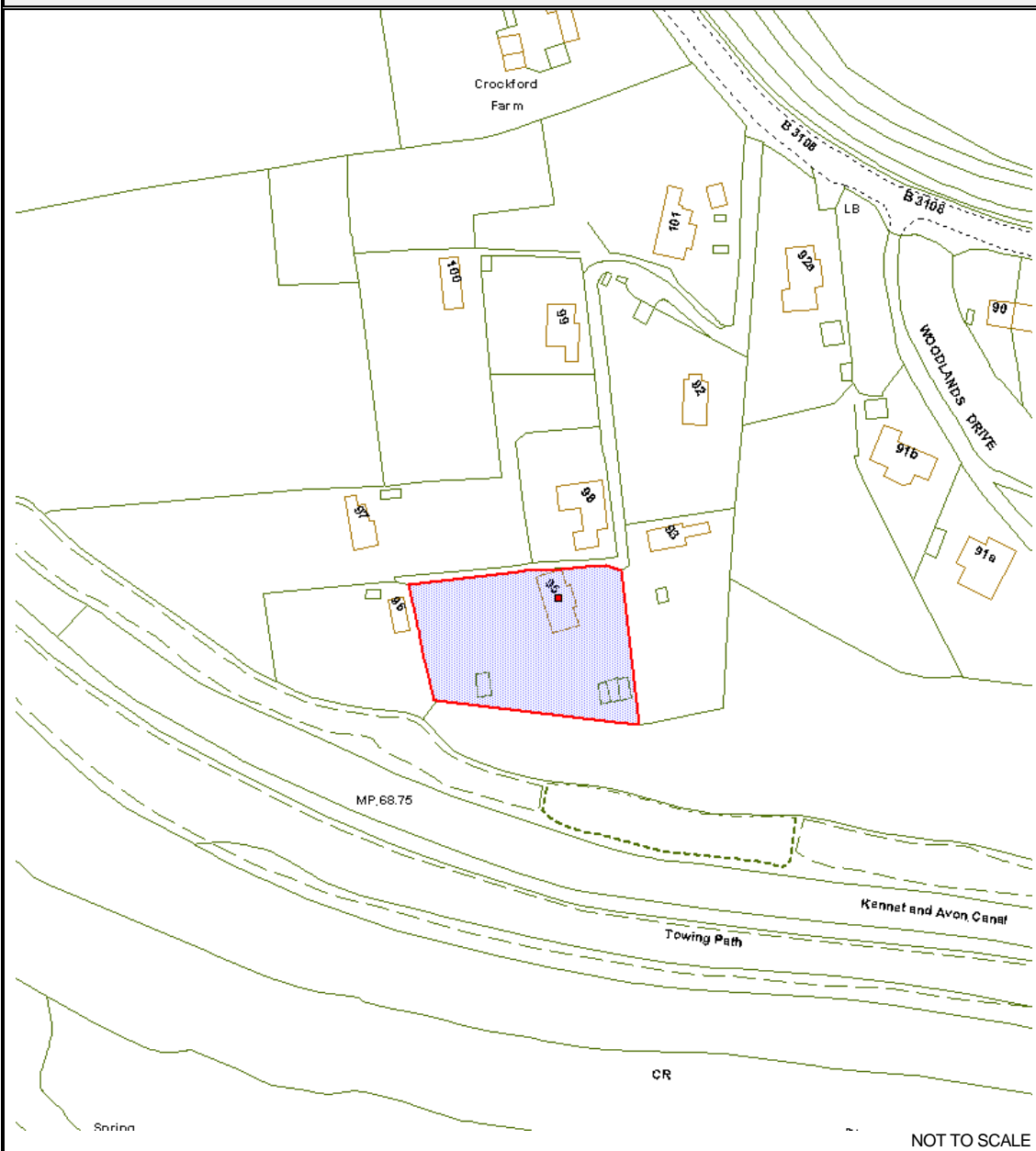
PLANNING COMMITTEE

4 August 2005

ITEM NO: 17

APPLICATION NO: 05/01217/FUL

LOCATION: 95 Winsley Hill Limpley Stoke Wiltshire BA2 7JL



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SLA: 100022961

17 Application: 05/01217/FUL

Site Address: 95 Winsley Hill Limpley Stoke Wiltshire BA2 7JL

Parish: Winsley Ward: Manor Vale

Grid Reference 378529 160893

Application Type: Full Plan

Development: Rear extension and roof conversion

Applicant Details: Mr S Palmer
95 Winsley Hill Limpley Stoke Wiltshire BA2 7JL

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 22.06.2005 Expiry Date: 17.08.2005

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning committee because Winsley Parish Council object to the application contrary to Officer's recommendation.

This is a stone built detached bungalow with tiled roof. This is an application for an extension and a roof conversion. The proposed extension would measure 6.6m in width, 5.25m in length and it would stand 6m in height to ridge level.

The application site is located within the Western Wiltshire Green Belt, and in an Area of Outstanding Natural Beauty.

WINSLEY PARISH COUNCIL

'The Parish Council is aware of a previous application WY05/00512 which was refused permission because it was contrary to Green Belt Policy.

Whilst it is noted that the revised application is on a slightly smaller scale, the proposed development is still of considerable height and bulk and of a form that could be described as inappropriate development which would not maintain the openness of the Western Wiltshire Green Belt. It is strongly felt that there are clear and adequate reasons to recommend refusal'.

PUBLICITY

No comments received to date however consultations are ongoing and any responses will be reported subsequently.

RELEVANT PLANNING HISTORY

87/00118/FUL- Replacement Bungalow - Permission

93/00628/FUL - Twin garage and domestic workshop - Permission

05/00512/FUL - Extension and roof conversion - Refusal

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

GB1 Green Belt

GB2 Control of development in Green Belt

C2 AONB

C6 AHEV

C38 Effects of development on neighbouring properties

C31A Design

PPS1 - Delivering Sustainable Development

The Planning System: General Principles

PPG2 - Green Belt

SPG - Supplementary Planning Design Guidance - Household Alterations and Extensions

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are whether the proposal has overcome the previous reason for refusal in planning reference: 05/00512/FUL.

A previous application was refused planning permission on the basis that it would have resulted in disproportionate additions over and above the original building. Application reference: 05/00512/FUL proposed an increase in volume of the building by 80%.

The Green Belt issues raised by this current proposal may be addressed by considering PPG2, and Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004. Policy GB2 states that within the Western Wiltshire Green Belt the limited extension and/or alteration of existing dwellings is acceptable provided it does not result in disproportionate additions over and above the size of the original building.

It is therefore crucial to document the original building's volume. In this case a replacement bungalow was granted planning permission reference no. 87/00118/FUL. This replacement bungalow which has been constructed represents the original building. It is important to document the percentage increase in volume which this proposal to extend the building would result in above the volume of the original building.

The original building is approximately 595 cubic metres in volume. The proposed additions to the property would constitute an increase in volume of approximately 165 cubic metres equating to a percentage increase in volume of 27% over and above the volume of the original building.

It is considered that the proposed extensions do not represent disproportionate additions over and above the size of the original building. The proposal is therefore considered acceptable in Green belt terms and in the Case Officer's opinion the previous reason for refusal has been overcome. The comments of Winsley Parish Council have been taken into account however it is not considered that the proposal would result in inappropriate development in the Green Belt.

CONCLUSION

The previous reason for refusal has been overcome and permission is therefore recommended.

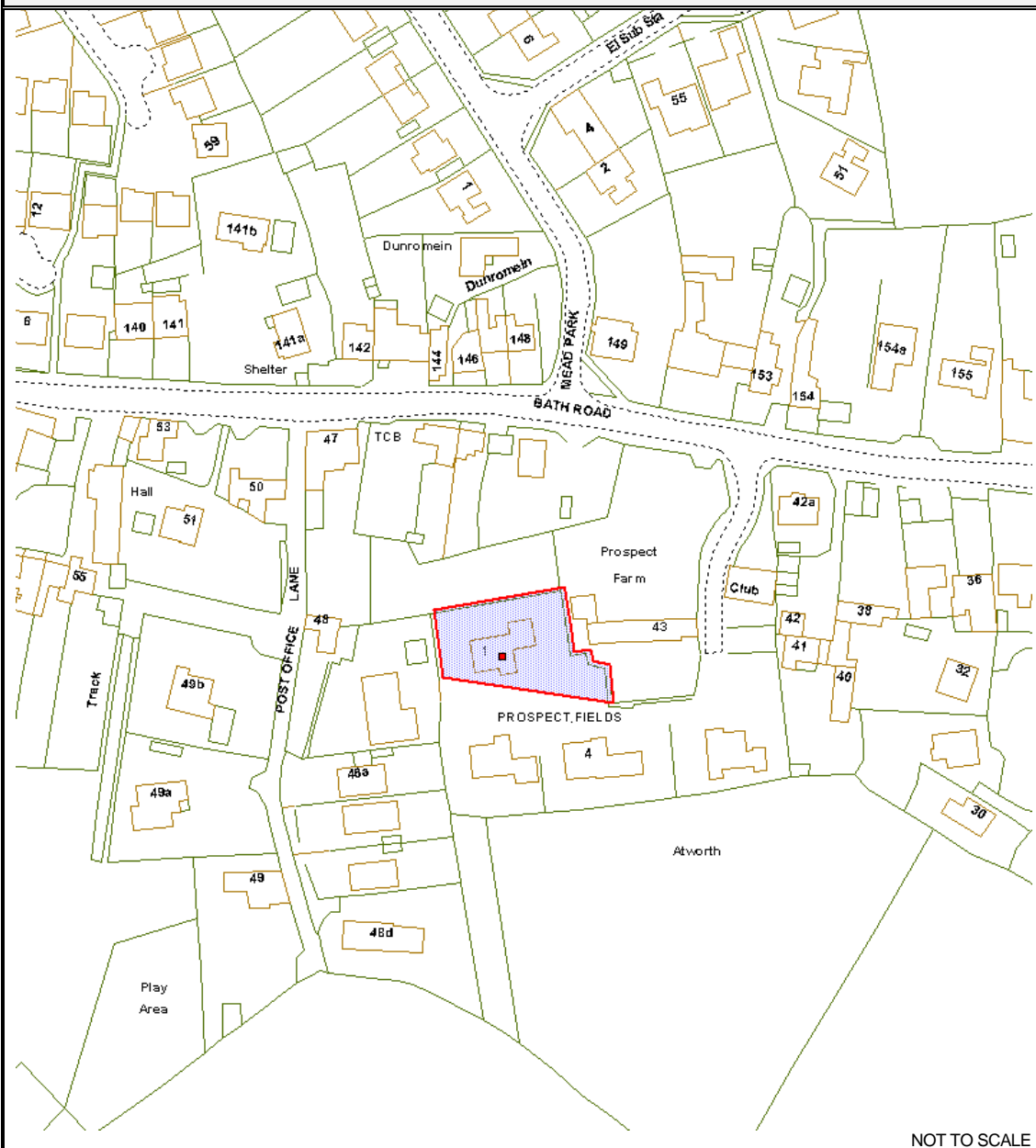
PLANNING COMMITTEE

4 August 2005

ITEM NO: 18

APPLICATION NO: 05/00275/FUL

LOCATION: 1 Prospect Fields Atworth Wiltshire SN12 8RS



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www.westwiltshire.gov.uk

SLA: 100022961

18 Application: 05/00275/FUL

Site Address: 1 Prospect Fields Atworth Wiltshire SN12 8RS

Parish: Atworth Ward: Atworth & Whitley

Grid Reference 386611 165895

Application Type: Full Plan

Development: Detached double garage with carport with attic room

Applicant Details: Mr A Aycliffe
1 Prospect Fields Atworth Wiltshire SN12 8RS

Agent Details: Mr S Filipowicz
36 The Common Broughton Gifford Melksham Wilts

Case Officer: Mr Mark Reynolds

Date Received: 15.02.2005 Expiry Date: 12.04.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed garage and studio, by reason of its size, height, form and positioning in close proximity to Prospect Farm would result in a loss of daylight, overshadowing and overbearing impact culminating in a loss of neighbouring amenity for the occupants of this property contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration 2004 and the Adopted Supplementary Planning Guidance - Household Alterations and Extensions.
- 2 The proposed garage and studio, by reason of its size, height, form and positioning in close proximity to the Grade II Listed Prospect Farm would create an incongruous feature that would detract from the setting of this Grade II listed Building to the detriment of its character contrary to Policy C27 of the West Wiltshire District Plan 1st Alteration 2004 and Policy HE7 of the Wiltshire Structure Plan 2011.
- 3 The proposed garage and studio, by reason of its size, height, form and positioning in front of the host building would appear overly prominent and detract from the appearance of the host building and the street scene contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004 and the Adopted Supplementary Planning Guidance - Household Alterations and Extensions.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee at the request of Councillor Chivers in the interests of public debate.

This is a two storey large detached house constructed of stone with concrete roofing tiles. The application is for a detached double garage. A study is also proposed above the proposed double garage. The double garage would measure 6.5m in width, 6m in depth and it would stand 5.3m in height at ridge level sloping to 2.5m in height at eaves level.

The application site is one property within a residential development of four houses within the settlement of Atworth to the south of Bath Road. These are large residential units with open plan front gardens. The site adjoins the Grade II Listed Prospect Farm.

The proposals have been revised as part of the planning process.

ATWORTH PARISH COUNCIL

No objections

PUBLICITY

No comments received

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 - Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004
C38 - Effects of development on neighbouring properties
C31A - Design
C27 - Listed Buildings

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

SPG - Supplementary Planning Design Guidance - Household Alterations and Extensions

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are the impact which the scheme would have upon neighbours' amenity, the street scene and the setting of a neighbouring listed building.

The issue of neighbour amenity may first be considered. The neighbouring property Prospect Farm situated to the north east of the application site is a Grade II Listed building. The proposed double garage, with study and carport would be positioned in relatively close proximity to this property approximately 1m from a boundary dry stone wall and approximately 6m from the building. What appears to be a habitable room window is located on the east elevation of this neighbouring property and daylight may be reduced to this window which would face onto the proposed extension. The 25° rule is a test commonly applied to assess whether daylight would be affected to a habitable room. The neighbouring property is slightly lowered below the application site by approximately 500mm and when a 25° line projecting from the neighbouring properties window is drawn this would be obstructed by the proposed extensions. The proposed extension would therefore reduce daylight to this neighbouring property to an unacceptable level.

The extensions, positioned to the south west of the application site in close proximity to the boundary with Prospect Farm would also result in overshadowing of this section of the garden of Prospect Farm and an overbearing impact would also result.

The neighbouring property to the east, Prospect Farm, is a Grade II Listed building. The issue of whether this proposal would harm the setting of a listed building is a material consideration. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a Listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed extensions would be located within 6m of the Listed building and within 1m of a historic dry stone wall. When viewed from the south in particular, the proposed garage would appear an overly large addition detracting from the setting of this Grade II Listed building. Although it is acknowledged that the application site forms one of a number of new properties in relatively close proximity to this Listed building the introduction of a large structure such as this, in close proximity to the building, would harm its setting. Indeed rather than a supporting argument for the application the presence of these modern properties make the existing gap between them and the Listed building all the more important to retain. If this proposal were to proceed the dry stone wall which marks the boundary with the application site would be completely obscured.

The design of the proposal has been revised to delete the carport. The Adopted Supplementary Planning Guidance - Household Alterations and Extensions still however states that front extensions should be small sympathetic additions, in scale with the original house and should not detract from the street scene. If too large or of an alien design, the extensions could look completely out of keeping with the main house and the rest of the street scene. Garages should also be set back from the front of existing dwellings. The proposed garage would project out at the front of the dwelling and would act to harm the appearance of the host building and the open character of this housing development.

CONCLUSION

For the reasons that neighbouring amenity would be harmed and that the street scene and setting of a neighbouring grade II listed building would be harmed this proposal is recommended for refusal.