

PLANNING COMMITTEE

17 NOVEMBER 2005

Planning Applications for Determination

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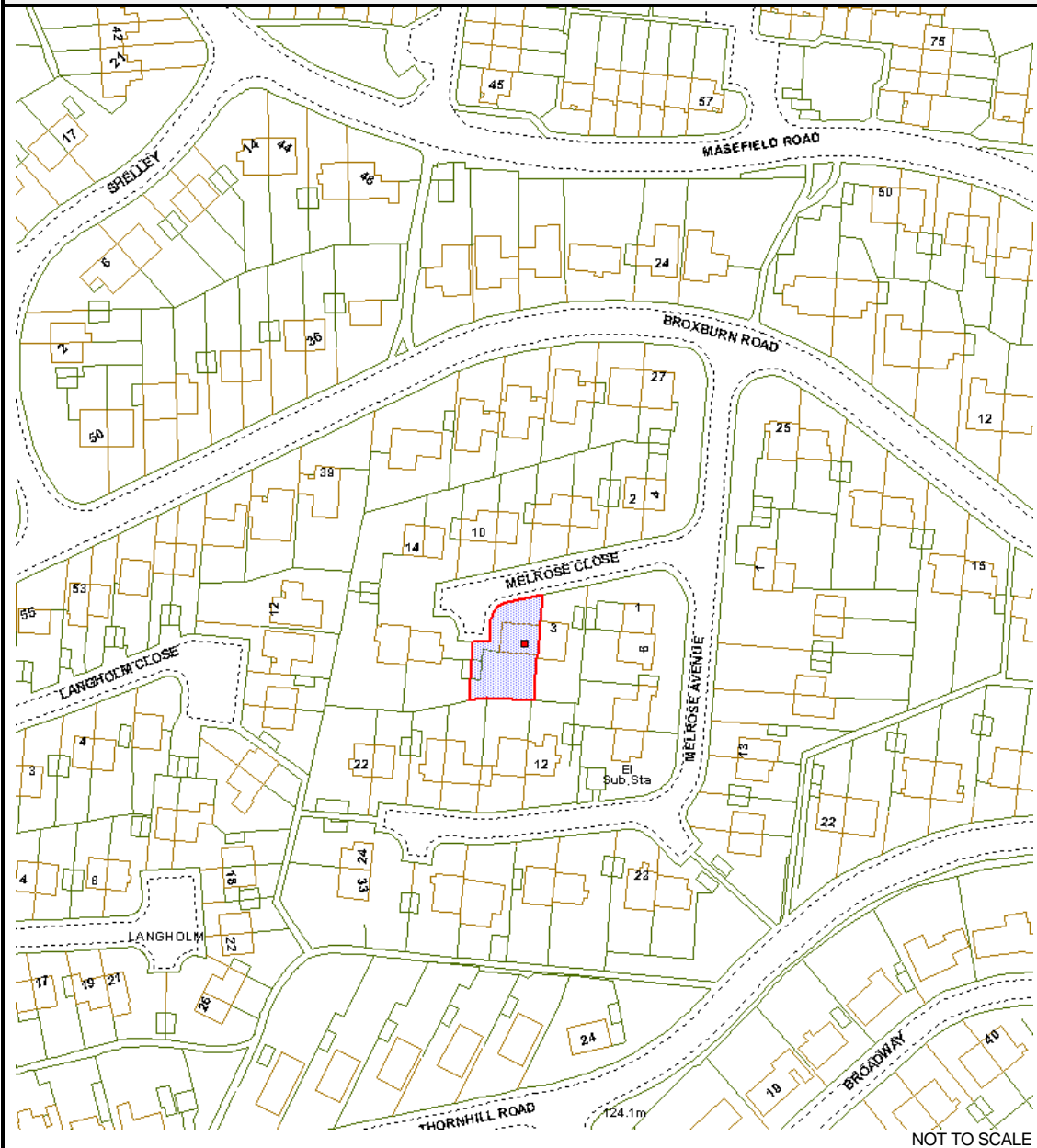
PLANNING COMMITTEE

17 November 2005

ITEM NO: 01

APPLICATION NO: 05/01847/FUL

LOCATION: 5 Melrose Close Warminster Wiltshire BA12 8EQ



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 05/01847/FUL

Site Address: 5 Melrose Close Warminster Wiltshire BA12 8EQ

Parish: Warminster Ward: Warminster West

Grid Reference 386122 144575

Application Type: Full Plan

Development: Single storey extension to existing bungalow

Applicant Details: Mr N Leslie And Mrs Stella M Cross
5 Melrose Close Warminster Wiltshire BA12 8EQ

Agent Details:

Case Officer: Mr David Cox

Date Received: 19.08.2005 Expiry Date: 14.10.2005

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

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application was to be considered at the meeting of the Planning Committee on 27 October 2005 but was deferred because of the lateness of the hour.

This application has been brought to the Planning Committee as the Town Council have objected and your Officers recommend permission.

This is an application for full planning permission for a single storey rear extension to this semi-detached bungalow in a cul-de-sac in Warminster. Within the application site is a single storey flat roofed garage. It is within a residential area comprising of detached and semi detached 2 storey properties and bungalows.

The proposal is to add a pitched roof rear extension, which would provide additional bedroom accommodation and garden room. The extension would occupy an area of approximately 42 square metres. The extension would have a double gable end matching the gables on the hosting pair of semi's.

CONSULTATION REPLIES

- WARMINSTER TOWN COUNCIL: Object because: "It was felt that the overall size of the extension would have an adverse effect on the neighbouring properties."

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

05/00971/FUL - Installation of solar panels on the southern roof elevation - Permission - 14.07.2005

PLANNING OFFICER COMMENTS

The key issues in this case are whether the proposals complies with development plan policy and whether there are material considerations to outweigh the policy.

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 would be in keeping with the host building as it would match it in terms of design (matching the gable ends) and materials (same as existing). It also follows the example of No 7 Melrose Place, which has a protruding but set down and back side section from the main building.

Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene. Views of the proposals will only be seen from the end of the cul-de-sac and in particular No's 12 and 14 Melrose Place. These properties would be able to see the whole of the proposal bar a section that would be screened by the double garages. Although the extension would look slightly detached from the host building it is at least to the rear of the property. The ridge of the roof would be set down from the ridge of the main roof, which helps to make the extension subservient. These factors when combined would help to integrate the extension successfully into 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 extension would be single storey and even with its size it would not have an adverse impact on neighbouring amenity. There would be no windows that would look over onto neighbouring amenity. The dwellings to the south would still be approximately 20 metres away although less than the 21 metres as set out in SPG it is considered to be still acceptable. Additionally the roof of the extension would only cause minimal overshadowing of neighbouring amenity to the east (No 7) during morning hours. However, any overshadowing is likely to only cover the double garages and not No 7's rear garden. For these reasons the Town Council's objection cannot be supported.

The proposal complies with development plan policy and there are not considered to be any material considerations to outweigh the compliance with policy.

CONCLUSION

Although the proposal is unusual it does comply with policy and there are no material considerations to outweigh this policy. It is considered that the proposal would not harm the host building, streetscene or neighbouring amenities and therefore is recommended for permission.

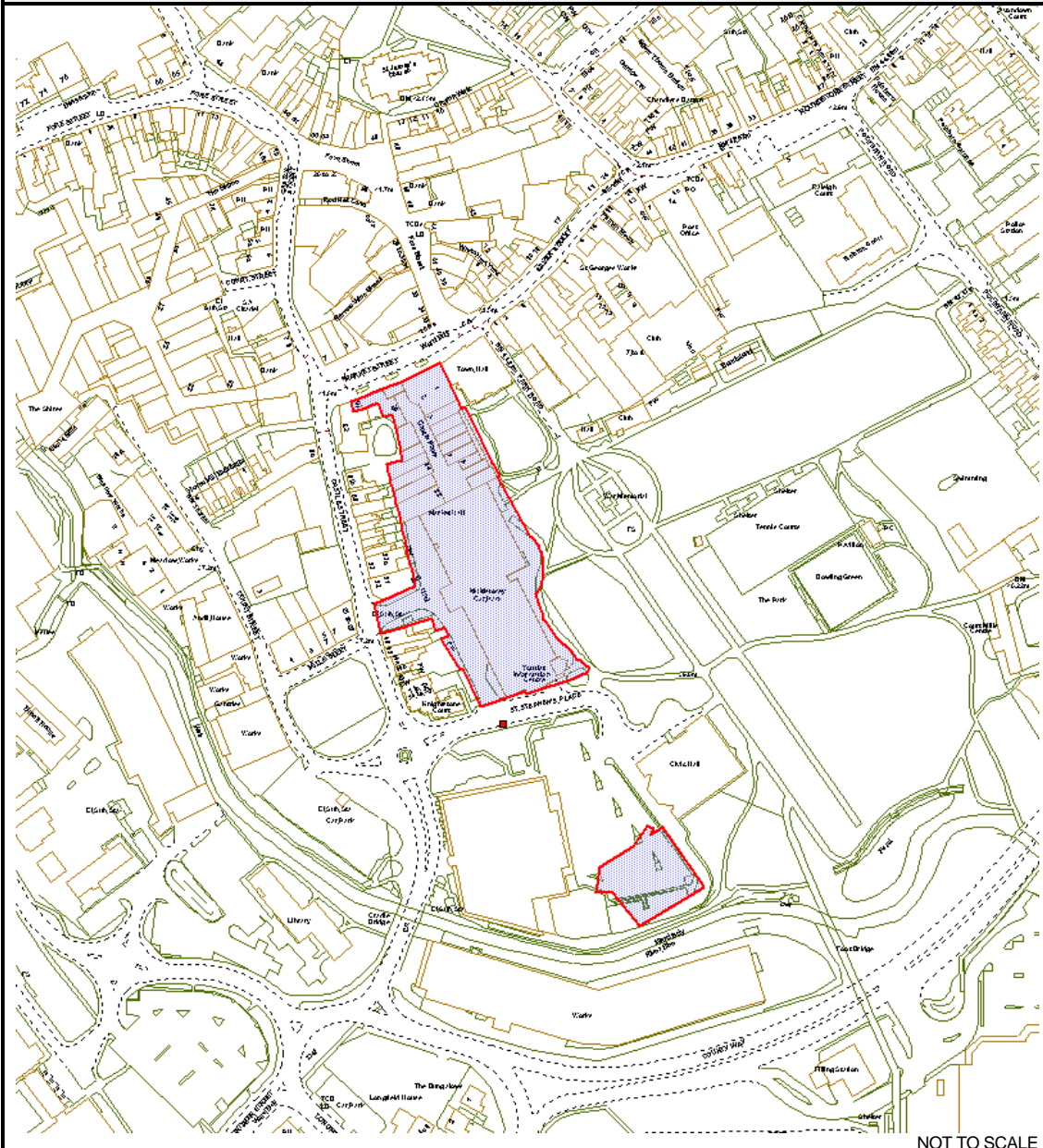
PLANNING COMMITTEE

17 November 2005

ITEM NO: 02

APPLICATION NO: 05/01001/FUL

LOCATION: Castle Place Shopping Centre And Former Tesco Site St Stephens Place Trowbridge Wiltshire



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SLA: 100022961

02 Application: 05/01001/FUL

Site Address: Castle Place Shopping Centre And Former Tesco Site St Stephens Place Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 385694 157727

Application Type: Full Plan

Development: Refurbishment and extension of the castle place shopping centre, the construction of a new multi-storey car park with retail use at ground floor, plus additional car park deck to St Stephens retail centre

Applicant Details: Thyian Investment Limited
C/o Jersey Trust Co. PO Box 1075 Elizabeth House 9 Castle Street St Helier

Agent Details: OSEL Architecture Limited
26 Oldbury Place London W1U 5PR

Case Officer: Mr Peter Westbury

Date Received: 23.05.2005 Expiry Date: 22.08.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

The Development Control Manager be authorised to issue the Decision Notice following the satisfactory completion of a Section 106 Agreement to secure the applicants and their successors compliance with the car parking strategies for the town, to secure shop mobility bays and associated offices and to ensure the provision of adequate car parking during the construction phase. In the event that the application is not called in by the First Secretary of State, the Development Control Manager be authorised to issue the decision in accordance with the Committee's resolution.

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, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C14 & C15.
- 3 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.

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

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10 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.

- 11 The retail premises shall be used for non food goods and for no other purpose, including any other purpose in Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

REASON: Because the use hereby permitted is acceptable whereas other uses within the same use class may not be.

- 12 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 3 Classes A and C of the Order, in respect of the A3 uses 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.

POLICY: West Wiltshire District plan - 1st Alteration 2004 - Policy SP3.

- 13 Prior to the commencement of any work on site details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Local Planning Authority. the work shall be carried out in accordance with the approved details.

REASON: In order to ensure the development is satisfactory and in the interest of public safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because of its significance to the Trowbridge Urban Development Framework (UDF) and the Council's interest in the land which forms part of the application site.

This is an application for full planning permission for the refurbishment and extension of the Castle Place shopping centre, the construction a replacement multi-storey car park with retail use at ground floor. The frontage of the Castle Place Shopping Centre is listed and accordingly an application for Listed Building Consent has been submitted (05/01002/LBC). This is pending consideration.

Members will recall that an application for full planning permission for the refurbishment and floor uses of the Castle Place Shopping Centre and car park, including entrance from people's car park and redevelopment of former Tesco's site to provide 5,313 sq.m. (Class A1), 909 sq.m (Class A3) and 980 sq.m. (Class D2) floorspace with 171 parking spaces was granted planning permission on 4 February 2005 (04/01306/FUL). This application proposal is for the details of Phase 2 of this overall scheme. There was a requirement within the legal agreement attached to this earlier permission that this application be lodged by 31 May 2005 and should Members be minded to grant planning permission there is a requirement that the retail that forms part of this application will be available to let by 30 September 2009.

The application site is located within the town centre and within the Trowbridge Conservation Area.

To the north is the retail centre of Trowbridge whilst the south is St. Stephens Place and the former Tesco's site, the buildings on which have now been demolished. This site has the benefit of planning permission for its redevelopment. To the east on Market Street is the Old Town Hall. To the west are retail and food and drink facilities properties on Castle Street and Cradle Bridge.

The application site has an area of 0.95 hectares. There are a mixture of uses which currently occupy the building on the site, including A1 Retail (including an indoor market) and D2 leisure uses and the existing multi-storey car park.

The Application Proposals

At ground floor level the proposal includes the replacement of the existing market hall and associated service rooms with 4 A1 units and associated service buildings. The existing walkway between the Park and the existing Shopping Centre will be refurbished including the provision of a colonnade walkway, involving the loss of some parkland.

The exact distribution of uses is as follows:

Office Space	817 m2
Retail Space	7,775 m2
Storage or other floor area	1,204 m2

Internally the proposal includes an improved access from the Park, including the provision of two lifts.

Above the ground floor, the proposal includes the refurbishment of the existing Shopping Centre including the installation of an escalator. The proposal also includes an additional retail unit within the proposed multi-storey car park, which will overlook St. Stephen's Place. Access to this additional retail unit would be gained from a staircase from the St. Stephen's Place and from the car park itself.

Above this level, the existing leisure centre will be replaced with a refurbished market hall with associated service rooms. The proposal also includes the provision of additional office accommodation at this level. The application proposal also includes alterations to the size of plant rooms at this level.

The application proposal also includes the demolition of the existing multi-storey car park at the site and its replacement with a five deck car park to be located above a retail unit. The access and exit from the proposed car park will be from a ramped entrance immediately to the east of the one way access for service vehicles. The existing car park has 365 car parking spaces and will be replaced with 375 spaces including the provision of 10 spaces for the disabled, located in close proximity to the refurbished shopping area and 5 dedicated staff spaces.

The external appearance of the Shopping Centre at Market Street will remain unchanged. Although the proposal does include improved linkages with the Old Town Hall.

The external elevations of the replacement multi-storey car park and refurbished shopping centre will include a mixture of glazed and timber cladding.

The delivery of the development

A range of requirements were placed on the developer of this site alongside more normal planning requirements, these included fixed timescales for future phases including completion of the former Tesco redevelopment by September 2006 and completion of the Castle Place redevelopment by September 2009. Bonds with HSBC secure the delivery of these elements. These were negotiated in relation to the Section 106 agreement to the earlier planning permission (04/01306/FUL).

CONSULTATION REPLIES

- TROWBRIDGE TOWN COUNCIL: No objection to the proposal.

Would welcome confirmation that provisions will be made for alternative car park provision for the town centre during construction.

- CONSERVATION OFFICER: No objection. Detailed comments form part of the report on the sister application for Listed Building consent being heard tonight.

- ENVIRONMENTAL HEALTH: No objection subject to the imposition of conditions.

- ECONOMIC DEVELOPMENT: Support the application.

"We are fully supportive of this proposal and see it as adding further strong commercial development to the Trowbridge UDF as well as contributing to one of the District Council's spotlights for improvement, 'Improving our Market Towns'.

The site is close to and complimentary to the Old Tesco Site currently under development, maximising the opportunity to develop a specialist retail area in the town.

According to the Trowbridge Economic Impact Study 2004, the sustainable redevelopment of Trowbridge could allow for surrounding areas to use this growth to complement their own markets, adding further economic benefits to the district."

- WILTSHIRE COUNTY PLANNING AUTHORITY: No comments received on this application.

Comments submitted in respect of 04/01306/FUL remain relevant:

"The retail assessment was submitted with the application. However the issues of need, turnover, sequential test and retail impact have effectively been superseded by the recent decision letter for the Ushers site and it is the deliberations of the Secretary of State that have primarily been relied on in these comments.

Need - by 2010 capacity will increase to £25.1 million, thus the Castle Place car park proposal would be acceptable at that time.

Sequential Test - Following the Secretary of State's conclusion in the Ushers case, it flows that there is no need to examine further compliance with the sequential test in respect of this proposal. However, this relates to a design date of 2007 and there is therefore a need to establish that the Castle Place car park proposal will not prejudice local plan proposals for the Castle Street/Court Street site in 2010 when residual capacity would amount to £18.2 million. Therefore the current proposal is considered to be acceptable under the sequential test.

Retail impact - As the former Tesco site is smaller than the Ushers site, there is no need to re examine retail impact in addition, there would appear to be little likelihood that the Castle Place car park proposal would produce other than minimal impact in 2010.

Implementation - the Secretary of State acknowledged that there was a clear quantitative need for further comparison goods floorspace in Trowbridge. It is also clear that further notable retail development (i.e. further to the Tesco site proposal) could not be approved in the immediate future. Therefore if this application is approved it is essential that it is implemented immediately and it is therefore strongly considered that normal time limit conditions are inappropriate and such more stringent conditions should apply. In addition steps should be taken to ensure that the former Tesco site proposal cannot be kept alive in perpetuity by a start on the Castle Place scheme. There is also a need to ensure that the Castle Place scheme is not implemented before 2008."

Other matters-

- The proposal should not operate as a food supermarket or similar without further strategic retail consideration.
- There should be no opportunity to create additional mezzanine floors without further strategic retail consideration.
- If the application were to be considered for approval it will be subject to the Town and Country Planning (Shopping Directive)(England and Wales) Direction 1993.

- HIGHWAY AUTHORITY: Comments awaited.

- ENVIRONMENT AGENCY: Object

The site lies within Flood Zone 2 of the River Biss. A Flood Risk Assessment is called for by Section 20 of PPG25. Further details were submitted in respect of the earlier permission (04/01306/FUL).

- WESSEX WATER: No objections.

- ENGLISH HERITAGE: No objections.

- WILTSHIRE CC ARCHAEOLOGIST: No objection subject to the imposition of conditions.

- TROWBRIDGE CIVIC SOCIETY: Support but state:

"We are concerned about the provision of adequate car parking facilities during the progress of the work. Will the developer be providing/funding some alternative provision or some form of park and ride facility."

PUBLICITY RESPONSES

The proposal was advertised by a site and press notice and the neighbouring properties were notified.

One local trader object on the following grounds:

- The width of the access road is too narrow
- The existing car park should be refurbished. Vital car parking space would be lost during construction.

One letter of representation has been received from a resident concerned that the proposal will result in the introduction of charging for the use of the refurbished car park.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

DP1	Sustainable Development
DP4	Towns and Main Settlements
DP5	Town Centres, District Centres and Employment Areas
DP6	Shopping
HE7	Historic environment

West Wiltshire District Plan - 1st Alteration 2004

C16	Archaeological Investigation and recording
C18	New development in Conservation Areas
C19	Alterations in Conservation Areas
C20	Change of use in Conservation Areas
C22	Demolition in Conservation Areas
C23	Street Scene
C25	Shopfronts
C27	Listed Buildings
C28	Alterations and extensions to Listed Buildings
C31a	Design
C32	Landscaping
T10	Car parking
SP1	Town centre Shopping
SP4	Primary Retail frontage
SP5	secondary Retail frontage

Supplementary Planning Guidance
Trowbridge Urban Design Framework

Planning Policy Guidance Notes/Statements

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPG13	Transport
PPG16	Archaeology and Planning

RELEVANT PLANNING HISTORY

04/01306/FUL - Refurbishment and floor uses of Castle Place Shopping Centre and car park, including entrance from people's park and redevelopment of former Tesco's site to provide 5,313sq m (Class A1), 909sq m (Class A3) and 980sq m (Class D2) floorspace with 171 parking spaces - Permission 04.02.05

05/01002/LBC - Refurbishment and extension of the Castle Place Shopping Centre, the construction of a new multi-storey car park with retail use at ground floor - Pending.

PLANNING OFFICER COMMENTS

The earlier planning permission for the redevelopment of this and the former Tesco's site has established the principle of this redevelopment. Nevertheless, the main issues in the consideration of this application are whether it complies with Development Plan policy and whether there are material considerations to outweigh the policy.

Development Plan Policy

Policy SP1 is relevant. It states that the District Council will permit further retail development within the town centre commercial areas of West Wiltshire, provided that the following criteria is met.

A) The development forms part of the primary retail frontage;

The primary retail frontage extends into the Castle Place shopping centre. The application proposal is therefore consistent with this section of the policy.

AA) The development sustains the range or quality of shopping provision and does not harm the vitality and viability of these centres.

In respect of both the redevelopment of the Castle Place Shopping Centre and the former Tesco's site the proposal is for the retail (A1) floorspace to be used as non food outlets. In the recent decision on the former Ushers site, the First Secretary of State concluded that need should only be considered on the cumulative effects of recently completed or outstanding permissions, there are no suitable or viable sequentially preferable sites in Trowbridge or any other town centre in the catchment area and that there was a clear quantitative need for further comparison goods floorspace in Trowbridge.

The application site forms part of the primary retail frontage, it would provide the retail link to the Former Tesco's site and forms an integral part of the improvement for the Urban Design Framework Plan for this part of Trowbridge and the Park.

As this proposal involves primary retail frontage there is no requirement to undertake a sequential test. Both the decision of the First Secretary of State in respect of the former Ushers site and the approval of retail development on the ex-Tesco site suggest that the scale of retail development proposed is appropriate to the scale and function of Trowbridge centre.

There is a requirement to consider the retail impact on surrounding towns. Again arising from the decision in respect of Ushers, the Secretary of State was satisfied that the trading of that proposal on existing town centres would be minimal.

In terms of impact on the vitality and viability of the town centre, the proposals will have no adverse impact.

B) The development is in keeping with the scale and character of the centre;

The proposed refurbishment will be in scale and character with the town centre. The existing building is clearly in need of refurbishment to reflect its important location in the centre of the town. The application proposal involves the addition of a car park floor. This would raise the height of the building when viewed from St. Stephens Place from approximately 19m to approximately 24m tall at its highest point. In the context of the height of the existing building, this is considered to be in character with the character of the original and in scale and character with the existing town centre.

C) The development is easily accessible by foot, bicycle and public transport.

The application site occupies a location in the centre of Trowbridge. The main bus routes through the town stop outside the Town Hall to the north of the site. The site is also easily accessible to the railway station. The proposed refurbishment will also improve the accessibility of the shops within the site for pedestrians. For example the proposal includes the installation of escalators, which will improve circulation around the shopping area.

D) The development makes adequate provision for car parking and access.

The application proposal will improve the standard of car parking for the Castle Place shopping centre. The present car park is cramped and sub-standard. The application proposal involves the provision of 376 parking spaces, including 5 dedicated to staff parking and 10 disabled spaces.

The proposals can therefore be regarded as complying with Development Plan policy.

Design

The design overall is considered to represent a significant improvement to the existing building on the site.

The Urban Design Framework sets out some useful design guidance for this site. The UDF seeks to achieve a new active frontage to the park, including new retail units entrancing onto the park frontage, perhaps by means of a colonnaded pedestrian walkway. The application proposals seek exactly that, together with additional paving to reinforce the pedestrian route. This will create an attractive walkway between the shopping centre and the park.

The UDF seeks to achieve a new illuminated glass atrium facing the park. Whilst the proposals do involve achieving more light into the central mall through an overhead atrium, the proposal do not seek to open up the elevation to the park above ground floor level. Nevertheless, it is considered that the proposed undulating timber panels mixed with glazing will help to unify the elevation in design terms. It is considered though that an opportunity for creating an active frontage on to the park has been missed. Nevertheless, the proposed design will not be out of character with this part of the town. It will create an attractive backdrop for the Park.

The UDF states that any refurbishment should respect the old Town Hall. As there are no proposals to significantly alter the Market Street frontage, the proposals can be regarded as being appropriate. The current proposals will involve no increase in the heights of buildings on Market Street.

The UDF does state that the building height should be 3-5 storey buildings up to 14m in height. The application proposal involves up to 6 storeys to a height in excess of 21m. This is a substantial increase, especially in comparison with the existing multi-storey building.

The UDF identifies stone and glass as key materials for the frontage to the park. The proposals involve the use of a range of materials, predominantly red and buff brickwork and natural timber, but no stone. Therefore the clear guidance has not been followed. It is nevertheless considered that the details of the materials to be employed in the construction of the building can be controlled by condition.

Assessment of the impact on retail in the town and District

The conclusion is, therefore, that in terms of retail impact, the proposal would not have any significant adverse impact.

The impact of the proposal on the Conservation Area

Proposals for development in the Conservation Area should both preserve and enhance the area.

In this case, the proposal would preserve this part of the area by virtue of ensuring that this important town centre location does not fall into a state of decay. The proposal would do little to enhance the conservation area. The proposed design is considered to be broadly in keeping with its surroundings and consistent with the advice for the site contained in the UDF.

Other material considerations

Car parking provision during construction

The representations received indicate that a main concern surrounding the development is the provision of car parking during the construction phase.

It is proposed that the legal agreement to be entered into will include a clause requiring the provision of car parking during the construction phase.

Furthermore, the application proposal has been amended to remove the reference to the extra deck of parking proposed for the former Tesco's site. This is now the subject of a separate application for full planning permission.

Trees

The applicants have provided a plan indicating which trees will be protected. Members will see that a condition is proposed to secure a detailed landscaping scheme before development commences on the site.

Security

The security and general safety has also be considered especially for the public frontages, in particular the frontage on to the Park. This area would be overlooked. However, the improved security further, the applicants have agreed to install a CCTV system. A condition is proposed to secure an appropriate security system for the car park in particular to the satisfaction of the Council's Community Development Section.

CONCLUSION

The principle of the redevelopment of the site is established with the planning permission granted earlier this year. This proposal is consistent with the Development Plan policy and the Trowbridge UDF. The material considerations do not outweigh this policy consideration.

The proposal is acceptable in principle and would redevelop a site that has been vacant for some considerable time, rehabilitate the existing Castle Place precinct and car park, would create a riverside frontage and would help to create interest in the regeneration of Trowbridge. Although there are still some questions over the flood risk and car parking details, it is likely that these can be resolved by the Committee meeting. The design details are on the whole acceptable and would create a more interesting street scene than exists at present. The application is therefore recommended to the Committee.

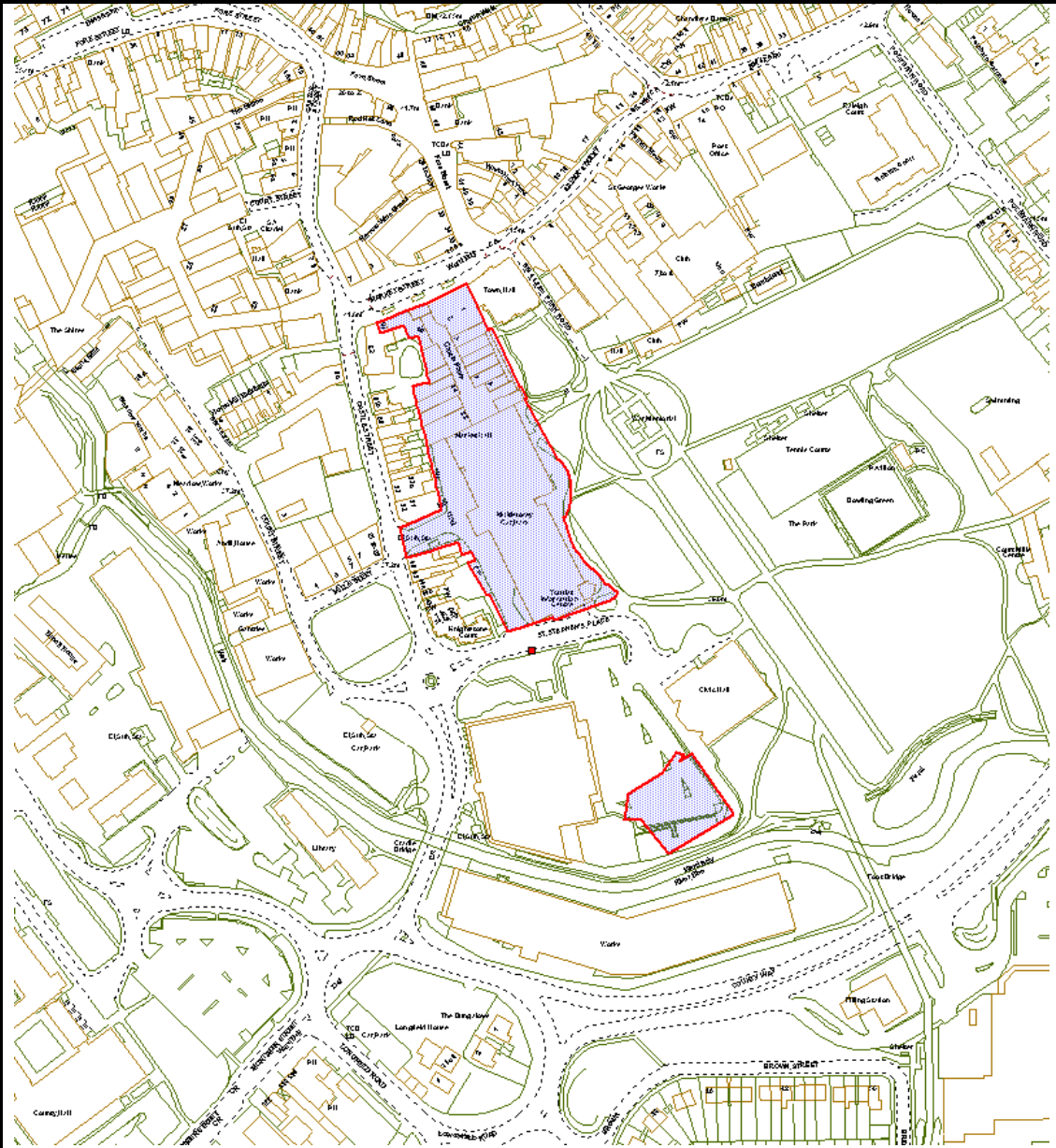
PLANNING COMMITTEE **17 November 2005**

17 November 2005

ITEM NO: 03

APPLICATION NO: 05/01002/LBC

LOCATION: Castle Place Shopping Centre And Former Tesco Site St Stephens Place Trowbridge Wiltshire



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

www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 05/01002/LBC

Site Address: Castle Place Shopping Centre And Former Tesco Site St Stephens Place Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 385694 157727

Application Type: Listed building

Development: Refurbishment and extension of the castle place shopping centre and the construction of a new multi-storey car park with retail use at ground floor

Applicant Details: Thyian Investments Limited
C/o Jersey Trust Co. PO Box 1075 Elizabeth House 9 Castle Street St Helier

Agent Details: OSEL Architecture Limited
26 Oldbury Place London W1U 5PR

Case Officer: Mr Peter Westbury

Date Received: 23.05.2005 Expiry Date: 18.07.2005

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

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 development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because of its significance to the Trowbridge Urban Development Framework (UDF) and the Council's interest in the land which forms part of the application site.

This is an application for Listed Building consent for the refurbishment and extension of the Castle Place Shopping Centre and the construction of a multi-storey car park with retail use at ground floor level.

The application site is located within the town centre and within the Trowbridge Conservation Area.

To the north is the retail centre of Trowbridge whilst the south is St. Stephens Place and the former Tesco's site, the buildings on which have now been demolished. This site has the benefit of planning permission for its redevelopment. To the east on Market Street is the Old Town Hall. To the west are retail and food and drink facilities properties on Castle Street and Cradle Bridge.

The listing description is described as follows:

"Former Market Chambers. Now only skin deep front to modern shopping mall. 3 storeyed stone building in Italianate style with gabled central attic."

The Application Proposals

The application proposals include no alterations to the frontage identified in the listing above. The details of the proposals for the Castle Place Shopping Centre and Multi-storey car park involve their refurbishment and reconstruction. The details of which are set out in your report in respect of 05/01001/FUL.

CONSULTATION REPLIES

- TROWBRIDGE TOWN COUNCIL: No objection to the proposal.

ENGLISH HERITAGE: No objections.

PUBLICITY RESPONSES

The proposal was advertised by a site and press notice and the neighbouring properties were notified.

No representations were received in respect of the application for Listed Building consent.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 Historic environment

West Wiltshire District Plan - 1st Alteration 2004
C27 Listed Buildings
C28 Alterations and extensions to Listed Buildings
C31a Design

Supplementary Planning Guidance
Trowbridge Urban Design Framework

Planning Policy Guidance Notes/Statements

PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

04/01306/FUL - Refurbishment and floor uses of Castle Place Shopping Centre and car park, including entrance from people's park and redevelopment of former Tesco's site to provide 5,313sq m (Class A1), 909sq m (Class A3) and 980sq m (Class D2) floorspace with 171 parking spaces (Permission 04.02.05)

05/01001/FUL - Refurbishment and extension of the Castle Place Shopping Centre, the construction of a new multi-storey car park with retail uses at ground floor (Pending)

KEY PLANNING ISSUES

The main issues to consider are whether the proposal complies with Development Plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

Policies HE7 and C27 state that the architectural and historic heritage of the plan area will be safeguarded from inappropriate development. In this respect, the proposals have been reviewed by the Council's Conservation Officer who is satisfied that the proposals will protect the important façade to Market Street identified in the listing. The detailing of the links between the Old Town Hall and the application site are seen as critical to ensuring that this proposal has no detrimental impact on either the two Listed Buildings. Relevant conditions are proposed to ensure this.

Policy C28 refers to form, features of architectural or historic interest, the historic fabric and the character of the historic building. In this respect the proposal is considered to be consistent with this policy, although the Conservation Officer notes that the detailing of the link between the site and Old Town Hall will require careful attention. This can be achieved through the imposition of conditions to achieve a high standard of materials.

CONCLUSION

For these reasons, this application is regarded as consistent with Development Plan policy. There are considered to be no material conditions to outweigh this and accordingly this application is supported. The character of the Listed Building would be preserved and enhanced.

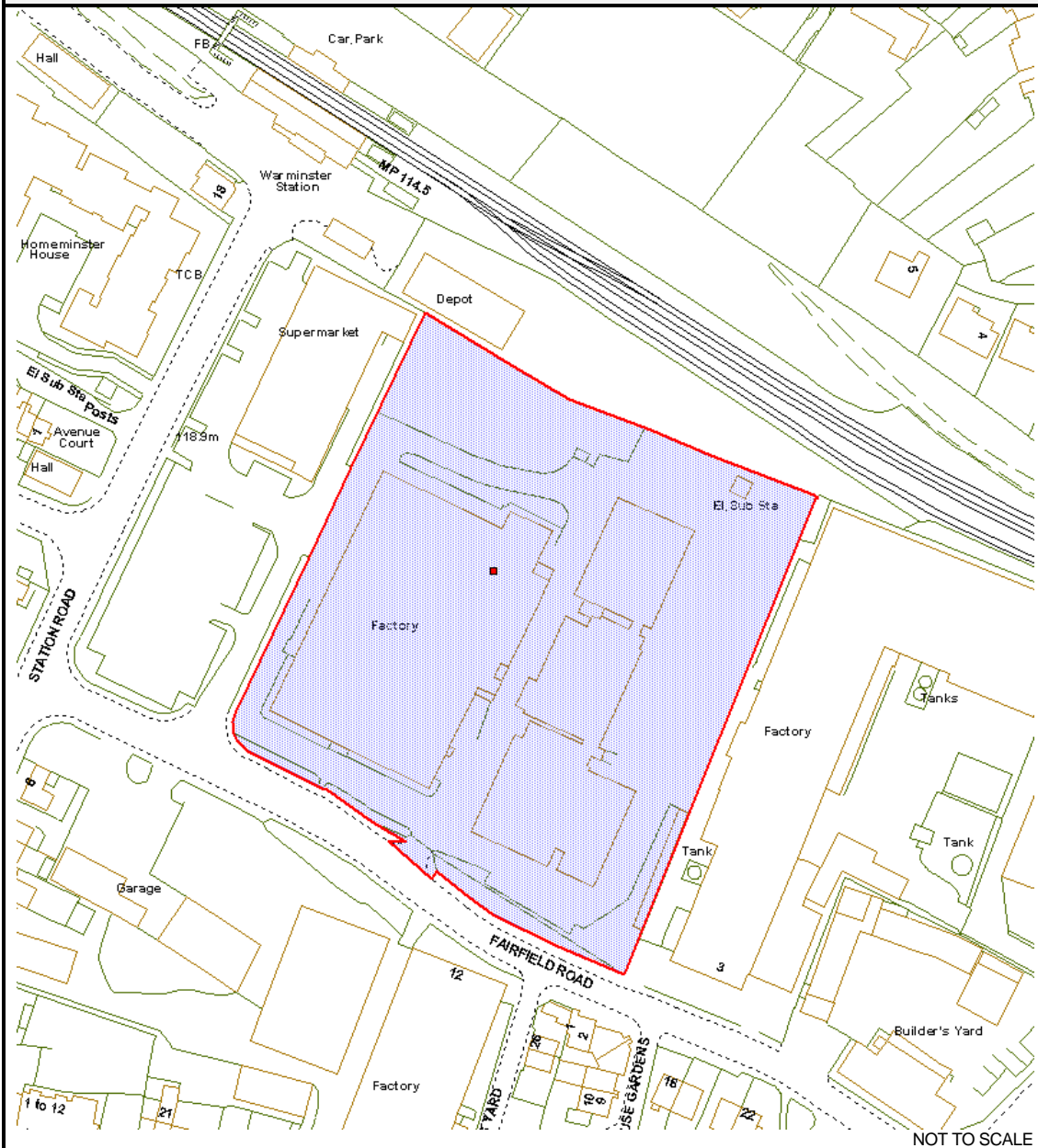
PLANNING COMMITTEE

17 November 2005

ITEM NO: 04

APPLICATION NO: 05/01113/FUL

LOCATION: Land North Of Fairfield Road Warminster Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 05/01113/FUL

Site Address: Land North Of Fairfield Road Warminster Wiltshire

Parish: Warminster Ward: Warminster East

Grid Reference 387798 145189

Application Type: Full Plan

Development: Re-development of site to form retail units, associated access, parking and landscaping

Applicant Details: Castlemore Securities Ltd
C/o G L Hearn The Malt House Sydney Buildings Bath BA2 6BZ

Agent Details: G L Hearn
The Malt House Sydney Buildings Bath BA2 6BZ

Case Officer: Mrs Rosie MacGregor

Date Received: 09.06.2005 Expiry Date: 08.09.2005

JUSTIFICATION REASON:

Although the proposed site is identified as an Urban Brownfield Housing Allocation there are material considerations that would justify the granting of permission.

RECOMMENDATION: The application be referred to the First Secretary of State under the provisions of the Town & Country Planning (Shopping Direction) (England & Wales) (No. 2) Direction 1993 and as a Departure from the Development Plan. Planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision and to the prior completion of a Legal Agreement to secure:

A contribution of £20,000 towards highway works.

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 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.

- 4 The amount of retail floorspace permitted on the site shall not exceed 4,600m² Gross Internal Area, excluding the garden centre, and no additional internal floorspace shall be created (for example by the installation of mezzanine floors) without the prior written permission of the Local Planning Authority.

REASON: In order to ensure that retail floorspace is not provided on the site in a way which would alter the basis of provision assessed by the retail study.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies SP1 & SP3..

- 5 The retail units hereby permitted may not be sub-divided in such a way that the large retail unit (Unit 4 shown on Plan 3333-01 J) has an internal ground floor area of less than 2,400 m² and that any other individual unit has a ground floor area of less than 465m² without the prior written permission of the Local Planning Authority.

REASON: In order to ensure that retail floorspace is not provided on the site in a way which would alter the basis of provision assessed by the retail study and by the sequential approach.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies SP1 & SP3.

- 6 The retail units shall not be used for food sales (other than ancillary food sales) without the prior written permission of the Local Planning Authority.

REASON: In order to ensure that retail floorspace is not provided on the site in a way which would alter the basis of provision assessed by the retail study.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies SP1 & SP3.

- 7 The large retail unit (Unit 4 and garden centre shown on Plan 3333-01 J) hereby permitted shall be used for the sale of building and DIY supplies and garden centre goods, and ancillary sales of floor coverings, furniture and furnishings and electrical products, and ancillary goods associated with these product ranges, and for no other purpose (including any other purposes in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

REASON: In order to ensure that retail floorspace is not provided on the site in a way which would alter the basis of provision assessed by the retail study.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies SP1 & SP3.

- 8 The development hereby permitted shall not begin until a scheme of suitable noise attenuation works has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

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

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

- 9 Commercial vehicles (including forklift trucks) shall only be started up, manoeuvred, operated, loaded or unloaded between the hours of 07.00 and 21.00 Mondays to Saturdays and between 08.30 and 17.00 on Sundays.

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

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

- 10 The hours of delivery to and from the site shall be restricted to Monday to Saturday 07.00 to 21.00 hours, and on Sundays 09.00 to 17.00 hours.

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

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

- 11 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.
- 12 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.
- REASON: To minimise the risk of pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.
- 13 All surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- REASON: To minimise the risk of pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.
- 14 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.
- REASON: To prevent pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.
- 15 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.
- 16 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.
- 17 Prior to the commencement of any development the site shall be subject to:
- i) site investigation and risk assessment works for chemical contamination;
 - ii) works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
 - iii) remediation validation works

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

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

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

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

REASON: In the interests of public health and safety.

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

- 19 The proposed footpath link from the cycleway to the retail units shall incorporate a splay on its southern side to the rear of the cycleway based on co-ordinates of 2.0 metres by 2.0 metres and which shall be kept free of obstruction above a height of 1600mm at all times.

REASON: In the interest of highway safety.

- 20 No building shall be occupied until the highway works, comprising the site access and cycleway, have been constructed to the satisfaction of the Local Planning Authority.

REASON: In the interest of highway safety.

- 21 No building shall be occupied until a Travel Plan has been submitted to and approved by the Local Planning Authority.

REASON: In the interest of highway safety.

- 22 No building shall be occupied until ??? of the management of the car park have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety.

- 23 The development hereby permitted shall not be occupied until visibility splays of 4.5 metres by 70 metres shown on the approved and certified plan have been provided with no obstruction to visibility at and above a height of 600mm above the adjoining carriage level. The visibility thereafter shall be maintained free of obstruction at all times.

REASON: In the interest of highway safety.

- 24 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel, and the parking spaces shall be formally laid out and marked on the site) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 25 Details of the type of barrier and the means of operation shall be submitted to and approved by the Local Planning Authority prior to its installation and the barrier at the entrance to the site shall remain open at all times during trading and delivery hours.

REASON: In the interest of highway safety.

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

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

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

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

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

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

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

- 27 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.

- 28 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.

Note(s) to Applicant:

- 1 Surface water shall be disposed to a soakaway/infiltration system designed and constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".
- 2 Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant/agent.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee as it is a Departure from the Development Plan which officers are recommending for permission.

The site of 1.5 hectares currently comprises the factory buildings last occupied by a B2 general industrial user. The site is now available for redevelopment as a result of the relocation of the former user.

The site is situated outside, but close to the Conservation Area, the boundary of which is in alignment with the boundary to the adjoining supermarket.

The site is surrounded by, a supermarket to the west, a transport yard and railway land to the north, a seafood processing plant to the east, and (on the opposite side of Fairfield Road) a mixture of commercial and residential land to the south.

This is a full planning application for a retail development.

The proposals would result in the formation of five retail units. These would comprise three retail units of approximately 557m², one unit of approximately 2,416m² together with a garden centre of 785m², and a fifth unit of approximately 465m². The application has been revised as part of the planning process to delete a drive-through restaurant originally proposed and to replace this with the fifth retail unit.

The existing access to the site would be closed off and a new access formed from Fairfield Road which would include a combined cycleway/footpath of 3 metres width on the frontage, together with visibility splays leading into the site. Pedestrian access would be provided within the site together with 140 car parking spaces and landscaping. Deliveries to Units 1 to 4 would be to the rear of those units and deliveries to Unit 5 would be to the side of that unit.

The landscaping would include the retention of trees which are the subject of the TPO on the rear of the site, but would involve the removal of some TPO trees within the proposed delivery area. These trees were made the subject of a TPO order when it was previously proposed that the site would be developed for residential use. These are young mature trees and it was originally intended that these would provide a buffer between the site and the railway line and depot to the rear in order to protect residential amenity.

The proposed buildings would be constructed on the front elevation from a mix of brickwork with horizontal cladding at high level under a profiled metal sheet roof. The sides and rear of the buildings would be clad in vertical sheet cladding with a brick plinth. The design of the buildings has been revised as part of the planning process.

The application was accompanied by additional documentation comprising of a Planning Statement, a Retail Assessment and a Transport Assessment Report. Subsequently a further Design Statement and Supplementary Retail Assessment was submitted. The applicants have also submitted a Waste Audit and a Tree Appraisal of the existing trees.

The applicants state that approximately 80 staff would be employed at the premises.

CONSULTATION REPLIES

- WARMINSTER TOWN COUNCIL: Supports the scheme.

- HIGHWAY AUTHORITY: The Transport Assessment is considered to be acceptable.

The revised cycleway arrangement is acceptable, and fits in with the County Council's proposed scheme for Fairfield Road.

The required contribution towards the pedestrian refuges to aid pedestrian movements in the vicinity of the site, is £20,000.

There are no highway objections subject to conditions being attached to any permission granted.

Any permission should be withheld pending the completion of a legal agreement with the County Council to secure the highway works and the contribution of £20,000 towards the pedestrian refuges.

- WESSEX WATER: No objection in principle, though offsite mains reinforcement will be required and the developer would be expected to contribute to infrastructure charges.

- STRATEGIC PLANNING AUTHORITY: There is a quantitative and qualitative need for some further development in Warminster and, based on a desirable increase in market share, the proposal is considered to be of a type and scale that should compliment and enhance the role and function of the existing centre. The proposal does not appear to raise sequential approach issues that require strategic retail comment. Having regard to the benefits that should occur to Warminster over time, a 5% level of retail impact upon the town centre is considered to be entirely acceptable. Having regard to the likelihood of linked trips, "clawback" and "spin-off" trade, the proposal should lead to a reduction in the overall distance travelled by car. There is a need to limit any permission solely to the proposal as presented. The proposal is subject to the provisions of the Shopping Direction.

INTERNAL WWDC CONSULTEES

- PLANNING POLICY:

Relevant Policy and Guidance

Policies covering the main planning issues in this application are as follows: PPS6

Wiltshire Structure Plan 2011 DP6

West Wiltshire District Plan - 1st Alteration 2004 Cl8, C31a, H3, SP1, SP3 Design Principles SPG

Key Issues

The site is allocated in the adopted Local Plan as a brownfield site for the development of 98 houses. The development of this site for retail uses is therefore contrary to the Local Plan.

A previous permission subject to a legal agreement to develop the site for 48 houses was never completed, I understand, due to environmental issues related to the adjacent seafood factory and railway. I accept therefore that the planning history has demonstrated that the policy notional capacity of 98 dwellings was over optimistic and that even a scheme for 48 dwellings has raised unresolved environmental issues.

The loss of this site from a housing use to another use would not have a significant impact on the ability of the Local Plan to deliver the overall housing land supply for the District by 2011 as there is currently a reasonable surplus of proposed provision. The target of 50% brownfield completions was reached in 2005/6 and in any event the Local Plan has built in an allowance for a 20% non completions rate on allocated brownfield sites. The loss of this site is therefore not significant in terms of brownfield completions. The loss of this site could have an impact on the delivery of affordable housing from town sites as 12 affordable houses were proposed in the previous planning application. However, the environmental problems on the site equally apply to the delivery of affordable homes and so the delivery of any affordable homes from this site is equally in question.

Notwithstanding the above issues, the site is located within the commercial area boundary at an edge of town centre location. Therefore, any proposal must comply with the requirement of policy to demonstrate that there are no suitable and viable sites available within the nearby town centre. PPS6 adds that applicants must demonstrate flexibility in relation to their proposed business model when considering whether a town centre site could be more appropriate, especially in terms of the scale, format and scope for disaggregation of buildings and in terms of car parking provision. However, Local Planning Authorities must be realistic when assessing whether alternative sites are suitable, viable and genuinely available.

In this case, the applicant requested at an early stage the advice of officers on the scope of their sequential analysis and the applicants subsequently assessed the appropriate town centre and other edge of town centre sites. I am satisfied that the applicants have demonstrated that there are no suitable town centre sites available which could accommodate a DIY and garden centre unit and that this site is therefore suitable to accommodate this use in terms of the sequential test contained in policy and PPS6. I accept that the smaller units would benefit from high profile developments with anchor stores and that there are currently no available units currently in the town centre of the size proposed in this application. Without details of the proposed operators of these units it is difficult to examine whether proposed business models could be varied in accordance with PPS6.

For edge of town applications, applicants must also demonstrate retail need for the proposals and that they would not adversely affect the vitality and viability of nearby centres. The advice of the County Council's retail expert is relevant to assess need and retail impact.

Aspects of design and impact upon the conservation area are the subject of separate comments from the Council's Urban Design Officer.

Conclusions

Although the proposal is contrary to the adopted Local Plan allocation of this site for housing, the planning history has demonstrated problems with developing the site for housing. The loss of this site from a housing use would not have a significant impact on achieving housing targets.

In retail terms, the proposals are in accordance with the policy requirements to demonstrate compliance with the sequential approach.

Matters of retail need, design quality and impact on the conservation are subject to separate comments.

Policy Recommendation - Acceptable in policy terms.

- URBAN DESIGN AND CONSERVATION OFFICER: It should be understood that this consultation response refers only to matters of design and conservation.

It is recognised that warehouse style retail by its very nature is large, often overbearing when located in the centre of a historic town, and requires large visually prominent parking courtyards to the front of the site.

In this case there are essentially three approaches in terms of creating contextual reference through the choice of materials;

- to complement the immediate surroundings
- to chose materials which would historically be reflected in an industrial warehouse building;
- or to use materials characteristic of the historic core.

Red brick which is predominant in the immediate surroundings is identified as potentially harmful to the town centre in the design statement, this has no justification and is not supported by the character of buildings across Warminster. Red brick would also traditionally be associated with historic warehouse buildings across the district, consequently a more industrial design incorporating red brick could be considered more appropriate.

The yellow brick in particular is not a traditional material in this locality and according to the design statement has been chosen because it would be similar in appearance to the colour of the natural stone buildings within Warminster. This is clearly not the case.

Nevertheless, these buildings have a modern feel and the use of cladding proposed would contrast significantly with the use of a red brick. Consequently, the only alternative would be to use a natural stone for the bottom section of the buildings which is unlikely to be favoured by the developers due to cost and may not visually work with the overall design concept and the rest of the proposed materials. Therefore, I do not propose to recommend more contextually appropriate materials, however the finish colour of the brickwork will need to be carefully considered with reference to the colour of stone rather than just yellow brick.

The overall scale of the buildings is such that they will be difficult to relate to the historic town centre. The design aims to minimise the impact of the building mass by creating horizontal and vertical rhythm braking up the frontage. Understandably all of the features remain considerably bulky. Again bearing in mind the overall design approach and use of materials it is unlikely that this design can create more visual interest in the front elevation. However, it is accepted that this is an improvement on standard tin shed forms of warehousing and whilst I feel a town centre location justifies a more visually interesting design approach and a stronger contextual reference, if the principle of warehousing is acceptable in this location this type of development has its limitations and bearing in mind the character of the immediate surroundings I think there are insufficient design grounds to refuse this proposal.

With regard to the site layout, this is a standard warehousing courtyard arrangement, which in itself is not attractive and does not conform with policy C31a, however it is accepted that it is not at odds with adjacent site layouts and is a commercial requirement for warehouse development. Therefore whilst it is desirable for the parking to be less prominent and have less impact on the street scene, it is accepted that this layout is unlikely to change and landscaping can be used to soften the impact.

- ENVIRONMENTAL HEALTH: No objection in principle subject to conditions.

NON STATUTORY CONSULTEES

- WARMINSTER CIVIC TRUST: Although it is sad that plans for additional housing did not materialise, The plan offered now presents us with a dilemma that such a retail site has the potential to attract large numbers of people to the town centre. It will enviably bring more traffic, not least additional HGV's (a figure of 50 vehicle journeys per day has been quoted). This will add to the number of HGV's anticipated when the adjacent land seafood development is in operation.

The last thing we need is additional HGV's driving through the market place/high street. We therefore need an HGV route plan for the town which will ensure HGV's enter the town from the bypass by route which will avoid the town centre as far as possible.

It is noted that the county highways are in consultation over weight restriction on routes approaching Warminster from the west. This should be extended to include the routes into the town itself and with additional signage for HGV's at the bypass junctions.

PUBLICITY RESPONSES

The application has been publicised by Site Notice and by press advertisement and neighbours have been notified.

Objections have been received from four interested persons.

The objections are as follows: -

- There are already sufficient vacant retail premises to meet demands for retail space. There are currently approximately 18 vacant units and not so long ago an independent study concluded that Warminster had 14 too many shop units.
- There are already existing businesses in the town supplying the types of products and services that are likely to be provided
- The development is opposite a residential area and would be likely to disturb local residents
- Fairfield Road is a reasonably quiet road in terms of traffic volume and the proposals will create a traffic problem in the town centre
- The railway bridge at Imber Road is weak and is in need of repair and additional heavy goods vehicles will not help the situation
- Heavy goods vehicles going through the centre of town are likely to cause damage through vibration to some of the historic listed buildings in the town centre
- Traffic hazard for children and other pedestrians as a result in the increase in traffic
- This area was originally specified for low-cost housing and no other similar are designated as such in the town centre
- The design is not in keeping with the traditional architecture of Warminster town centre. Any development should be in keeping with the traditional nature of local architecture in an area where there are listed buildings
- There has been insufficient public debate or consultation about this with Warminster residents
- This type of development would be more suitable on an out-of-town site rather than in the middle of the town
- Inappropriate choice of materials
- The proposals would be prejudicial to the operation of the adjoining seafood factory as a result of increase vehicular traffic and pedestrian activity, security, fire risk, health and safety, and litter
- Noise disturbance from the seafood factory.

RELEVANT PLANNING POLICY

01/00277/OUT - Outline application for 98 dwellings - Withdrawn 23.11.01

02/01149/OUT - Outline application for 48 dwellings - Pending - Approved in principle 13.02.03 subject to the prior completion of a Section 106 Legal Agreement.

RELEVANT PLANNING HISTORY

Wiltshire Structure Plan 2011
DP6 Shopping centres

West Wiltshire District Plan - 1st Alteration 2004
C18 Conservation Areas
C31A Design
H3 Urban brownfield allocations
SP1 Town centre shopping
SP3 Out of centre shopping

Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG4	Industrial and commercial development in small firms
PPS6	Planning for town centres
PPS23	Planning and pollution control
PPG24	Planning and noise

KEY PLANNING ISSUES

The key issues relating to this application are Development Plan policy, acceptability of retail development in this location, design and impact on the nearby Conservation Area, transportation and highway safety.

PLANNING OFFICER COMMENTS

The proposal does not conform to the Development Plan because the site is identified as a brownfield housing allocation. However, a previous proposal, granted in principle, subject to a Legal Agreement to develop the site for housing has not been determined. Furthermore, because of the proximity of the site to the railway line, a seafood factory and supermarket, there are significant environmental issues that would need to be overcome if the site were ultimately to be developed for housing. The site was identified as being suitable for 98 dwellings, but this was found to be over optimistic bearing in mind the need to resolve environmental issues, such as the proximity of any housing on the site to the factory, railway and supermarket, and for that reason a scheme for 48 dwellings was considered an acceptable alternative. The previous proposals would have provided 12 affordable houses, but the issues of residential amenity would still have to be overcome. The Council's Planning Policy Section has taken the view that the environmental problems relating to the site do not make it ideal for housing and that its loss as a residential development would not have a significant impact on the overall housing supply within the district.

The site is located within the commercial area of the town and both the Council's Planning Policy Officer and the Strategic Planning Authority support the proposed retail use of the site as there is a quantitative and qualitative need for further retail development in Warminster. The proposal is of the type and scale that would complement and enhance the existing town centre function.

The design of the proposed buildings are of a contemporary style of design and construction normally associated with retail development of this type. Although the use of yellow brick is not traditional in a town where red brick predominates, these buildings are not of a traditional format or appearance and the use of contemporary building materials and of yellow brick is considered acceptable. Furthermore, the buildings interesting design details such as, albeit it of a standard warehouse format, have been designed in such a way as to facilitate the use of brick. Their appearance would not be out of context with the adjoining seafood factory or the supermarket. The development of the site in the manner proposed is consistent with the adjoining site layouts and is typical of contemporary commercial developments.

Although the proposal would result in the loss of a small group of trees which are currently the subject of the TPO, this was imposed when the former retail development was under consideration in order to protect the future residential amenity. Some of these trees will be retained as part of the future landscaping scheme, and there is no longer a need to provide a barrier to overcome noise and vibration between the residential development and the railway line. Further landscaping is proposed on the site frontage which would provide the development with a green setting, and the Conservation Area boundary is sufficiently far away to prevent any harm to the character or setting of the Conservation Area.

Although the objectors have raised issues of highway safety, the Highway Authority is satisfied that the current proposals are acceptable subject to a Section 106 Agreement and restrictive conditions.

The application was advertised in accordance with the requirements of the relevant legislation both as a major development and as a Departure from the Development Plan.

Although it has been suggested that the proposals would have a harmful impact on other town centre retailers, the Strategic Planning Authority is satisfied that there is a need for further retail development close to the town centre. An out-of-town development would not be likely to be acceptable under Council policy and would be far more likely to harm the vitality of the town centre.

It is unlikely that the proposals would generate any more significant nuisance to neighbouring land uses than the existing B2/B8 use if the site were still fully operational. Although the neighbouring seafood factory is concerned that there will be complaints of noise nuisance against them, this is far less likely to be a problem than if there was a residential development, and any such nuisance, if it did occur, would be controlled by other legislation.

CONCLUSION

This site is located within the commercial area in an edge of town location which is considered appropriate for retail development and in within a sustainable location close to public transport, and within walking distance of the adjoining retail area of the town.

There are material considerations that would justify the granting of planning permission contrary to the Development Plan because of the environmental issues relating to the provision of residential units on the site. All outstanding matters can be overcome by condition and by Legal Agreement and there is no reason why permission should not be granted in principle subject to the application first being referred to the First Secretary of State both as a Departure from the Development Plan, and under the requirements of the Shopping Direction.

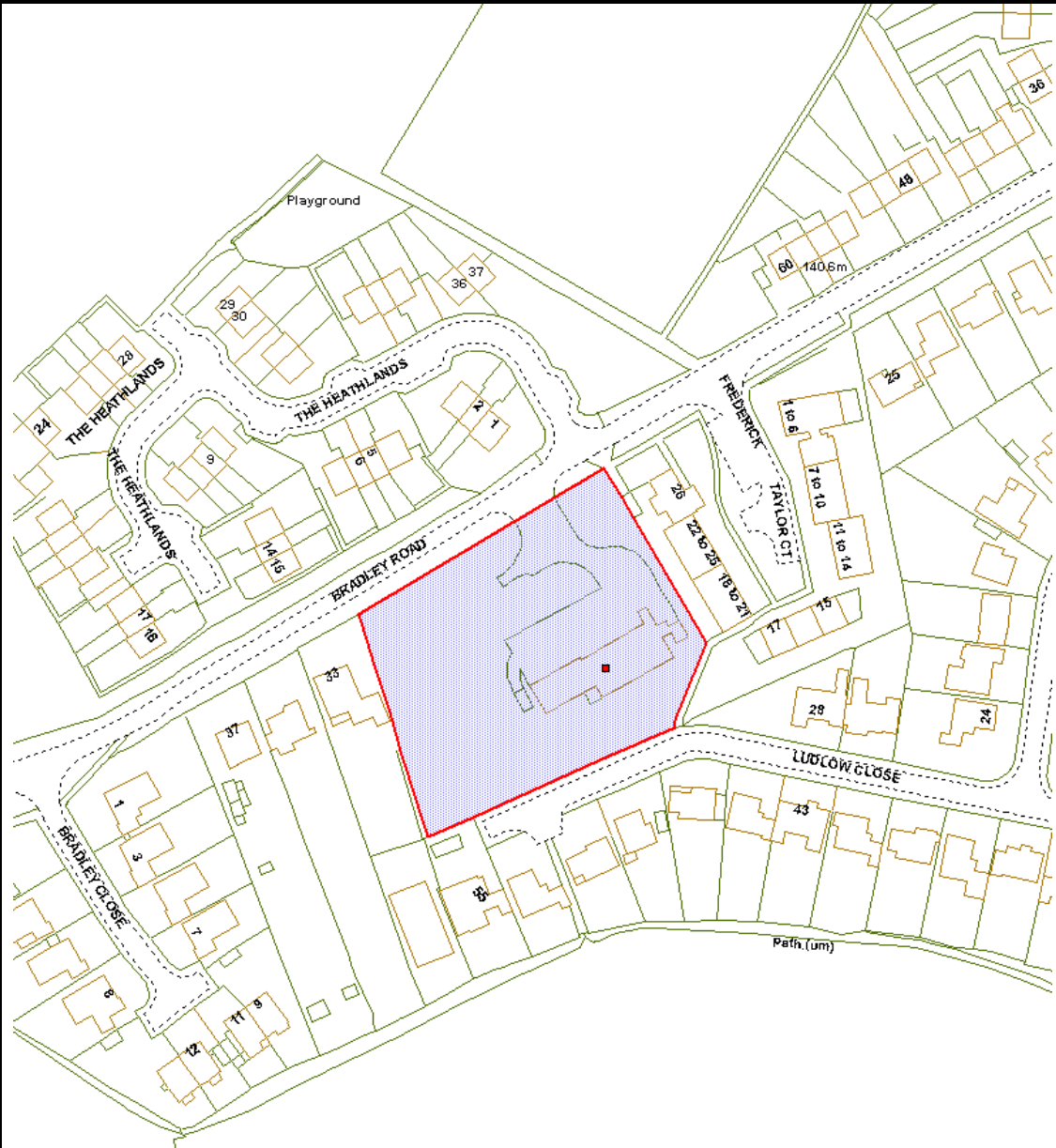
PLANNING COMMITTEE

17 November 2005

ITEM NO: 05

APPLICATION NO: 05/02141/FUL

LOCATION: Ambulance Service 31 Bradley Road Warminster Wiltshire
BA12 8BN



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 05/02141/FUL

Site Address: Ambulance Service 31 Bradley Road Warminster Wiltshire BA12 8BN

Parish: Warminster Ward: Warminster West

Grid Reference 386608 143943

Application Type: Full Plan

Development: Erection of 25 dwellings, ranging from 2 bed to 4 bed.

Applicant Details: Hills Property Ltd
Ailesbury Court High Street Marlborough Wilts SN8 1AA

Agent Details: Peter Kent Architect
Brandon House Brownleaze Lane Potterne Devizes SN10 5PA

Case Officer: Mr Matthew Perks

Date Received: 19.09.2005 Expiry Date: 19.12.2005

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 begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & 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 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.
- The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres out side the group canopy.
- Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.
- If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.
- The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete
- REASON: To ensure that existing trees of value are adequately protected.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.
- 6 The details submitted pursuant to condition 1 of this planning permission shall include provision for a cycle/pedestrian link between Bradley Road and Ludlow Close.
- REASON: In the interests of accessibility and highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration - Policies T11 & T12.
- 7 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction commences. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority as part of the design details.
- REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.
- POLICY: West Wiltshire District Plan 1st Alteration H24.
- 8 A two metre wide footway across the entire Bradley Road site frontage shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any dwelling.
- REASON: In the interests of pedestrian and highway safety.
- 9 No development approved by this permission shall be commenced until a scheme for the provision and the implementation of surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

- 10 The development hereby permitted shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 11 The driveways shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON : In the interests of highway safety.

- 12 Works shall take place in accordance with the document "Method Statement for the works required to lay paved footpath under retained TPO tree" submitted with the application, subject to any revision necessary for the protection of the tree that may be deemed necessary by the Local Planning Authority.

REASON: To safeguard the protected tree on the site and to ensure a satisfactory landscaped setting for the development.

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application involving alterations to certain of the house designs in the previously permitted scheme for 25 dwellings at the old ambulance station, 31 Bradley Road. (Ref. 05/00592/FUL).

The proposals involve the addition of conservatories/breakfast rooms to the rear of 2 of the dwellings (House Type "GG" on the original plan) and the change to window cill heights to the front and rear elevations at ground floor level of house types "F" and "G". The changes to the Type GG dwellings would occupy a single-storey footprint of $\pm 7\text{m}^2$, and would not affect any street elevations. The fenestration changes to the other units are in keeping with the approved plans, and are being made in order to improve the internal layout of the dwellings.

The overall layout of the site has not changed from the scheme previously approved.

SITE AND SURROUNDING AREA

The site is situated on the south east side of Bradley Road, Warminster, within a residential area, on the south side of the town. It has an area of approximately 0.48 hectares. There is a Tree Preservation Order on a Horse Chestnut tree centrally located adjacent to the southern boundary of the site.

The site is relatively even, sloping gently from west to east, with a high point towards the south western corner.

The old ambulance station buildings have been demolished and the site largely cleared.

The surrounding area is characterised by a mixture of dwelling types. There are detached dwellings located to the south and west, located on fairly large sites (between 400m^2 and 900m^2 in extent). To the east the properties around Frederick Taylor Court are developed to a density of $\pm 60\text{units/ha}$. Across Bradley Road there is a mixed development of semi-detached and terraced double storey properties at a density of $\pm 31\text{units/ha}$.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objects to the proposal on the following grounds:
 - overdevelopment of the site;
 - adverse impact on the residents of Bradley Close, Ludlow Close, Frederick Taylor Court and Heathlands;
 - Increased traffic generation and highway safety;
 - Developers should be asked to contribute towards some form of off-site works and the footpath should be joined up to warrant safety of pedestrians.
- HIGHWAY AUTHORITY: Changes are to house designs only. No new highway comments.
- WESSEX WATER: No new comments
- ENVIRONMENTAL HEALTH: No new comments
- ENVIRONMENT AGENCY: No new comments.

PUBLICITY RESPONSES

The application was advertised to neighbours and a Public Notice was posted. 1 Letter of objection was received. The objection related to road safety issues associated with the width and surface of Bradley Road, parking and the intersection between Bradley Road and Deverill Road.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
DP7 Housing in towns and main settlements

West Wiltshire District Plan - First Alteration

- H1 Housing development within towns
- H24 New housing design
- C31A Design
- C32 Landscaping
- C37 Contaminated land
- C40 Trees
- T10 Car parking
- T11 Cycleways
- T12 Footpaths
- SPG Open space provision in new housing developments
- SPG Affordable housing
- PPG1 General policy and principles
- PPG3 Housing

RELEVANT PLANNING HISTORY

- 99/00857/OUT - Residential development - approved 20.08.01
- 04/00189/OUT - Residential development - approved 05.11.2004
- 05/00592/FUL - Erection of 25 Dwellings - Permission 14.07.2005

PLANNING OFFICER'S COMMENTS

The current application is for minor variations to the scheme already accepted by Committee on 14 July 2005 (Ref. 05/00592/FUL). The sole issue therefore is whether or not the alterations would alter the scheme to an extent that would result in a different decision from that made in respect of the permitted scheme.

No street elevations would be affected, the additional footprint would be minimal and the overall appearance of the scheme would be retained. The application should be permitted, but with the same conditions applied to the previous scheme. If members are minded to refuse this application, the applicants would continue to be at liberty to implement the earlier approved scheme.

The observations of the objector on road safety issues are noted, but the earlier application was approved without any requirement for off-site highway works. The Highway Authority has not raised the issue with either proposal and has no objection to the proposed layout. An earlier application for outline planning permission for residential development on the site (04/00189/OUT) was granted subject to a contribution of £30,000 towards the provision of public open space and payment for flood relief work, but also did not require any contribution towards roadworks. It would not be reasonable, where the current proposals have no different impact on traffic issues from the already approved development, to require a contribution in this case.

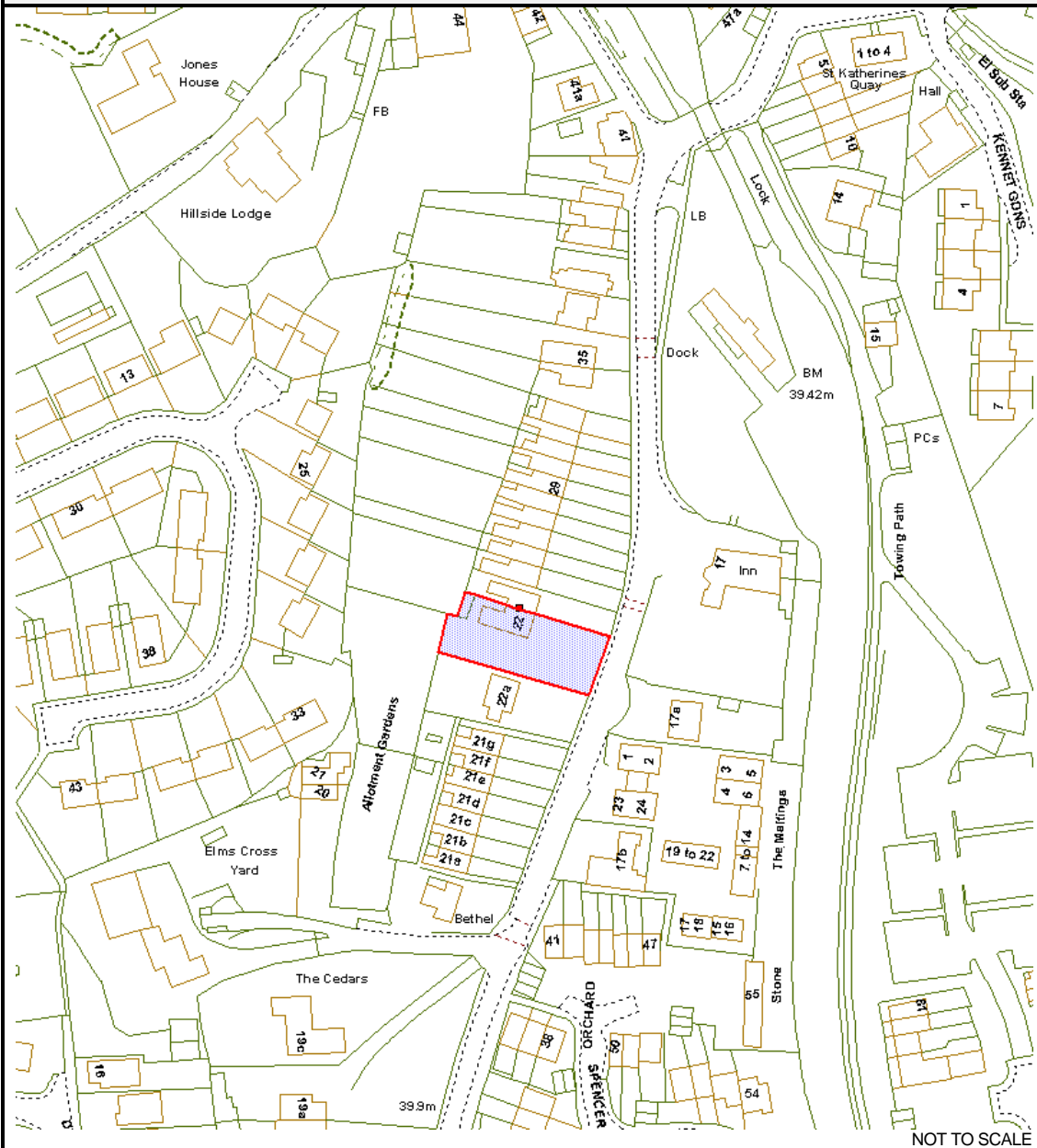
PLANNING COMMITTEE

17 November 2005

ITEM NO: 06

APPLICATION NO: 05/02083/FUL

LOCATION: 22 Frome Road Bradford On Avon Wiltshire BA15 2EA



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SLA: 100022961

06 Application: 05/02083/FUL

Site Address: 22 Frome Road Bradford On Avon Wiltshire BA15 2EA

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382490 160153
Application Type: Full Plan
Development: Garage
Applicant Details: Mr And Mrs D Bright
22 Frome Road Bradford On Avon Wiltshire BA15 2EA
Agent Details: Mr N J Clarke
3 Chelwood Bristol BS39 4NW
Case Officer: Mr James Taylor
Date Received: 13.09.2005 Expiry Date: 08.11.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal fails to respect the spatial characteristics of the area and would be detrimental to the street scene, contrary to Policy C31a of the West Wiltshire District Plan and the SPG Planning Design Guidance.
- 2 The siting and design of the proposed garage would appear unduly prominent to the detriment of the character and appearance of the Conservation Area, contrary to Policies C17 and C18 of the West Wiltshire District Plan and Policy HE7 of the Wiltshire Structure Plan 2011.

COMMITTEE REPORT

APPLICATION DETAILS

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

The proposal is to erect a double garage measuring 6.8 metres wide by 5.9 metres deep. The garage would be located to the front of the property in the garden area, with a hard standing and turning area between it and the highway. It would have a flat roof, which would be utilised as a patio area. The garage would be at the same level as the highway, but set back from this by 11 metres. It would be built into a garden embankment to the front of the house, 9 metres forward of the front elevation. The existing access to the highway would be unchanged.

The dwelling is a two-storey semi-detached property built of ashlar under a clay tiled roof, with a two-storey side extension of rubble stone with a dormer window to the first floor. There is a uniform street pattern with all the dwellings set back from the highway.

The site is within a Conservation Area. The properties in the locality are predominantly two-storey terraced or semi-detached dwellings. Only 3 of the properties have vehicular access.

CONSULTATION REPLIES

- BRADFORD ON AVON TOWN COUNCIL: No objection.

PUBLICITY RESPONSES

1 letter has been received in support of the proposal.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 Conservation Areas and Listed Buildings

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 Planning Design Guidance

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

93/00641/FUL - Vehicular access and parking - Approved 02.08.1993

94/00411/FUL - Access and parking (revision) - Approved 24.05.1994

99/00744/FUL - Two-storey extension - Approved 21.07.1999

02/00690/FUL - Extension and conservatory at number 22 and conservatory at number 23 - Approved 20.06.2005.

KEY PLANNING ISSUES

The main issues to consider with this application are the impact the proposal would have on the host building, street scene, and the character and appearance of the Conservation Area.

PLANNING OFFICER COMMENTS

PPG15 and Section 72 of the Planning (Listed building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area. This is reflected in the West Wiltshire District Plan 1st Alteration (2004) and the Wiltshire Structure Plan 2011, where both highlight that development should preserve or enhance the character of Conservation Areas.

This proposal would neither preserve nor enhance the character or appearance of the Conservation Area as the siting of the proposal fails to respect the spatial characteristics of the Conservation Area. All the properties on this side of the street are set back and raised above the road in a linear pattern. The proposed garage would be set in front of the houses by 9 metres, and below the main dwelling by several metres, which is road level. Siting in such a position would disrupt the spatial characteristics of the locality and cause harm to the character and appearance of the Conservation Area by dominating the street scene.

This is reinforced by the guidance contained in the SPG on house alterations and extensions which highlights that detached garages located in front of a house will not be encouraged as they can dominate the street frontage and detract from the main house. This proposal would have exactly that effect, dominating the street scene, and detracting from the semi-detached dwelling that it is associated with.

Although matching materials to the host building are proposed, the siting is inappropriate. It would have a dominant impact on the street scene and harm the spatial characteristics of the locality, to the detriment of the character and appearance of the Conservation Area.

CONCLUSION

The proposal would not respect the spatial characteristics of the area, and would dominate the street scene, and the character and appearance of the Conservation Area.

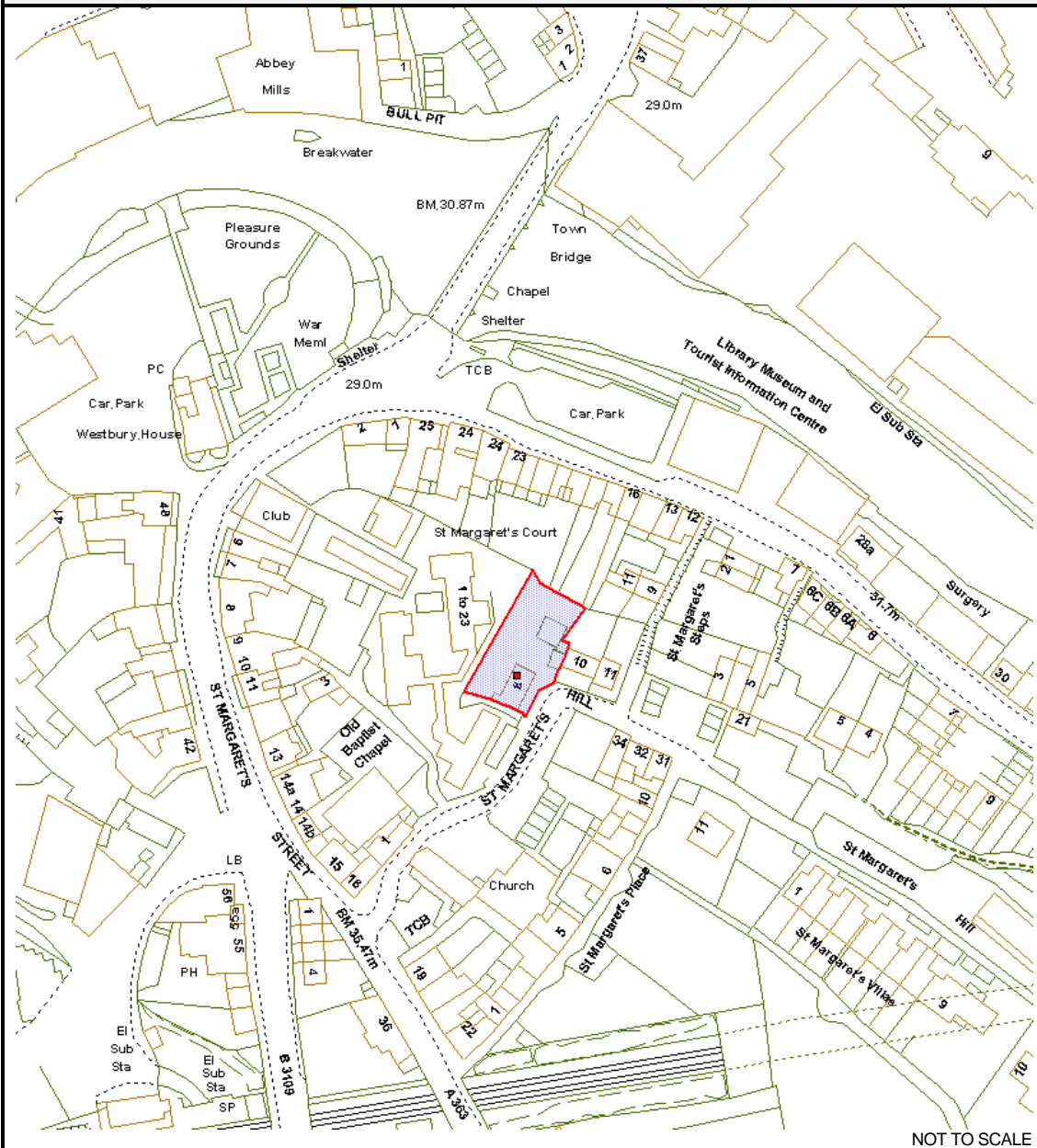
PLANNING COMMITTEE

17 November 2005

ITEM NO: 07

APPLICATION NO: 05/01867/LBC

LOCATION: 8 St Margarets Hill Bradford On Avon Wiltshire BA15 1DP



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SLA: 100022961

07 Application: 05/01867/LBC

Site Address: 8 St Margarets Hill Bradford On Avon Wiltshire BA15 1DP

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382621 160793
Application Type: Listed building
Development: Restoration of sundial, reconstruction of rear porch, renewal of roof lights
Applicant Details: Hilary Fassnidge
8 St Margarets Hill Bradford On Avon Wiltshire BA15 1DP
Agent Details: Martin Valatin Dip Arch
34 St Margaret's Hill Bradford On Avon BA15 1DP
Case Officer: Mr Mark Reynolds
Date Received: 18.08.2005 Expiry Date: 13.10.2005

REASON(S) FOR CONSENT:

The proposed works would not harm the character, integrity or setting of this listed building.

RECOMMENDATION: Consent

Condition(s):

- 1 The works hereby authorised shall begin not later than three years from the date of this consent.
REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 2 No works shall take place until samples of the materials to be used in the construction of the external surfaces of the porch hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.
REASON: To preserve the character of the Listed building.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 3 The rooflights shall be conservation type with a central glazing bar, and shall be fixed flush with the roof finish.
REASON: To preserve the character of the Listed Building.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council objects to the proposal contrary to Officer's recommendation.

This is an application to restore a sundial, reconstruct a rear porch and to replace rooflights at this Grade II Listed building. The application site is located in a Conservation Area.

CONSULTATION REPLIES

- BRADFORD ON AVON TOWN COUNCIL: The Town Council regrets the use of rooflights in this Listed building and consider the enlarged ones would adversely affect the character of the building contrary to District Plan Policy C28.

PUBLICITY RESPONSES

No comments received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

SPG - Supplementary Planning Design Guidance - Household Alterations and Extensions

PPS1 Delivering Sustainable Development
The Planning System: General Principles

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

84/01133/LBC - Insertion of new first floor window in southwest elevation - Consent 23.10.84

KEY PLANNING ISSUES

The main issue to consider in this application is the impact which the scheme would have upon the character, integrity and setting of this Grade II Listed building.

PLANNING OFFICER COMMENTS

Policy C27 states that the character of listed buildings will be protected and that planning permission or Listed Building consent will not be granted for any development that would adversely affect the character or setting of any Listed building.

Further Policy C28 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

A sundial appears to have previously existed on the frontage of this property. A stone tablet bears traces of having once been a sundial with a depression for the gnomon and faint hour lines. It is proposed to restore the sundial using a bronze gnomon. This alteration is considered acceptable and would restore what appears to be an interesting original feature of the building.

The existing porch on the north elevation is in poor repair. It is proposed to reconstruct the porch with an oak frame and lead cappings to the roof. The porch would not be increased in size and alterations to its appearance would be minimal.

The proposed rooflights are required because the current rooflights are leaking. The existing rooflights are of metal construction and were added at sometime during the first half of the twentieth century. Rooflights have therefore been a feature of this Grade II Listed building for quite sometime and prior to its being listed. There exist five metal rooflights which would be replaced with three timber rooflights. The existing rooflights stand proud of the roofline whereas the proposed conservation rooflights would fit in flush with the roof tiles. The applicant has calculated that the increase in the size of the windows is only approximately one third of a square metre. The reduced prominence of the rooflights above the roofline, and reduction in number, would in your Officer's opinion make the proposed replacement rooflights acceptable.

The existing building is suffering from water ingress at present and the local planning authority has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In this case the ingress of water is therefore an issue which Officers would wish to combat.

Whilst the Town Councils' comments regarding the use of rooflights are noted, rooflights have been in evidence at this property for some time and the proposed replacement rooflights are considered acceptable.

CONCLUSION

The proposed works would be in accordance with Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 and the works would preserve the character and integrity of this grade II listed building.

PLANNING COMMITTEE

17 November 2005

ITEM NO: 08

APPLICATION NO: 05/02256/FUL

LOCATION: The Lodge 20 Trowbridge Road Wingfield Wiltshire BA14 9LE



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 05/02256/FUL

Site Address: The Lodge 20 Trowbridge Road Wingfield Wiltshire BA14 9LE

Parish: Wingfield Ward: Southwick & Wingfield

Grid Reference 382368 157308

Application Type: Full Plan

Development: Two storey extension and conservatory

Applicant Details: Mr And Mrs N Brown
The Lodge 20 Trowbridge Road Wingfield Wiltshire BA14 9LE

Agent Details:

Case Officer: Miss Julia Evans

Date Received: 29.09.2005 Expiry Date: 24.11.2005

JUSTIFICATION REASON:

The proposal does not conform to the Development Plan, but there are very special circumstances which are that the planning history justifies the granting of permission.

RECOMMENDATION:

The application be referred to the First Secretary of State as a Departure from the Development Plan and planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision.

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it represents a departure to the development plan.

This is a full application for a two-storey extension and conservatory to the rear of The Lodge, 20 Trowbridge Road, Wingfield. The Lodge, is a detached rubble stone walled and stone tiled house lying within a large garden in the open countryside. The garden has a number of large mature trees within it, along with four timber sheds, a detached stone building and swimming pool.

The proposed extension would be to the rear of the building, occupying an area of level ground currently used for car parking. The two-storey extension would be constructed of stone walls and roof tiles to match the existing building, along with the use of leaded light windows, again to match the existing. The extension would provide an additional two bedrooms on the first floor, plus a bathroom and ensuite, along with a new kitchen, utility room, dining room and conservatory to the ground floor.

The house lies within the Western Wiltshire Green Belt.

CONSULTATION REPLIES:

- WINGFIELD PARISH COUNCIL: Have not responded.

PUBLICITY RESPONSES

The application has been advertised with a Site Notice, and neighbour notifications have been undertaken. No responses have been received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan - 1st Alteration 2004

GB2 The Western Wiltshire Green Belt

C31A Design

C38 Nuisance

SPG Planning Design Guidance

National Guidance

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

RELEVANT PLANNING HISTORY

90/01594/FUL - Two-storey extension - Permission 18.12.90

95/01358/FUL - Two-storey extension - Permission 10.01.96

00/01652/FUL - Two-storey extension and conservatory (renewal) - Permission 20.11.00.

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Planning history;
- Design;
- Impact on neighbouring amenity; and
- Impact on the Western Wiltshire Green Belt.

PLANNING OFFICER COMMENTS

This application is the second renewal of a scheme originally permitted in 1996 for a large two-storey extension to The Lodge. Prior to this, permission had been granted for a similar scheme which excluded the conservatory. Consequently, this is the fourth application for a large two-storey extension to this property, and this is, therefore, a material consideration in the processing of any subsequent planning applications.

The Lodge lies within the Western Wiltshire Green Belt, whereby Development Plan and Government Guidance states that approval will not be given, except in very special circumstances, for the limited extension of existing dwellings provided that it does not result in a disproportionate addition over and above the size of the original building. The current proposal is the second renewal of a scheme originally permitted in 1996. The proposed extension results in an increase in the size of the property by approximately 100%. In planning terms, the original permission and subsequent renewal of this very large extension cannot be regarded as "limited". However, the case has a planning history which needs to be considered in determining this application. Since 1996 there have been no changes in National or Development Plan policies concerning Green Belts. Consequently, the previous permissions are significantly beyond a level which would normally be acceptable in the Green Belt. However, the planning history means it would be difficult to refuse the application, so the particular circumstances of this case are such to warrant special justification. The proposal is, therefore, considered a Departure from the Development Plan, and it is a procedural requirement for it to be referred to the First Secretary of State before issuing a permission.

Since the last renewal of permission, the 1st Alteration of the West Wiltshire District Plan has been adopted, and unlike the 1996 adopted West Wiltshire District Plan it now contains a specific policy on design (C31A), which is supported by Supplementary Planning Guidance. This requires rear extensions to respect the host building in terms of proportion, design, and materials. The host building is constructed of rubble stone and Ashlar quoins with stone tiles to the roof, and is characterised by its materials, its steeply pitched gables, leaded light windows, and chimneys. The permitted and proposed extension shows no subservience of height or size to the host building, and has no chimneys to it. The applicant has proposed windows and materials to match the existing. However, notwithstanding the requirements of the SPG and Policy C31A, this extension has benefited from three previous permissions, and these particular circumstances warrant special consideration. Therefore, subject to conditions for matching materials, it is felt difficult to overturn previous decisions on this site.

The Lodge benefits from large gardens, which reduce the impact of the proposal on any neighbouring properties. Consequently no objection is raised to the proposal on this basis.

CONCLUSION

The successive renewals of this large extension are material considerations in the processing of this application, which override the requirements of the Development Plan. Permission is recommended, subject to conditions and the referral of the application to the First Secretary of State as a Departure from the Development Plan.

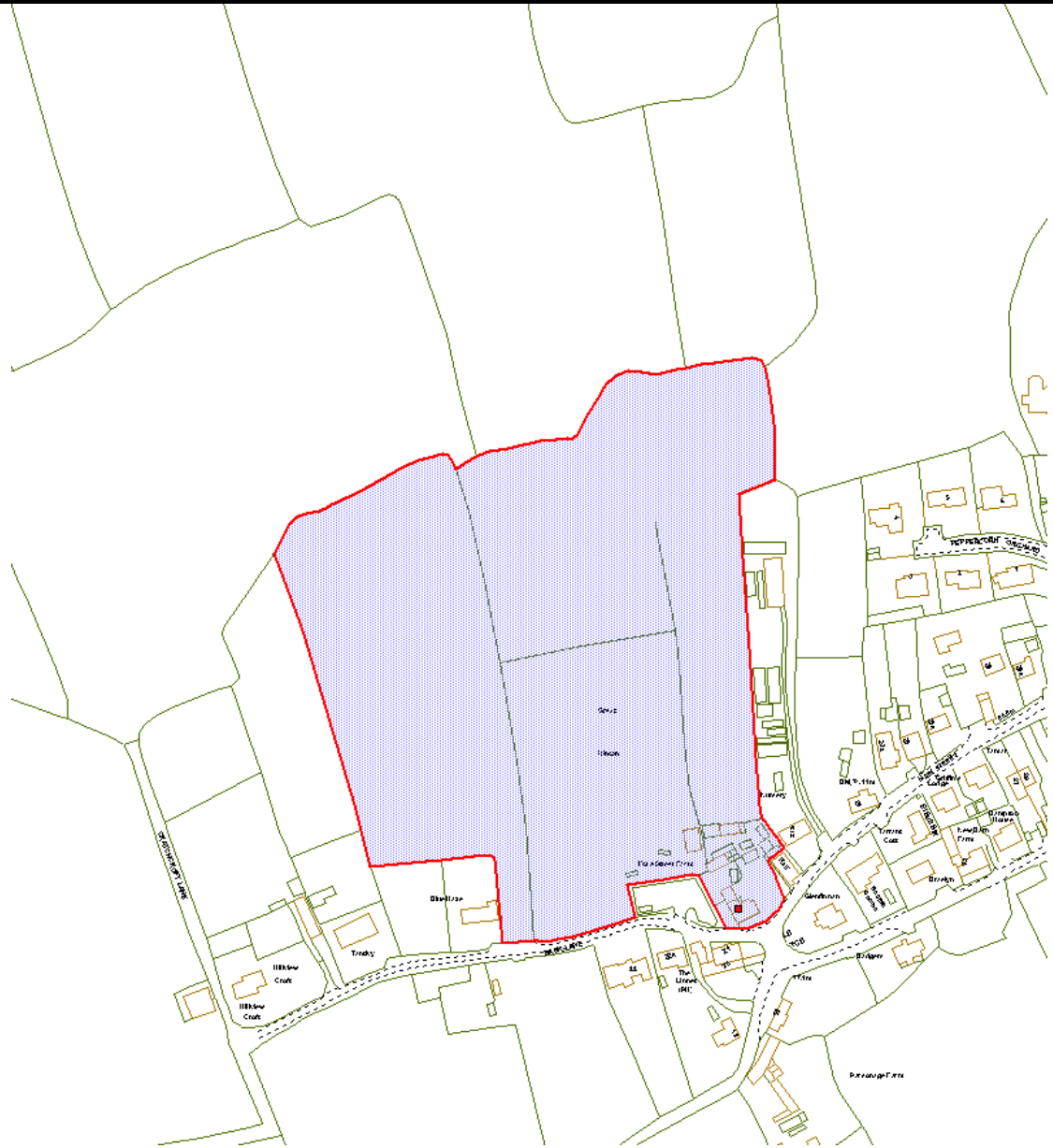
PLANNING COMMITTEE

17 November 2005

ITEM NO: 09

APPLICATION NO: 05/01780/FUL

LOCATION: Fore Street Farm 23 Back Lane Great Hinton Wiltshire
BA14 6BX



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SLA: 100022961

09 Application: 05/01780/FUL

Site Address: Fore Street Farm 23 Back Lane Great Hinton Wiltshire BA14 6BX

Parish: Great Hinton Ward: Summerham

Grid Reference 390718 159044

Application Type: Full Plan

Development: Detached agricultural barn

Applicant Details: Mr And Mrs S E Adams
3A Ireland North Bradley Trowbridge Wiltshire BA14 9PW

Agent Details: Ewart Adams And Son
Epsom House White Horse Business Park North Bradley Trowbridge
Wiltshire

Case Officer: Miss Julia Evans

Date Received: 10.08.2005 Expiry Date: 05.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 No development shall commence on the site until the public footpath which runs through the site of the building has been legally diverted.

REASON: In order to protect the public rights of way network.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies R11 & T12.

- 4 The development hereby permitted shall not be recommenced until details of roof, surface water and foul drainage details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies U1A, U2 & U4.

- 5 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.
- REASON: To minimise the risk of pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.
- 6 The development hereby permitted shall not be commenced until a method of storage and disposal of manure, which shall not include manure burning, has been approved in writing by the Local Planning Authority. Storage and disposal of manure shall thereafter be in accordance with the approved method for so long as the barn remains on the site, unless otherwise agreed in writing by the Local Planning Authority.
- REASON: To minimise the risk of pollution to the water environment, and nuisance to neighbouring properties.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies U1A, U2, U4 & C38.
- 7 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.
- 8 The development hereby permitted shall not be commenced until sectional drawings of the barn and any associated hardstanding areas have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
- REASON: Because the submitted drawings are inadequate in this matter, and in order to protect the visual appearance of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 9 The development hereby permitted shall not be occupied until the buildings to the north of Fore Street Farm have been demolished and the land restored, in accordance with details which have been approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
- REASON: To improve the setting of the Listed Building.

Note(s) to Applicant:

- 1 There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways or ditches.
- 2 You are advised that the barn is to be used for agricultural purposes only. Any other use may require planning permission for change of use.
- 3 You are advised that details of external lighting to the site need to be in accordance with the Institution of Lighting Engineers' "Guidance Notes for the Reduction of Light Pollution".

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought before the Planning Committee because the Parish Council objects and your officers are recommending permission.

This is a full application for the erection of a detached agricultural barn at Fore Street Farm, 23 Back Lane, Great Hinton. The proposed barn lies in the western corner of the field fronting Back Lane. The barn would be used for agricultural purposes, and is a replacement for the buildings that are to be demolished under permissions 03/01793/FUL, 04/02279/FUL and 04/02280/LBC. The proposed barn would measure approximately 12 metres (at its widest) by 31 metres by 6 metres (at its highest). The southern part of the building would be enclosed to provide secure storage, whilst the remaining part would be open-fronted. It would be constructed of timber feather edged boarding and green profile metal sheeting to the walls, with matching sheeting to the roof. As the land slopes downhill towards the north, the barn would be set into the landscape at the southern end by approximately 12 metre, and at the northern end raised by approximately half metre.

The barn lies in the western corner of a field that is bounded by mature hedgerows. The field is currently laid to grass, and a public footpath crosses the footprint of the building. The applicant has proposed to divert the footpath from its current position of diagonally transacting the field to running along the northern boundary of the field instead.

Fore Street Farm is a Grade II Listed Building.

CONSULTATION REPLIES

- GREAT HINTON PARISH COUNCIL: State: - "We refer to the above application and as a Council wish to record the strongest possible objection to the proposal on the following grounds:

"1) The large building will impact adversely not only on neighbouring properties but on the open rural character of the location. The size of the current agricultural unit is now relatively small and if storage is required there are alternative locations within the agricultural unit where such a building could be sited with significantly less impact on visual amenity.

"2) Given that a barn is not needed for the shelter of animals the siting would not seem to be critical.

"The Parish Council along with many other rural Parish Councils find it difficult to maintain free access to all public footpaths, but we value them greatly as a means of access to the countryside. We object very strongly to what we see as the unnecessary diversion of the public footpath. Even if the barn is sited in its proposed location we completely fail to understand why the footpath has to be subject to such a significant diversion rather than just a diversion around the perimeter of the building."

- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions relating to the footpath:

State: - "The proposed footpath diversion to GHIN16 needs to be provided to the satisfaction of the Rights of Way Officer and the appropriate legal order made for the diversion to be lawful (at the expense of the applicant). Concern has been expressed over the length of the diversion by the Rights of Way Officer and therefore I recommend the applicant contact the Rights of Way Section direct to discuss the diversion and ensure the appropriate procedures are followed and requirements met (tel: 01225 713344) before planning permission is granted.

- ENVIRONMENT AGENCY: No objection subject to informatives being added.

INTERNAL WWDC CONSULTATION REPLIES

- ENVIRONMENTAL HEALTH: "Have no adverse comments to make."

PUBLICITY RESPONSES

The site has been advertised with a Public Notice, and neighbour notifications have been undertaken. No responses have been received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

DP1 Priorities for sustainable development

DP15 Housing, employment and related development in the open countryside

C1 Nature conservation

C5 The water environment

C12 Agriculture

HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

C1	Countryside Protection
C6A	Landscape Features
C27	Listed Buildings
C31A	Design
C32	Landscaping
C35	Light pollution
C36	Noise
C38	Nuisance
R11	Footpaths and Rights of Way
E9	Agricultural Land
T12	Footpaths and Bridleways
U1A	Foul Water Disposal
U2	Surface Water Disposal
U4	Groundwater Source Protection Areas

National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG15	Historic Environment

RELEVANT PLANNING HISTORY

03/01793/FUL - Demolition of farm buildings, erection of a house, double garage and stables - Permission 23.03.04

03/02232/LBC - Removal of attached range of two pigsties within curtilage of Listed Building adjoining brick and tile outbuilding to be retained - Withdrawn 19.01.04

04/02279/FUL - Refurbishment of existing farmhouse, demolition of single storey rear extensions, construction of two-storey rear extensions and erection of garage/store building and extension of garden - Awaiting completion of Legal Agreement.

04/02280/FUL - Refurbishment of existing farmhouse, demolition of single storey rear extensions, and erection of garage/store building and extension of garden - Consent 05.08.05.

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Planning history and demolition of the existing farm buildings;
- Impact of the new building;
- Highways and public rights of way issues;
- Drainage and water quality matters; and
- Neighbouring amenity.

PLANNING OFFICER'S COMMENTS

This application has been submitted to provide replacement barns and storage for Fore Street Farm, Great Hinton. There have been two permissions on this site that allowed works to Fore Street Farm, which in addition to works to restore this Listed Building at risk, involved the demolition of the modern farm buildings to the rear of the historic buildings. The demolition of these structures was allowed to restore the historic character of the farmhouse and its associated outbuildings. The current proposal is to provide a replacement building for those that are to be demolished. The agricultural unit is 5.76 hectares of grassland, which the applicant uses for hay and silage.

The footprint of the existing buildings is approximately 20 square metres smaller than the proposal. The Parish Council raises concern that the applicant does not have any livestock on this small agricultural unit. However, in view of the demolition of the existing buildings within the setting of the Listed Building, their replacement to a less sensitive location is supported. The agricultural quality of the land is Grade II, and although Development Plan policy requires the protection of such land, the demolition of the existing barns and restoration of setting of the Listed Building is considered, on balance, to outweigh this consideration. However, a condition has been attached requiring the demolition of the buildings as specified in application 04/02279/FUL, before the occupation and use of the current proposal.

The Parish Council have objected to the size and location of the barn, stating that there are alternative locations for it. The proposal is not considered detrimental to the rural character of this area. It has been set down into the landscape, and the design and proposed materials are considered acceptable, and subject to conditions requiring details of samples, no objection is raised by the barn's proposed design. Its location within the corner of the field is considered acceptable, and means that it is partially screened by the existing hedgerows. However, the applicant has not provided details of any associated hardstanding or access tracks to the building. The creation of hardstandings and engineering operations that are reasonably necessary for the purposes of agriculture on agricultural units of 5 hectares or more is permitted development. However, because these details have not been provided within the application, conditions have been attached requiring sectional details of the engineering works required by the proposal.

Public footpath 16 runs diagonally across the field from its south-western corner to its north-eastern one. The applicant has proposed a diversion of it to run along the northern boundary of the field. The Highway Authority recommend no objection subject to a condition being attached requiring the diversion of the footpath. The applicant was also advised to contact the Rights of Way Officer at Wiltshire County Council and this has been attached as an informative. The applicant has verbally agreed to the footpath's diversion. The Parish Council has objected to the "unnecessary diversion of the public footpath." In light of the recommendation from the Highway Authority, no objection is raised subject to the suggested conditions and informatives.

The Environment Agency are satisfied with the principle of the development subject to conditions and informatives requesting the protection of the water environment.

The Parish Council consider the proposed barn will impact adversely on neighbouring properties. The nearest residential property is approximately 25 metres away. The barn would be screened by mature hedgerows, and set down within the landscape. The proposal is not considered detrimental to neighbouring amenity in view of its design and location, and subject to a condition concerning details of external lighting no objection is raised.

CONCLUSION

Subject to the suggested conditions, the proposal is considered acceptable, and in accordance with the development plan.

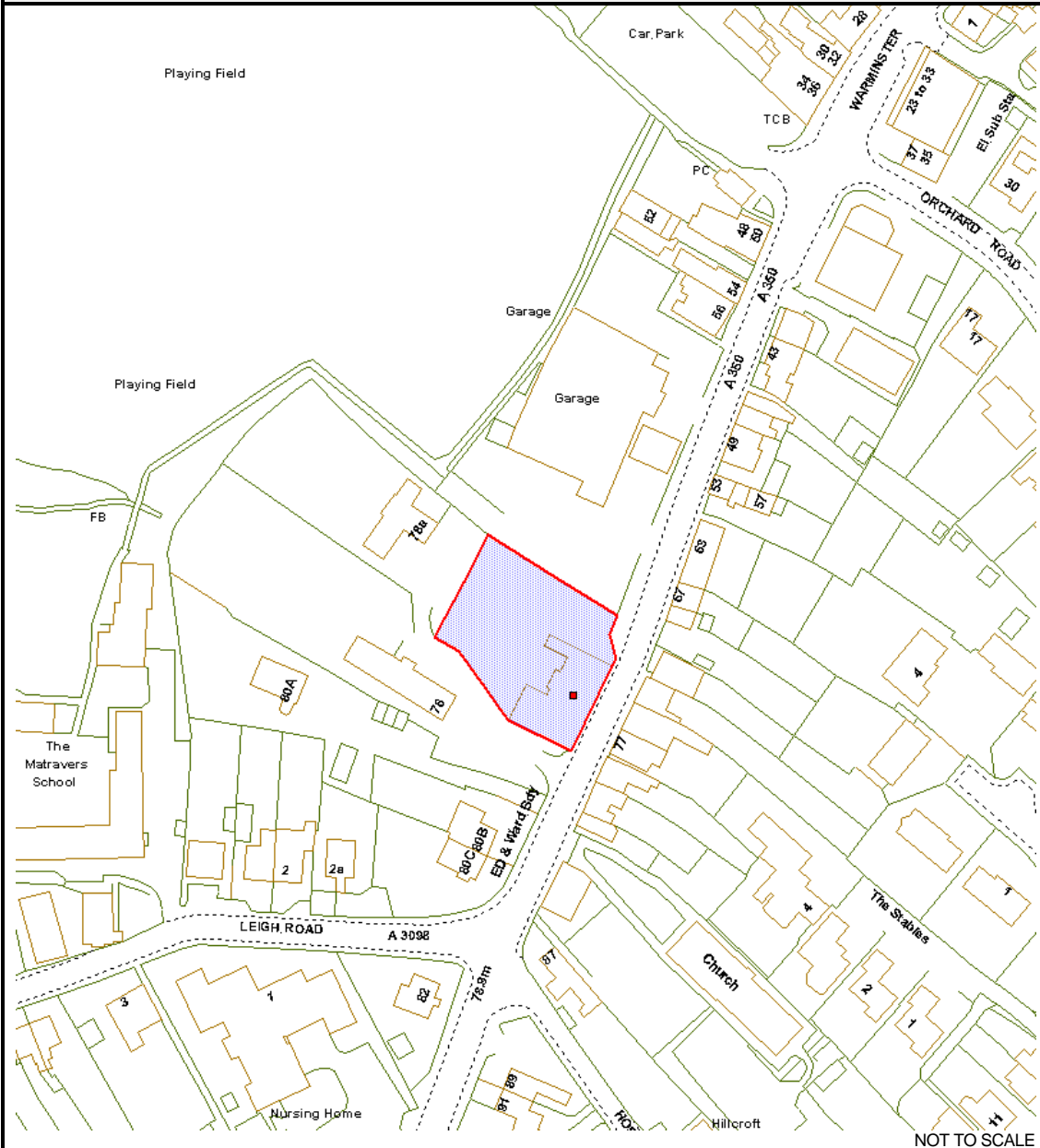
PLANNING COMMITTEE

17 November 2005

ITEM NO: 10

APPLICATION NO: 05/02334/ADV

LOCATION: Oval Motors Warminster Road Westbury Wiltshire BA13 3PF



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SLA: 100022961

10 Application: 05/02334/ADV

Site Address: Oval Motors Warminster Road Westbury Wiltshire BA13 3PF

Parish: Westbury Ward: Westbury Ham
Grid Reference 387153 150904
Application Type: Advertisement
Development: Motor retailer signage name and display - revised proposals
Applicant Details: Oval Of Westbury
60-62 Warminster Road Westbury BA13 3PL
Agent Details: Carter Hughes Davies
20-22 Monmouth Place Bath Somerset BA1 2AY
Case Officer: Mr Matthew Perks
Date Received: 07.10.2005 Expiry Date: 02.12.2005

REASON(S) FOR PERMISSION:

The proposed relocation of the signs overcomes the reasons for refusal of application reference 05/00970/ADV.

RECOMMENDATION: Permission

Condition(s):

- 1 The projecting sign (Sign 3) shall have a minimum clearance of 2.4m above the level of the highway.
REASON: In the interests of highway safety.
- 2 No part of the projecting sign (sign 3) shall be situated closer than 500mm from the carriageway edge.
REASON: In the interests of highway safety.

Note(s) to Applicant:

- 1 The formal consent of the Highway Authority is required under the Highways Act for anyone to erect a sign or similar structure which will overhang the highway and this may be obtained from the Area Highway Surveyor who can be contacted on 01225 790414.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for advertisement consent for signage at Oval Motors, Warminster Road, Westbury. This is a revised application following the refusal of an earlier retrospective application for 3 existing signs attached to the building housing the Oval Motors offices, adjacent to the car sales area (Application 05/00970/ADV). The reasons for refusal were:

1. The projecting sign on the eastern side of the building, because of its height and position adjacent to the highway and above the narrow pedestrian walkway, is hazardous to pedestrian and highway safety contrary to Policy C24 of the West Wiltshire District Plan 1st Alteration 2004.

2. The sign affixed to the eastern side of north elevation of the building, because of its size, appearance, elevated level and position, is harmful to the setting of the 3 buildings listed as being of special architectural or historic value located on the opposite side of Warminster Road. This sign is therefore contrary to Policy C24 of the West Wiltshire District Plan 1st Alteration 2004.

The revised proposals would:

- Relocate the hanging sign to achieve a minimum clearance of 500mm between the highway kerb and the sign itself. The sign bracket and lights are the original public house fixtures and do not form part of the application; and

- Relocate the sign affixed to the eastern side of north elevation of the building to the position of the existing "New 206's" sign centrally located on the Oval office building. The "New 206's" sign would be removed.

The hanging sign would be hung from the bracket for the old pub sign. The relocated sign on the wall of the building would be hung beneath the original pub sign lighting.

The building abuts immediately onto the western side of Warminster Road. The garage and car sales area lies to the north. The signs would not be located within the Conservation Area. There are however 3 Listed Buildings (Nos. 73, 75 and 77, and 79 to 83) situated directly opposite the building on which the signs would be located.

CONSULTATION REPLIES

- WESTBURY TOWN COUNCIL: "Members opposed this application as they considered it did not address the reasons stated for refusal of 05/00970/ADV:- 'Contrary to Policy C24 and special architectural and historic value'."

- HIGHWAY AUTHORITY: No objection subject to the addition of an informative.

PUBLICITY RESPONSES

Property owners in the vicinity were consulted. No comments were received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C24 - Advertisements

RELEVANT PLANNING HISTORY

83/01184/ADV - Fascia signs - Consent 20.12.83

83/01185/ADV - Pole signs - Consent 20.12.03

89/02007/FUL - Extension to provide enlarged car showroom and offices - Permission 10.04.90

90/01590/ADV - Illuminated fascia signs - Consent 18.12.90

94/00019/ADV - Fascia signs, 2 gantry signs and 1 pole sign - Consent 12.02.94

95/00082/ADV - Fascia signs, directional pole sign and gantry sign - Consent 02.03.95

97/01406/FUL - Wall mounted satellite dish - Permission 26.11.97

05/00970/ADV - Motor retailer signage name and display - Refuse 21.07.05.

KEY PLANNING ISSUES

The one issue relevant to the application is whether or not the proposal overcomes the previous reasons for refusal.

PLANNING OFFICER COMMENTS

The relocation of the signs would address the reasons for refusal where:

- The hanging sign would be situated in a position that satisfies the highway authority requirements in respect of safety. The proposals indicate that the hanging sign would be relocated to achieve a 500mm clearance between the highway kerb and the sign; and
- The sign on the eastern side of north elevation of the building would be removed. It would replace the existing sign centrally located on the building beneath the old pub sign lighting.

CONCLUSION

The highway issues associated with the hanging sign would be addressed by the proposal. The sign on the eastern side of the building would not longer be prominent to the highway and the buildings on the opposite side of Warminster Road. The application should be permitted.

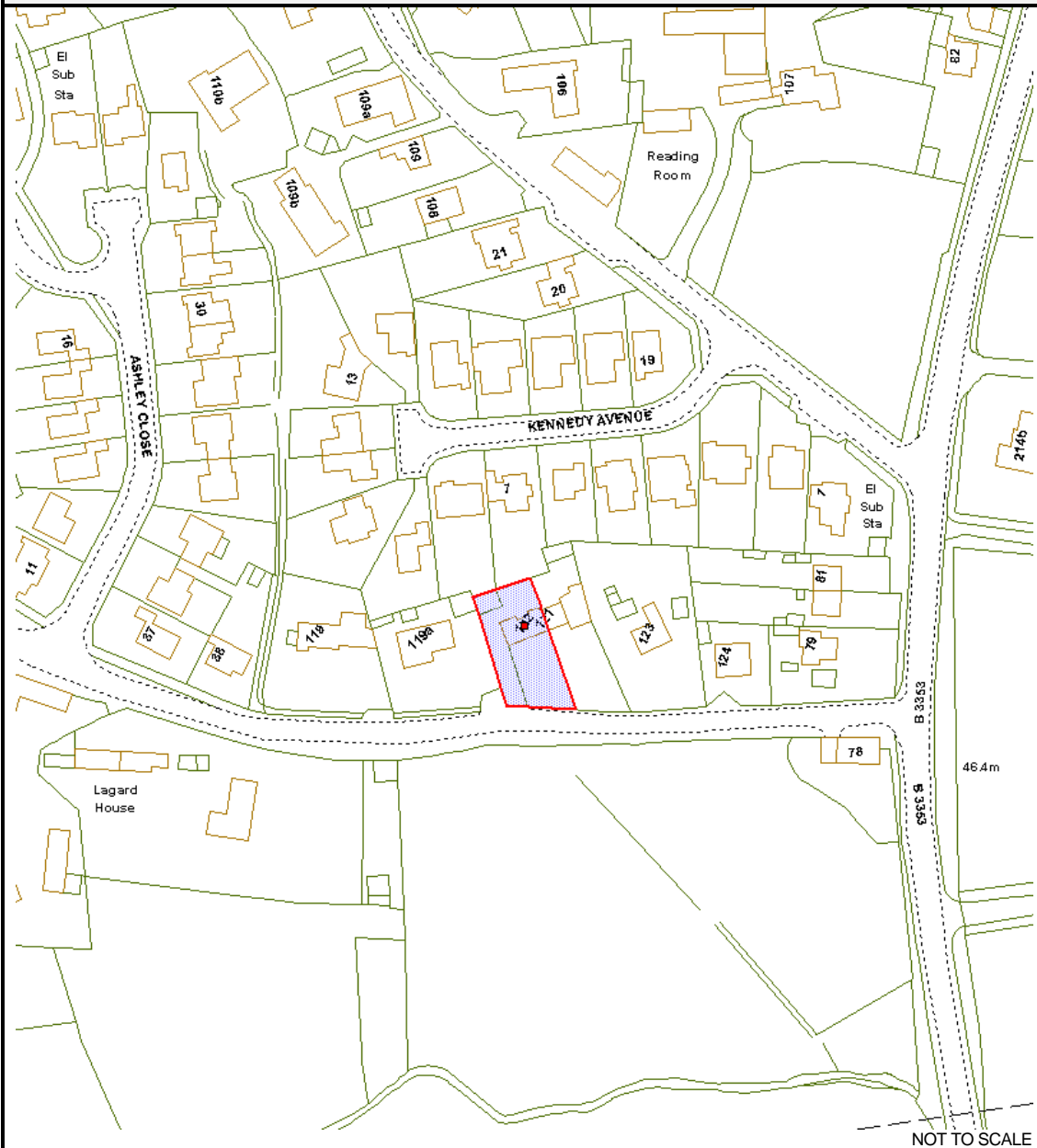
PLANNING COMMITTEE

17 November 2005

ITEM NO: 11

APPLICATION NO: 05/02001/FUL

LOCATION: 120 First Lane Whitley Wiltshire SN12 8RL



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SLA: 100022961

11 Application: 05/02001/FUL

Site Address: 120 First Lane Whitley Wiltshire SN12 8RL

Parish: Melksham Without Ward: Atworth & Whitley

Grid Reference 388653 166027

Application Type: Full Plan

Development: Change loft window size and position to adhere to escape and access building regulations

Applicant Details: Mr And Mrs A D Underhill
120 First Lane Whitley Wiltshire SN12 8RL

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 05.09.2005 Expiry Date: 31.10.2005

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 begin before the expiration of three years from the date of this permission.

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

- 2 The rooflights in the western elevation shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee in view of the previous involvement of the Committee.

This is an application for full planning permission for the change of loft window size and position to adhere with building regulations relating to fire escape access.

This is a two-storey semi-detached Grade II Listed cottage located on the northern side of First Lane on the edge of a predominantly residential area in Whitley.

The application is for full planning permission for a change to the loft window size and position to adhere with building regulations. Specifically, the proposal would involve the erection of two rooflight windows each measuring approximately 0.6m by 0.4m to be located on western elevation of the property. The proposed rooflights would be located approximately 1.5m above the floor level of the loft conversion, which already has the benefit of Listed Building consent.

There is a parallel application for Listed Building consent.

CONSULTATION REPLIES

- MELKSHAM WITHOUT PARISH COUNCIL: No objections

PUBLICITY RESPONSES

The application has been publicised by Site Notice and press advertisement and neighbours have been notified.

Three representations were received each objecting to the proposal on the following grounds:

- The current situation has arisen because the applicants have embarked upon a non-compliant scheme. The earlier permission required the installation of rooflights in a specific location to ensure the amenity of neighbouring properties.
- Loss of amenity and privacy to neighbouring properties
- Inaccurate plans
- If opaque glass were proposed the Authority would need to enter into a legally binding agreement with the applicant to ensure that the glazing was never changed to another type of glass.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 Historic Heritage

West Wiltshire District Plan - 1st Alteration 2004
C27 Listed Buildings
C28 Listed Buildings
C31A Design
C38 Nuisance

SPG House Alterations and Extensions
PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

03/00573/FUL - Single storey extension to the existing lean-to extension (including rooflights within the existing roof) - Permission 25.04.03

03/00379/LBC - Single storey extension to the existing lean-to extension (including rooflights within the existing roof) - Consent 25.04.03

05/01593/LBC - Alterations to interior layout including staircase from first to second floor level - Consent 14.09.05.

KEY PLANNING ISSUES

- Whether the proposal complies with Development Plan policy.
- Whether there are any material considerations to outweigh policy, in particular the planning history for the site.

PLANNING OFFICER COMMENTS

Development Plan Policy

Before considering the planning history of the site, regard must be paid to whether the proposal complies with Development Plan policy.

Policy C31A states that proposals for planning permission will be required to respect and enhance the quality of the existing architecture of the surrounding area.

In this respect the principle of rooflights on this elevation has already been accepted. It is considered that the rooflights, which form the subject of this application would respect the existing architecture of the property and surrounding area. The application proposal proposes GVT conservation type rooflights, which are appropriate for this property in this setting.

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties. Before the material consideration of the earlier planning history is considered, this proposal must be considered against up to date Development Plan policy.

One representations have been received indicating that the proposed dormer windows would result in a loss of amenity to neighbouring properties. It is noted that the proposed windows face 119A First Lane. The two properties are separated by an approximately 3m tall wall and some shrubbery. The property at 119A First Lane is located 13m from the nearest wall of 119A First Lane. The site visit indicated that the orientation and angle of the proposed rooflights is such that the proposal would not result in a loss of amenity to neighbouring residents, particularly if they are conditioned to retain obscure glass at all times. The vegetation along the boundary of the property and the boundary wall itself would also serve to reduce any potential overlooking of neighbouring properties. Even during winter months when the deciduous vegetation would shed their leaves.

Material Considerations

The key material considerations are raised in the letter of objection. It is whether the condition imposed on the earlier planning permission for the roof lights outweighs the compliance of the current proposal with Development Plan policy. The earlier condition read:

"The roof lights hereby granted consent in the west facing elevation shall be installed in a position not less than 1.5 metres sill height above the second floor level in accordance with details to be submitted and approved in writing by the Local Planning Authority. In order to ensure the amenity of the neighbouring property".

The condition was imposed to ensure that the amenity of the neighbouring property was protected. Therefore this proposal to amend the rooflights has to continue to ensure the amenity of neighbouring properties. It is considered that these proposals by virtue of their position on the western elevation and their size will achieve this goal, together with the use of obscure glazing.

The representations received suggest that an alternative means of escape and access, which would not have any adverse impact on neighbouring amenity could be achieved. Officers have considered this, and are of the opinion that the only means of doing this would be by significantly altering the internal arrangement of this listed building to the detriment of the fabric of the listed building. This would be unacceptable.

The need for the rooflights because of building regulations is considered to be a material planning consideration in this case. Officers have consulted colleagues in the Building Regulations Section who have confirmed that the proposed rooflights would meet their standards.

The plans are considered to be accurate and of a sufficient standard to consider the merits of this application.

It is not considered that a legal agreement to ensure that the glazing is not changed is unnecessary and that this can be achieved by condition.

CONCLUSION

The application proposal is consistent with Development Plan policy and there are no material considerations to outweigh the policy.

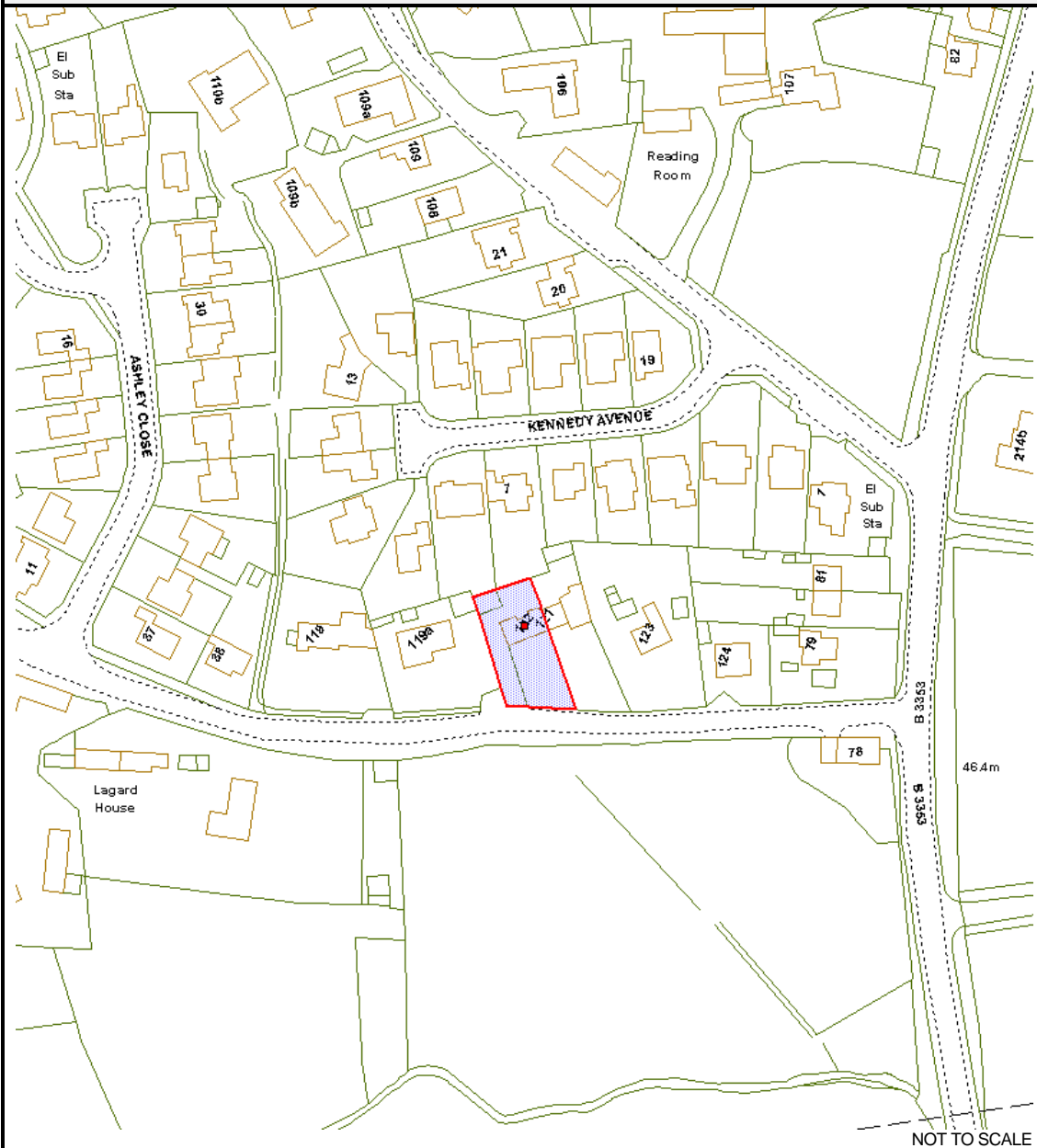
PLANNING COMMITTEE

17 November 2005

ITEM NO: 12

APPLICATION NO: 05/02002/LBC

LOCATION: 120 First Lane Whitley Wiltshire SN12 8RL



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 05/02002/LBC

Site Address: 120 First Lane Whitley Wiltshire SN12 8RL

Parish: Melksham Without Ward: Atworth & Whitley

Grid Reference 388653 166027

Application Type: Listed building

Development: Change loft window size and position to adhere with building regulations escape access

Applicant Details: Mr And Mrs A D Underhill
120 First Lane Whitley Wiltshire SN12 8RL

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 05.09.2005 Expiry Date: 31.10.2005

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 begin before the expiration of three years from the date of this permission.

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

- 2 The rooflights in the western elevation shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee in view of the previous involvement of the Committee.

This is an application for Listed Building consent for the change of loft window size and position to adhere with building regulations relating to fire escape access.

This is a two-storey semi-detached Grade II Listed cottage located on the northern side of First Lane on the edge of a predominantly residential area in Whitley.

The application proposes a change to the loft window size and position to adhere with building regulations. Specifically, the proposal would involve the erection of two rooflight windows each measuring approximately 0.6m by 0.4m to be located on western elevation of the property. The proposed rooflights would be located approximately 1.5m above the floor level of the loft conversion, which already has the benefit of Listed Building consent.

CONSULTATION REPLIES

- MELKSHAM WITHOUT PARISH COUNCIL: No objections

PUBLICITY RESPONSES

The application has been publicised by Site Notice and press advertisement to which there has been no response.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 Historic Heritage

West Wiltshire District Plan - 1st Alteration 2004

C27 Listed Buildings

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05/01593/LBC - Alterations to interior layout including staircase from first to second floor level - Consent 14/09/05.

KEY PLANNING ISSUES

- Whether the proposal complies with Development Plan policy.
- Whether there are any material considerations to outweigh policy, in particular the planning history for the site.

PLANNING OFFICER COMMENTS

The Council has a duty to protect the historic environment and regard must be paid to whether the proposal complies with Development Plan policy.

Development Plan policy C27 states that proposals for Listed Building consent will not be granted for any development that would adversely affect the character or setting of any Listed Building.

In this case, the proposed rooflights are of a conservation type. They would be located on a western elevation in a position that would not detract from the quality of this Listed Building.

There would be no harm to the character of the Listed Building.

CONCLUSION

The proposals would preserve and enhance the character of the Listed Building.