

# PLANNING COMMITTEE

16 FEBRUARY 2006

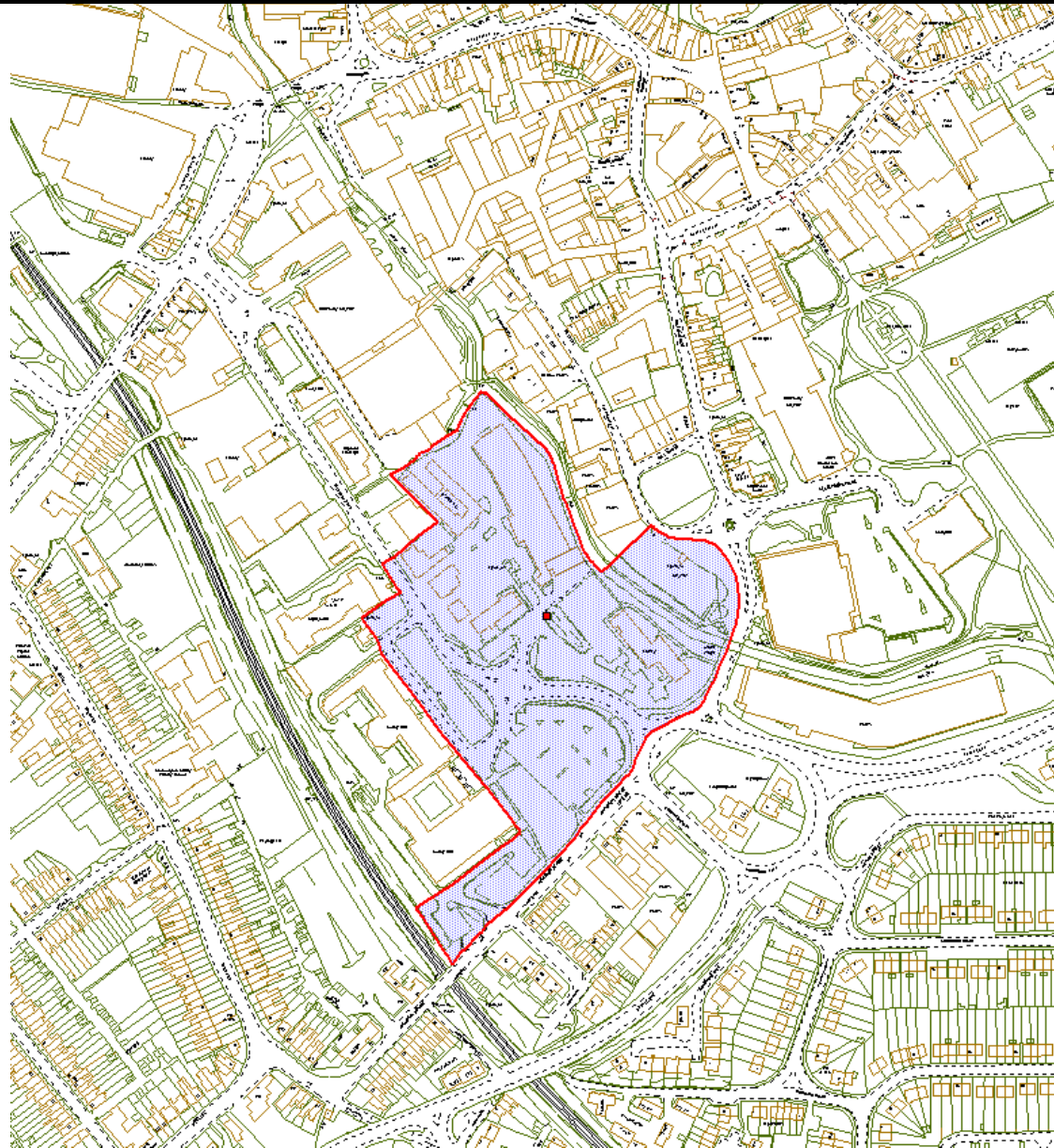
## Planning Applications for Determination

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**ITEM NO: 01**

**APPLICATION NO: 05/02884/OUT**

**LOCATION: Land North East Of County Hall Bythesea Road  
Trowbridge Wiltshire**



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SLA: 100022961

**01 Application: 05/02884/OUT**

**Site Address: Land North East Of County Hall Bythesea Road Trowbridge Wiltshire**

Parish: Trowbridge

Ward: Adcroft

Grid Reference 385520 157650

Application Type: Outline Plan

Development: Redevelopment to provide multiplex cinema, ten pin bowling and associated commercial leisure and hotel facilities together with the construction of a public library, offices and residential development

Applicant Details: Wiltshire County Council  
County Hall Bythesea Road Trowbridge Wiltshire BA14 8JD

Agent Details: Clive Miller And Associates Limited  
The Old Paper Shop North Street Langport Somerset TA10 9RQ

Case Officer: Mr Peter Westbury

Date Received: 06.12.2005

Expiry Date: 07.03.2006

**JUSTIFICATION REASON:**

**The proposals are consistent with the principles of the Development Plan and the Supplementary Planning Guidance 'Trowbridge Urban Development Framework' and any planning objections have been overcome by conditions or a planning agreement**

**RECOMMENDATION:**

**That the application be referred, on completion of the statutory consultation period, to the Secretary of State as a Departure from the Development Plan and for development within the conservation area, which the Council is minded to grant permission subject to the satisfactory completion of a Unilateral Agreement to secure the provision of sufficient affordable housing, education provision and a negotiated sum for the provision of public art in accordance with adopted development plan policy. The Development Control Manager be authorised to issue the decision on completion of the above.**

**Condition(s):**

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

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

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

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

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

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

- 4 Approval of a masterplan for the development of the site shall be submitted to and obtained in writing from the Local Planning Authority prior to any development commencing on the site.

REASON: In the interests of the proper planning of the site.

- 5 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.

- 6 A plan and schedule indicating the proposed phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing. The works comprised in each phase of the development shall be completed before the works comprised in the next phase are commenced.

REASON: In the interests of the proper planning of the area.

- 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.

- 8 The means of access indicated on the approved plans 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.

- 9 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.

- 10 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.

- 11 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.
- 12 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.
- 13 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.
- 14 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 - Policies C17, C18, C27 and C31A.

- 15 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.

- 16 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.

REASON: To ensure that any contamination is removed from the site.

- 17 The parking spaces to be provided on the site, together with any access thereto, shall be provided concurrently with the development to which they relate.

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

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

- 18 Prior to the commencement of development on the site, the applicants shall ensure compliance with the car parking strategies for the town and to ensure the provision of adequate car parking during the construction phase.

REASON: In the interests of providing sufficient parking on the site.

- 19 Details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on the site.

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

- 20 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.

- 21 No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.
- REASON: In order to safeguard the amenities of the area in which the development is located.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.
- 22 Any retail development of the site shall be limited to ancillary development to the main uses on the site.
- REASON: In order to protect the vitality and viability of Trowbridge Town Centre.
- 23 A landscaping scheme for the public open space/amenity area(s), including a programme for its implementation, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in accordance with the approved programme, and the landscaping shall be maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.
- REASON: To ensure that adequate recreation space is provided to meet the needs of the development.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4.
- 24 Retail development, including any uses with Use Classes, A1, A3 and A5, shall be ancillary to main mix of uses on the site. Any proposals for such retail development shall be submitted to and approved by the Local Planning Authority prior to development commencing on the site.
- REASON: In order to protect the vitality and viability of Trowbridge Town Centre.

**Note(s) to Applicant:**

- 1 The applicant and any subsequent developer is advised that the development of this site should respect the character and appearance of the Conservation Area, its setting and the setting of the Andil House complex, which is a grade II listed building.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because West Wiltshire District Council owns part of the application site. The applicants are Wiltshire County Council who are working in partnership with West Wiltshire District Council, Trowbridge Town Council and the Vision for Trowbridge Steering Group.

This is an application for outline planning permission for the redevelopment of an area of 5.6 hectares to the north of County Hall on the edge of Trowbridge town centre. The redevelopment includes a variety of uses including a multiplex cinema, ten pin bowling alley and associated commercial, office, residential, leisure and hotel development together with a replacement public library.

The application site comprises land on the north eastern side of Bythesea Road. The site includes the four storey County Library. To the north of the library building is a two storey office building including the Library Headquarters, reference library and National Probation Service office. It is anticipated that none of these buildings would be retained as part of this proposal.

The application site straddles the River Biss between Cradle Bridge and the footbridge to the north, close to the Asda car park. It also includes the open-air car park at Court Street.

The proposal is in outline with all matters except the means of access to the site reserved for subsequent approval. The precise mix and arrangement of uses and buildings on the site are to be determined at a later stage. It is the applicants intention that outline planning permission will afford them sufficient certainty to go to the market and sufficient flexibility to allow for innovative development of the site. Despite this the applicants have submitted an indicative floor layout accompanied by a floor space budget which provides an indication of the size and scale of development involved. This is as follows:

Scale of development shown on the indicative masterplan:

Class A1 Retail: Limited to ancillary retailing within dominant uses on the site.

Class A2/B1 Offices: 5,846 square metres

Class A3/A4 Restaurants and Bars: 2,817 m<sup>2</sup>

Class C1 Hotel: 2,500 m<sup>2</sup>

Class C3 Residential: 23,401 m<sup>2</sup>

Class D1 Public Library: 1,350 m<sup>2</sup>

Class D2 Assembly and leisure including the provision for an 8 screen multiplex cinema and 20 lane bowling alley: 5,652 m<sup>2</sup>

Nightclub: 928 m<sup>2</sup>.

The proposal includes the potential to provide 23,591 m<sup>2</sup> of residential development. On the indicative layout the provision is divided into four parts including the provision of 1 and 2 bed flats.

Indicative sections and elevations have also been submitted as part of this application. These indicative sections indicate that it is anticipated that the proposed cinema and bowling alley will have a height of approximately 10.5m. It is anticipated that other buildings on the site will be no taller than 12-13m, consistent with the Trowbridge UDF. It is estimated that if you include the towers on top of the existing library building is approximately 15m tall.

The indicative plan includes the provision of 713 car parking spaces and that part of this parking provision will be provided on land to the south of south of County Hall. This land is currently in use for car parking.

#### Means of access

The means of access to the site is not reserved. It involves detailed alterations to Bythesea Road in particular, there will be four access points to the site. There is a proposal that the uses (at this time indicated to be the cinema/bowling alley and nightclub) will be accessed from a slip road to the immediate east of Cradle Bridge. Alterations to the existing access to County Hall are proposed, specifically the removal of the mini-roundabout on Bythesea Road. To the north of this point on Bythesea Road, a roundabout will be constructed. This will afford access to the main part of the site to the east and County Hall to the west. This will require associated alterations to the alignment of Bythesea Road.

A further alteration is proposed to the alignment of the access from Mortimer Street into the car parking area to the south of County Hall. The proposal also includes the provision of a bus stop on Mortimer Street on land currently within the grounds of County Hall

#### CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: No objection and welcome the application.

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to the imposition of relevant conditions.



- LIBRARY MUSEUMS & ARCHIVES (ARCHAEOLOGY): No objection subject to the imposition of conditions.
- EDUCATION AUTHORITY: No comments received.
- COUNTY PLANNING: No comments received
- ENVIRONMENT AGENCY: No comments received, but the details of the Flood Risk Assessment were the subject of detailed discussion prior to the submission of the application.
- WESSEX WATER: No detailed comments received at the time of the preparation of the report.
- ENGLISH NATURE: No objection
- ENGLISH HERITAGE: Comments to be reported
- CABI: No comments received.
- SOUTH WEST REGIONAL DEVELOPMENT AGENCY: Support the application providing that West Wiltshire District Council are satisfied that the development:
  - Provides appropriate linkages to other regeneration sites, and the town centre to enable the comprehensive and integrated regeneration of the town, including access and linkages along the riverside.
  - Meets demonstrated housing need, including an appropriate level of affordable housing."

#### OTHER STATUTORY CONSULTTEES

- NORTH WILTSHIRE DISTRICT COUNCIL: No comments received.

#### INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: No objection subject to more information required in respect of the wider impact of the Leisure Development.

[Following receipt of the additional information] The proposals appear in broad terms to be in accordance with the provisions of the development plan, the West Wiltshire Community Strategy and other corporate strategies and policies of the Council.

Need for major commercial leisure facilities is identified in the District Plan 1st Alteration and the West Wiltshire Community Strategy and the Trowbridge Urban Design Framework. The development of the Waterside as an extension to the town centre will reinforce the sub regional role of Trowbridge as the main centre in the network of West Wiltshire towns and will strengthen and safeguard the vitality and viability of the town centre.

- CONSERVATION OFFICER: The site is identified in the UDF as an area of redevelopment and the principle is not therefore a major issue. The policy C21 specifies the need to provide full details of a proposal which may impinge on a conservation area or affecting its setting. Any conditions relating to design, setting and materials should therefore take into consideration the requirements under policies C17, C18 and C27.

That part of the site within the conservation area has historically been the site of mills and factories associated with the cloth manufacturing. These were demolished in the late 20th Century. This is acknowledged in the conservation assessment along with the dominance of Andil House. Any new development should respect the scale and architectural form of this listed building and the general indicative proposals for the River Biss Corridor.

There are some walls and other retaining features in the conservation area that will need Conservation Area Consent if they are not to be retained and a full assessment of their character will be undertaken with that application

The proposed building F within the conservation area indicates a 3 storey building which is likely to be acceptable subject to rigorous conditions on design, height and materials. It appears to utilise the potential views of the river.

Main concern is the area immediately adjacent to the conservation area and Andil House (grade II listed building) the building, Block D, appears to be indicated as a 4 storey building separated from the listed building by only the Biss itself with little visual mitigation. This could dominate the listed building. A design which includes some stepping down towards the river to form a respectful subservience to the mill building. The same should go for the other building, Block F.

- URBAN DESIGN OFFICER: The number of storeys and heights of building cannot be considered without further information. The illustrative remodelling of the riverside around block F would result in the loss mature established trees and a river crossing that is understated. Submission should create a suitable design concept or assess the context of the site and how it relates to the proposed development. Principle of mix of uses and proposed access are not objectionable but further submissions must address the relationship with the conservation area; the relationship of building heights to those in the immediate context; the materials particularly for those in the conservation area and the retention of mature trees and planting adjacent to the riverside.

- ENVIRONMENTAL HEALTH: No objection subject to the imposition of conditions
- LANDSCAPE OFFICER: No objection but recommends the imposition of conditions
- HOUSING SERVICES: No comments received at the time of the preparation of the Report.
- ECONOMIC DEVELOPMENT: Support the application.

"We regard the comprehensive redevelopment of this site (commonly referred to as the Waterside site) as a very important component of the 'Vision for Trowbridge' now being delivered under the 'Transforming Trowbridge' banner.

We very much welcome the content of this application and give our wholehearted support to the proposals, which set out to meet many of the aspirations expressed during the Visioning process by local residents and businesses.

It is essential that the detailed proposals that will follow the granting of any outline permission fully reflect the spirit and intent of the Urban Design Framework as adopted by the District Council as Supplementary Planning Guidance. "

#### NON-STATUTORY CONSULTATIONS

- TROWBRIDGE CHAMBER OF COMMERCE: No comments received.
- TROWBRIDGE CIVIC SOCIETY: No comments received.

#### PUBLICITY RESPONSES

The proposals that now form the subject of this application have been the subject of extensive pre-application public consultation. In support of their application, the applicants have submitted a Statement of Community Involvement. This underlines that the proposals for the site have undergone a number of stages of public consultation. This has included public meetings, Stakeholder workshops, an exhibition, questionnaires. All of which contributed to the Vision for Trowbridge UDF of which the proposals for the application site form part.

Site Notices were erected and neighbouring properties were consulted. As a result no representations were received.

## RELEVANT PLANNING POLICY

### Regional Spatial Strategy (RPG10)

- VIS1 Expressing the Vision
- VIS2 Principles for Future Development
- VIS3 Achieving the Vision
- SS2 Regional Development Strategy
- SS3 The sub-regional strategy
- SS6 Other designated centres for growth
- EN4 Quality in the Built Environment
- EC6 Town centres and retailing
- HO1 Levels of housing development 1996-2016
- HO3 Affordable housing
- HO5 Previously developed land and buildings
- HO6 Mix of housing types and densities
- TRAN1 Reducing the need to travel

### Wiltshire Structure Plan 2011

- DP4 Main Settlements
- DP5 Town Centres, District Centres and Employment Areas
- DP6 Shopping
- DP7 Housing in Towns and Main Settlements
- DP8 Affordable Housing
- DP9 Reuse of Land and Buildings

### West Wiltshire District Plan 1st Alteration

- C14 Archaeological Field Evaluation
- C18 New Development in Conservation Areas
- C27 Impact on listed buildings and their setting
- C31a Design
- R4 Open Space in new housing developments
- H1a Housing Land Provision
- H2 Affordable housing within towns and villages
- H24 New housing design
- T3 Transport Provision for new developments
- T10 Car Parking
- SP1 Town Centre Shopping
- SP3 Out of Centre Shopping
- LE1 Leisure and Entertainment
- TC2 Traffic Management and Pedestrian Priority
- TO3 Hotels, Guest Houses and Self Catering Accommodation
- CF1 Community Services
- U1 Infrastructure
- I1 Implementation
- I2 The Arts

### Design Guide: Principles SPG

### Residential Design Guide SPD (Draft)

### Affordable Housing SPG

### Open Space SPG

### Trowbridge Urban Design Framework SPG

### West Wiltshire Community Strategy 2004-2014

### West Wiltshire District Council Corporate Plan 2005-10

National Planning Policy Guidance/ Statements:  
PPS1 Delivering Sustainable Development  
PPS6 Planning for Town Centres  
PPG3 Housing  
PPG13 Transport  
PPG15 Historic Environment

Emerging Policy

Wiltshire Structure Plan 2016 (draft) DP3, DP4, DP5, DP6, DP7, DP8, DP9

## RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh policy. The impact on the adjoining historic environment is therefore a key issue.

Specifically in the context of this outline application, consideration must also be given to the appropriateness of the site to accommodate the range of uses proposed:

- Housing
- Office development
- Replacement Library
- Leisure and Entertainment uses
- Hotel development
- Open space and the River Biss

Consideration must be given to the impact of the proposals on surrounding infrastructure in particular highways considerations. The Planning Officer's comments have been divided under these headings.

## PLANNING OFFICER COMMENTS

### Historic Environment

As an outline application there is no detail of the exact siting of the proposed buildings on the site. They will, however, be required to comply with the Trowbridge UDF. This includes a requirement to protect the walkways along the River, to improve pedestrian links between County Hall and the Shires, to provide ground floor frontages and some form of civic square.

The Council has a statutory duty to preserve and enhance the character and appearance of a conservation area as well as to protect the character of a listed building or its setting. Policy C21 of the adopted Local Plan states that planning permission will not be granted in outline form for development in a conservation area or where it would affect the setting of a listed building. In this case, only a small part of the whole site is within the conservation area and only part of the development would affect the setting of the listed building. In addition, the development of the site should comply with the principles set out in the adopted Supplementary Planning Guidance 'Trowbridge Urban Development Framework'.

This application for outline planning permission represents a further stage in achieving the regeneration of this part of Trowbridge. Should planning permission be granted, the outline application will provide certainty for the market to move forward with the preparation of detailed proposals for the site and will assist in forming the framework for the future development of the site.

In order to facilitate the regeneration of this site, the application has been processed as an outline application. This means that it is a departure from policy C21 of the Development Plan and has been advertised as such. Although not a 'significant' departure (only a small part of the whole site is affected), the application will therefore have to be referred to the Secretary of State, if the Council is minded to grant permission, because they have an interest in the land and because there is more than 1000 square metres of land to be developed in the conservation area.

All details of siting, design and external appearance will be considered as part of a reserved matters application but a note is recommended to be appended to the decision notice which draws attention to the need to consider the setting of the listed building and the conservation area.

## Housing

The applicants have indicated that there is likely to be provision for approximately 24,000 m<sup>2</sup> of residential development. At this stage it is anticipated that this will be divided between 1 and 2 bedroom flats.

The application site is an appropriate location for residential development. It is a sustainable brownfield site where guidance and policy at all levels states that housing development should be concentrated.

It is anticipated that the Court Street car park will accommodate residential development. The indicative plan states that it could accommodate about 30 flats. This car park is located within the Trowbridge Conservation Area and therefore an outline proposal would normally not be acceptable. However, as this forms part of a larger development it is considered that with the imposition of relevant conditions, an exception to policy can be made.

The Trowbridge Urban Design Framework identifies the site as an appropriate location for housing development.

Affordable housing will be provided to a level which is in accordance with Development Plan policy. It is anticipated that this will be at a level of 30% of the total dwellings on the site. It is proposed that a Unilateral Agreement be prepared to ensure that the applicants provide affordable housing to the satisfaction of the Local Planning Authority.

## Office Development

The indicative layout accompanying the application envisages the site accommodating about 6,000 m<sup>2</sup> of office development. The plan shows this scattered around the site, particularly on the part of the site which currently has offices on it. It is therefore considered that this proposal will not result in a loss of employment in Trowbridge. On the contrary it is considered that when seen in the context of the other uses on the site, the proposal will encourage new employers to relocate to Trowbridge and will act as a catalyst for the economic growth of the town. This view is supported by the representation received from the Economic Development Officer, who has indicated their support for the proposal.

## Replacement Library

There will be no loss of community uses resulting from the proposal. The existing library on the site will be demolished and replaced with a purpose built library and exhibition centre on the site. Therefore the proposed replacement library is consistent with development plan policy CF1.

## Leisure and Entertainment uses

At this stage, it is anticipated that the site will accommodate a range of leisure and employment uses, including a 20-lane bowling alley, 8 screen cinema, exhibition space (within the library), nightclub and fitness centre.

In response to the request of the Policy Officer to provide information on the sequential test to measure the impact of leisure development, the applicants provided additional information. Paragraphs 3.20 - 3.23 of Planning Policy Statement 6 (PPS6): Planning for Town Centres requires that an assessment of impact is undertaken for any application for a main town centre use which would be in an edge of centre or out of centre location and which is not in accordance with an up to date development plan strategy.

Where significant development is not in accordance with the development plan strategy and would substantially increase the attraction of the centre its impact on other centres will also need to be assessed.

Trowbridge is a town which has a population of around 35,000 and represents the largest urban area within its sub region. Typically sub regional centres such as Trowbridge can be expected to have a catchment area of a 15-20 minute drive time for convenience goods and up to 30 minutes for comparison goods and commercial leisure. The 30 minute drive time catchment has a population of 363,000 but this includes most of Bath as well as Chippenham, Melksham, Devizes, Westbury, Warminster, Frome and Radstock/Norton. The precise catchment population and spending available will depend upon the relative size, range and attractiveness of facilities within competing centres within these isochrones. Higher order commercial centres such as Bath, Bristol and Swindon will have a greater sphere of influence, whereas centres lower in the commercial hierarchy will have more limited catchments. When an individual centre has a particular facility or commercial advantage not offered elsewhere, the typical pattern can be distorted, but this is rarely of much overall significance.

Given the comparative size of Trowbridge to Chippenham and the role it plays in the sub-region, it is considered that the impact on Chippenham is of particular importance. In the light of this North Wiltshire District Council were consulted. However at the time of the preparation of the report, no response had been received.

The combined impact of the various proposals in the UDF on Trowbridge town centre and surrounding towns in the catchment area has been assessed in a study by Roger Tym and Partners in September 2004. In summary the study concludes that in the light of loss of trade and employment since 1990 the town centre is fragile and needs to renew itself. The comparator towns of Warminster, Westbury and Devizes all grew strongly during this period. Furthermore the study concludes that the combined planned development sites in the UDF, including Waterside are only what are needed to ensure that Trowbridge does not fall further behind compared with neighbouring economies in the sub region. There is virtually no impact on the other towns in West Wiltshire and minimal impact on any other centre.

Specifically, if all the planned redevelopment schemes in the UDF are implemented it is estimated that turnover will be drawn from Warminster (2%) Frome (2%) and Devizes (5%).

This edge of centre site will, when redeveloped in accordance with the adopted UDF and the Development Plan, represent a logical and cohesive extension to the town centre of Trowbridge. Therefore it must necessarily follow that there will be no diversion of trade away from the town centre itself, though the creation of more floor space for commercial leisure and office premises will almost inevitably trigger some movement of existing businesses as well the attraction of new ones.

#### Hotel development

The applicants' statement in support of their application refers to the provision of a hotel in lieu of office or residential. From the perspective of this application, it must be envisaged that the site will ultimately accommodate a hotel. The degree to which this complies with development plan policy must be considered.

Development Plan policy TO3 states that proposals for new hotel, guest house or other serviced and self catering accommodation for visitors within the built up area of Trowbridge will be permitted provided that it is limited in scale, design, siting and materials of any buildings are sympathetic to the character of traditional buildings in the area and any extension is well designed so as not to harm the character of the building. The development does not harm the amenities enjoyed by occupiers of adjoining properties. The development is readily accessible by foot, bicycle and public transport. The development makes adequate provision for car parking and access.

The development does not harm the natural environment including the water environment and that adequate infrastructure is provided.

At this stage it is only possible to confirm that the application site represents an appropriate sustainable location for hotel development. Other considerations will be addressed at the reserved matters stage. Given its location it will be well served by public transport. The design of the proposal will be addressed at the reserved matters stage.

#### Provision of open space and the impact on the River Biss

Development Plan policy requires the appropriate provision of public open space for proposals of ten or more dwellings. In this case, the provision of open space has been considered in the context of the requirements of the Trowbridge UDF. This places particular importance on the improvement of the walkways on either side of the River Biss.

The River runs through the site and provides an important link between Cradle Bridge and the Shires Shopping Centre. The Trowbridge UDF recognises its importance. Therefore any detailed proposals for the site will need to ensure that the pedestrian route along either side of the River are maintained in the new scheme. This can be achieved by condition. The indicative masterplan submitted shows an enhanced walkways along the side of the River.

The application document include a Flood Risk Assessment, which has been the subject of detailed discussion with the Environment Agency. They have indicated that they are satisfied that any flood risk can be managed. In order to ensure this, it is proposed that a relevant condition be attached.

Overall, at this stage it is considered that the River can be properly managed and the enjoyment of it enhanced as a result of this redevelopment.

#### Infrastructure Requirements

##### Highways and Means of Access

The means of access to the application must be considered in detail as part of this application.

The Highways Authority had initially objected to the application for the reasons set out above. However, following extensive negotiation it has been agreed that the objection can be withdrawn subject to the imposition of relevant conditions.

The indicative masterplan for the application site suggests the provision of 713 car parking spaces, including the reorganisation of land already used for car parking within the grounds of County Hall. As the exact location of the mix of uses for which outline approval is sought, is not yet known, it is proposed that a condition be attached to ensure that this land cannot be developed for anything other than car parking.

On the basis of this advice, the means of access to the site is recommended for approved.

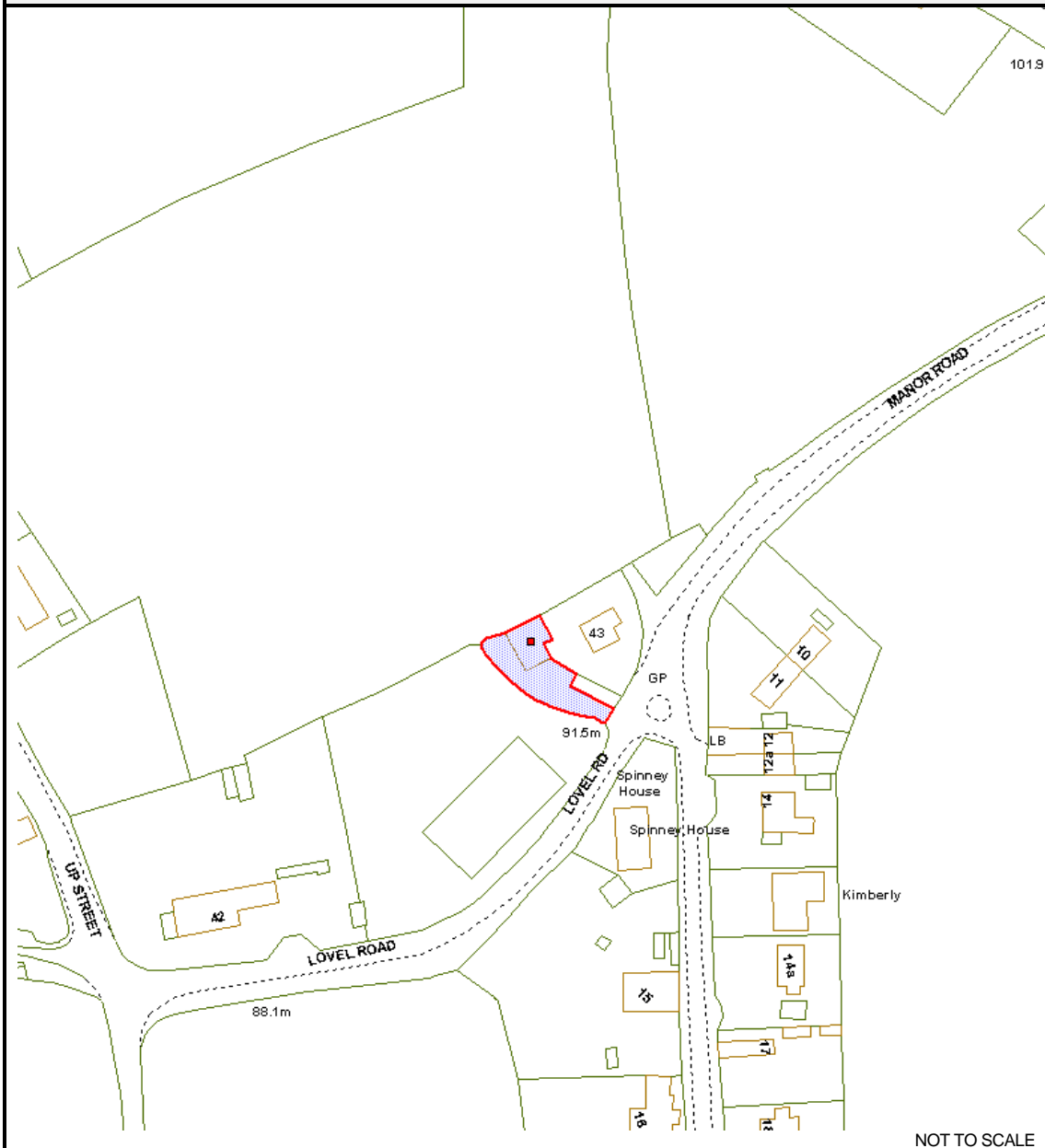
#### CONCLUSION

This proposal represents an important stage in the process of regenerating this edge of town site. It is acknowledged that as an outline application much of the detail of this proposal is yet to be determined. However, this proposal is consistent with the principles of the Development Plan policy and the Trowbridge UDF and no material considerations have been identified to outweigh this policy consideration which cannot be secured by condition or a planning agreement. The application should therefore be supported.

**ITEM NO: 02**

**APPLICATION NO: 05/00856/FUL**

**LOCATION: The Coach House Lovel House 42 Lovel Road Upton  
Lovell Wiltshire**



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

SLA: 100022961



**02 Application: 05/00856/FUL**

**Site Address: The Coach House Lovel House 42 Lovel Road Upton Lovell Wiltshire**

Parish: Upton Lovell

Ward: Mid Wylze Valley

Grid Reference 394557 141039

Application Type: Full Plan

Development: Conversion of Coach House as residential annexe to Lovel House

Applicant Details: Mr And Mrs H Champion  
The Coach House Lovel House 42 Lovel Road Upton Lovell  
Wiltshire

Agent Details: Llewellyn Harker Ltd  
Home Farm East Pennard Shepton Mallet Somerset BA4 6TT

Case Officer: Mr Russell Brown

Date Received: 06.05.2005

Expiry Date: 01.07.2005

**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 - Policies C31A.

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

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 6 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.
- 7 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.
- 8 The development shall only be carried out strictly in accordance with the recommendations and mitigation measures of the approved ecological survey.
- REASON: In the interests of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.
- 9 The occupation of the accommodation hereby permitted shall be as an ancillary annexe to Lovel House and 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 has been brought to the Planning Committee as the Parish Council object and officers recommend permission.

This is an application to convert a Grade II curtilage listed coach house into a 3 bedroom residential annexe. The building is currently used as a garage/stores building.

The coach house is a mixed brick structure with a slate roof and has the appearance of an old agricultural barn. The coach house forms part of the curtilage of Lovell House, a Grade II listed building. The site is separated from the main house by a stone wall to the west and south of the coach house. There is a gate through the wall linking the site to the main house. To the north of the coach house is a large area of agricultural land, forming part of the wider landscape. There is a residential property less than 10 metres to the east.

The site is located within the village of Upton Lovell, the village does not have Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area Of Outstanding Natural Beauty.

The proposals include renovations to the openings and replacing some of the existing windows with new softwood windows and the insertion of rooflights and a stainless steel flue which would be 0.7 metres higher than the ridge height. The revised plans show that the window openings would be reused as existing. No existing window openings would be altered in terms of size or position.

The proposal also includes the construction of a new first floor at a lower level than the existing and the reinforcing of the roof structure.

A bat and barn owl survey has been submitted with the application.

The application has been revised several times in order to try to achieve an acceptable conversion scheme.

## CONSULTATION REPLIES

- UPTON LOVELL PARISH COUNCIL: Objections
- Does not meet Policy H21 Conversion of Rural Buildings of the West Wiltshire District Plan 1st Alteration 2004
- The proposal is remote from services - PPG13 still applies
- The description has changed to an annexe but there is no justification for an annexe
- The plans have not been substantially altered to address the problems of the appearance of the conversion
- The proposal does not comply with Policy C2 Area Of Outstanding Natural Beauty of the West Wiltshire District Plan 1st Alteration 2004
- Increase in overlooking effect to neighbouring property
- Structural engineer's report is important
- Effect on neighbour's section of the building
- There is a door that exits directly onto a field, not residential land
- The entrance is dangerous and with the increased use of the property the danger would increase causing further difficulties for users of the road

## STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: "Previously an application at this site was refused on Highway grounds due to its remote location being contrary to the key aims of Planning Policy Guidance Note 13. The application is to convert the coach house to a residential annexe to Lovel House as accommodation for dependants or employees of the residents, however, it is not a typical annexe. It is not linked or even in close proximity to the main accommodation and vehicular access is not via the entrance to Lovel House, which means controlling the applicant's use of the dwelling would be difficult. By virtue of its size (3 bedrooms) it is more than likely that vehicular movements to and from the site via a sub-standard access would result from the proposed conversion. Visibility is severely restricted to well below the desired minimum by vehicles emerging from the site onto Lovel Road, to the left by the road geometry and vegetation bounding the neighbouring property and to the right by a high boundary wall to the grounds of Lovel House.

...recommend that this application be refused on highways grounds for the following reasons:

The increased use of the existing access, resulting from the proposed development, would be prejudicial to road safety.

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys."

#### - WESSEX WATER

No objections subject to Local Planning Authority being satisfied with the drainage arrangements

#### INTERNAL WWDC CONSULTATIONS

#### - URBAN DESIGN AND CONSERVATION ASSISTANT

"It is my view that this building has both a functional working character created by the ground floor layout and the remaining elements from its use as a stables and garage, but also a domestic character created by the style of doorways window designs and external materials used. Therefore, I believe that a residential use in principle could work, the important factors to consider are minimising the amount of changes, using the right materials and methods for repair, replacement or new features and retaining the working character of the building.

The scheme still needs to consider reusing existing openings and matching materials. Other issues relating to construction details and finishes may be dealt with by condition."

The latest revised scheme addresses this point and reuses the existing openings.

#### PUBLICITY RESPONSES

Neighbour notifications have been undertaken and the application advertised and a site notice attached to the site. Several letters have been received from a neighbour of the site, making the following points:

- Part of the building is owned by the neighbour
- There is a right of way for the neighbour over the yard to the front of the building
- The plans seem to alter part of the neighbour's section
- There is a shared internal brick wall - with ventilation gaps
- There are two existing windows that will overlook the neighbouring property
- Increased use of site leading to harm to the safety of road users
- Drainage concerns
- Disturbance and damage to the neighbouring section of wall

#### PLANNING POLICY

Wiltshire Structure Plan 2011

C8 - Area Of Outstanding Natural Beauty

HE7 - Listed Buildings

West Wiltshire District Plan 1st Alteration 2004

C1 - Countryside

C2 - Area Of Outstanding Natural Beauty

C27 - Listed Buildings

C28 - Alterations and Extensions to Listed Buildings

C31a - Design

C38 - Nuisance

H21 - Conversions of Rural Buildings

U4 - Groundwater Source Protection Area

PPG1 - General Policy and Principles  
PPS7 - Sustainable Development in Rural Areas  
PPG13 - Transport  
PPG15 - Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

04/01484/FUL - Conversion of existing coach house into 3 bedroomed dwelling - Refusal  
14.09.2004

04/01712/LBC - Conversion of existing Coach House into 3 bedroomed dwelling - Refusal  
25.10.2004

These applications were refused. They would have resulted in significant and unsympathetic alterations. In addition, they were refused for neighbouring amenity problems, highways reasons due to the unsustainable location and the use of the building as a separate dwelling without complying with Policy H21.

## KEY PLANNING ISSUES

The key issues in this case are whether the proposal is acceptable in Policy terms and its impact on listed building, Area Of Outstanding Natural Beauty, neighbouring amenity, the natural environment, highways matters and planning history.

## PLANNING OFFICER'S COMMENTS

### Conversion of Rural Buildings

Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 states that the conversion of rural buildings in the countryside and in settlements without Village Policy Limits to residential use will only be permitted subject to the satisfaction of certain criteria.

These criteria include that the applicant has made every reasonable attempt to secure business, tourism or sport and recreation re-use. The application is supported by a statement of the efforts which have been made. That the building is of substantial, sound and permanent construction and capable of conversion without extensive alteration, rebuilding, and/or extension or otherwise significantly altering its original character. That the proposed conversion safeguards and/or enhances the essential form, structure, character, and important traditional features of the building and the countryside. That it does not create highway problems and that it does not harm the natural environment.

Policy H21 also states that in considering such proposals structural surveys of buildings proposed for conversion will be required.

The applicant has not provided any evidence to show that an alternative use in accordance with the Policy has been sought. However, due to the unsustainable location of the site and the substandard access this site would be unsuitable for development other than an ancillary residential use. Consequently, the requirement to find an alternative use does not apply to this particular site and building.

A structural report of the building has been submitted as further information for this application. The report indicates that the building is capable of conversion subject to repair works to the roof structure when the proposed new floor is installed. A bat and barn owl survey shows that there are no large bat roosts in the building and provides recommendations for protection measures during conversion to ensure that if any individual roosts or other wildlife are found mitigation measures are put in place. This should be the subject of a condition.

The creation of an ancillary residential annexe in this location as proposed would be in accordance with Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 as the proposed conversion would safeguard the essential form, structure, character, and important traditional features of the building and the countryside. The building is a Grade II curtilage listed building and has the appearance of an agricultural barn. The alterations, including replacing existing windows with new softwood windows, the insertion of conservation rooflights and a stainless steel flue, would not harm the traditional nature of the building in terms of design and materials.

These factors are given greater weight as it is a Grade II curtilage building. Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 seeks to protect the character, setting, form and features of architectural interest of listed buildings and that loss or damage to historic fabric is minimised. Any new details should be designed so as to match or be in keeping with, and respect, the character of the building and materials should match, or be sympathetic to, those of the existing building. This latest proposal utilises the existing openings and retains the existing features and form, for example, the diamond glazing in the windows and reusing the existing slates for the roof.

The separation the boundary wall provides lends a prominence to the site and the coach house. This gives the site an important presence in the street scene as part of the overall rural character of the village. The large area of open agricultural land to the north of the site means that the site and the coach house form part of the agricultural landscape of the area. The conversion of this building to a ancillary living accommodation would retain the essential form and character of the building, utilising the existing openings and features. Therefore the conversion would be in keeping with the surrounding agricultural and rural landscape, and consequently the special landscape character of the Area Of Outstanding Natural Beauty would be retained.

There are existing east facing windows which would be retained as window openings. These windows are less than 10 metres from the neighbouring residential property to the east, however due to the rooms they serve there would not be a detrimental overlooking effect. The existing ground floor window would be a porch/utility window and the existing first floor window would be a store/cupboard window. Consequently, it can be seen that these windows would not result in a significant amount of overlooking and as such would not be detrimental to the amenities of the neighbour.

### Highways and Sustainability

The Highway Authority have recommended refusal on grounds that the location of the site is unsustainable. However, the building would be used as ancillary to the main house and therefore part of the use that already exists in this location. The Highway Authority have also objected on grounds of the increased use of the building leading to harm to highway safety. The building is currently used as a garage with parking in front and therefore cars could come and go at any frequency. The ancillary use of this building would not necessarily increase the use of this site by vehicles.

### Planning History

The previous applications were for an entirely separate dwelling. These applications were refused. They would have resulted in significant and unsympathetic alterations. In addition, they were refused for neighbouring amenity problems, highways reasons due to the unsustainable location and the use of the building as a separate dwelling without complying with Policy H21.

The current proposals have been designed, as described in the above report, to respect and retain the original and existing character of the coach house and are therefore acceptable. There would no longer be any significant overlooking to the neighbouring property. The site, being used for ancillary residential accommodation, would be retained as part of the overall residential use of the main house. Therefore this existing access is acceptable for its continued use as part of this single residential use. As the building would be used as ancillary to the main residential use of the main house, the location is sustainable as the use is not increased in terms of a separate planning unit - the planning unit will remain as existing. Consequently, H21 Criterion A no longer applies to the proposal as the building will be retained within the planning unit and used as part of the main residential use of the site. This can be controlled by condition.

## Other Matters

There seems to be some dispute over the ownership of the building. The applicant has confirmed that this proposed scheme is entirely related to parts of the building within their ownership. Works to a party wall would fall within the remit of the Party Wall Act and these considerations need to be agreed with the relevant owners.

## CONCLUSION

The conversion of this building to a residential annexe is acceptable within Policy and would not harm the special landscape character of the Area Of Outstanding Natural Beauty or the character of the listed building. The conversion would not be detrimental to neighbouring amenities and would not result in a significant increase in harm to highway safety. The previous reasons for refusal have been overcome and therefore, the application is recommended for permission.

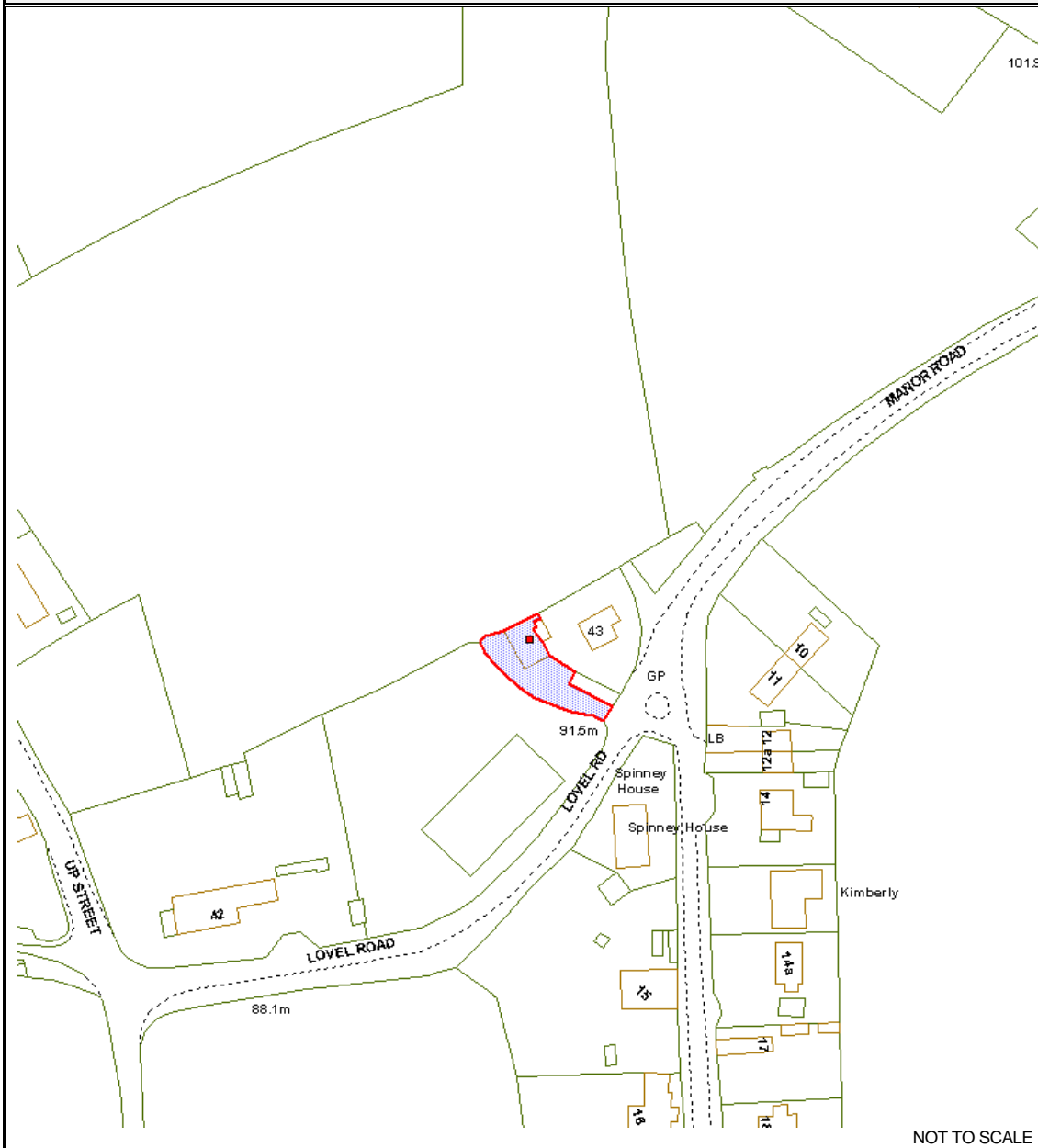
# PLANNING COMMITTEE

16 February 2006

ITEM NO: 03

APPLICATION NO: 05/00855/LBC

LOCATION: The Coach House Lovel House 42 Lovel Road Upton  
Lovell Wiltshire



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SLA: 100022961



**03 Application: 05/00855/LBC**

**Site Address: The Coach House Lovel House 42 Lovel Road Upton Lovell Wiltshire**

Parish: Upton Lovell

Ward: Mid Wylze Valley

Grid Reference 394557 141038

Application Type: Listed building

Development: Conversion of Coach House to provide annexe to Lovel House

Applicant Details: Mr & Mrs H Champion  
The Coach House Lovel House 42 Lovel Road Upton Lovell Wiltshire

Agent Details: Llewellyn Harker Ltd  
Home Farm East Pennard Shepton Mallet Somerset BA4 6TT

Case Officer: Mr Russell Brown

Date Received: 06.05.2005

Expiry Date: 01.07.2005

**REASON(S) FOR CONSENT:**

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

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

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 6 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 7 All existing (roof tiles/bricks/stonework) shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 8 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.
- REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 9 Details of the existing roof structure, and proposals for its reconstruction including the retention where possible of existing members, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 10 Details of the construction of the new first floor shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the interruption of the fabric of the listed building is minimised.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

# COMMITTEE REPORT

## APPLICATION DETAILS

This application has been brought to the Planning Committee as the Parish Council object and officers recommend consent.

This is a listed building consent application to convert a Grade II curtilage listed coach house into a 3 bedroom residential annexe. The building is currently used as a garage/stores building.

The coach house is a mixed brick structure with a slate roof and has the appearance of an old agricultural barn. The coach house forms part of the curtilage of Lovell House, a Grade II listed building. The site is separated from the main house by a stone wall to the west and south of the coach house. There is a gate through the wall linking the site to the main house. To the north of the coach house is a large area of agricultural land, forming part of the wider landscape. There is a residential property less than 10 metres to the east.

The site is located within the village of Upton Lovell, the village does not have Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area Of Outstanding Natural Beauty.

The proposals include renovations to the openings and replacing some of the existing windows with new softwood windows and the insertion of rooflights and a stainless steel flue which would be 0.7 metres higher than the ridge height. The revised plans show that the window openings would be reused as existing. No existing window openings would be altered in terms of size or position.

The proposal also includes the construction of a new first floor at a lower level than the existing and the reinforcing of the roof structure.

The application has been revised several times in order to try to achieve an acceptable conversion scheme.

## CONSULTATION REPLIES

### UPTON LOVELL PARISH COUNCIL

#### Objections

- Does not meet Policy H21 Conversion of Rural Buildings of the West Wiltshire District Plan 1st Alteration 2004
- The proposal is remote from services - PPG13 still applies
- The description has changed to an annexe but there is no justification for an annexe
- The plans have not been substantially altered to address the problems of the appearance of the conversion
- The proposal does not comply with Policy C2 Area Of Outstanding Natural Beauty of the West Wiltshire District Plan 1st Alteration 2004
- Increase in overlooking effect to neighbouring property
- Structural engineer's report is important
- Effect on neighbour's section of the building
- There is a door that exits directly onto a field, not residential land
- The entrance is dangerous and with the increased use of the property the danger would increase causing further difficulties for users of the road

## INTERNAL WWDC CONSULTATIONS

### URBAN DESIGN AND CONSERVATION ASSISTANT

"It is my view that this building has both a functional working character created by the ground floor layout and the remaining elements from its use as a stables and garage, but also a domestic character created by the style of doorways window designs and external materials used.

Therefore, I believe that a residential use in principle could work, the important factors to consider are minimising the amount of changes, using the right materials and methods for repair, replacement or new features and retaining the working character of the building.

The scheme still needs to consider reusing existing openings and matching materials. Other issues relating to construction details and finishes may be dealt with by condition."

The latest revised scheme addresses this point and reuses the existing openings.

## PUBLICITY

A site notice has been attached to the site. Several letters have been received from a neighbour of the site, making the following points:

- Part of the building is owned by the neighbour
- There is a right of way for the neighbour over the yard to the front of the building
- The plans seem to alter part of the neighbour's section
- There is a shared internal brick wall - with ventilation gaps
- There are two existing windows that will overlook the neighbouring property
- Increased use of site leading to harm to the safety of road users
- Drainage concerns
- Disturbance and damage to the neighbouring section of wall

## PLANNING POLICY

Wiltshire Structure Plan 2011  
HE7 - Listed Buildings

West Wiltshire District Plan 1st Alteration 2004  
C27 - Listed Buildings  
C28 - Alterations and Extensions to Listed Buildings  
C31a - Design  
H21 - Conversions of Rural Buildings

PPG1 - General Policy and Principles  
PPS7 - Sustainable Development in Rural Areas  
PPG15 - Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

04/01484/FUL - Conversion of existing coach house into 3 bedroomed dwelling - Refusal  
14.09.2004

04/01712/LBC - Conversion of existing Coach House into 3 bedroomed dwelling - Refusal  
25.10.2004

These applications were refused. They would have resulted in significant and unsympathetic alterations. In addition, they were refused for neighbouring amenity problems, highways reasons due to the unsustainable location and the use of the building as a separate dwelling without complying with Policy H21.

## KEY ISSUES

The key issue in this case is whether the proposal is acceptable in terms of the impact on the listed building.

## PLANNING OFFICER'S COMMENTS

The building is a Grade II curtilage listed building and has the appearance of an agricultural barn. The alterations, including replacing existing windows with new softwood windows, the insertion of conservation rooflights and a stainless steel flue, would not detrimentally harm the traditional nature of the building in terms of design and materials.

These factors are given greater weight as it is a Grade II curtilage building. Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 seeks to protect the character, setting, form and features of architectural interest of listed buildings and that loss or damage to historic fabric is minimised. Any new details should be designed so as to match or be in keeping with, and respect, the character of the building and materials should match, or be sympathetic to, those of the existing building. This latest proposal utilises the existing openings and retains the existing features and form, for example, the diamond glazing in the windows and reusing the existing slates for the roof.

A structural report of the building has been submitted as further information for this application. The report indicates that the building is capable of conversion subject to repair works to the roof structure when the proposed new floor is installed.

The existing first floor is in a poor state and is not worthy of retention in itself. This floor is part of the reason the building is in a generally poor state as it is causing the spread of the roof structure. The replacement of this floor would also structurally strengthen the building which would improve the integrity of the structure and ensure the building's longevity.

The previous applications were for an entirely separate dwelling. These applications were refused. They would have resulted in significant and unsympathetic alterations. The current proposals have been designed, as described in the above report, to respect and retain the original and existing character of the coach house and are therefore acceptable.

## CONCLUSION

The conversion of this building to a residential annexe would not detrimentally harm the character or fabric of the listed building. Therefore, the application is recommended for consent.

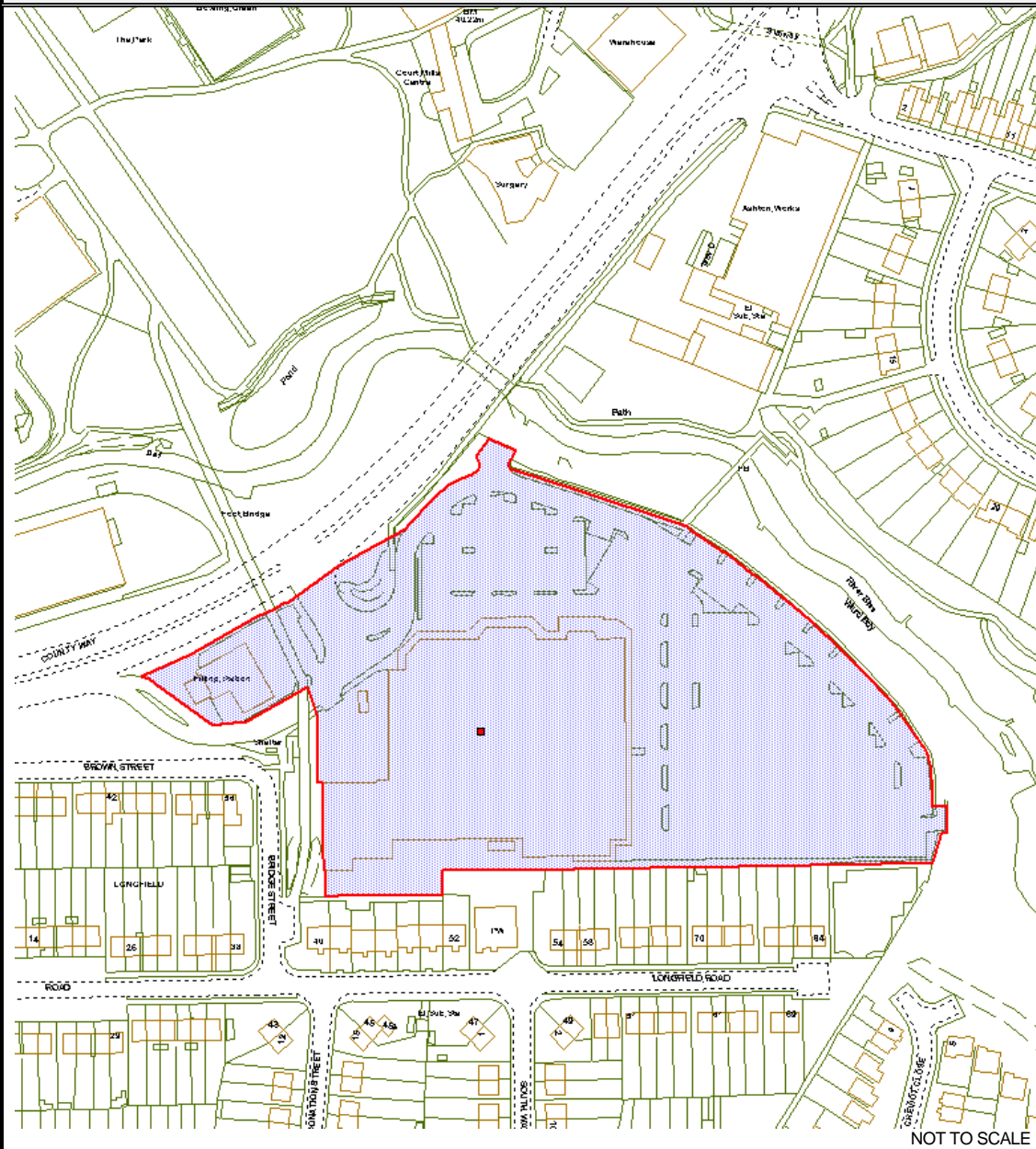
# PLANNING COMMITTEE

16 February 2006

ITEM NO: 04

APPLICATION NO: 05/03013/FUL

LOCATION: Tesco Stores Ltd County Way Trowbridge Wiltshire  
BA14 7AQ



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SLA: 100022961

**04 Application: 05/03013/FUL**

**Site Address: Tesco Stores Ltd County Way Trowbridge Wiltshire BA14 7AQ**

Parish: Trowbridge

Ward: Drynham

Grid Reference 385965 157528

Application Type: Full Plan

Development: Variation to condition 1 of permission 99/01822 and alteration to car parking

Applicant Details: Tesco Stores Ltd C/o The Development Planning Partnership  
1 Fitzroy Square London W1T 5HE

Agent Details: The Development Planning Partnership  
Marie Nagg 1 Fitzroy Square London W1T 5HE

Case Officer: Mr Peter Westbury

Date Received: 22.12.2005

Expiry Date: 16.02.2006

**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 area used for the sale and display of comparison goods (as defined in the Information Brief 1998/2 published by the Data Consultancy) within the building shall not exceed 30% of the total retail sales floor area. In addition to all areas used for the display and sale of goods, the total retail sales floor area is herewith defined as including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs).

REASON: In order to protect the vitality and viability of Trowbridge Town Centre.

- 2 A schedule of the materials to be used in the construction of the filter lane shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

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

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

- 3 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The Travel Plan shall include details of measures taken by the applicants to encourage the use of alternative means of transport to the private car to access the site and a timetable for implementation of relevant measures. These measures shall be implemented in accordance with the approved Travel Plan.

REASON: In pursuit of sustainable transport objectives.

- 4 The commencement of the 30% comparison trading format will not be operational until all details of the car park access fully approved and implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is brought to Committee because Trowbridge Town Council object and your Officers recommend permission.

This is an application for full planning permission to vary condition 1 attached to planning permission 99/01822 to allow 30% of the total retail sales area to be used for the sale of comparison goods.

Condition 1 attached to 99/01822 states:

"In order to protect the vitality and viability of Trowbridge town centre, the area used for the sale and display of comparison goods (as defined in the Information Brief 1998/2 published by the Data Consultancy) within the building shall not exceed 20% of the total retail sales floor area. In addition to all areas used for the display and sale of goods, the total retail sales floor area is herewith defined as including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and ATMs".

The proposal also includes an amendment to the layout of the car park including a right turn filter for access to the car parking area.

Members will recall that an application to vary this condition was refused on 27 October 2005 for the following two reasons:

1 The sale of comparison goods would have a detrimental impact on the vitality and viability of Trowbridge town centre contrary to Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

2 The proposal would result in an increase in demand for parking at a car park that is close to capacity that would result in queuing of vehicles at the existing junctions to the detriment of highway safety.

This application has been submitted with additional information to overcome these reasons for refusal.

In addition in support of their application the applicants have also indicated that:

"We wish to reiterate that Tesco's position is such that if the current proposal is not permitted, they will implement a larger mezzanine in order to achieve the required improvements at this store. We have highlighted previously that this would not be ideal as it would create a store far larger than is required and clearly would not deliver the package of benefits that is being offered. We would like to liaise with you and the County planners on the matter of a cap on floorspace at the store, linked with this application scheme, in order to provide both authorities with additional comfort over the trading format being proposed.

In addition, please be aware that Tesco has collected a petition of approximately 1,000 of their customers in support of the proposed improvements to the store. A copy of that petition will be forwarded to you very shortly. This provides a clear signal from local residents that the improvements to the store, which are being proposed in recognition of the how busy and congested the store is for customers and staff, would be welcomed."



## The application site

The application site at County Way, Trowbridge currently has 4,835 square metres of retail floorspace. Therefore at present 966 square metres is available for the sale of comparison goods. The proposed increase to 30% needs to be seen in the context of improvements to the internal arrangement of the building, including the installation of a mezzanine floor.

The installation of additional floor space within a building does not fall within the definition of development in sub-section 55(2)(a) of the Town and Country Planning Act 1990 and therefore is not development and does not need planning permission.

The total retail floorspace resulting from these improvements will be 6,403 square metres. Therefore a 30% increase in floorspace for comparison goods would mean that 1,920 sq.m of retail floorspace would be available for the sale of comparison goods. This represents an increase in the amount of retail floorspace available for the sale of comparison goods of 954 square metres.

Comparison goods are defined in National Planning Policy Statement on Planning for Town Centres (PPS6) as those items "not obtained on a frequent basis". Included in which are clothing, footwear, household and recreational goods.

The application site comprises the single storey main foodstore, with surface level car parking for 652 customers and a petrol filling station on land to the south of County Way, Trowbridge. PPS6 defines the site as being "out of town".

In support of their application, the applicants have also submitted Retail and Transport Statements.

## CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Object on the grounds of the impact of the proposal on the vitality and viability of Trowbridge Town Centre, and also loss of parking on site.

'Subject to the detrimental impact of additional retail space on Town Traders being considered and that The Trowbridge Chamber of Commerce would have an input.'

## STATUTORY CONSULTATIONS

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

- STRATEGIC PLANNING AUTHORITY (RETAIL): No objection subject to control over the total amount of sales floorspace available. Conclude:

1. There is a need for further retail development in Trowbridge that cannot be satisfied in the short term.
2. The proposal will not put at risk the implementation of sequentially preferable sites at a later date.
3. Any retail impact arising from the proposal would be minimal.
4. The proposal does not raise strategic retail issues of scale and accessibility.
5. There is a necessity to limit the overall amount of sales floorspace at the store to the amount put forward in this proposal.

## PUBLICITY RESPONSES

A site notice was posted and properties in Longfield Road and Brown Street were notified. As a result, no representations were received.

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011  
DP5 - Shopping

West Wiltshire District Plan - 1st Alteration 2004  
SP3 - Out of Centre Shopping

PPS1 - Delivering Sustainable Development  
PPS6 - Planning for Town Centres  
PPG13 - Transport

Trowbridge Urban Design Framework (2003)

## RELEVANT PLANNING HISTORY

99/01822/FUL - Variation of Condition 05 (W98/0345) to allow 20% of the total retail sales floor area to be used for the sale and display of comparison goods - Permission 20.01.00

05/01841/FUL - Variation of Condition 1 of permission ref. 99/01822/FUL to allow 30% of the total retail sales area to be used for the sale of comparison goods - Refused 27.10.05

## KEY PLANNING ISSUES

The main consideration in the determination of this application is whether this proposal overcomes the earlier reasons for refusal.

## PLANNING OFFICER'S COMMENTS

Two questions need to be answered in order to determine whether the earlier reasons for refusal have been overcome.

Reason for Refusal No 1 - Would the proposed increase in the area available for the sale of comparison goods have a detrimental impact on the vitality and viability of Trowbridge town centre?

Your Officer's view remains that the proposal would not have a detrimental impact on the vitality and viability of Trowbridge Town Centre. This is supported by the consultation report received from the County Planning Authority.

The applicants have submitted extra evidence to confirm that the proposal would not have a detrimental impact on the vitality and viability of Trowbridge Town Centre and to demonstrate that the proposal is consistent with Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

This policy states that proposals to vary the range of goods sold from out of centre stores will only be permitted when it can be demonstrated that the proposal would not harm the vitality and viability of the town centre's shopping role. In order to demonstrate this there should be a demonstrable need for the development which cannot be met by other more appropriate sites in the town centre.

## Need

The evidence produced by the applicant has been assessed by the County Retail Expert, who has concluded that based on maintaining Trowbridge's existing market share, there is a quantitative need for new floorspace capable of turning over £19.6 million by 2007 rising to £34.1 million by 2009. It is noted that these figures were accepted by the Secretary of State in his decision letter on the former Ushers site proposals.

An analysis of existing sites around the town, specifically St. Stephen's Place, Castle Place, the Former Ushers site and Castle Street suggests that these sites are unlikely to meet the need in the short-term (by 2007). The application proposal will assist in meeting the need for extra retail development in the town.

### The Sequential Approach

PPS6 requires applicants to apply a sequential approach to selecting appropriate sites for allocation within town centres where identified need is to be met. In this case, the applicants argue that the application proposal is not for additional floorspace but for an increase in the area of the store that can be dedicated to the sale of comparison goods and that Tesco's cannot make this provision in an alternative location in Trowbridge. The County Retail Expert does not accept this argument on the grounds that the additional provision is not essential to the operation of the applicant's business model. The provision of comparison goods could therefore theoretically be provided on sequentially preferable sites in Trowbridge.

The applicants have responded to the concerns of County stated that the floorspace involved will be provided as part of the mezzanine scheme that is not subject of this proposal and to split Tesco sales between different stores in the town would be inappropriate.

While it is accepted that the mezzanine floor does not form part of this application, it will have a significant impact on the amount of floorspace that can be used for the sale of comparison goods. Nevertheless, the expert advice received is that the increase of 954 sq.m will not prejudice the implementation of sequentially preferable sites in the town.

Therefore on the basis of identified need, particularly in the short-term and that the scale of the proposal would not prejudice the viability and vitality of sequentially preferable retail sites, it is concluded that the proposal complies with development plan policy SP3.

Reason for Refusal No 2 - Would the proposal result in an increase in demand for parking at a car park that is close to capacity and would it result in queuing of vehicles at the existing junctions to the detriment of highway safety?

On the basis of all the submitted evidence, which has been reviewed by the Highways Authority, the proposed amendments to the car park at the site will overcome this reason for refusal. The proposed filter lane means that the car park will have no detrimental impact on highway safety.

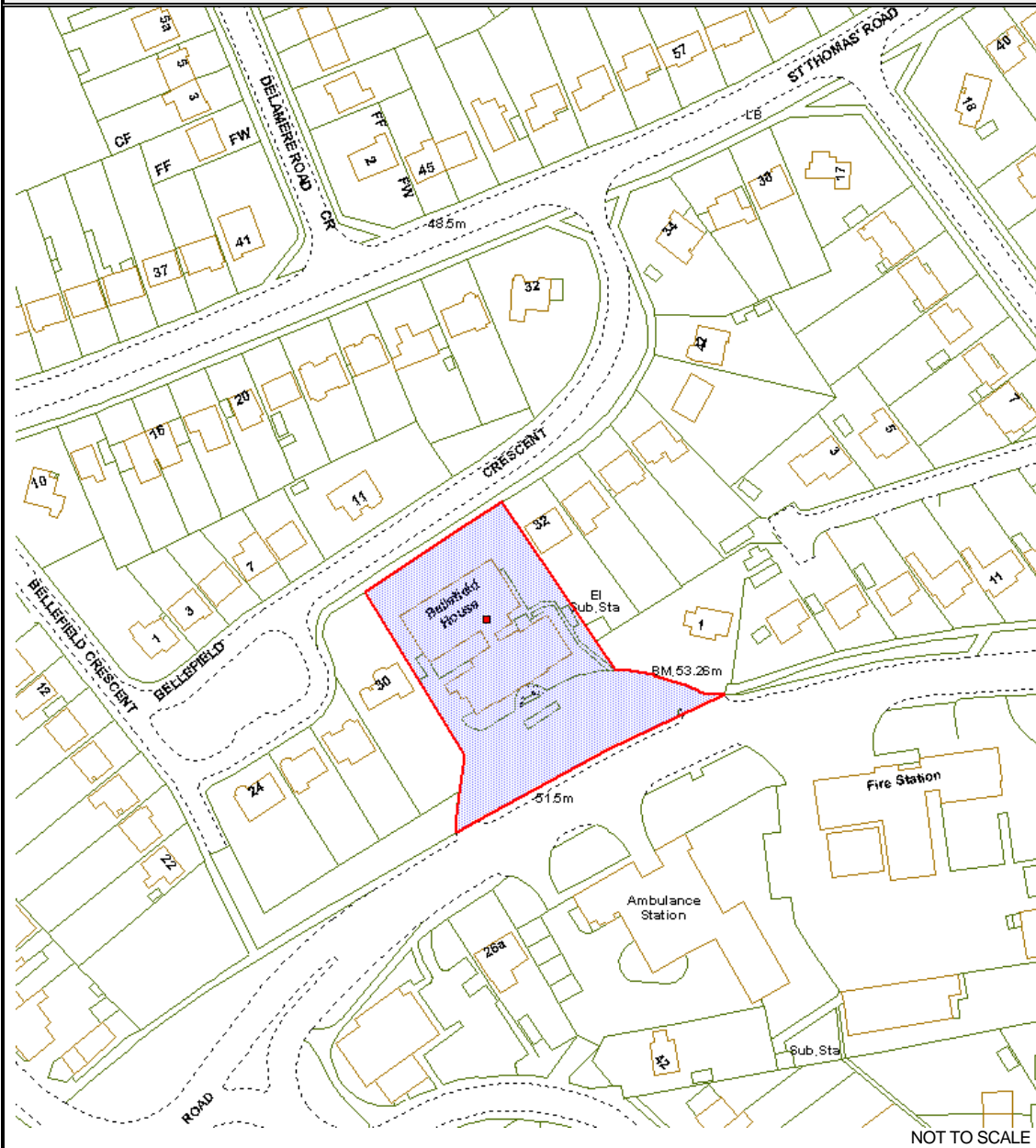
The consultation response recommends that any permission be accompanied by relevant conditions. There is a requirement that a Travel Plan be submitted and approved in writing. This should indicate the measures to be taken by the applicant to encourage alternatives to the use of the private car for visits to the site.

There is also a requirement that the proposed increase to the area for the sale of comparison goods should not take place until the car park layout has been amended. The car parking should be formally laid out and includes spaces measuring 4.8m x 2.4m with 6m turning area behind each space. Plan 0503-26 attached to the application indicates that there is sufficient space to achieve this requirement.

In light of these comments, the applicants have agreed to complete a Travel Plan. They have agreed that rather than restricting the commencement of the 30% comparison trading format until access matters have been fully approved and implemented, the planning condition would better restrict the new trading format from becoming operational until such time that the relevant planning conditions have been discharged. This is because the proposal relates to a mezzanine area that is not subject to this application.

### CONCLUSION

On the basis of the information provided the reasons for refusal attached to application 05/01841/FUL have been overcome and accordingly planning permission should be granted.

**ITEM NO: 05****APPLICATION NO: 05/02509/FUL****LOCATION: Bellefield House Hilpert Road Trowbridge  
Wiltshire BA14 7JL**

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SLA: 100022961

**05 Application: 05/02509/FUL**

**Site Address: Bellefield House Hilpert Road Trowbridge Wiltshire BA14 7JL**

Parish: Trowbridge

Ward: Park

Grid Reference 386067 158263

Application Type: Full Plan

Development: Installation of cctv cameras

Applicant Details: Atos Origin  
Bellefield House Hilpert Road Trowbridge Wiltshire BA14 7JL

Agent Details: Carter Planned Maintenance Limited (John Head)  
Redhill Road Hay Mills Brimingham B25 8EY

Case Officer: Mr Mark Reynolds

Date Received: 25.10.2005

Expiry Date: 20.12.2005

**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 Details of a scheme to prevent overlooking and invasion of privacy of neighbouring dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the CCTV cameras. The scheme shall be carried out in accordance with the approved details prior to the CCTV system being first brought into use.

REASON: In the interests of neighbouring amenity and to minimise nuisance.

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

**COMMITTEE REPORT**

**APPLICATION DETAILS**

This application is brought to committee at the request of Councillor Oldrieve to allow members to determine how this sort of application fits within Policy C38.

This is a full planning application for a CCTV system to be installed at Bellefield House which is a Grade II listed building. The proposed CCTV system would include nine CCTV cameras, six would be located externally and three would be located internally.

Bellefield House is a detached 18th century former town house located within a largely residential area. It is a large, 3-storey property with basement. A stone boundary wall fronts the site, enclosing an area of hardstanding used for parking. The house itself is built of Bath Ashlar under a slate roof with Ashlar stacks situated on the gable ends. The rear of the property comprises a large flat roofed extension which dates from the 1960's. It is this section of the building to which this application relates.

## CONSULTATION REPLIES

- TROWBRIDGE TOWN COUNCIL: No comments were received

## INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: Have no adverse comments to make in relation to this application

## PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press.

One letter was received from the Trowbridge Civic Society who object to four external audible alarms which would adversely effect the amenities of this primarily residential area. The Civic Society believe that it is technically possible to have a direct link to the local police station making an audible alarm unnecessary.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C27 - Listed buildings

C28 - Alterations and extensions to listed buildings

C31a - Design

C36 - Noise

C38 - Nuisance

SPG - Planning Design Guidance on House Alterations and Extensions

## RELEVANT PLANNING HISTORY

96/01358/OUT - Demolish existing rear extensions and erect 2 detached houses and garages and access - Permission 12.12.96

## KEY PLANNING ISSUES

The key planning issues in this case to consider are the impact which the proposal would have upon the setting of this grade II listed building and neighbouring amenity considerations.

## PLANNING OFFICER COMMENTS

Policy C27 states that the character of buildings listed as being of special architectural or historic interest in the District will be protected. 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.

In this case the proposed external CCTV cameras which require planning permission are to be located on an existing flat roofed extension to Bellefield House. This extension is of little aesthetic merit but is listed by virtue of being attached to the original structure. The proposed CCTV cameras if installed are not considered to harm the setting or character of this grade II listed building.

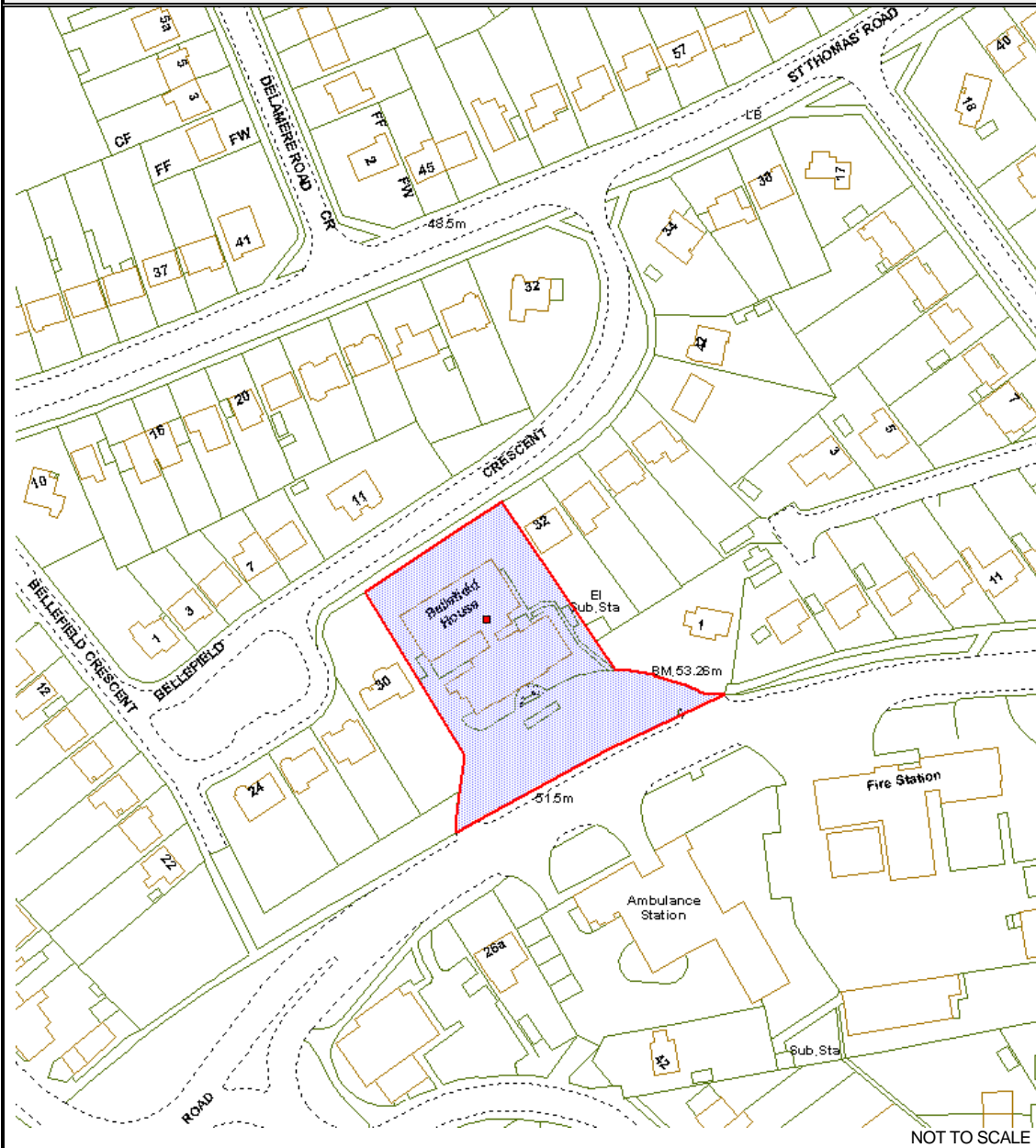
A Councillor has raised concerns regarding the potential for the CCTV cameras to cause a nuisance to neighbouring properties. The Environmental Health department were consulted on this application following receipt of these comments. They did not however raise any concerns regarding the proposal. The applicant was consulted regarding these concerns and have advised that the camera range of the CCTV system can vary. However if there is an issue with a camera facing a public property the area can be blanked out of the camera. This allows the camera to face the public property but only the monitored building will be viewed. This blanking out cannot be removed once it has been put in place.

It is also noted that the closest residential property to the proposed cameras would be 26m away and that there exists a row of trees which are protected by tree preservation orders between the application site and these properties located on the other side of Bellefield Crescent. It is considered in view of the above that neighbouring amenity should not be harmed by the proposal.

Trowbridge Civic Society object to the inclusion of external alarm boxes these do not however form part of this application which is for a CCTV system.

## CONCLUSION

The proposal is considered to be consistent with the development plan and permission is therefore recommended. There would be no harm to the amenity of local residents nor to the historic environment.

**ITEM NO: 06****APPLICATION NO: 05/02570/LBC****LOCATION: Bellefield House Hilpert Road Trowbridge  
Wiltshire BA14 7JA**

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SLA: 100022961



**06 Application: 05/02570/LBC**

**Site Address: Bellefield House Hilpert Road Trowbridge Wiltshire BA14 7JA**

Parish: Trowbridge

Ward: Park

Grid Reference 386067 158263

Application Type: Listed building

Development: CCTV System

Applicant Details: Atos Origin  
Bellefield House Hilpert Road Trowbridge Wiltshire BA14 7JA

Agent Details: Carter Planned Maintenance Limited  
Redhill Road Hay Mills Birmingham B25 8EY

Case Officer: Mr Mark Reynolds

Date Received: 25.10.2005

Expiry Date: 20.12.2005

**REASON(S) FOR CONSENT:**

**The proposal would protect the character, integrity and setting of this Grade II 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.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee at the request of Councillor Oldrieve to allow members to determine how this sort of application fits within policy C28.

This is an application for listed building consent for a CCTV system to be installed at Bellefield House which is a Grade II listed building. The proposed CCTV system would include nine CCTV cameras, six would be located externally and three would be located internally.

Bellefield House is a detached 18th century former town house located within a largely residential area. It is a large, 3-storey property with basement level. A stone boundary wall fronts the site, enclosing an area of hardstanding used for parking. The house itself is built of Bath Ashlar under a slate roof with Ashlar stacks situated on the gable ends.

The rear of the property comprises a large flat roofed extension which dates from the 1960's. It is this section of the building to which this application relates.

#### CONSULTATION RESPONSES:

- TROWBRIDGE TOWN COUNCIL: No objection subject to the approval of the Conservation Officer

#### PUBLICITY RESPONSES

The proposal was publicised by site notice and press advertisement, to which no response has been received.

#### PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)  
C27 - Listed buildings  
C28 - Alterations and extensions to listed buildings  
C31a - Design

SPG - Planning Design Guidance on House Alterations and Extensions

#### RELEVANT PLANNING HISTORY

96/01358/OUT - Demolish existing rear extensions and erect 2 detached houses and garages and access - Permission 12.12.96

#### KEY PLANNING ISSUES

The key planning issues in this case to consider are the impact which the proposal would have upon the setting and character of this Grade II listed building.

#### PLANNING OFFICER COMMENTS

Policy C27 states that the character of buildings listed as being of special architectural or historic interest in the District will be protected. 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.

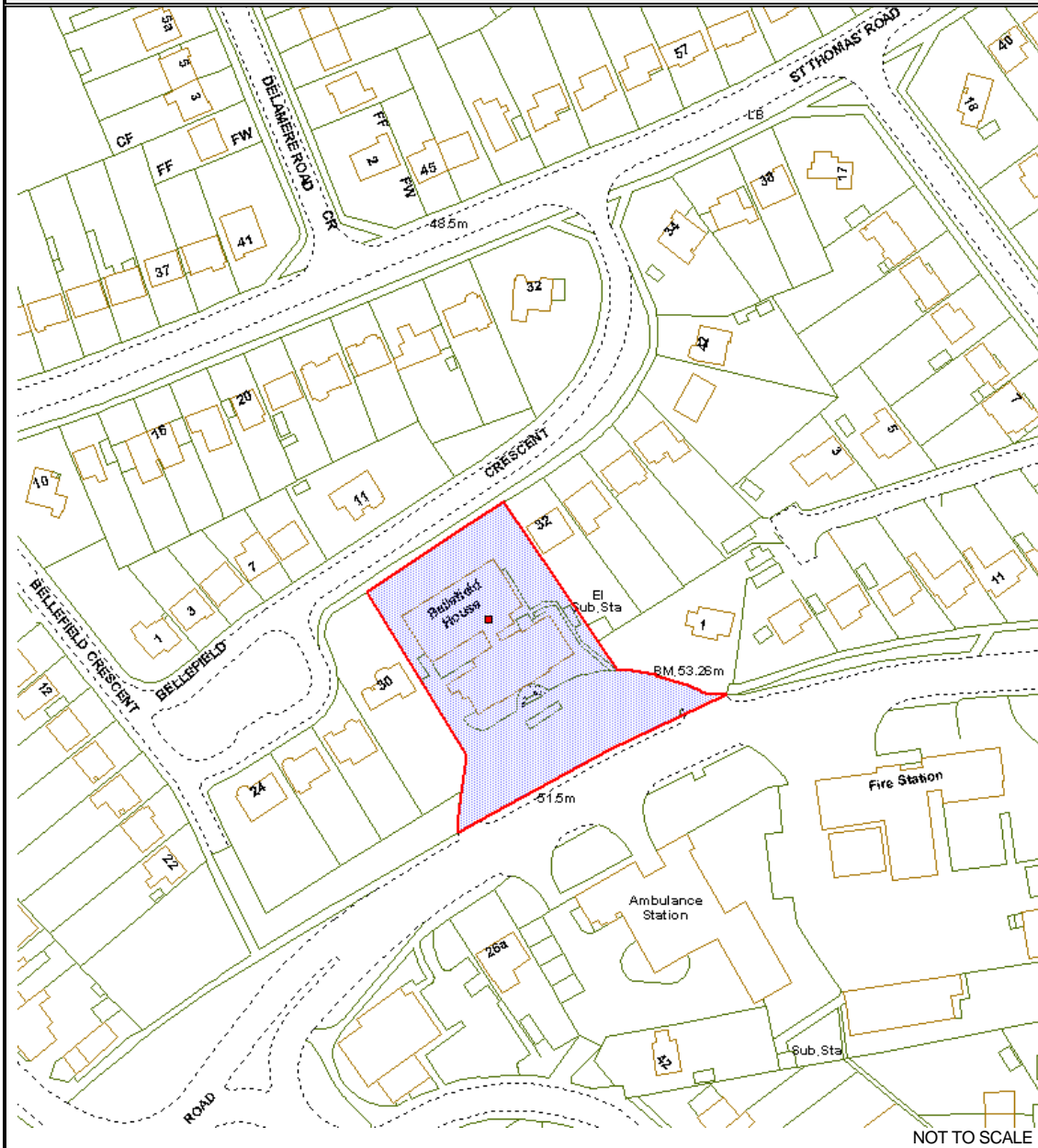
In this case six of the proposed CCTV cameras would be located externally on an existing flat roofed extension to Bellefield House. This extension is of little aesthetic merit but is listed by virtue of being attached to the original structure. The proposed CCTV cameras if installed are not considered harmful to the setting or character of this grade II listed building. Likewise the three internal CCTV cameras would not result in the loss of or damage to historic fabric because they are to be located within a modern addition to this listed building.

Regarding the Town Council's comments it is noted that the Conservation Officer would not ordinarily be consulted on an application which involved works to a grade II listed building unless those works entailed major demolition. However, the Council's Heritage Development Officer has no objection.

#### CONCLUSION

The proposal is considered to be consistent with the development plan and consent is therefore recommended. There would be no harm to the character or integrity of the listed building, or the setting of the principal listed building.



**ITEM NO: 07****APPLICATION NO: 05/02572/LBC****LOCATION: Bellefield House Hilpert Road Trowbridge  
Wiltshire BA14 7JA**

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SLA: 100022961

**07 Application: 05/02572/LBC**

**Site Address: Bellefield House Hilperton Road Trowbridge Wiltshire BA14 7JA**

Parish: Trowbridge

Ward: Park

Grid Reference 386067 158263

Application Type: Listed building

Development: Creation of new 8 person meeting room by converting existing store cupboard and seating area adjacent to computer room. Installation of intruder alarm to rear annexe only.

Applicant Details: Atos Origin  
Bellefield House Hilperton Road Trowbridge Wiltshire BA14 7JA

Agent Details: Carter Planned Maintenance Ltd  
Redhill Road Hay Mills Birmingham B25 8EY

Case Officer: Mr Mark Reynolds

Date Received: 25.10.2005

Expiry Date: 20.12.2005

**REASON(S) FOR CONSENT:**

**The proposal would protect the character, integrity and setting of this grade II 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.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee at the request of Councillor Oldrieve to allow members to determine how this sort of application fits within policy C28.

This is an application for listed building consent for the creation of a new eight person meeting room by converting an existing store cupboard and seating area. It is also proposed to install an intruder alarm system.

Bellefield House is a detached 18th century former town house located within a largely residential area. It is a large, 3-storey property with basement level. A stone boundary wall fronts the site, enclosing an area of hardstanding used for parking. The house itself is built of Bath Ashlar under a slate roof with Ashlar stacks situated on the gable ends. The rear of the property comprises a large flat roofed extension which dates from the 1960's. It is this section of the building to which this application relates.

## CONSULTATION REPLIES

- TROWBRIDGE TOWN COUNCIL: No objections subject to the approval of the Conservation Officer

## PUBLICITY RESPONSES

The proposal was publicised by site notice and press advertisement, to which no response has been received.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)  
C27 - Listed buildings  
C28 - Alterations and extensions to listed buildings  
C31a - Design

SPG - Planning Design Guidance on House Alterations and Extensions

## RELEVANT PLANNING HISTORY

96/01358/OUT - Demolish existing rear extensions and erect 2 detached houses and garages and access - Permission 12.12.96

## KEY PLANNING ISSUES

The key planning issues in this case to consider are the impact which the proposal would have upon the setting and character of this Grade II listed building.

## PLANNING OFFICER COMMENTS

Policy C27 states that the character of buildings listed as being of special architectural or historic interest in the District will be protected. 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.

In this case the proposed alarm system would be located internally within an existing extension to this Grade II listed building. The system would include motion detectors, magnetic contacts in the doorways and a control panel. It is also proposed to change the use of a store cupboard to a meeting room. These internal alterations would comprise works to a fairly modern addition to the listed building and the which is of little aesthetic merit but is listed by virtue of being attached to the original structure. The proposed internal works are not considered to harm the setting, character or integrity of this grade II listed building.

Concern has been raised regarding the potential nuisance which the alarm system may entail. This is an application for listed building consent and issues of neighbour nuisance cannot be considered as part of this proposal. The only issues for consideration are the impact of the proposals on the character and integrity of the listed building.

Notwithstanding the above, the applicant's agent has advised that the system is designed to transmit coded signals to the Alarm Receiving Centre (ARC) and further details of how the system would work are available in the form of specification details submitted with the application.

Regarding the Town Council's comments it is noted that the Conservation Officer would not ordinarily be consulted on an application which involved works to a grade II listed building unless those works entailed major demolition. However, the Council's Heritage Development Officer has no objection.

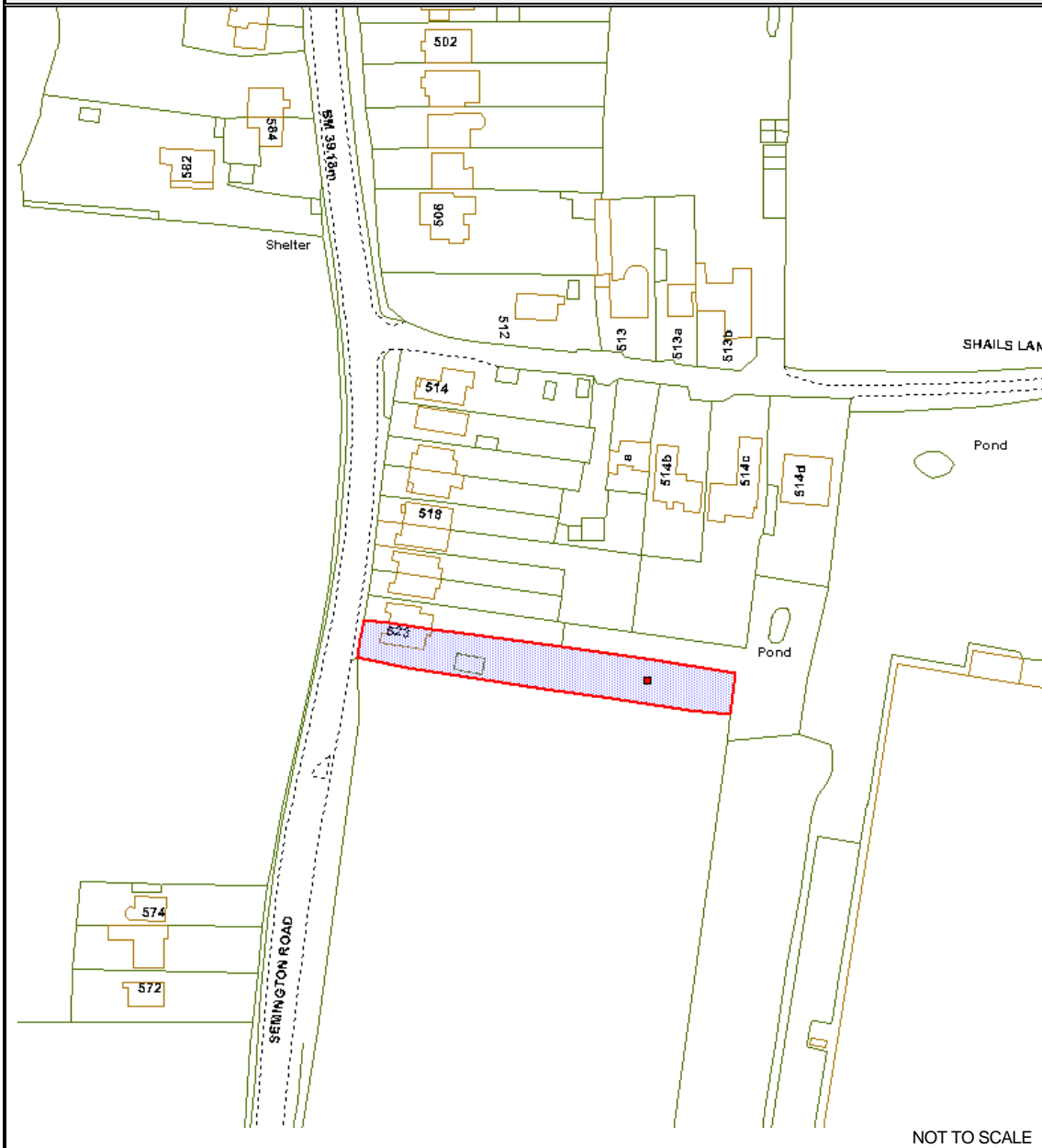
## CONCLUSION

The proposal is considered to be consistent with the development plan and consent is therefore recommended. There would be no harm to the character or integrity of this listed building.

ITEM NO: 08

APPLICATION NO: 05/02157/FUL

LOCATION: Land Rear Of 523 Semington Road Melksham  
Wiltshire



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SLA: 100022961



**08 Application: 05/02157/FUL**

**Site Address: Land Rear Of 523 Semington Road Melksham Wiltshire**

Parish: Melksham Without Ward: Melksham Without  
Grid Reference 390159 161908  
Application Type: Full Plan  
Development: Erection of detached dwelling  
Applicant Details: Louise Cook  
523 Semington Road Melksham Wiltshire SN12 6EA  
Agent Details: Ashley Design Associates  
The Old Ride Bath Road Bradford On Avon Wilts BA15 2PB  
Case Officer: Mr Matthew Perks  
Date Received: 02.12.2005 Expiry Date: 27.01.2006

**JUSTIFICATION REASON:**

**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:**

**Planning permission be granted at a later date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure the provision of affordable housing in accordance with terms to be agreed.**

**Condition(s):**

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

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

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

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

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

- 3 No development 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 A recessed entrance having a minimum width of 4.5m shall be constructed 5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45° towards the carriageway edge. Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 5 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.

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

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

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

**Note(s) to Applicant:**

- 1 The applicant is advised to contact Wessex Water with regard to connection to Wessex infrastructure.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is referred to Committee because the Melksham Without Parish Council recommends refusal and officers recommend Permission.

This is an application for full planning permission for the erection of a detached 2 storey dwelling on the land to the rear of 523 Semington Road, Melksham.

The property lies to the east of Semington Road at the southern end of the village, immediately to the north of the Employment Policy area. It falls within Semington Village Policy Limits. This oblong site is approximately 90m in length, and varies in width between 10m and 11m. The total area of the site is 1100m<sup>2</sup>.

The proposal is for a detached, two storey four-bedroom dwelling. Materials would be facing brick with reconstructed stone used for the plinth, quoins and window cill, under clay tiles. Access would be provided at the existing entrance to no. 523. An existing garage would be demolished with two parking spaces each to be provided for the existing and proposed dwellings. The proposed site plan reflects the retention of 3 established trees at the eastern end of the site, new screen planting on the northern boundary of the site to the west of the proposed dwelling and the retention of an existing hedge and the introduction of a new barrier to the southern boundary of the property.

The proposed dwelling would occupy a footprint of ±62m<sup>2</sup>. The dwelling would comprise a dining room, lounge, kitchen and sitting room at ground floor level with 4 bedrooms and a bathroom on the first floor.

The building would have 2m and 1m sidespaces to the southern and northern boundaries respectively. The dwelling would be 15m from the rear (eastern) boundary of the site and 50m from the nearest neighbouring dwelling. The industrial site to the south is currently vacant. There is an elongated garden area to the north of the proposed dwelling, which forms part of an irregularly shaped rear amenity space to the dwelling at 519 Semington Road.

The agent has consulted licensed ecologists on the presence of great crested newts and has submitted relevant correspondence.

## CONSULTATION REPLIES

- MELKSHAM WITHOUT PARISH COUNCIL: "Melksham Without Parish Council objects to this development because it comprises backland development in an area which is recognised as an established habitat for great crested newts. If this dwelling were to go ahead it could end up inches away from the planned new industrial estate."

## STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objection subject to conditions in relation to the access and surface water disposal.

- WESSEX WATER: No objection.

Recommends the need for agreement to be reached (this can be done at detailed design stage) on sewer connections and water supply. The disposal of surface water must also be addressed to the satisfaction of the LPA.

## INTERNAL WWDC CONSULTATIONS

- HOUSING SERVICES: There is a demonstrable need for affordable housing in the area. A commuted sum towards the provision of up to 50% of a single dwelling for a small family would be sought.

## PUBLICITY RESPONSES

Neighbours were notified of the proposal. One letter of response was received. The writer objects on the following grounds:

- the impact of the dwelling on the narrow garden strip to the north of the site. This previously derelict land was acquired by the owner of no. 523 and has been restored as part of the garden. Overshadowing would harm existing plants;
- loss of privacy resulting from overlooking of garden to the north;
- the area near the proposed house regularly floods after heavy rain. Development would cause additional flooding on the neighbouring property.

## PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 Development in main settlements

West Wiltshire District Plan 1st Alteration, 2004

C38 Effects of development on neighbouring properties

C31a Design

H17 Development within village policy limits.

T10 Parking

PPS1 Delivering sustainable development.

PPG3 Housing

## RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

The main issues relevant to the application are the acceptability of the development on this site and in the context of the surrounding area, impacts on neighbouring amenity and highway safety.

## PLANNING OFFICER'S COMMENTS

Policy H17 of the West Wiltshire District Plan - 1st Alteration permits limited development within defined Village Policy Limits provided that:

- The development would be in keeping with the character, appearance and distinctive spatial form of the settlement;
- The development is in accordance with the District Plan 1st Alteration policies which seek to protect the natural environment, including water resources and flood risk and the built environment;
- It would not create inappropriate backland or tandem development;
- It would not result in the loss of an important open space or visual gap;
- It can be satisfactorily serviced, there is adequate infrastructure, including water supplies and sewage treatment and it does not create highway problems.

In this case the proposal would result in a density of development, at approximately 19 units per hectare. This accords with the density of development of the cluster of dwellings to the north of the site. Development densities and forms in the broader area are variable. The dwelling is designed to be in keeping with the double storey brick and stone quoin dwellings in the vicinity. Adjacent dwellings are semi-detached but there are detached properties of similar form in the vicinity. Given the length of proposed driveway (55m) and the locality of the proposed dwelling to the rear of the elongated property the issue of backland development does arise. This driveway would pass to the south of, and be shared by, the existing dwelling on the site. This would be the only dwelling that would be affected by the driveway.

The proposal must also be considered in terms of Government Guidance contained in PPG3 which encourages the efficient use of land. This brownfield site is currently unutilised and would provide a residential property that is in keeping with surrounding development. The proposal would result in a development density well below that of the 30 and 50 units per hectare suggested in the guidance, but appropriate to the surrounds. The elongated shape of the property and its relation to neighbouring properties is furthermore not conducive to more intensive development of the site.

With regard to the neighbour objection, the narrow strip of garden land to the north referred to by the objector is at the rear extremity of a highly irregularly shaped garden that has as its primary usable space a rectangular area of  $\pm 25\text{m} \times 20\text{m}$  to the north west of the proposed dwelling. The majority of this space would not be affected to a significant extent by either overlooking or overshadowing by the proposed dwelling. It is acknowledged that the narrow strip of land immediately north of the dwelling would experience overshadowing, but it is not considered that this should form a reason for refusal and thus sterilise the potential residential use of the application property. There would only be one upstairs window (serving a bathroom) that would be orientated towards the north. Other upstairs windows would face east and west, with a limited south western corner portion of the objector's garden falling within the  $45^\circ$  angle of view of the nearest window to a habitable room. The dwelling would be a minimum of 50m from the nearest dwelling and 60m from that of the objector.

The land to the south is identified in the District Plan for employment use. The area is still an open field and there is no indication at this stage of what form development might take. It is not considered that the proposal would have any negative implications for the development of the site. The proposed dwelling would occupy what is already domestic curtilage.

The agent has acknowledged the presence of great crested newts, and an ecologist has been consulted. Initial recommendations have been made, but a more comprehensive study and proposals for mitigating measures should be made a condition of any permission.

The agent was made aware of affordable housing requirements. Any permission must take account of the requirements of Council's Housing Services Section.

## CONCLUSION

It is concluded that the site would be appropriate for the proposed development when considered in terms of relevant District Plan Policies weighed together with PPG3 guidelines. There are no material considerations to outweigh this and accordingly the application should be granted permission.

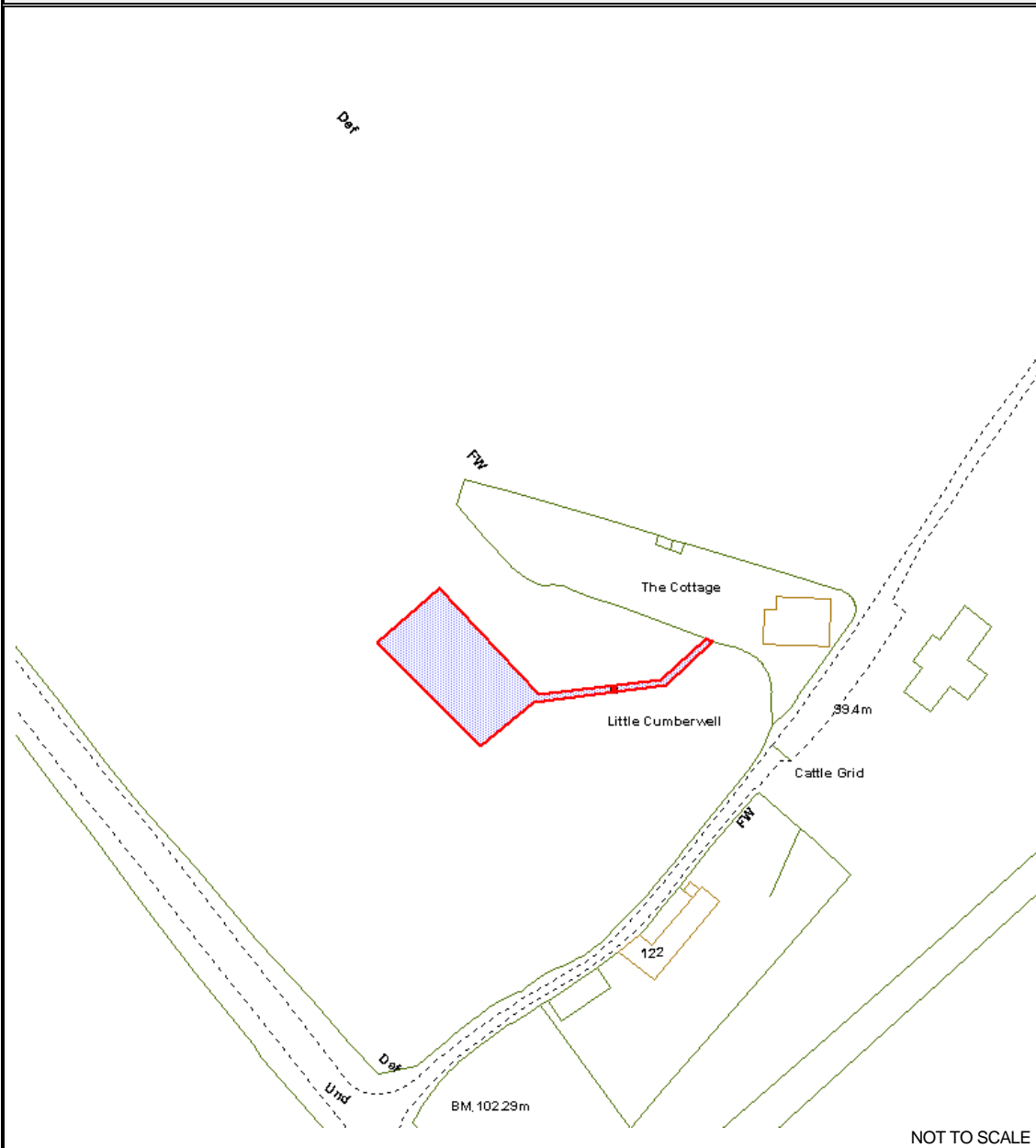
# PLANNING COMMITTEE

16 February 2006

ITEM NO: 09

APPLICATION NO: 06/00103/FUL

LOCATION: Land Adjacent The Cottage Little Cumberwell  
Bradford On Avon Wiltshire



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SLA: 100022961

**09 Application: 06/00103/FUL**

**Site Address: Land Adjacent The Cottage Little Cumberwell Bradford On Avon Wiltshire**

Parish: Winsley

Ward: Manor Vale

Grid Reference 381702 162948

Application Type: Full Plan

Development: Change of use of land to residential and construction of tennis court

Applicant Details: Chris James  
C/o Hunter Page Planning Thornbury House 18 High Street  
Cheltenham Glos

Agent Details: Hunter Page Planning  
Thornbury House 18 High Street Cheltenham Glos GL50 1DZ

Case Officer: Mr Mark Reynolds

Date Received: 12.01.2006

Expiry Date: 09.03.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposed development by reason of the extension of the residential curtilage into the open countryside and the construction of a tennis court and perimeter fencing would result in a material change of use of land that would not maintain the openness of the Western Wiltshire Green Belt, and would be in conflict with the purposes of including land within it, it therefore constitutes inappropriate development in the Western Wiltshire Green Belt, which is by definition harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt, and any other harm. This development is therefore contrary to Policy DP12 of the Wiltshire Structure Plan, Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 and contrary to the Government advice contained within paragraphs 1.4, 1.5 and 3.12 of Planning Policy Guidance Note 2.
- 2 Recreational land within the District will be protected from development and this application is not supported with a satisfactory justification for the loss of the recreational land, contrary to Policy R2 of the West Wiltshire District Plan 1st Alteration 2004.
- 3 The proposed use of the land as extended domestic curtilage and tennis court would result in an unacceptable intrusion of a domestic curtilage into the open countryside which would neither conserve nor maintain the quality of the countryside contrary to policy C1 of the West Wiltshire District Plan - 1st Alteration, 2004.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought before the Planning Committee at the request of Cllr Viles on the basis that because the previous application was refused the applicant should be given the opportunity to present his case. Members may recall that a similar application was put forward to the committee of the 8th September 2005 and was refused.

This is a full planning application for the change of use of recreational land (part of Cumberwell golf course) to residential curtilage and the construction of a tennis court. The proposed tennis court would be partially set into the existing ground contours involving engineering operations. The tennis court would be 18.29 by 36.5m in ground area (669 sqm), with a 3 metre high ball stop around its entire perimeter.

The proposed tennis court would be used ancillary to the enjoyment of the dwellinghouse and would be used in connection with The Cottage. The application also includes the change of use of land for a 1.2m wide gravel path which would link the tennis court to the property. This pathway would extend approximately 45m in length.

The Cottage is located in a group of dwellings with access off the A363, and to the west of the Cumberwell Golf Course. The application site is located to the south west of The Cottage and its existing residential curtilage. The existing residential curtilage is defined at its boundary by a minimum 1.4 metre high, dry stone wall. There is also other existing golf club associated landscaping on its boundary with The Cottage. The application site is fairly level, with the main road risen above the site, the site is approximately 806 square metres. On the approach from the narrow access onto the A363 the application site is in prominent view and the site is characterised by its openness. The application site is located within the Western Wiltshire Green Belt.

The applicant's agent has submitted a full supporting statement.

## CONSULTATION REPLIES

- WINSLEY PARISH COUNCIL: No comments received to date and any subsequent response will be reported on the late list.

## PUBLICITY RESPONSES

No comments received to date and any subsequent response will be reported on the late list.

## PLANNING POLICY

Wiltshire Structure Plan 2011  
DP12 Western Wiltshire Green Belt

West Wiltshire District Plan 1st Alteration 2004  
GB1 Western Wiltshire Green Belt  
GB2 Green Belt  
C1 The Countryside  
R1 Recreation space  
R2 Protection of Recreational Space

PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS7 Sustainable Development in Rural Areas  
PPG17 Open Space, Sport and Recreation

## RELEVANT PLANNING HISTORY

00/01741/FUL - Side extension and replacement porch roof - Permission 01.10.2001

05/01315/FUL - Construction of a tennis court and associated landscaping - Refused 8.9.05

## KEY PLANNING ISSUES

The main issues to consider in this application are whether the proposal has overcome the previous reasons for refusal and relevant to this a consideration of green belt policy and the effect of the development upon the landscape character of the countryside and the loss of recreation land will be considered.



### Green Belt:

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

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

The applicant confirmed in the previous application that the proposed tennis court would be for his own leisure / domestic use. Further the description submitted for the application is for 'change of use of land to residential and construction of tennis court' and it is on this basis that the application must be judged in respect of the Green Belt policies.

Dealing firstly with openness, there would be a hard surfaced tennis court covering an area of 669 sq.m, there would also be a gravel track leading to the existing domestic curtilage and a 3 metre high ball stop perimeter net around the tennis court. These elements would be substantial in significantly altering the appearance of the land, and would cover an extensive amount of land currently open and undeveloped. The application site is fairly level, with the main road rising above the site to the west. On the approach from the narrow access off the A363 the application site is in prominent view, with the curtilage boundary for The Cottage clearly defined. It protrudes out from the dwelling with the golf course land surrounding it. By changing the use of this land from recreational to domestic curtilage and the addition of the structures this proposal would entail would not maintain the openness of the Green Belt, contrary to Policy GB2 and paragraphs 1.4 and 3.12 of PPG2.

The openness of the Green Belt is its greatest attribute. This would be likely to be prejudiced by the tennis court and fencing.

Secondly, PPG 2 sets out the purposes of including land within Green Belts. One of these purposes is to assist in safeguarding the countryside from encroachment. Extending a residential use into the countryside amounts to encroachment of an urban type of development into the undeveloped countryside.

Therefore, the proposed change of use and engineering operations would not maintain the openness of the Green Belt and would also conflict with the purposes of including land within the Green Belt, it is therefore contrary to Policies GB2 and DP12 and the advice in PPG 2. The proposal is therefore inappropriate development, which is by definition harmful to the Green Belt.

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

Although the applicant has not expressly stated any very special circumstance in their supporting statement as they consider this application to amount to appropriate development in the Green Belt, three issues raised need to be discussed.

Firstly, the applicant's agent has stated that landscaping measures would be taken to minimise the intrusion caused by the development. The proposal does not however include any landscaping on the submitted plans and it is not considered that the proposed siting of the tennis court, being sunken into the ground would minimise its visual impact on the surrounding area. The visual prominence of development within Green Belt has less relevance due to the presumption in favour of maintaining its openness per se. Also although no landscaping is indicated on the plans in this application landscaping was shown on the previous plans however the proposed mitigation of visual impact when peripheral planting matured was not previously considered a sufficient reason to allow an incursion of a domestic nature in this Green Belt area.

Secondly, the applicant considers that a tennis court is a recreational use, and that no greater harm would arise due to the existing recreational use of the land. The application site forms part of the Cumberwell Golf course, the land use of this existing public recreational facility has a positive role to play in fulfilling certain Green Belt land use objectives, including, providing opportunities for outdoor sport and recreation near urban areas. It has been shown above that the proposal would harm the openness of the Green Belt and the change of use would conflict with the purpose of including land within it. This objection would reasonably apply whether the land is recreational or agricultural. Furthermore, the proposed tennis court would not be a public facility.

Thirdly, the applicant considers that there are three examples in the surrounding area where other tennis courts have been allowed outside the residential curtilage and within the Western Wiltshire Green Belt (permitted in 1990, 1996 and 1997 respectively). The applicant considers that due to these examples the principle of development should be acceptable. Your Officers consider harm would be caused to the Green Belt and that each individual case should be considered on its individual merits. Officers do not consider that a precedent has been set.

In addition, notwithstanding the above, more recent examples have been refused, most notably the planning application for the erection of a tennis court and change of use of land to domestic curtilage at No. 2 Wingfield House, which was refused by the Planning Committee on the 6 January 2005. The current recommendation is consistent with the most recent decisions made by the Council.

It is concluded that there are no other material considerations which would clearly outweigh the harm caused by the proposed development and therefore justify the development on the basis of very special circumstances. The proposal would be contrary to Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004, Policy DP12 of Wiltshire Structure Plan 2011 and the advice contained within PPG 2.

The application site is located in the countryside albeit that the site is in recreational use its appearance is still semi-rural. The proposed change of use of land and the associated structures would have a significant adverse impact on the character and appearance of the countryside. The application site is extremely prominent and visible from a wide area. Also the application plot bears little relation to adjoining land uses and introduces domestic features into the countryside contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004.

The proposed development would involve the loss of 0.40 hectares of recreational land at the Cumberwell Golf Club. This land is protected from development by Policy R2 of the West Wiltshire District Plan 1st Alteration 2004. No justification has been provided to justify the loss of such recreational provision in accordance with the criteria of Policy R2.

## CONCLUSION

The change of use to residential curtilage and the erection of a tennis court and perimeter fence would not maintain the openness of the Western Wiltshire Green Belt and would not safeguard the countryside from encroachment. Therefore, it amounts to inappropriate development, which is by definition harmful to the Green Belt. In addition, recreational land would not be protected in accordance with Policy R2. No very special circumstances have been provided by the applicant to clearly outweigh the harm by reason of inappropriateness and the other serious planning harm which would result from the proposed development.



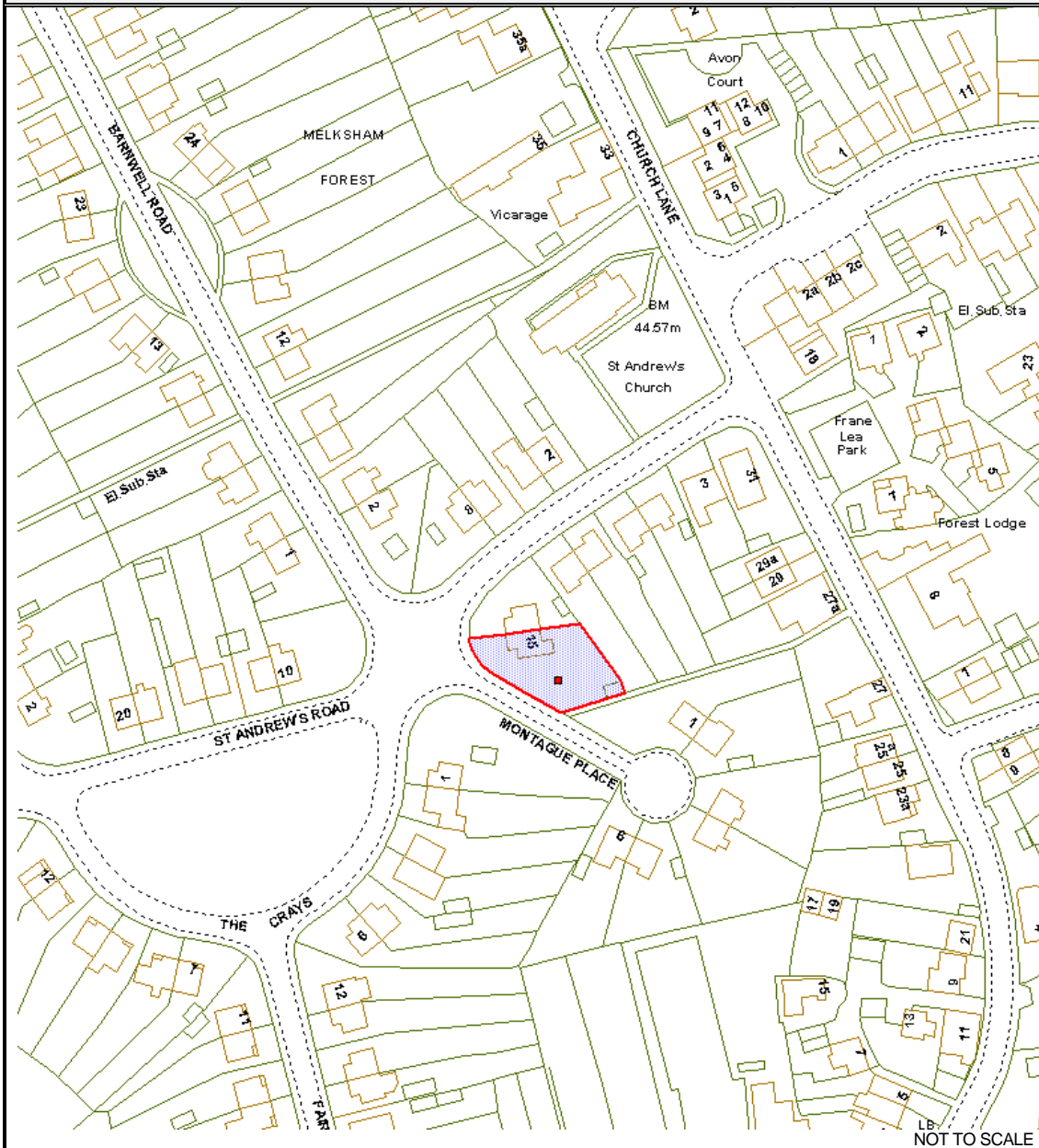
# PLANNING COMMITTEE

16 February 2006

ITEM NO: 10

APPLICATION NO: 05/02856/OUT

LOCATION: Land Adjacent 15 St Andrews Road Melksham  
Wiltshire



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SLA: 100022961

**10 Application: 05/02856/OUT**

**Site Address: Land Adjacent 15 St Andrews Road Melksham Wiltshire**

Parish: Melksham (Town) Ward: Melksham North  
Grid Reference 391349 164359  
Application Type: Outline Plan  
Development: Erection of one dwelling  
Applicant Details: Mr C Breach  
C/o LPC (Trull) Ltd Trull Tetbury Glos GL8 8SQ  
Agent Details: LPC (Trull) Ltd  
Trull Tetbury Glos GL8 8SQ  
Case Officer: Miss Nicola Rogers  
Date Received: 30.11.2005 Expiry Date: 25.01.2006

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

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

- 2 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

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

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

- 4 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.

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

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

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

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

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

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

- 7 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.

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

REASON: In the interests of highway safety.

- 9 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.

- 10 Sufficient space for four parking spaces (two for the existing and two for the proposed) together with a vehicular access thereto shall be provided, before it is occupied, in a position approved by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purposes of access.

REASON: In the interests of highway safety

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is presented to Planning Committee as Melksham Town Council object to the application and your Officers recommend permission.

This is an outline application for one dwelling on land adjacent 15 St Andrews Road. The application was originally submitted as being for two dwellings and included illustrative drawings. This was reduced to one dwelling following advice from your Officers.

The plot of land is identified as being within the domestic curtilage of number 15 St Andrews Road, and is located fronting onto Montague Place. This application is in outline form and all matters are reserved for consideration at a later date.

## CONSULTATION REPLIES

- MELKSHAM TOWN COUNCIL: Objections - Land actually adjoins Montague Place with access through Montague Place. Similar objections stated in previous application re 2 Montague Place; Inadequate drainage and dispersal of service water; Highways issues for emergency vehicles. Planning policies U2 and H.

## STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objections
- WESSEX WATER: No objections

## PUBLICITY RESPONSES

A neighbour notification exercise resulted in three letters of objection to the development on the following grounds:

- limited space for vehicle parking
- A previous application was refused on this plot
- Unsuitable drainage in the area
- Not in keeping with the area
- Overdevelopment of the area

## RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

H1 - Further housing development in towns

T10 - Car parking

U2 - Surface water disposal

Planning Policy Statement 3: Housing

## RELEVANT PLANNING HISTORY

89/01493/OUT - Erection of one detached dwelling and garage (Refusal 31/10/99)

The following case is also relevant to the application and is on a plot of land opposite the application site:

03/01812/OUT - Land At Montague Place, Erection of dwelling (outline) (refused 11/12/03, allowed on appeal 8/3/04)

## KEY PLANNING ISSUES

The main issues in this case are the principle of a building on the plot, its impact on the street scene and appearance of the area, the highway situation at this point and the impact on the surface water disposal systems in the vicinity.

In addition to the above issues the planning history on the site and the plot across the road are material considerations

### Principle of a dwelling on the site

The plot of land is within the town policy limits of Melksham and as such new development would be subject to the criteria in policy H1 of the West Wiltshire District Plan 1st Alteration. The development of the site for housing is acceptable in policy terms if it meets these criteria. The proposed development is at a density of 38 dwellings per hectare, which is within the density range recommended in PPG3 (between 30 and 50 dwellings per hectare net) and represents an efficient use of the land.

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

### Impact on street scene and surrounding area

The character of the area is clearly defined by pairs of semi-detached dwellings, and Montague Place displays this character along with a balance and symmetry when viewed from the entrance of the road. The properties in Montague Road are located around a circular turning head, to either side of the straight section of road are domestic gardens. One dwelling on this land would break this established pattern of development, detached houses are particularly uncommon in the local area.

The land opposite this application site was the subject of an application for one dwelling in 2003; this application was refused, but later allowed at appeal. This was an outline application and no development has yet taken place on this site. This permission is a material consideration in this case and the Inspector's report for the appeal has informed this report. In this appeal the Inspector recognised the fact that the area has a special character, however he goes on to state: "this is not a conservation area and I do not consider that the proposal would be so harmful as to warrant dismissal of the appeal, especially bearing in mind the requirement of PPG3: Housing to make more effective use of housing land in urban areas."

The issue of the impact on the area was thoroughly considered by the Planning Inspectorate against up to date policy, which remains relevant. As the issues in this case are very similar to the allowed proposal, it would be inappropriate to offer a different recommendation than the conclusion reached by the Inspector.

### Highway situation

Many of the objections from neighbours of the site raise the question of the availability of parking and access to the site and the rest of the road. With one dwelling on the site the Highway Authority have not objected to the application as sufficient parking spaces can be accommodated on the site for both the proposed and the existing dwelling along with a vehicular access.

Whilst the plot is located just off a junction with three other residential streets, the addition of one further dwelling in this location would not have an adverse impact on the highway situation at this point.

### Drainage issues

Many of the objectors to this application mention the issues of drainage in the area. Wessex Water confirm that there are no existing public or separate surface water sewers in the vicinity of the site and advise that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Policy U2 of the West Wiltshire District Plan 1st Alteration 2004 states that development will only be permitted where adequate surface water disposal systems are available or where suitable arrangements are made for their provision.

A condition is recommended which requires surface water drainage works to be carried out before the development is commenced, these works will be controlled by the Council with advice from Wessex Water. This should be sufficient to alleviate any drainage issues associated with the additional development.



It is noted that this plot was subject to an application in 1989 for a dwelling. This application was refused for the following reason: "The application site is too small to satisfactorily accommodate the proposed development, and the proposal would give rise to insufficient amenity space around a dwelling here, and would therefore constitute overdevelopment of the site."

Since 1989 the document PPG3: Housing has become part of national planning guidance and development plan policy has been updated to reflect it. Paragraph 58 of this document states that Local Planning Authorities should encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare). This document also gives greater emphasis to the re-use of previously developed land, which includes land used as domestic gardens.

Whilst the previous reason for refusal is a material consideration to this application, this change in policy and a shift towards increasing the supply of housing in established settlements overcomes the reason.

## CONCLUSION

The principle of development on this plot has been established through examination of current policy, in conjunction with the appeal decision on the plot opposite. This recommendation concurs with the findings of the Inspector on that appeal in this respect. All highways and drainage issues can be resolved through conditions, attached to this report.

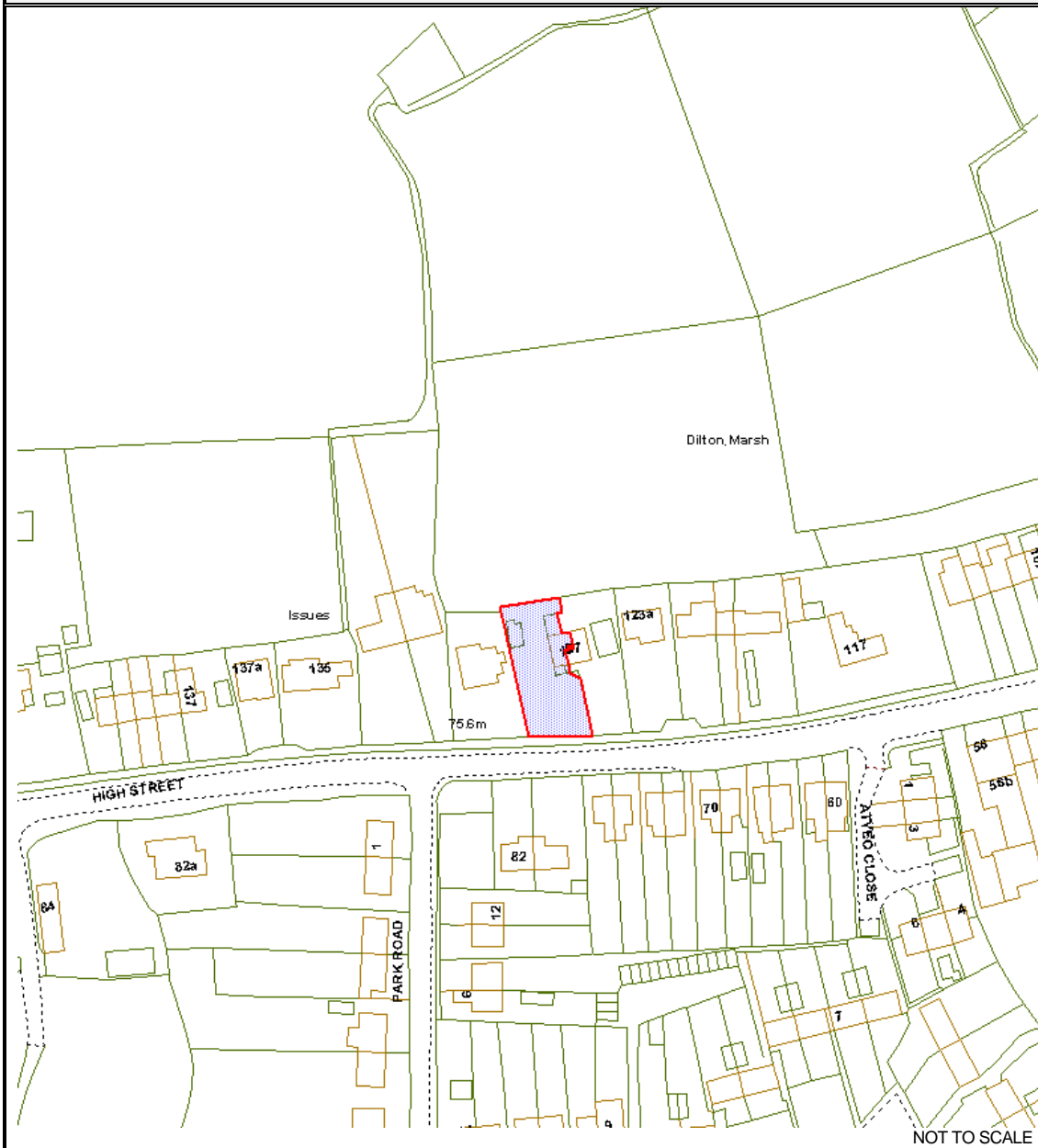
# PLANNING COMMITTEE

16 February 2006

ITEM NO: 11

APPLICATION NO: 05/02401/FUL

LOCATION: Weavers Cottage 127 High Street Dilton Marsh  
Wiltshire BA13 4DP



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SLA: 100022961

**11 Application: 05/02401/FUL**

**Site Address: Weavers Cottage 127 High Street Dilton Marsh Wiltshire BA13 4DP**

Parish: Dilton Marsh

Ward: Dilton Marsh

Grid Reference 384713 149827

Application Type: Full Plan

Development: New three bedroom dwelling and alterations to first floor extension to No.127

Applicant Details: Mr & Mrs Parker  
Weavers Cottage 127 High Street Dilton Marsh Wiltshire BA13 4DP

Agent Details: Stuart Sinclair  
45 High Street Wincanton BA9 9JU

Case Officer: Mr Mark Reynolds

Date Received: 17.10.2005

Expiry Date: 12.12.2005

**JUSTIFICATION REASON:**

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

**RECOMMENDATION:**

**Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to ensure the provision of a commuted sum towards an affordable housing contribution in accordance with the Supplementary Planning Guidance - Affordable Housing, and the applicant's agreement not to implement permission 05/00691/FUL.**

**Condition(s):**

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

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

- 2 The materials to be used in the construction of the external 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 No development shall take place until bedroom two shown on drawing No: TC0508/S1 has been converted into the bathroom shown on drawing No: TC0508/S1. The first floor bathroom window in the west elevation shown on drawing No: TC0508/S1 shall be obscure glazed 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 and the Supplementary Planning Guidance - Household Alterations and Extensions.

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

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

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

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

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

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

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

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

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

- 7 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.

- 8 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.

- 9 Any gates shall be set back a minimum distance of 4.5 metres from the carriageway edge and the side boundaries splayed at an angle of 45 degrees on each side.

REASON: In the interests of highway safety.

# COMMITTEE REPORT

## APPLICATION DETAILS

This application is brought to committee because Dilton Marsh Parish Council object to the application and Officers recommend permission.

This is a full planning application for a detached three bed dwelling located adjacent to an existing two storey property. The existing property No. 127 is proposed to be extended with a two storey rear extension that would measure 4.75m by 5m and would add a pitched roof with a gable end to the rear, being 6.1m in height to the ridge and sloping to 4.2m in height at eaves level. A wrap around conservatory would also be removed from the side of No. 127. The two storey extension proposed here is similar to an extension permitted previously in planning reference 05/00691/FUL.

The proposed dwelling itself would have a footprint size of 8.4m by 6.4m and it would stand 6.5m in height to ridge level of the proposed pitched roof sloping to 4.2m in height at eaves level. The application site is located within a residential street of Dilton Marsh. The existing dwelling is set back by approximately 17m from the public highway.

## CONSULTATION REPLIES

- DILTON MARSH PARISH COUNCIL: Comment that 'the Council noted that this application was similar to a previous application (05/00754) that had given rise to objections from the Council that the proposed development was overdevelopment of the site. The Council is unchanged in its view and objects to this new application on the grounds that it represents overdevelopment of the site'.

## STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objections subject to conditions
- WESSEX WATER: No objections

## INTERNAL WWDC CONSULTATIONS

- HOUSING SERVICES: Have agreed a commuted sum with the developer towards affordable housing costs in this case, following an open book appraisal, subject to a re-appraisal on completion of the scheme.

## PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, no comments were however received.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

H2	Affordable housing within towns and villages
H17	Village Policy Limits
H24	Housing design
C31a	Design
C32	Landscaping
C38	Nuisance
T10	Car parking

PPS1	Delivering sustainable development
PPG3	Housing
SPG	Affordable Housing
SPG	Planning Design Guidance on House Alterations and Extensions

## RELEVANT PLANNING HISTORY

05/00691/FUL - First floor extension - Permission 31.5.05

05/00754/FUL - Three bedroom dwelling - Withdrawn 22.6.05

## KEY PLANNING ISSUES

The key planning issues to consider in this case are the acceptability or otherwise of the proposal in planning policy terms, affordable housing, highway safety issues, neighbouring amenity, design issues and the planning history of the site.

## PLANNING OFFICER COMMENTS

Planning application 05/00691/FUL was granted planning permission for a first floor extension which is identical to that proposed here, save for changes to fenestration and layout. The proposed extension which has only very minor amendments is still considered acceptable as it was in application 05/00691/FUL. In this application however, the impact which the extension would have upon the proposed dwelling will also need to be considered once the acceptability of the proposed dwelling in policy terms has been outlined.

The application site is located within the village policy limit for Dilton Marsh. Within Village Policy Limits, Policy H17 of the West Wiltshire District Plan 1st Alteration 2004 states that limited development within villages with a defined Village Policy Limit will be permitted subject to the proposal satisfying a number of criteria. These criteria include that the development would be in keeping with the character, appearance and spatial form of the surrounding area. It should not create inappropriate backland or tandem development, it should not result in the loss of an important open space or visual gap, should not result in highway problems, and the development must be capable of being satisfactorily serviced with adequate infrastructure.

Guidance given in Planning Policy Guidance Note No. 3 also offers further guidance on density requirements. PPG3 seeks to encourage housing development at a density of between 30-50 dwellings per hectare to avoid unsustainable excessive land take.

In this case the density of the proposal site is currently 19 dwellings per hectare and would be increased to 38 dwellings per hectare with the additional dwelling. This would accord with the density guidelines issued in PPG 3. The street is dominated by a mix of semi-detached and detached dwellings. The proposal to incorporate a detached property at the side of the existing dwelling would be in keeping with the spatial characteristics of the street. Dwellings in the street tend to occupy full plot widths and buildings are generally located in fairly close proximity to each other and these trends would be replicated in this proposal. The dwelling would be located set back considerably from the road in common with neighbouring properties.

The proposed dwelling has been designed as a simple two storey building with a pitched roof and ridgeline running west-east. The fenestration of the building would be simple employing two windows at ground and first floor level at the front south elevation. The property itself would be constructed in natural stone with concrete roofing tiles and samples of these materials could be requested by condition. The appearance of the dwelling is considered to be acceptable.

Turning to the issue of neighbouring amenity the following is noted. The proposed dwelling would only include one first floor window in the side elevation which would be a landing level window and it is not considered that the proposed dwelling would result in overlooking. Likewise the proposed dwelling would be positioned level with both No. 127 and No. 127A and it should not overshadow or overbear these neighbouring properties. The amenities which the future occupiers of the proposed dwelling would enjoy is also a material consideration in this case. The proposed rear extension which was previously permitted at No. 127 would project to the rear of the proposed dwelling. This property is situated to the east of No. 127 over 3.5m away and it is not therefore considered that the amenities of the proposed dwelling would be harmed considerably. There currently exists a window in the west elevation of No. 127 at first floor level which is a bedroom window which may overlook the proposed dwelling. It is proposed to rearrange the internal accommodation at this property which would involve the existing bedroom two becoming a bathroom. This would overcome any concerns regarding potential overlooking. This proposal would not harm the amenities of neighbouring properties or the future occupiers of the dwelling.

The proposal incorporates a parking and turning area which subject to conditions is acceptable to the Highway Authority and it is not therefore considered that this proposal would be detrimental to highway safety.

This application located within a village and proposing a net increase of one dwelling attracts a requirement for affordable housing in line with Policy H2 of the West Wiltshire District Plan 1st Alteration 2004. Policy H2 states that where there is a demonstrable lack of affordable housing to meet local needs, the intention will be to negotiate for the provision of an appropriate element of affordable housing on housing sites within defined village policy limits. Policy H2 states that a contribution of up to 50% affordable housing provision on sites within villages will be sought. The SPG - Affordable Housing gives advice on the mechanisms of delivery.

In this case the applicant has been in discussions with the Housing Services department from an early stage regarding this requirement for affordable housing. An agreement has been reached to provide a financial contribution in lieu of onsite provision towards affordable housing. This agreement was reached following the applicant undertaking an open book exercise. In order to secure the provision of an affordable housing contribution a section 106 agreement will be required.

## CONCLUSION

Permission is recommended subject to the completion of a legal agreement to secure the provision of a contribution towards affordable housing.

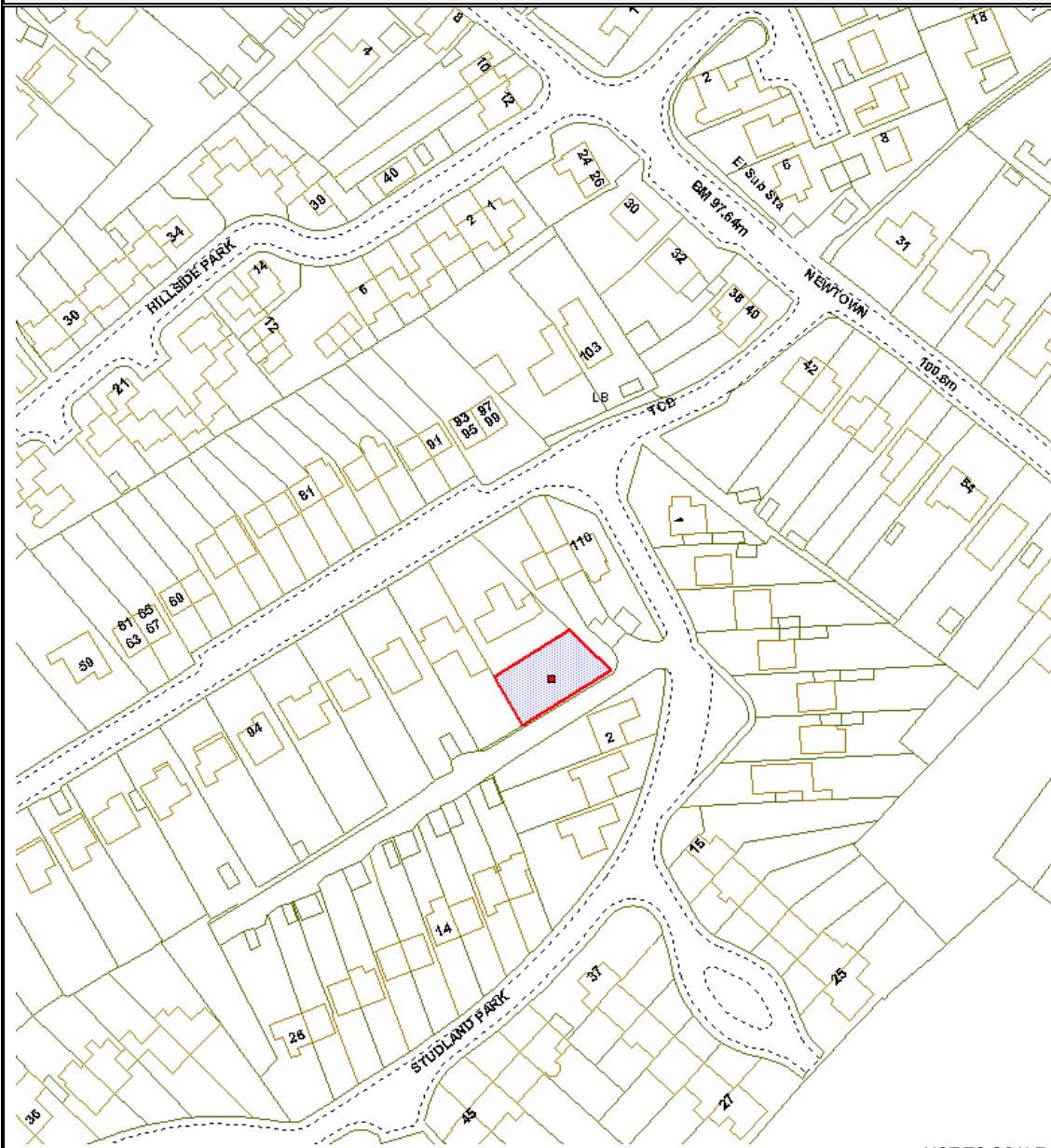
# PLANNING COMMITTEE

16 February 2006

ITEM NO: 12

APPLICATION NO: 05/02904/OUT

LOCATION: Land Rear Of 104 The Butts Westbury Wiltshire



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SLA: 100022961



**12 Application: 05/02904/OUT**

**Site Address: Land Rear Of 104 The Butts Westbury Wiltshire**

Parish: Westbury Ward: Westbury Laverton  
Grid Reference 387780 151156  
Application Type: Outline Plan  
Development: Erection of a bungalow  
Applicant Details: Mr John Balch  
89 Manor Road New Milton BH25 5EH  
Agent Details: R J Griffin  
6 Howard Road Bournemouth BH8 9DX  
Case Officer: Mr Matthew Perks  
Date Received: 07.12.2005 Expiry Date: 01.02.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 Approval of the details of design, external appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 3 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 4 The dwelling hereby approved shall be single storey with no rooms, windows or rooflights within the roof space.  
  
REASON: In the interests of amenity and privacy.  
  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- REASON: In the interests of highway safety.
- 9 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.
- REASON: In the interests of highway safety.
- 10 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.
- 11 No development shall take place until full details of proposed floor level and roof ridge heights relative to neighbouring properties have been submitted to and approved in writing by the Local Planning Authority and work shall be carried out as approved.
- REASON: In the interests of neighbouring amenity and to provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 12 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class(es) A to C of the Order shall be carried out without the express planning permission of the Local Planning Authority.
- REASON: The implementation of permitted development rights on this site would be unacceptable.

### **Note(s) to Applicant:**

- 1 The applicant is advised to contact Wessex Water with regard to connection to Wessex infrastructure
- 2 The applicant is advised that Drawing No 5292/3 that forms part of this permission is approved only for the proposed siting of the dwelling. The floor layout plan was considered for indicative purposes only and does not imply that the design will be accepted for the purposes of a Reserved Matters application.

## **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 outline permission for the erection of a bungalow on the land to the rear of 104 The Butts, Westbury. Approval for siting and means of access is being sought, with all other matters reserved. An indicative plan showing a possible floor plan for the dwelling has been provided.

The site is ±360m<sup>2</sup> in extent, roughly rectangular in shape, and is located to the rear of number 104 The Butts. Access would be gained via a service road off of Studland Park. The area is characterised by a mixture of dwelling types including detached, semi-detached and terraced dwellings.

### **CONSULTATION REPLIES:**

- WESTBURY TOWN COUNCIL: "Members objected strongly to this application on the following grounds:
  - Lack of access;
  - Backland development;
  - Overdevelopment of the site;
  - Loss of amenity to surrounding residential properties."

### **STATUTORY CONSULTEES**

- HIGHWAY AUTHORITY: Do not object to the proposal. Conditions are suggested with regard to parking, turning space and the proposed driveway.
- WESSEX WATER: Recommends the need for agreement to be reached (this can be done at detailed design stage) on sewer connections and water supply. The disposal of surface water must also be addressed to the satisfaction of the LPA.

### **PUBLICITY RESPONSES**

Neighbours were notified of the proposal. 5 Letters of objection were received. Grounds for objection are:

- inadequacy of the access and highway safety, including hazards to pedestrians;
- the development would be out of character with the area;
- loss of privacy and overshadowing;
- the proposal would set a precedent for similar development, making the access more hazardous and changing the character of the area;
- backland development;
- disruption during building;
- lack of sufficient parking; and
- the reasons for refusal of the previous application remain unchanged.

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 Development in main settlements

West Wiltshire District Plan - 1st Alteration 2004

C38 Effects of development on neighbouring properties

C31A Design

H1 Housing development in towns

T10 Parking

SPG House Alterations & Extensions

PPS1 Delivering Sustainable Development

PPG3 Housing

## RELEVANT PLANNING HISTORY

A proposal for two new dwellings on the same site (Ref. 05/00336/OUT) was refused on 8 April 2005 for 3 reasons:

- out of character with surrounding area;
- overbearing on neighbouring amenity;
- substandard access.

## KEY PLANNING ISSUES

The main issues relevant to the application are the appropriateness of the development in the surrounding area, potential impacts on neighbouring amenity and highway safety.

## PLANNING OFFICER COMMENTS

Policy H1 of the West Wiltshire District Plan - 1st Alteration guides consideration of housing development in the built up areas of Westbury. The policy states that proposals will be permitted provided that siting layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area. Policy C31A of the West Wiltshire District Plan - 1st Alteration states that proposals for new development will be required to respect or enhance townscape features and views as well as historical layout and spatial characteristics.

The proposed dwelling would occupy a site of  $\pm 360\text{m}^2$ , equating to a density of approximately 28 units per hectare. While this is below the range recommended by PPG3, typical residential development density for the area is variable: detached dwellings to the south of the Butts occupy properties of  $\pm 600\text{m}^2$  equating to a density of  $\pm 17$  units per ha., while the more densely developed terraced housing nearest to the site occupies sites averaging  $300\text{m}^2$ , or a density of approximately 33 units/ha. The proposal would represent development within the mid-range of that in the surrounding neighbourhood. This is appropriate to this area.

- Access and parking:

A service roadway of 5m in width would serve the development.

One of the reasons for the refusal of 05/00336/OUT was that similar development to the west would be likely to lead to unacceptable traffic impacts on the access road. The current proposal is for one dwelling rather than two, would be able to accommodate on-site parking for two vehicles and has an access at a position that would not require the use of any of the lane beyond its eastern extremity near the junction with Studland Park. The Highway Authority does not object to the proposal subject to the imposition of conditions.

- Character of development:

House types in the area are variable, including detached dwellings, terraces and semi-detached properties. Materials and designs also vary between different properties. The indicative plan shows that a bungalow, detached garage and parking space could be provided on the site leaving an amenity space of approximately 100m<sup>2</sup>.

The siting of the proposed dwelling reflects a modest building with a footprint of approximately 96m<sup>2</sup> plus a garage of 15m<sup>2</sup>. It is considered that an appropriately designed single storey dwelling sited as proposed would not have an overbearing or overshadowing effect on neighbouring properties and in keeping with the variable nature of surrounding development.

- Siting and relationship to neighbouring properties:

Neighbouring dwellings to the north and south would be between 12 and 10m away from the siting of the new dwelling respectively. There would be a 5m wide amenity space between the site of the proposed dwelling and the boundary to the north.

The dwelling to the north would have windows to habitable spaces directly facing the site of the proposed new building at the distance of approximately 11m. However, these existing windows are, barring one, at ground floor level. There is also a 1.8m fence on the boundary between the two properties. The one existing upper storey level window (a dormer) facing the proposed dwelling appears to serve a habitable room. This would overlook the proposed amenity space to the new dwelling. This window would however be approximately 10m from the proposed boundary. This is consistent with the minimum distance required in SPG.

To the south the roadway provides a buffer between the proposed property and the neighbour on that side. To the north east of the property boundary there are private garages and a hardstanding. There is a neighbouring garden to the south east, but the relative orientation is such that overshadowing would not be an issue provided that an appropriate design is submitted at the reserved matters stage.

The general topography of the area is such that the land slopes generally downward from south towards the north. This could lead to issues arising from the relative roof-ridge heights of existing dwellings and the proposed new building but it is considered that this can be addressed by condition. Apart from limiting the height of the structure to one storey, any permission should also include a condition requiring the submission at the reserved matters stage of a plan showing the elevational relationship of the proposed dwelling to neighbouring properties.

It is considered that it would be possible (the indicative plan suggests this) to create a floor plan that would neither negatively impact neighbouring amenity, nor be unacceptably overlooked or overshadowed by neighbouring dwellings.

## CONCLUSION

On balance the proposed development would be at a density that relates to that to the east and south of the site. An appropriately designed single storey dwelling on the footprint proposed would not harm neighbouring amenity, and access in the proposed position would not be unacceptably disruptive on the narrow access road to the south. The application should therefore be granted permission.

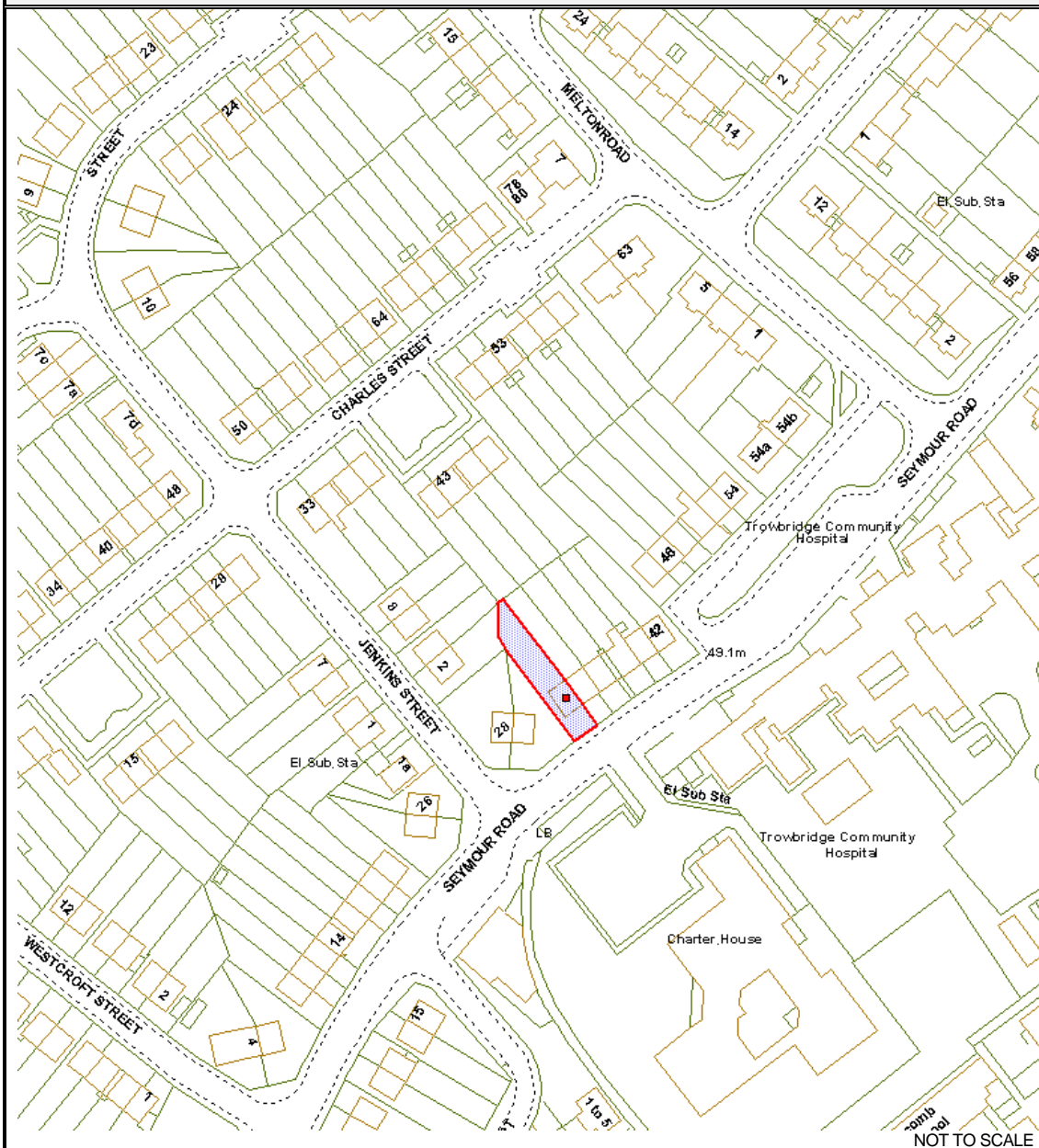
# PLANNING COMMITTEE

16 February 2006

ITEM NO: 13

APPLICATION NO: 05/03025/FUL

LOCATION: 32 Seymour Road Trowbridge Wiltshire BA14 8LT



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SLA: 100022961

**13 Application: 05/03025/FUL**

**Site Address: 32 Seymour Road Trowbridge Wiltshire BA14 8LT**

Parish: Trowbridge Ward: Adcroft

Grid Reference 385375 158468

Application Type: Full Plan

Development: Access on to highway

Applicant Details: Mr S Webb  
32 Seymour Road Trowbridge Wiltshire BA14 8LT

Agent Details:

Case Officer: Mr James Taylor

Date Received: 28.12.2005 Expiry Date: 22.02.2006

**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 hardstanding shall be properly consolidated and surfaced (not loose stone or gravel).

REASON: In the interests of Highway safety.

- 2 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.

- 3 There shall be no entrance gates

REASON: In the interests of Highway safety.

- 4 The access hereby permitted shall not be brought into use until the existing boundary treatment across the entire frontage, is removed or lowered to and maintained at a height not exceeding 600mm.

REASON: In the interests of Highway safety.

- 5 The access shall not be brought into use until the waiting restrictions fronting the site have been completed, by the provision of double yellow lines.

REASON: In the interests of Highway safety.

- 6 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.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to the Planning Committee because Trowbridge Town Council has objected to the proposal contrary to your Officer's recommendation for permission.

The proposal is for the creation of access to the highway. The parking space would be 5.5 metres wide and 6 metres deep.

The host building is a two-storey terraced dwelling with a front garden approximately 6 metres long. This is characteristic of the area, and some of the properties have vehicular access existing and others have low fences on the front boundary. Road works are currently taking place to improve highway safety and reduce traffic speeds. This includes the creation of double yellow lines outside the terrace to prevent on-road parking.

In addition it is noted that opposite the application site is Trowbridge Hospital which has associated parking which is directly accessed from the highway with no turning facilities.

### **CONSULTATION REPLIES:**

- TROWBRIDGE TOWN COUNCIL: 'Objection. On the grounds that the access can only be gained over the zebra crossing, and turning against the flow of the traffic.'

### **STATUTORY CONSULTATIONS**

- HIGHWAY AUTHORITY: No highway objection is raised, subject to imposition of conditions. This conclusion is reached in the high demand for parking in this area and visibility is good. Also improvements are being undertaken to reduce the speed of traffic in this locality.

### **PUBLICITY RESPONSES**

The proposal was advertised by letters to the neighbouring properties. No comments received.

### **RELEVANT PLANNING POLICY**

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

T10 Car parking

SPG Planning Design Guidance

### **RELEVANT PLANNING HISTORY**

04/01293/FUL - Off-road parking at 38 Seymour Road - Committee refusal 16/09/2004

05/02937/FUL - Off Road Parking at 38 Seymour Road - Permission 26/01/2006

95/01101/FUL - Vehicular access at 34 Seymour Road - Permission 23/11/1995



## KEY PLANNING ISSUES

The main issues to consider regarding this application area the potential impact on highway safety. In addition the planning history is a significant material consideration that needs to be assessed, along with the Town Council's comments on the application.

## PLANNING OFFICER COMMENTS

The planning history is a relevant consideration in this application. There have been two similar schemes permitted recently with no objection raised by the Town Council. Therefore this application needs to be sufficiently different to those for planning permission to be refused. The Town Council considers that the proposed access would be gained over a nearby zebra crossing. The zebra crossing is approximately 5 metres to the west of the edge of the proposal site. This is sufficient distance for any vehicles parking on the front garden area to avoid moving onto the zebra crossing whilst entering or leaving the driveway. Therefore it would pose no more harm than the existing vehicular access.

Works are currently taking place to improve highway safety along the road, and therefore there has been a material change in circumstances on the site since a committee decision in 2004 to refuse the neighbouring property's application for vehicular access. Indeed the Highway Authority have stated that they would normally require vehicular access to a classified road to have turning facilities, however they raise no objection subject to imposing conditions on any permission in light of the Highway works. They state that visibility is good in the locality, and that with the adjustments to the highway would reduce speeds and prohibit on-street parking, therefore improving safety. Considering the existing parking in the locality and the improvements being undertaken on highway safety; it is considered that there would be no significant highway safety risk, subject to conditions.

Seymour Road is a busy road, which is under alteration to prohibit on-street parking and reduce traffic speeds. Existing residential vehicular accesses onto the highway are evident in the locality and there is visitor parking for the Hospital in the locality. Therefore parking and vehicular access are characteristic of the locality and would not significantly harm the street scene.

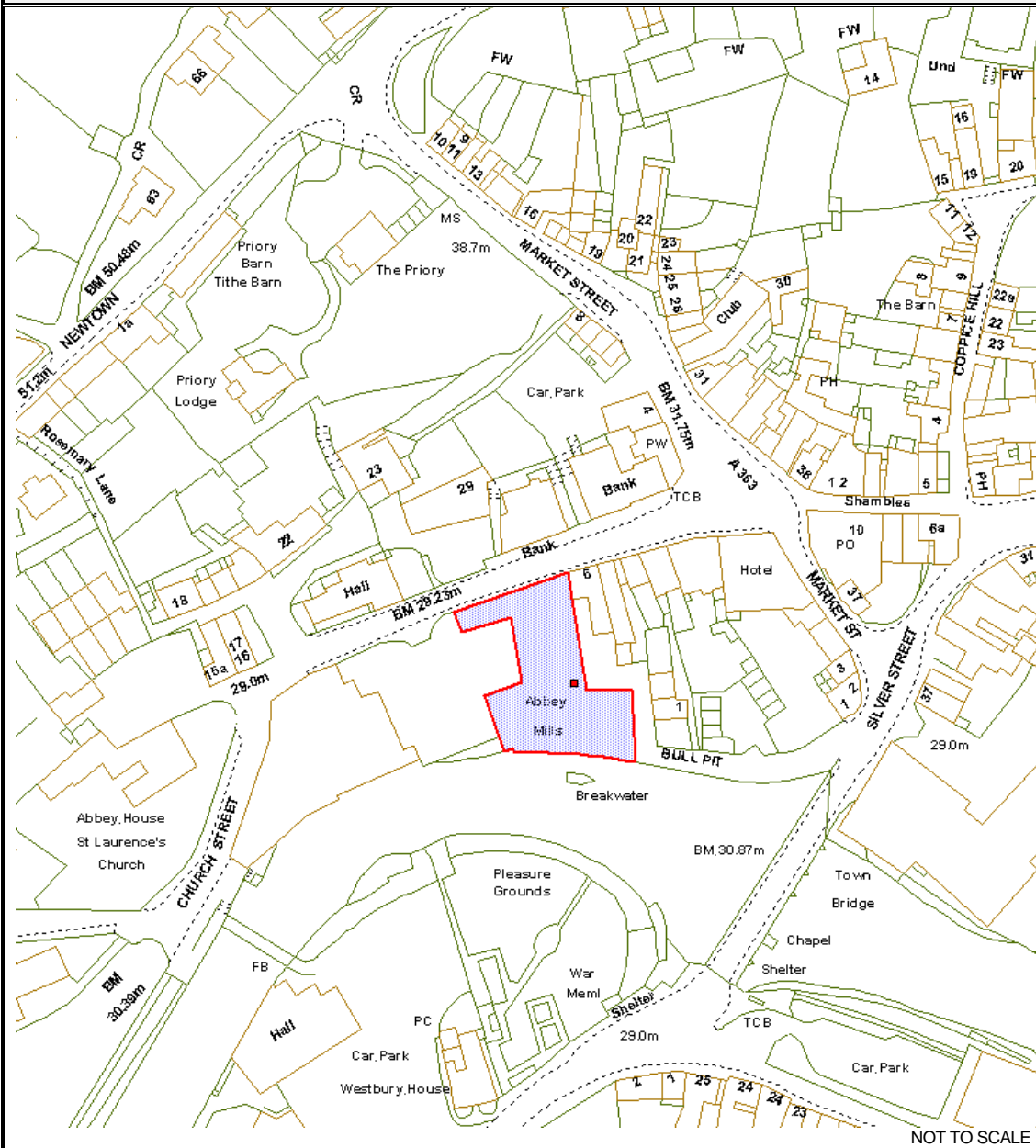
## CONCLUSION

The proposed development would cause no significant harm to highway safety or the street scene. There has been no objection from the highway authority and your officers consider that visibility is good. There has been a material change in circumstances since a similar scheme was refused in the locality, and more recently one other property in the area has received planning permission for vehicular access under delegated powers. The proposal is in accordance with the West Wiltshire District Plan 1st Alteration (2004) and is therefore recommended for permission.

**ITEM NO:** 14

**APPLICATION NO:** 05/02225/LBC

**LOCATION:** Vacant Unit Abbey Mill Church Street Bradford On Avon Wiltshire



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SLA: 100022961

**14 Application: 05/02225/LBC**

**Site Address: Vacant Unit Abbey Mill Church Street Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382565 160957

Application Type: Listed building

Development: Changes to roof lights, insertion of roof vents, flues and sun pipes, construction details to Bull Pit and River Avon elevations changes to down pipes

Applicant Details: Sires Property  
142 Bailbrook Ln Bath BA1 7AB

Agent Details: Warren Jones  
Sires Property 142 Bailbrook Ln Bath BA1 7AB

Case Officer: Miss Nicola Rogers

Date Received: 26.09.2005 Expiry Date: 21.11.2005

**JUSTIFICATION REASON:**

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

**RECOMMENDATION:** The First Secretary of State be informed that this Council raises no objection to the proposal and recommends that listed building consent be granted at a future date in the event of the Development Control Manager being satisfied that the First Secretary of State remits the application to this Council for decision.

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

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

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

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

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

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

- 4 Details of the sections through all opening mechanisms, which shall be side opening, at a scale of not less than 1: 2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

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

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

REASON: To protect and preserve the character of the listed building.

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

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is presented to the Planning Committee as Bradford on Avon Town Council object and your Officers recommend permission.

This is an application for Listed Building Consent to make alterations to the east and south elevations and the roof of the eastern section of Abbey Mill. This building has planning permission and Listed Building Consent for the change of use to the apartments. This application is solely for alterations to the detailing of the building.

The alterations comprise as follows:

- changes to rooflights on the northern slopes of the roof
- Insertion of flues, sun pipes and vents to the roof
- Alterations to downpipes on Bullpit elevation.
- Constructional details to the windows on the river and Bullpit elevations

A subsequent application has been submitted to alter the window to the river elevation, matters related to this window are no longer relevant in the light of this application, this is examined further below.

### CONSULTATION REPLIES

- TOWN COUNCIL: Objects:

"The character of this part of Abbey Mill is of a robust industrial building. In addition the elevations of the building are extremely prominent in the important view looking from the town bridge.

The only acceptable solution now is for the installation of purpose made windows to the Bullpit to be black painted metal casements to reflect the industrial past. Top hung opening out windows are not in keeping with the building. The window details shown are historically incorrect and visually inappropriate and need to be revised to incorporate projecting natural stone cills and windows set back in the reveals to match the existing.

The Town Council Planning Committee recommends refusal on the grounds that the proposals are damaging to the character of this listed building and will adversely affect the character of the Conservation Area.

The new window overlooking the river should be half the width but with similar matching fenestration.

The Town Council has no objections to the vents but is extremely disappointed that the fenestration and windows have not been altered."

#### INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No objection to this proposal... No problem with the change to the rainwater goods ... The window form, materials and design were all approved through application 05/00085/LBC. ...The flues etc have now been amended so that they will have minimum visual disruption in views of the building. I have no objection to this area of the scheme. Further comments on the window to the front elevation will be sent through under 06/00181/LBC. Recommendation: Approve.

#### NON STATUTORY CONSULTTEES

- Bradford on Avon Preservation Trust: The Trust supports the views of the Town Council in recommending refusal of this application. The windows should match others already on the river front side and those on the side be black painted metal casement to reflect the industrial nature of the building.

#### PUBLICITY RESPONSES

A notice was posted outside the building and an advertisement placed in the local newspaper. No comments were received as a result.

#### RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011  
HE7 - Conservation areas & Listed buildings

West Wiltshire District Plan 1st Alteration 2004  
C27 - Listed buildings  
C28 - Alterations to listed buildings

Planning Policy Guidance / Statements  
PPS15: Planning and the Historic Environment

#### RELEVANT PLANNING HISTORY

05/00084/FUL - Conversion of vacant section of Abbey Mill to apartments (permission 04/04/05)

05/00085/LBC - Conversion of vacant section of Abbey Mill to apartments (consent 04/04/05)

06/00181/LBC - Change style of proposed river elevation window (current application)

## KEY PLANNING ISSUES

The District Council has a statutory duty to protect the historic environment. These proposals must not harm the historic fabric, character or fabric of the building.

## PLANNING OFFICER COMMENTS

It is essential to note the close relationship between this current application and the previous permission gained in April 2005. Many of the features of this application are minor alterations to the previous permission. The existing plans submitted show what has been permitted by the previous application. In this case, therefore, the principle of much of this development has already been established and the issues are in the details of construction and materials. To address these in turn:

### Rooflights:

This application includes a variation to the layout and type of the rooflights in the northern slopes of the building. The previous application included large casement rooflights on the northern slopes, this application will alter the size and position of these rooflights. Some of the proposed rooflights will alter the size and appearance of existing rooflights, alterations to these openings should be made good by using correct materials. This aspect of the proposal would not result in a loss of historic fabric as apart from the external walls, roof trusses and iron columns very little of the original structure remains. The number of openings in the roof is comparable to those permitted by application 05/00085.

### Flues, vents etc:

The application proposed four 'sun tubes', six boiler flues and ten vents to be inserted into the roof slopes of the building. The critical issues in this case is the visibility of these features. From the information supplied it appears that none of the features would be visible from the Bullpit, due to the parapet wall, and five would be visible from the town bridge and the gardens opposite. The visible flues would protrude a maximum of 0.25 metres above the line of the roof and would have a minimal impact on the appearance of the building from this direction. This aspect of the proposal is acceptable for similar reasons to the rooflights above. The Town Council has no objections to this aspect of the proposal.

### Rainwater goods:

Minor alterations to the rainwater goods on the northern end of the Bullpit elevation are proposed. The previous application permitted four straight runs from the outlets to the ground. This application proposes a slight variation as a result of a new position for the gutter outlets. In order to minimise disruption to the elevation, small horizontal stretches are proposed to facilitate the three longest downpipes. This arrangement is appropriate on the elevation as it minimises disruption to the building. The gutter outlets were permitted by the previous application.

### Fenestration:

The window shown on the river elevation was permitted by application number 05/00085, to which the Town Council did not object. This window is also now subject to a subsequent application, in line with the comments of the Town Council, to be determined at a later date. The issue of the design of the window will be resolved through application number 06/00181.

The construction details of the fenestration on the Bullpit elevation are considered as part of this application. The Town Council has requested that the windows on this elevation be black painted metal casements, Bradford on Avon Preservation Trust have concurred with this view. The Town Council stated that top hung windows are not in keeping with the building. Some of the windows on this elevation are shown as top hung, some are shown as side opening casements and some do not contain any opening detail at all. This issue can easily be controlled by conditions. Recommended are conditions to secure the opening mechanism of the windows, and metal frames as requested by the Town Council.

## CONCLUSION

The alterations proposed in this application would not result in losses of historic fabric and would preserve the character and appearance of the listed building. The only currently unresolved issue relates to the window on the river elevation, however, this is controlled by the subsequent application 06/00181/LBC.

This application should be referred to the Secretary of State as it relates to a Grade II\* listed building, with a recommendation of consent.