

PLANNING COMMITTEE

9 MARCH 2006

Planning Applications for Determination

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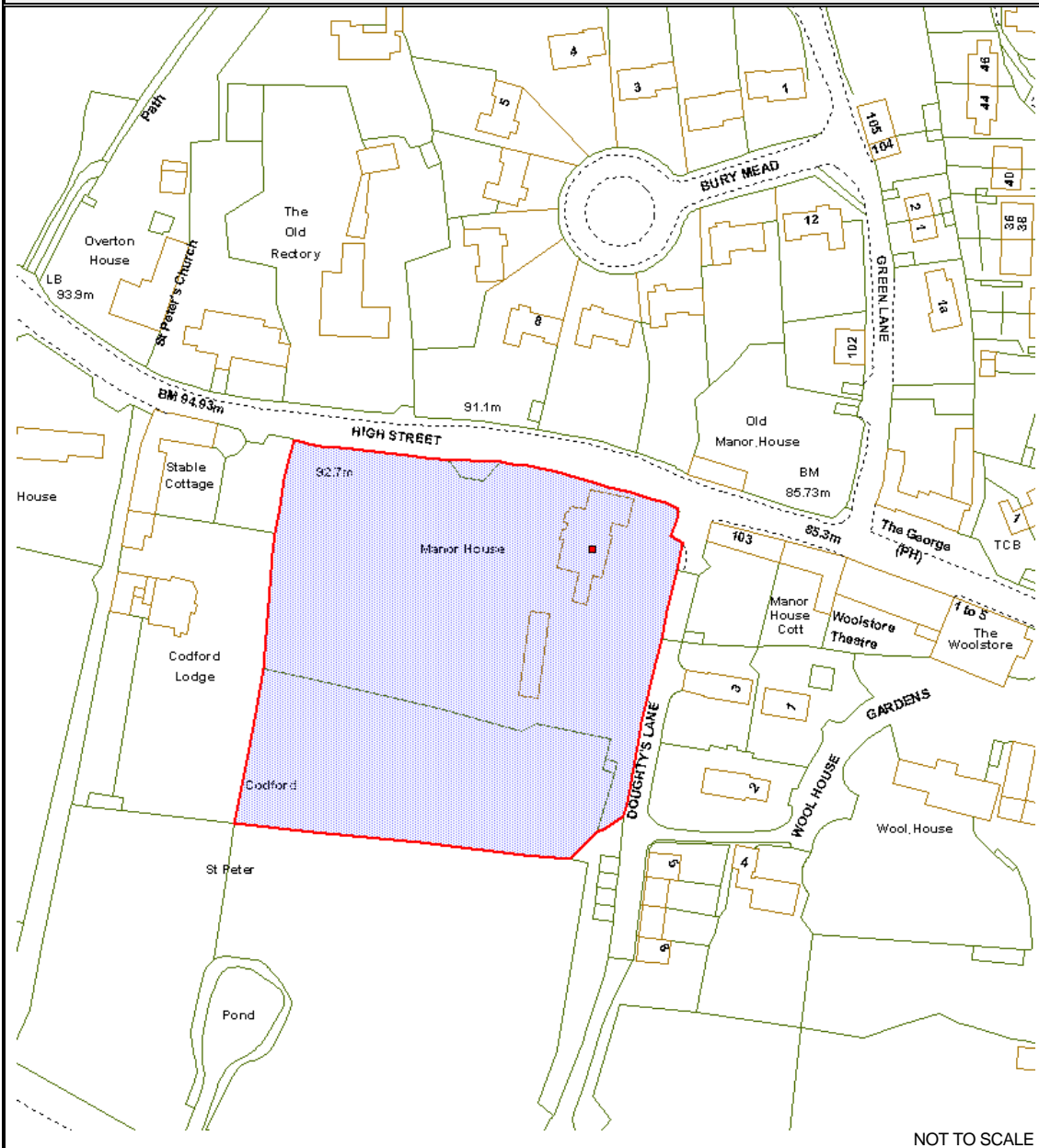
PLANNING COMMITTEE

9 March 2006

ITEM NO: 01

APPLICATION NO: 05/02879/FUL

LOCATION: Manor House High Street Codford Wiltshire BA12 0NF



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

SLA: 100022961

01 Application: 05/02879/FUL

Site Address: Manor House High Street Codford Wiltshire BA12 0NF

Parish: Codford Ward: Mid Wylze Valley

Grid Reference 396672 139877

Application Type: Full Plan

Development: Rebuilding front boundary wall and erection of new entrance gates (retrospective)

Applicant Details: The Executors Of J Torrie Esq
C/o Graham Savage Associates The Chestnut Studio Burymead
Codford Wiltshire

Agent Details: Graham Savage Associates
The Chestnut Studio Burymead Codford Wiltshire BA12 0NU

Case Officer: Miss Nicola Rogers

Date Received: 06.12.2005 Expiry Date: 31.01.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The works by reason of the use of inappropriate and non traditional materials and method of construction together with the change to the form and layout of the wall and loss of historic integrity, would result in the loss of an historic enclosure, and do not respect the character of the listed structure and are detrimental to the setting of the principal listed building on the site. The works are therefore contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.
- 2 The works by reason of the use of inappropriate and non traditional materials and the change to the form and layout of the wall in a prominent and sensitive location would be detrimental to the appearance of the street scene, and would not respect the character of the townscape. This is therefore contrary to policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred from the committee meeting of 26 January for a site visit. The application is presented to committee at the request of Councillor Newbury in the interests of public debate.

This is retrospective application for planning permission to rebuild a front boundary wall and erect new entrance gates, to a Grade II listed property adjoining the High Street, Codford. The works have consisted of demolishing the wall and rebuilding it using rendered blockwork to the rear and facing bricks to the front, reconstituted coping stones and railings on top. The entrance has been re-formed to incorporate curved splays replacing straight ones, one with two steps down to achieve a particular height. New entrance gates of approximately 2.6 metres in height have been attached to the original gate piers, which remain in place.

The wall forms the boundary to a Grade II listed property and is therefore listed by virtue of being a curtilage structure.

The application is accompanied by a parallel application for listed building consent and is an identical resubmission of an application refused on 24 November 2005.

CONSULTATION REPLIES

- CODFORD PARISH COUNCIL: No objection, with a detailed response for the information of the Planning Committee as follows:

"The wall is not specifically mentioned in the list description, however list descriptions are not intended to provide a comprehensive or exclusive record of all the features of importance"

Perhaps the reason the wall was not listed in 1987 was that as it was altered in the 1960's in a manner that was not sympathetic to the Georgian period it was not seen as having historical merit or importance. Surely the Planning Officer cannot be suggesting that later additions to historic properties built prior to the compilation of the statutory list in 1987 should be sacrosanct regardless of their historical or architectural merit. Owners with the inclination to return their properties to their original state would surely not be discouraged, therefore the fixation on a 1960's version of an entrance in preference to a return to an original Georgian design makes no sense.

"The applicant has stated that the wall was in a poor state of repair and reconstruction was essential. However, no evidence has been submitted to show why repairs were not undertaken to the wall, and why complete reconstruction was required. No photographic record was kept of the wall in its previous state; therefore the plans and information submitted by the applicant are the only pieces of evidence available."

Many villagers will be able to testify to the truth regarding the state of the wall - it had partly been pushed out by tree roots, was disintegrating through the ravages of time and traffic. Listed properties are very expensive to keep up - perhaps the applicant was spending his money on the house and gardens before dealing with the wall.

Piecemeal repair work would have been less aesthetically pleasing and less effective than complete reconstruction. This sensible decision meant that original bricks were taken down, stored, cleaned and reused in their entirety rather than an attempt to patch which would have resulted in damage to original bricks and meant matching replacement bricks would have to have been found.

The lack of photographic evidence is not really surprising - it is possible that photos have been taken by members of the public but we would question how many people take photos of dilapidated walls on their property?

"The materials of the rebuilt wall are not suitable for use within the curtilage of a listed building. Whilst the bricks forming the face are, according to the information submitted, cleaned up bricks reclaimed from the original wall the remaining materials are all new." The officer then goes on to comment that there is concrete brickwork with cement render to the rear elevation facing the property and that this is not a copy of the original wall nor a copy of a similar historic wall elsewhere. The conclusion is that this is detrimental to the setting of a listed building.

'According to the information submitted' appears to suggest a distinct impression that there is an element of doubt of the truth. As many of us watched the process of demolition, cleaning and rebuilding we can assure the planning officer that these were indeed the original bricks and that the process of rebuilding was painstaking and thorough. As the materials from the original wall facing the street were salvaged and reused how can anyone suggest that they are not suitable for use within the curtilage of a listed building? As to the cement render facing the listed building, it cannot be seen from the High Street and as soon as the garden vegetation grows back there will no longer be any evidence of the materials used.

"The coping stones of the wall have been replaced by reconstituted stone, as opposed to natural Bath stone on the original wall."

The Bath stone coping may have been on the 1960's wall but we have no idea what the original wall looked like. How many people will honestly be able to tell the difference between weathered Bath stone and reconstituted stone. The latter can be weathered down very quickly hastened by an application of yoghurt and manure. The stone was purchased from a firm specialises in rebuilding listed buildings with expertise in their field.

The formation of the entrance has been altered; changing straight returns to curved ones. The applicant has suggested that this formation accurately reflects the Georgian style of the listed building and is more suitable than the straight returns erected in the 1960's. The form and the steps in the western return do not resemble the style of the original wall, as detailed in the 'prior to rebuild' plans. As this was in place when the building was added to the statutory list it should remain so.

The changed entrance is curved in the manner of its Georgian past rather than straight, a style that softens and compliments the entrance to the house. If there is a choice between a 1960's box or a historically accurate graceful curved Georgian structure then it is difficult to com.

The Reasons for Refusal are given as:

- 1) The works by reason of the use of inappropriate and non traditional materials and method of construction together with the change of form and layout of the wall and loss of historical integrity, would result in the loss of an historic enclosure, and not respect the character of a listed structure and are detrimental to the setting of the principle listed building on the site.
- 2) The works by reason of the use of inappropriate and non traditional materials and to the change to the form and layout of the wall in a prominent and sensitive location would be detrimental to the appearance of the street scene, and would not respect the character of the townscape.

In response to:

Reason 1) The change of form and layout has in fact restored the historic integrity of the property; it has neither been detrimental nor resulted in the loss of an historical enclosure.

Reason 2) The street scene, which is actually a 'village-scape' not a 'townscape' has been enhanced by the rebuilt wall. Looking at properties on either side and opposite the Manor House the area is attractive and in keeping with the setting of the rural community. I note that there have been no letters of objection from the community but that the supporting letters express:

- 1 A sympathetic construction in keeping with the age and style of the house;
- 2 More attractive than the wall it replaced;
- 1 Improving the appearance of the street scene and the host building;
- 2 Making good the risk to health and safety;
- 3 Improving visibility.

As to the loss of historical integrity-just a few doors down in another listed building, the Woolstore, the applicant has been allowed to put a new door into a wall where there was never historically any kind of entrance and to add steps directly onto the pavement in a prominent and sensitive location. This work has been sympathetically done without objection from the Parish Council, who believe that preserving the listed building for posterity and ensuring its restoration to use would be of greater benefit to the village than leaving it to become ever more dilapidated. There must be a question regarding the judgement that allows one listed building to depart from historical integrity yet opposes a lesser 1960' s wall, where there are no objections recorded, from being restored with historical accuracy.

We would ask whether the Planning Officer actually visited the site or if the judgement was made in an office somewhere? It is difficult to see how anyone visiting this area of the High Street and looking around could be other than impressed by the architecture and appearance of the tranquil street scene.

In the light of the above decision we ask that this application be brought before the full Planning Committee in order that there be an informed debate regarding the issues.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: The former garden wall to the Manor House was built in brick and formed a continuous boundary onto the road. Although not listed in its own right, it was nevertheless listed by virtue of being a curtilage structure... There are a number of areas of concern in terms of the new build that need to be addressed;
 - No opportunity was given to allow the council time to consider whether the existing wall was dangerous enough to be entirely removed.
 - Bricks. Instead of reusing the old bricks to form a traditionally constructed wall on a foundation, the new wall has a breezeblock core and is faced with bricks
 - Coping stone. The wall is capped with a concrete coping stone that has a harsh appearance in the street and does not enhance the character of the historic house behind.
 - Because of the way the wall is constructed the concrete blocks used are still visible on parts of the reverse side of the wall, immediately adjacent to the main house
 - The form that the new entrance has taken appears to be at odds with the majority of other entrances that have been created in the village and has an alien look to it as a wide over engineered bell mouth.
- In conclusion, I am unable to support the current form and quality of this wall

PUBLICITY RESPONSES

Five letters of support received following a consultation exercise and the posting of a site notice.

These letters support the rebuild, praising the materials and the workmanship and citing the original wall as a hazard.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 Historic Buildings

West Wiltshire District Plan 1st Alteration 2004
C17 Listed Buildings
C28 Alterations to listed buildings

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

RELEVANT PLANNING HISTORY

05/02263/LBC - Rebuilding front boundary wall and erection of new entrance gates (retrospective). Refused 24.11.05

05/01192/FUL - Rebuilding front boundary wall and erection of new entrance gates (retrospective). Refused 24.11.05 for the following reasons:

1 The works by reason of the use of inappropriate and non traditional materials and method of construction together with the change to the form and layout of the wall and loss of historic integrity, would result in the loss of an historic enclosure, and do not respect the character of the listed structure and are detrimental to the setting of the principal listed building on the site. The works are therefore contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

2 The works by reason of the use of inappropriate and non traditional materials and the change to the form and layout of the wall in a prominent and sensitive location would be detrimental to the appearance of the street scene, and would not respect the character of the townscape. This is therefore contrary to policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

KEY PLANNING ISSUES

The District Council has a statutory duty to protect the historic environment. This revised application must overcome the reasons for refusal given on the previous application.

PLANNING OFFICER COMMENTS

The proposals are identical to the proposal refused in November 2005. The applicant has provided additional information in support of their application. The Parish Council have provided detailed comments on the previous report in relation to this proposal, which your officers cannot support. Key to their support for the application are the following points:

1. The wall was not specifically mentioned in the list description:

Although the wall is not specifically mentioned in the list description, list descriptions are not intended to provide a comprehensive or exclusive record of all the features of importance. Absence from the list description of any reference to a feature does not, therefore, indicate that it is not of interest or that it can be removed or altered without consent (PPG15 6.19). Whilst the wall was altered in the 1960s, the property was added to the statutory list in 1987, therefore the state of the wall at that time was listed also. This included bricks to the main part of the wall, Bath stone coping and iron railings above, straight returns at the entrance and Bath stone gate piers.

2. The wall needs to be replaced:

The applicant has stated that the wall was in a poor state of repair and reconstruction was essential, the poor condition of the wall was as a result of an extension to the property in 1905, a number of vehicular accidents and deterioration over time. The applicant's initial instructions from the builder were to repair the wall rather than replace, however, during an attempt at this the wall collapsed totally, requiring a total rebuild. No photographic record was kept of the wall in its previous state; therefore the plans and information submitted by the applicant are the only pieces of evidence available. The applicant's record of events is accepted, however officers cannot accept a proposal which would fail to protect the historic environment in this location.

The materials of the rebuilt wall are not suitable for use within the curtilage of a listed building. Whilst the bricks forming the face of the wall to the street are, according to the information submitted, cleaned up bricks reclaimed from the original wall, the remaining materials are all new. The bulk of the wall is constructed in concrete blockwork with a cement render to the rear elevation, facing the property. This method of construction is not a copy of the original wall, nor a replica of a similar historic wall elsewhere, the materials and method of construction are not sympathetic to the listed building. Whilst the applicant has stated that the salvaged brick is in accordance with the advice in PPG15, creating a face of suitable materials is not sufficient, especially as the elevation of the wall facing the listed building itself is cement rendered. This method of construction is detrimental to the setting of the listed building.

The coping stones of the wall have been replaced with reconstituted stone, as opposed to natural Bath stone on the original wall. Reconstituted stone does not weather easily and retains its original colour and form many years after natural stone has weathered. The applicant has noted that if the Georgians had the benefit of this material they would have put it to good use; however, they did not, and the use of reconstituted stone is not suitable in the historic environment, especially within the curtilage of a listed building. This material is also detrimental to the setting of the listed building.

The formation of the entrance has been altered, changing straight returns to curved ones. The applicant has suggested that this formation accurately reflects the Georgian Style of the listed building and is more suitable than the straight returns erected in the 1960s. The Council does not take issue with this part of the application, however the steps in the western return do not resemble the step in the original wall, as detailed on the 'prior to rebuild' plans.

If the work had been applied for prior to it taking place, a suitable scheme could have been achieved, however, in its current state the proposal is not acceptable within the setting of the listed building.

The Highway Authority does not object to the application as the visibility from this driveway has not been altered and the gates are hung a sufficient distance back from the highway. The proposals would not have a detrimental effect on access.

The application has not overcome the reasons for refusal given on the previous application as the plans are identical, no further work has been carried out to the walls and the additional information does not alter the circumstances which resulted in the refusal of the original application.

CONCLUSION

There has been no material change in circumstances since the refusal of the previous application, therefore this proposal can not be supported.

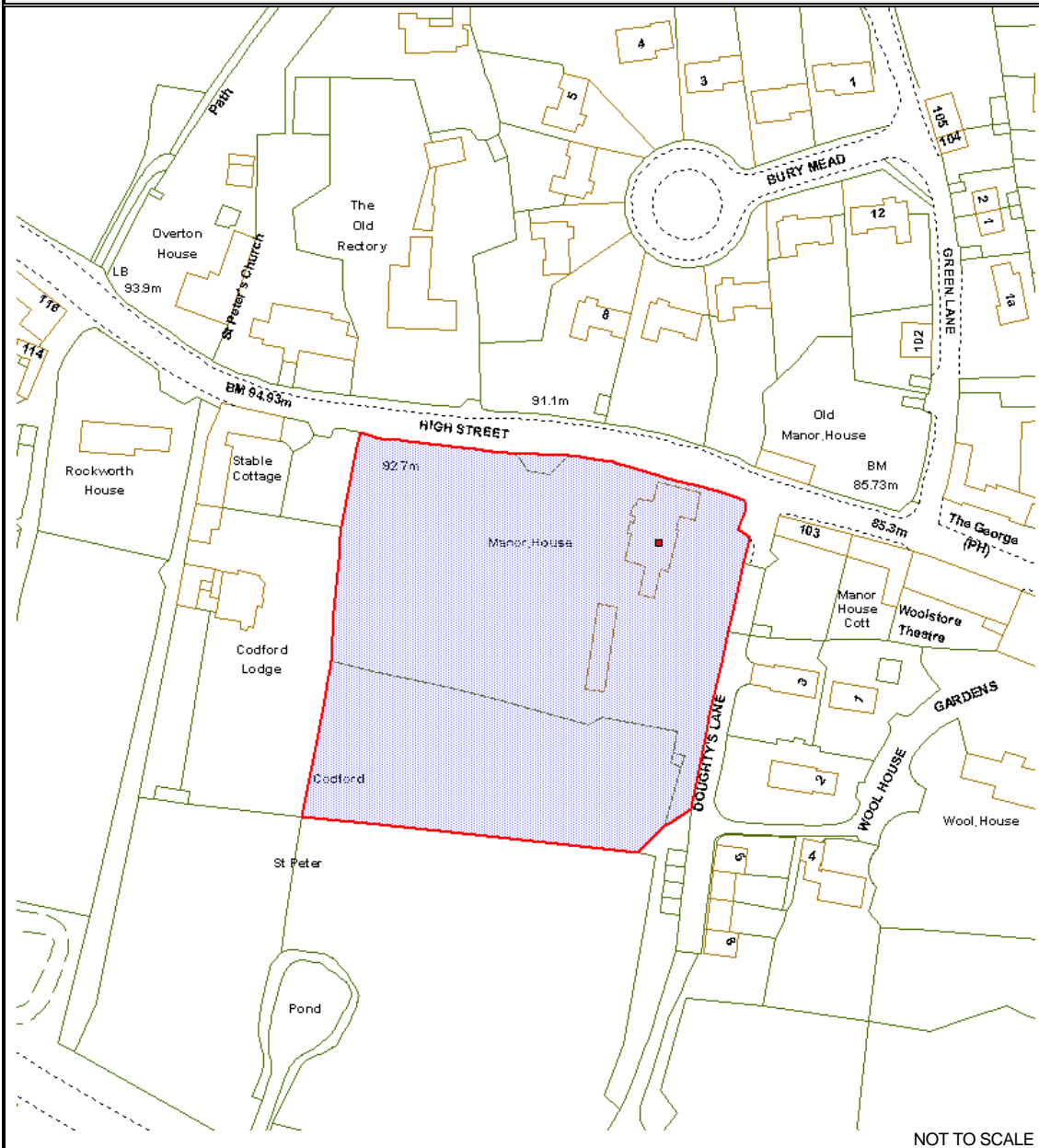
PLANNING COMMITTEE

9 March 2006

ITEM NO: 02

APPLICATION NO: 05/02869/LBC

LOCATION: Manor House High Street Codford Wiltshire BA12
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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 05/02869/LBC

Site Address: Manor House High Street Codford Wiltshire BA12 0NF

Parish: Codford Ward: Mid Wylze Valley

Grid Reference 396672 139877

Application Type: Listed building

Development: Rebuild front boundary wall and erection of new entrance gates (retrospective)

Applicant Details: The Executors Of J Torrie Esq
C/o Graham Savage Associates The Chestnuts Studio Burymead
Codford Wiltshire

Agent Details: Graham Savage Associates
The Chestnuts Studio Burymead Codford Wiltshire BA12 0UU

Case Officer: Miss Nicola Rogers

Date Received: 06.12.2005 Expiry Date: 31.01.2006

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- Bricks. Instead of reusing the old bricks to form a traditionally constructed wall on a foundation, the new wall has a breezeblock core and is faced with bricks
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RELEVANT PLANNING POLICY

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RELEVANT PLANNING HISTORY

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KEY PLANNING ISSUES

The District Council has a statutory duty to protect the historic environment. This revised application must overcome the reasons for refusal given on the previous application.

The plans and supporting statement have not changed in any way from those refused by application 05/02263/LBC, however some additional supporting information has been received from the parish council and the applicant.

PLANNING OFFICER COMMENTS

The proposals are identical to the proposal refused in November 2005. The applicant has provided additional information in support of their application. The Parish Council have provided detailed comments on the previous report in relation to this proposal, which your officers cannot support. Key to their support for the application are the following points:

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The applicant has stated that the wall was in a poor state of repair and reconstruction was essential, the poor condition of the wall was as a result of an extension to the property in 1905, a number of vehicular accidents and deterioration over time. The applicant's initial instructions from the builder were to repair the wall rather than replace, however, during an attempt at this the wall collapsed totally, requiring a total rebuild. No photographic record was kept of the wall in its previous state; therefore the plans and information submitted by the applicant are the only pieces of evidence available. The applicant's record of events is accepted, however officers cannot accept a proposal which would fail to protect the historic environment in this location.

The materials of the rebuilt wall are not suitable for use within the curtilage of a listed building. Whilst the bricks forming the face of the wall to the street are, according to the information submitted, cleaned up bricks reclaimed from the original wall, the remaining materials are all new. The bulk of the wall is constructed in concrete blockwork with a cement render to the rear elevation, facing the property. This method of construction is not a copy of the original wall, nor a replica of a similar historic wall elsewhere, the materials and method of construction are not sympathetic to the listed building. Whilst the applicant has stated that the salvaged brick is in accordance with the advice in PPG15, creating a face of suitable materials is not sufficient, especially as the elevation of the wall facing the listed building itself is cement rendered. This method of construction is detrimental to the setting of the listed building.

The coping stones of the wall have been replaced with reconstituted stone, as opposed to natural Bath stone on the original wall. Reconstituted stone does not weather easily and retains its original colour and form many years after natural stone. The applicant has noted that if the Georgians had the benefit of this material they would have put it to good use; however, they did not, and the use of reconstituted stone is not suitable in the historic environment, especially within the curtilage of a listed building. This material is also detrimental to the setting of the listed building.

The formation of the entrance has been altered, changing straight returns to curved ones. The applicant has suggested that this formation accurately reflects the Georgian Style of the listed building and is more suitable than the straight returns erected in the 1960s. The Council does not take issue with this part of the application, however the steps in the western return do not resemble the step in the original wall, as detailed on the 'prior to rebuild' plans.

If the work had been applied for prior to it taking place, a suitable scheme could have been achieved, however, in its current state the proposal is not acceptable within the setting of the listed building.

The application has not overcome the reasons for refusal given on the previous application as the plans are identical, no further work has been carried out to the walls and the additional information does not alter the circumstances which resulted in the refusal of the original application.

CONCLUSION

There has been no material change in circumstances since the refusal of the previous application, therefore this proposal can not be supported.

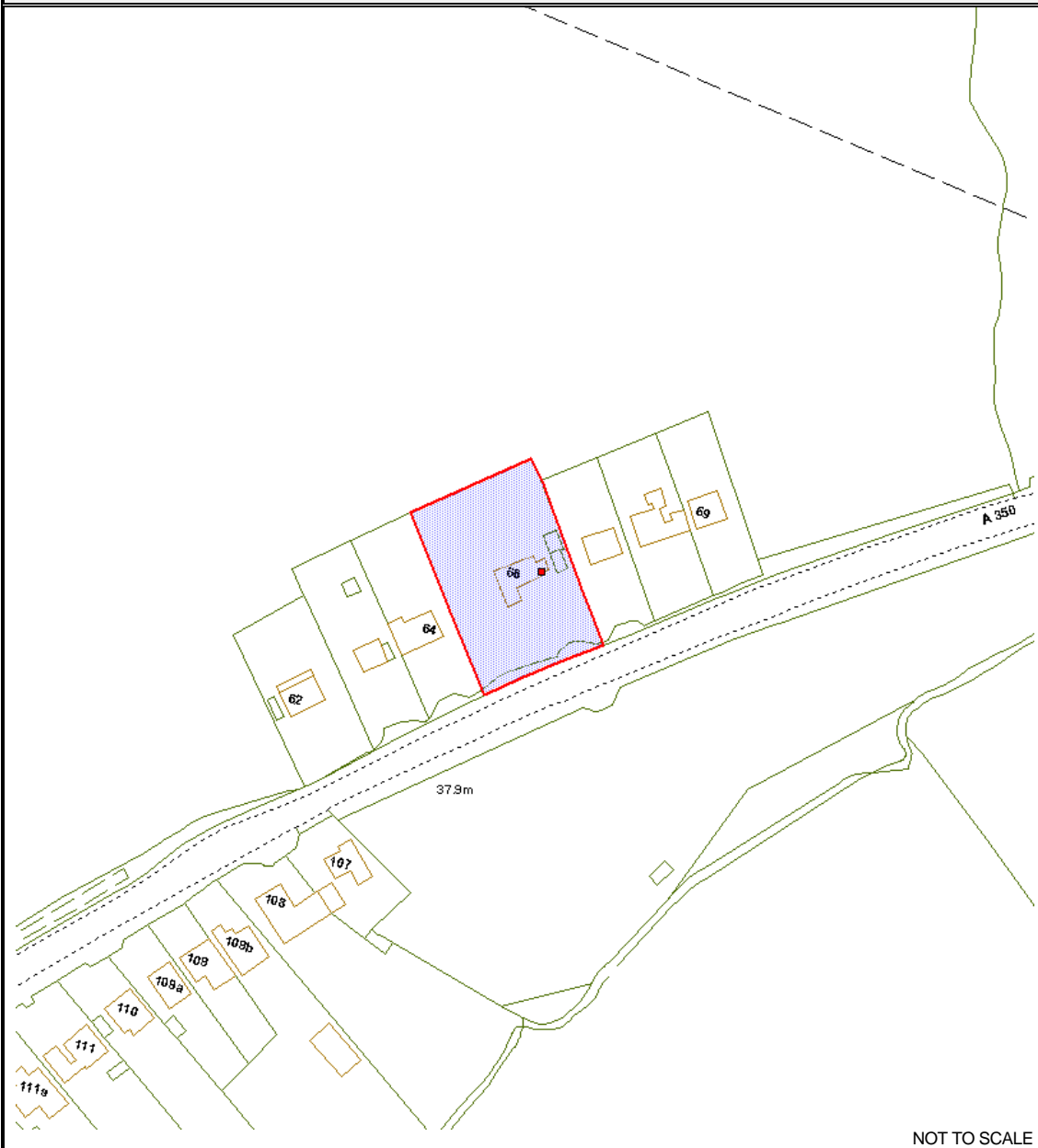
PLANNING COMMITTEE

9 March 2006

ITEM NO: 03

APPLICATION NO: 05/02344/FUL

LOCATION: 66 Beanacre Wiltshire SN12 7PY



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www.westwiltshire.gov.uk

SLA: 100022961

03	Application:	05/02344/FUL
	Site Address:	66 Beanacre Wiltshire SN12 7PY

Parish:	Melksham Without	Ward:	Melksham Without
Grid Reference	390871 166584		
Application Type:	Full Plan		
Development:	Construction of vehicular access		
Applicant Details:	Ms K Nurkowski West Willows 66 Beanacre Wiltshire SN12 7PY		
Agent Details:	MR G N Bodman The Paddocks Whiteheads Lane Bradford On Avon Wiltshire BA15 1SU		
Case Officer:	Mr David Cox		
Date Received:	11.10.2005	Expiry Date:	06.12.2005

RECOMMENDATION:	Refusal
Reason(s):	
1	The proposed access would introduce an additional entrance onto the main A350 Beanacre, and would be likely to create a hazard to road users.
	REASON: In the interests of highway safety
	POLICY: C38 of the West Wilts District Plan 1st Alteration 2004 and Supplementary Planning Guidance "House Alterations and Extensions".

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred at the Planning Committee following the meeting on the 5th January 2006 to allow for extra discussions between the Highway Authority and the applicant. Information was requested regarding whether the access would have sufficient visibility splays. The application was originally called at the request of Councillor Oakman as it is in the public interest to debate this application, due to highway safety.

The agent was asked in writing to contact the Highway Authority to agree that there would be adequate visibility splays from the proposed access and then to submit a plan illustrating.

The application is for the construction of a new vehicular access at 66 Beanacre, Melksham.

This property is one of the last few houses on the A350 where the 40-mph speed limit ends before it becomes the national speed limit (60mph). It currently has only one entrance which is wide enough for one vehicle to pass at any one time and is positioned in the eastern corner of the front elevation to the property.

The proposal is to create an additional entrance at the western end. This would be of an identical width to the existing entrance, 3.5 metres. This will require the removal of hedgerow but would retain a dense and mature hedgerow that defines the boundary with the neighbour, No 64. The existing driveway would be extended to link with the new access. No trees would have to be felled in order to do this, only hedgerow.

The agent has submitted a letter stating that the applicant has a frequent number of trips, including the use of "farming equipment and horse boxes/trailers. On site turning with articulated arrangements are often difficult and have on occasions, forced hazardous reversals onto the main road."

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL

No response

- HIGHWAY AUTHORITY

The Highway Authority still objects to the proposal but has no adverse comments to make on the visibility splays.

Original Objection:

"From the letter received from the applicant, it claims a need for articulated arrangements on site but as far as I understand the site is only permitted to be used for domestic use which therefore leads me to question whether there is any authorised uses on the site requiring the need for such vehicles. If this is the case, I would be grateful for further information.

The application is for a second access to a residential dwelling to which there is no highway benefit and it results in a multiplicity of accesses onto the main A350. Therefore as before (in application 05/01631/FUL) I recommend that this application be refused on highway grounds for the following reason(s):-

The proposed access would introduce an additional entrance on the main A350 Beancree, and would be likely to create a hazard to road users, for which no highway need exists."

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design
C38 - Nuisance

RELEVANT PLANNING HISTORY

05/01631/FUL - Construction of Vehicular Access - REFUSED - 21.09.2005

KEY ISSUES

The key issues in this case is whether there are sufficient visibility splays and whether the creation of a new access would cause a hazard to highway safety.

PLANNING OFFICER COMMENTS

Since the application was deferred the agent was asked to approach the Highways Authority to consider whether the new access would have adequate visibility splays. The Highways Officer confirmed that she has no adverse comments to make about the visibility splays. The officer does however, maintain her objection.

This was on the grounds that the new access would create a highway hazard for which no highway need exists.

The second objection cannot be supported as the applicants are the judges of need at their property. However, the objection of the creation of a highway hazard can be supported. This is a busy road and the reason for refusal in application 05/01631/FUL has not been overcome which was also because it would have created a hazard to road users.

As the additional entrance would be likely to create a hazard to road users it outweighs all of the other positive merits of the application. These would include satisfying Policy C31a of the Local Plan that states proposals for new development will be required to respect or enhance existing patterns of movement, activity and permeability whilst minimising the visual impact of roads, vehicles and parking areas. The visual impact of the new entrance and driveway would have a minimal impact on the character of the area. This is because it would only result in the loss of a small part of the hedgerow which, is of no significant amenity value.

Secondly, Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. This new entrance and driveway would not cause any nuisance to the neighbour, No 64. This is because it would not remove any of the tall, dense and mature hedgerows that define the two boundaries. Although the vehicles would be closer to No 64's amenity there would not be an increase in the number of vehicular journeys so it would not result in nuisance to them.

The use of farming vehicles on a domestic dwelling would in itself require a separate planning permission. This is because it would constitute a material change of use on this land.

The Highway Authority have said that there are adequate visibility splays but have also made it quite clear that the creation of a new entrance would create a highway hazard and should be refused.

CONCLUSION

The proposal is likely to create a hazard for road users. There are no material considerations to outweigh this. The application is therefore recommended for refusal.

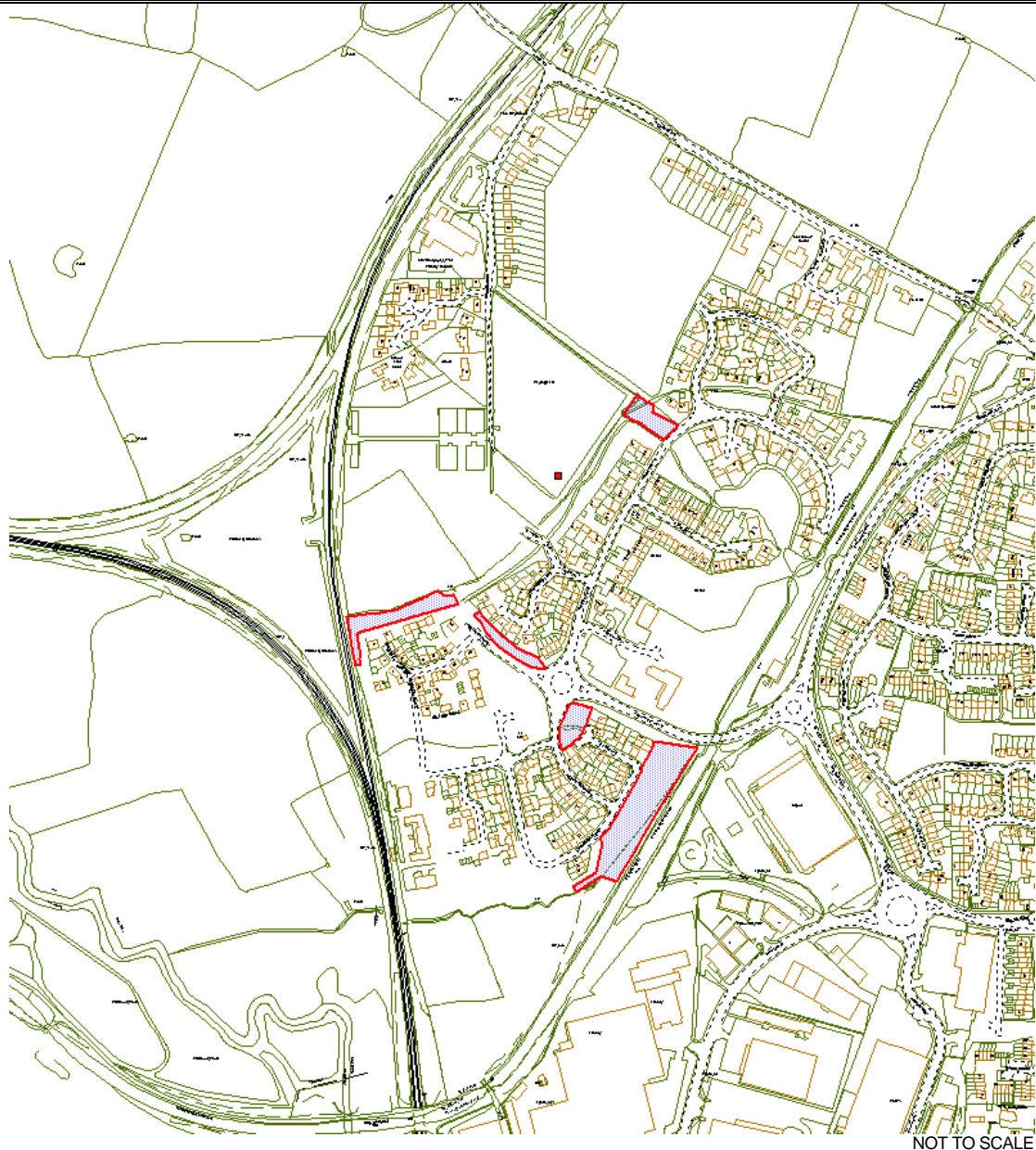
PLANNING COMMITTEE

9 March 2006

ITEM NO: 04

APPLICATION NO: 05/03002/REM

LOCATION: Land Off Hammond Way Staverton Marina Staverton
Wiltshire



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SLA: 100022961

04 Application: 05/03002/REM

Site Address: Land Off Hammond Way Staverton Marina Staverton Wiltshire

Parish: Staverton Ward: Paxcroft

Grid Reference 385665 160088

Application Type: Reserved Matters

Development: Proposed public open spaces

Applicant Details: Permission Homes (Wessex) Ltd
Cedar House Riverside Business Village Swindon Road
Malmesbury Wiltshire

Agent Details: The Barton Willmore Partnership (Reading) Ltd
Beansheaf Farmhouse Bourne Close Calcot Reading Berkshire

Case Officer: Mrs Rosie MacGregor

Date Received: 21.12.2005 Expiry Date: 22.03.2006

RECOMMENDATION: Approval

Note(s) to Applicant:

- 1 The applicant/developer is advised to contact John York, British Waterways External Works Engineer, on 01452 318513 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".
- 2 You are advised that it is important that the volumes of the attenuation storage in the public open space is preserved, and that the maintenance of the areas and the flow control structures within them is secured in the future at an appropriate frequency and standard of protection. The Environment Agency can provide advice in this matter on 01278 484753.
- 3 You are advised that some areas of public open space impinge on either the minor watercourse through the site or the 'main river' Hilperton Brook, now under the Environment Agency's jurisdiction and there is a legislative requirement for access as required by the Environment Agency.
- 4 The Environment Agency must be consulted before herbicide is used to control vegetation, in any areas adjacent to water.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to Committee because the Parish Council objects and Officers recommend approval.

This is a reserved matters application for the landscaping of the areas of public open space identified as POS2, POS3B, POS6, POS8, POS9 and POS10 forming part of the wider housing development permitted under outline permission 98/00284/OUT in April 2002. An application to vary Condition 1 of that outline permission was subsequently granted in June 2005 to extend the original outline for a further 3 years until June 2008 in order to address specific issues on site, predominantly the landscaping of certain areas by way of reserved matters applications. The majority of reserved matters such as siting, layout and design of the dwellings have previously been granted.

It is proposed that POS2 would be landscaped to include a grassed area with public access to a children's play area. An area of wildflower grassland would be incorporated into the scheme together with reinforcement of the existing hedgerow with native shrub planting. Additional planting would include ornamental shrubs and trees including Weeping Willow, Crab Apple and Alder. A reed bed area as part of the sustainable drainage systems would be formed within the centre of the public open space, but enclosed by 1.1m high timber post and rail fence with lockable gated access for maintenance.

POS3B previously contained a mature hedgerow made up predominantly from dead and dying Elms. This would be replanted with native shrubs and reinforced with standard trees to include Field Maple, Crab Apple, Silver Birch, and Ornamental Pear. There would be a 1.5m width of mown grass verge adjacent to the highway together with an area of long grass adjacent to the hedgerow.

POS6 which forms a linear area of ground adjoining the stream would include a pond and reed bed and a mix of natural wildflower grassland and rough grass land. It would involve some regrading of the embankment for road and culvert construction. The reed bed, stream and pond would be surrounded by 1.1m high fencing together with a gated access for maintenance. Additional native shrub and tree planting with Silver Birch is proposed, together with an amenity grassland area to which the public would have access adjoining the rough grassland.

POS8 which is adjacent to the canal towpath would be predominantly amenity grassland but would include areas of ornamental shrubs and tree planting, together with groups of native trees and shrubs, with an area of neutral wildflower grassland and rough grassland adjacent to the canal bank. The trees proposed are Alder, Ash, Birch and Crab Apple. These proposals include public access to a children's play area.

POS9 which adjoins POS8, would be predominantly amenity grassland with ornamental shrubs and native shrub planting, together with groups of tree planting to include Alder and Ash. An existing break in the vegetation adjoining the canal would be infilled with a post and wire fence and infill planting in order to prevent direct access onto the canal bank.

Finally, POS10 would retain a mature oak tree surrounded by amenity seeded grassland.

The proposals have been revised to incorporate the recommendations of the Council's Tree and Landscape Officer.

CONSULTATION REPLIES:

- STAVERTON PARISH COUNCIL

Original Plans - The Parish Council has objected to the proposals for the following reasons:

1 Some form of barrier needs to be erected around the reed bed/ditch on POS2. The footpath/cycleway from School Lane descends towards the reed bed/ditch. There is a right angled bend and failure to negotiate this successfully could result in an unwanted accident. Also the pedestrian access from the playing field is downhill towards the reed bed/ditch.

2 POS6 adjoins the railway line. Presumably the fencing is adequate?

3 Footpath No 2, the historical route between Staverton and Trowbridge, must cut through the open spaces POS3A and 3B and yet the footpath is not shown on the plan.

Amended Plans - There has been no response from the Parish Council to the revised plans.

STATUTORY CONSULTEES:

- HIGHWAY AUTHORITY

No highway or access problems are foreseen by the public open spaces detailed in this application therefore no highway objection is raised.

- BRITISH WATERWAYS

No comment to make on the design details. British Waterways is happy with the proposed layout and the species proposed. An informative is recommended.

- ENVIRONMENT AGENCY

No objections raised.

- WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE

The species reported at/near this site are badgers although there may be other protected species present.

INTERNAL CONSULTEES:

- TREE AND LANDSCAPE OFFICER

Is satisfied that the proposals are acceptable in landscape terms. The revised and improved play equipment is welcomed and the two equipped play areas will have a much better play focus than those originally proposed. Although additional native planting along the canal embankment would be supported it should only be introduced with the consent of British Waterways.

- PUBLICITY

The application was advertised by site notice and in the local press to which there have been several responses from the occupier of a neighbouring dwelling.

The objections are on the following grounds:

- Potential for trespass onto the railway lines.
- Hazard created by reed bed areas and balancing ponds.
- Potential for balls in kick-about areas to create a hazard.
- Proximity of public open space to waterways, the marina and streams in the area.
- Potential for access onto the canal.
- The current state of the area with mud, topsoil and rubble is unsightly and a hazard in itself.
- Potential for vandalism.
- Loss of native hedgerows.
- Need for access for wildlife.

A further neighbour, whilst not writing in connection with the current application, has drawn the Council's attention to the potential for pets to gain access to culverts and drainage systems.

PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Sustainable development
- DP4 Towns and main settlements
- T4 Cycling and walking

West Wiltshire District Plan 1st Alteration

- H1 Housing development within towns
- H24 Housing design
- T11 Cycleways
- T12 Footpaths
- R4 Public open space

- PPS1 Delivering sustainable development
- PPG3 Housing
- PPS9 Nature Conservation
- PPG17 Planning for Open Space, Sport & Recreation

RELEVANT PLANNING HISTORY

98/00582/OUT - Residential development - Permission 03/04/02

05/00582/FUL - Variation of Condition 1 of 98/00582 to enable period for submission of Reserved Matters to be extended. This effectively renewed the permission for a further 3 years until 23.06.08.

KEY ISSUES

The main issues raised by this application are the detail and layout of the landscaping, public access and public amenity.

The principle of provision of these areas of public open space have already been established by the granting of outline permission 98/00284/OUT in 2002.

PLANNING OFFICER'S COMMENTS

The proposed areas of public open space would provide a mix of different forms of planting, landscaping and a range of play areas that provide a green setting for the housing development as well as much needed facilities for play and sustainable drainage. The proposals for the most part accommodate the existing topography of the land except in small areas where there will be a need for a regrading for example where there is a particularly steep embankment or need for excavation of reed beds.

The Parish Council and a neighbour have commented with concerns expressed about layout and public safety.

Although public access to the majority of the public open space can be maintained, there are some areas where clearly members of the public, especially small children, would be at risk where there is open water in the form of Hilperton Brook, designated a main river, ponds and reed beds. It is therefore proposed that 1.1m high fencing would be provided in order to mitigate against these hazards.

However, the overall site includes a marina and canal basin with the Kennet and Avon canal running parallel with the site for the full length of its eastern boundary.

Although concerns have been expressed about health and safety, it is considered that there is sufficient protection for both cyclists and pedestrians to prevent them falling into the water courses and reed beds forming part of the public open space. The proposed secure 1.1 metre high fence surrounding the reed beds, attenuation ponds and Hilperton Brook, is considered sufficient to mitigate against any accidents. Although realistically, it is never possible to protect against every eventuality, but to assess the risk and take appropriate measures. The housing development has been designed so that houses overlook the areas of public open space and will provide some custodianship.

The matter of the potential for pets to gain access to culverts and drainage systems has been drawn to the attention of the developers with a suggestion that measures such as grilles should be provided at the end of drainage pipes and culverts to prevent access by children and animals.

The fencing to the railway line is the responsibility of Railtrack, but there is an existing fence adjoining the railway embankment which is outside the applicant's control. It is considered that this will be sufficient, together with various shrub planting to prevent access onto the railway bank.

There was a need for a slight adjustment to the route of some the public footpaths leading through the housing development but these have been resolved by way of a Footpath Diversion Order to which the Highway Authority had no objection.

The protection of badgers and other wildlife was considered as part of the outline application. The developer has agreed to provide an access route for badgers for foraging into those areas of public open space that will be fenced off.

It is considered that the proposals accord with Government Guidance contained within Planning Policy Guidance Note 17 and development plan policy. They will provide a valuable community resource as well as enhancing the development. The proposals will provide opportunities for recreation, including walking and play areas, together with havens and habitats for flora and fauna, as well as enhancing the visual amenity and providing attractive green spaces close to housing.

CONCLUSIONS

It is considered that the submitted scheme will create an attractive and appropriate setting for the housing development. It will provide secure surroundings and a green background to soften the built environment and enhance the visual amenity.

The scheme is consistent with the outline permission and acceptable when considered as a part of the wider development at Staverton Marina.

Approval of these reserved matters is therefore recommended.

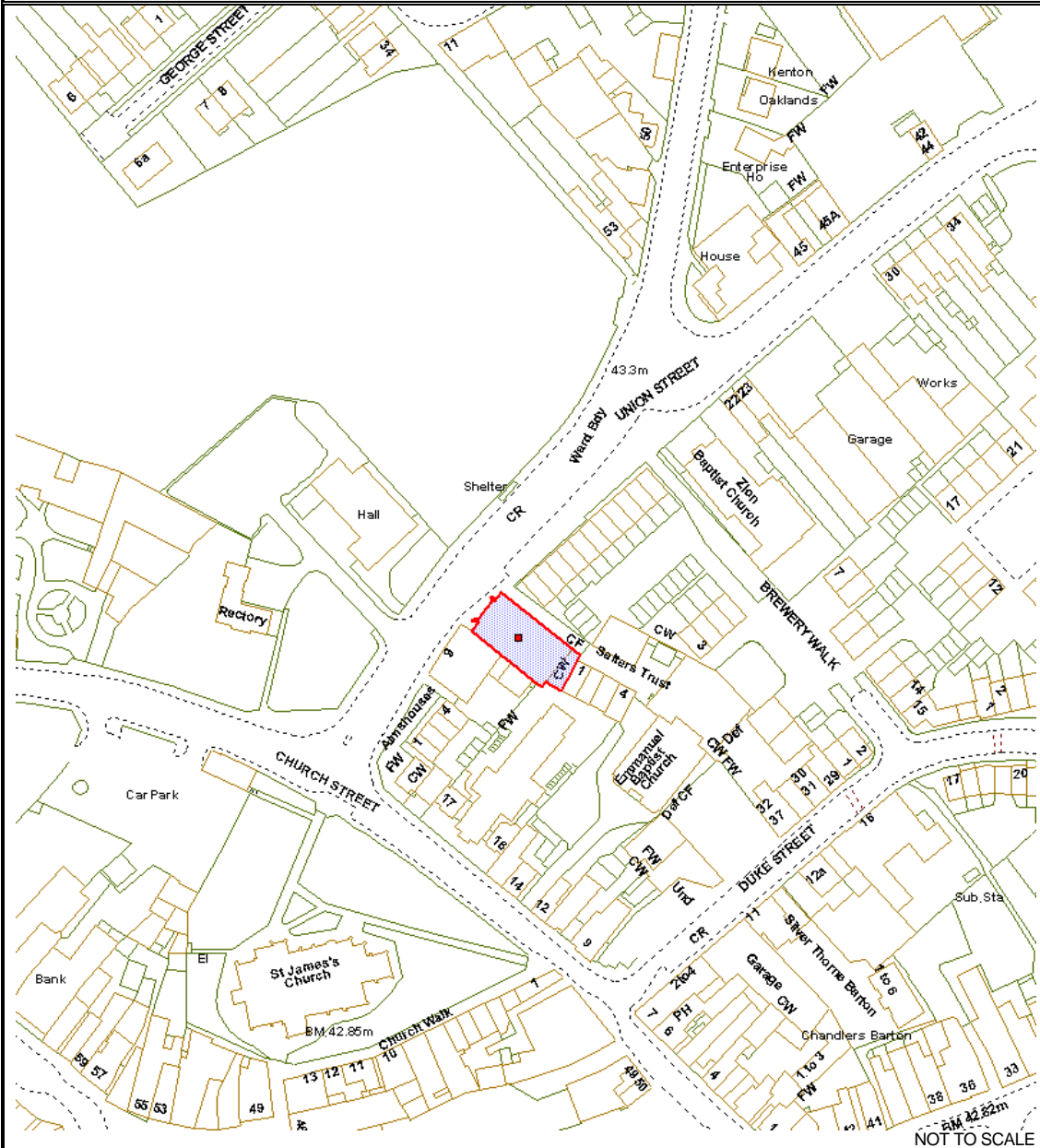
PLANNING COMMITTEE

9 March 2006

ITEM NO: 05

APPLICATION NO: 05/03031/FUL

LOCATION: St James Hall 9A Union Street Trowbridge Wiltshire
BA14 8RU



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SLA: 100022961

05 Application: 05/03031/FUL

Site Address: St James Hall 9A Union Street Trowbridge Wiltshire BA14 8RU

Parish: Trowbridge

Ward: Park

Grid Reference 385695 158153

Application Type: Full Plan

Development: Change of use from retail to health and fitness club (B2)

Applicant Details: Kirsty Mills
C/o Dreweat Neate 48 Market Place Chippenham Wiltshire SN15 3HU

Agent Details: Dreweat Neate
48 Market Place Chippenham Wiltshire SN15 3HU

Case Officer: Mr Matthew Perks

Date Received: 28.12.2005

Expiry Date: 22.02.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the size, form and position of the proposed partitioned elements, would interrupt the internal proportions and character of the hall. This would cause harm to the internal character of this Grade II Listed Building contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee at the request of Cllr. Carbin in order to consider the relative merits of listed building and economic development policies in this case.

The application is for full planning permission for the change of use from retail to a health and fitness club (D2) at St James Hall, 9a Union Street, Trowbridge. An application for Listed Building Consent has also been submitted for the proposals (Ref. 06/00023/LBC).

St James Hall is a Grade II Listed Building that has recently been refurbished (03/01583/LBC) and is currently unoccupied, but was last in use for retail. The building is located within the Commercial Area Boundary and the Conservation Area. The area in the vicinity of the hall is characterised by a mixture of uses including residential, community and retail. The interior of the building is comprised of a large hall with ancillary rooms including toilets, a kitchen and a storeroom. There is a balcony and office at first floor level towards the street frontage side of the building.

The proposal is for a health and fitness club. The club would make use of the open floor area of the existing hall but would also include changing rooms for both sexes, a reception area and an office space at ground floor level. These enclosed spaces would require internal alterations to the building, making use of stud partition walling. Details of the stud wall partitioning have been included with the proposal plans. The partitions are designed to fit around existing skirting and to be removable without impacting on the fabric of the building. The partitions would fit below the balcony level. Drainage to the showers would be via an existing void below the suspended floor to the hall. An extractor vent would be cut into a lower pane to the existing exterior glazing to the northern elevation of the building.

The proposed changing rooms, reception and office area would occupy approximately 29% (65m² of 220m²) of the floor area of the hall space. The flat roofed partitioned areas would be 2.5m high within the hall space of ±11m in height. Decorative wall brackets below the balcony would be enclosed as a protective measure.

CONSULTATION REPLIES

TROWBRIDGE TOWN COUNCIL

No objection.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

The proposed use would probably lead to increased demand for parking relative to the existing A1 use. However rather than recommend refusal, the applicant should incorporate mitigation measures based on highway authority suggestions.

INTERNAL WWDC CONSULTATIONS

POLICY AND CONSERVATION SECTION

"The former church hall is currently vacant but was last used for retail uses. The hall is located within the town centre commercial area, but is located within a secondary retail area. In such locations, change of use from retail to other uses is acceptable subject to the primary commercial function of the centre remaining. The proposed commercial health facility is an appropriate facility to be located within or adjacent to the town centre and will help to maintain vitality within the town centre into the evening.

Proposals must also not detract from the local environment in terms of amenity or create access, highway or parking problems. In terms of residential amenity, care will need to be taken to assess the likely noise impact of a fitness class upon neighbouring residential properties, particularly at early times of the mornings. In terms of parking I consider that there are adequate off street parking facilities available in the town centre to accommodate parking requirements. The site is accessible by public transport, cycling and walking.

The hall is a grade II listed building and the proposed internal changes will require listed building consent. I understand that there will be some external changes to the appearance of the building and you may wish to contact the Conservation Officer regarding impact upon the character of the listed building and the conservation area.

Policy Recommendation:

Acceptable in policy terms subject to noise and historic environment issues being resolvable."

HERITAGE OFFICER

"The proposed alterations include the installation of stud partition walls into the main hall of the building to form changing rooms and an office for the use of the building as a fitness club.

The hall is approximately 11 metres high and the proposed changing rooms and office would be 2.5 metres high with flat roofs. Therefore the partitions would essentially create boxes within the hall. Notwithstanding the fact that these would be removable, the partitions would interrupt the proportions and character of the hall internally. The open and spacious character of the hall would be lost.

The proposed elevations show that the partitions would be above the height of the window sills. The partitions would result in the covering up of the bottom pane and window sill of two of the windows. These windows are important to the appearance of the internal space and are therefore important to the character of the building and should not be interrupted in the manner proposed. This would also involve the insertion of vents into the glazing. The glazing does not appear to be particularly historic and subject to the detail of the vents this may be acceptable. The details submitted are fine but an external elevation would be required.

The partitioning would also include the covering up of the balcony bracket. This would not damage the bracket and would retain it for the future, however as part of the overall character of the open hall the bracket is an important feature and I would not like to see it covered up if it is not essential.

Recommendation:

Refuse due to the harm caused to the character of the listed building by reason that the internal partitions would result in the loss of the proportions of the open and spacious nature of the hall and the detrimental impact of the partitions on the windows and balcony bracket as these are features intrinsic to the character of the hall."

PUBLICITY RESPONSES

Neighbours were notified of the proposal and public notices were posted. No comments were received.

PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 - Listed Buildings

West Wiltshire District Plan 1st Alteration, 2004
C19 - Alterations in Conservation Areas
C20 - Change of use in Conservation Areas
C27 - Character and setting of Listed Buildings
C28 - Alterations and extensions to Listed Buildings
C36 - Noise
C38 - Effects of development on neighbouring properties
SP5 - Secondary Retail Frontages

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

88/02016/FUL: Change of use from warehouse with ancillary office to retail shop: Permission: 20/12/88
02/00758/FUL: Change of use from retail to self storage centre and accommodation for security guard: Permission: 04/10/02
03/01583/LBC: Removal of first floor, refurbishment of ground floor, installation of damp-proofing, repositioning and repair of gallery screen, and repair of plasterwork: Consent: 18/11/03

KEY PLANNING ISSUES

The main issues relevant to this application are the potential impacts on the character and fabric of the listed building and the appropriateness of the proposed use in this locality.

PLANNING OFFICER'S COMMENTS

Policy considerations:

Government Guidance in the form of PPG 15 : (Planning and the historic environment) states that "...generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question...". However "... judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or area in question. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses".

Policy C27 of the West Wiltshire District Plan West Wiltshire District Plan 1st Alteration, 2004 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. Policy C28 furthermore states that alterations and extensions to a building listed as being of Special Architectural or Historic Interest will only be permitted provided (inter alia) that the essential form of the building is not adversely affected, features of architectural or historic interest are retained unaltered and any new details are designed so as to match or be in keeping with, and respect, the character of the building.

Policy SP5 the West Wiltshire District Plan West Wiltshire District Plan 1st Alteration, 2004 allows for changes of use that encourage the diversity and vitality of town centres outside the primary retail core areas. The supporting text states that "Policy SP5 provides a more flexible approach to allow for a diversity of retail, non-food retail and service uses, activities important to town centre commercial areas but which do not necessarily require a prime site in the retail core of a town. PPG6 (1996) stresses that variety and activity are essential elements of the vitality and viability of town centres. Different but complementary uses, both during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors."

Proposal in relation to policy considerations:

The proposed use in this case could be supported in terms of town centre policy considerations, although there are possible noise and parking issues (which could be addressed by condition).

However, a defining element of the character of this listed building is the hall space. The proposed partitioning of this space with the box-like change rooms and office would interrupt the proportion of the hall and harm the sense of interior space that exists. The partial concealment of the lower windows would also be disruptive to the internal appearance of the hall space. Also the covering up of the balcony brackets would hide a feature that contributes to the character of the hall. Overall the proposals would undo the results of the work that has recently been carried out in the hall which has been effective in recovering the original character of the interior space. (Under application Ref. 03/01583/LBC the hall space has been restored with the removal of a ±1980's first floor and supporting brick piers. The floor was also replaced and various other refurbishments carried out. Whilst acknowledging that the design provides for a reversible development that would not harm the fabric of the building, the presence of the proposed compartments within the interior space of the building and their associated impact on the fenestration and other features would be harmful to its interior character.

In terms of PPG15 considerations it is important that the hall should be brought into economic use as a means of securing its upkeep. The proposed use is also appropriate to the locality. However, the form of development would not accord with PPG15 guidance and would be contrary to Local Plan policy where the open and spacious character of the hall, an essential element of this listed building, would be lost.

CONCLUSION

It is concluded that the proposal does not conform with government guidance or development plan policy on the protection of the character of listed buildings. The application should therefore be refused.

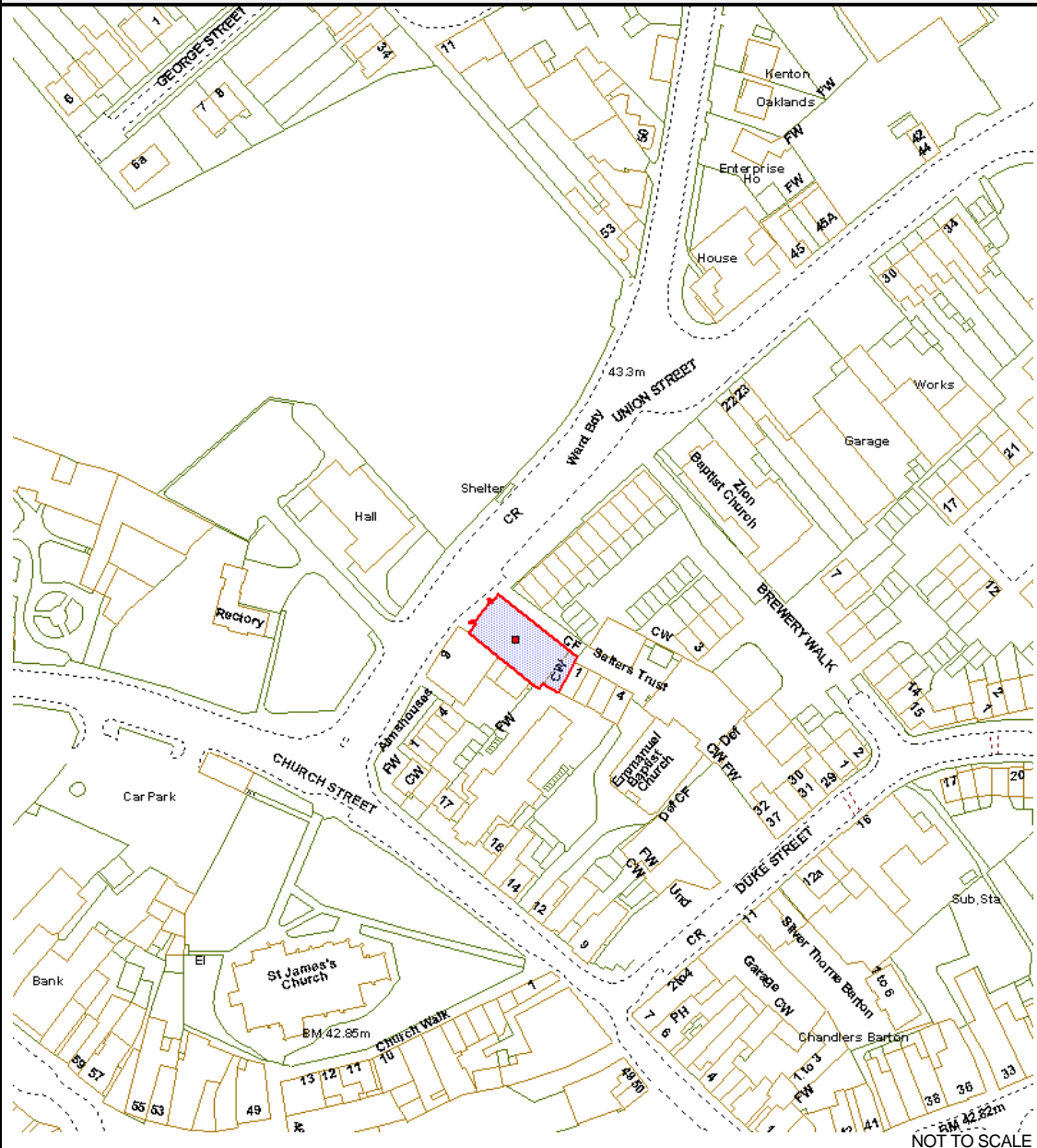
PLANNING COMMITTEE

9 March 2006

ITEM NO: 06

APPLICATION NO: 06/00023/LBC

LOCATION: St James Hall 9A Union Street Trowbridge Wiltshire
BA14 8RU



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SLA: 100022961

06 Application: 06/00023/LBC

Site Address: St James Hall 9A Union Street Trowbridge Wiltshire BA14 8RU

Parish: Trowbridge Ward: Park

Grid Reference 385695 158153

Application Type: Listed building

Development: Internal alterations to include erection of stud partition walls to accommodate showers, changing rooms and office area

Applicant Details: Kirsty Mills
Dreweatt Neate 48 Market Place Chippenham Wiltshire SN15 3HU

Agent Details: Dreweatt Neate
C Watkins 48 Market Place Chippenham Wiltshire SN15 3HU

Case Officer: Mr Matthew Perks

Date Received: 28.12.2005 Expiry Date: 22.02.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the size, form and position of the proposed partitioned elements, would interrupt the internal proportions and character of the hall. This would cause harm to the internal character of this Grade II Listed Building contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee at the request of Cllr. Carbin in order to consider the relative merits of listed building and economic development policies in this case.

The application is for listed building consent for the change of use from retail to a health and fitness club (D2) at St James Hall, 9a Union Street, Trowbridge. An application for planning permission has also been submitted for the proposals (Ref. 05/01303/FUL).

St James Hall is a Grade II Listed Building that has recently been refurbished and is currently unoccupied, but was last in use for retail. The building is located within the Commercial Area Boundary and the Conservation Area. The interior of the building is comprised of a large hall with ancillary rooms including toilets, a kitchen and a storeroom. There is a balcony and office at first floor level towards the street frontage side of the building.

The proposal is for various internal alterations that would include partitioning to provide changing rooms for both sexes for a proposed health and fitness club and a reception area and an office space at ground floor level in the hall. The alterations would mainly be comprised of new of stud partition walling. Details of the stud wall partitioning have been included with the proposal plans.

The partitions are designed to fit around existing skirting and to be removable without impacting on the fabric of the building. The partitions would fit below the balcony level. Drainage to the showers would be via an existing void below the suspended floor to the hall. An extractor vent would be cut into a lower pane to the existing exterior glazing to the northern elevation of the building.

The proposed changerooms, reception and office area would occupy approximately 29% (65m² of 220m²) of the floor area of the hall space. The flat roofed partitioned areas would be 2,5m high within the hall space of ±11m in height. Decorative wall brackets below the balcony would be enclosed as a protective measure.

CONSULTATION REPLIES

TROWBRIDGE TOWN COUNCIL

No objection.

STATUTORY CONSULTEES

N/A

INTERNAL WWDC CONSULTATIONS

HERITAGE OFFICER

"The proposed alterations include the installation of stud partition walls into the main hall of the building to form changing rooms and an office for the use of the building as a fitness club.

The hall is approximately 11 metres high and the proposed changing rooms and office would be 2.5 metres high with flat roofs. Therefore the partitions would essentially create boxes within the hall. Notwithstanding the fact that these would be removable, the partitions would interrupt the proportions and character of the hall internally. The open and spacious character of the hall would be lost.

The proposed elevations show that the partitions would be above the height of the window sills. The partitions would result in the covering up of the bottom pane and window sill of two of the windows. These windows are important to the appearance of the internal space and are therefore important to the character of the building and should not be interrupted in the manner proposed. This would also involve the insertion of vents into the glazing. The glazing does not appear to be particularly historic and subject to the detail of the vents this may be acceptable. The details submitted are fine but an external elevation would be required.

The partitioning would also include the covering up of the balcony bracket. This would not damage the bracket and would retain it for the future, however as part of the overall character of the open hall the bracket is an important feature and I would not like to see it covered up if it is not essential.

Recommendation:

Refuse due to the harm caused to the character of the listed building by reason that the internal partitions would result in the loss of the proportions of the open and spacious nature of the hall and the detrimental impact of the partitions on the windows and balcony bracket as these are features intrinsic to the character of the hall."

PUBLICITY RESPONSES

Neighbours were notified of the proposal and public notices were posted. No comments were received.

PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 - Listed Buildings

West Wiltshire District Plan 1st Alteration, 2004

C27 - Character and setting of Listed Buildings

C28 - Alterations and extensions to Listed Buildings

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

03/01583/LBC: Removal of first floor, refurbishment of ground floor, installation of damp-proofing, repositioning and repair of gallery screen, and repair of plasterwork: Consent: 18/11/03

KEY PLANNING ISSUES

The main issues relevant to this application are the potential impacts on the character and fabric of the listed building.

PLANNING OFFICER'S COMMENTS

Policy considerations:

Government Guidance in the form of PPG 15 : (Planning and the historic environment) states that "...generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question...". However "... judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or area in question. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses".

Policy C27 of the West Wiltshire District Plan West Wiltshire District Plan 1st Alteration, 2004 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. Policy C28 furthermore states that alterations and extensions to a building listed as being of Special Architectural or Historic Interest will only be permitted provided (inter alia) that the essential form of the building is not adversely affected, features of architectural or historic interest are retained unaltered and any new details are designed so as to match or be in keeping with, and respect, the character of the building.

Proposal in relation to policy considerations:

A defining element of the character of this listed building is the hall space. The proposed partitioning of this space with the box-like change rooms and office would interrupt the proportion of the hall and harm the sense of interior space that exists. The partial concealment of the lower windows would be disruptive to the internal appearance of the hall space. Also the covering up of the balcony brackets would hide a feature that contributes to the character of the hall. Overall the proposals would undo the results of the work that has recently been carried out in the hall which has been effective in recovering the original character of the interior space. (Under application Ref. 03/01583/LBC the hall space has been restored with the removal of a ±1980's first floor and supporting brick piers. The floor was also replaced and various other refurbishments carried out.

Whilst acknowledging that the design provides for a reversible development that would not harm the fabric of the building, the presence of the proposed compartments within the interior space of the building and their associated impact on the fenestration and other features would be harmful to its interior character.

In terms of PPG15 considerations it is important that the hall should be brought into economic use as a means of securing its upkeep. However, the form of development would not accord with PPG15 guidance and would be contrary to Local Plan policy on listed buildings where the open and spacious character of the hall, an essential element of this listed building, would be lost.

CONCLUSION

It is concluded that the proposal does not conform with government guidance or development plan policy on the protection of the character of listed buildings. The application should therefore be refused.

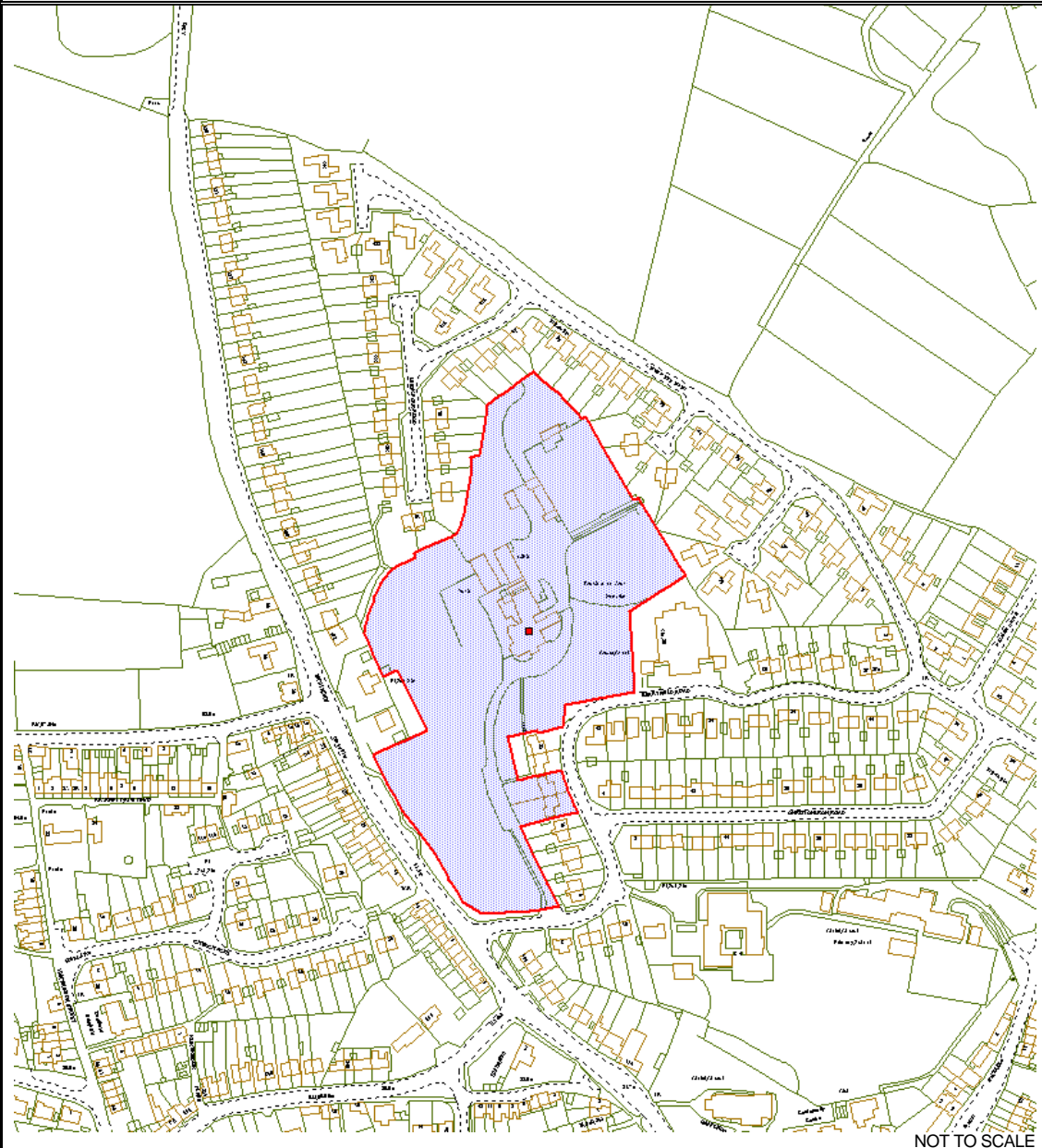
PLANNING COMMITTEE

9 March 2006

ITEM NO: 07

APPLICATION NO: 05/02185/FUL

LOCATION: Bradford On Avon Hospital Berryfield Road Bradford
On Avon Wiltshire BA15 1TA



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SLA: 100022961

07 Application: 05/02185/FUL

Site Address: Bradford On Avon Hospital Berryfield Road Bradford On Avon Wiltshire BA15 1TA

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382633 161633
Application Type: Full Plan
Development: Erection of chain link fence and gates to main entrance
Applicant Details: West Wiltshire PCT NHS
Unit B Valentines Epsom Square White Horse Business Park
Trowbridge
Agent Details: Kennet And North Wiltshire PCT
Broadway House Headquarters Road West Wilts Trading Estate
Westbury Wiltshire
Case Officer: Mr Mark Reynolds
Date Received: 20.09.2005 Expiry Date: 15.11.2005

REASON(S) FOR PERMISSION:

The proposed development which is required on a temporary basis would not harm the setting of the listed building.

RECOMMENDATION: Permission

Condition(s):

- 1 The fencing and gates hereby permitted shall be removed and the land restored to its former condition on or before 9th March 2007 in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

REASON: Because this is a form of development which would not be appropriate on a permanent basis.

- 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 The gates to the site must remain open during the site working hours

REASON: In the interests of road safety

- 4 The proposed entrance gates shall be hung to open away from the highway only.

REASON: In the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council object to the proposal and Officer's recommend permission.

This is a full planning application for the erection of a chain link fence and gates at the Bradford on Avon hospital site which is located to the north of Berryfield Road. The proposed fencing and gates are required for security purposes.

The proposed gates would measure 5.5m in width and 1.8m in height. The gates would be positioned at the end of the access drive facing onto Berryfield Road which is the main vehicular access to the hospital site. The gates would be constructed with a galvanised frame and chain link infill.

It is also proposed that a fence be erected around a currently open section of the grounds of the hospital.

This fence would be located to the south of the hospital building behind landscaping which fronts onto Berryfield Road. The fence would extend 90m in length and would stand 1.2m in height. The hospital building is a large grade II listed building set in extensive grounds.

The application has been revised to reduce the height of the fence, and to finish it in green mesh, and to reduce the overall height of the gate.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

'The Town Council encloses a plan recommending a more suitable route for any temporary fencing. Which would provide better protection for the listed building than the proposed scheme at less cost and damage to local amenity.

The Council recommends refusal of the present proposal on the grounds of loss of neighbourhood amenity. The Town Council recommends that any future permission for fencing should be temporary, on the grounds that it would not preserve or enhance the character of the listed building'.

The consultation period for the Town Council is still ongoing and any further comments will be reported on the Late List.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

Raise no objections subject to conditions

PUBLICITY RESPONSES

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

43 letters were received raising the following objections;

- Necessity of the development
- Design would be offensive
- Appearance would be unsympathetic
- Make Cedar court like a prison camp
- Materials unsympathetic to the site
- Harm the setting of the listed building
- Harm to tree at the site
- Are security measures necessary?

- Loss of amenity parkland for local residents
- Highway safety
- Fencing would be better in closer proximity to the building
- The proposal will not stop people getting into the site
- Unclear advertisement

The consultation process is ongoing and any additional comments will be reported on the Late List.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C27 - Listed Buildings

C31a - Design

C38 - Nuisance

RELEVANT PLANNING HISTORY

00/00980/OUT - Community hospital and nursing home, associated infrastructure and landscape - Withdrawn 12.1.06

00/00981/FUL - Residential conversion of Berryfield House into 9 units and the Coach House into 3 units, associated infrastructure and landscape works - Withdrawn 12.1.06

00/00982/OUT - Residential development of 23 dwellings and associated infrastructure and landscape works - Withdrawn 12.1.06.

KEY PLANNING ISSUES

The key planning issues to consider in this case are whether the proposal for temporary fencing and a gate would harm the character and setting of the Grade II listed building, design and highway safety.

PLANNING OFFICER COMMENTS

The applicants have confirmed that the proposed gate and fencing will only be required for a 12 month period. The proposal is required by West Wiltshire Primary Care Trust because in the immediate future the site is likely to be unoccupied and this raises safety concerns at the site.

The initial proposal has been revised and the previously proposed wire on top of the gate has been removed. The height of the fencing has also been reduced to 1.2m in height where it was previously proposed to be 1.8m in height. The proposed fencing would be metal mesh with green plastic coating.

The gate is designed to serve the function of stopping vehicular traffic entering the site. It would not, by reason of its design, be the type of feature that would be acceptable on a permanent basis within the curtilage of a listed building. However, it is located at the end of a long driveway at some distance from the principal listed building. Furthermore, it is required to ensure the security and integrity of this grade II listed building for a period of only a year. It is considered on balance that in these circumstances it is an appropriate form of development.

The proposed fencing which is also only required on a temporary basis would be positioned behind existing trees setback from Berryfield Road, and at some distance from the listed building. It is considered that this fencing would be in keeping with much of the chain link fencing which partially surrounds the hospital grounds. The fencing would only be 1.2m in height and it would not harm the setting of the grade II listed building.

Authorities are required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. By protecting the hospital building from trespass and unauthorised vehicular traffic entering the site it is hoped that the character and integrity of the listed building will be retained.

Highway safety issues have been raised in letters received on the application the highway authority were consulted and they have not objected to the application. Objections have been received that the design of the proposal would be offensive and unsympathetic. It is acknowledged that the proposed fence and gate are functional in their design, and as has been noted the gates in particular would not be acceptable as a permanent addition.

Concerns have been expressed regarding potential harm to the trees the proposed fencing would however be located behind these trees which front onto Berryfield Park as has been illustrated on the revised plans submitted. These trees would also act to reduce the prominence of the proposed fencing.

Whilst the concerns of the Town Council and immediate neighbours to the site regarding the loss of an open facility for recreation is noted, the West Wiltshire Primary Care Trust do have the right to enclose the land, and it is not formal recreation land. There are two formal children's play areas in this part of the town at Bearfield and Sladesbrook within walking distance.

The proposed repositioning of the fence has been suggested by neighbours and by Bradford on Avon Town Council. Officer's must however consider the scheme which is put forward for determination.

An objection has been received regarding the unclear advertisement of the proposed fence and gate. The site notice was however displayed in close proximity to the site and in what is considered to be a readily visible position. It is a standard site notice that conforms to the requirements of legislation.

CONCLUSION

It is considered, on balance, that the proposal is acceptable on a temporary basis, in the interests of preserving the integrity of the listed building.

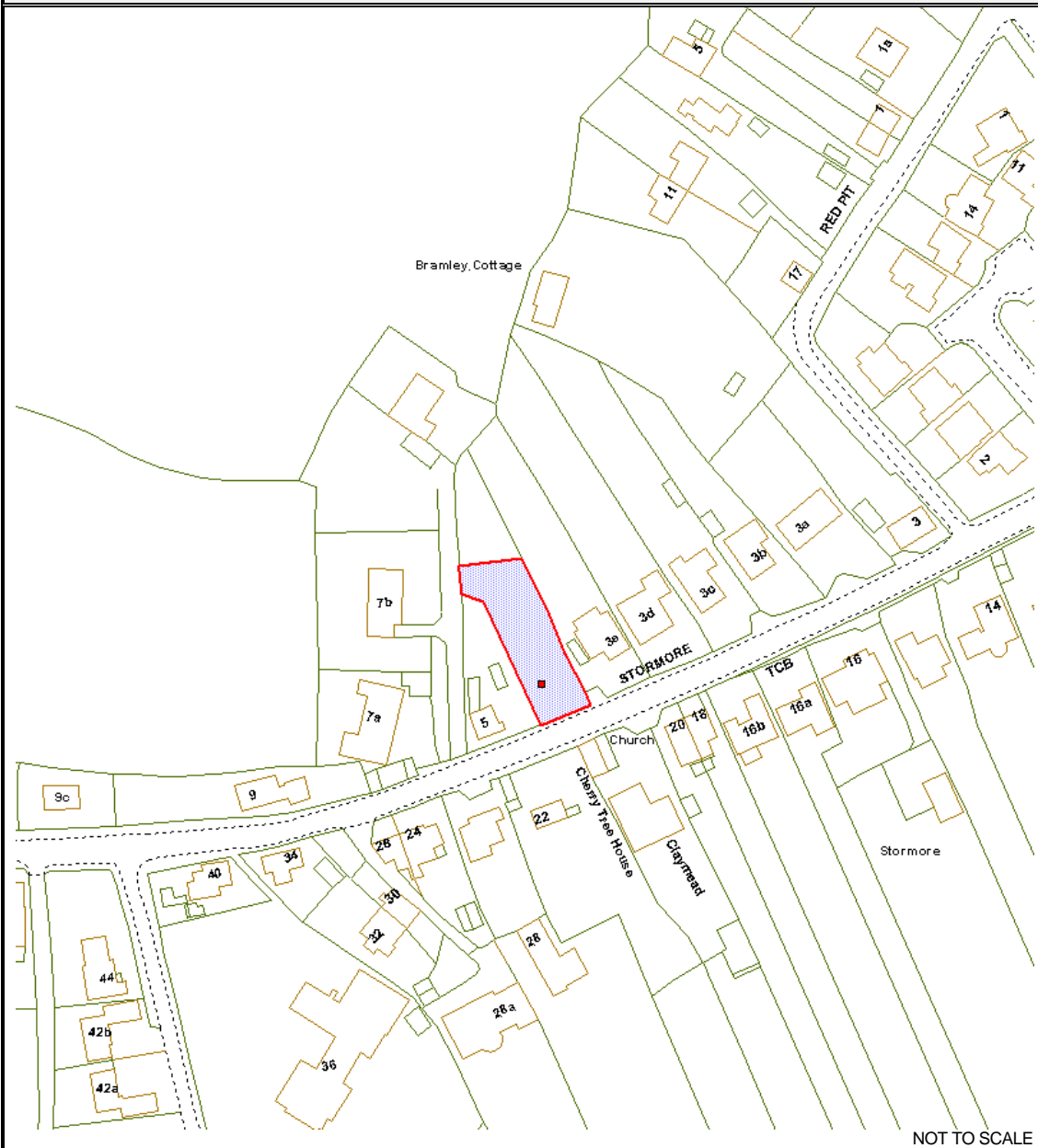
PLANNING COMMITTEE

9 March 2006

ITEM NO: 08

APPLICATION NO: 06/00234/REM

LOCATION: Land Adjacent 5 Stormore Dilton Marsh Wiltshire



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SLA: 100022961

08	Application:	06/00234/REM
	Site Address:	Land Adjacent 5 Stormore Dilton Marsh Wiltshire

Parish:	Dilton Marsh	Ward:	Dilton Marsh
Grid Reference	384127 149672		
Application Type:	Reserved Matters		
Development:	Detached house and garage		
Applicant Details:	James Pearce Developments Ltd Millards Farm Upton Scudamore Wiltshire BA12 0AQ		
Agent Details:	Richard Kaskow Design Services The Design Centre Crusader Park Warminster Wiltshire BA12 8BT		
Case Officer:	Miss Nicola Rogers		
Date Received:	23.01.2006	Expiry Date:	20.03.2006

REASON(S) FOR APPROVAL:
The information submitted is sufficient to discharge conditions 1 and 3 of planning permission 05/00583/OUT

RECOMMENDATION:	Approval
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COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee as Dilton Marsh Parish Council object to the application and your Officers recommend permission.

This is an application for approval of reserved matters resulting from application 05/00583/OUT, as detailed below. The reserved matters to be assessed in this application are siting, design, external appearance, and landscaping. Means of access was considered under the outline application.

The proposed dwelling would have a footprint of 11 metres by 7.6 metres with a pitched roof being 7.5 metres in height to the ridge and sloping to 5 metres at eaves. A conservatory at the rear and a porch to the front would add interest to the building.

The property would be situated between number 5 Stormore, a two-storey cottage with permission to extend, and a row of large single storey dwellings 3a -3e.

CONSULTATION REPLIES

PARISH COUNCIL: The Council objects to this proposed development for the following reasons:

- It represents overdevelopment of the site. It is a very large building on a comparatively small site.
- It presents an unacceptable street scene
- It is not in keeping with neighbouring properties

Examination of the current planning application appears to show a building larger than that shown, and approved in an earlier planning application for outline planning permission.

HIGHWAY AUTHORITY: No objections

WESSEX WATER: No objections

PUBLICITY RESPONSES

- No comments received following a neighbour notification exercise.

RELEVANT PLANNING POLICY

- West Wiltshire District Plan 1st Alteration 2004
- C31a - Design
- C38 - Nuisance
- H17 - Village Policy Limits

RELEVANT PLANNING HISTORY

05/00583/OUT - Detached house and garage (permission 18/5/05)

KEY PLANNING ISSUES

The main issues in this case are the effect of the proposed development on the street scene and the amenity of neighbours. The principle of a dwelling was established through the outline planning application.

PLANNING OFFICER COMMENTS

Submitted with the application is a street scene elevation, which helps to show the context of the building and its impact on the street. The photographs of this site also show the surrounding buildings. The site is surrounded by a wide variety of buildings, the properties to the east of the site, 3e, d & c etc are all single storey dwellings, however, number 5 to the west is a two-storey cottage. This is a flexible site as the resulting dwelling on the site could be either single or two-storey, and there is no particular style that the proposed dwelling should replicate to fit in with the street scene.

The proposed dwelling is modern in style similar to the single storey dwellings to the east, but two-storey, in common with number 5 to the west. The roofline of the proposed dwelling would be 0.8 metres higher than that of the existing cottage number 5. This building would not dominate the existing building and would be suitable in the street scene.

The design of the building is such that it would not dominate the street scene on this straight piece of road. Samples of materials have been submitted in response to condition 11 of the outline planning permission. These are intended to link the building to the more traditional buildings within Dilton Marsh.

The amenity of the neighbours would not be affected by the proposal as there would be no overlooking windows on either side elevation and the proposed dwelling would not overshadow either of the neighbouring dwellings.

The Parish Council suggest that this proposal represents overdevelopment. The objection cannot be supported. The site has an area of approximately 0.8 hectares. There is sufficient room to accommodate the dwelling together with a double garage to the rear. The overall site has an area of approximately 1.3 hectares. There is sufficient room to accommodate a garden for both dwellings. Furthermore, the issue of principle was established through the outline application, but for the Committee's information, one dwelling on the site would represent a density of 15 dwellings per hectare, well below the figure of between 30 and 50 dwellings per hectare as encouraged in paragraph 58 of PPG 3. The development would, however be at a comparable density to the surrounding properties, which are all at a similarly low density.

The Parish Council also comments that the building is larger than that approved on the outline application. For clarification on this point, siting was not applied for at outline stage and no illustrative layout was included on that application.

CONCLUSION

The design of the dwelling would not dominate the street scene and would not appear out of place with the surrounding buildings. The proposed dwelling would not affect the amenity of the neighbours.

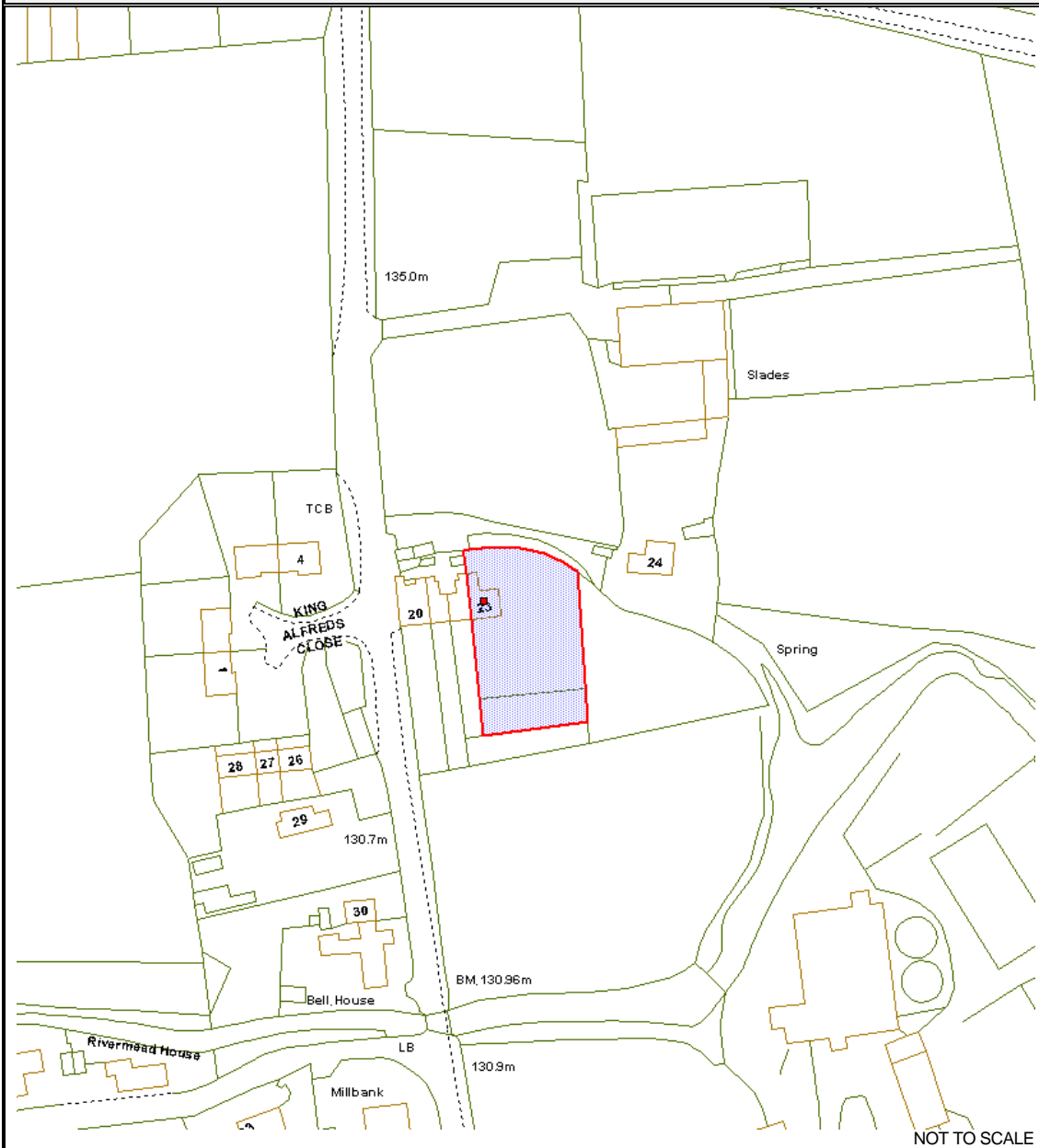
PLANNING COMMITTEE

9 March 2006

ITEM NO: 09

APPLICATION NO: 05/02905/FUL

LOCATION: 23 Whitepits Kingston Deverill Wiltshire BA12 7HE



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SLA: 100022961

09 Application: 05/02905/FUL

Site Address: 23 Whitepits Kingston Deverill Wiltshire BA12 7HE

Parish: Kingston Deverill

Ward: Shearwater

Grid Reference 384674 137275

Application Type: Full Plan

Development: Two storey side and rear extension

Applicant Details: Mr And Mrs P Davies
18 Humber Way Donnington Telford Shropshire TF2 8LJ

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 07.12.2005

Expiry Date: 01.02.2006

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee as Kingston Deverill Parish Council object to the application and your Officers recommend permission.

This is a full planning application for the erection of a large extension to the side and rear of the property. The property forms the eastern dwelling in a terrace of four located off Whitepits in the centre of the scattered settlement of Kingston Deverill. The property, and the others in the terrace are constructed in a typical vernacular style with brick and cobble walls, and pantiled roofs.

The proposed extension would double the width of the property, creating the appearance of an additional dwelling from the front, with fenestration matching the existing dwelling, matching materials and built to the same building line and ridge line as the existing terrace.

At the rear two projecting gables are proposed, one protruding 4.8 metres from the rear of the property and the other 3.5 metres, each would be approximately 4.5 metres in width and 6.8 metres in height to the ridge.

The applicant has provided a considerable amount of information, photographs and plans to support the application. The information provided refutes the Parish Council's initial comments and adds the following to the application:

- There is a wide range of architectural styles and periods in the village.
- The group of dwellings can only be viewed from a distance
- The proposal has been designed to be sympathetic to the terrace in terms of scale and design.
- The plans show that the amenity of number 21 would not be affected.

CONSULTATION REPLIES (SUMMARISED)

PARISH COUNCIL: The Parish Council (PC) wishes to register a strong objection to the plans currently being proposed.

The grounds for this objection are as follows:

* We have estimated that the extension would increase the size of the property by around 40% although we would have to rely on your Planning Officer for exact calculations of this. Whereas there is no written policy specifying exactly the percentage increase that is normally acceptable, the Householders Development Guide (HDG) states that "a visually dominant design is not acceptable". The applicant's photo montage clearly depicts the dominance of the proposed extension.

* HDG advises that "the design of a new extension or an alteration should be sympathetic to the existing development and surrounding area in character, style, proportion . . .".

* HDG also advises that extensions are sympathetic to the design of the existing buildings.

The PC maintains that insufficient attention has been given to the size, shape and position of this terraced set of cottages and the extent to which this proposed extension would change its character and appearance.

In accordance with the Residential Design Guide - SPD - Sept 2005, the applicant has submitted a Design Statement. We dispute the claims made as follows:

1. The extension does not blend with the surrounding area.
2. It is not sympathetic to the design of the existing buildings. The extension is imposing and dominates adjacent properties.
3. It affects neighbours (who have themselves objected) because of its prominence. HDG in its section Will It Affect the Neighbours? draws specific attention to the height and length of extensions to existing properties, and seeks to ensure that amenities for the occupiers of existing properties are not significantly affected. HDG states further that large extensions, especially two or more storeys, close to the boundary with the neighbours, can overshadow neighbouring gardens and make them less pleasant.
4. It is visible from a well-used public highway even though the applicant's photos show that from selected angles it could be claimed to be "screened". Local opinion would support that it is indeed clearly visible. HDG states that "the design principles which apply to front and side extensions will also apply to rear extensions especially if viewed from a public place. Careful attention should be given to the size and style of the extension and the roof form."
5. Planning Department has objected to the proposal "being beyond the 2m" but this has been dismissed by the applicant as not being relevant and he has made a decision about which parameters should apply here. We concur with your department on this point and seek clarification.

The PC finds that the applicant's responses do not address the issues of the proposed building line, but deal only with the loss of light.

The applicant's assertion that there is no loss of light caused by this proposed extension is therefore also firmly disputed and this is supported by HDG guidelines which state that permission will not normally be granted for an extension that significantly affects the amount of daylight/sunlight enjoyed by the neighbours.

There is no objection in principle to an extension but the PC would strongly recommend that a smaller extension is more appropriate to this terraced set of cottages. The PC requests that you consider the above points when referring this application to the Planning Regulatory Committee.

PUBLICITY RESPONSES

Four letters of objection have been received from two addresses, including a petition containing 14 signatures. The following points are raised:

- Loss of light to neighbouring properties
- Size of the extension not in keeping with the existing house
- Loss of views to neighbouring properties

RELEVANT PLANNING POLICY

- Wiltshire Structure Plan
- C8 - Area of Outstanding Natural Beauty
- West Wiltshire District Plan 1st Alteration 2004
- C2 - Area of Outstanding Natural Beauty
- C31a - Design
- C38 - Nuisance
- Supplementary Planning Guidance - House alterations and extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issues in this case are the effect of the proposed extension on the amenity of the neighbours, the street scene and appearance of the host building and the Area of Outstanding Natural Beauty in which the property is located.

PLANNING OFFICER COMMENTS

Effect on neighbours:

The Supplementary Planning Guidance - House alterations and extensions states that Permission will not normally be granted for an extension that significantly affects the amount of daylight/sunlight enjoyed by the neighbours, this is qualified as being in relation to habitable rooms (living areas and bedrooms) only. The use of 45-degree projection lines is recommended to assess the likely impact on the neighbouring property. The use of 45-degree lines has shown that the proposed extension would have no effect on the amount of daylight to the property number 21.

The terrace is north-south oriented and the rear of the properties faces to the north. The SPG states that an extension which faces west/southwest or east/southeast may affect the amount of sunlight and daylight to the neighbouring house or its garden to the north. An extension that is very long and constructed close to the boundary may have an overbearing and dominant effect on the outlook and garden of the house next door. In this case the proposed extension on the boundary with the neighbouring property number 22 would be built to a depth less than the existing single storey element on the rear of number 22.

The proposal would have no detrimental effects on the amenity of either neighbour to the rear.

Effect on host building/ street scene:

The Supplementary Planning Guidance - House alterations and extensions states that any extension should respect the host building and its setting in the street scene, the design of the proposal would replicate faithfully the style of the existing terrace in terms of materials, fenestration and form. At the rear the projecting gables follow the pattern of extension on the other dwellings in the terrace. Most have single storey projections at the rear, however number 20, at the opposite end of the terrace has a large two-storey projecting gable.

Whilst it is acknowledged that the proposed extension is particularly large and would alter the appearance of the terrace somewhat, the form of the extension would continue the pattern of development in the terrace and would not be detrimental to the appearance of the host building as a whole or the street scene.

Effect on the AONB:

One neighbour has commented that the proposal would block their views of the surrounding countryside. In terms of Planning this is not a material consideration, as a right to a view is not acknowledged. The proposal should, however, be considered in relation to its effect on the surrounding landscape, which is subject to a national designation.

As the proposed extension would follow the form and appearance of the rest of the terrace, there is no reason to suggest that the proposal would be detrimental to the wider landscape.

To address the remainder of the comments by the Parish Council:

- The percentage of the extension over that of the original house is not relevant to determining the appropriateness of the proposal in this location.
- The proposed extension would be visible from the highway, although this fact would not necessarily make the proposal unacceptable.
- This report shows that the Planning Department recommends permission for this application, the Parish Council refer to the Councils Supplementary Planning Guidance - House alterations and extensions, which is guidance only and is referred to above.

CONCLUSION

The relevant issues have been explored and it is concluded that, on balance the proposal is acceptable in terms of design and the effect on the neighbouring properties.