

PLANNING COMMITTEE

30 MARCH 2006

Planning Applications for Determination

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01 Application: 05/01780/FUL

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

Parish: Great Hinton

Ward: Summerham

Grid Reference 390718 159044

Application Type: Full Plan

Development: Detached agricultural barn

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

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

Case Officer: Miss Julia Evans

Date Received: 10.08.2005

Expiry Date: 05.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 5 The development hereby permitted shall not be commenced until a method of storage and disposal of manure, which shall not include manure burning, has been approved in writing by the Local Planning Authority. Storage and disposal of manure shall thereafter be in accordance with the approved method for so long as the barn remains on the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise the risk of pollution to the water environment, and nuisance to neighbouring properties.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies U1A, U2, U4 & C38.

- 6 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.

- 7 The development hereby permitted shall not be commenced until sectional drawings of the barn and any associated hardstanding areas and access tracks have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: Because the submitted drawings are inadequate in this matter, and in order to protect the visual appearance of the area.

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

- 8 The development hereby permitted shall not be occupied until the buildings to the north of Fore Street Farm have been demolished and the land restored, in accordance with details which have been approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: To improve the setting of the Listed Building.

Note(s) to Applicant:

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

COMMITTEE REPORT

APPLICATION DETAILS

This application was originally brought before the Planning Committee on the 17 November 2005 because the Parish Council objected to it and your officer recommended permission. Members considered the application and deferred it to allow negotiations to relocate the barn away from the public footpath and neighbours to the side, and to obtain details of site levels, sections through, and details of access and hardstanding. The applicant provided revised details on the 8 February 2006, addressing these issues.

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

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

Fore Street Farm is a Grade II Listed Building.

Revised drawings now show the barn located so as not to obstruct the footpaths. Sectional drawings have also been submitted, but drawings of the access and hardstanding have not. The applicant has, however, requested these details to be dealt with by condition.

CONSULTATION REPLIES

- GREAT HINTON PARISH COUNCIL: On the revised drawings they now state - "We refer to the above application and in particular the revised plans. This Council have now had an opportunity to consider the revised siting proposal and would offer the following comments.

"We welcome the repositioning so that the building no longer interferes with the route of the old established footpath. We also note that as a consequence the building is further down the hill, which will lessen the perceived height when viewed from Back Lane. We are however concerned at the proximity of the proposed building to the neighbouring property. We also remain concerned that the size of this proposed agricultural building is disproportionate to the size of the agricultural holding on which is proposed to be sited.

"As a principle this Council wish to ensure that any development in the countryside, ie outside the defined village limits as this site is, should only be permitted in response to a demonstrable need and sited with sensitivity to the rural character of our Parish. The proposed repositioning of the building is clearly more sensitive to the location, though we still think that it is too close to "Blue Haze". Our main cause for concern is that we do not consider the agricultural need of this landholding would normally justify a building of this size.

"There may however be extenuating circumstances and would prefer that the applicant should provide a statement of the agricultural activity, including any evidence the would support the size of the building. Only in this way can it be demonstrated that this development aligns with the adopted policies of West Wilts.

"In conclusion we would therefore ask that some evidence should be such that would show that an agricultural need is the main driver of the application and would also ask that the building should be positioned further away from the nearest house."

Originally strongly objected to the proposal on the following grounds:

- The large building will impact adversely not only on neighbouring properties but on the open rural character of the location. The size of the current agricultural unit is now relatively small and if storage is required there are alternative locations within the agricultural unit where such a building could be sited with significantly less impact on visual amenity.
- Given that a barn is not needed for the shelter of animals the siting would not seem to be critical.
- Detrimental impact on the free access to all public footpaths.
- Proposal would result in an unnecessary diversion of the public footpath.
- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions relating to the footpath:
- ENVIRONMENT AGENCY: No objection subject to informatives being added.

INTERNAL WWDC CONSULTATION REPLIES

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

PUBLICITY RESPONSES

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

One response to the revised plans was received making the following comments: -

- Building should be near the existing buildings;
- Will increase traffic; and
- Building is too industrial looking, too large and too tall.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP15 Housing, employment and related development in the open countryside
- C1 Nature conservation
- C5 The water environment
- C12 Agriculture
- HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside Protection
- C6A Landscape Features
- C27 Listed Buildings
- C31A Design
- C32 Landscaping
- C35 Light pollution
- C36 Noise
- C38 Nuisance
- R11 Footpaths and Rights of Way
- E9 Agricultural Land
- T12 Footpaths and Bridleways

U1A Foul Water Disposal
U2 Surface Water Disposal
U4 Groundwater Source Protection Areas

National Guidance

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

RELEVANT PLANNING HISTORY

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

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

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

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

KEY PLANNING ISSUES

This application raises the following planning matters: -

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

PLANNING OFFICER'S COMMENTS

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

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

The Parish Council have objected to the size and location of the barn, stating that there are alternative locations for it. The proposal is not considered detrimental to the rural character of this area. It has been set down into the landscape, and the design and proposed materials are considered acceptable, and subject to conditions requiring details of samples, no objection is raised by the barn's proposed design. Its location within the corner of the field is considered

acceptable, and means that it is partially screened by the existing hedgerows. However, the applicant has not provided details of any associated hardstanding or access tracks to the building. The creation of hardstandings and engineering operations that are reasonably necessary for the purposes of agriculture on agricultural units of 5 hectares or more is permitted development. However, because these details have not been provided within the application, conditions have been attached requiring sectional details of the engineering works required by the proposal.

Public Footpath 16 runs diagonally across the field from its south-western corner to its north-eastern one. At the request of the Planning Committee, revised drawings have now shown that the building will not impact on the public footpaths: consequently no diversion is now necessary.

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

The Parish Council considered the proposed barn would impact adversely on neighbouring properties. The nearest residential property is approximately 25 metres away. The barn would be screened by mature hedgerows, and set down within the landscape. The original proposal was not considered by your officers to be detrimental to neighbouring amenity in view of its design and location, and subject to a condition concerning details of external lighting no objection is raised. The revised location has moved the barn slightly further from Blue Haze, and although this means the building will be more visually intrusive, the Parish Council still object to the impact of the building on the neighbouring property. However, this objection is not supported by your officers, as it is still felt that the distance of the buildings from each other and conditions mitigate against any such concerns.

CONCLUSION

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

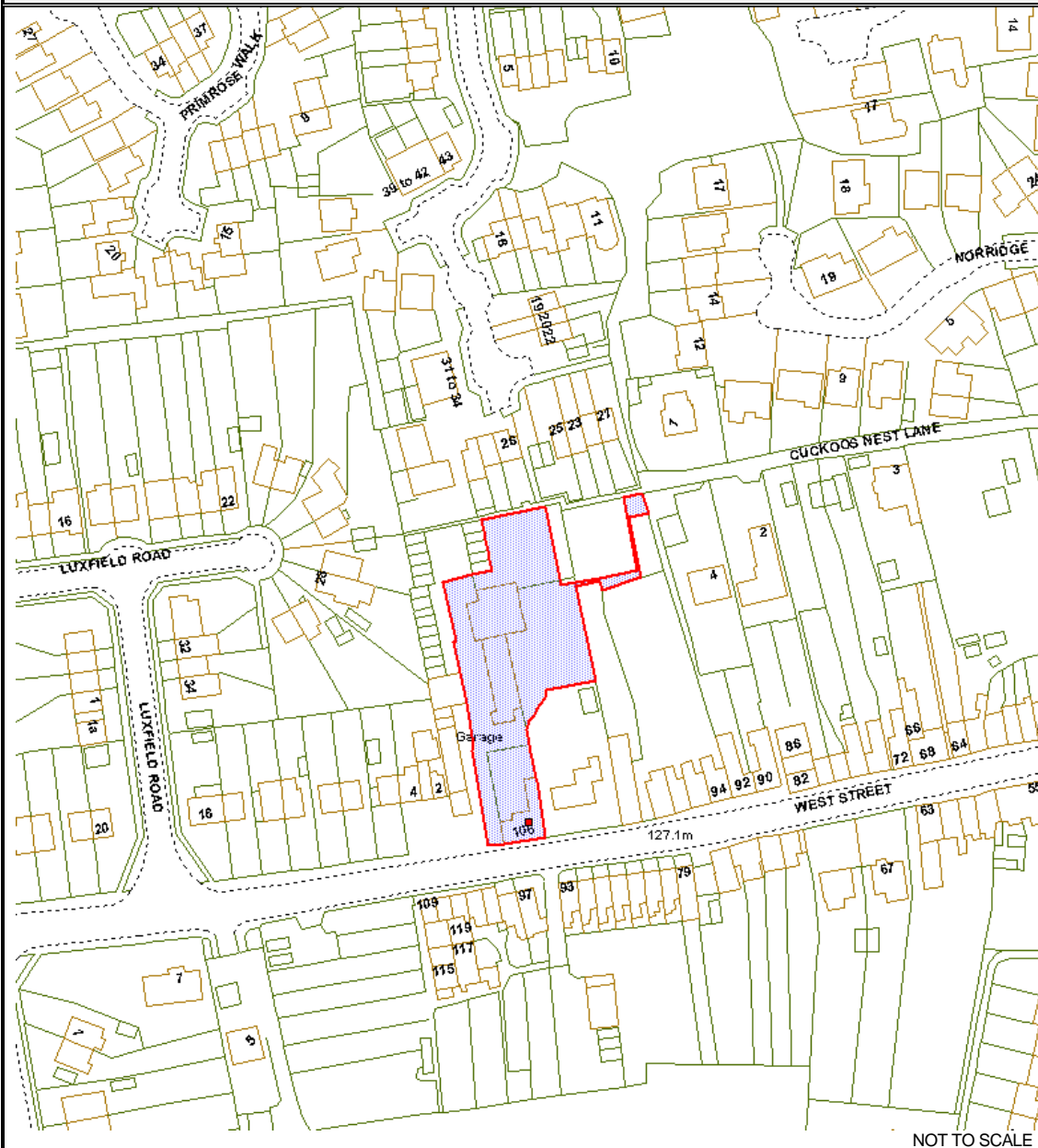
PLANNING COMMITTEE

30 March 2006

ITEM NO: 02

APPLICATION NO: 05/01750/FUL

LOCATION: 106 West Street Warminster Wiltshire BA12 8JW



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SLA: 100022961

02 Application: 05/01750/FUL

Site Address: 106 West Street Warminster Wiltshire BA12 8JW

Parish: Warminster Ward: Warminster West

Grid Reference 386330 144947

Application Type: Full Plan

Development: Demolition of existing garage buildings, formation of access including partial demolition of 106 West Street and construction of 1 three bedroom cottage and 4 two bedroom cottages

Applicant Details: J And G Vehicle Repairs
Stephens Way Warminster Business Park Bath Road Warminster

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

Case Officer: Mrs Judith Dale

Date Received: 09.08.2005 Expiry Date: 04.10.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The site has insufficient frontage to the east and west to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.
- 2 The Council is not satisfied that the proposed and required level of parking to support this scheme would be delivered as part of this development. In this event, the shortfall in parking would be likely to result in vehicles parking on the adjoining highways with consequent danger and inconvenience of all highway users.
- 3 The proposed development fails to provide for a contribution to public open space provision, contrary to Policy R4 of the West Wiltshire District Plan - 1st Alteration 2004.

Note(s) to Applicant:

- 1 The applicant is advised that Reason 2 above would be overcome in the event of land ownership and rights of access issues being resolved to secure an uninterrupted and unfettered vehicular access to serve the proposed development.
- 2 The applicant is advised that Reason 3 would be overcome in the event of a proportionate contribution towards the provision of public open space being agreed.
- 3 The Highway Authority advises that with regard to the indicative layout of 12 units on the entire site, the proposed scheme does not conform to an adoptable layout in terms of carriageway and footway service/service strip widths, and also exceeds the accepted number of 2 properties served by a private drive.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a detailed application for the redevelopment of an existing garage premises and part of a backland yard. This yard comprises a linear area of land, served by a narrow access approximately 6m wide which emerges onto West Street adjacent to no 106. The application site comprises the eastern part of this area, approximately 0.17 hectare, and currently occupied by a substantial vehicle repair workshop and showroom building orientated along the length of the site. On the opposite side lies an extensive run of lockup garages and commercial outbuildings in separate ownership and outside the current application site.

The proposal involves two separate elements;

- The demolition of the commercial garage premises and their replacement with a residential development of 5 cottage style dwellings laid out in a courtyard arrangement at the head of the access.
- The partial demolition of the frontage property, number 106 West Street, located at the junction of the access road with this highway, to improve the visibility and access arrangements to the development site.

Parking for 10 vehicles for both this frontage property and the five new dwellings will be provided within a combination of timber carports and open spaces, located in the middle of the site between the rear boundary of number 106 and the proposed development.

The site lies immediately within the western boundary of the Warminster Conservation Area and forms part of a larger allocated site for residential development within the recently approved District Plan. An illustrative plan has been submitted indicating how the remainder of the site might be developed with seven dwellings as an extension to the current proposal, but this does not form part of the current application.

The application has been accompanied by a detailed Design Statement.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Original comments - "This application would provide additional low cost housing but demolition of the corner of the building for access is not recommended as this is a dangerous entry onto West Street constituting a highways issue. The plans appear to identify a further 7 possible future properties. Voting was unanimous for refusal."

Revised comments following additional details - "There is a dangerous entry onto West Street constituting a highway issue as traffic trying to find alternative routes and on-street parking impact on Grovelands Way and Masefield Road. The traffic access is also down to single carriageway for some 40 metres and represents a problem for goods vehicles. The plans identify further possible properties and there are additional properties within the development that are not within the ownership of the property. Voting was for refusal of the application and was unanimous."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY:

Original Submission - "There has been numerous meetings and correspondence in respect of the redevelopment of the allocated site for residential purposes, and I have previously advised that this needs to be treated on a comprehensive basis, to ensure the safest possible means of access can be achieved.

The existing access serving the overall site is well below current recommended standards, and whilst accepting that the current and former uses of the site have generated a level of traffic using this access arrangement, it would not be considered suitable to serve new residential development.

A scenario where a residential development were to proceed on part of the site utilising a separate form of access adjoining the access to serve the remaining commercial uses would be most inappropriate and would cause confusion and conflict at their junctions with West Street.

The level of parking proposed falls short of the County Council's standard of two spaces per unit, and any shortfall in parking would be displaced to the adjoining highways with consequent danger and inconvenience to all highway users.

Having regard to the above, I would feel bound to recommend that this application be refused."

Revised comments following additional details - "The applicant's Agent has explained that the means of access to serve the development site will remain shared with the commercial use, and therefore there will be no separate access.

The means of access will be of an increased width due to the removal of part of No.106, and will provide for a slightly safer arrangement for vehicles using the access and for intervisibility between vehicles and pedestrians.

The access to serve the proposed development would still have a sub-standard level of junction visibility and a restricted width of access road to serve all intended uses.

Whilst I am aware of the guidance in PPG3 and PPG13 in respect of car parking, I am concerned that any shortfall in parking provision would result in the displacement of parking onto the adjoining highway, which would exacerbate the existing parking problems.

I accept that there is a 'fall-back' position, and the site could be used as a MOT testing station. However, the proposed residential use would generate vehicular and pedestrian movements via a severely sub-substandard access, with a lot of movements concentrated around the peak times.

The proposal clearly fails the basic test of providing a reasonable minimum standard of access, and on that basis I would feel bound to maintain my objection."

- ENVIRONMENT AGENCY: No objection in principle subject to appropriate conditions concerning potential ground contamination issues.

- WESSEX WATER: No objection in principle subject to agreement to a point of connection to Wessex infrastructure and the satisfactory disposal of surface water which will need to be in line with the Environment Agency's guidelines for development within a Source Protection Zone.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY:

This 0.17 hectare site forms part of a 0.31 hectare site allocated in the adopted District Plan for 12 dwellings as a brownfield housing site. The development of part of the allocated site is acceptable, provided that it is at an appropriate density and does not compromise the future development of the rest of the site.

The development would achieve 5 units (and the existing dwelling) at a density of 35 dwellings/hectare. This is an acceptable density and similar to the overall density of 38 dwellings/ha envisaged in the District Plan for the whole site.

The illustrative drawing shows how a further 3 dwellings could be achieved on adjacent land to the east of this site using the same access road. A further 4 dwellings are also shown to the west of this development, although not part of the District Plan allocation. Although this illustrative drawing shows a total capacity for the allocated site of 9 dwellings, it is accepted that the previous development of 1 dwelling on a generously sized plot adjacent to Cuckoo's Nest Lane has reduced the ability of the remaining site to achieve the full 12 dwellings capacity. Nevertheless, a future application for the remaining part of the site could achieve a different capacity based on a different design solution.

PUBLICITY RESPONSES

The application was advertised by Site Notice and in the local press and neighbours were notified. Seven letters of objection have been received on the following grounds: -

- Increase in traffic on and onto an already busy and congested road;
- Existing access also serves a number of lockup garages and the suggested imposition of a speed limit on the existing access will not be possible;
- Inadequacy of the existing access into the site;
- Overlooking of adjoining properties;
- Possible loss of light and privacy as a result of any future development on the remainder of the allocated site;
- Partial demolition of number 106 West Street which would be detrimental to the historic environment;
- Potential loss of trees through onsite works in close proximity to their root system;
- A Beech hedge along the rear boundary of number 102, and shown to be removed, is not within the applicants ownership;
- Potential contamination issues due to the former use of the premises as a garage;
- Backland development is an "easy site for crime".

A detailed letter of objection from the owner of the existing access road (formally notified under Article 7) has also been received. This questions the nature and extent of the rights of access claimed by the applicant over the access-way into the site.

A letter has also been received from the Warminster Civic Trust commenting that this application should not be considered as a piecemeal proposal but within the wider context for other development within the area. Consequently there are inevitable concerns over the traffic impact of this development on the already congested road situation in the vicinity and on the loss of part of a 17/18-Century house, generated predominately by the piecemeal approach to development of the site.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP4 Towns and main settlements
- DP7 Housing in towns and main settlements
- DP9 Reuse of land and buildings
- HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

- C17 Conservation Areas
- C18 New development in Conservation Areas
- C19 Alterations in Conservation Areas
- C21 Planning Permission in Conservation Areas
- C22 Demolition in Conservation Areas
- C31A Design
- H3 Urban Brownfield allocation
- H24 New housing design
- H1 Further housing development within towns

R4 Open space in new housing developments
S1 Education
I1 Implementation

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

RELEVANT PLANNING HISTORY

03/01022/CON - Demolition of 106 West Street and workshop behind and construction of private access drive and 5 dwellings - Withdrawn 30.01.04

03/01023/FUL - Demolition of 106 West Street and workshop behind and construction of private access drive and 5 dwellings - Withdrawn 30.01.04

KEY PLANNING ISSUES

The key issues with this development are: -

- General policy issues, including the local plan allocation and density considerations;
- Access and highways arrangements, including parking;
- Impact of the development on the character and appearance of the Conservation Area;
- Design and amenity considerations;
- Contributions.

PLANNING OFFICER COMMENTS

Policy

The comments from the Planning Policy Manager in the earlier section of this report confirm: -

- This site is part of a larger urban brownfield allocation for a total of 12 dwellings;
- The erection of 5 dwellings on this 0.17 hectare site would represent an appropriate PPG3 compliant density;
- The proposed development would not prejudice the further development of the remainder of the allocated site, although possibly at a lower than ideal density due to earlier planning decisions taken on the north-eastern part of the site adjoining Cuckoo's Nest Lane.

Since the normal justification for the loss of employment land has been 'addressed' through the allocation of the site for residential purposes, the principle of new residential development, and in this general form, is therefore accepted.

Highways, access and parking

This 'allocated' land was originally identified for residential development within the Urban Capacity Study 2001. This identified site incorporated: -

- The current application site occupied by J & G Vehicles Repairs Ltd as a car repair workshop and showroom;
- The other half of this rear yard occupied by a run of private lockup garages and other commercial outbuildings;
- A backland area to the east of the garage premises incorporating existing garden land.

Within the Urban Capacity Study, access to the whole of this site was shown as being via the existing single access onto West Street; this entire area was subsequently confirmed within Policy H3 of the District Plan as an urban brownfield allocation for 12 dwellings.

Subsequently, planning permission was granted on appeal for the erection of one detached dwelling on the eastern section of the site, to be served by a separate access onto Cuckoo's Nest Lane, itself an unadopted and substandard highway.

This has left the remainder, and majority of the land to be developed and served via the existing access onto West Street. This existing access is a narrow tarmac drive, approximately 6 metres wide at its narrowest point, which passes along the side and rear garden of number 106 West Street. It is within the same ownership as the lock up garages and commercial outbuildings, but the applicant enjoys a right of access over the eastern half of the driveway to a maximum width of approximately 3 metres to serve his existing garage premises (although not the backland to the east). This limited width of the Rights of Access is insufficient for access by fire engines, and has necessitated the demolition of a small section of the frontage property, no 106 West Street, to enable these vehicles to access the site as required under the Building Regulations.

In allocating urban brownfield sites for redevelopment, Policy H3 states that: -

"Suitable residential proposals will be permitted subject to scale, siting, design, highways, heritage conservation, residential amenity and local environmental considerations."

An assessment of the highway considerations of this proposal by the Highway Authority shows the scheme to be unacceptable in a number of ways as confirmed in their consultation responses:

- "The existing access serving the overall site is well below current recommended standards, and whilst accepting the current and former uses of the site have generated a level of traffic using this access arrangement, it would not be considered suitable to serve new residential development."
- Although the means of access will be increased in width due to the removal of part of number 106 West Street, intervisibility at the junction with West Street would still be substandard;
- The scheme represents an overall shortfall in parking provision of 2 spaces which would result in the displacement of vehicles onto the adjoining highway, to exacerbate an already congested situation.

While the Planning Officer supports the first two of these concerns, a shortfall of only 2 parking spaces would be difficult to substantiate in the light of government advice in both PPG3 and PPG13. Both of these documents recognise that car parking standards have become increasingly demanding and advise that lower levels of off street parking should be sought, particularly in sustainable in town centre locations and to suit varying demand.

In addition, it could be argued that the scheme itself does potentially provide for two basis for each of the proposed five dwellings - the proposed 10 spaces actually include provision for number 106 West Street, which currently has no onsite provision. If necessary, a further two spaces could be separately incorporated within its rear garden.

A significant complication has recently arisen which requires a reconsideration of this parking issue. The application proposes the shared use of the access road, with users of the lockup garages, the existing attached outbuildings and the residents of the proposed dwellings all utilising this driveway as their sole means of access. However, the owner of the access has written to state his intention to erect a security fence along the entire eastern boundary of this driveway and has forwarded a plan indicating the proposed siting. Notwithstanding the legal position or other merits of this proposal, the inevitable outcome would be to prevent direct vehicular access to this residential development, obstruct part of the proposed parking area and create what would effectively be a "car free" scheme. While a shortfall of two parking spaces might be considered acceptable within the context of this redevelopment, a shortfall of 10 which delivers no parking at all for the development, would not.

The legal right of the owner to construct such a fence is strongly contested by the applicant and an exchange of correspondence by both parties has argued their relative positions. It is widely accepted planning tenet that legal consideration should not form part of a planning determination; however, it is equally clear that planning determinations shall take account of all "material considerations". These include "all the fundamental factors involved in land use planning.... such as the proposed means of access" and "in any given case would depend on any given circumstances". (PPS1).

In this particular case, the Council is not in a position to weigh up the contesting legal arguments, but there remains considerable doubt that the scheme is able to deliver those car parking arrangements included in the proposal. In this event, the failure to provide onsite parking would result in considerable numbers of vehicles being "displaced to the adjoining highways with consequent danger and inconvenience to all highway users".

A legal opinion on the validity on this potential reason for refusal is being sought from the Council's Solicitor and the response is expected in time for Members to consider at the Committee meeting.

Impact of Character and Appearance of the Conservation Area

The application site is located at the extreme western end of the Warminster Conservation Area, and number 106 West Street is the first of the frontage properties along that road sited within the designated boundary. Historically, the building was the start of the Victorian section of the town and its siting immediately abutting the back of the footpath and flanking the access road into the existing garage site inevitably ensures that the building contributes significantly to the character and appearance of the Conservation Area at this point in West Street.

The proposal involves the demolition of a 3 metre wide (one room) section at the western end of this 2 storey L-shaped cottage, and the rebuilding of the gable wall in similar, although not identical detail to the existing. The existing "internal" chimney would now be positioned externally, requiring the two original, centrally positioned windows in the gable elevation to be repositioned to one side.

Relevant policies in the District Plan relating to unlisted buildings in the Conservation Area will permit new development, alterations and even demolition providing that the development will not adversely affect the character or appearance of the Conservation Area. They also require that the design of any new elements are sympathetic to the scale, form and fenestration of the buildings and important characteristic features are retained.

In this particular case, the importance of the building within the Conservation Area is its historic position at the entrance to the Victorian part of the town and its visible presence at this point. Unlike an earlier application for total demolition of the building (03/01022/CON), only a third of the frontage is to be removed and any new works are effectively limited to "making good" the emergent external wall with matching window and roof details and existing materials.

As regards its particular historic purpose and visual presence at the edge of the Conservation Area, these functions will remain, albeit in slightly modified form. It could therefore not realistically be argued that the development would adversely affect the character and appearance of the area at this point

While there is an argument that these works are only being required to address the access difficulties, it is important to note that the proposed demolition works would not, in themselves, require Conservation Area Consent, and that planning permission would only be required for the works required to "make good" such demolition. As indicated above, these detailed works are considered acceptable within the framework of Conservation Area policy and while the loss of any historic structure would not be encouraged, a reason for refusal on this aspect of the development could not be supported.

Design and Amenity Considerations

The proposed development is for 5 two-storey cottage style units grouped around a landscaped courtyard and the linear parking area. A detached three-bedroomed unit is to be sited at the head of the access drive, with 2 pairs of two bedroomed cottages grouped around it on its eastern side. At the front, each unit shares the public square; to the rear, each has an appropriately sized private garden.

In the accompanying Design Statement, it confirms that

"Consideration has been given to aspect, orientation and overlooking, particularly to the new dwelling constructed off Cuckoo's Nest Lane. They are also sited well away from the considerable stand of *Fagus sylvatica* (Beech Trees) on the northern boundary. The dwellings are designed in a local vernacular style with facing brick and plain tile and simple painted softwood casements. Each entrance is protected by a projecting porch. Vehicle parking is shown in a combination of car barn and open spaces, with 5 allocated covered spaces and 5 other spaces."

The proposed car barns are of timber construction with tiled roofs, and not inappropriate in scale or design in this location. In addition to their main purpose for parking cars, they would also 'shield' the proposed dwellings from the continuing activities on the opposite side of the yard. While it might be argued that there is a degree of incompatibility between these uses, this relationship is little different to the situation which currently exists.

A footpath extends though the development to the east, and into Cuckoo's Nest Lane to add permeability to the scheme and to provide an alternative access for emergency vehicles.

Being located within an established backland site, it is inevitable that the introduction of new dwellings will have some impact on those properties which abut the site boundaries, although an attention to detail in the layout of the scheme and the design of the dwellings has limited this to a marginal level. In addition, it could be argued that the loss of a garage workshop with its attendant level of traffic noise and general activity levels would, in itself, secure a benefit in terms of residential amenity.

As a consequence, this scheme is considered to meet both the design principles of Policies H24 and C31A and the nuisance considerations of Policy C38.

Contributions

As part of an allocated site for 12 dwellings, a proportionate contribution towards the provision of Public Open Space would be a requirement under policy R4 - the scheme currently fails to make provision for such a contribution.

CONCLUSION

The principle of the redevelopment of this site is considered acceptable from the land use point of view and is in accordance with its residential allocation both in terms of this particular scheme and its future relationship with the remainder of the larger allocated site. It is also considered acceptable from a Conservation Area point of view, providing an appropriate form of sustainable development which would positively enhance the character and appearance of this part of the Conservation Area. It represents an efficient use of a brownfield site commensurate with PPG3 and in terms of its design principles could be regarded as taking an opportunity "available for improving the character and quality of an area" as advised by PPS1.

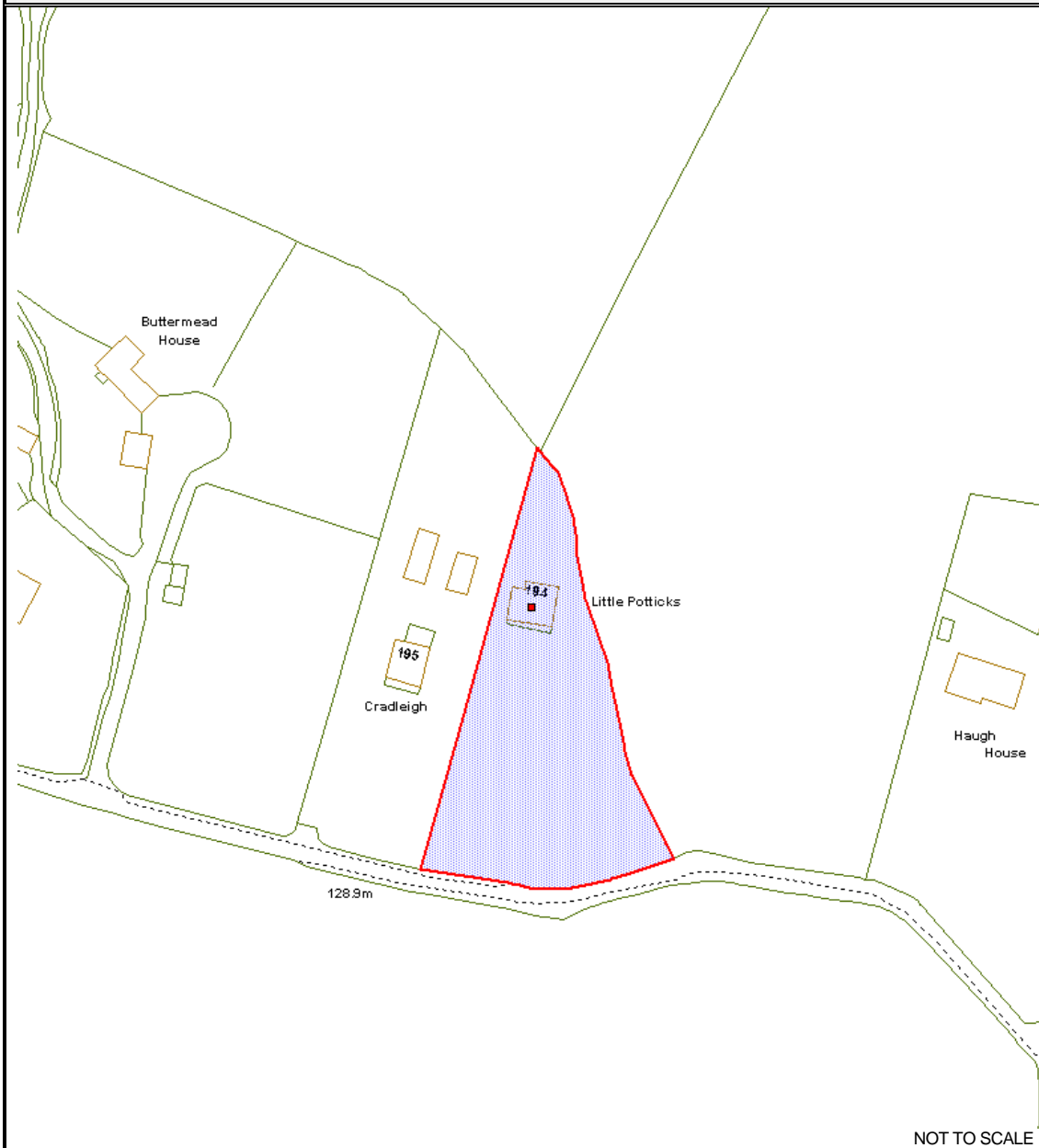
However, the failure to deliver a comprehensive development for the whole of the allocated site has created a situation which raises considerable concerns from the highway point of view. Throughout the extensive negotiations which have taken place over the development of this site, the Highway Authority has maintained an objection to any piecemeal scheme which would exacerbate the use of the existing substandard access and which would not achieve the

necessary visibility, parking and safety standards in this already congested area. The allocation of the site for residential redevelopment clearly assumed this to be considered on a comprehensive basis which would have enabled these highway concerns to be fully addressed and resolved. The piecemeal approach now adopted, compounded by land ownership issues, is considered to exacerbate an unacceptable highway and parking situation and refusal on these grounds is therefore recommended.

ITEM NO: 03

APPLICATION NO: 06/00309/FUL

LOCATION: 194 Haugh Winsley Wiltshire BA15 2JD



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SLA: 100022961

03 Application: 06/00309/FUL

Site Address: 194 Haugh Winsley Wiltshire BA15 2JD

Parish: Winsley Ward: Manor Vale

Grid Reference 380401 162379

Application Type: Full Plan

Development: Construction of domestic timber stable block

Applicant Details: Mr Martin Wyatt
194 Haugh Winsley Wiltshire BA15 2JD

Agent Details: Edward Nash Architects
FAO Ms K Cremer Somerset Coalhouse 23a Sydney Buildings
Bath BA2 6BZ

Case Officer: Mr Matthew Perks

Date Received: 09.02.2006 Expiry Date: 06.04.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The supporting text to Policy GB2 of the West Wiltshire District Plan, 1st Alteration 2004 states that buildings constructed in support of outdoor sports and recreation use are expected to be small scale, ancillary and unobtrusive in character. The proposal, because of its height and its width relative to the replacement dwelling on the site would not be small scale or unobtrusive, and is therefore contrary to Policy GB2 of the West Wiltshire District Plan, 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee at the request of Cllr. Viles, because he may wish to call for a site meeting.

This is an application for full planning permission for the erection of a stable block at 194 Haugh, Winsley. The application is a re-submission of the same plans refused under application reference 05/02791/FUL, for the following reason:-

"The supporting text to Policy GB2 of the West Wiltshire District Plan, 1st Alteration 2004 states that buildings constructed in support of outdoor sports and recreation use are expected to be small scale, ancillary and unobtrusive in character. The proposal, because of its height and its width relative to the replacement dwelling on the site would not be small scale or unobtrusive, contrary to Policy GB2 of the West Wiltshire District Plan, 1st Alteration 2004."

The proposed stable block would have a roof ridge height of 4.06m. The building would comprise 2 horse boxes, a storeroom, a tack room and a horse box garage. These elements would be arranged in a semi-circular form with an overall front elevation width of 17.5m. The overall depth of the side elevation would be 8.5m. The stables would occupy a footprint of $\pm 100\text{m}^2$.

This property of ±3300m² in extent is located approximately 1km north of Winsley within the Green Belt and a Special Landscape Area. A replacement dwelling is currently nearing completion on the site.

CONSULTATION REPLIES

- Winsley Parish Council: No comment received.

STATUTORY CONSULTATIONS

N/A

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

GB1 - Green Belt

West Wiltshire District Plan 1st Alteration, 2004

C3 - Special Landscape Areas

GB2 - Green Belt

C31a - Design

PPG 2 - Green Belt

RELEVANT PLANNING HISTORY

04/02126/FUL - Replacement dwelling - Withdrawn 04.01.05

05/00830/FUL - Replacement dwelling - Permission 23.06.05

05/02209/FUL - Timber stabling with garaging for use by the owner and his family - Withdrawn

05/02791/FUL - Construction of domestic timber stable block - Refused 16.01.2006

KEY PLANNING ISSUES

The only issue relevant to this application is whether or not there has been any change in circumstances that might give rise to a change of decision for the proposal that was previously refused for Green Belt reasons. Policy considerations and the recent history of the site however require elucidation as background to the reason for refusal of the previous plan.

PLANNING OFFICER'S COMMENTS

Policy GB2 of the West Wiltshire District Plan, 1st Alteration states (inter alia) that permission will not be granted, except in very special circumstances, for new buildings other than those:

(a) for the purposes of agriculture, forestry

(b) providing essential facilities for outdoor sport and outdoor recreation, cemeteries and other uses which preserve the openness of the Green Belt

(c) for limited affordable housing schemes for local community needs in accordance with Policy H22.

The commentary in this Policy regarding buildings constructed in support of outdoor sports and recreation use states that these are expected to be small scale, ancillary and unobtrusive in character.

Recent permissions granted by Council have been based on the view that domestic stabling and associated facilities are considered essential for horse welfare and therefore can be justified under GB2 (i) (b), i.e. they provide essential facilities for outdoor sport and outdoor recreation. A recent case of relevance was however refused by Committee (05/01195/FUL). The planning Inspectorate on 3 March 2006 allowed an appeal on this case (05/01195/FUL), observing that small stables for outdoor sport and recreation are not inappropriate in the Green Belt and that, in the particular case, the proposals did not go beyond what may reasonably be considered as necessary to support the keeping of horses on the land. The inspector's decision indicates that the scale of the buildings is thus important to the consideration of such applications. (The stables concerned had a low profile of 3.1m and had a footprint of $\pm 50\text{m}^2$).

In terms of British Horse Society guidance the main criteria in considering the size of any stabling are that the animal should be able to stand up and turn around without difficulty, and to lie down and roll easily without the risk of injury. The British Horse Society recommends a minimum stable size of 3.6 metres by 3.6 metres for average sized horses, the height being between 2.7 and 3.3 metres. It is evident from the plans that the proposal extends beyond these minimum requirements, with the store room, garage and tack room further extending the size of the building. The proposals do not keep the scale of the development to a minimum, with the proposed footprint at 100m^2 at a height of 4.06m.

In this case the history of development on the site also has relevance. The replacement dwelling on the site was granted (23.06.05) following consideration that there was a trade-off between the scale and volume of the previous dwelling and outbuildings on site (all to be demolished) and the scale and volume of the new dwelling, in the interests of the openness of the Green Belt and the protection of the Special Landscape Area. For this reason a condition was made applicable to the permission requiring demolition of the old buildings on site to secure the gain in openness of the Green Belt. A condition withdrawing Permitted Development rights was also imposed in order to for Council to be able to control any additional development on the site.

Although it is acknowledged that the stable block would be located to the rear of the dwelling relative to the nearest roadway, the profile of the building would be wider than that of the replacement dwelling and extend across over 65% of the width of the property in the position that it is located. With a height of over 4m this is not considered to comply with the limited scale and unobtrusive character that is expected in terms of Policy. Thus, while stabling may not be inappropriate development in the Green Belt, the scale and relative obtrusiveness of the proposal is not considered acceptable. The history of the site where the demolition of outbuildings was required in order to justify the larger replacement dwelling on the site within the Green Belt lends weight to the need to limit the scale of any additional development on the site.

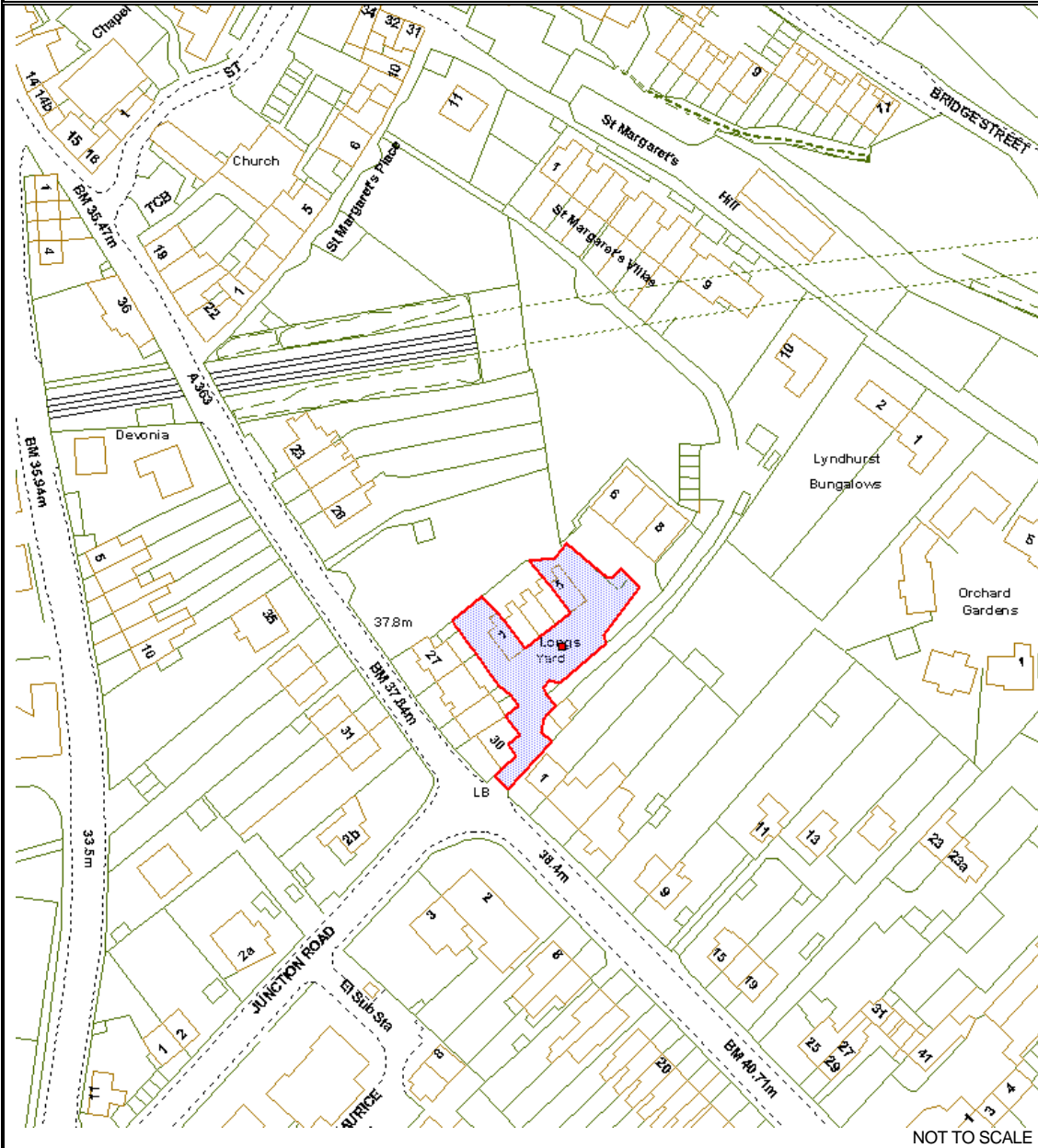
CONCLUSION

The Inspector's decision of 3 March 2006 represents a new material consideration in that it was issued after the previous refusal of the proposed development. However, in the light of the scale of the proposed structure and the history of the site, it is not considered that this decision indicates that the re-submission of the proposal should be granted permission.

ITEM NO: 04

APPLICATION NO: 06/00392/FUL

LOCATION: Land And Buildings To Rear Of 27 To 30 St
Margarets Street Bradford On Avon Wiltshire



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SLA: 100022961

04 Application: 06/00392/FUL

**Site Address: Land And Buildings To Rear Of 27 To 30 St Margarets Street
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382692 160633

Application Type: Full Plan

Development: Two new detached garages

Applicant Details: Dajam
6 Longs Yard Bradford On Avon Wilts BA15 1DH

Agent Details:

Case Officer: Ms Jane Robinson

Date Received: 30.01.2006 Expiry Date: 27.03.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 No development shall take place until 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.

- 4 The foundations to the proposed double garage located at Plot 1 shall be designed to prevent any damage to the roots of the Copper Beech Tree, the subject of a Tree Preservation Order, in the garden of 27 St Margarets Street. Details of the foundations shall be submitted to and approved in writing by the Local Planning Authority prior to any excavations taking place within or adjacent to the canopy of this tree. The works shall be carried out strictly in accordance with the approved details.

REASON: To ensure that this existing tree of value is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C40.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to Committee because the Town Council objects and Officers recommend permission.

The site is within the Bradford On Avon Conservation Area and is located to the rear of dwellings fronting onto St Margarets Street. It is approached via a private road leading to St Margarets Villas near to the junction of St Margarets Street with Junction Road.

This is a full planning application for the construction of two detached double garages, on a site containing a terrace of five three storey dwellings, constructed from natural stone, with reconstructed stone dressings, under second-hand clay tiled roofs. There are 3 workshop units at the rear of the site.

The first of the two garages measuring 6.4 x 4.4 metre wide and measuring 4.2 metres in height to the ridge would be located west of plot 1, with a single parking space in front of this garage.

The second double garage measuring 5.8 x 4.8 metres wide and 4.2 metres in height at the ridge would be located to the north east of plot 5.

Both garages would be constructed from reclaimed natural stone under clay Double Roman roof tiles to match the existing development.

CONSULTATION REPLIES:

Bradford On Avon Town Council objects on the grounds that:

"The proposal would constitute overdevelopment of this already controversial site. Every effort should be made to restrict vehicular movement, on this site due to the inadequate nature of the site entry and garages will further exacerbate the situation. The Town Council advises that due to the controversial nature of this site, further development rights should be withdrawn. The Town Council is also concerned that the proposal could seriously endanger an important copper beach tree in the neighbouring garden, which has already had to be pruned back as a result of this development".

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY:

- No objection raised.

INTERNAL WWDC CONSULTATIONS

- TREE AND LANDSCAPE OFFICER

- No objections raised. It is considered that the canopy of the Copper Beech tree located in the rear garden of 27 St Margarets Street, Bradford On Avon, will not be significantly affected by the construction of a single garage to the west of plot 1.

- NON-STATUTORY CONSULTATIONS

- No comments received.

PUBLICITY RESPONSES

Two letters have been received from a neighbour objecting to the proposals. The objections are on the grounds that:

The proposed garage alongside Plot 1 needs to be sited further away from the canopy of the copper beech tree in the garden of 27 St Margarets Street, to prevent potential damage and future problems. Attention is drawn to the fact that this tree is the subject of a Tree Preservation Order and no excavation for foundations should be allowed so close to the tree, as such action must inevitably pose a serious threat to the tree's life and health.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 - Development proposals should preserve and enhance the character of conservation areas
T5 - Parking requirements

West Wiltshire District Plan 1st Alteration (2004)

C17 - Conservation Areas
C18 - New Development in Conservation Areas
C40 - Trees

RELEVANT PLANNING HISTORY

00/00927/FUL - 6 Dwellings and 3 workshops - Refused 16/11/00

00/00931/CON - Demolition of existing dilapidated buildings - Refused 16/11/00
Dismissed on Appeal

01/01627/FUL - Redevelopment to provide 5 dwellings and 3 workshops with parking - Permission
18/04/02

01/01628/CON Demolition of buildings - Permission 18/04/02

KEY PLANNING ISSUES

The main considerations are the effect of the proposals on the Conservation Area, highway safety and any implications arising from the construction of the double garage to the west of Plot 1 within close proximity of a Copper Beech Tree.

PLANNING OFFICER COMMENTS

The proposed double garage adjacent to Plot 1 would be located forward of the north western boundary wall enclosing the site to the rear, by 5.85 metres and is 0.9 metres from the southern boundary of Plot 1. There would be a stained timber side door on the northern elevation and a window in the rear elevation.

The distance between the proposed double garage to the north east and the northern elevation of Plot 5 would be 0.9 metres. Both the northern and eastern boundary walls of the proposed double garage would be situated adjacent to the existing boundary walls. There would be a stained timber door located to the rear of the proposed garage giving access onto a paved pathway, from the southern elevation of the garage. Both of the proposed garages are of a well-proportioned scale, and promote a symmetrical appearance within the context of the development and respect the traditional built form in this part of Town.

Although this site is not a visually prominent part of Conservation Area, due to its location, the construction of these garages in visual terms represent an enhancement of the Conservation Area by maintaining traditional style, details and the use of traditional materials.

The Copper Beech Tree

This Copper Beech Tree is located within the side/rear garden of 27 St Margarets Street, Bradford On Avon, and is growing from a point very close to a tall masonry garden wall, bordering the rear of the development site. This tree is covered by a Tree Preservation Order.

The application site previously accommodated 33 lock up garages, one row of which extended along the proposed location of this double garage, adjacent to Plot 1, up to the existing garden boundary wall of 27 St Margarets Street, under the canopy of this Copper Beech Tree. These garages have been demolished, but evidence on site is present to support their former location.

The Council's Tree and Landscape Officer carried out a site visit on 1 March 2006. The results are as follows:

The applicant confirmed that the foundation slab and footprint of the former end garage adjoining the garden wall boundary had been removed, top soiled and turfed, which in his opinion improved the 'root' situation for the tree. As long as the foundations had been taken up sensitively without causing root damage it would be difficult to argue that the current situation was anything but an improvement to the situation that previously existed.

Comments from the neighbour assumed that the construction of a new foundation for the proposed double garage adjacent to Plot 1 would cause serious harm to the trees root zone, which appears to be within close proximity to the proposal. This would be overcome by the fact that the proposed double garage would be located on an existing concrete foundation. This has been concreted over, resulting in limited disturbance to the 'Root Zone' area. Issues of potential compaction at the edge of the tree's canopy could be mitigated for by way of a condition to ensure that the existing concrete foundation is used, or that raft foundations are designed to prevent any damage.

In summary, the tree's canopy has recently been crown reduced, resulting in the tree's crown being sufficiently lifted to permit the construction of this single storey building without the need for further tree surgery. This overcomes the objection that the proposed construction of the double garage to the north west of Plot 1 would place the proposed double garage under the canopy of this tree, therefore causing immediate threat.

There may be a requirement for minor branch reduction and lower canopy pruning over future years to maintain the lowest branches away from the new garage roof line, which will be dependant on the amount of canopy and branch regeneration and growth.

It is considered that if in the event this proposal is implemented, it will not be detrimental to public visual amenity.

Highway safety

The scheme currently on this site has resulted in the provision of what is considered to be sufficient turning and manoeuvring space within the site to enable vehicles to turn around and enter the highway in a forward gear.

The Highways Authority raises no objection to the current proposals, as the revised layout would provide each plot with two parking spaces. It is considered that the proposal would not create any increase in traffic and the situation would be no worse than exists at the present time if the existing use was active. There would be no net increase in parking requirement as no additional dwellings are being proposed. The alignment of the single track access leading from St Margarets Villas is such that traffic will not be travelling at a particularly fast speed at its junction with the main road.

Other matters

The Town Council has requested that further permitted development rights are removed. This is not considered necessary as any further applications for extensions to the dwelling would not be permitted development and would require planning permission.

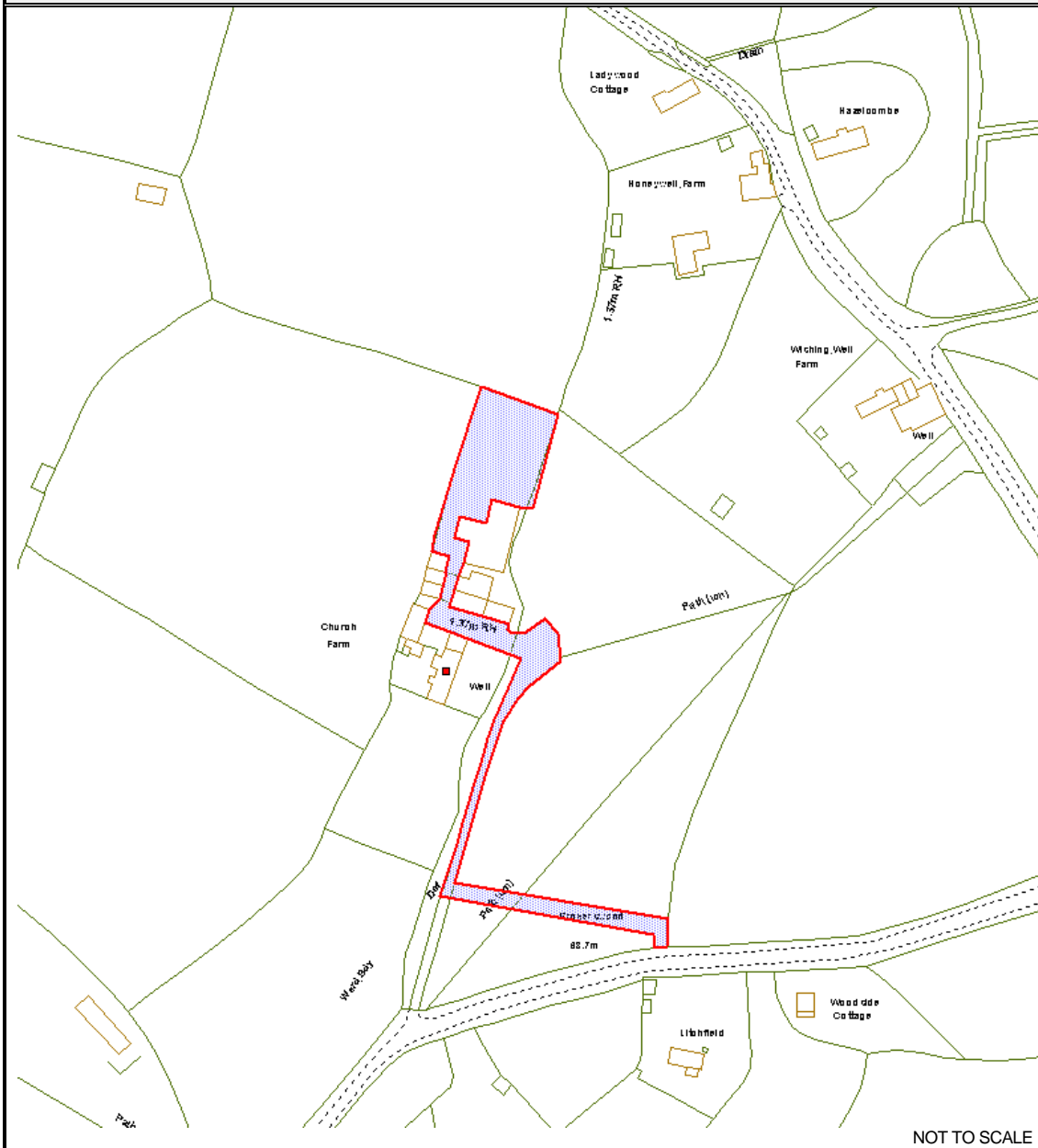
CONCLUSION

The proposal is in accordance with the development and structure plans and would positively contribute to the overall appearance of the development and character of the Conservation Area and the objections have been overcome by conditions.

ITEM NO: 05

APPLICATION NO: 05/02633/FUL

LOCATION: Church Farm Brokerswood North Bradley Wiltshire
BA13 4EG



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SLA: 100022961

05 Application: 05/02633/FUL

Site Address: Church Farm Brokerswood North Bradley Wiltshire BA13 4EG

Parish: Southwick Ward: Southwick & Wingfield

Grid Reference 383457 152247

Application Type: Full Plan

Development: Change of use to storage of touring caravans and new access together with improvement to existing access

Applicant Details: Mr And Mrs S White
Church Farm Brokerswood North Bradley Wiltshire BA13 4EG

Agent Details: Mr Richard Dale
129 Queens Crescent Chippenham Wiltshire SN14 0NW

Case Officer: Miss Julia Evans

Date Received: 07.11.2005 Expiry Date: 02.01.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 The number of caravans stored on the site shall not at any time exceed 20.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C1 & E6.

- 3 The use of the site shall be restricted to caravan storage, and shall not be used as a residential caravan site.

REASON: The site is in an area where residential development would not be permitted.

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

- 4 There shall be no lighting to the site.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 5 No caravans shall be moved onto, around, or out of the site outside the hours of 08.00 and 19.00 hours.
- REASON: In the interests of neighbouring amenity.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 12 metres from the carriageway edge.
- REASON: In the interests of highway safety.
- 9 The access track between the edge of carriageway and the gates shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority.
- REASON: In the interests of highway safety.
- 10 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of highway safety.
- 11 Before the access hereby permitted is first brought into use, visibility shall be provided from a point measured 2.4 metres back from the carriageway edge along the centre line of the access and extending 90 metres in each direction to the nearside carriageway edge, with no obstruction to visibility at and above a height of 900mm above the adjoining carriageway level. Such visibility splays shall be maintained free of obstruction at all times.
- REASON: In the interests of highway safety.
- 12 The existing access shall be stopped up and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use.
- REASON: In the interests of highway safety.

Note(s) to Applicant:

- 1 The applicant should be advised to contact the Divisional Highways Manager on 01225 702649 with regard to the piping of the ditch to form the access.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Southwick Parish Council object and your Officers recommend permission.

This is a full application for the change of use of an area of agricultural hardstanding to the storage of touring caravans, with the creation of a new access, and the stopping-up of the existing one at Church Farm, Brokerswood, North Bradley. The farm lies to the north of the C234 road, set back from the highway by an existing access track of approximately 60 metres in length. To the north of the farmhouse lies an outbuilding converted to residential use, and further north again lies a Dutch barn and an area of hardstanding bounded by hedgerows. The farmhouse and its associated buildings are surrounded by agricultural grassland. Detached residential properties lie adjacent to the highways network, forming a very disparate pattern of development. The nearest property to the Church Farm buildings is approximately 70 metres away to the northeast. The farm lies within the open countryside.

The application proposes the change of use of an area of hardstanding located to the north of the Dutch barn to be used for touring caravan storage. The area measures approximately 30 metres by 33 metres, and would provide storage for 20 touring caravans. The proposal also includes the creation of a new access onto the C234, to replace the farm's existing sub-standard one. A new access track with passing bays would also be provided. The existing access would be stopped-up.

CONSULTATION REPLIES:

- SOUTHWICK PARISH COUNCIL: Have not commented on the revised plans, but objected to the original proposal, stating that: -

"I write to advise that Southwick Parish Council objects to this application.

"The Council feel this is not an appropriate development, bringing a business which is not needed and is in no way beneficial to the local community, to what is deemed a beautiful area.

"Local residents have also raised Objections to this application stating that the roads are very narrow, visibility is poor, and there is a dangerous bend close to the proposed entrance. Also the proposed new entrance is directly opposite a residents garage. Why is a new entrance required? Most residents in this area at some time during the year have flooded areas - the new Proposed access appears to destroy the drainage.

"Concern was expressed also that Public Notices were not easily visible, and local residents had not received notification of this application.

"Southwick Parish Council believe this type of development does not conform to the Local Plan and therefore must object to this application."

- NORTH BRADLEY PARISH COUNCIL: Have also commented on the application, although they were not consulted. They state: -

"I was recently contacted by a residents from Brokerswood with regard to a planning application in the Southwick Parish regarding applying for permission for Caravan Storage. The reason the lady contacted me was because she remembered a previous application in 1998 for a Day Nursery in Silver Street which was refused because of the amount of traffic this would create.

"North Bradley Parish Council are concerned that the current application and the movement of caravans would create problems on the narrow roads to and from Brokerswood and they would like their views known that they object to this application, as it would affect the Parish of North Bradley."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No highway objection. State on the revised plan "The access has been amended to allow for easy access and egress by a car touring a caravan, and I am now happy that the access arrangement is acceptable. "
- ENVIRONMENT AGENCY: "Does not wish to provide any comment regarding the application".
- WESSEX WATER: No objection providing that there is no impact on Wessex infrastructure.

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: No objection subject to the imposition of conditions.
- ECONOMIC DEVELOPMENT: Have "no comments."

PUBLICITY RESPONSES

The application was advertised with a Public Interest Site Notice, and neighbour notifications were undertaken. Nine responses were received, five of which were from two houses, making the following comments: -

- Trowbridge Civic Society does not object, but would require screening of the caravans to minimise visual impact in the rural area;
- Slow moving vehicles would be dangerous on this area of the road;
- Vehicles move at excessive speed along this road;
- Visual intrusion;
- Loss of peace and quiet;
- Exacerbate flooding problems;
- Church Farm is a Listed Building, so such development is inappropriate near it.
- Complaint as regards location of Site Notice;
- Will not provide employment;
- Ample local provision in the area, including a caravan park at Brokerswood;
- Existing access should be repaired and used; and
- Warning and stop signs should be erected on the road if the application is permitted.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP9 Reuse of land and buildings
- DP15 Housing, employment and related development in the open countryside
- C5 The water environment

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside Protection
- C31A Design
- C32 Landscaping
- C35 Light pollution
- C36 Noise
- C38 Nuisance
- R11 Footpaths and rights of way
- H19 Development in the open countryside
- E6 Rural Employment

T12	Footpaths and bridleways
U2	Surface water disposal
U3	Flooding
U4	Groundwater Source Protection Areas

National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and commercial development in small firms
PPS7	Sustainable Development in Rural Areas

RELEVANT PLANNING HISTORY

03/01998/FUL - Erection of two-storey side extension and conversion of outbuilding former milking parlour to accommodation unit for elderly relative - Permission 17.02.2004

04/00323/FUL - First floor extension - Permission 07.04.2004

04/01882/FUL - Alterations to car port store to form garage - Permission 16.11.2004

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Rural employment;
- Impact of the change of use on the countryside;
- Highways and access issues;
- Neighbouring amenity; and
- Drainage and flooding.

PLANNING OFFICER COMMENTS

Policy E6 of the West Wiltshire District Plan - 1st Alteration 2004 reflects Government Guidance in that it encourages the establishment of small-scale employment enterprises in new sites in rural areas subject to a number of caveats. These include being compatible with the rural character of the area, not causing significant highways or flood risk problems, being compatible with neighbouring uses, and not being detrimental to residential amenities.

The site lies to the north of a farmhouse and its associated outbuildings, and is an area of agricultural hardstanding measuring approximately 30 metres by 35 metres bounded by three hedgerows. A semi-mature tree lies within the area. the applicant is prepared to plant supplemental hedging around the site, and retain the existing tree. Consequently, the proposal is not thought to be detrimental to visual amenity in view of this and the small scale of the operation and existing use of the site.

The existing access to the site has been amended to allow for improved access to both the farm and the proposal. Notwithstanding the concerns of neighbours and the Parish councils, the Highway Authority have raised no objection to the proposal subject to conditions, including one for surface water disposal for the access, which addresses the concerns of a neighbour as regards flooding. Neither Wessex Water nor the Environment Agency have raised any other flooding or drainage concerns.

The proposal lies approximately 70 metres away from the nearest residential property. The issue of visual amenity in the countryside has been discussed, and the proposal is not considered significantly detrimental to neighbouring properties because of its distance from these residential properties. Conditions have been attached, however, to avoid unnecessary nuisance in terms of hours of operation and no lighting.

A number of complaints have been received as regards publicity arrangements. The application has been advertised in accordance with legislative arrangements.

CONCLUSION

The proposal is of such a scale that it is not considered detrimental to the rural area, highway safety, or neighbouring amenity. In addition, the suggested conditions go some way to further mitigating the impacts of the proposal.

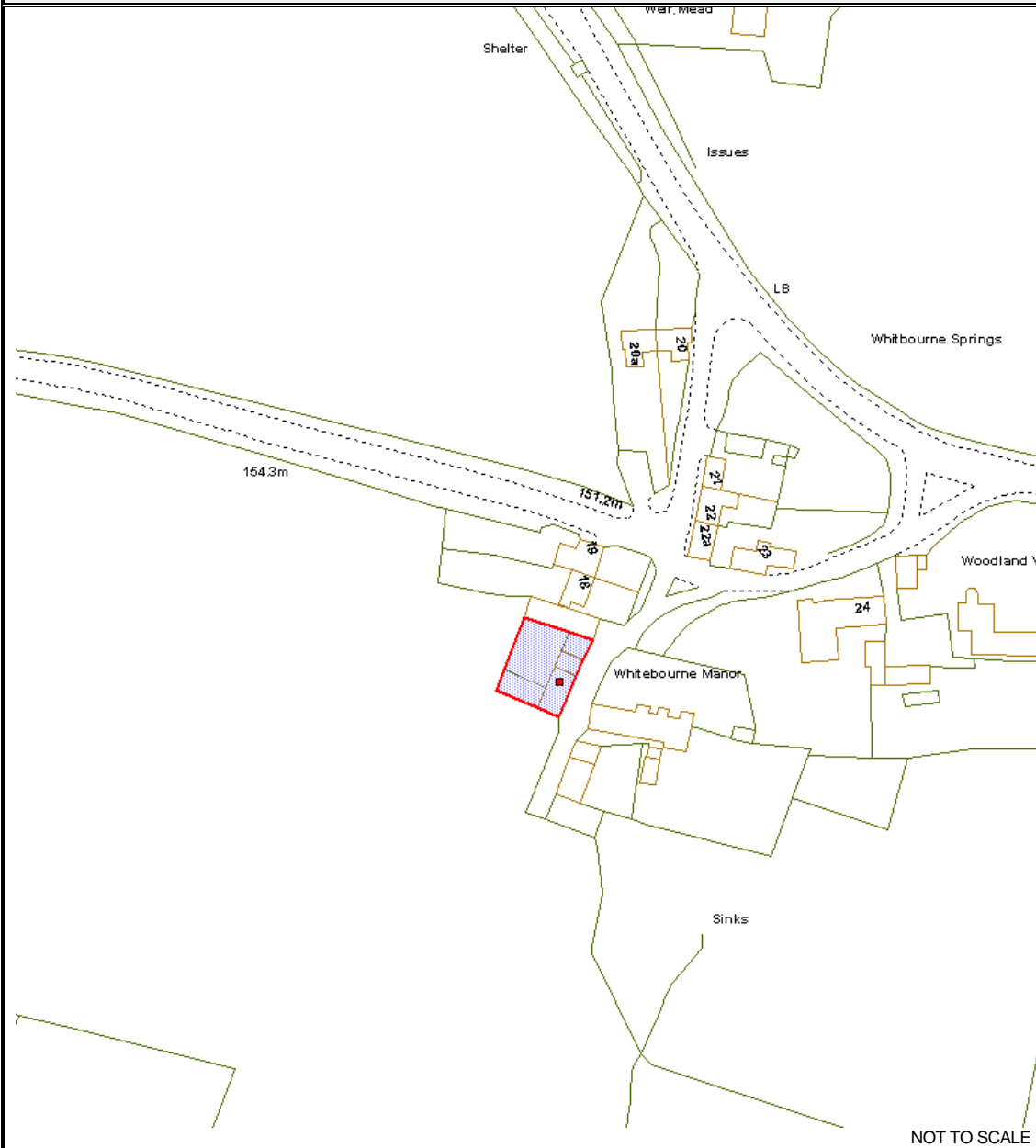
PLANNING COMMITTEE

30 March 2006

ITEM NO: 06

APPLICATION NO: 05/02607/FUL

LOCATION: Barns Adjacent 18 Whitbourne Springs Corsley
Wiltshire



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SLA: 100022961

06 Application: 05/02607/FUL

Site Address: Barns Adjacent 18 Whitbourne Springs Corsley Wiltshire

Parish: Corsley Ward: Dilton Marsh

Grid Reference 383365 144345

Application Type: Full Plan

Development: Conversion of disused barn/farm yard to holiday letting cottage

Applicant Details: The Marquess Of Bath
The Estate Office Longleat Warminster BA12 7NW

Agent Details: Paul J D Grugeon
The Estate Office Longleat Warminster BA12 7NW

Case Officer: Mr Mark Reynolds

Date Received: 02.11.2005 Expiry Date: 28.12.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 Prior to the commencement of development and during the course of the development, the building shall be carefully surveyed to determine whether bats are present. The survey to be undertaken prior to the commencement of development should occur between the Months of March and September inclusive. This survey should include both emergence and search surveys. If any sign of bats are discovered during the development, work shall cease immediately and English Nature shall be consulted further.

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

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

- 4 The dwelling shall only be used as holiday accommodation and not as permanent residential accommodation, and it shall not be occupied during the month of February.
- REASON: The site is in an area where residential development would not normally be permitted.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy TO1.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no development normally permitted under Schedule 2 Part 1 Classes A-E of the aforementioned Order, including any extensions or alterations including alterations to windows, screens or doors, and any further buildings erected on the site, shall be carried out without the grant of a further planning permission by the Local Planning Authority.
- REASON: In order to ensure that the traditional character of these former agricultural buildings, once converted, is retained.
- POLICY: West Wiltshire District Plan 1st Alteration Policy H21
- 6 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.
- 7 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

COMMITTEE REPORT

APPLICATION DETAILS

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

This application is for the conversion of an existing redundant agricultural building to form a three bedroomed holiday letting cottage.

The barn is located on the south-west side of the hamlet of Whitbourne Springs, which is within the Parish of Corsley to the south-west of Warminster.

The buildings form part of a former farmyard. They comprise a two-storey barn with a cart opening at ground level with a pair of timber doors over half the opening, together with a hayloft door within the gable. This is built from coursed rubble stone with brickwork quoins and a section of timber cladding under a clay tiled roof. It is attached to a second barn built from a mix of rubble stone and brick with a cart opening on the rear elevation with timber cladding and blockwork on the frontage together with a second pair of doors and a tiled roof.

A lean-to building at right-angles to the barn is currently in a state of disrepair with roof structure largely missing. However evidence of trusses are in place which indicate a mono-pitched roof previously being in place.

A single-storey former cow byre is found to the north of the site this would provide covered parking and a store which would require only minor repair works to this structure.

It is proposed that the main barns and the attached lean-to building would be converted to create two ground floor bedrooms, and a first floor bedroom. Living accommodation in the form of kitchen, dining room, shower, cloakroom, utility, ensuite and lobby would be achieved within the existing buildings.

The single-storey former cow byre to the north of the site would provide covered parking and a store.

A courtyard would be formed between the two groups of buildings and the vehicle access would be in the existing position leading off a single track, private lane.

A design statement, structural survey have been submitted with the report. The structural survey concludes that the buildings are of substantial construction and capable of conversion to a dwelling without extensive alteration and rebuilding. The buildings are generally of sound construction and they have received a degree of maintenance. Localised areas require repair and overhaul, particularly the buildings to the south. Localised underpinning may be required after investigation of the foundations on the east side. The usual operations required for conversion of barns to dwellings would be needed throughout the property, and roofs would need to be stripped and overhauled, felted and re-laid.

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

CONSULTATION REPLIES

- **CORSLEY PARISH COUNCIL:** The Parish Council considered the application and objected on the grounds that there was insufficient information provided on the structural condition of the proposed conversion, particularly as the southerly single storey section of the barn is partially derelict. A structural engineer's report should have been submitted. The application includes extensive alterations and rebuilding rather than conversion, thus affecting the form and structure of the building and the character of the countryside.

The Parish Council were advised that a structural survey had been submitted with the application and commented as follows on the 11th December 2005;

The existence of a structural report does not change the Parish Council's concern about the development of the single storey part of the barn which is derelict. The Parish Council remains concerned that this would not be a conversion but a substantial redevelopment of the building. The application would not preserve the essential form and structure or the character of the countryside.

Further comments were received on the 29th January 2006 stating that it is noted that the authors recommend a further survey during March - September and acknowledge that they believe that it is possible for conversion works to be undertaken without detriment to bat roosts. You will recall that the Parish Council objected to the application because of its over development and whilst this information is reassuring, does not affect the original objection.

STATUTORY CONSULTEES

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

- WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: A protected species survey is strongly recommended.

- WESSEX WATER: No objection in principle.

PUBLICITY

The application have been publicised with neighbours notified. No comments have been received.

RELEVANT PLANNING HISTORY

03/01859/FUL - Conversion of disused barn to three bedroom house, change of use of part grass field to garden and construction of driveway - Refused 16.12.03

PLANNING POLICY

Wiltshire Structure Plan 2011

DP9 Appropriate reuse of previously developed land and buildings in the open countryside

DP15 Change of use and conversions in the open countryside

West Wiltshire District Plan - 1st Alteration (including proposed modifications)

E8 Rural conversions

C2 Countryside

C38 Nuisance

H21 Conversion of rural buildings

PPS1 Delivering Sustainable Development

PPG3 Housing

PPS7 Sustainable development in rural areas

PPG13 Transport

KEY PLANNING ISSUES

The key issues to consider in this case are whether the previous reasons for refusal have been overcome and whether the conversion is now in accordance with Council policy.

PLANNING OFFICER'S COMMENTS

These barns form an interesting group of rural buildings on the edge of the small settlement of Whitbourne Springs. The site is situated within open countryside.

Although Council Policy allows for the conversion of rural buildings in villages and in open countryside for tourism use, this is subject to the fulfilment of detailed criteria. These criteria include that the buildings should be in sound condition and be capable of conversion without extensive alterations, rebuilding and/or extension or otherwise significantly altering its character. The proposals should be capable of being satisfactorily serviced and should not create highway problems. Any proposed conversion must safeguard and enhance the essential form, structure, character and important features of the building and the countryside.

It is Council Policy to preserve the character of the countryside and the rural amenity by resisting new residential development in the countryside. The guiding principle in the countryside is that developments should both benefit economic activity and maintain or enhance the environment.

These buildings form an attractive group and make a significant contribution to the visual amenity in this rural area. Previously there were concerns because the applicant had not demonstrated that they had made every reasonable attempt to secure alternative uses for the building. The proposals were therefore considered contrary to Criterion A of Policy H21 of the West Wiltshire District Plan. This proposal is now for a holiday let which would represent a tourism use and is considered to accord with policy E8 of the West Wiltshire District Plan 1st Alteration 2004.

Secondly, the previous proposals would have resulted in extensive alterations and extension. In particular there were concerns regarding the conversion of the single storey lean-to building by putting on a pitched roof bearing no resemblance to the former roof structure. The current proposal would recreate the former mono-pitched roof structure which is considered acceptable.

The remaining alterations to the buildings would maintain its former rural character and are considered sympathetic to the agricultural character of the barns. The main traditional barns and the separate traditional cow byre are considered to be worthy of conversion because they make a significant contribution to the character of this rural area and are now redundant as agricultural buildings.

The previous application proposed an increase in the size of the curtilage of the barns that would extend the built form, and extend the settlement further into the countryside within an Area of Outstanding Natural Beauty. This was considered unacceptable and the current proposal does not extend the application site to include land to the west of the application site.

Although the Highway Authority has objected on grounds of sustainability, the views of the Highway Authority are not supported. The site is close to a main road leading from Warminster towards Frome and is well related to the settlement of Whitbourne Springs and other parts of Corsley. Council Policy and Government Guidance encourages the conversion of rural buildings particularly where these can benefit economic activity and the rural economy. The conversion of existing buildings can reduce the need for new buildings in the countryside.

The application has been supported with a protected species survey which was requested by the Case Officer. This report suggests that no barn owls or nesting birds were found. It advises that although no bats were found a further survey should be undertaken during the spring or summer. A condition may be placed on the permission to ensure that this takes place.

CONCLUSION

The current proposal has overcome the previous reasons for refusal and the proposals are acceptably within Council policy and permission is therefore recommended.

PLANNING COMMITTEE

30 March 2006

ITEM NO: 07

APPLICATION NO: 06/00145/OUT

LOCATION: Pembroke House Edward Street Westbury Wiltshire
BA13 3BG



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SLA: 100022961

07 Application: 06/00145/OUT

Site Address: Pembroke House Edward Street Westbury Wiltshire BA13 3BG

Parish: Westbury

Ward: Westbury Laverton

Grid Reference 387273 151298

Application Type: Outline Plan

Development: Erection of new building to accommodate two flats and re-positioning of point of access

Applicant Details: Mr G Trenchard
Pembroke House Edward Street Westbury Wiltshire BA13 3BG

Agent Details: Cooper & Tanner
Frome Market Standerwick Frome Somerset BA12 2PY

Case Officer: Miss Nicola Rogers

Date Received: 12.01.2006

Expiry Date: 09.03.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

- 4 Sufficient space for one parking space per dwelling together with a vehicular access thereto shall be provided for each dwelling, before it is occupied, in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purposes of access.

REASON: In the interests of highway safety

- 5 The proposed access shall incorporate splays on both sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction.

REASON: In the interests of highway safety

- 6 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an outline planning application for a building to contain two flats, approval for siting and means of access is sought at this stage, all other matters are reserved for future consideration.

Pembroke House is located on the corner of Edward Street and a service road to the rear of the High Street, the building contains two flats and has some enclosed amenity space to the rear, along with a single garage. The proposal would remove the garage and the wall enclosing the space to the rear to accommodate another building for flats. Each building would have two parking spaces available. A new point of access would be created between the two buildings.

CONSULTATION REPLIES

- TOWN COUNCIL: Object.

Members objected to this application as they felt that these two additional properties will exacerbate the amount of traffic coming onto this narrow, busy service road.

- HIGHWAY AUTHORITY: No objection.

The plans indicate one parking space to be provided for each flat, whilst below the normal minimum requirement of two per dwelling, the site is located within the town centre and near to public car parking facilities and therefore the principle of development is acceptable.

- LIBRARY & HERITAGE: The site is positioned between the medieval and post medieval settlement area. Important information on the early development of the town may exist within the site. Recommend an archaeological watching brief.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. No comments were received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a Design

C38 Nuisance

H1 Further housing development within towns

T10 Car parking

SP5 Secondary retail frontage

PPS6: Planning for town centres

PPG13: Transport

RELEVANT PLANNING HISTORY

01/01253/FUL - Change of use from ground floor office to flat (permission 8/11/01)

KEY PLANNING ISSUES

The main issues in this case are the appropriateness of the proposed building in the location and the effect of the building and its means of access on highway safety at this point.

PLANNING OFFICER COMMENTS

The plot of land is within the town policy limits of Westbury and as such new development would be subject to the criteria in policy H1 of the West Wiltshire District Plan - 1st Alteration 2004. The proposed development is at a density of 142 dwellings per hectare, which is well above the density range recommended in PPG3 (between 30 and 50 dwellings per hectare net), however, this would make efficient use of land in the town centre and is a suitable density for this location. The proposal would not result in a cramped form of development.

As the land was previously amenity space it is classed as previously developed land, which local authorities are encouraged to use for housing in preference to other sites.

The site lies within the secondary retail frontage of Westbury town centre. In this area changes of use will be permitted provided that the primary commercial function of the centre is maintained. In this case the permitted use of the site is residential, so the principle of dwellings on the site is not disputed.

Westbury Town Council commented that the proposal would increase traffic onto the service road behind the High Street. This will indeed be the case as two additional parking spaces would be provided. However, the Highway Authority has not objected to this application and recommends some conditions. The Highway Authority state that whilst the allocation of parking is below that normally required, the town centre location is suitable for reduced parking for developments. There have been no objections raised to the proposed access to the site.

This service road is narrow and well used, albeit intermittently, vehicles travelling down this road are moving slowly and the addition of two extra cars would not compromise highway safety at this point.

CONCLUSION

The principle of two additional units on this plot is not disputed and the additional traffic would not compromise highway safety.

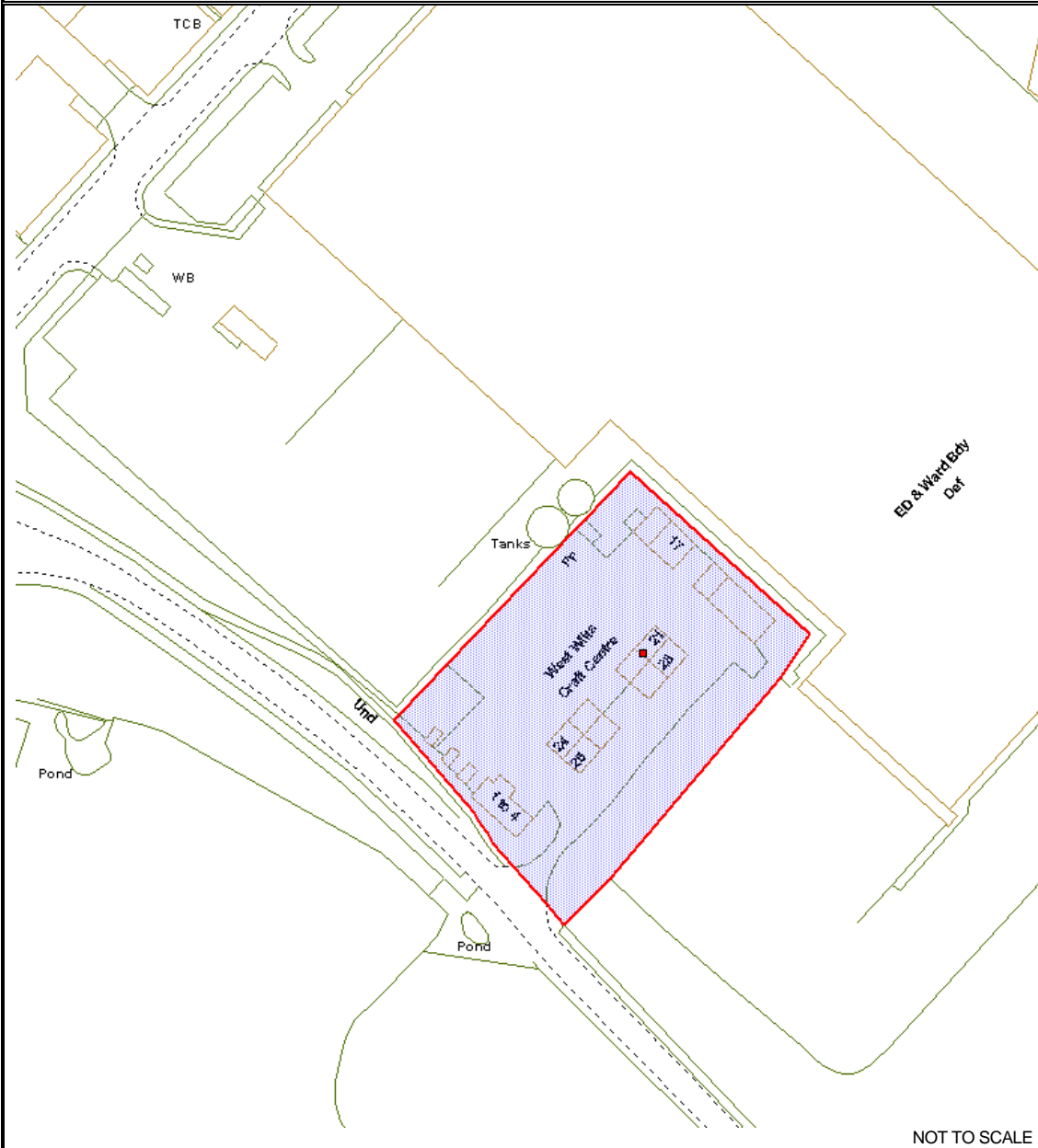
PLANNING COMMITTEE

30 March 2006

ITEM NO: 08

APPLICATION NO: 05/02965/FUL

LOCATION: 21 - 22 West Wiltshire Craft Centre Storridge Road
Westbury Wiltshire BA13 4HU



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SLA: 100022961

08 Application: 05/02965/FUL

Site Address: 21 - 22 West Wiltshire Craft Centre Storridge Road Westbury Wiltshire BA13 4HU

Parish: Heywood

Ward: Westbury Ham

Grid Reference 385791 152556

Application Type: Full Plan

Development: Erection of LPG facility for use by countrywide energy account card holders

Applicant Details: Countrywide Energy
ASD Group 17 Barbourn Road Worcester WR1 1RS

Agent Details: ASD Group
Tom Burbridge 17 Barbourn Road Worcester WR1 1RS

Case Officer: Mr Mark Reynolds

Date Received: 19.12.2005

Expiry Date: 13.02.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

- 3 Notwithstanding the approved and certified plans, this permission shall only relate to the two LPG tanks and dispenser unit, together with the parking bay, fenced enclosure and means of access thereto as shown on drawings numbers 1623/02 and 1623/01. It does not convey any approval for the future compound extension indicated with a broken line on these drawings.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Heywood Parish Council object to the application and Officer's recommend permission.

This is a full planning application for the erection of an LPG (Liquefied petroleum gas) facility for use by Countrywide energy account card holders.

The application site is located on industrial land which currently lies empty.

The proposal includes the introduction of two No.1 tonne dumpy LPG storage tanks on a reinforced concrete slab foundation. A dispenser for the LPG is also proposed. The proposed LPG tanks would measure 2.4m in length and 1.2m in width with the tanks standing 1.5m in height. Palisade fencing would be erected around the LPG tanks with two emergency exits created. The fencing would be 1.8m in height. The dispenser itself would stand 1.3m in height and would be surrounded by four bollards. A parking bay would be created as part of the scheme.

CONSULTATION REPLIES

- HEYWOOD PARISH COUNCIL: Object.

- a. On highway grounds. The turn in off Storridge Rd is inadequate for a busy industrial road.
- b. On loss of amenity grounds. A car fuelling point is not in keeping with the craft centre and will detract from the amenity of the other businesses.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: The proposal would not result in the loss of car parking and no objections are raised.
- ENVIRONMENT AGENCY: The agency does not wish to provide any comment regarding this planning application
- ENVIRONMENTAL HEALTH: No objection to this proposal on amenity grounds. Safety of the installation will be dealt, initially under building regulations and for ongoing matters under the Health and Safety at Work Legislation, for which West Wiltshire District Council is the enforcing authority.

PUBLICITY RESPONSES

Neighbours were notified and no comments were received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- C31a Design
- C32 Landscaping
- C38 Nuisance
- E2 Employment Policy Areas

RELEVANT PLANNING HISTORY

96/00639/FUL - Industrial units (class B1 and B8) - Permission 30.10.1996

KEY PLANNING ISSUES

The key planning issues to consider in this case are issues of amenity and highway safety.

PLANNING OFFICER COMMENTS

The land to which the application relates currently lies vacant. It was previously the source of an application for industrial units ref: 96/00639 which were to replace timber sheds at and adjacent to the current application site. Permission was granted but although the timber sheds were demolished at some point, this permission was not implemented. This permission has now lapsed.

The proposed LPG facility would only be available to Countrywide account holders. Prospective account holders are required to apply to Countrywide for an account. It has been indicated that the bulk of the service would be required by privately owned cars and possibly taxis. It is anticipated that somewhere in the region of between 20-30 users a day may be expected. The closest, to the knowledge of the Case Officer, LPG facility to the site is located in Melksham. This proposal may therefore reduce the need to travel by providing an LPG facility in the Westbury area. PPG 13 advises that land use planning has a key role in delivering the Governments integrated transport strategy. By shaping the pattern of development and influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel and reduce the length of journeys. This proposal is consistent with guidance offered in PPG 13.

The Highway Authority were consulted on this application and whilst the concerns of Heywood Parish Council are noted regarding the access to the site the Highway Authority have raised no objections on Highway Safety grounds and the proposal is considered acceptable in this respect.

Issues of amenity have been raised by the Parish Council regarding the acceptability of the LPG facility in the craft centre. The proposed LPG facility and parking bay would be located approximately 11m from the nearest of the craft centre buildings. The proposed LPG facility would also be adjacent to two large silos and a cargo container. It is considered that positioned in this context the proposed facilities would not be inappropriate or out of character with surrounding structures. The Environmental Health Officer has raised no objections on issues of amenity and amenity would not in your Officer's opinion be harmed and permission is recommended.

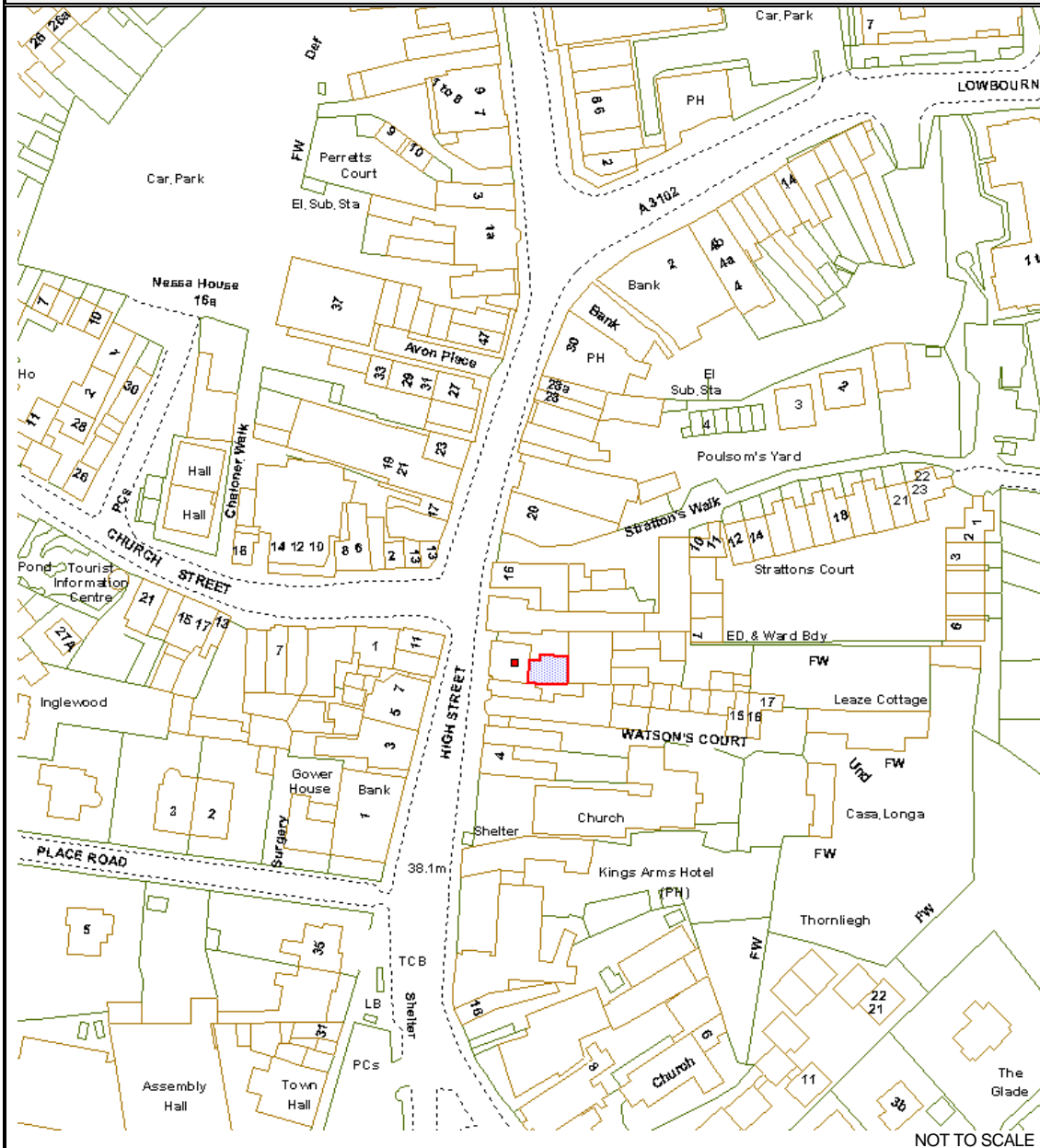
CONCLUSION

The proposal accords with the development plan and permission is recommended.

ITEM NO: 09

APPLICATION NO: 05/01153/FUL

LOCATION: 12 High Street Melksham Wiltshire SN12 6JU



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 05/01153/FUL

Site Address: 12 High Street Melksham Wiltshire SN12 6JU

Parish: Melksham (Town) Ward: Melksham Spa

Grid Reference 390487 163735

Application Type: Full Plan

Development: Proposed office

Applicant Details: Mr And Mrs Stevens
Canon Cottage 4 Canon Square Melksham Wiltshire SN12 6LX

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 13.06.2005 Expiry Date: 08.08.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The premises shall be used for uses falling within Class A2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

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

- 4 Notwithstanding the approved plans, before the development hereby permitted begins, further details of the frontage design of the unit shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To secure a suitable frontage to the development in keeping with the historic location.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C17 and C27

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for an extension to a service building located behind 12 High Street, to facilitate an office space. The applicant originally wanted a retail unit, however, after negotiation with the Highway Authority the use of the proposed building has changed to an office.

The rear of 12 High Street is accessed by a narrow alley between 12 and 14 High Street, this leads to rear access for number 12 and associated residential units above, a covered market and further retail units beyond.

The existing building is used as a store, although it is not clear if this is associated with residential, retail or other uses. The proposed extension would bring the building out to a depth of 4.4 metres and would use a lean-to roof.

Number 12 is a Grade II listed building with group value with numbers 14 and 16. A parallel application for Listed Building Consent is also being considered.

CONSULTATION REPLIES

TOWN COUNCIL:

Councillors were unable to support this application because of their concerns over the listed building and the possible impact on vehicular access to the premises at the rear including Emergency Services. They would also like the Conservation Officer's views taken into account.

HIGHWAY AUTHORITY:

The applicant has not submitted any supporting information with the application to clarify the intended use of the proposed building.

The site is served off a shared access to a covered market where vehicular access is very restrictive, and utilises a sub-standard access and junction onto the High Street.

The site currently provides an area which allows for two cars to pass, if the need arises, and whilst I would not wish to encourage the use of such a poor access, it is clear that access by vehicles does occur to service the existing uses adjoining the application site.

Comments on 27 January 2006:

I think we are at the stage where we can accept the proposals for just an office use, provided that a suitable condition is imposed to restrict it as such.

LIBRARY AND HERITAGE:

Nothing of archaeological interest is likely to be affected by the above proposal and therefore I have no comments to make.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. No comments were received.

RELEVANT PLANNING POLICY

- West Wiltshire District Plan 1st Alteration 2004
- C17 - Conservation Areas
- C19 - Alterations on conservation areas
- C27 - Listed Buildings
- C28 - Alterations to listed buildings
- C31a - Design
- C38 - Nuisance
- SP5 - Secondary Retail Frontages
- PPS6: Planning for Town Centres

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issues in this case are the effect of the proposed extension on the Listed Building, the appearance of the Conservation Area and the suitability of an office use in this location.

PLANNING OFFICER COMMENTS

The existing extension to the house at the rear is constructed with ashlar walls to the sides, with wooden doors to the front elevation and metal sheeting roof. It rather dominates the elevation on which it is located, but is modest in depth, with sympathetic wooden doors to the front. The proposed extension would be much larger than the existing and would include a glazed shop front. The proposed extension would protrude to the line of the side elevation of the main shop building.

The area to the rear of number 12 contains a mix of building types, heights, roof shapes and materials. The list description for the property does not mention any development at the rear of the building, and it is unclear how much of this is original to the building. With the exception of the sheet, roof the structure to be extended, which is clearly a later addition to the building is constructed in suitable materials common to the rest of the building. The proposed extension should also use natural, sympathetic materials including a more appropriate roofing system.

The front of the proposed building, as shown on the plans takes the appearance of a shop unit, this reflects the applicant's original intention of a shop unit. This is clearly not appropriate for an office use, and an appropriate frontage should be secured by condition. Providing suitable materials are used and an appropriate frontage is agreed, the proposed structure would not be detrimental to the character or appearance of the listed building number 12. Likewise, a sympathetic structure would preserve the character and appearance of the conservation area in which it is located.

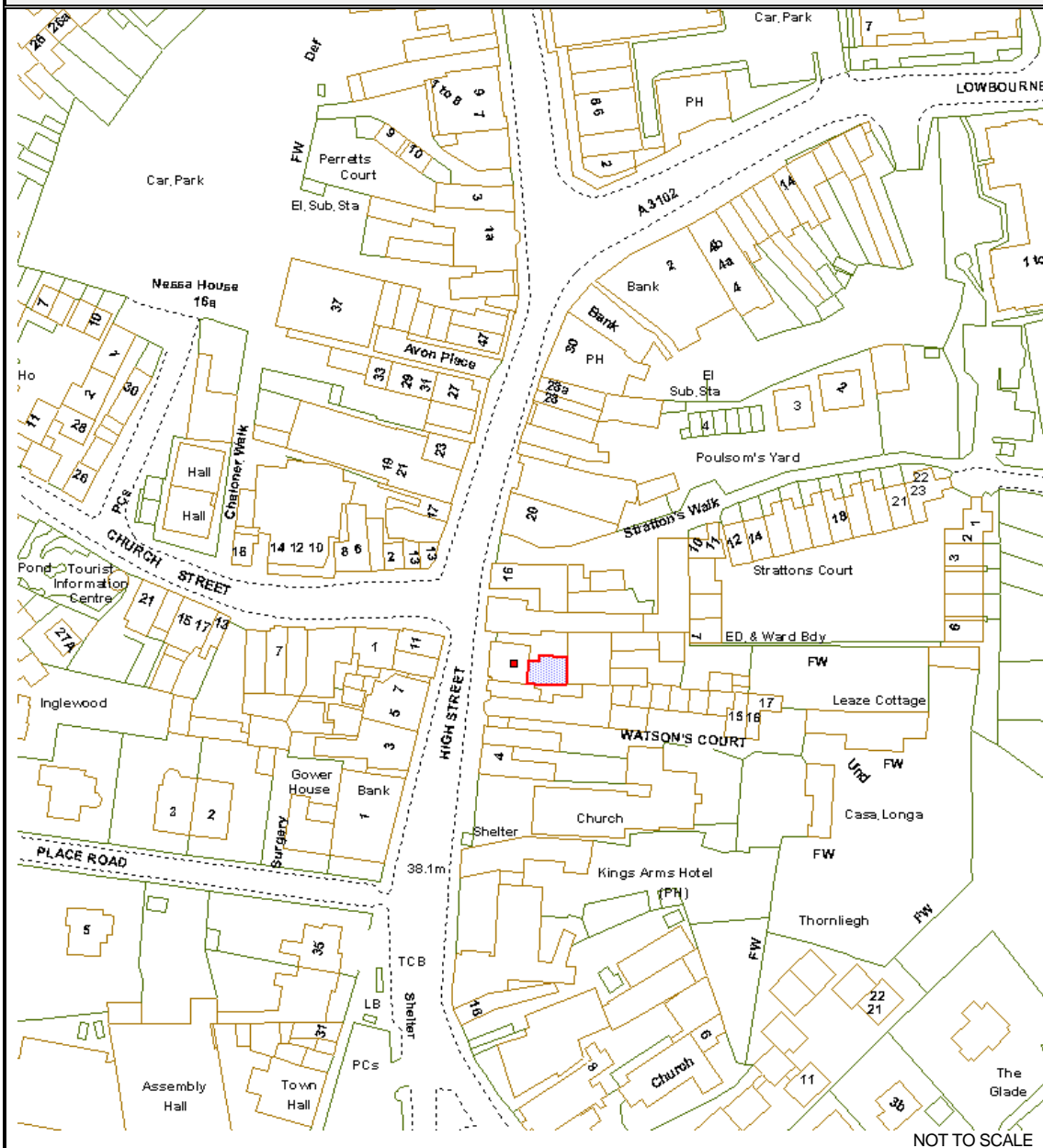
Access to the site is via a 2.6 metre wide gap between Numbers 12 and 14. This access serves the retail unit behind and the building at present. The use of the building as an office would be appropriate in the location as deliveries and other vehicle movements will be minimised, the originally proposed use of retail would not be appropriate in this location as the access to the property is less than satisfactory.

An office use in this location would generate little traffic, as the presence of public car parks within walking distance would satisfy the requirements of staff and clients. This use concurs with the general aim of sustainability, encouraged by the Government.

The proposed building would be used as an office unit. The site is located within the commercial area of Melksham and within the secondary retail frontage. In these areas changes of use to A2 uses (including offices) are considered appropriate. A range of uses would increase the vitality and viability of the town centre.

CONCLUSION

The proposal would not be detrimental to the character or appearance of the listed building, and an office use would not impact upon the free flow of the access or result in a need for parking, which cannot be satisfied by public car parks nearby.

ITEM NO: 10**APPLICATION NO: 05/01130/LBC****LOCATION: 12 High Street Melksham Wiltshire SN12 6JU**

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SLA: 100022961

10 Application: 05/01130/LBC

Site Address: 12 High Street Melksham Wiltshire SN12 6JU

Parish: Melksham (Town) Ward: Melksham Spa

Grid Reference 390487 163735

Application Type: Listed building

Development: Proposed Office

Applicant Details: Mr And Mrs Stevens
Canon Cottage 4 Canon Square Melksham Wiltshire SN12 6LX

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 13.06.2005 Expiry Date: 08.08.2005

REASON(S) FOR CONSENT:

The proposed works are in accordance with the Development Plan, and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as the proposed works would preserve the building or its setting or any features of special architectural or historic interest it possesses

RECOMMENDATION: Consent

Condition(s):

- 1 The works hereby authorised shall begin not later than three years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No 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 Notwithstanding the approved plans, before the development hereby permitted begins, further details of the frontage design of the unit shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To secure a suitable frontage to the development in keeping with the historic location.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C17 and C27

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for Listed Building Consent for an extension to a service building located behind 12 High Street, to facilitate an office space. The applicant originally wanted a retail unit, however, after negotiation with the Highway Authority the use of the proposed building has changed to an office.

The rear of 12 High Street is accessed by a narrow alley between 12 and 14 High Street, this leads to rear access for number 12 and associated residential units above, a covered market and further retail units beyond.

The existing building is used as a store, although it is not clear if this is associated with residential, retail or other uses. The proposed extension would bring the building out to a depth of 4.4 metres and would use a lean-to roof.

Number 12 is a Grade II listed building with group value with numbers 14 and 16. A parallel application for planning permission is also being considered.

CONSULTATION REPLIES

TOWN COUNCIL:

Councillors were unable to support this application because of their concerns over the listed building and the possible impact on vehicular access to the premises at the rear including Emergency Services. They would also like the Conservation Officer's views taken into account.

PUBLICITY RESPONSES

The proposal was advertised by a site notice and through the local press. No comments were received.

RELEVANT PLANNING POLICY

- West Wiltshire District Plan 1st Alteration 2004
- C27 - Listed Buildings
- C28 - Alterations to listed buildings
- PPG15: Planning and the historic environment

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issues in this case are the effect of the proposed extension on the Listed Building, as the Council has a statutory duty to protect the historic environment.

PLANNING OFFICER COMMENTS

The existing extension to the house at the rear is constructed with ashlar walls to the sides, with wooden doors to the front elevation and metal sheeting roof. It rather dominates the elevation on which it is located, but is modest in depth, with sympathetic wooden doors to the front. The proposed extension would be much larger than the existing and would include a glazed shop front. The proposed extension would protrude to the line of the side elevation of the main shop building.

The area to the rear of number 12 contains a mix of building types, heights, roof shapes and materials. The list description for the property does not mention any development at the rear of the building, and it is unclear how much of this is original to the building. With the exception of the sheet, roof the structure to be extended, which is clearly a later addition to the building is constructed in suitable materials common to the rest of the building. The proposed extension should also use natural, sympathetic materials including a more appropriate roofing system.

The front of the proposed building, as shown on the plans takes the appearance of a shop unit, this reflects the applicant's original intention of a shop unit. This is clearly not appropriate for an office use, and an appropriate frontage should be secured by condition. Providing suitable materials are used and an appropriate frontage is agreed, the proposed structure would not be detrimental to the character or appearance of the listed building number 12.

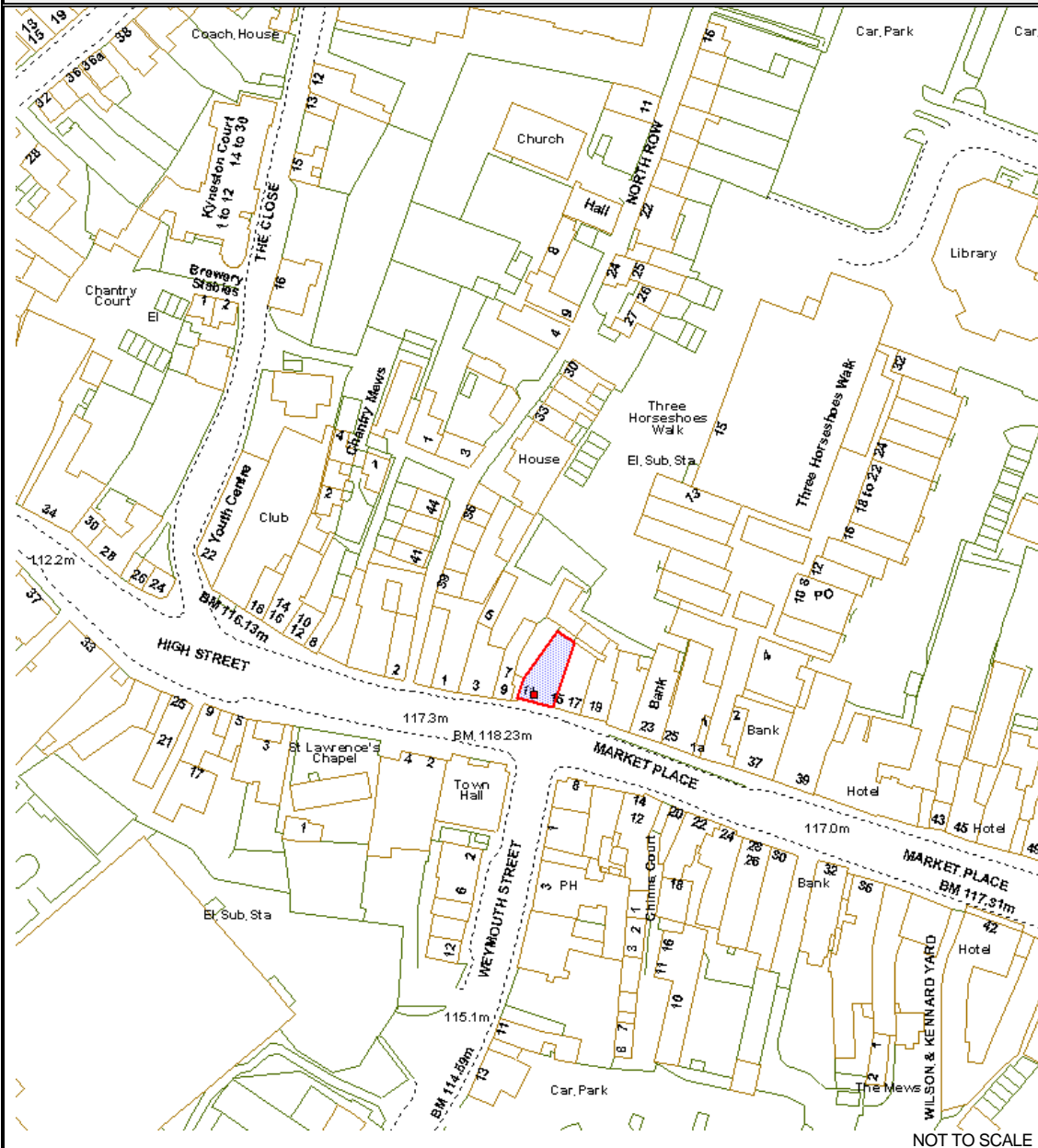
CONCLUSION

The proposal would not be detrimental to the character or appearance of the listed building.

ITEM NO: 11

APPLICATION NO: 06/00020/FUL

LOCATION: 11 - 13 Market Place Warminster Wiltshire BA12 9AY



NOT TO SCALE

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SLA: 100022961

11 Application: 06/00020/FUL

Site Address: 11 - 13 Market Place Warminster Wiltshire BA12 9AY

Parish: Warminster

Ward: Warminster East

Grid Reference 387436 145104

Application Type: Full Plan

Development: Replacement glazed shopfront

Applicant Details: William Hill Organisation PLC
Greenside House 50 Station Road Wood Green London N22 7TP

Agent Details: Scurr And Partners Ltd
The Tithe Barn Harpendenbury Farm Redbourn Herts AL3 7QA

Case Officer: Mr James Taylor

Date Received: 10.01.2006

Expiry Date: 07.03.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The 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 A sample of the colour-coated aluminium and ceramic tiles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. The work shall be carried out strictly in accordance with the approved samples.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to Committee because the Town Council objects and Officers' recommend permission.

The proposal is for a replacement shopfront on an unlisted building within the Warminster Conservation Area and in an area of Primary Retail Frontages. There are a large number of Listed buildings in the immediate locality.

The shopfront would be largely glazed with fascia advertisement boards. The frames of the shop front would be coated aluminium, coloured dark blue. Below the glazing, to a height of approximately 400mm, the stall riser would be finished with matt blue ceramic tiles. There would be anti-slip tiles on the ramp to the recessed door, which would be safety glazed.

The colour scheme of the new shop front and format of the adverts is in accordance with the new occupier's branding scheme.

Advertisement consent has been granted consent under a separate application 05/02465/ADV.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: The Town Council cannot support this application in a Conservation Area.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objection.

PUBLICITY RESPONSES

The application was advertised by Site Notice and through the local press. Neighbours were notified. No comments were received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C17 - Conservation Areas

C19 - Alterations in Conservation Areas

C27 - Listed Buildings

C38 - Nuisance

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

05/02465/ADV - Two externally illuminated signs - Consent - 29/11/2005

KEY PLANNING ISSUES

The main issues to be considering in this application are the potential impact on the setting of nearby Listed buildings and whether the proposal would preserve or enhance the Conservation Area. The potential impact on neighbouring amenity and in the street scene should also be considered.

PLANNING OFFICER COMMENTS

The existing shop front although of timber construction has no historic and little architectural merit. The shop fronts on either side of the application site have metal frames with tiled stall risers below the glazing. This proposal would see a reduction in the total glazed area with a matt ceramic tiled finish to the stall riser beneath.

Policy C19 of the West Wiltshire District Plan highlights that alterations to unlisted buildings in the Conservation Area should preserve or enhance the character and appearance of the Conservation Area. The replacement of the existing shopfront, which is currently in a poor state of repair, would in the manner proposed preserve the character and appearance of the Conservation Area. Although it is not a traditional shopfront, nor is the existing, and it would utilise materials that are a characteristic of the locality. As such the proposal complies with policies and would be

an improvement on the existing appearance. The use of dark blue colours as part of the occupier's branding would be suitable in a Conservation Area.

As the proposals would be suitable in the Conservation Area it is considered that they would cause no harm to the setting of the surrounding Listed Buildings. The proposals would not harm the neighbouring amenity and for the reasons above would not harm the street scene.

The Highway Authority has raised no objection to the proposals, as the scheme would not encroach on the highway.

Although Warminster Town Council has objected to the proposal, it has not specified its reasons for objection.

CONCLUSION

The proposal represents an improvement on the existing shopfront. It is in accordance with Council policy and would preserve the character and appearance of the Conservation Area and the street scene. The use of contemporary shopfronts such as the one proposed is characteristic of town centre locations.

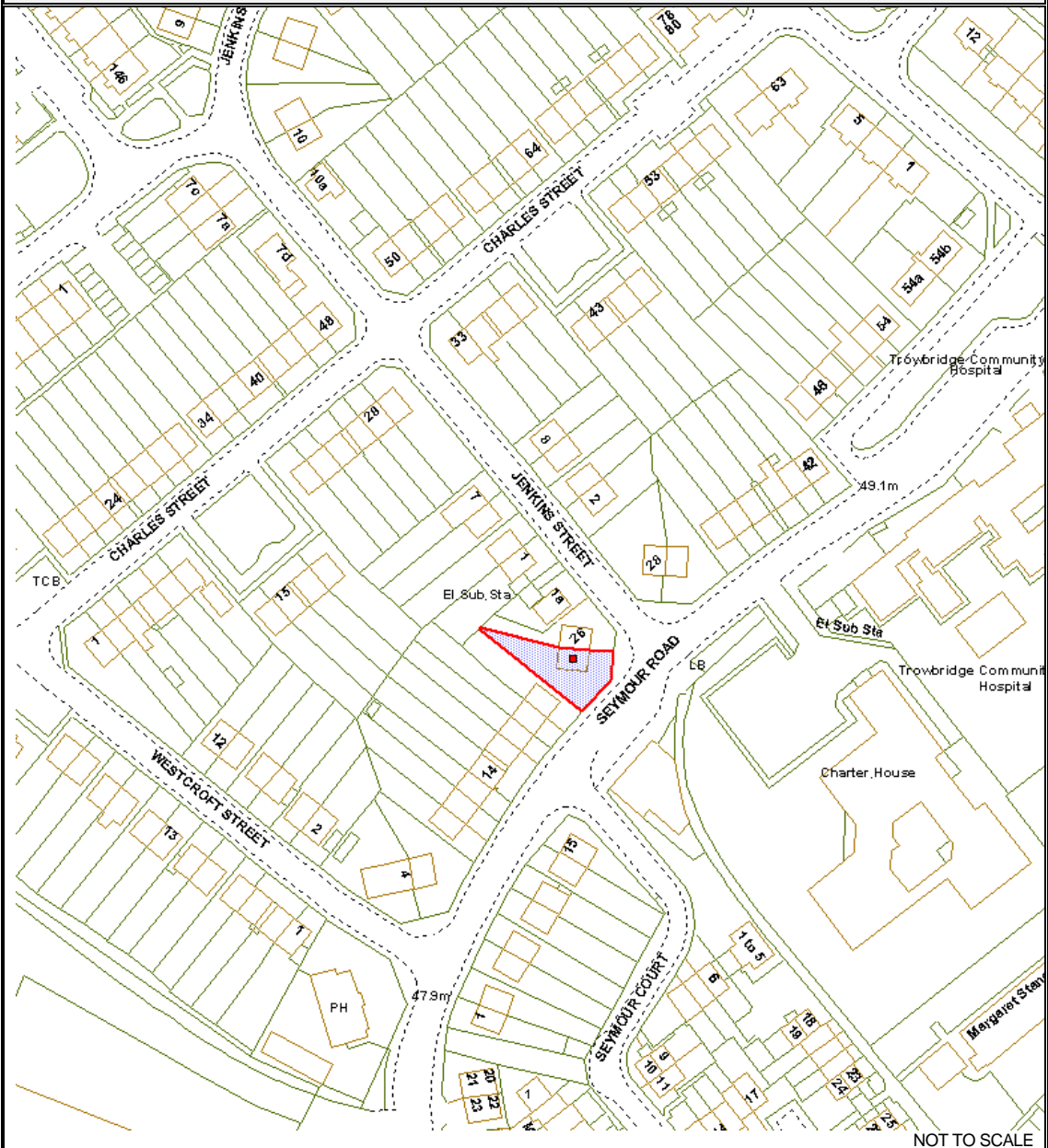
PLANNING COMMITTEE

30 March 2006

ITEM NO: 12

APPLICATION NO: 06/00307/FUL

LOCATION: 24 Seymour Road Trowbridge Wiltshire BA14 8LS



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SLA: 100022961

12 Application: 06/00307/FUL

Site Address: 24 Seymour Road Trowbridge Wiltshire BA14 8LS

Parish: Trowbridge Ward: Adcroft

Grid Reference 385339 158436

Application Type: Full Plan

Development: Access to drive, dropped kerb

Applicant Details: Stephen Romain
24 Seymour Road Trowbridge Wiltshire BA14 8LS

Agent Details:

Case Officer: Mr David Cox

Date Received: 27.01.2006 Expiry Date: 24.03.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The 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 There shall be no entrance gates.

REASON: In the interests of Highway Safety

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

REASON: In the interests of Highway Safety

- 4 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to Committee because Trowbridge Town Council objects and Officers recommend approval.

This is a retrospective application for full planning permission for a 5 metre wide dropped kerb on the side of Seymour Road, Trowbridge. The dropped kerb and driveway have already been built and are operational. The public footpath has been laid with asphalt with the driveway laid with loose stones. It has a 1 metre tall open-boarded fence defining its front boundary.

There are no other driveways along this side of Seymour Road in the immediate vicinity of the site, apart from permissions 05/02937/FUL and 05/03025/FUL at 28 and 32 Seymour Road respectively for a new vehicle accesses. There are currently road improvements being carried out along Seymour Road, which are designed to slow passing vehicle traffic. This includes the provision of double yellow lines.

CONSULTATION REPLIES:

TROWBRIDGE TOWN COUNCIL

Objection: on the grounds the dropped kerb is onto a main and side of the road.

STATUTORY CONSULTATIONS:

HIGHWAY AUTHORITY

"I refer to my responses to previous planning applications near this site, 05/03034/FUL and 05/02937/FUL. In these locations accesses onto the classified road without turning facilities have not been recommended for refusal, as a result of the good visibility and highway improvements currently being undertaken.

No objection subject to conditions.

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

05/02397/FUL - Vehicle Access at 28 Seymour Road - PER - 25.01.06

05/03035/FUL - Vehicle Access at 32 Seymour Road - PER - 16.02.06

KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy. In this case the only issue to consider is the effect on highway safety.

PLANNING OFFICER COMMENTS

The driveway has already been constructed along with the drop down kerb. The Highway Authority have no objection and similar applications have been approved further up Seymour Road at No's 28 and 32 (see above). The recent road improvement works are designed to slow down traffic, which includes the provision of double yellow lines. This will reduce the availability of street parking and making visibility better across the site frontage.

The driveway is 6 metres in length. This meets requirements as set out in SPG.

Therefore given the support of the Highway Authority, recent road improvements and similar approvals under delegated powers and by Committee the Town Council's objection cannot be supported.

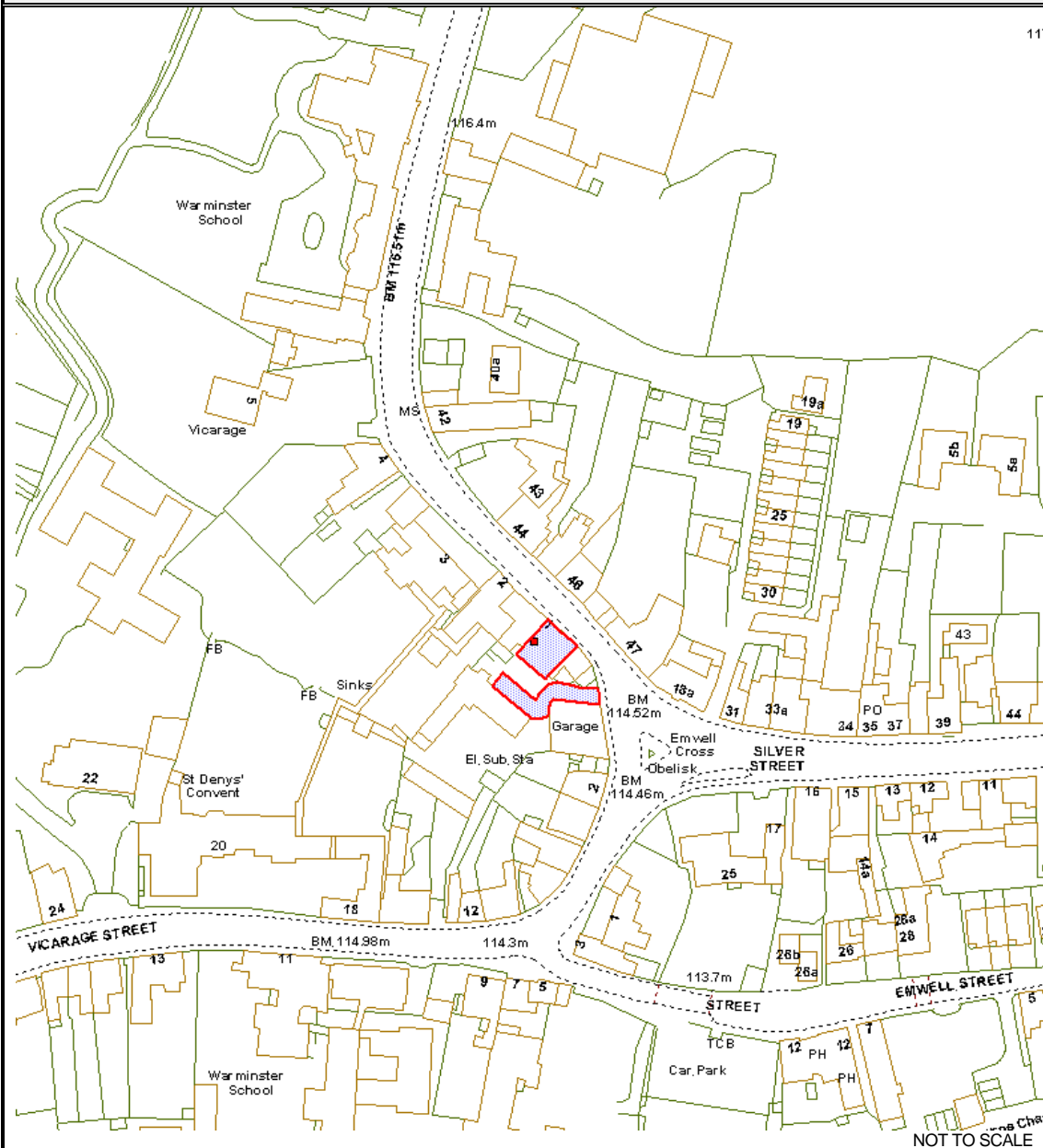
CONCLUSION

For the above reasons the application should be granted planning permission.

ITEM NO: 13

APPLICATION NO: 06/00300/FUL

LOCATION: Obelisk House 1 Church Street Warminster Wiltshire



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SLA: 100022961

13 Application: 06/00300/FUL

Site Address: Obelisk House 1 Church Street Warminster Wiltshire

Parish: Warminster Ward: Warminster West

Grid Reference 386925 145161

Application Type: Full Plan

Development: Change of use from store to residential flat

Applicant Details: K & A Welch
1A Church Street Warminster Wiltshire

Agent Details: Mr Peter Grist
Furlong House East Street Warminster Wilts BA12 9BZ

Case Officer: Mr Matthew Perks

Date Received: 27.01.2006 Expiry Date: 24.03.2006

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

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

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

Note(s) to Applicant:

- 1 The applicant is advised that works to the listed building are not lawful without consent having first been granted in terms of the related application for listed building consent.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Warminster Town Council object and your Officers recommend permission.

This is an application for full planning permission for the change of use from a store to residential flat (ground floor only) of 1 Church Street, Warminster (Obelisk House). Obelisk House is a Grade II listed building situated at the intersection between Silver Street, Church Street and Vicarage Street. The building is located within the Conservation Area, but outside of the town centre commercial areas.

Proposals include the replacement of two windows and a door to the off-street elevation of the building, and the installation of internal stud walling to create a two bedroom layout for the flat. No structural alterations or additions are proposed.

CONSULTATION REPLIES

- WARMINSTER TOWN COUNCIL: Object.

The proposed access would lead to difficult traffic situations and have adverse impact on highway safety in an already difficult area. Recommended for refusal."

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objection.

"I refer to the above planning application received on 7 February 2006.

You will be aware of my objections to the proposals for the residential development of the adjoining site, which has been granted on appeal. The appeal inspector acknowledged that the proposed means of access to that site, which would also serve as access to the proposal, was sub-standard but considered the fall-back position to potentially generate more vehicular traffic. Furthermore, the location of the access close to the junction would be treated cautiously by motorists.

The proposal for the conversion of an existing store to a flat, formerly associated with the antique business on the site, would be likely to generate some additional traffic, but this could be compared to its former use. Furthermore, this is the last element of the former site that would utilise the means of access, and therefore no further development would be anticipated.

Having regard to the permitted redevelopment of the adjoining site and the former use of the application site, I feel it would be difficult to substantiate an objection, and therefore I raise no highway objections."

INTERNAL WWDC CONSULTATIONS

N/A

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. No comments were received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

C20 - Change of use in Conservation Areas

C28 - Alterations and extensions to Listed Buildings

H16 - Flat Conversions

T10 - Parking

PPS 1 - Delivering sustainable development.

PPG 3 - Housing

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The primary issues in relation to this application are the acceptability of the change of use in this area, and highway safety.

PLANNING OFFICER'S COMMENTS

The property is located within Warminster Town limits, and outside of the central commercial area of the town. The principle of additional residential development is acceptable in this context and accords with government policy to encourage housing opportunities involving both house ownership and various types of rented accommodation. The conversion to flat use is however subject to consideration in terms of Policy H16 of the West Wiltshire District Plan 1st Alteration, 2004, which states that such conversions will not be permitted if they are any of the following:

- An unreasonable and over intensive sub-division of an inadequate sized property;
- Detrimental to the outward appearance of the building of which they form a part or the character of the local area;
- Have inadequate access or insufficient or inadequate car parking provision;
- Have inadequate or insufficient amenity space around the building;
- Detrimental to the amenity of neighbouring residents; or
- Subject to flood risk.

In this case the impact on the host building and the access are the primary considerations. The proposed alterations to the exterior of the building face into the courtyard area to the rear. No works are proposed to any other elevation. The proposed replacement fenestration and door would represent an improvement on the exterior rear appearance of the building, and consequently the conservation area (although it is noted that the alterations would not be prominently visual to any public viewing points).

There would be no impact on neighbouring amenity and parking would be provided on site.

The Town Council has highlighted issues associated with the access to the property. The access is indeed located in a difficult point within the junction. However, the highway authority points out that the access must be considered in the light of the related appeal decision, and the fall-back situation of the former use on the site. It is clear from the highway authority comments that it would be difficult on balance to sustain any refusal on highway grounds.

CONCLUSION

It is concluded that the proposal represents an appropriate use that would bring this part of the listed building back into sustainable use. The highway issues must be acknowledged but, in considering the advice of the highway authority, it is recommended that on balance the application should be granted permission.