

PLANNING COMMITTEE

1 JUNE 2006

Planning Applications for Determination

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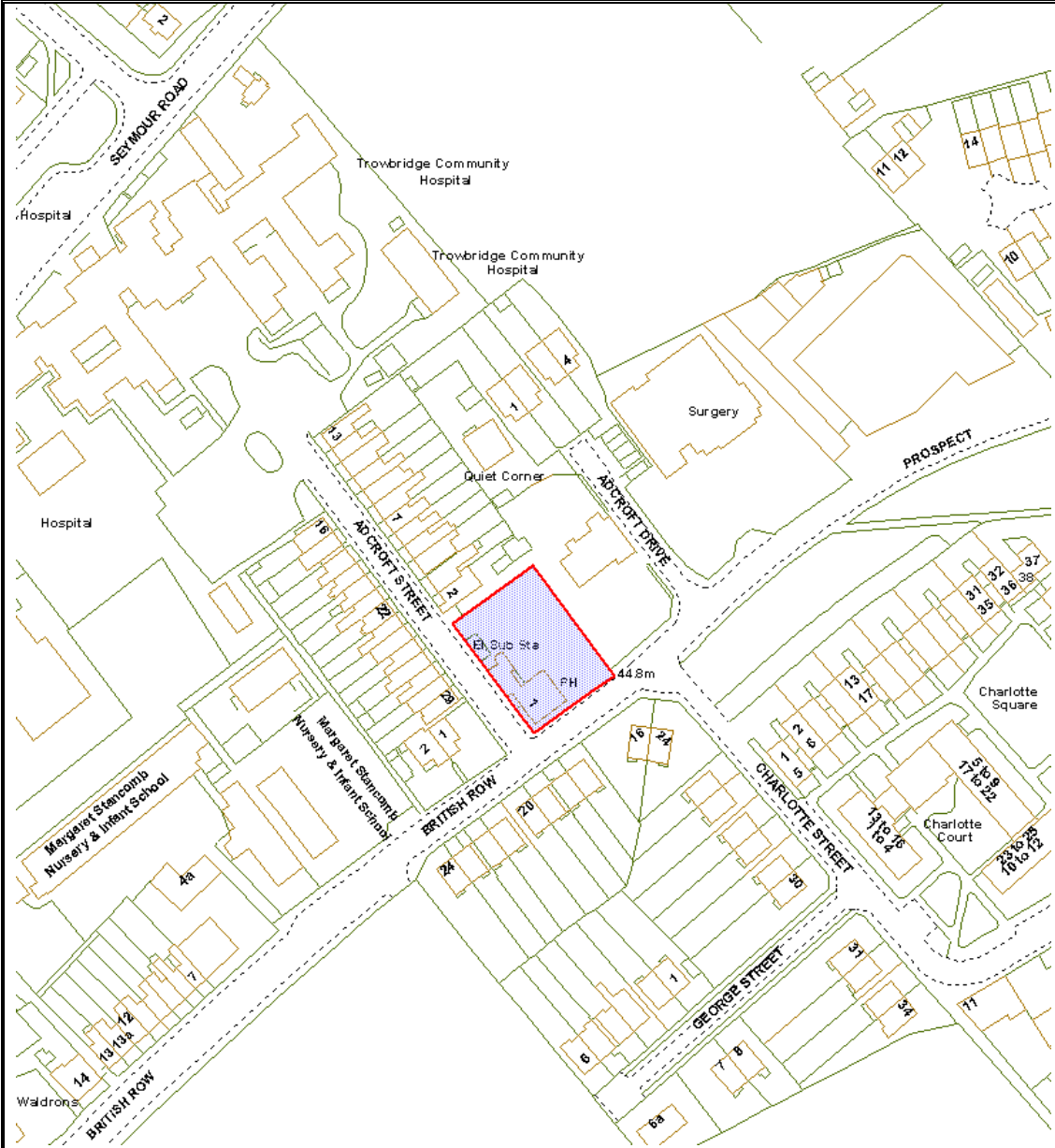
PLANNING COMMITTEE

1 June 2006

ITEM NO: 01

APPLICATION NO: 05/01561/FUL

LOCATION: The Black Swan 1 Adcroft Street Trowbridge
Wiltshire BA14 8PF



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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 05/01561/FUL

Site Address: The Black Swan 1 Adcroft Street Trowbridge Wiltshire BA14 8PF

Parish: Trowbridge Ward: Adcroft

Grid Reference 385569 158388

Application Type: Full Plan

Development: Erection of 4 (no) terraced houses and conversion of public house to apartments

Applicant Details: Palladium Estates Ltd
36 Great Pulteney Street London W1F 9NS

Agent Details: Peter A Marshall Architect Ltd
7A Mercia Road Gloucester GL1 2SQ

Case Officer: Mr Russell Brown

Date Received: 21.07.2005 Expiry Date: 15.09.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.
- 2 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 Any gates shall be set back a minimum distance of 4.5 metres from the carriageway edge and shall be hung to open away from the highway and maintained in that configuration thereafter.

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

REASON: In the interests of highway safety.

- 5 The proposed access shall incorporate a pedestrian intervisibility splay on the south eastern side of the access to the rear of the existing footway based on co-ordinates of 1.8m X 2.4m (being 1.8m back from the carriageway edge and 2.4m along the south eastern frontage of the development) and which shall be kept free of obstruction above a height of 600mm.
- REASON: In the interests of highway safety.
- 6 The first 2 metres of the north western boundary between the site and the adjoining private driveway shall be reduced in height and maintained at or below 600mm, in order to provide some level of intervisibility.
- REASON: In the interests of highway safety.
- 7 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- REASON: In the interests of highway safety.
- 8 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.
- 9 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.
- 10 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.
- 11 The existing stonework from the demolition of the extension shall be carefully dismantled, set aside and stored in a safe place for re-use in the construction of the new terrace.
- REASON: To ensure that the setting of the listed building is conserved and to protect the special character and appearance of the Conservation Area.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17 and C27.
- 12 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee following a deferral pending further Conservation comments and revised plans and to clarify the situation regarding the electricity sub-station.

This full planning application has been revised and proposes the conversion of the public house into 4 flats including the demolition of an extension to the Listed Building. The application also proposes a terrace of 4 dwellings to the north west of the existing building.

The site is the Black Swan public house in Trowbridge. The site includes the public house car park and garden.

The site is within a Conservation Area and many of the surrounding buildings are listed. The listed public house is sited in the south of the site and the neighbouring residential properties to the northwest are terraced, as are the properties opposite across Adcroft Street.

The public house is a grade II Listed Building and is built in natural stone. There is an extension to the rear of the building with blocked up windows on the street elevation which would be demolished under this scheme. The proposal would also convert the main pub building into 4 flats. There is an existing flat in the building.

The proposed terrace would be to the north west of the extension of the existing building and would be 16.5 metres in length, 7.5 metres in depth and would be between 6.5 and 7 metres in height - due to the slope of the road. The materials for the terrace would be natural stone to the front and side elevations and render to the rear elevation. The frontage of the terrace would be along Adcroft Street, in line with the terrace along the rest of Adcroft Street, and its design follows the architectural style and form of the other terraces in Adcroft Street.

There would be a pedestrian gate in a stone gateway created between the public house and the new terrace.

Vehicular access for the development would be along the side of the new terrace from Adcroft Street and would be gated 6.4 metres back from the highway. The access would lead to an area providing 9 off street parking spaces and a cycle rack.

The proposed terrace would have private rear gardens. The rest of the site, the former pub garden, would be communal amenity space incorporating a bin store for the flats within the public house.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Comments on latest revised plans:

No objection subject to the approval of the Conservation Officer. Notes that this development will be on top of a sub-station.

Comments on original scheme:

Objection on grounds that the proposed development is out of keeping with the street scene - the design does not match

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objection subject to conditions.

- WILTSHIRE COUNTY COUNCIL EDUCATION DEPARTMENT: No requirement for education contribution.

- WESSEX WATER: No objections subject to satisfactory connections and protection of apparatus.

INTERNAL WWDC CONSULTEES

- URBAN DESIGN AND CONSERVATION: "Following the receipt of amended plans ... no objection to the scheme with regards to conservation or design issues, subject to the appropriate standard conditions regarding approval of materials and any landscaping."

PUBLICITY RESPONSES

The application was advertised and neighbour notifications undertaken. A site notice was also attached to the site. 2 letters have been received, making the following points:

- Prefer the revised alignment of the terrace
- Keeps the character of the street scene
- The architectural features do not fit into the street scene
- Concern over materials
- Concern over distances between properties and pavement
- Should have chimneys
- Concern over parking

RELEVANT PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
HE7 - Conservation Area and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004
C17 - Conservation Areas
C18 - New Development in Conservation Areas
C27 - Listed Buildings
C28 - Alterations and Extensions to Listed Buildings
C31a - Design
C38 - Nuisance
H1 - Further Housing Development Within Towns
H24 - New Housing Design

PPS1 - Delivering Sustainable Development (Jan 2005)
Planning System - General Principles (Jan 2005)
PPG3 - Housing
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

04/01833/FUL - Detached dwelling - Refused 16.11.2004

05/00423/FUL - Erection of three terraced houses, conversion of public house and living accommodation to 2 additional apartments and ground floor change to A1/A2 use - Refused 28.04.2005

KEY PLANNING ISSUES

The key issues in this application are the change of use of the public house, the effect of the proposal on the special character and appearance of the Conservation Area, the impact on the Listed Building, whether the development is acceptable in design terms and the effect on highways matters, neighbouring amenity and the electricity sub-station.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

PLANNING OFFICER COMMENTS

Design and Historic Environment

A public house is a community facility. However, this is a disused public house that has been vacant for some time. Due to its proximity to the town centre and other public houses it would not be a premises required for retention as a community facility. The community is well served locally by similar premises and is also close to the town centre.

The site for the proposed terrace is currently the pub car park between the Listed Building and the existing Listed terrace of houses on Adcroft Street. The proposed terrace would be sited along the street frontage and has been designed to be in keeping with the surrounding terraced properties. It would also respect the layout characteristics of the surrounding area. The character of Adcroft Street is partly derived from a very clear form of terraced properties parallel to and fronting the highway.

The siting of the proposed terrace would result in a similar form of development to this historic pattern that would be in keeping with the special character and appearance of the Conservation Area and the street scene.

As the proposed terrace would represent a feature that is in keeping with the surrounding layout character of the area, it would also by reason of its layout and siting, be sympathetic to the setting of the surrounding Listed Buildings.

Policy H24 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for new housing developments will be required to include a layout with dwellings facing onto, and windows and doors overlooking, the street or other public areas. The proposed siting and layout achieves these and is therefore in accordance with this Policy.

The design of the terrace has been revised following deferral to take its design references from the architectural features of the existing terraced properties in Adcroft Street. These are varied in themselves and the proposed terrace has followed the traditional features and form of the buildings to create a sympathetic development characteristic of the area.

The materials are proposed to be natural stone on the front and side elevations in order to match the surrounding buildings. The surrounding buildings are predominantly stone built and consequently the materials would be in keeping with these properties. The development would therefore respect the special character and appearance of the Conservation Area and the setting of the surrounding Listed Buildings.

The demolition of the modern extension to the Listed public house is acceptable in terms of the impact on the character and fabric of the Listed Building. This rear extension is not of any historical importance or architectural merit as it is a later addition that does not enhance the character of the Listed Building. Its demolition would enhance the Listed Building returning it to its original proportions and would be of benefit to the wider visual amenity of the area.

There would be no other external alteration of the main Listed Building in the conversion. The character of the building as that of a public house would be retained. The timber hanging pub sign would be cleaned and retained in order to help safeguard the character of the building as a historic public house. The fixed timber sign on the south west elevation is in a very poor state due to weathering, whereas the fixed timber sign on the north east elevation is in a reasonably good condition and is in a less visible position. It is proposed to move the sign from the northeast elevation and replace the south-western sign in order to maintain the character of the Listed Building.

The internal works to the Listed Building will be considered in the parallel Listed Building consent application 05/03022/LBC.

Highways

The proposal includes 9 off-street car parking spaces which are to the satisfaction of the Highway Authority and although the access is substandard, this in itself would not warrant a refusal. The Highway Authority has suggested conditions and these should be attached to the permission.

Amenity of Neighbours

The terrace would be to the south west of the end elevation of the adjacent terrace property and would therefore not result in a detrimental overbearing and overshadowing effect on neighbouring dwellings. Due to the alignment and siting of the terrace there would not be any overlooking effect created by the proposal or loss of privacy. Consequently, the proposal would not harm the amenities of the occupiers of the neighbouring properties.

Electricity Sub-Station

The applicant has submitted information regarding the status of the electricity sub-station. Specifically, they have provided a copy of the lease agreement dated 24th May 1982 which states that the length of the lease of that piece of land was 21 years. The lease has not been renewed and therefore lapsed in May 2003 and as such the land owner, the applicant, can have the sub-station removed. It can be seen therefore, that the sub-station on the site is not a barrier to the proposed development.

CONCLUSION

The proposed terrace is well designed and would be in keeping with the spatial characteristics of the surrounding area and the street scene. It would not cause detrimental harm to the special character and appearance of the Conservation Area, the setting of the Listed Buildings and neighbouring amenity. The external changes as part of the conversion of the Listed Building would not harm the character of the Listed Building. The application is accordingly recommended for permission.

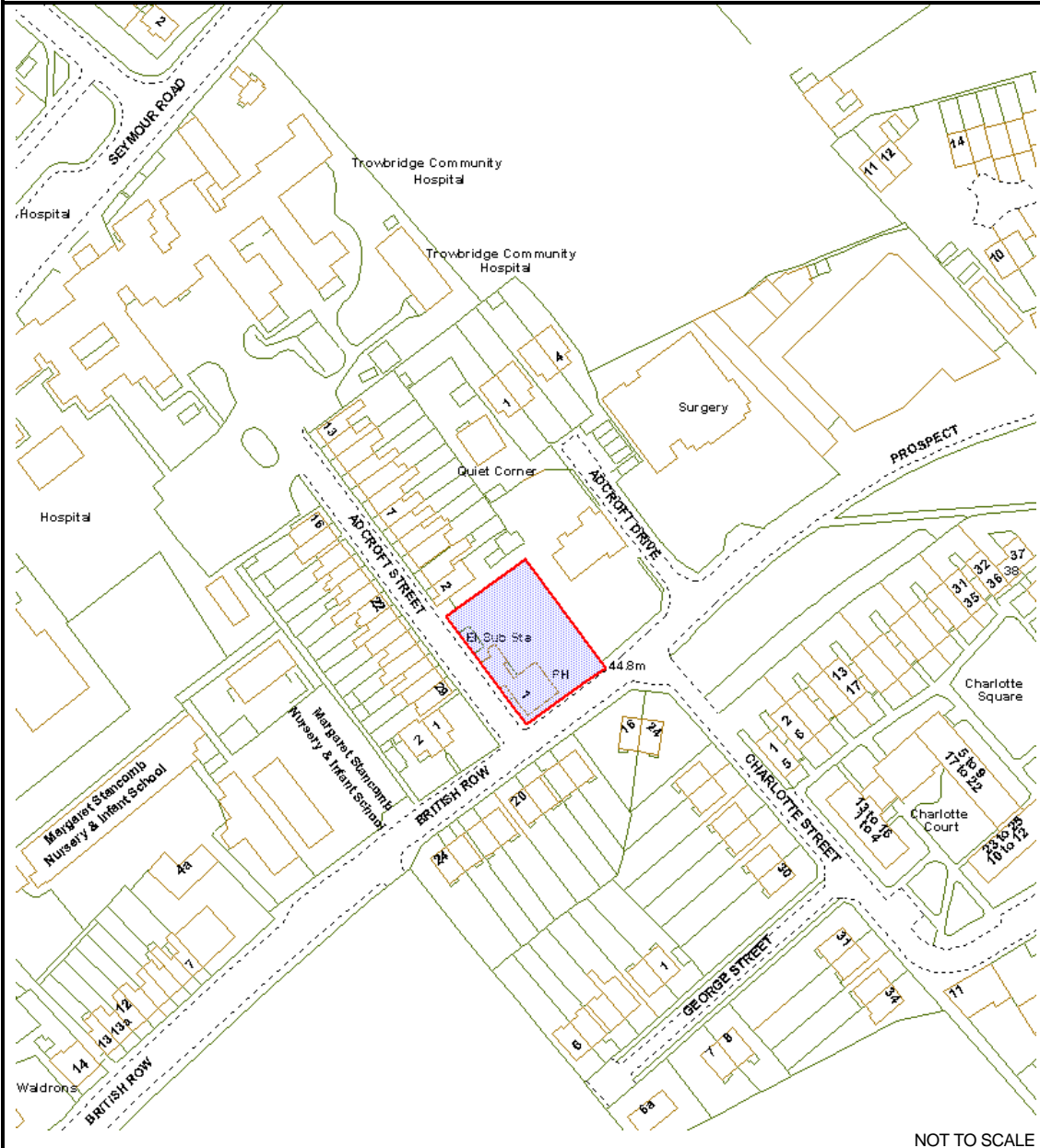
PLANNING COMMITTEE

1 June 2006

ITEM NO: 02

APPLICATION NO: 05/03022/LBC

LOCATION: The Black Swan 1 Adcroft Street Trowbridge
Wiltshire BA14 8PF



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 05/03022/LBC

Site Address: The Black Swan 1 Adcroft Street Trowbridge Wiltshire BA14 8PF

Parish: Trowbridge Ward: Adcroft

Grid Reference 385569 158388

Application Type: Listed building

Development: Conversion of public house to 4 no apartments

Applicant Details: Mountside Estates Ltd
36 Great Pulteney Street London W1F 9NS

Agent Details: Peter A Marshall Architect Ltd
7A Mercia Road Gloucester GL1 2SQ

Case Officer: Mr Russell Brown

Date Received: 29.12.2005 Expiry Date: 23.02.2006

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

Condition(s):

- 1 The consent hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

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

- 3 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

- 4 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of the elevations of all external windows and doors to be repaired including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 6 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 7 The existing stonework from the demolition of the extension shall be carefully dismantled, set aside and stored in a safe place for re-use in the construction of the new terrace.
- REASON: To ensure that the setting of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C27.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee following a deferral pending further Conservation comments and revised plans. In addition, the town council object and your officer's recommend consent.

This Listed building consent application has been revised and proposes the conversion of the former public house into 4 flats including the demolition of an extension to the Listed building.

This is part of an overall scheme for the site and the parallel planning application 05/01561/FUL proposes a terrace of 4 dwellings to the north of the existing building.

The site is the Black Swan public house in Trowbridge. The site includes the public house car park and garden.

The site is within a Conservation Area and many of the surrounding buildings are listed. The listed public house is sited in the south of the site and the neighbouring residential properties to the north west are terraced, as are the properties opposite across Adcroft Street.

The public house is a Grade II Listed building and is built in natural stone. There is a later 20th Century extension to the rear of the building with blocked up windows on the street elevation which would be demolished under this scheme. The proposal would also convert the main pub building into 4 flats. There is one existing flat in the building.

The conversion of the public house would rearrange the internal partition walls. There are no features of historic interest inside the building itself. It is likely that these were lost when the building was originally converted into a public house.

There would be a pedestrian gate in a stone gateway created between the public house and the new terrace to the north west.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Objection as the Town Council does not wish to lose a Listed building.

INTERNAL WWDC CONSULTEES

- URBAN DESIGN AND CONSERVATION: "Following the receipt of amended plans ... no objection to the scheme with regards to conservation or design issues, subject to the appropriate standard conditions regarding approval of materials and any landscaping."

PUBLICITY RESPONSES

The application was advertised and a site notice was attached to the site. There has been no response.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016
HE7 - Conservation Area and Listed buildings

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

PPS1 - Delivering Sustainable Development (Jan 2005)
Planning System - General Principles (Jan 2005)
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

04/01833/FUL - Detached dwelling - Refused 16.11.2004

05/00423/FUL - Erection of three terraced houses, conversion of public house and living accommodation to two additional apartments and ground floor change to A1/A2 use - Refused 28.04.2005

KEY PLANNING ISSUES

The key issue in this application is the effect of the proposal on the character and fabric of the Listed building.

Under Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

PLANNING OFFICER COMMENTS

Regarding the proposed internal works, the alterations to the partition walls would not harm the historic fabric or character of the building. The existing partitions are not historic and their replacement in a new configuration would not significantly alter the character of the Listed building. There would be no harm to historic fabric.

The demolition of the extension to the Listed public house is acceptable in terms of the impact on the character and fabric of the Listed building. This rear extension is not one of particular historical importance as it is a much later addition that does not enhance the character of the Listed building. Its demolition would return the Listed building to its original proportions and would be of benefit to the wider visual amenity of the area.

There would be no other external alteration of the main Listed building in the conversion. The character of the building is that of a public house and the conversion would not result in the loss of that character. The timber hanging pub sign would be cleaned and retained in order to help safeguard the character of the building as a historic public house. The fixed timber sign on the south west elevation is in a very poor state due to weathering, whereas the fixed timber sign on the north east elevation is in a reasonably good condition and is in a less visible position. It is proposed to move the sign from the north east elevation and replace the south western sign in order to maintain the character of the Listed building. The existing windows would be repaired and restored subject to a condition.

To address the Town Council's comments, only the modern extension to the Listed Building which is of no historic merit whatsoever would be demolished. This would restore the Listed building to its original proportions and layout. The Listed building itself would not be lost, but preserved and enhanced.

CONCLUSION

The internal and external changes as part of the conversion of the Listed building would not harm the character of the Listed building. The application is accordingly recommended for consent.

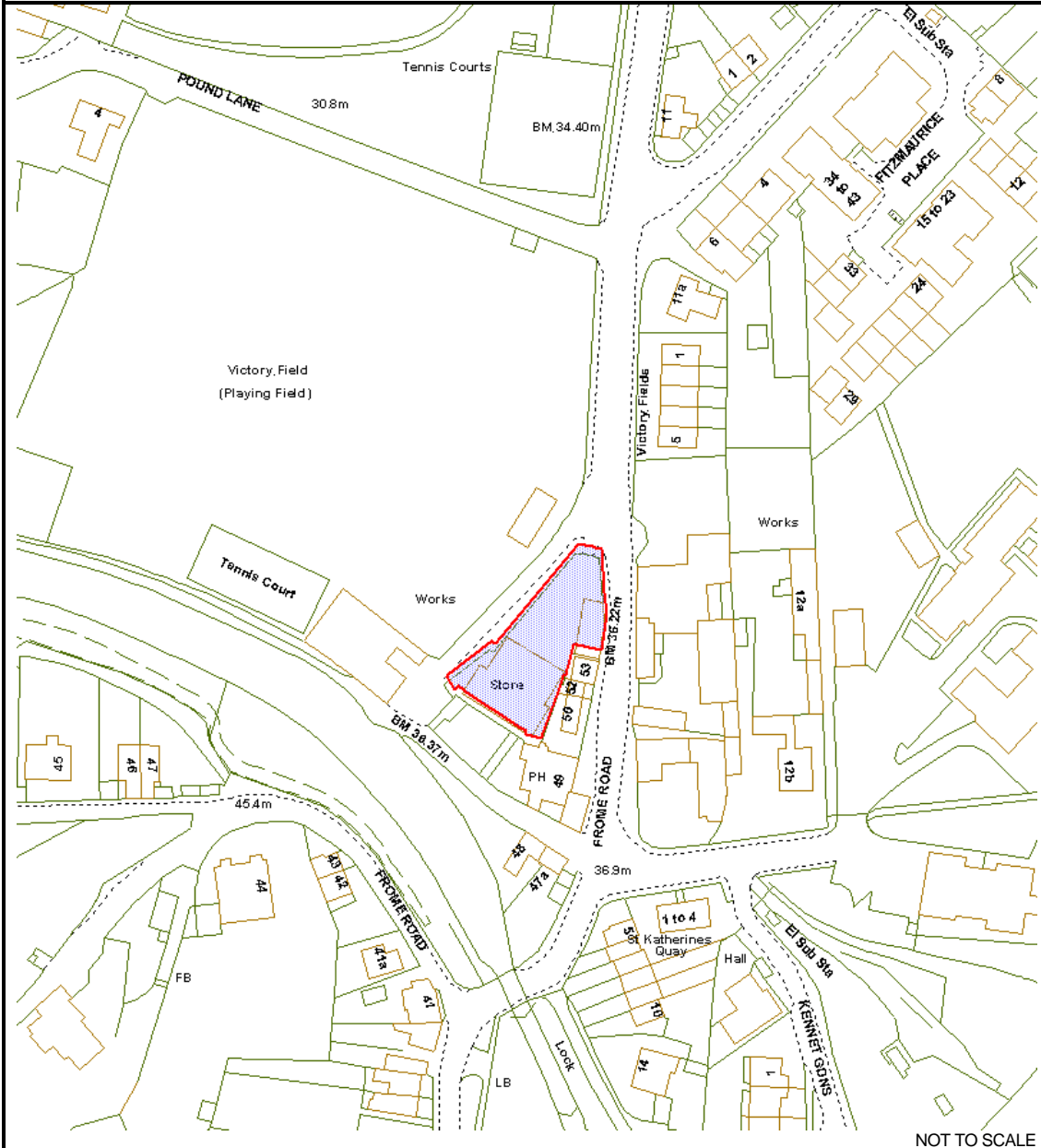
PLANNING COMMITTEE

1 June 2006

ITEM NO: 03

APPLICATION NO: 05/01664/FUL

LOCATION: Former Depot Frome Road Bradford On Avon
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 05/01664/FUL

Site Address: Former Depot Frome Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382545 160368

Application Type: Full Plan

Development: Demolishing of existing office and warehouse, construction of 2/3 storey offices, studios, workshops and 4 three storey houses

Applicant Details: Wela Invest (UK) Ltd
1-2 Queens Parade Place Bath BA1 2NN

Agent Details: Tektus Architects
St George's Lodge 33 Oldfield Road Bath BA2 3NE

Case Officer: Mr Peter Westbury

Date Received: 01.08.2005 Expiry Date: 31.10.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement to secure the future provision and maintenance of footpaths in the vicinity of the application site.

Condition(s):

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

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

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

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

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

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

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

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

- 4 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.

- 5 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.

- 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.

- 7 Prior to the commencement of any development the site shall be subject to:

- i) site investigation and risk assessment works for chemical contamination;
- ii) works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
- iii) remediation validation works

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

- 12 In respect of the dwellings hereby permitted and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, there shall be no extensions or external alterations, including alterations to the doors and windows, and no further buildings erected on the site, or any development normally permitted under Schedule 2, Part 1, Classes A-E (inclusive) of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable, to ensure that the design of the buildings are not compromised by subsequent unsympathetic alterations.

- 13 The offices and workshops hereby granted permission shall be used only for Class B1 uses as defined in the Town and Country Planning (Use Classes) Order 1987 or any of the statutory instruments revoking or revising this order.

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

POLICY: Policy C38 of the West Wiltshire District Plan First Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before Planning Committee because Bradford Town Council object and your Officers recommend permission.

This is an application for full planning permission for the demolition of an existing vacant office and warehouse and the construction of 2/3 storey offices, studios, workshops and four three storey houses on the former Depot in Frome Road, Bradford on Avon.

The application site is located within the settlement boundary of Bradford on Avon. It is surrounded by a mixture of residential and commercial uses on Frome Road, including the Canal Tavern Public House to the east and the Kennet and Avon Canal to the south of the site, and recreational land to the north.

The application site extends to 0.9 hectares on land that appears to be an artificially raised area of land between the canal and Frome Road when viewed from the Victory playing fields. The application site is set at a lower level to Frome Road, it is a level site with a number of vacant single storey industrial buildings positioned around a central hard surface. The entrance to the site is located at the junction of Frome Road with the access road to the former glass fibre works and canal.

The proposed office and studio workshop development will be located on the eastern part of the site. It comprises a workshop and garage at ground floor level, with office/studios on the two storeys above. Access to the workshop and garage will be via a central courtyard and access to the office/studios will be via an entrance from Frome Road.

The proposed residential development will be located in the western part of the site. It will comprise a terrace of four dwellings which it is proposed will include integral garages and kitchen at ground floor level. Three of the dwellings would be four bedrooms and one would be three bedrooms within the two storeys above.

The residential development will be located around a central courtyard, the access to which will be from the existing access at Frome Road. The proposed office will be developed over the access creating an arched entrance into the proposed courtyard.

CONSULTATION REPLIES:

- BRADFORD TOWN COUNCIL: Object on the following grounds:

1. "The site should not be considered for any use other than employment and specifically light industrial and the proposal is contrary to Policy E5.
2. By virtue of its design, appearance and choice of materials it will adversely affect the character of the Conservation Area contrary to policy C18.
3. The proposal constitutes overdevelopment of the site. It is too high, too massive, changes the views of the almshouses, threatens the amenity of the almshouse residents and overwhelms the canal towpath.
4. There is not sufficient parking for the number of proposed offices and dwellings.
5. The entrance into Frome Road is already dangerous and will become more so with the proposed use as the site is in close proximity to a school, an important tourist area with bicycle shop and hire centre, café, public house, restaurant and canal wharf
6. The tall buildings so close to the road will produce a canyon effect and change the nature of the area
7. The proposal does not enhance and maintain the character and environment of the canal and is contrary to policy KA7."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection:

"Having considered the submitted transport report and having regard to the current use of the site and the level of development proposed, it would be difficult to argue that the traffic generation would be increased as a result of the proposal."

- ENVIRONMENT AGENCY: No objection subject to the imposition of conditions.

- BRITISH WATERWAYS: Object on the grounds of "the potential heritage impacts of the scheme as proposed". There is concern about the impact of the scale of the proposal on the wharf.

- WESSEX WATER: No objection subject to the imposition of conditions.

- ENGLISH HERITAGE: No comments received.

- COUNTY ARCHAEOLOGIST: No objection subject to the imposition of a relevant condition.

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: Any new development is going to be very conspicuous unless well design and could interrupt views of the Bradford Conservation Area when viewed from Newtown and the Tory. The Conservation Area Assessment identifies these views as being significant.

Number of Listed Buildings in the vicinity of the site, in particularly Barton Farm (Grade I listed). As a consequence the County Archaeologist and English Heritage should be consulted. The Conservation Officer nevertheless comments that:

"Having looked at the Barton Farm Group and views across the playing fields I do not consider that there is an issue concerning any adverse impact on the setting of this group."

Concern about the impact on the Grade II Listed Buildings opposite the site on Frome Road known as the Former old gas works site and are formed from a group of buildings, several of which front onto the main road itself:

"Although they were industrial buildings they were constructed in fine ashlar stone blocks and have an almost classical appearance onto the main road Their scale as individual building is quite low key, at the most 2 and 3 storey's in height. It is the low scale and use of traditional materials in the construction of these buildings that makes them so in time with the surrounding area. The almshouses that are immediately adjacent to the site are not listed but are an extremely fine group of 19th century gothic style buildings with unusually steeply pitched gable roofs. Behind this group of buildings are the complex belonging to the Lock Up Inn. Not listed but again of vernacular style, scale and materials - all appropriate to this location and the Conservation Area."

Concern expressed about the materials proposed not being traditional and the roof of the residential block is not traditional. To summarise the Conservation Officer concludes:

"... the proposed scheme due to its scale, materials and form" is "at odds with the general characteristics of the area or to be harmful to its character and appearance."

- ECONOMIC DEVELOPMENT: No comments received.

NON-STATUTORY CONSULTATIONS

- TRUSTEES OF ST. KATHERINE'S CHAPEL ALMSHOUSES: make the following comments:

1. BOUNDARY: "In view of the height of the proposed Residential Building and its proximity to the wall separating our properties we have concerns about our residents "right to light". Both your proposed Residential and Office/Studios buildings appear to be position right against the boundary wall of our respective properties. This may have implications regarding the Party Wall Act of 1996, and will certainly, in the case of the Residential buildings, adversely effect the amount of light currently enjoyed by the Almshouses."

2. NOISE: The workshops employing 25 people will cause high noise levels.

3. PARKING: Increase in parking resulting from 25 people working at the site

4. APPEARANCE. Concern that the metal cladding will be out of keeping with the surrounding development which is more traditional.

- BRADFORD ON AVON PRESERVATION TRUST: The Trust recommends refusal of this application because:

1. There must be no further loss of employment land in the town Local Plan Employment Aims.

2. Regardless of the land use, the proposed design, by virtue of its massing and layout and materials will adversely affect the character of the Conservation Area C18.

3. Policy KA7 states that "in order to enhance and maintain the character and environment of the canal, all developments adjacent to or having an impact on the canal should be of appropriate character and high quality of design and materials.

PUBLICITY RESPONSES

A Site Notice was erected and 41 representations were received 40 objecting to the proposal

21 reiterate the grounds of objection of the Town Council set out above.

Further objections relate to the following:

1. Design

- Objection on design grounds in particular the inclusion of a flat roof.
- The amount and style of houses proposed for the site is unacceptable.
- Concern that the proposed design is alien and would adversely affect the character of the surroundings.
- The proposal would be an eyesore
- Proposed building will be an eyesore from Jones Hill and from points on Winsley Road.
- The residential development is too close to the boundary wall of the Almshouse.
- Proposed building are too close to the pavement.
- The proposed buildings are too tall.
- Density of development is too high.
- Use of stainless steel would be unacceptable
- Plans do not consider the preservation of the area.
- Modern design is unsuitable

2. Loss of employment

- Loss of another employment site
- Office accommodation is not a sensible way of providing employment in the town.
- The site is only suitable for a continuation of the commercial use.

3. Highways Concerns

- Loss of parking
- Increase in traffic
- Increase in parking will cause noise and lack of space for existing residents including the Almshouse.

4. Other Comments

- Over intensive use of a prominent site
- New housing should be directed to the outskirts of the town
- The workshops will cause noise
- Concern about proximity to the Tithe Barn
- Comments on developments on sites nearby: "The last thing Bradford wants is another gas works. I know that you have to move with times but not that fast."
- Lack of privacy and light
- Increase disturbance and smells resulting from the proposal.

One in support:

"Generally support the intelligent use of space and mix of uses."

RELEVANT PLANNING POLICY

Regional Planning Guidance Note 10

- VIS1 Expressing the Vision
- VIS2 Principles for Future Development
- SS19 Rural Areas
- EN3 Historic Environment
- EN4 Quality in the Built Environment
- EC1 Economic Development
- EC3 Employment Sites

Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP4 Housing and Employment Proposal
- DP9 Reuse of land and buildings
- T5 Cycling and walking
- T6 Demand Management

West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected Species
- C14 Archaeological Investigation and Recording
- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C22 Demolition in Conservation Areas
- C23 Street Scene
- C27 Listed Buildings
- C30 Skylines
- C31a Design
- C32 Landscaping
- C34a Resource Consumption and Reduction
- C36 Noise
- C37 Contaminated Land
- C38 Nuisance
- C40 Trees Planting
- R4 Open Space in New Housing Developments
- H1 Further Housing Development within Towns

H24 New House Design
 E4 Premises Outside Employment Policy Areas
 T10 Car Parking
 KA7 Kennet & Avon Canal - Design Standards
 S1 Education
 U1a Foul Water Disposal
 U2 Surface Water Disposal
 U3 Flooding
 I1 Implementation
 I2 The Arts
 I3 Access for Everyone

PPS1 Delivering Sustainable Development
 PPG3 Housing
 PPG4 Industrial, Commercial & Small Firms
 PPS6 Planning for Town Centres
 PPG13 Transport
 PPG15 Planning and the Historic Environment
 PPG16 Archaeology and Planning
 PPS23 Planning and Pollution Control
 PPG24 Planning and Noise
 PPG25 Development and Flood Risk

DCLG Circular 11/95 - The Use of Conditions in Planning Permission

West Wiltshire Draft Residential Design Guide
 West Wiltshire Open Space Provision in New Housing Developments: A Guide
 Bradford on Avon Conservation Area Character Assessment
 Bradford on Avon Community Plan

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The key issues in the determination of this application are:

1. The loss of the existing buildings and their contribution to the Conservation Area.
2. The principle of a mixed-use development in this location.
3. The amount and type of employment floorspace.
4. Whether the proposed development would preserve or enhance the character or the appearance of the Bradford on Avon No. 2 Conservation Area.
5. Highway considerations.
6. Risk from flooding and impact on the canal.

PLANNING OFFICER COMMENTS

1. The Loss of the Existing Buildings and their Contribution to the Conservation Area

A Conservation Area Consent application has been submitted and is considered in tandem with this application.

The existing buildings on the site have been redundant for some time. They are approaching a state where they will become unusable. They have a limited life in terms of commercial or industrial use without undergoing extensive repair and refurbishment or, more likely, rebuilding to accommodate modern industrial use, storage or distribution. The buildings themselves make no

positive contribution to the surroundings or the character or appearance of the Conservation Area because of their dilapidated condition. Their loss would enhance the character and appearance of this part of the Conservation Area.

2. The Principle of a Mixed-Use Development in this Location

The application site constitutes previously developed land. The application proposal combines a mix of both residential and commercial development, with the scheme giving priority to employment generating development. It is in a sustainable town centre location. For these reasons the proposal will contribute positively to bringing new life into this part of Bradford on Avon. This is consistent with policy at all levels and Government advice contained in PPG3, paragraph 49.

3. The Amount and Type of Employment Floorspace

The proposed development would create additional employment floorspace on the site.

In quantitative terms, the existing redundant buildings on the site have the potential to provide 410 square metres for light industrial floorspace. The application proposal makes provision for approximately 540 square metres of employment floorspace.

In support of their application, the applicants have also submitted evidence produced by local land agents which states that there is a "ready demand and little supply of suites between 25 and 100 square metres. Some 350 square metres of offices at The Old Gasworks opposite recently attracted competing bids when offered for sale freehold. Local firms are frustrated by the lack of office and business space in the town."

The applicants state that the proposed employment development has the potential to provide employment space for 25 people.

In qualitative terms, office development is considered to be an appropriate employment use for the site, consistent with Policy E4. By definition B1 employment uses are compatible with neighbouring land uses and this can be defined by condition. A mixture of residential, commercial surrounds the site and leisure uses. Therefore the inclusion of office development in this locality would be compatible with the diverse range of uses in the vicinity of the site.

It would not give rise to, or continue existing traffic or environmental problems. This is demonstrated by the absence of an objection from the Highway Authority. Your Officers consider that the redevelopment offers a significant opportunity to enhance this part of Bradford and will prevent the site from reverting to the current use as development which could have a severe and detrimental impact on the highway in this location.

The proposed development would create an equivalent level of employment floorspace on site, would enhance the type of floorspace and the mixed-use development will be in accordance with planning policy to create mixed-use sustainable developments in urban areas. This is consistent with Government policy to encourage mixed-use developments on redundant land or buildings in industrial use.

4. Impact on the Conservation Area.

New development in Conservation Areas must be considered against policy C18 of the District Plan which requires proposals to preserve or enhance the character or appearance of the Conservation Area. To achieve this, the plot layout, scale, form and detailed designs will be required to be characteristic of the area.

Your Officers are aware that there have been representations objecting to the proposal on the grounds that the proposal fails in this regard. The particular concerns are set out above and relate to the height of the proposal, choice of materials and relationship to surrounding buildings.

The design of this group of buildings, particularly the residential block, has evolved during the application process, with a major revision to the roof of the residential block in line with comments from the Council's Conservation Officer. The design of the roof is now considered to be in keeping with its surroundings and will not be a dominant feature in this part of the Conservation Area. For this reason the objection of British Waterways is not supported.

The relationship with nearby Listed Buildings is also considered to be appropriate. The scale of the individual buildings proposed is considered to be low key, given the levels of the site and surrounding road. The low scale of the proposed development together with conditions to ensure that suitable traditional materials are employed in the construction of these buildings will ensure that the application proposal is in tune with the surrounding area.

As the application site is set at a lower level to Frome Road, the proposed buildings would be shorter than the adjacent Almshouses. The residential block would overlook the garden of the Public House to the south of the site.

The choice of materials to be used can be controlled by condition and will ensure that the impact of the application proposal on views from the Tory and Newtown can be controlled.

The proposal includes the retention of the existing surrounding wall and entrance to the site. This will also ensure that this part of the Conservation Area is maintained.

5. Highway Considerations

The Highway Authority has not supported the concerns of the Town Council. They note that the site is well served by pedestrian footways, it is close to the train station and the town centre. There are therefore clear alternatives to the private car. It is considered that this compensates for the absence of on site car parking. Nevertheless, the request is made that the applications make a contribution of £10,000 towards improvements to the walkways in the vicinity of the site. The Applicants are aware of this request and have indicated that they are happy to make a contribution towards footpath improvements in the vicinity of the site.

The proposed archway is considered to be of an acceptable height because of the proximity of the proposal to Frome Road.

6 Risk from Flooding

The application proposal will not increase the risk of flooding. The Environment Agency has raised no objection to the proposal.

CONCLUSION

There will be great benefits and enhancements to this part of the Conservation Area in developing this site, rather than allowing it to remain in its current poor condition with little architectural merit. There would be substantial benefits through the provision of a viable mixed-use scheme for this semi-derelict site. The proposed design, layout, form, composition and scale would respond positively to its context and would positively utilise characteristics of the area. The scheme would enhance the appearance of the site and the wider area.

For the reasons stated above this application is recommended for permission, subject to the completion of a Legal Agreement to secure the provision of improvements to surrounding public footpaths.

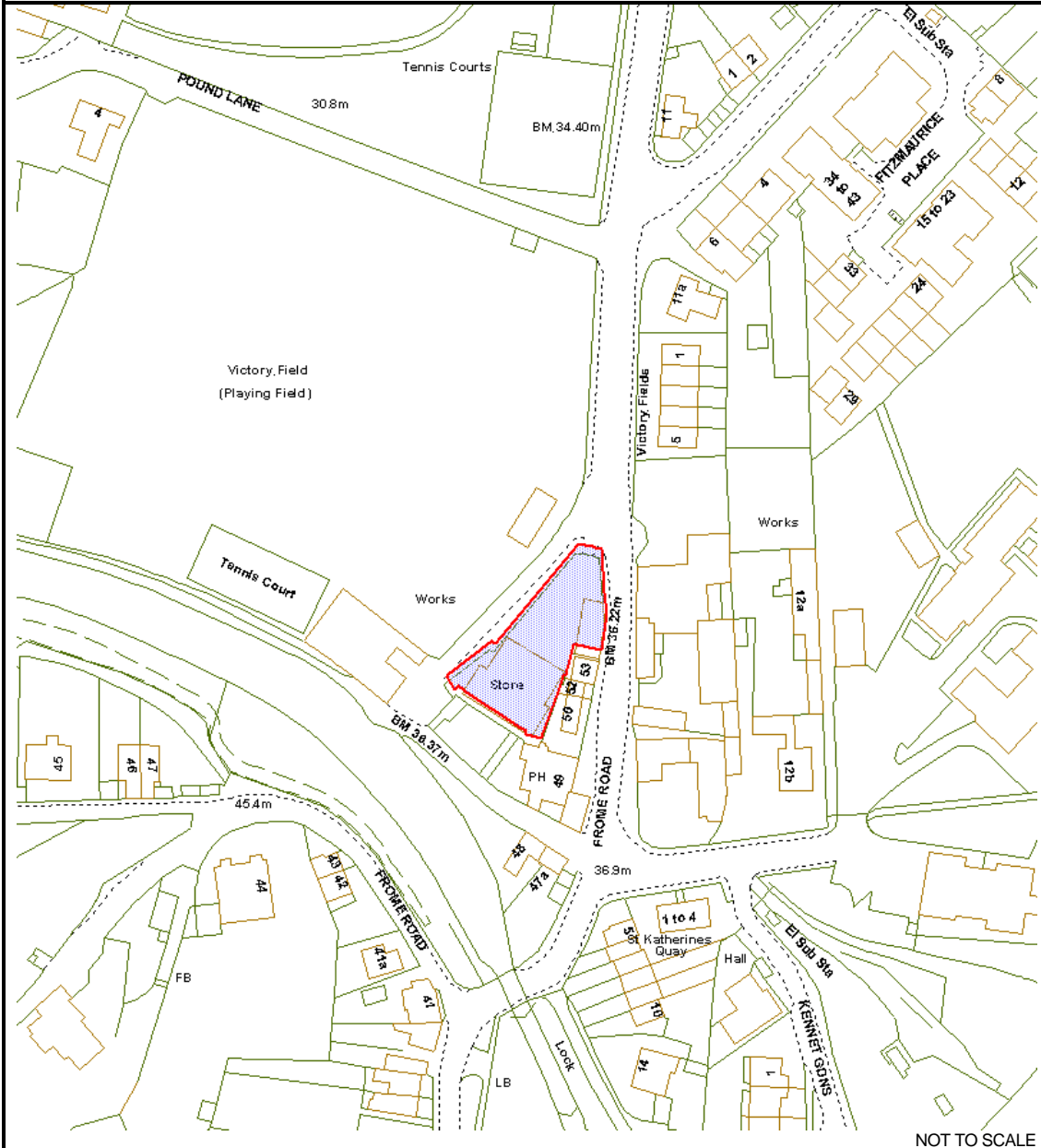
PLANNING COMMITTEE

1 June 2006

ITEM NO: 04

APPLICATION NO: 05/02470/CON

LOCATION: Former Depot Frome Road Bradford On Avon
Wiltshire



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

SLA: 100022961

04 Application: 05/02470/CON

Site Address: Former Depot Frome Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382545 160368

Application Type: Conservation Area

Development: Demolition of existing office and warehouse, construction of 2/3 storey office/studios/workshops and 4 three storey houses

Applicant Details: Wela Invest (UK) Ltd
1-2 Queens Parade Place Bath BA1 2NN

Agent Details: Tektus Architects
St George's Lodge 33 Oldfield Road Bath BA2 3NE

Case Officer: Mr Peter Westbury

Date Received: 20.10.2005 Expiry Date: 15.12.2005

REASON(S) FOR CONSENT:

The loss of the buildings on the site would not have a detrimental impact on the Conservation Area.

RECOMMENDATION:

Conservation Area Consent be granted at a future date in the event of the Development Control Manager being satisfied as to grant Planning Permission for application 05/01664/FUL, which is subject to the prior completion of a Legal Agreement.

Condition(s):

- 1 The consent hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 No development shall take place until the contract to redevelop the site, as approved in application 05/00723 has been let, and work is ready to commence on site.

REASON: In order to preserve the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C17

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the Town Council objects, contrary to Officer's recommendation.

This is a Conservation Area consent application for the demolition of all buildings on land at the Former Depot, Frome Road, Bradford on Avon. The application site is located with the settlement boundary of Bradford on Avon. It is surrounded by a mixture of residential and commercial uses on Frome Road, including the Canal Tavern Public House to the east and the Kennet and Avon Canal to the south of the site, and recreational land to the north.

The site contains a group of buildings currently vacant industrial buildings.

This Conservation Area consent application accompanies the full planning application 05/01664/FUL for a mixed-use development of the site.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object to the demolition of the existing buildings as the application for demolition consent is premature in the absence of acceptable plans for redevelopment and is therefore contrary to the advice given in paragraph 43.27 of PPG15. The Town Council recommends refusal of this application on the grounds that the site should not be considered for any use other than employment and specifically light industrial and the proposal is contrary to Policy E5.

STATUTORY CONSULTATIONS

- COUNTY ARCHAEOLOGIST: Given the proposed development area will have been disturbed in part by the existing buildings and underground tanks I would suggest the usual approach of undertaking field evaluation is inappropriate. Instead I would recommend that an archaeological watching brief is conducted during any ground works associated with the development."

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No objections.

PUBLICITY RESPONSES

This application was advertised by press and site notice.

2 letters of objection received to application 05/01664/FUL issues related to the application for full planning permission.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016
HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004
C17 Conservation Areas
C22 Demolition in Conservation Areas

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issue for this Conservation Area consent application is what level of a contribution do the existing buildings make to the character and appearance of the Conservation Area, and what affect would their demolition would have on the area.

PLANNING OFFICER COMMENTS

The buildings within this site reflect the function and form of the site usage as a former depot. However, these are not in keeping with prevailing styles, materials and form in use in the Conservation Area as a whole. From the Frome Road and recreation ground elevations the site appears as an untidy collection of poor quality industrial buildings, of little architectural or historic merit and generally the amalgamation of buildings detract from the character and appearance of the Conservation Area.

The demolition of this building would be appropriate as the buildings make no positive contribution to the character of the Conservation Area. The proposed demolition is therefore consistent with advice in Policy C22. The consent for the demolition of these buildings within the Conservation Area would enhance its character and appearance.

CONCLUSION

For the reasons stated above this application is recommended for consent as there would be no harm to the character or appearance of the Conservation Area.

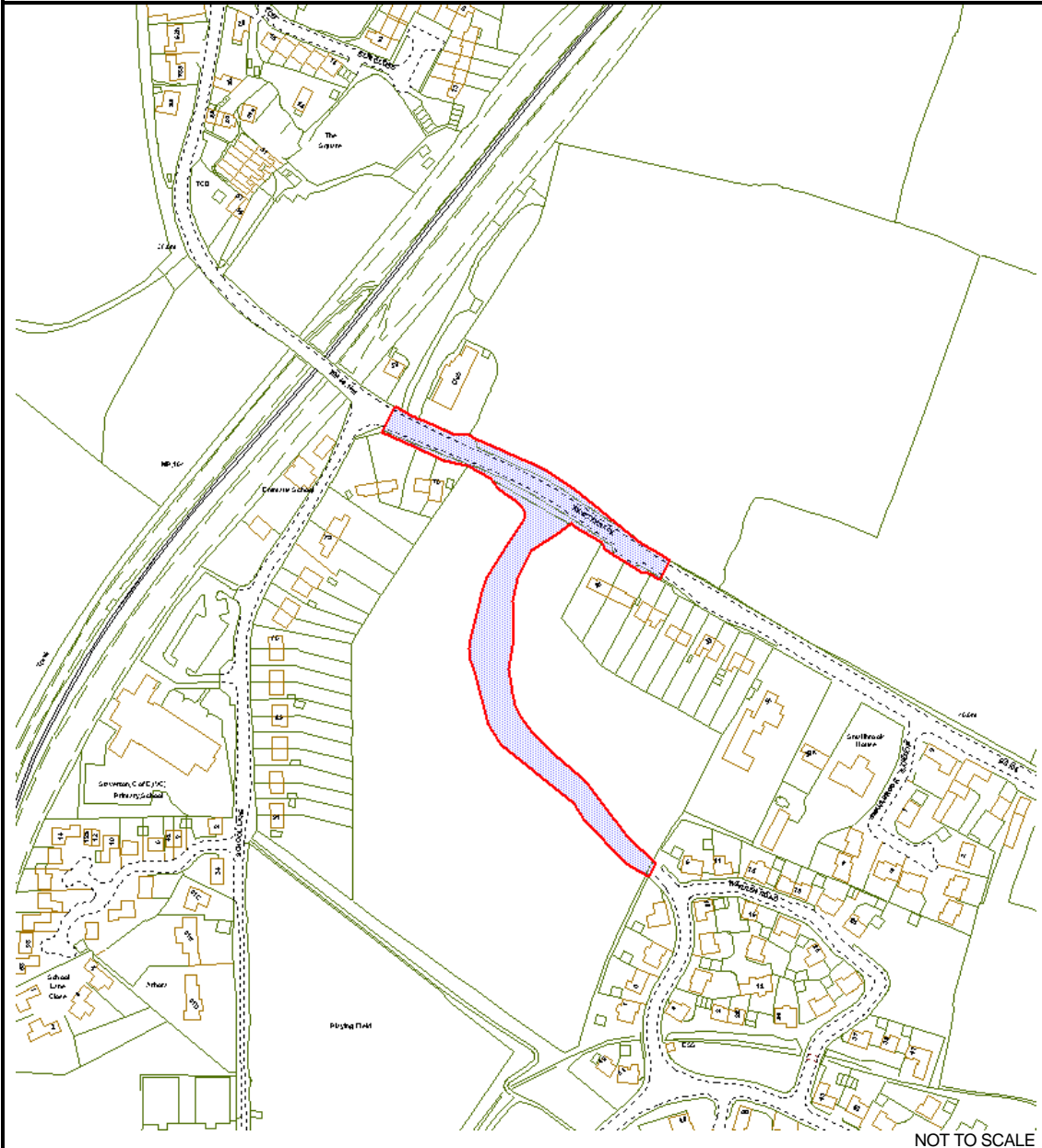
PLANNING COMMITTEE

1 June 2006

ITEM NO: 05

APPLICATION NO: 06/01036/FUL

LOCATION: Land Between New Terrace And Marina Drive
Staverton Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 06/01036/FUL

Site Address: Land Between New Terrace And Marina Drive Staverton Wiltshire

Parish: Staverton

Ward: Paxcroft

Grid Reference 385755 160318

Application Type: Full Plan

Development: Construction of link road

Applicant Details: Persimmon Homes (Wessex) Ltd
C/o Pegasus Planning Group 6 -20 Spitalgate Lane Cirencester
GL7 2DE

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

Case Officer: Mrs Rosie MacGregor

Date Received: 30.03.2006

Expiry Date: 25.05.2006

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 Notwithstanding the submitted plans no work for the construction of the proposed road shall commence on the development site until the design and specification, including full details of the construction and materials, have been approved in writing by the Local Planning Authority and the works shall be fully implemented to the satisfaction of the Local Planning Authority.

REASON: To secure the proper development of the site in the interests of road safety.

- 3 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

REASON: to prevent the increased risk of flooding.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 4 No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant 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 2004 - Policy C16.

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

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

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

Note(s) to Applicant:

- 1 There must be no interruption to the surface water drainage system of the surrounding land. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Any culverting of a watercourse requires the prior written approval of the Environment Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

If there are any problems, or the developer would like to discuss the above matter further, you are advised to contact Dave Hughes - Development Control Engineer at the Environment Agency on 01278 484727.

- 2 The existing public foul sewer crossing the site carries flows that are prone to septicity. Whilst the new link road scheme will not require a connection, any subsequent development will have to take special precautions in connecting to the pipeline. There may also be smell nuisance from this sewer.

Wessex Water is concerned that excavation of the existing ground by 750mm will reduce the cover to the sewer and put the pipeline at risk during road construction.

Special protection measures will therefore be required, including before and after CCTV condition surveys. These measures will need to be agreed with Wessex Water prior to construction.

It is understood that the developer intends to seek approval to divert the foul sewer. It is recommended that the developer contacts Wessex Water's Development Engineer, Peter Weston, as early as possible to discuss these matters.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the construction of a link road and associated works between Marina Drive and New Terrace at Staverton.

Previously outline permission was granted for the link road with details of the means of access from New Terrace with all other matters reserved in 2002. An application was subsequently submitted for approval of reserved matters in 2005 and this was refused by the Planning Committee on 8 June 2005 for the following reason.

"The layout of the junction is not conducive to highway safety, the provisions of crossings are inadequate, the proposal does not provide a safe route to schools and the position of the bus stops are unclear, contrary to paragraph 29 of Planning Policy Guidance Note 13 -Transport."

An Appeal was then lodged and it is currently proposed that this will be heard by Public Inquiry in August.

The current application is accompanied by construction details including details of the carriageway and drainage together with traffic calming measures to include a mini-roundabout and speed cushions and provision of a forward visibility envelope midway along the route of the proposed access road where it turns towards the east.

A pedestrian crossing is shown on the main highway between School Lane and the proposed mini-roundabout.

A new bus stop together with a high-kerb would be provided on the southern carriage of the main road leading through Staverton and the existing bus shelter on the opposite side of the road would be located with a high kerb fronting the highway.

CONSULTATION REPLIES:

- STAVERTON PARISH COUNCIL: No objection to this planning application.

The Parish Council are very pleased to see that their previous comments have been considered and that the appropriate changes have been made.

- HILPERTON PARISH COUNCIL: No response.

- TROWBRIDGE TOWN COUNCIL: No response.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No highway objection is raised. However, there is an important condition which you are urged to impose as follows:

No work for the construction of the proposed road shall commence on the development site until full details of the construction and materials has been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and which must be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To secure the proper development of the site in the interests of road safety.

There is no guarantee that some of the works shown can be constructed in the form shown.

Whilst the mini roundabout is acceptable as an access option, there needs to be a considerable amount of design work carried out to ensure that it will be of a sufficient standard and properly safety audited. In respect of the Zebra crossing, there are central government requirements on the positioning and need for crossings and no studies have been carried out in this respect at this location; indeed, the location as shown; is not appropriate as there is insufficient forward visibility for vehicles approaching it from the west.

With regard to the speed cushions, these are not favoured on bus routes which is one of the main benefits of this link road and the final locations of bus stops will be dependent upon where access roads and private driveways are located. This will only be known at such time as a detailed layout plan is submitted for the layout of the estate.

- WESSEX WATER: The existing public foul sewer crossing the site carries flows that are prone to septicity. Whilst the new link road scheme will not require a connection, any subsequent development will have to take special precautions in connecting to the pipeline. There may also be smell nuisance from this sewer.

Wessex Water is concerned that excavation of the existing ground by 750mm will reduce the cover to the sewer and put the pipeline at risk during road construction.

Special protection measures will therefore be required, including before and after CCTV condition surveys. The measures to be agreed with Wessex Water prior to construction.

It is understood that the developer intends to seek approval to divert the foul sewer and it is recommended that our Development Engineer, be contacted as early as possible to discuss this."

- WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: Badgers have been reported on/or near this site.

- ENVIRONMENT AGENCY: No objection in principle subject to conditions and informatives.

- COUNTY ARCHAEOLOGIST: It is recommended that a programme of archaeological work be carried out prior to the development commencing on site.

PUBLICITY RESPONSES

The application has been publicised by site notice and press advertisement and neighbours have been notified.

Four letters of objection have been received on the following grounds:

- Impact on health and safety
- Impact on quality of life
- Traffic calming is essential
- A dangerous and ill-advised proposal
- Waste of taxpayers money
- Bus stops. There is only one bus
- The bus stop is too close to the junction and will obscure visibility
- The design and use of traffic calming needs to be reconsidered
- Harm to countryside and wildlife
- Impact of increased traffic on estate roads and additional traffic calming will be required to these roads already constructed.

PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- HE2 Archaeological or historic interest sites

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside protection
- C14 Archaeology
- C15 Archaeological development
- C16 Site of archaeological value
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- U1 Infrastructure
- U2 Surface water disposal
- U3 Flooding
- I1 Implementation

RELEVANT PLANNING HISTORY

80/00889/OUT - Residential development - Refused 13.08.80 - Appeal dismissed 27.01.81

98/00284/OUT - Residential development - Approved 04.09.98

01/01616/OUT - Outline application for link road and associated works between Marina Drive and New Terrace - Approved 28.02.02.

05/00324/REM - New Terrace link road - Refused 08.06.05 - Appeal pending

KEY PLANNING ISSUES

Planning history, highway safety, design and amenity, protected species and archaeology.

PLANNING OFFICER COMMENTS

Planning history

The requirement for additional access was established by the outline permission for residential development in 1998 which included an obligation to provide a secondary access to New Terrace on completion of 488 dwellings at the Marina development. If the secondary access is not constructed the developers will be in breach of this planning obligation.

The principle of the New Terrace link was further established by the outline planning permission in February 2002 and details of the access onto New Terrace were agreed at that time. A subsequent application for approval of reserved matters, where matters of the design and layout of the proposed link road were considered was refused and an appeal is pending.

The principle of the link road is therefore well established.

Highway issues

The Highway Authority has expressed concerns about the detail of the proposals. Although there is no objection to the link road per se it may wish to revisit elements of the overall design and has requested that any permission is subject to a condition that requires further approval in writing of the design and specification.

In the light of this condition permission can be recommended and this would enable certain details with which the Highway Authority is concerned to be agreed in writing with the local planning authority at a later stage.

The current proposals achieve substantial improvements on the previously proposed link road which omitted any form of traffic calming. However, the Highway Authority has concerns with regard to the location of the traffic calming cushions and to the zebra crossing.

Speed cushions are not favoured on bus routes but these could be redesigned and the exact location approved under the suggested condition.

The zebra crossing as currently proposed would conflict with highway safety requirements because of its location so close to a bend in the road where there is inadequate visibility to the west. However, it is possible that an alternative location, subject to the necessary study having been undertaken, could be achieved. This too can be controlled by the condition proposed by the Highway Authority.

Archaeology

An archaeological evaluation was submitted in February 2002 with the outline application which discovered a variety of archaeological features dating from the Neolithic/Bronze Age to Medieval times. Late Iron Age and Roman material was also identified, although it is unclear whether the activity relates to settlement or agricultural use. It was the view of the County Archaeologist at that time, that additional investigative work would be necessary in order to investigate and record the archaeological resource which would be disturbed by the development. There is still a requirement to carry out this work and a suitably worded condition can be imposed on the permission if granted.

Badgers

There have been a number of ecology surveys submitted for this site and surrounding area. Although badgers have been identified in the area there is no evidence of a badger sett on this site and the field in question is regularly ploughed. Badgers are afforded statutory protection and in the circumstances a condition to secure further survey work and undertake mitigation measures is considered appropriate.

There is no provision shown for badgers to cross the link road at any specific point as this forms part of a network of roads within a residential area and it is not considered necessary, although alternative mitigation measures may be required.

Other Matters

Although concern has been expressed by Wessex Water that a foul sewer crosses the site this can be diverted. It is understood that the developer intends to seek approval from Wessex Water to carry out such a diversion in the event of permission being granted.

CONCLUSION

The detail of the proposals is considered acceptable subject to the necessary conditions and informatives, and the proposals conform to planning policy for the area.

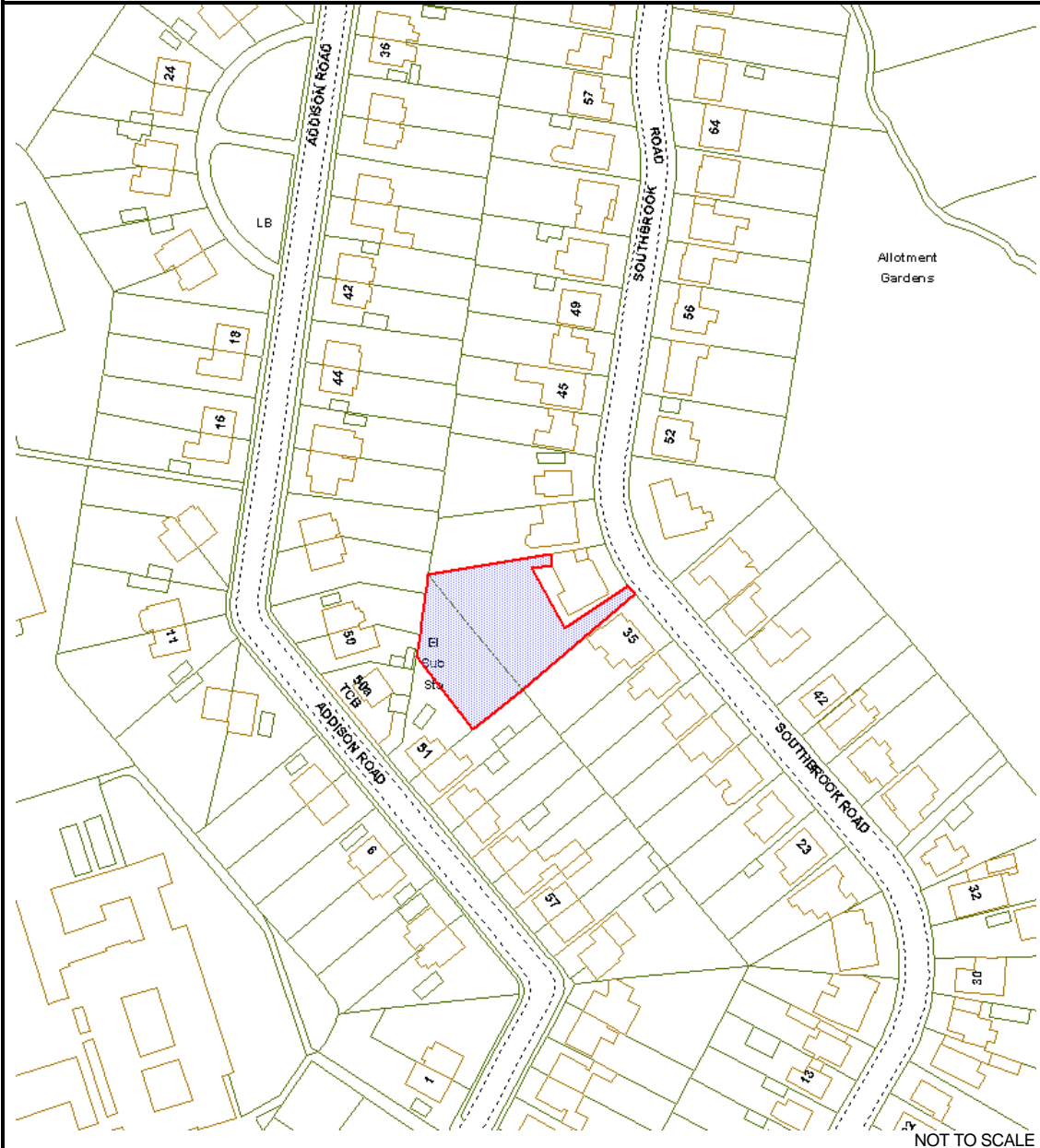
PLANNING COMMITTEE

1 June 2006

ITEM NO: 06

APPLICATION NO: 05/02476/REM

LOCATION: Land To Rear Of 37 Southbrook Road Melksham
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 05/02476/REM

Site Address: Land To Rear Of 37 Southbrook Road Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham North

Grid Reference 389778 164934

Application Type: Reserved Matters

Development: Three single storey dwellings with garages and associated new access and drive

Applicant Details: Smith Kinnear Ltd
541 Outmarsh Semington Trowbridge Wiltshire BA14 6JX

Agent Details: Brian Kirby Design
9 Pipsmore Road Chippenham Wiltshire SN12 0LB

Case Officer: Mr Peter Westbury

Date Received: 21.10.2005 Expiry Date: 16.12.2005

RECOMMENDATION: Approval

Condition(s):

- 1 All planting, seeding or turfing comprised in the approved details of landscaping shown on drawing number 342.004 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Barker and because Melksham Town Council recommend refusal, contrary to your Officer's recommendation.

This is an application for the approval of all reserved matters except the means of access to the site which was approved when outline planning permission was granted in April 2005.

The proposal is for the erection of three dwellings, one garage and four parking spaces on land to the rear of number 37 Southbrook Road between it and Addison Road, to the west.

Each dwelling would be a single storey pitched roof detached dwelling set a paved access from Southbrook Road to the south of number 37. The proposed detached garage would be located between the proposed dwellings and number 37.

The proposals have been revised to address the concerns of the Highway Authority.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: Object.

- The application does not comply with the outline planning permission which was for three dwellings and one garage;
- The detailed plan is not detailed enough. Details are missing regarding fencing, which formed part of the Inspector's recommendation in order to allow privacy for existing residents;
- Not enough detail about the type of materials being used which need to be such that the new properties need to be in keeping with neighbouring properties;
- It appears that all trees are being removed and new trees planted. There is no detailed assessment as outlined within the Inspector's Report specifying which trees should be retained, how they are going to be retained, etc;
- Concerns over access and the impact on local traffic;
- Concerns regarding access for emergency vehicles to the site;
- Councillors felt that there was a need for an impact study on drainage and sewage on the flooding in Southbrook Road which has been an issue before;

Four representations were heard at the meeting from neighbours objecting to the proposal on the following grounds: -

- Impact on wildlife;
- Does not comply with criteria stated in the Outline application, especially in relation to the existing trees on the land;
- Highway safety concerns;
- Concerns about flooding;
- Impact on existing housing in relation to parking, rubbish, extra traffic and future development.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: The advice of the Highway Authority was sought in respect of the internal road layout.

Comments on the original proposal

"The means of access to serve the site has been agreed at Outline planning stage (W04.1375) to include a 4.5 metre access width, narrowing to 4.1 metre within the site, in order to allow for two cars to pass.

The submitted layout only makes provision within the access drive for a single vehicle over its full length which will therefore result in vehicle accessing the site having to wait in the carriageway to allow existing vehicles to complete their manoeuvre.

I have assessed the parking arrangements for each of the proposed plots, and whilst the parking for Plots 2 and 3 will allow for cars to enter and leave in forward gear, it is clear that there is insufficient room behind the garage and parking space for Plot 1 to enable vehicles to manoeuvre effectively.

The layout, as submitted, is therefore unacceptable due to the restricted width of the access drive and lack of turning facilities for Plot 1.

It would seem possible to overcome these concerns and avoid a highway objection, and therefore I would be grateful if you could advise the applicant of the need to address these concerns."

Comments on the revised proposal had not been received at the time of the preparation of the report and will be reported to Committee.

PUBLICITY RESPONSES

Neighbouring properties were consulted. One representation has been received, objecting to the proposal on the following grounds: -

- The development area is too small for the number and type of proposed buildings;
- Although future developments cannot be considered as an objection, the fact that most gardens in the vicinity, including the majority of Addison Road have large gardens with access of road width to these areas and additional housing would appear to be acceptable if this planning application succeeds;
- The land as it stands has large ornamental trees positioned around the gardens. It would be impossible to develop the sites with these trees;
- Loss of privacy and light;
- Increase in noise;
- Similar developments on the site have been turned down;
- The proposed development would be overlooked;
- The proposed new development would be built on land inside the existing boundary of Addison Road, this would be the first time it would be breached in 84 years. If this is allowed, I am sure it will lead to more applications for undesirable development.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C38 Nuisance

C31A Design

SPG Residential Design Guide

National Guidance

PPS1 Delivering Sustainable Development

PPG3 Housing

RELEVANT PLANNING HISTORY

04/01375/OUT - Three dwellings and one garage - Refused 07.10.2004. Allowed on Appeal 20.04.2005 (App/F3925/A/04/1170285).

KEY PLANNING ISSUES

The principle of residential development on the site has already been established. The key issues in the determination of the current application are whether the siting of the proposed dwellings is appropriate, and whether their design is in keeping with their surroundings.

There is a further issue to be resolved in respect of the discharge of a condition attached to the outline permission relating to the loss of trees on the site.

PLANNING OFFICER COMMENTS

Siting

The siting of the proposed dwellings is considered appropriate for this site in relation to surrounding residential properties.

In commenting on the siting of future residential development at the site, the Inspector stated that it is necessary:

"... to ensure that the development was not overbearing and did not adversely affect the privacy of existing residents." (App/F3925/A/04/1170285 Decision letter, paragraph 6)

The siting of the proposal is considered to be acceptable in this regard.

Plot 1 would be located approximately 6m from the back of the rear garden of no.50 Addison Road at its closest point and approximately 14m from the main dwelling at its closest point.

Plot 2 would be located approximately 9m from the back of the rear garden of no.50 Addison Road at its closest point and approximately 20m from the main dwelling at its closest point.

Plot 3 is located in close proximity to no.39 Southbrook Road. It would be located approximately 7m from the main dwelling at its closest point.

These distances will ensure that the amenity of surrounding residents is not compromised by this development.

Design

The design of the proposed dwellings is considered appropriate in that all are single storey in compliance with condition 4 attached to the outline permission. The design would be in scale and character with the bungalow at no.37 Southbrook Road. The Inspector was concerned that the proposed dwellings should all be single storey:

"Bearing in mind the position of the site in relation to existing housing I am firmly of the view that, in order to protect the privacy of local residents, the dwellings should be single storey only and I intend to impose a condition to that effect."

The materials to be employed in the construction of the bungalows is controlled by condition 5 attached to the outline permission.

Issues in Relation to the Loss of Trees on Site

In allowing the appeal, the Inspector attached the following condition, which stated:

"The plan and particulars submitted in accordance with Condition 1 above shall include:

- a) a plan showing the location of all trees to be retained and the crown spread of each retained tree;
- b) details of the species and an assessment of the general state of health and stability of each retained tree.
- c) Details of any proposed topping or lopping of any retained trees
- d) Details of the specification and position of fencing, and of any other measures to be taken, for the protection of any retained tree from damage before or during the course of development."

The Inspector commented:

"I have noted above that there are several trees on the site. While probably not important individual species, they nevertheless contribute to the character and appearance of the immediate locality and should, in my view, be taken into account and where possible retained as an integral part of the development. The appellant has stated there would be no loss of trees 'of amenity value'. However none is shown to be retained on the illustrative layout and therefore I conclude that this plan would not form a suitable basis for a detailed submission."
(App/F3925/A/04/1170285 Decision letter, paragraph 10)

Despite this condition and comments of the Inspector, the applicants have removed all the trees on the site. This has been of great concern to local residents. The applicants are not in breach of the condition because the permission has not been commenced.

However, the applicants were ill advised to remove the trees on the site in the light of the Inspector's condition. The landscaping condition is proposed to mitigate the impact of this loss of trees. Officers take the view that there is now an opportunity to achieve higher quality landscaping on the site.

The applicants have been invited to submit detailed landscape proposals for the site. This work has been submitted and forms part of this application. In this case, it is considered to be appropriate to add a condition to the reserved matters approval requiring that this landscape scheme is implemented prior to the first occupation of dwellings on the site.

CONCLUSION

The siting, design, external appearance together with the additional information in respect of tree planting and the landscaping is acceptable.

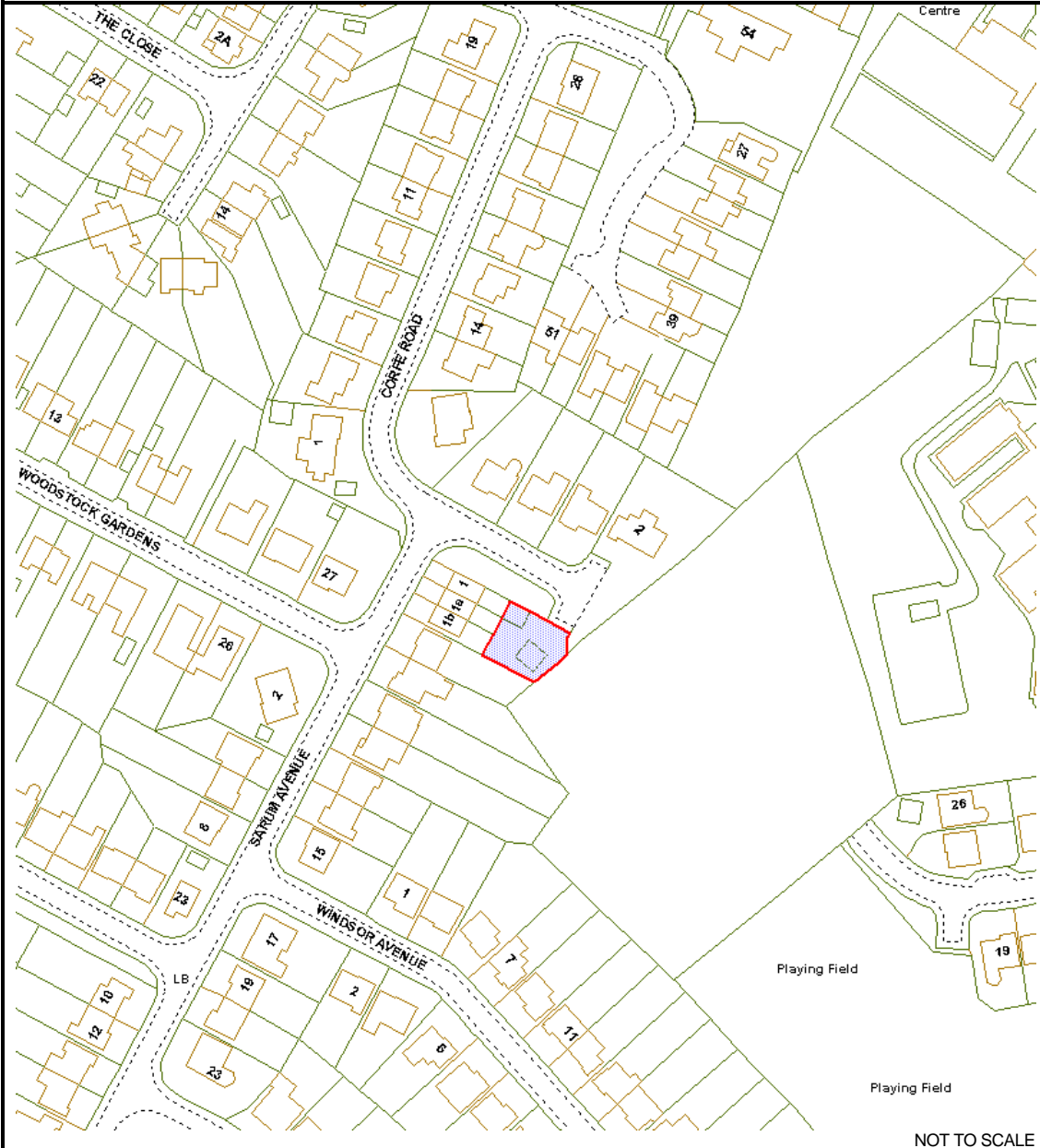
PLANNING COMMITTEE

1 June 2006

ITEM NO: 07

APPLICATION NO: 06/01065/FUL

LOCATION: Land Rear Of 1 To 1b Sarum Avenue Melksham
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 06/01065/FUL

Site Address: Land Rear Of 1 To 1b Sarum Avenue Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham Spa

Grid Reference 390769 163093

Application Type: Full Plan

Development: Erection of two semi detached dwellings with parking

Applicant Details: Westhead Estates Ltd
Care Of Agent

Agent Details: Willis And Co
30 The Causeway Chippenham Wiltshire SN15 3DB

Case Officer: Miss Nicola Rogers

Date Received: 30.03.2006 Expiry Date: 25.05.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

- 7 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.

- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added above ground floor level to the north west elevation of the pair of semi-detached dwellings hereby permitted.

REASON: In the interests of amenity and privacy.

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

- 9 The development hereby permitted shall not be occupied until three parking spaces have been provided within the curtilage of the site.

REASON: IN the interests of highway safety

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.

The application is for the erection of a pair of semi-detached dwellings on land to the rear of 1 - 1b Sarum Avenue. The three dwellings to the front of the site have been permitted in their current form by appeal on application number 05/00880/FUL. This proposal allowed parking at the front of the site and shorter gardens at the rear, thereby relieving space for the current proposal.

The applicant has stated that the present use of the site is as a domestic garden, therefore the application site should be considered as previously developed land. However, it is noted that when planning permission was granted for the three dwellings in Sarum Avenue (05/00880/FUL) the application site was not included. There is therefore no planning permission for the use of this land as a rear garden. As land in a built-up area which has not been developed previously it does not fall into the category of previously developed land as defined by PPG3 Annex C.

The proposal in this case included the siting of a pair of semi-detached dwellings directly to the rear of 1-1b Sarum Avenue, these would be positioned to face onto the spur of Corfe Road to the side of the site.

Each dwelling would have two bedrooms and a suitable amount of outside space. Two parking spaces are allocated for the two dwellings.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: object to the application on the grounds of the failure of the applicant to comply with previous planning conditions imposed on this application. The proposed development would contravene policy C38 (detrimental to neighbouring properties) and H1 (overdevelopment of the site)

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: In view of the Planning Inspector's decision on the appeal for application 04/00612, I wish to raise no highway objection subject to the following condition being attached to any permission granted:

The development hereby permitted shall not be occupied until three parking spaces have been provided within the curtilage of the site.

PUBLICITY RESPONSES

Four letters of objection have been received. The following points are raised:

- Increase the problems from traffic at a busy junction
- Destroying the fabric of the estate
- Problems with overlooking the surrounding properties
- Pattern of development is not in keeping with the rest of the estate
- A similar scheme has already been refused by the Council
- Confusion over land ownership

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1 - Priorities for Sustainable Development

DP3 - Towns and Main Settlements

DP7 - Housing in Towns and Main Settlements

DP9 - Reuse of Land and Buildings

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design

C38 - Nuisance

H1 - New Housing Development

H24 - New Housing Design

T10 - Car Parking

U1a - Foul Water Disposal

U2 - Surface Water Disposal

PPS1 - Delivering Sustainable Development

PPG3 - Housing

Supplementary Planning Guidance - House alterations and extensions

RELEVANT PLANNING HISTORY

02/01014/FUL - Demolish existing house and construction of 3 houses (permission 12/12/02)

03/01045/FUL - Erection of 3 dwellings (revised proposal) (refused 26/8/04)

04/00612/FUL - Erection of two semi-detached dwellings at land to the rear of 1 Sarum Avenue and retention of three dwellings and formation of parking off Sarum Avenue for existing dwellings 1-3 Sarum Avenue, Melksham without complying to Condition 5 of permission W02/01014 (parking). (No decision; appeal dismissed on 15/3/05)

05/00880/FUL - Erection of three dwellings with parking (revised) (refused 8/9/05 allowed on appeal 22/2/06)

KEY PLANNING ISSUES

The main issue in this case is if the proposal is in accordance with policy H1 of the West Wiltshire District Plan 1st Alteration 2004. The suitability of the parking provision and the effect on neighbouring properties should also be considered.

The planning history of the site is a key material consideration on this application, the site has been the subject of three appeals, one of which related to two dwellings on this land.

PLANNING OFFICER COMMENTS

The scheme proposed in this case is identical to that included in application 04/00612/FUL, subsequently dismissed at appeal. Therefore the appeal decision letter contains key pointers for the determination of the application and will be quoted throughout this report.

The plot of land is within the town policy limits of Melksham and as such new development would be subject to the criteria in Policy H1 of the West Wiltshire District Plan 1st Alteration. The development of the site for housing is acceptable in policy terms if it meets these criteria.

Character and Appearance of the Area

This site is located in a residential area, characterised by single detached dwellings and pairs of semi-detached dwellings. The dwellings in Corfe Road at this point are two-storey detached dwellings in good sized plots.

In this case the development would make efficient use of this land consistent with advice in PPG3. The proposal would be at a density of 72 dwelling per hectare, compared to an average density of approximately 31 dwellings per hectare in the immediately surrounding area.

The siting and form of the two semi-detached dwellings would be in-keeping with those already constructed of 1, 1a and 1b Sarum Avenue and would face on the street, akin to the detached dwellings to the north of the application site. However, the gardens associated with these proposed dwellings would be significantly smaller than the average in the area.

The previous application and subsequent appeal did not address issues such as the density of the development in relation to the surrounding area in the reasons for refusal and appeal decision. As the scheme being considered in this case is the same as that considered by application number 04/00612, and subsequently dismissed on appeal, these issues should not be used to refuse this application.

Parking Provision

The parking provision for this scheme is appropriate. The proposal makes provision for two spaces for the two dwellings.

The Highway Authority have not objected to the application on the basis of parking provision provided.

Effect on Neighbouring Properties

The Inspector also addressed this issue, he stated: "The two new houses would be built to the rear of and right angles to the existing three. There would be no windows in the side of them and so no potential for overlooking the rear of No objections. 1-1b Sarum Avenue, but the rear elevations would face the rear garden of no.3 Sarum Avenue and other gardens beyond. At their nearest the rear of the houses would be within about 5.5m of the boundary with no.3. However, at ground floor level the windows could be screened whilst on the first floor the bathroom windows are shown to be fixed and obscure glazed with the bedroom windows set further back."

This proposal is slightly different to the scheme considered in the appeal. The difference being a small fixed and obscure glazed window in either side elevation, to serve a stairwell. The window facing the existing properties would, likewise, not result in overlooking.

Other Issues

It is not clear as to what the Town Council is referring when they comment that the applicant has failed to comply with previous planning conditions imposed on this application as the previous application was refused. The buildings at 1 - 1b Sarum Avenue are not part of this application and should be considered as a separate matter.

One neighbour has suggested that the applicant does not own the entire site and has provided a number of plans to that effect. However, it would appear that the plans contradict on another and the piece of land in question is approximately 11 square metres in area and constitutes part of parking space number 2. The neighbour is not claiming to be the owner of this land and the person named by the neighbour to be the owner has not backed up the assertion. Land ownership is not a material consideration in this case, however, the applicant should be made aware of the situation through an informative on any permission.

CONCLUSION

Whilst the scheme may not follow the pattern of development in this part of the estate, the previous Inspector's decision addresses the relevant issues and the application should be permitted in line with the appeal decision.

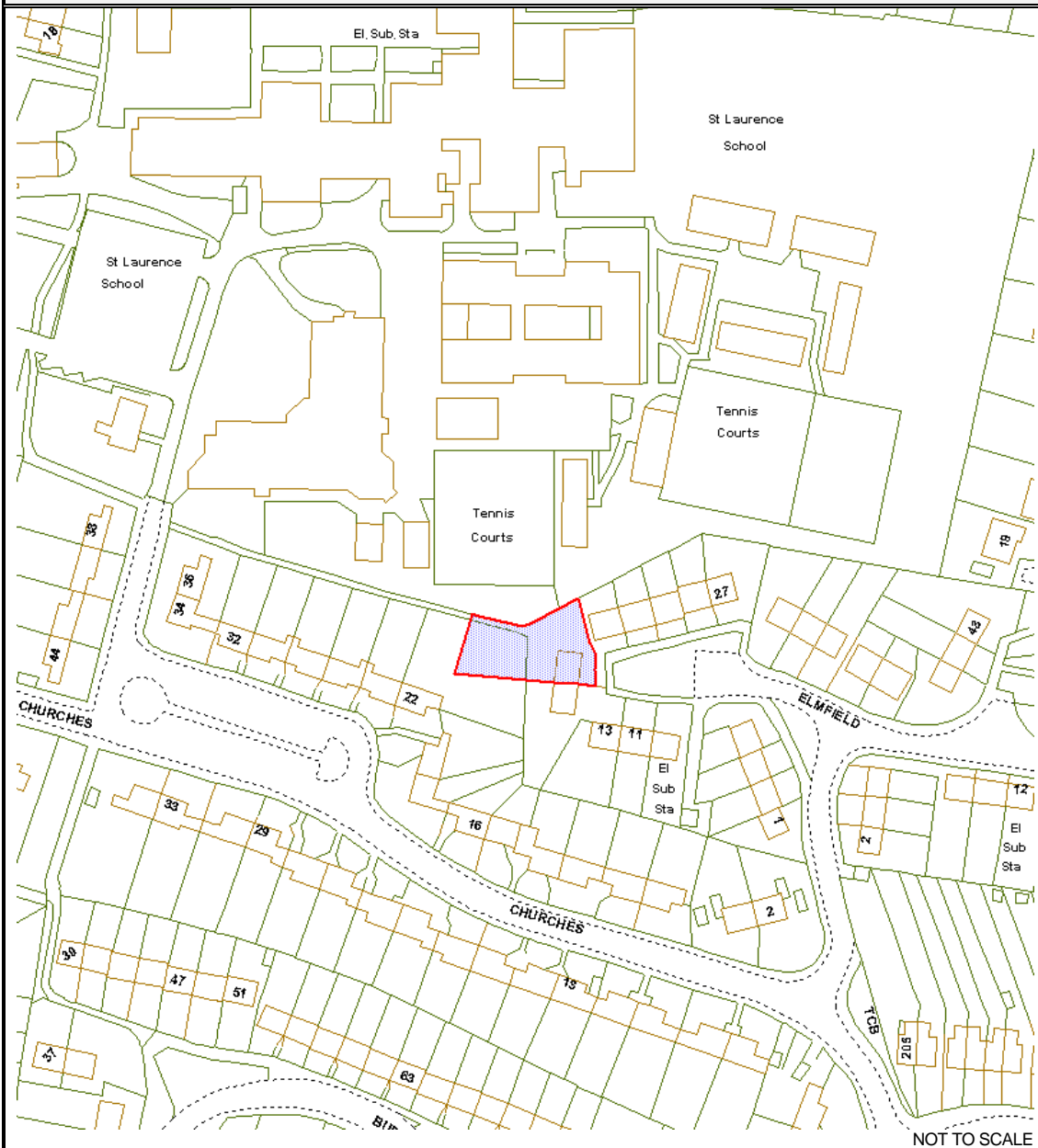
PLANNING COMMITTEE

1 June 2006

ITEM NO: 08

APPLICATION NO: 06/00745/FUL

LOCATION: 17 Elmfield Bradford On Avon Wiltshire BA15 1RH



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 06/00745/FUL

Site Address: 17 Elmfield Bradford On Avon Wiltshire BA15 1RH

Parish: Bradford On Avon Ward: Bradford On Avon North

Grid Reference 382093 161343

Application Type: Full Plan

Development: Two storey and single storey extension to rear and side

Applicant Details: Mr Greg Baird
17 Elmfield Bradford on Avon BA151RH

Agent Details: Mr Ben Donadel
21 Van Diemens Lane Bath BA1 5TW

Case Officer: Mr David Cox

Date Received: 13.03.2006 Expiry Date: 08.05.2006

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 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 Notwithstanding the provisions of Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted on the first floor of the southern side elevation of the two storey rear extension.

REASON: In the interests of neighbouring amenity

POLICY: C38 of the West Wiltshire District Plan 1st Alteration 2004

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford-on-Avon Town Council objects and your Officers recommend approval.

This is an application for a 2-storey rear extension and a further single storey side and rear extension at 17 Elmfield, Bradford-on-Avon. This is a residential cul-de-sac comprising of a mixture of 2 storey dwellings and bungalows. No 17 is a 2-storey semi-detached property built with reconstituted stone blocks under a brown concrete tiled roof.

The neighbouring semi No 15 has a 2-storey side extension built flush with the front wall and a centrally placed front lean-to section. The other neighbouring dwelling No 19 is an end of terrace bungalow. A 1.8 metre tall close-boarded fence defines the rear garden boundary with No 15. The rear garden boundary is defined by a 1.5 metre tall stone wall, which looks out onto an open parcel of land, which is included in the red outline of the site plan. The northern side boundary is defined by a 2 metre tall open wire mesh fence that looks out on to the tennis courts which form part of St Lawrence School.

The proposal would have a 2-storey gable ended section located towards the northern side of the rear elevation. It would be set down from the ridge of the main roof and be built with matching materials. On either side of the 2-storey extension would be single storey sections with mono-pitched roofs. One of which would wrap around the north west corner of the host building and extend approximately half way on the side elevation up to where there is an existing side door. The 2-storey section would only have one bedroom window at first floor, which is on the rear elevation looking out towards the open parcel of land behind.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object. "This 2-storey and single storey extension is too large for the host building."

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31A - Design

C38 - Nuisance

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

No 15: 00/01503/FUL - 2-storey end extension - Permission 12.10.2000

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 there are two main considerations: the design and impact of the proposal on the host building and the impact on neighbouring amenity.

PLANNING OFFICER COMMENTS

This semi-detached pair has already had a 2-storey side extension at No 15 built flush with the front wall of the host building. This gives the impression that the built form is more of a terraced row of three rather than a semi-detached pair. Therefore, the principle is that the host building has already a large built form.

This proposal would add little to the built form when viewed from the open green in front of the semi-detached pair. The side elevation would only be single storey and set back approximately 2.6 metres from the front wall of the host building. The increase in size and bulk would be screened by the host building itself from the majority of the rest of the street. Therefore there would be no adverse harm caused to either the host building or its position on the street scene.

This side single storey section would then wrap around the northwest corner of the host building linking on to the 2-storey section. It is also considered that this section is an appropriate addition to the host building. This is because it matches the design and form by having a gable end and is also set down meaning it is subservient. It would therefore comply with both Policy C31a of the Local Plan and advice contained within the SPG.

The impact on neighbouring amenity also has to be considered. The 2-storey section because of its size and bulk would be the most likely to possibly cause nuisance to neighbouring amenity. However as the only neighbour to be affected is due south of the application site, any overshadowing would only occur on the applicants own side and rear garden. The 2-storey section would only have one bedroom window facing out onto the open parcel of land ensuring that no overlooking would occur on the rear garden of No 15. In order to ensure that this remains in perpetuity a condition shall be made to stop any further windows being inserted on the southern side elevation of the 2-storey extension. This is because it would directly overlook the rear garden of No 15.

The two single storey elements either side of the 2-storey section are not of a size to cause overlooking or overshadowing of neighbouring amenity and the same principle applies in that No 15 is due south of the proposals ensuring that shadowing will not occur.

No overshadowing will occur on the bungalow No 19 than already exists by the size and bulk of the existing building but No 19 has no windows on its side elevation or side garden in which to overshadow.

CONCLUSION

Therefore the Town Council's objection cannot be supported because it is considered that the proposal would be appropriate addition to the host building. This semi-detached pair is already a large building but this proposal would not add significant bulk that would be visible from the streetscene. Therefore the impact upon both the host building and its position on the street scene would be minimal. For the above reasons the application should be granted planning permission.

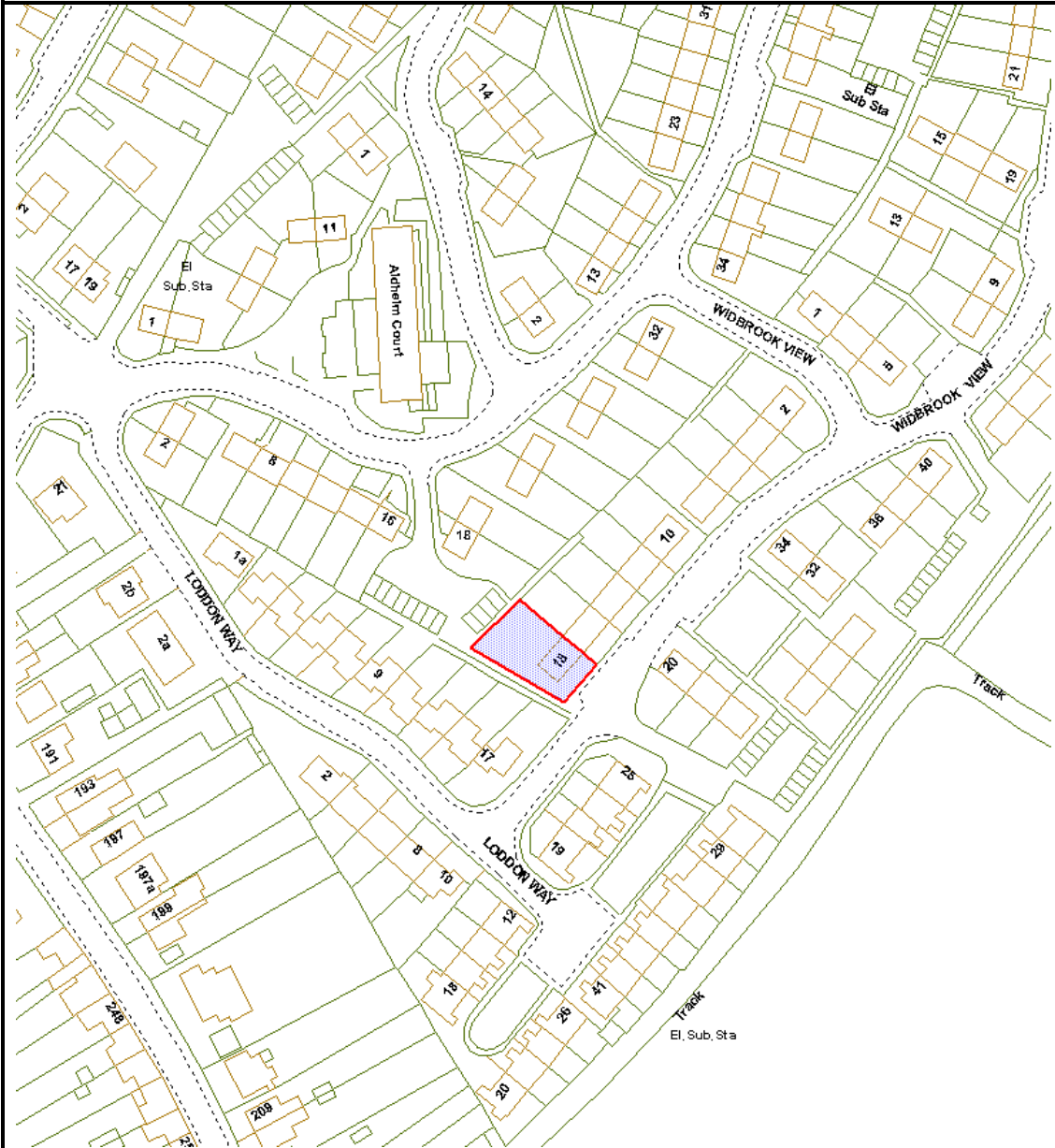
PLANNING COMMITTEE

1 June 2006

ITEM NO: 09

APPLICATION NO: 06/00899/FUL

LOCATION: 18 Widbrook View Bradford On Avon Wiltshire BA15 1HH



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SLA: 100022961

09 Application: 06/00899/FUL

Site Address: 18 Widbrook View Bradford On Avon Wiltshire BA15 1HH

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 383377 160038

Application Type: Full Plan

Development: Erection of 1.8 metre high close board fence and gate

Applicant Details: West Wiltshire Housing Society
Bryer Ash Business Park Bradford Road Trowbridge Wiltshire
BA14 8RT

Agent Details:

Case Officer: Mr David Cox

Date Received: 16.03.2006 Expiry Date: 11.05.2006

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 proposed fence 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Bradford on Avon Town Council object and your officers recommend approval.

This is an application for the erection of a 1.8 metre tall close-boarded fence on the side and rear elevation of 18 Widbrook View, Bradford on Avon.

An approximately 1-metre tall open wire meshed fence currently defines the side garden that is adjacent to a public footpath that links Widbrook view to Southville Road. The back gardens of 11-17 define the other side of the footpath and these properties have approximately 1.4 -1.6 metre tall fencing. The rear boundary is defined by an approximately 1.4 metre tall fence, part of which is also adjacent to the public footpath and is attached to a row of detached garages. Adjacent to the opening of the path onto Widbrook View there is a lamppost.

The fence would have concrete posts every three metres and would run from the front corner of the property and right across the rear boundary of the property, behind the row of garages.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN Council: The Town Council has no objection if the fence ends in line with the back of the house as the resident actually wants but it should not continue to the pavement in Widbrook View.

STATUTORY CONSULTATIONS:

- Highway Authority: No objection.

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter and site notice. One letter was received.

- The fence would be totally out of character to the plan of the bungalows, which are open plan style.
- If the proposed fencing is for security why does it have to be at that height?
- Has the height of the fence been measured from the pathway or the garden level (which has been raised)? If the garden level has been raised the fencing would be more than 1.8 metres high.
- The pathway is used constantly especially by elderly people. If a fence was erected this would darken the walkway of an uneven path making it quite unsafe and dangerous. An additional light will be required for the safety of users.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C31A - Design
C38 - Nuisance

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

None.

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.

PLANNING OFFICER COMMENTS

The fence would replace an open wire meshed fence that fails to adequately secure the side and rear of this property. This proposal would ensure security for the property by being at a height of 1.8 metres (5' 9").

The letter of objection raises a number of issues. It is considered that the fence would not harm the visual amenity of the area. The materials to be employed in the construction of the fence can be controlled by condition. The entrance to the footpath is already enclosed by the rear garden fence of No 17, which additionally is closer to the main road than where the proposed fence will be. Therefore when looking from Lodden Way from the south, the proposed fence would be screened by the existing fence of No 17.

There is a lamppost, which should ensure that sufficient light is provided for users. The path is considered to be in reasonable condition so the application is not contrary to policy C38 of the Local Plan. Therefore the letter of objection and the Town Councils objection cannot be supported.

CONCLUSION

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

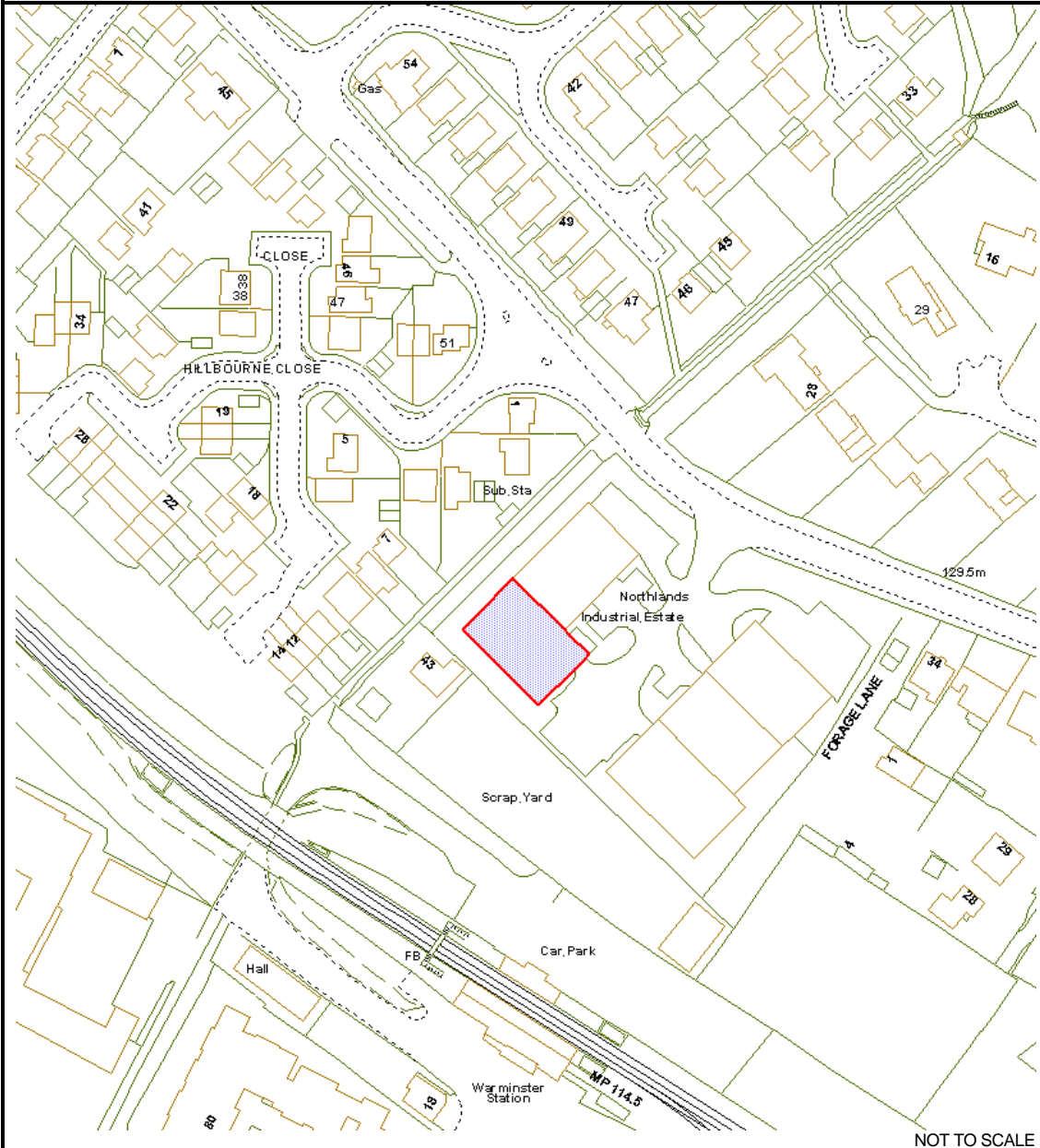
PLANNING COMMITTEE

1 June 2006

ITEM NO: 10

APPLICATION NO: 06/00378/FUL

LOCATION: 2 Northlands Industrial Estate Copheap Lane
Warminster Wiltshire BA12 0BG



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SLA: 100022961

10 Application: 06/00378/FUL

**Site Address: 2 Northlands Industrial Estate Copheap Lane Warminster
Wiltshire BA12 0BG**

Parish: Warminster

Ward: Warminster East

Grid Reference 387748 145411

Application Type: Full Plan

Development: Installation of compressors and enclosure

Applicant Details: Trans Oceanic Meat Company Southwest Ltd
2 Northlands Industrial Estate Copheap Lane Warminster Wiltshire
BA12 0BG

Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN

Case Officer: Mr James Taylor

Date Received: 02.02.2006

Expiry Date: 30.03.2006

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 The development shall be carried out strictly in accordance with the approved plans.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Planning Committee because the Town Council object to the application, and your officers recommend it for permission.

The application is for the installation of compressors and enclosure at an industrial unit on Copheap Lane, Warminster. The compressors already exist on site, and have done for a number of years with a lightweight plywood framed structure, which is covered with corrugated sheeting, and wire mesh walls.

The application originally sought to regularise the current arrangement, but following protracted negotiation with the applicant's agent has evolved into a more robust and insulated structure. The application is now for the compressor units to be housed in a structure 3.1 metres long by 1.6 metres wide. The enclosure would be 2.2 metres high. It would have concrete block walls and concrete roof, 150mm thick with an additional 25mm thick 'Coustifoam' sound insulation lining. For ventilation, access and equipment maintenance purposes it would have heavy-duty louvered doors, which would be lined with insulation to their solid areas. The doors would be located on the West/side elevation, and the South/length elevation.

The site is part of a light industrial estate on Copheap Lane in Warminster. It is situated to the south edge of the estate and as such shares a boundary with residential properties and a scrapyards site. The nearest residential property is approximately 6 metres from the compressor units, the other side of mature conifer trees and a 2-metre high boundary fence.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objects to the proposal on the following grounds:
- Would like the louvered doors on the side elevations only in accordance with neighbour's comments.
- Consider that solid doors be used to attenuate soundproofing.

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: The proposed construction including sound insulation appears to be satisfactory and I have no further comments to make.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. 2 responses to the original consultation were received objecting to the proposal due to nuisance.

Following the two subsequent revisions to the plans, which have incorporate cumulative noise attenuation measures, only 1 response has been received. This states that the application as amended is very near to meeting their concerns over noise. Requests that doors are sited on side elevations only, in which case no further objection will be made.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C36 Noise

C38 Nuisance

PPG4 Industrial, Commercial Development and Small Firms.

PPG24 Planning and Noise

RELEVANT PLANNING HISTORY

03/00927/FUL - Retention of compressors and enclosure - Withdrawn - 20/08/2004

KEY PLANNING ISSUES

The main issues to consider are if the proposed compressors and insulated enclosure would cause unacceptable levels of noise which in itself would be a nuisance and harmful to neighbouring amenity.

PLANNING OFFICER COMMENTS

Firstly however the design issues of the proposal should be addressed. The enclosure structure would be of a relatively small scale, located away from the street scene, and the public realm. It is of a form and materials that are sympathetic to the industrial building to which it relates. It would not, in terms of its form and scale, cause any harm to the host building, the street scene, or the neighbouring amenity.

The fundamental issue of noise generation and its potential harm to neighbouring amenity can now be addressed. PPG4 on Industrial, Commercial and Small Firms states that development control should not place unjustifiable obstacles in the way of development, and that planning decisions must reconcile necessary development with environmental protection and other development plan policies. Planning permission should normally be granted unless there are specific and significant objections.

PPG24 on planning and noise guides local planning authorities and states that noise can be a material planning consideration, and that housing should be regarded as noise sensitive development. Policies C36 and C38 of the West Wiltshire District Plan reflect the national guidance and are fundamental to determining this application.

The Environmental Health department has withdrawn their objection to the application with the introduction of a concrete and noise insulated enclosing unit for the compressors. This has been incorporated into the scheme at the case officer's request considering the planning history of the site. A previous application was withdrawn following an independent survey report indicated that the existing development would be likely to result in noise related complaints. Considering this and the current advice of the Environmental Health department the scheme has been revised to incorporate significant noise attenuation elements, such as 25mm thick insulation to the walls and roof and 150mm thick concrete walls and roof as opposed to the original plywood frame and mesh wire surround. The insulation material is advertised as having sound absorption properties.

Despite the improvements to the scheme the Town Council still hold objection to the application on the grounds of the louvered doors, and their siting. These issues cannot be overcome, as the louvered doors are required for ventilation of the compressors, and have been sited for access to the equipment during maintenance. There were originally two neighbour objections to the scheme. One of which has been overcome with the noise attenuation measures, and the other partly addressed. It cannot be completely addressed as the position of the doors is determined by the need for access during maintenance. The neighbour and Town Council objections are noted, however in the opinion of your case officer's the noise attenuation which has been incorporated into the proposal means that the compressors are not likely to result in unacceptably high levels of noise for neighbouring properties. The proposals would not therefore significantly harm their amenity.

PPG24, paragraph 23 highlights that 'additional statutory powers to control noise exist outside the planning system. The granting of planning permission does not remove the need to comply with these controls.' This is important to consider in determining this application. The removal of the environmental health objections to the scheme with the recent improvement to noise attenuation and the reduced neighbour objection highlight that the scheme is not likely to result in any significant nuisance to the neighbouring amenity. Indeed the proposed scheme is a vast improvement on the existing arrangement, which appears to have been in-situ for a number of years, without the required planning consent. If, once the development has taken place, there are any justified complaints regarding noise then there are other legislative means of control and attenuation that can address the issue.

CONCLUSION

The proposed compressors and enclosing structure are not likely to create unacceptably high levels of noise, and as such would not harm the neighbouring amenity. The proposal conforms to the national guidance and Policies C36 and C38 of the West Wiltshire District Plan 1st Alteration (2004), and as such are recommended for permission.

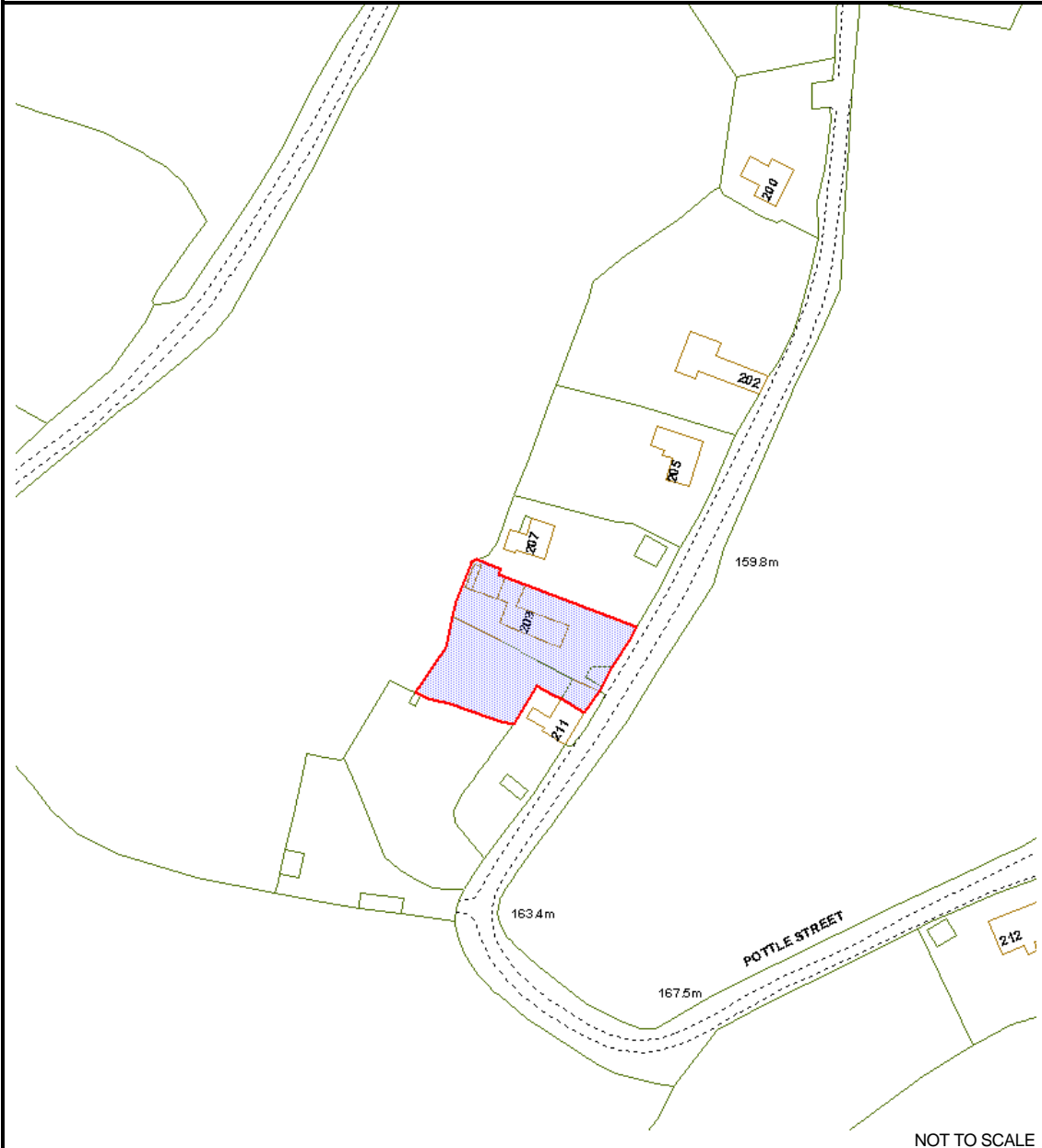
PLANNING COMMITTEE

1 June 2006

ITEM NO: 11

APPLICATION NO: 06/00975/FUL

LOCATION: 208 - 210 Pottle Street Horningsham Wiltshire BA12 7LX



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SLA: 100022961

11 Application: 06/00975/FUL

Site Address: 208 - 210 Pottle Street Horningsham Wiltshire BA12 7LX

Parish: Horningsham

Ward: Shearwater

Grid Reference 381381 140632

Application Type: Full Plan

Development: Removal of existing garage and shed and replace with new structure

Applicant Details: Mr And Mrs J Brewster
1 Reeves Piece Bratton Westbury Wiltshire BA13 4TH

Agent Details: Vines & Lipscombe
Boyers House Black Horse Lane Westbury Leigh Westbury Wilts

Case Officer: Mr Mark Reynolds

Date Received: 23.03.2006

Expiry Date: 18.05.2006

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 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 hedge on site, at the south east of the curtilage bordering Pottle Street, shall be retained to a height of not less than 2.5 metres. No part of the hedge shall be uprooted without prior written consent from the Local Planning Authority. Any part of the hedge which is uprooted, dies or becomes diseased, shall be replaced before the end of the next available planting season with a species details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development harmonises with its setting within the curtilage of a Listed Building in the Conservation Area.

POLICY: West Wiltshire District Plan 1st Alteration (including proposed modifications) - Policies C17, C27, C31, C2 and C32.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Horningsham Parish Council object to the application in its current form and Officers recommend permission.

This is a full planning application for a replacement garage at 208-210 Pottle Street, Horningsham.

The proposed garage would measure 7m by 6m in its footprint and it would stand 3.9m in height to ridge level of the proposed pitched roof. The garage would be constructed in natural stone random rubble walls with a blue slate roof.

The garage is located within the curtilage of a Grade II Listed Building and is also located within a Conservation Area. The application site is also located within an Area of Outstanding Natural Beauty.

A previous application reference 06/00040/FUL was refused planning permission for a garage which was to be constructed in render.

CONSULTATION REPLIES:

- HORNINGSHAM PARISH COUNCIL: Comment as follows; "The Parish Council believes the objection by a neighbour, is valid. The new garage would be so close to her house that she could not put up a ladder. I understand that they have now met and agreed to alter the plan to give more space. It would also provide more light to a window. If this is done there would be no objection."

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: The proposal is to replace an existing garage, as there will be no changes to the parking layout or provision, no highway objection is raised.

PUBLICITY RESPONSES

Two letters were received raising the following issues;

- Access to maintain neighbouring property
- Loss of light to a window
- Loss of hedgerow
- Incorrect measurements on plans

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C17 - Conservation Areas

C18 - New development in Conservation Areas

C27 - Listed Buildings

C28 - Alterations and extensions to Listed Buildings

C31a - Design

C38 - Nuisance

SPG - Planning Design Guidance on House Alterations and Extensions

RELEVANT PLANNING HISTORY

81/01201 - Extension - Permission

90/01584/LBC - Single storey extension - Permission

06/00040/FUL - Replacement garage - Refusal

KEY PLANNING ISSUES

The key planning issues for consideration in this case are, planning history, the impact of the replacement garage on the Conservation Area and the setting of the Listed Building and issues of neighbouring amenity.

PLANNING OFFICER COMMENTS

The Council has a duty to protect the historic environment. "Under Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

A previous proposal was refused on the basis that the rendered garage previously proposed would harm the setting of the Grade II Listed Building and that the proposal would harm the character and appearance of the street scene and the Conservation Area within which the site is found.

There is a garage on site at present which has a footprint of 5m by 5m. It stands 2.7m in height at ridge level. There is a modest lean-to extension attached to the garage. The proposed structure would be increased in size compared to the existing garage. The existing garage is constructed of pre-cast concrete panels and an asbestos roof and is of little aesthetic merit. Notwithstanding this the proposed garage is located within the setting of a Grade II Listed Building and the application site is located within both an area of outstanding natural beauty and a Conservation Area. The quality of any replacement building should therefore be high and the site should be acknowledged as a particularly sensitive site.

The existing property is a stone built thatched cottage and the use of smooth render previously proposed would relate poorly to the host Listed Building and the closely bordering No.211. This revised proposal would be constructed in natural stone random rubble walls. This would represent a considerable improvement on the rendered structure previously proposed. Outbuildings in the locality commonly exhibit stone finishes similar to that proposed. Policy C18 of the West Wiltshire District Plan 1st Alteration 2004 states that new development in Conservation Areas will be expected to use traditional local materials. Likewise Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that the materials to be used when extending or altering a Listed Building should match those of the existing building, or exceptionally be of a colour and finish

sympathetic to the existing materials. With the revised construction materials it is considered that the proposed garage would accord with above policies. The proposal would enhance the appearance of the Conservation Area and the street scene. Likewise the revised proposal would not harm the setting of the host Listed Building.

Regarding the impact of the proposal on neighbouring amenity the neighbours concerns are noted regarding loss of light and maintenance issues. Although the proposed garage would go closer to the neighbours property the ridge-line would be oriented to run from west-east and it is not considered that given the surrounding vegetation as well that any overshadowing impact would be greatly increased from the current situation to recommend refusal on this basis. Furthermore the existing ground floor window in this position appears to serve a pantry and is obscure glazed and does not supply light to a habitable room. The agent for the application has confirmed that a gap of approximately 1m would be retained to allow maintenance of the proposed garage and the neighbouring property. The agent has also stated that the proposed garage would be located well within the ownership of the applicants.

There would remain a gap for maintenance purposes albeit that this is on a neighbourly basis because the agent confirms that following investigations the party line is in fact halfway through the width of the concrete gully which places the boundary approximately 230mm off the cottage wall of No.211. This indicates that the dwarf wall is within the ownership of the applicants. It is recognised that this contradicts the views of the objector at No.211 however the agent was asked to confirm these issues and has done so accordingly. Furthermore it is not the place of the planning process to arbitrate over boundary disputes.

The key issue is that a gap would be retained which would allow some form of maintenance it must be remembered that there already exists a garage in place albeit slightly further away from the neighbouring cottage. It also appears from the information submitted by the agent that the area to which the objector is referring to as required for maintenance falls largely within the applicant's control and therefore the civil consent of the applicants would be required to carry out maintenance works on this land and a right of access cannot be assumed. Therefore whilst the comments of the objector are noted regarding the usage of a ladder it does not appear that this could currently be done without the consent of the neighbour.

The neighbour has suggested that the garage location could be moved, it is not however the role of the planning process to suggest amendments to a scheme which is fundamentally considered acceptable.

The Parish Council's comments are noted however neither the agent nor applicants confirm that a meeting took place and that revisions were suggested and accepted by the applicants. Therefore because no amendments have been made to the plans it is taken that because the Parish Council agree with the objector that their comments on the application amount to an objection.

CONCLUSION

The reasons for the previous refusal have been overcome and the current proposal is considered acceptable and permission is recommended. There would be no harm to the historic environment.

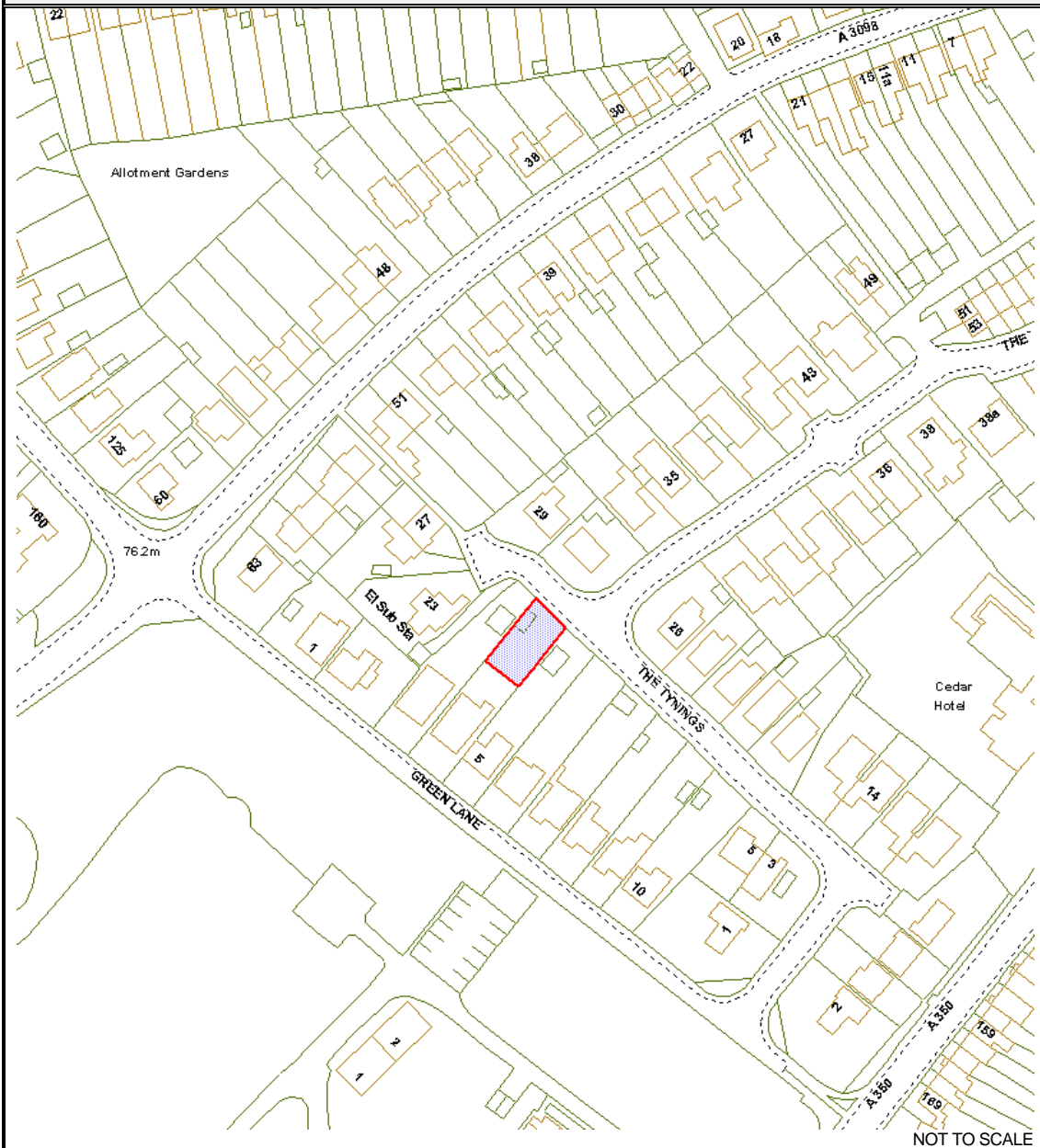
PLANNING COMMITTEE

1 June 2006

ITEM NO: 12

APPLICATION NO: 06/00630/FUL

LOCATION: Land Rear Of 4 Green Lane Westbury Wiltshire



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SLA: 100022961

12 Application: 06/00630/FUL

Site Address: Land Rear Of 4 Green Lane Westbury Wiltshire

Parish: Westbury Ward: Westbury Laverton

Grid Reference 386897 150660

Application Type: Full Plan

Development: Erection of bungalow and construction of parking bay

Applicant Details: Mr S Tilling
37 Virginia Drive Warminster Wiltshire BA12 8RP

Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN

Case Officer: Mr Mark Reynolds

Date Received: 23.02.2006 Expiry Date: 20.04.2006

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

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

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

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

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

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

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those hereby permitted shall be inserted in the roof of the dwelling hereby permitted.
- REASON: In the interests of neighbouring amenity.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C38.
- 7 The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- REASON: In the interests of road safety.
- 8 The driveways shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of highway safety.
- 9 No entrance gates shall be erected.
- REASON: In the interests of highway safety.
- 10 The gradient of the proposed driveways shall not exceed 1 in 15.
- REASON: In the interests of highway safety.
- 11 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
- REASON: In the interests of highway safety.

- 12 Each of the proposed accesses shall incorporate splays on both of its 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

- 13 The window in the roof of the south west elevation shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Westbury Town Council objects to the application and Officers recommend permission.

This is a full planning application for a bungalow to be sited at land rear of 4 Green Lane, Westbury. A parking bay is also proposed at the front of No.4 Green Lane, Westbury to serve the existing dwelling. The proposed dwelling would occupy a footprint of 9.2m by 8m with a rear projecting element measuring 4m by 4.3m. The proposed dwelling would measure 6.4m in height to ridge level sloping to 2.5m in height to eaves level. The car parking spaces at the front would require a retaining wall and two car parking spaces would be achieved.

An outline planning permission was granted for one dwelling on this site reference 05/01204/OUT with all matters reserved to erect a bungalow in the rear garden of No.4 Green Lane with access achieved from The Tynings to the rear of the existing garden of No.4 Green Lane.

The application site is currently garden land to the rear of a bungalow in the same ownership with converted loft. The application site is located within a residential street in Westbury.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: Members objected to the proposal because of the following:
1, The proposed illogical position of the parking bay - assuming the new dwelling will be independent of the existing No 4; and
2, Highways safety - the parking bay would generate even more traffic on the narrow Green Lane (parking restrictions already exist), ever mindful that this lane is the sole access to The Tynings (70 dwellings development).

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No highway objection is raised.

- WESSEX WATER: No objections.

PUBLICITY RESPONSES

Letters of objection were received raising the following issues;

- Conditions relating to rooms and windows in the roof would not be complied with
- Parking issues in Green Lane and at the front of 4 Green Lane
- Danger of garden collapse
- Traffic problems
- Loss of privacy with rooms in the roof and kitchen window in bungalow
- Precedent
- Traffic problems would be caused during construction
- Overdevelopment
- Plans should have dimensions and site and block plan are too dated with extensions at neighbouring properties.
- Lack of safety rail for parking bay
- Not intended for social housing
- Bungalows No.14 and 16 are sinking so any new build should have deep foundations and may impact on sewers
- Access for emergency vehicles restricted

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

H1 - Housing development within towns

H24 - New Housing Design

C38 - Effects of development on neighbouring properties

C31A - Design

T10 - Car parking

PPS 1 - Delivering Sustainable Development

The Planning System: General Principles

PPG 3 - Housing

RELEVANT PLANNING HISTORY

05/01024/OUT - Bungalow - Permission 12.8.05

KEY PLANNING ISSUES

The main issues to consider in this application are planning history, the impact of the proposal on the character and appearance of the area, neighbouring amenity issues and highway safety considerations.

PLANNING OFFICER COMMENTS

An outline planning permission has been granted at this site which has established the site as an acceptable site in principle for a residential dwelling. The application site is located within the Town Policy Limit for Westbury. This means that the principle of further residential development is acceptable subject to a number of criteria contained in Policy H1 of the West Wiltshire District Plan 1st Alteration 2004. In this case the density of the proposed development would be 43 dwellings per hectare and this would be consistent with the advice offered in PPG 3.

Regarding the proposed bungalow and the effect it would have upon the character and appearance of the area the following is noted. The application site is located in an area which is dominated by bungalows with some two storey dwellings. Most of the streets in the area are bordered by dwellings with modest front gardens. The proposal to site a dwelling in a position closely bordering The Tynings would not in your Officer's opinion appear out of character given that the north side of The Tynings is typified by a similar pattern.

In terms of the design of the dwelling it is noted that it would be similar in terms of roof pitch, design and appearance to the bungalows which border the Tynings. The construction would use facing brickwork and concrete interlocking tiles throughout. These materials would be acceptable in this location subject to a condition requesting sample materials to be submitted.

The impact upon neighbouring amenity is now considered. There exists a rear bedroom window at first floor level in No.4. A gap would however be retained of 11m between this window and the boundary of the proposed garden for the new dwelling. This would comply with the Council's recommended distance of 10m between the neighbour's garden boundary and any directly overlooking windows. One window would be introduced into the south west elevation which would serve an en-suite and would not result in a loss of privacy.

The proposal would include rooms in the roof and four velux rooflights to supply light into these rooms. Neighbours have made representations regarding the conditions placed upon a planning appeal which was allowed at 10 Green Lane which was for a broadly similar development of one bungalow in the rear garden of No.10. It is considered that these conditions were material in that case. In particular the Inspector sought to restrict the outline permission with two conditions 7 and 8 to ensure that the dwelling was single storey with no rooms in the roof and that no windows were to be inserted into the roof. These conditions were placed upon the allowed appeal to restrict the potential for overlooking of neighbouring properties. This was important because without such conditions it would be possible for the loft space of the allowed bungalow to be converted and roof lights may have been added without requiring planning permission.

In this case this is a full planning application for which all of the details are being applied for rather than an outline application. The agent has demonstrated on plan that the proposed velux rooflights to be located in the side elevations would be placed 1.6m above floor level which would restrict people looking out from the rooflights to look up in the air or directly forward. Overlooking of neighbouring gardens from these rooflights would not therefore occur. Furthermore the introduction of rooms in the roof would not alter the appearance and form of the dwelling to any great extent.

A concern has been raised regarding overlooking also from ground floor windows in the proposed bungalow. A condition requesting details of boundary treatments is therefore proposed and it should be noted that the plot is bounded on either side by garages and therefore the potential for overlooking should be reduced.

The proposed bungalow would be separated by a sufficient distance from the existing dwelling to ensure that it would not overbear or overshadow the existing property. Both properties would retain a reasonable element of amenity space and the proposal to create a dwelling here should not result in overdevelopment, and in any case the principle of development was established by the outline permission.

A number of comments have been received regarding highway safety considerations. The Highway Authority were consulted on the application and they have raised no objections to the proposal. It is proposed that two spaces would be provided for both the existing dwelling and the proposed dwelling. A similar position exists at No.10 Green Lane where two spaces per dwelling were achieved when an application was granted permission for a dwelling fronting onto The Tynings. Furthermore the Inspector in appeal ref: APP/F3925/A/04/1158704 noted that Green Lane is reasonably straight and drivers are therefore able to see vehicles coming towards them

along virtually the full length of this section. Moreover the width of the carriageway at The Tynings, which would serve the appeal proposal, is not unduly narrow and, in my judgement, is capable of accommodating the traffic which it serves. Concerns have been raised about access for emergency vehicles the Highway Authority have not raised any concerns on this basis and the road is considered wide enough to accommodate emergency vehicles.

The proposed parking bay at the front of No.4 Green Lane would serve two spaces and it would require the grading of the land and the introduction of a retaining wall because the land rises up from the highway to the properties in green lane. There exists several other accesses out onto Green Lane and reasonable splays could be achieved out onto the public highway. The Highway Authority raise no objections to this proposal on highway safety grounds. It is therefore felt on the basis of this advice that highway safety would not be harmed by this proposal. The proposal to create parking at the front would be in keeping with the character of the area. A neighbour has raised concerns that the garden may collapse. Building Control may however consider this further when an application for building regulations approval is made in the future. A concern has also been raised that no safety rail has been proposed for the parking bay. This is however the choice of the applicant.

The issue of precedence has been raised in neighbour letters. The Council determines each application on its individual merits and a precedent would not be set were this proposal approved. The Inspector further noted that even if the proposal were to set a precedent this would not necessarily result in an unacceptable form of development and Officers concur with this view.

Comments have been received that the proposed dwelling would increase the nuisance to neighbours. Whilst these concerns are noted it is not felt that this proposal will harm neighbouring amenity, as the proposed dwelling is sufficiently far from neighbour's houses.

Issues are raised about nuisance caused during construction. Whilst Officers sympathise with these concerns it should be noted that any such nuisance would be transient.

An objection has been received regarding the submitted site plan and block plan not being completely up to date. The Council has its own systems which can be used to check the accuracy of plans and a site visit is also undertaken to enable the Case Officer to carry out a thorough inspection of the site.

An objection has been received on the basis that the proposed house would not be an affordable house. This proposal for one dwelling within the town policy limit of Westbury does not trigger a need for affordable housing.

Finally, concerns have been raised regarding impact of the development on the sewers. Wessex Water has been consulted on the proposal and has raised no objections.

CONCLUSION

The principle of development has already been established by the outline permission and the details of the proposal are considered acceptable within Council policy.

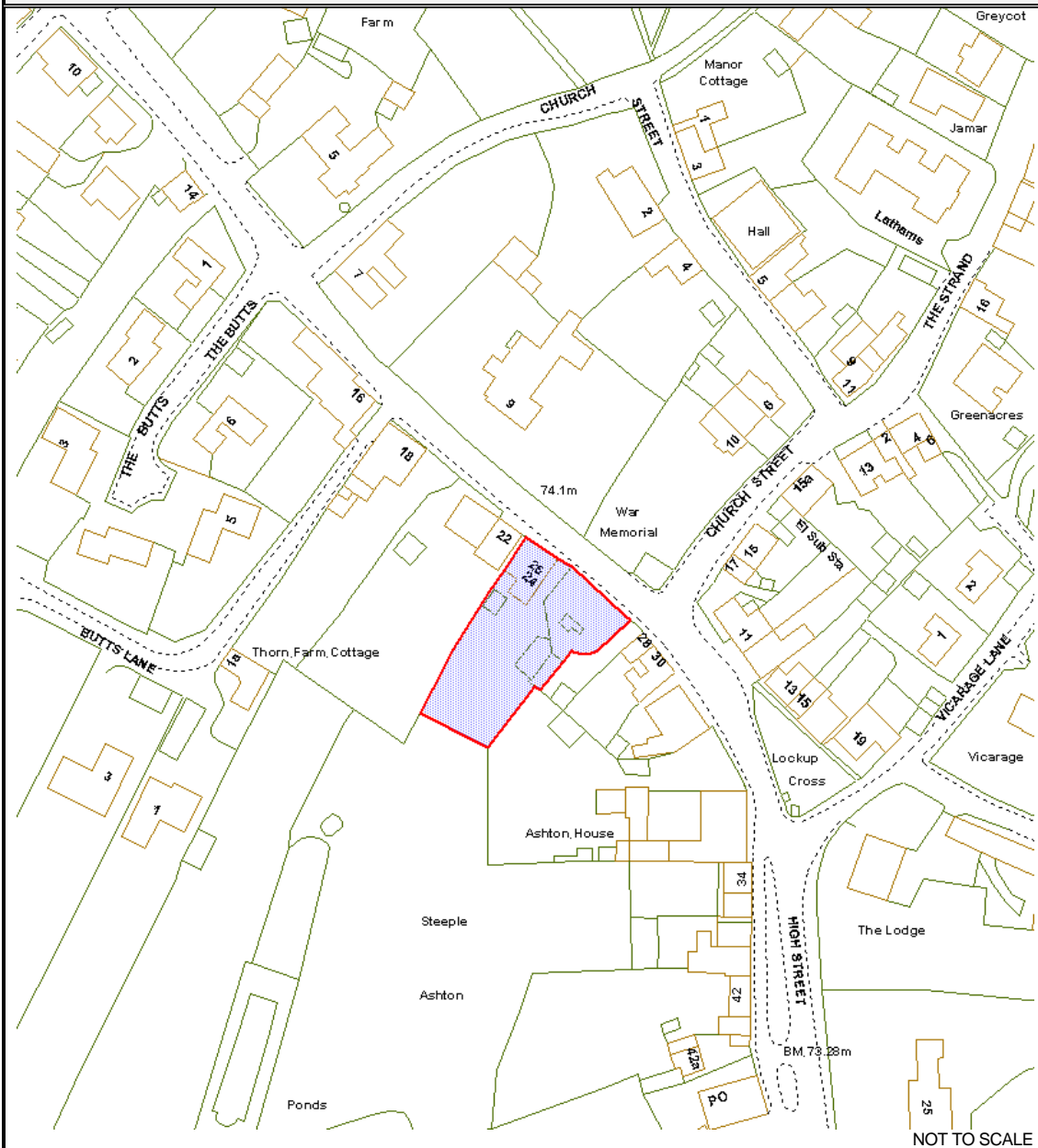
PLANNING COMMITTEE

1 June 2006

ITEM NO: 13

APPLICATION NO: 06/00603/FUL

LOCATION: 24 High Street Steeple Ashton Wiltshire BA14 6EL



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www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 06/00603/FUL

Site Address: 24 High Street Steeple Ashton Wiltshire BA14 6EL

Parish: Steeple Ashton Ward: Summerham

Grid Reference 390617 156954

Application Type: Full Plan

Development: Vehicle access

Applicant Details: Dr And Mrs P Williams
Mistletoe Cottage 28 High Street Steeple Ashton Wiltshire BA14 6EL

Agent Details: Mr H Grist
32 Daniell Crest Warminster Wilts BA12 8NZ

Case Officer: Mr David Cox

Date Received: 21.02.2006 Expiry Date: 18.04.2006

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 The brickwork and its pebbledash finish that is to be removed to create the new access shall be carefully dismantled and re-used to block off the existing access alongside the Grade II Listed Building.

REASON: To ensure no harm is caused to the setting of the Grade II Listed Building and the Steeple Ashton Conservation Area.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C17, C18, C27 and C31a.

Note(s) to Applicant:

- 1 This is a Grade II Listed Building and any works to structures within the curtilage of such buildings will need Listed Building Consent prior to any works being started.
- 2 Any alterations to the garage will need Listed Building Consent and may also need a planning application.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Steeple Ashton Parish Council recommend refusal and your officers recommend approval.

This is an application for a vehicle access at 24 High Street, Steeple Ashton. The site is within the Steeple Ashton Conservation Area.

No 24 is a Grade II Listed Building and is also known as Mistletoe Cottage. It is a 2-storey detached dwelling built with red bricks and has square-panelled timber framing on its front and side elevations. It has a detached garage set behind the rear wall of the dwelling and is accessed by a driveway that is adjacent to the side wall of the Listed Building. A 1.5 metre tall stone wall defines the front boundary of the property. This wall is approximately 24 metres long where it then meets a lamp post that is located in front of the wall and has a bus time table on it. The actual bus stop however, is at the Old Post Office, which is approximately 30 metres away down the road.

The proposal would block up the existing driveway entrance and create a new one approximately 18 metres away. It would be positioned to the right of the lamppost. The entrance would be 6 metres wide, which would narrow to 3.6 metres and lead towards the existing garage. This entrance and the visibility splays have been agreed in writing between the Highway Authority and the applicant. The proposal also includes post and rail fences that will define the new access boundaries.

CONSULTATION REPLIES:

- STEEPLE ASHTON PARISH COUNCIL: The Councillor's are concerned as to the positioning of the proposed access being at a busy junction of High St and Church St, used by large farm vehicles and at times by articulated lorries, which when turning into Church St. from the north, have to utilise much of the road width at that point.

- FRIENDS OF STEEPLE ASHTON: Have concerns about the safety of the proposed driveway for the following reasons

- as drawn, it appears to deprive No 28 of any land except the already curtailed garden to the rear. This will lead to increased on-road parking at an already difficult bend, near the site of bus stop and opposite the entrance to Church Street.

- It would have beside it, an existing access to garaging for No 32. In addition No 30 has also been deprived of its off road parking and the occupants must use the High Street. Unless parking arrangements are going to be made for the lessee of No 24, the High Street at this point will become more hazardous than it is at the present.

STATUTORY CONSULTATIONS:

- HIGHWAY AUTHORITY: "The proposed access has better visibility onto High Street than the existing driveway." No objection subject to conditions.

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C17 - Conservation Areas

C18 - New Development in Conservation Areas

C27 - Listed Buildings

C31A - Design

C38 - Nuisance

SPG - House Alterations and Extensions

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None.

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.

PLANNING OFFICER COMMENTS

PPG 15 and Section 66 (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This proposal would require the loss of 6 metres of a wall that is built with concrete blocks that has a stone pebbledash finish. This wall does not have any specific architectural quality but still is a structure within the curtilage of a Listed Building and so it should be protected as such. This proposal would not create a second access and would only reposition the existing access away from the Listed Building. This would reduce the potential of damage from vehicles touching the side walls of the Listed Building. The existing entrance is only 4 metres wide and has the building itself blocking the visibility splay looking northwest. This proposal has adequate visibility splays, which were agreed between the Highways Authority and the applicant, and revised plans were submitted. Additionally the access is away from any built form unlike the current situation. Therefore, there would be no highway safety issue and the Parish Councils objection cannot be supported.

A condition can be made to ensure that the concrete blocks that are removed from the wall to create the access are used to block up the existing access. This will ensure that there would be no harmful change of materials in the wall that would impact upon the Listed Building. This would comply with Policies C17 and C18 of the Local Plan which also seek to preserve and enhance the special character and appearance of Conservation Areas.

As this is a Listed Building works carried out to any structure within the curtilage of it must also have Listed Building consent. The applicant has only submitted this full planning application and would be asked to submit a LBC by the way of an informative.

CONCLUSION

The proposal would actually improve the safety of the access serving this dwelling by being wider with adequate visibility splays and away from built form. It would also reduce the potential of vehicles damaging the exterior walls of the Listed Building. For the above reasons the application should be granted planning permission.

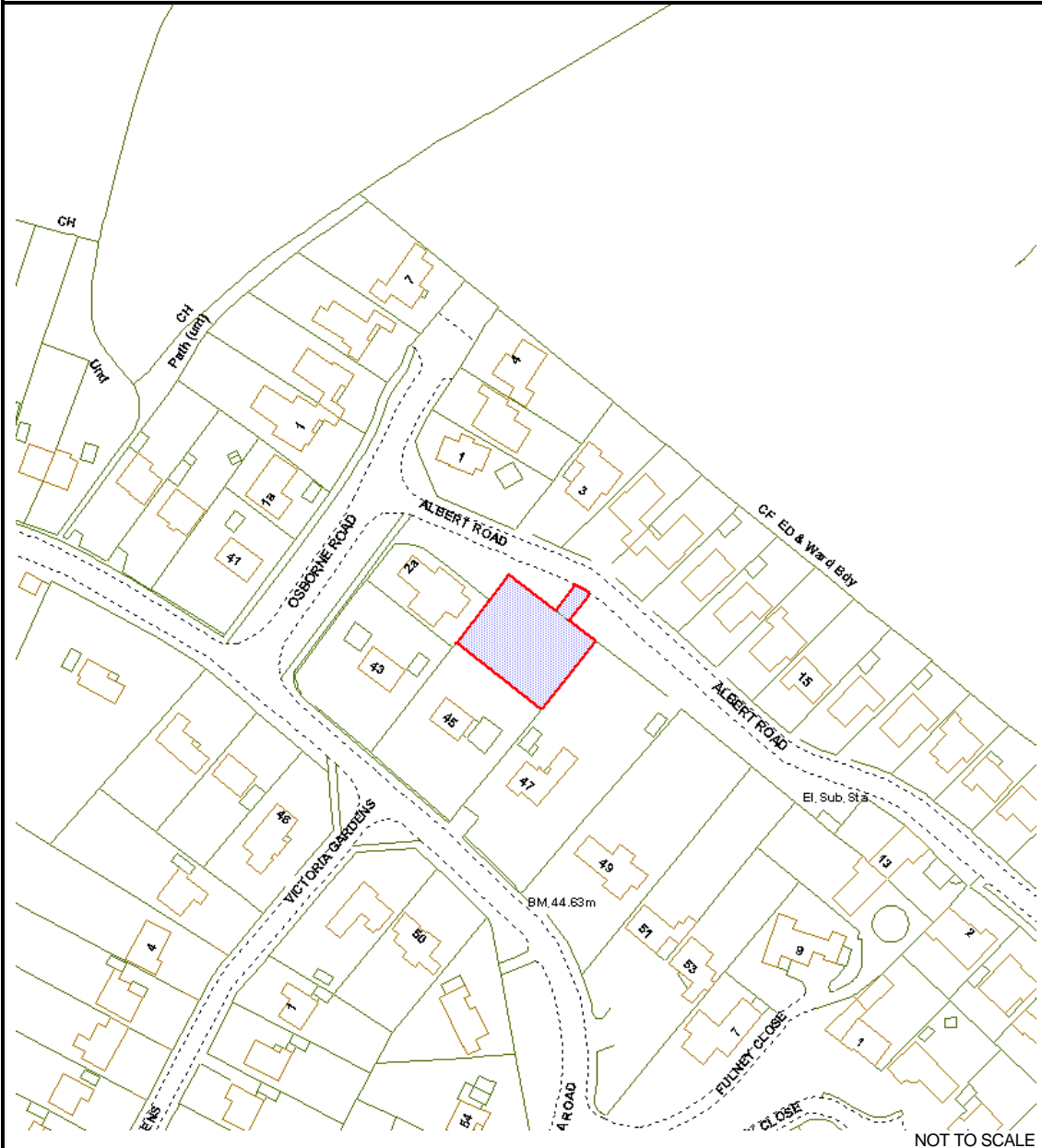
PLANNING COMMITTEE

1 June 2006

ITEM NO: 14

APPLICATION NO: 05/02979/FUL

LOCATION: Land To The Rear Of 45 Victoria Road Trowbridge
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 05/02979/FUL

Site Address: Land To The Rear Of 45 Victoria Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 386508 159064

Application Type: Full Plan

Development: Erection of detached bungalow

Applicant Details: Mr P N Clarke
123A Upper Westwood Bradford On Avon

Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN

Case Officer: Miss Julia Evans

Date Received: 19.12.2005 Expiry Date: 13.02.2006

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

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

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

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

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

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

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

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

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

- 5 Notwithstanding the details shown on the submitted plan, no development of any sort, including the formation of a driveway and turning area shall take place within 10 metres of the Sycamore tree located on the adjoining grass verge: this area shall remain uncompacted and laid to grass.

REASON: To ensure that this existing protected tree is adequately protected.

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

- 6 Before any development is commenced on site, including site works of any description, the Sycamore tree identified on the plans attached to and forming part of this permission, shall be fenced off using "Heras" weldmesh or similar erected on a scaffold frame in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. These details shall also include all measures being undertaken to protect the root protection area for the tree that measures 612 metres squared. The approved fence shall be erected in a circle around the tree at a radius of at least 10 metres from the trunk, in a position which shall be agreed with the Local Planning Authority. Within the area so fenced off and within the approved root protection area, the existing ground level shall be neither raised nor lowered, no materials or temporary building or surplus sort of material of any kind shall be placed or stored thereon, and no work of any kind shall take place within it. The works shall be undertaken in accordance with the approved details. The fence shall not be removed without the consent of the Local Planning Authority until the whole of the development is completed.

REASON: to ensure that this existing protected tree is adequately protected.

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

- 7 A recessed entrance having a minimum width of 3 metres shall be constructed 4.5 metres back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 8 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.

- 9 The driveway between the edge of carriageway and the gates 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.

- 10 The development hereby approved shall not be occupied until two parking spaces have been provided within the curtilage of the site.

REASON: In the interests of highway safety.

- 11 The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

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

- 12 Notwithstanding the provisions of the Town & Country Planning (GPD) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to E of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In the interests of amenity and privacy.

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

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water to agree points of connection onto their infrastructure.
- 2 You are advised that the landscaping scheme should include a beech hedge to the front boundary of the site.

COMMITTEE REPORT

APPLICATION DETAILS

Councillor Oldrieve has requested the planning Committee consider this application, as he is concerned about the impact of the development on the health of the protected sycamore tree.

This is a full application for the erection of a detached bungalow at land to the rear of 45 Victoria Road, Trowbridge. The 0.06-hectare site in the rear garden of number 45 Victoria Road is surrounded by residential properties. The site has a gentle slope towards number 2A Osborne Road and has already been separated from number 45 by a close-boarded fence. A wide grass verge runs in front of the site within which is located a protected Sycamore tree. This tree overhangs the site.

The principle of developing this site was approved by the Planning Committee in September 2003. This permission was subject to conditions to protect the protected tree and neighbouring amenity. This limited the floor area of the bungalow to 625m², restricted the height of the building to lower than 5 metres, and removed permitted development rights (Classes A to E of Schedule 2, Part 1).

The current application is for full planning permission for an L-shaped 3-bedroomed bungalow. Access to the property would be off Albert Road, and a gravel drive and turning area would be provided to the northeastern side of the site. The proposal was originally submitted with a detached garage included, but this has been removed from the scheme during the processing of the application.

The site lies within the Trowbridge Town Policy limit.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: raise "no objection subject to no significant loss of neighbour amenity."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: "Recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted: -

- * Entrance splays and width;
- * Surface water disposal;
- * Consolidated access surface;
- * Provision of two parking spaces within the curtilage; and
- * Provision of turning space.

- WESSEX WATER: State: - "The development is located within a sewered area, with foul and surface water sewers available. The developer has proposed to dispose of surface water to soakaways. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems."

INTERNAL WWDC CONSULTATIONS

- LANDSCAPE OFFICER: States: - "I have made a brief assessment of the likely Root Protection Area (RPA) that would be appropriate for a tree of this size and condition, using the calculation included within Table 2 of BS 5837: 2005. I suggest that a figure of [616m²] would be an appropriate area to protect this tree's roots from permanent and temporary development impact on site.

"I would suggest that the trees best interests are served by a Root Protection Area that is concentric, measured from the centre of the tree, with a radius of 14 metres. The BS states that this protection area may be offset by a qualified Arborist should the development footprint need to invade!

"Building footprint. From overlaying the RPA on the development proposal it is clear that the building footprint and deepest site excavations for foundation construction is unlikely to be a significant factor (although the effects of soil shrinkage is a factor that is likely to impact on foundation details).

"Provision of Services and Temporary Works. Buried services and utility trenches (especially to kitchen and utility rooms) should avoid any agreed RPA. The location of fuel oil storage (permanent and temporary) should be located away from the tree, outside the RPA. Temporary access and enabling work resulting in soil and root compaction within the RPA is a factor that could be controlled by way of condition if consent were to be granted for this dwelling house?

"Driveway. Restricting excavation depth to 100mm and using a permeable surfacing would help reduce impact on tree roots and should allow the driveway to be constructed within a controlled area of the RPA with an appropriate RPA offset allowance (determined by Arborist).

"Landscape Comments. I welcome the proposal for Beech hedging as a boundary treatment fronting Albert Road. I consider this to be a locally appropriate boundary treatment and would be a positive element in terms of the local landscape / street character.

PUBLICITY RESPONSES

Neighbour notifications have been undertaken and five responses have been received, three of which are from the same two properties. The following points have been made: -

- * The proposed development is considerably larger than that previously permitted, and does not respect the conditions placed on it;
- * The previous conditions should be adhered to;
- * Detrimental impact on light and privacy to 2A Osborne Road, number 45 Victoria Road, and other neighbouring properties.
- * The bungalow is too large for the plot, and the detached garage is detrimental to neighbouring amenity; and
- * Increased nuisance due to close proximity of proposal to neighbouring properties.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP9 Reuse of land and buildings
- T6 Demand management
- C5 The water environment

West Wiltshire District Plan - 1st Alteration 2004

- C31A Design
- C32 Landscaping
- C38 Nuisance
- C40 Tree Planting
- H1 Further housing development within towns
- T10 Car parking
- U1A Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Areas

- SPG Design Guide - Design Guide Principles
- Residential Design Guide

National Guidance

- PPS1 Delivering Sustainable Development
- PPG3 Housing

RELEVANT PLANNING HISTORY

03/00651/OUT - Erection of two dwellings - Withdrawn 03.06.2003

03/01237/OUT - Erection of one dwelling - Permission 02.10.2003

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Principle of development;
- Design and amenity matters;
- Protection of the protected tree;
- Highway and parking issues; and
- Other issues raised by neighbours.

PLANNING OFFICER COMMENTS

This full application is for a detached bungalow in the rear garden of 45 Victoria Road, Trowbridge. The principle of developing this site for one dwelling was permitted with the 2003 permission, subject to various conditions, including limiting the floorspace and height. The footprint of the building is approximately 175m², and lies in approximately the same position and shape as the permitted outline. Density and siting were matters considered with the outline permission, and in view of the similarities between the two, no objection is raised to the principle of the development of the site as currently proposed. The proposal is also in accordance with the floorspace condition attached to the outline consent.

Neighbours have raised objections as to loss of amenity and overshadowing. The scheme originally included a detached garage in the northeast corner of the site. During the processing of the application this has been removed, and so, therefore, have concerns as regards neighbouring amenity. The proposed design of the property is for a 3-bedroomed L-shaped bungalow, with a roof ridgeline of approximately 4.8 metres. This is lower than the 5 metres maximum height conditioned on the outline. There are no rooms proposed in the roof. In view of the outline consent, the current proposal is considered acceptable in terms of amenity. Conditions could be attached as regards removing permitted development rights to protect amenity issues in the future, including no rooms in the roof, or additional windows.

No objection is raised to the design of the bungalow. The neighbouring properties are bungalows themselves, and the proposal is not considered out of character with its surroundings. A small courtyard has been included on the eastern elevation in view of the personal circumstances cited by the applicant. This unusual feature is to allow as much natural daylight to the main bedroom as possible without being detrimental to neighbouring amenity, in terms of one of the family members suffering from 'SAD'. However, it is not on the front elevation of the bungalow, and due to its design and location it is considered that it has minimal visual impact.

Consultations with the Landscape Officer have concluded that subject to a root protection area of 616m² (ie an approximate radius of 14 metres from the trunk), a permeable surfaced driveway, and landscaping. These conditions have been suggested in that they would protect the tree and the appearance of the area, and the Highway Authority's one as regards the turning space has been amended to protect the tree.

A neighbour has also written in as regards a restrictive covenant on the property and the stopping-up of highway land. Neither of these issues are material planning considerations and cannot be considered as part of the proposal.

CONCLUSION

In view of the previous permission on site, the principle of one dwelling has already been accepted. This proposal is, therefore, considered acceptable subject to the suggested conditions.