

PLANNING COMMITTEE

5 OCTOBER 2006

Planning Applications for Determination

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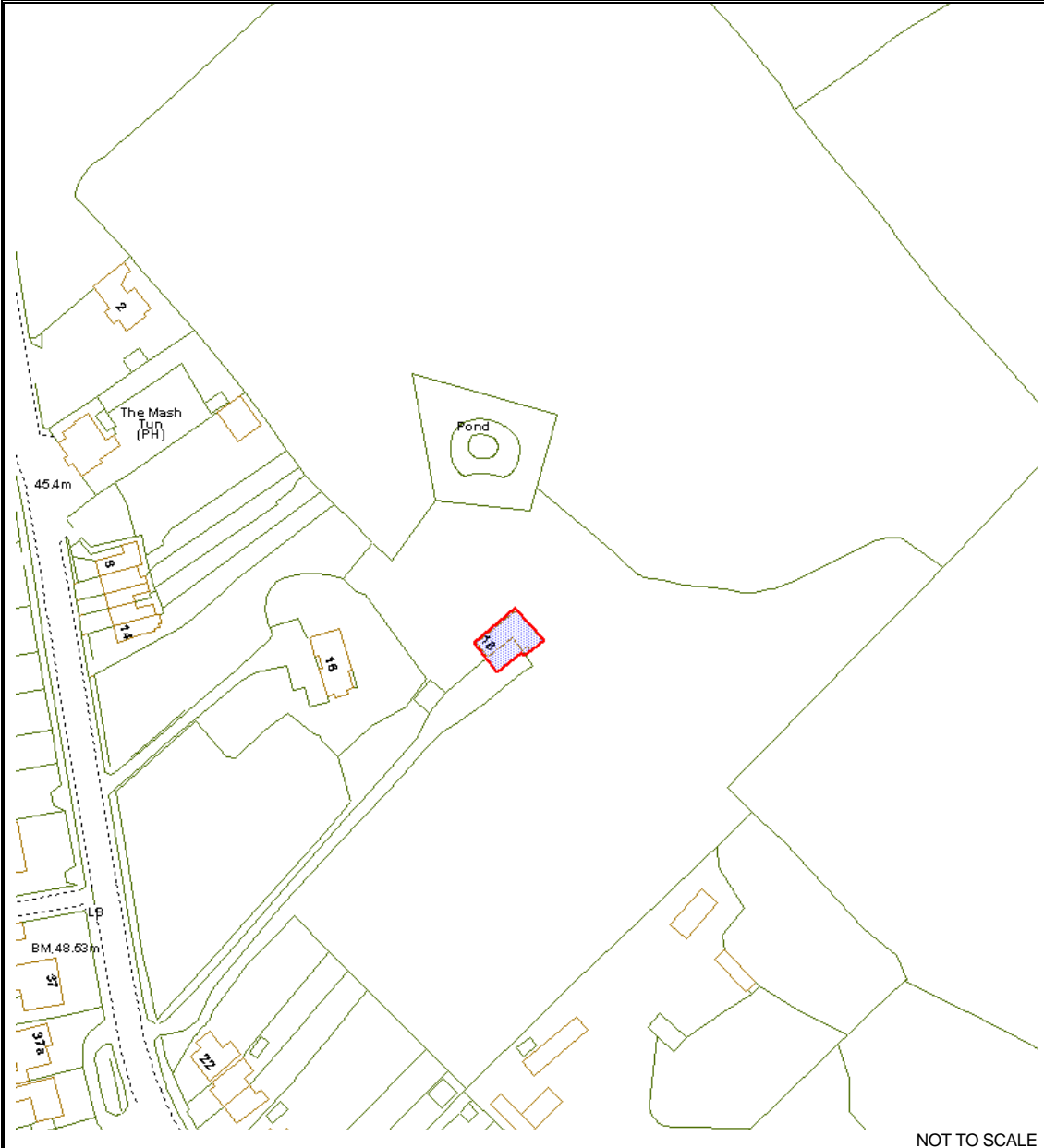
PLANNING COMMITTEE

5 October 2006

ITEM NO: 01

APPLICATION NO: 06/01320/FUL

LOCATION: Woodmarsh Farm 18 Woodmarsh North Bradley
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

01 Application: 06/01320/FUL

Site Address: Woodmarsh Farm 18 Woodmarsh North Bradley Wiltshire

Parish: North Bradley Ward: Dilton Marsh

Grid Reference 385690 155596

Application Type: Full Plan

Development: Land drainage works

Applicant Details: Mrs S K Brown
7 Watts Farm Peppercorn Orchard Great Hinton Trowbridge BA14 6DB

Agent Details: Cousins Thomas Rose
10 Church Walk Trowbridge Wilts BA14 8DX

Case Officer: Mr Matthew Perks

Date Received: 26.04.2006 Expiry Date: 21.06.2006

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 An ecological survey, investigating and recording details of all protected species and their habitats affected by the development, and measures to mitigate the effect of the development on them and a timetable for the mitigation works, shall be submitted to and approved by the Local Planning Authority within 3 months of the date of this permission. The survey shall include an investigation of the ditch to the north-eastern boundary of the site that has been utilised for the discharge of drainage waters. Any measures necessary to mitigate the effect of the development on this ditch shall be carried out in accordance with the approved scheme and timetable.

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

POLICY: West Wiltshire District Plan - Policy C7.

COMMITTEE REPORT

APPLICATION DETAILS

A report was submitted to the Committee of 3 August 2006 recommending permission for the drainage works at Woodmarsh Farm, 18 Woodmarsh subject to conditions. Committee resolved that the matter be deferred for the following reasons:

- "1) To allow consultation with the Ministry of Agriculture
- 2) To investigate the exact materials which will be used in the construction of the drainage works."

A copy of the report considered at the 3 August meeting follows at the end of this report for ease of reference.

The agent has confirmed that the drains are 300mm Ø perforated pipe surrounded in clean stone. A re-inforced concrete chamber of 3m Ø and 5m deep with a concrete cover serves as a soakaway.

ADDITIONAL CONSULTATION

Correspondence was sent to DEFRA (as the Government body currently dealing with consultations on agricultural issues) enclosing details of the application and requesting comment.

Details of the materials were reflected on the plans accompanying the correspondence. The reply was as follows:

"From the papers enclosed with your letter and having consulted the rural development service at Westbury on Trym, this application does not appear to fall within the scope of the consultation arrangements as set out in the Town and Country Planning (General Development Procedure) Order 1995 (Article 10) or as described in paragraph 28 of Planning Policy Statement Note 7 "Sustainable Development in Rural Areas".

I am writing on behalf of the Secretary of State for Environment, Food & Rural Affairs to advise that DEFRA does not propose to make any comments. The proposal does not appear to involve the loss of any Best and Most Versatile Land, agriculture grades 1, 2 or 3a."

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- C1 Protection of the rural landscape and environment
- U4 Groundwater protection

PLANNING OFFICER COMMENTS

The DEFRA response does not introduce any new consideration that indicates that the recommendation for permission in the original report should be revised, or that any additional conditions should be imposed. It is recommended that the application be granted permission in accordance with the previous report.

PREVIOUS REPORT CONSIDERED AT COMMITTEE OF 3 AUGUST 2006

APPLICATION DETAILS

This application was deferred to this Committee by the Planning Committee on 13 July 2006.

This application is referred to Committee because the North Bradley Parish Council objects and officers recommend permission. This is a full planning application for land drainage works at Woodmarsh Farm, 18 Woodmarsh.

The application is retrospective. The site is located to the east of Woodmarsh. The property slopes generally from south to a lower level at the north, and the drainage system would divert flows around the one dwelling centrally located on site to an existing ditch on the north eastern boundary of the site. A soakaway is proposed to the east of the dwelling. A pond is proposed approximately 40m to the north of the dwelling. The overall length of the drainage system would be roughly 280m. Stone surrounded 300mm perforated pipe would be used to create these land drains.

The applicant states that the works are proposed to alleviate existing localised flooding around and in the vicinity of Woodmarsh Farmhouse.

CONSULTATION REPLIES:

- NORTH BRADLEY PARISH COUNCIL: "This application was not approved as in the opinion of the Parish Council the size of the land drainage is far in excess of what is required, and in their opinion advice should be sought from the Ministry of Agriculture in connection with this scheme. Worries were also expressed about the discharge into the ditch as it is felt that the Environment Agency should also be consulted with regard to the possibility of flooding. The whole scheme was objected to by the Parish Council."

STATUTORY CONSULTATIONS

- ENVIRONMENT AGENCY: "The Environment Agency does not wish to provide any comment regarding the above planning application."

- ENGLISH NATURE: "The occurrence of protected species in the existing water bodies on this site is a possibility, but since the works will not affect these bodies of water we have no comments to make regarding this planning application."

- WILTSHIRE WILDLIFE TRUST: Holding objection. The Biological Records Centre does not hold records of protected species in the immediate area, but there is the potential for impacts on a pond and ditches. A survey is recommended for evidence of protected species to establish whether or not there is a presence of species, especially great crested newts or water voles, and to recommend a mitigation strategy if necessary.

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C1 Protection of the rural landscape and environment

U4 Groundwater protection

RELEVANT PLANNING HISTORY

00/00702/FUL: Replacement farmhouse: Permission: 03.08.2000. This application is relevant in that it relates to the dwelling that is the subject of the drainage protection measures. The application included a condition requiring a landscaping scheme that is currently being addressed by Council's compliance officers to fully regularise development on the site. Recent developments include the submission of plans that include replacement planting, as well as the placing of Tree Protection Orders on protection worthy trees on the site.

KEY PLANNING ISSUES

The primary issue with this case relates to the impact of the drainage system on the local environment.

PLANNING OFFICER COMMENTS

The drainage system is proposed as a protective measure against localised flooding at Woodmarsh Farmhouse. Impacts of the proposal would centre on the consequences of the directing water to discharge into the existing drainage ditch to the north of the property. The Environment Agency has considered the plans and does not wish to provide any comment. Although the works commenced without authorisation, it is considered that the existence of land drains carrying naturally occurring water to the drainage ditch would not result in pollution to existing watercourses or harm the agricultural potential of the site.

English Nature has not made any comment or suggestions in respect of the works. The Wiltshire Wildlife Trust has however identified a need to establish whether or not there are protected species present that may be affected by routing the flow into the ditch. Although the application is retrospective a survey is considered appropriate where there may well be species affected and there may be mitigating measures that should be put into place once the system is functional.

CONCLUSION

The application should be granted permission subject to a condition regarding a protected species survey.

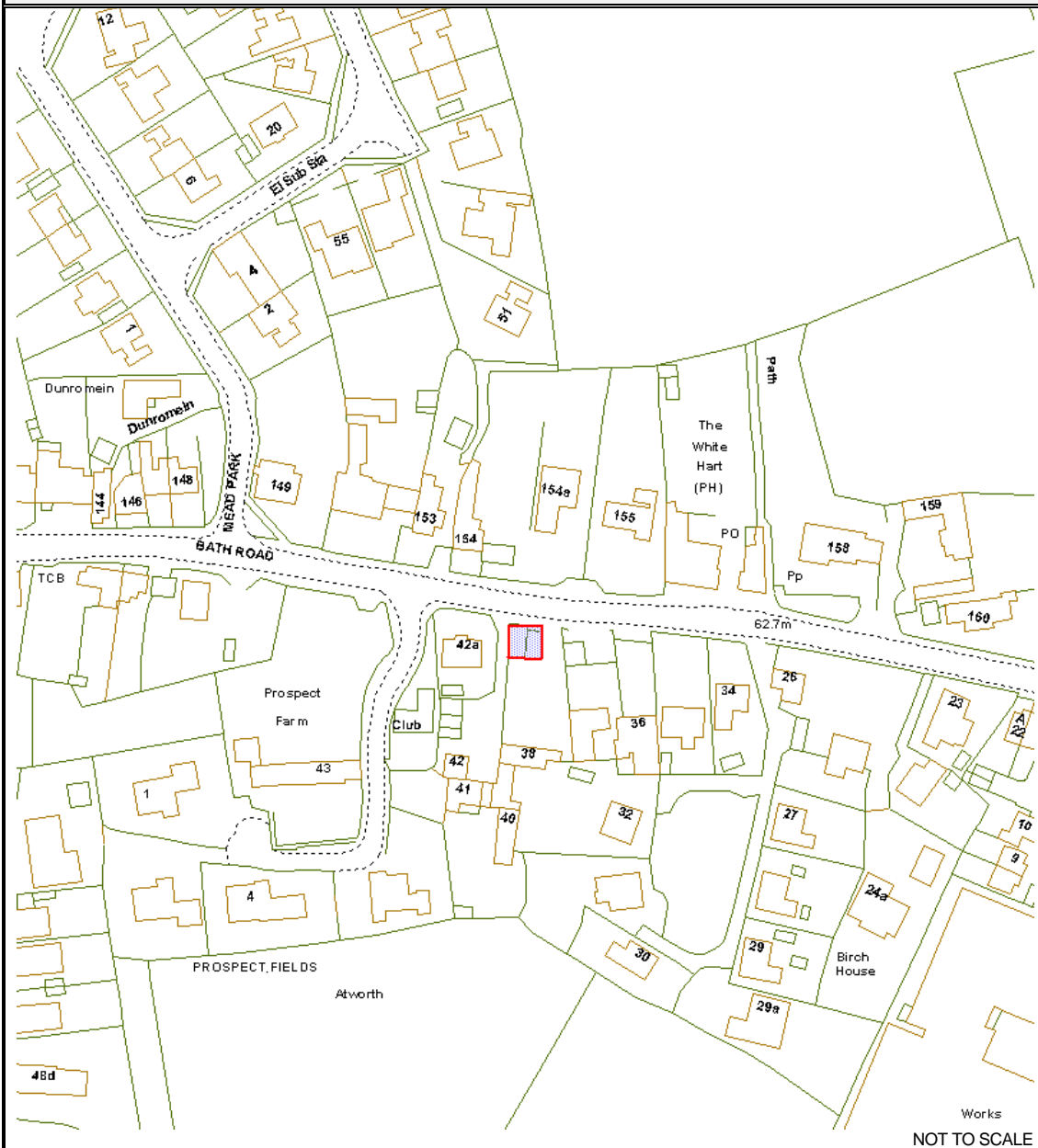
PLANNING COMMITTEE

5 October 2006

ITEM NO: 02

APPLICATION NO: 05/00978/FUL

LOCATION: Old Workmens Hall Bath Road Atworth Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 05/00978/FUL

Site Address: Old Workmens Hall Bath Road Atworth Wiltshire

Parish: Atworth Ward: Atworth & Whitley

Grid Reference 386706 165937

Application Type: Full Plan

Development: Conversion of derelict building to residential use

Applicant Details: Mr J Dunseith
108b Church Street Atworth SN12 8JA

Agent Details: Mr G N Bodman
The Paddocks Whiteheads Lane Bradford On Avon Wiltshire
BA15 1UU

Case Officer: Mr Matthew Perks

Date Received: 23.05.2005 Expiry Date: 18.07.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The application fails to make appropriate provision for a contribution towards affordable housing in accordance the with the requirements of Policy H2 of the West Wiltshire District Plan (1st Alteration 2004) and Council's Supplementary Planning Guidance on Affordable Housing.

COMMITTEE REPORT

INTRODUCTION

This application was referred to Planning Committee on 4 August 2005 at the request of Councillor Chivers in the interests of public debate. (The original report appears below).

Committee considered the submitted report, overturned the recommendation and resolved that the application be:-

"Delegated to Officers to grant planning permission with necessary conditions following further negotiations to secure changes to fenestration and resolve issues in respect of affordable housing."

The applicant was in negotiation with Council's housing officers regarding a Section 106 agreement to meet affordable housing requirements, but has advised that he will not be entering into such an agreement, being unable to accept Council's terms.

An open book exercise was carried out to determine the viability of the scheme and an appropriate level of contribution to affordable housing in the light of anticipated costs of the development. The conclusion was that the applicant would not be able to afford a contribution. However, Council's SPG (Article 5.12) on Affordable Housing states that:

" We will only agree to a reduction in affordable housing contribution on grounds of viability if we are satisfied that an open book test demonstrates the justification for a reduction. However, we reserve the right to work with the developer to re-evaluate the expenses incurred during development. Based on the sale price achieved, we may recover from any windfall a share to be paid towards meeting any unmet affordable housing need up to the agreed threshold of 30/50%."

The draft S106 agreement in this case therefore included a so-called "claw-back" clause that would enable Council to claim a share of any windfall. The applicant is not willing to accept the indeterminate amount that could be claimed in terms of such an agreement.

PLANNING OFFICER COMMENTS AND RECOMMENDATION

The application was recommended for permission by the Planning Committee subject to changes to fenestration and to resolve issues in respect of affordable housing. The issue of fenestration was examined on site, and it was established that no issues of overlooking or loss of neighbouring amenity would result were the development to proceed on the basis of the approved plans. However, where the applicant will not be entering into the S106 agreement for a contribution towards affordable housing on re-evaluation once the scheme is completed, the proposal is recommended for refusal.

COPY OF ORIGINAL COMMITTEE REPORT FOR INFORMATION

"APPLICATION DETAILS

This application is referred to Committee at the request of Councillor Chivers in the interests of public debate.

This is a full planning application for the conversion the derelict Old Workmen's Hall, Bath Road, Atworth to residential accommodation. The proposal includes the conversion of the existing building for residential use, and repairs to the structure that is in relatively poor condition. Part of the repair would include the replacement of the stone roof with slate.

The dwelling would comprise a ground floor with kitchen/dining room, living room and integral garage, with two bedrooms above. An amenity space measuring 1.9m x 3.25m would be provided to the rear side of the dwelling.

The proposal is a revision to a scheme (Ref: 05/00178/FUL) that was refused planning permission on 29 March 2005 for the following reasons:

1. The proposed change of use to residential would result in the loss of existing employment use contrary to Policy E4(i) of the West Wiltshire District Plan 1st Alteration, 2004 in that there is no justification to show that there is an adequate supply and mix of genuinely available employment land and premises in the vicinity. The Decision Notice incorrectly refers to Policy E4 not Policy E5.
2. The site by virtue of its limited size, poor pedestrian visibility and limited off-road parking cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear which would encourage undesirable vehicle manoeuvres on the adjoining A Class road contrary to Policy E5(iii) of the West Wiltshire District Plan 1st Alteration, 2004.
3. The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point. The proposal is therefore contrary to Policy E5(iii) and T10 of the West Wiltshire District Plan 1st Alteration, 2004.
4. The proposal fails to provide any external amenity space which would result in an unsatisfactory and inadequate residential environment for the future occupants of the dwelling.

The application proposal remains for the conversion of derelict buildings to residential use. This application however includes additional information relating to the disuse of the building on the site. The amenity space of $\pm 6.5\text{m}^2$ has also been added to the proposal.

Site and Surrounding Area

The building abuts immediately onto the southern side of Bath Road, the main route through the village. The building is in poor condition and is unused. It is a double storey of random rubble stone under stone roof tiles. A prominent gable end of the structure forms the road frontage of the property. A lean-to addition to the eastern side of the building also abuts onto the roadside.

ATWORTH PARISH COUNCIL

Supports the application. The Council is concerned that the Hall might fall further into disrepair and can see no benefit to it being retained as commercial premises.

HIGHWAY AUTHORITY

Objects to the application. The two bedroomed dwelling such as that proposed would require a minimum of 2 car parking spaces and would generate vehicle manoeuvres during peak times on the A Class Road it fronts onto. The site provides one parking space in the form of a garage/car port and cannot accommodate the turning manoeuvres required to prevent a vehicle having to enter or leave the highway in reverse gear. Intervisibility with pedestrians and vehicles emerging from the garage is limited at this location. Refusal recommended on grounds of parking, manoeuvring space and pedestrian safety.

ECONOMIC DEVELOPMENT

Objects to the change of use because it would result in the loss of employment opportunities for small businesses in a rural area. A site such as this could be developed to support the growth of small start-up business of the type that plays an important role in the local economy.

PUBLICITY

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

RELEVANT PLANNING HISTORY

05/00178/FUL - Conversion from commercial use to residential accommodation - Refused
29.03.05

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- E5 Loss of employment floorspace
- H17 Village Policy Limits
- C38 Effects of development on neighbouring properties
- T10 Parking

PLANNING OFFICER'S COMMENTS

The main issue relevant to the application is whether the proposal overcomes the earlier reasons for refusal. (Application 05/00178/FUL).

Reason 1

The applicant has now submitted a statement to the effect that the building has been in long-term disuse. This is supported by a document showing that Council's Revenue Section granted "Empty Property Relief" in respect of revenue collection commencing in 2001. No detailed history on the much earlier (and superseded) community use could be established. While it is accepted that

evidence has been provided to indicate that the site is disused this does not overcome Reason 1 for refusal because the floorspace, although unoccupied, nevertheless contributes towards the mix of available land and premises available in the locality for employment use. No evidence in relation to the overall supply of employment land in the proximity has been provided.

No evidence has been provided to indicate that the application site has been marketed. Reason 1 has not been overcome.

Reasons 2 and 3

The Highway Authority has re-stated its concerns raised in response to the previous application. Pedestrian and vehicular traffic problems would arise out of the development. The applicant has submitted evidence showing that vehicular access was granted to the site in 1963, and that notwithstanding the vacancy of the building, the garage has been in informal use. The currency of such use could not be established during the site inspection however. The Highway Authority objection remains relevant in terms of the locality of the building, parking issues and access directly onto the main road, and the re-introduction of a regular usage of the garage that would result from the development. It is therefore considered that the second and third reasons for refusal have not been overcome.

Reason 4 - Amenity Space

The amenity space that has been incorporated into the revised proposal comprises some 6.5m², with the building occupying the entirety of the remainder of the site. This would not overcome the amenity space reason for refusal on the earlier application, which stated that the proposal fails to provide adequate amenity space that would result in an unsatisfactory residential environment for the future occupants of the dwelling.

The applicant, following discussion, did attempt to negotiate additional space on a neighbouring site as a means of overcoming the access and amenity space issues but it is understood that this was not feasible.

Affordable Housing

Where the proposal would result in an additional dwelling within Village Policy Limits, Council's Affordable Housing Policy would apply. This Policy was adopted subsequent to the refusal of the earlier application. Where refusal is again being recommended it would be premature to enter into negotiations on this aspect however.

CONCLUSION

While there have been slight alteration to the previously refused plan and the applicant has shown that the building has been unoccupied for some time, there is no evidence showing that an adequate mix of employment land justifying the loss of the floor space would be justified, the highway and pedestrian traffic issues still remain and the introduction of the extremely limited amenity space would not adequately address the previous reasons for refusal."

END OF PREVIOUS REPORT

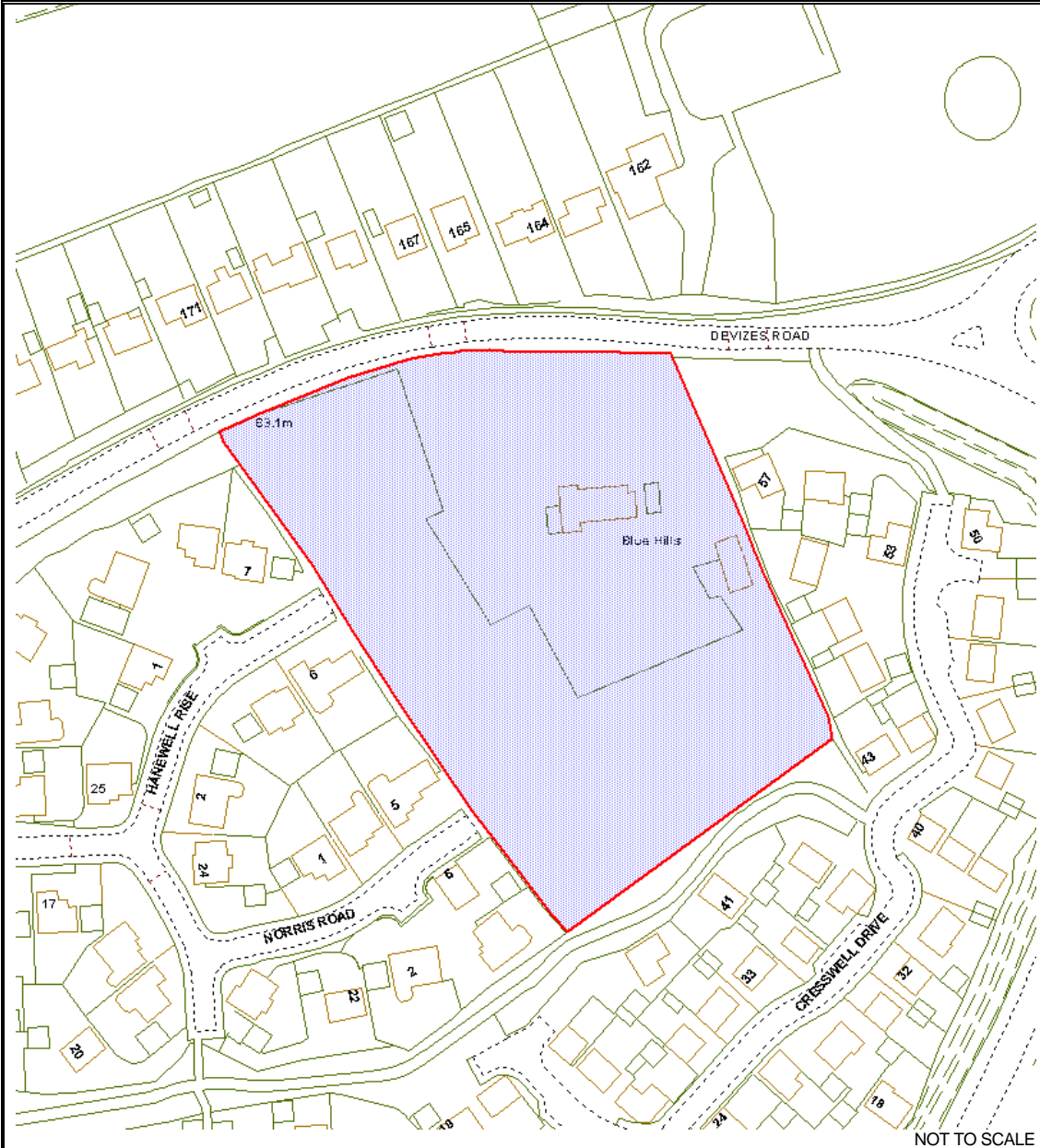
PLANNING COMMITTEE

5 October 2006

ITEM NO: 03

APPLICATION NO: 04/00095/OUT

LOCATION: Land At Blue Hills Devizes Road Hilpertown Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 04/00095/OUT

Site Address: Land At Blue Hills Devizes Road Hilperton Wiltshire

Parish: Hilperton Ward: Paxcroft

Grid Reference 388017 159132

Application Type: Outline Plan

Development: Residential development involving demolition of existing house and associated roads footpaths and open space

Applicant Details: JJ Gallagher & Heron Land Developments Ltd
Gallagher House 51 Bordesley Green Birmingham B9 4QS

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

Case Officer: Mrs Rosie MacGregor

Date Received: 20.01.2004 Expiry Date: 16.03.2004

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure:

- 1) The provision of 30% affordable housing in accordance with Council policy**
- 2) An index linked and bonded contribution by the developer(s) to the County Education Authority towards the cost of providing additional education provision within the locality**
- 3) Provision of public open space together with a financial contribution to secure its future maintenance.**
- 4) Provision of integrated cycleways and footpaths leading into the existing network**
- 5) Provision of traffic calming measures within the development and locality.**
- 6) A contribution to the provision of public transport initiatives in the area.**
- 7) A contribution to the provision of public art within the development**

Condition(s):

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

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

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

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

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

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

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

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

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

- 5 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

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

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

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

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

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

- 7 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.

- 8 All works to trees shall be carried out in accordance with British Standard 3998 (1989) and shall be carried out only during the months of November, December, January and February.

REASON: To secure the wellbeing of the protected tree(s).

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

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

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

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

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

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

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

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

- 10 The existing hedgerows on the boundary of the site shall be retained at a height of not less than 1.5 metres. No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

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

- 11 The gradient of the proposed driveways/parking spaces shall not be steeper than 1 in 6 rising up from the highway or 1 in 12 falling away from the highway.

REASON: In the interests of highway safety.

- 12 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.

- 13 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

- 14 All reasonable steps, including damping down of site roads, shall be taken to minimise dust and like emissions from the site whilst construction is in progress.

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

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

- 15 During development and construction for the site, the hours of operation shall be limited between 0730 and 1800 on Mondays to Fridays and 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C36 and C38.

- 16 Prior to the commencement of the development, a scheme of mitigation measures that shall include bat and bird boxes in the retained trees to provide additional nesting/roosting opportunities for these species, shall be agreed in writing with the Local Planning Authority prior to the commencement of any works. The scheme shall then be carried out in accordance with these approved mitigation measures.

REASON: In the interests of nature conservation.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.

- 17 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.

- 18 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.

- 19 Details of public art features shall be submitted to and approved in writing by the Local Planning Authority, and implemented in full no later than the occupation of the final dwelling of the development.

REASON: To promote public art within the development.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy I2.

Note(s) to Applicant:

- 1 All breeding birds, their nests, eggs and young receive protection under the Wildlife & Countryside Act 1981 (as amended). Any works involving work to the removal of hedgerows or trees, will have to be undertaken outside the bird breeding season (February to August inclusive) unless a breeding bird survey confirms that no breeding birds are present. Any trees that require surgery or removal as part of the approved landscaping should first be checked for evidence of roosting Bats which are similarly afforded protection.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Parish Council opposes the application and officers recommend permission.

This application is for an outline permission for a residential development with associated roads, footpaths, an area of public open space and involving the demolition of an existing dwelling at the site.

Siting and means of access are currently being sought with all other matters reserved.

The proposals indicate a total of 38 dwellings of which 11 would be affordable housing. The site has an area of approximately 1.4 hectares. The proposals would result in a density of approximately 30 dwellings to the hectare.

The layout indicates two areas of public open space. The existing hedgerows surrounding the site and the majority of trees within the site, which are the subject of a Tree Preservation Order, are shown as being retained.

A pedestrian access is shown from the site leading onto West Ashton Road. Vehicular access would be via two existing access points leading off the existing housing development to the west.

A detailed tree survey and arboricultural report was submitted with the application. This concludes that access for vehicles from Devizes Road should be avoided if possible in order to retain the strong element of Beech trees on that frontage. Most of the large conifers are not worthy of retention with the exception of the Monterey Pine which is good condition with reasonable potential. The dominant quality trees on the site are a single Oak and a bold group of trees which include Beech, Lime and Oak. The hedgerows and boundary trees should be retained where possible and the existing trees planned for retention should be adequately protected during the construction phase.

An archaeological evaluation has been submitted with the application which concludes that no pre-modern archaeological features were identified during an initial evaluation which included digging 9 trenches. There was also a complete absence of artefacts in the overlying soils. On this basis it is unlikely that the late prehistoric and Roman settlement and archaeological features identified during earlier work nearby continue into the present site.

An ecological assessment has also been submitted which concludes that no evidence was found for the use of the site by reptiles, badgers, Great Crested Newts and roosting bats. A range of common bird species was recorded from the site and bats utilise the site for foraging on a limited basis. The overall species use of the site is evaluated as being of local value.

A design statement has been submitted with the application which demonstrates the design principles applied to the site in the context of the proposed layout.

The application has been revised on several occasions to overcome objections from neighbours and incorporate the requirements of the highway authority and social housing provider.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL: Having looked at the revised plans, the Parish Council still objects to this application and wish to make the following comments to the planning authority:

The revised plans show a total of 38 houses. In his recommendation R3.55 the Inspector recommended the District Plan be modified to allocate this site for 35 dwellings. Accordingly, any application in excess of this must be considered overdevelopment as it is contrary to the Inspector's recommendations.

The Hilperton Village Design Statement was adopted as supplementary planning guidance on the 30 March 2005 by West Wiltshire District Council. In it it states that new development should be of a style and scale which is sympathetic to surrounding buildings. This is in order to maintain the visual character of the area. We feel the new layout is clearly contrary to the Design Statement and would suggest that all affordable housing is removed, to be replaced by a commuted sum payable by the developer for off-site provision. If this is not possible, then we note the resiting of the affordable housing but still feel this should be pepper-potted around the site rather than located in separate groups.

The Inspector set out a number of requirements for this site, of which was the retention of important hedgerows and trees within and around the site, specifically the mature beech hedge parallel to Devizes Road. This has still not been complied with on the application, nor is there any provision for a buffer strip along the edge of Devizes Road, as the plans still show housing right up to this road.

The Inspector's requirement regarding access suggested that this should be through the existing Paxcroft Mead residential area. The Parish Council still maintains that the existing roads are not adequate to cope. In particular, with regard to the main access onto the Devizes Road at the mini-roundabout, it is hoped that the Highway Authority would require improvements to this junction or, preferably, a separate access where the drive to Blue Hills is currently situated.

Another of the Inspector's recommendations was for this site to only be released on the completion of link road T5A, or its secured provision. This requirement has not been met so the Parish Council would again assert that the whole application is premature.

We object to the site layout which will enable motor vehicles to travel between Hanewell Rise and Norris Road via the new development.

There is insufficient provision for a play area. The developers state that the local area for play (LAP) is slightly below the amount specified in the Local Plan Policy H8b. However, if the developer complied with the Inspector's recommendation for 35 houses rather than the 38 applied for, there could be an adequate area set aside for play.

The plans still do not show the siting of properties surrounding the site in question, and the Parish Council feels that these should be clearly shown - in particular the south-western area - to enable members of the Planning Committee of the District Council to see what development there already is all around the site.

The Parish Council wishes to point out that there is still no provision on this estate for additional doctors' and dentists' surgeries.

STATUTORY CONSULTTEES

- HIGHWAY AUTHORITY: No objection subject to appropriate conditions including surfacing of driveways and parking spaces, provision of surface water drainage within the site, and a Grampian condition requiring that the work shall not commence until the Hilperton Gap Road has been completed or secured to the satisfaction of the Local Planning Authority.

For the avoidance of doubt, "secured to the satisfaction" should be construed as the completion of a legal undertaking signed by the landowner(s) and the Local Planning and Highway Authorities that guarantees the timing, funding and provision of the road within an agreed timescale.

The highway authority has requested a financial contribution towards the provision of public transport in the area.

- COUNTY ARCHAEOLOGIST: The area is of high archaeological potential. However, since no archaeological features or deposits were encountered during the course of the excavations no further archaeological work will be necessary on the site and no conditions relating to archaeology need to be attached to any approval granted.

- EDUCATION AUTHORITY: The Education Authority has requested a contribution towards additional secondary school places.

- ENGLISH NATURE: English Nature has studied the information supplied within the ecological report and state that there is potential for impacts on nesting birds and endorses the mitigation measures to reduce the potential impact for these contained within the ecological assessment.

It would be desirable for a methodology to be agreed prior to the development which should minimise the risk of injury to the newts.

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

- WESSEX WATER: No objection in principle subject to need to adopt sewers for the Blue Hills site and to extend the connection to the water supply.

INTERNAL WWDC CONSULTEES

- PLANNING POLICY: The principle of residential development is accepted and would satisfy the requirements of policy for 'about 35' dwellings. The revised layout is acceptable.

- HOUSING OFFICER: The layout is entirely satisfactory and there are no adverse comments. The affordable housing should be secured in accordance with council policy. Sarcen Housing Association has been nominated for this scheme. The affordable housing should be provided in perpetuity as social housing for rent.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified. Objections have been received from the occupiers of 43 residential properties within the area.

The objections are on the following:

- Overlooking and loss of amenity.
- Harm to quality of life.
- Loss of rural character of village.
- Loss of open countryside.
- Out of character with the area.
- Harm to village.
- The existing dwelling should be retained as it is fine 1920s architecture.
- Loss of wildlife - bats, badgers, owls, woodpeckers, birds, squirrels, newts, slow worms, etc.
- Loss of trees, hedgerows and vegetation.
- Loss of green space.
- Too many dwellings - the policy states 35 dwellings.
- Density too high/overdevelopment of site/cramped appearance.
- Inappropriate in this area and should use alternative sites elsewhere.
- Too much social housing, and in wrong place.
- Affordable housing should be dispersed throughout estate.
- Impact on education provision.
- Lack of secondary school in area, and primary places already oversubscribed.
- Insufficient local amenities to cope with additional houses, ie. schools, doctors, elderly care, shops etc.
- Increase in traffic on already busy roads. This would present a safety hazard to children, the elderly and other road users.
- Overstretched road infrastructure.
- Insufficient parking.
- There should be a condition preventing householders from parking in road.
- Traffic should come off the main road not through existing development.
- Existing traffic calming measures have failed.

- Nuisance during construction.
- Insufficient public transport.
- Should not proceed until Relief Road is in place.
- There is no bus service
- There is no footpath on the side of Devizes Road adjoining the site
- Lack of buffer between the site and Devizes Road
- Impact on property values
- This is a beautiful historic house and should be retained as a family home.

A petition with 90 names has also been submitted objecting to the application.

Dr Murrison, the Constituency Member of Parliament states that it is important that existing residents are disturbed and disadvantaged as little as possible by the new development.

Two neighbours during the consultation process submitted alternative layouts and these were considered by the developer when revising the layout.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP4 Housing in towns and main settlements

DP7 Housing in towns and main settlements

West Wiltshire District Plan - 1st Alteration 2004

H2 Affordable housing

H8B Redevelopment of Blues Hills, Devizes Road, Hilperton

H24 Housing design

C32 Landscaping

T5A Hilperton Link Road

I1 Implementation

I2 Public Art

Supplementary Planning Guidance

Hilperton Village Design Statement

SPG Affordable Housing

SPG Residential Design Guide

SPG Open Space Provision in Housing Developments

PPS1 Delivering Sustainable Development

PPG3 Housing

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issues in this application are the principle of residential development, density, resident's amenity, affordable housing, archaeology, ecology and highways.

PLANNING OFFICER COMMENTS

The Principle of Residential Development on the Site

Policy H8B of the Adopted Plan allocates this site for residential development. The site is partly brownfield and partly greenfield and is bounded on three sides by existing development.

Policy H8b allocates this site for 35 dwellings but the supporting text in paragraph 3.2.47a describes the allocation for about 35 dwellings. An indicative layout of 36 dwellings was circulated during the Local Plan Inquiry into the 1st Alteration to the Local Plan. However, both parts constitute 'The Development Plan' and the applicant has demonstrated that a development of 38 dwellings can be achieved on the site.

The proposed number of houses is therefore in accordance with the Development Plan.

The site also would comply with the requirements for the provision of public open space and for affordable housing.

Density of the Development and Residential Amenity

Although the density is approximately 30 dwellings per hectare, the surrounding development is at the lower end of the density range given in the advice within Planning Policy Guidance Note 3. The reason for the low density is not simply the character of the area, but because of the existing trees and hedgerows are shown to be retained. Most of the trees on the site are the subject of a Tree Preservation Order and in order to secure their retention and future preservation, the scheme had to be designed to ensure that the buildings were far enough away from the tree canopies so as to prevent any damage.

Despite neighbours' concerns the proposals do not represent overdevelopment of the site nor a high density development, and it is considered that the proposed low density represents a reasonable compromise between the advice in Planning Policy Guidance Note 3 and the character of the adjoining housing developments.

The siting of the houses has been revised on several occasions in order to overcome issues relating to loss of privacy and overlooking of neighbouring dwellings. The distances between proposed and existing houses are considered acceptable and the retention of the existing hedgerows will ensure that the development is well screened.

Although there is no buffer between the site and the main road it is well screened by existing vegetation including a substantial mature hedge, and this can be supplemented and upgraded as part of the subsequent landscaping scheme which would be a condition of any permission granted.

Highway Issues

The County Council has no objections on highway grounds but has suggested a Grampian condition to ensure that the Hilpertown Gap Relief Road has been constructed prior to the occupation of the dwellings. The policy requires the link road to be secured to the satisfaction of the County Highway Authority. That road has now been secured by the granting of planning permission subject to planning obligations which is considered to be acceptable within Policy H8B. There is therefore no need for a Grampian condition.

Although the bus does not pass the site, it is considered that the proximity of the site to a bus stop within walking distance is sustainable.

There is no footway on the Devizes Road on the south side for a considerable distance but the Highway Authority has not made this a requirement and this is no longer a busy road - there is a 20 mph speed limit, so the proposals would be unlikely to prejudice pedestrian safety.

Ecology

The applicants had commissioned surveys to show that there were no bat roosts, badgers or Great Crested Newts or other protected species at the site. However, there are issues relating to roosting birds and these can be successfully dealt with by mitigation measures secured by condition.

Affordable housing

The provision of affordable housing is considered important on this site and the applicants have now complied with the Council's requirements in this respect. The affordable housing layout has been modified to overcome neighbour objections, for the most part, and the proposals are that there would be two small groups of affordable houses within this relatively small site. The proposals are therefore consistent with Council policy.

Education

The applicants have agreed to provide a contribution for education. The exact sum can be negotiated prior to the completion of the legal agreement.

Other Matters

Although neighbours are concerned about the loss of existing trees and hedgerows, these are clearly shown as being retained and these can be protected by appropriate conditions attached to the permission if granted.

Neighbours are also concerned about the access to the development through an existing residential site, this is specified in the Local Plan Policy H8b. An additional access onto Devizes Road would not be acceptable to the Highway Authority and furthermore would result in the loss of some of the finest trees within the site.

Concerns have been expressed about the loss of the original dwelling. This is not a listed building and whilst it is an impressive building dating from the early part of the 20th Century, it would not be worthy of listing as being of special historic or architectural merit. Furthermore, this site is allocated for residential redevelopment and the site will provide much needed housing including affordable housing.

Although there will be some nuisance during development works as a result of construction traffic and movements on the site, this will be largely short term and a condition to limit the operational hours on site will mitigate against unreasonable nuisance from construction noise.

The Parish Council is of the view that there is insufficient provision for a play area. Several areas of public open space are identified within the site and its provision and future maintenance can be controlled by a planning obligation as part of any future legal agreement. There is no requirement for a children's play area as part of Policy H8b.

The Parish Council draws attention to the fact that there is still no provision on this estate for additional doctors' and dentists' surgeries. The provision of a surgery was linked to the Paxcroft Mead Local Centre and is currently the subject of on-going negotiations with regard to the Legal Agreement attached to that development. It is not a material consideration as part of this current application. There are in any case surgeries and a hospital in Trowbridge at a short distance by car or public transport.

CONCLUSIONS

This application has been with the Council for some time and was being held in abeyance pending the securing of the Hilperton Relief Road by way of a planning permission following completion of a legal agreement. Permission has now been granted for the new road.

The proposals are considered to be in accordance with Council policy and in character with the area and there are no planning objections to the proposals.

It is recommended that planning permission should be granted subject to the applicants entering into a Section 106 agreement.

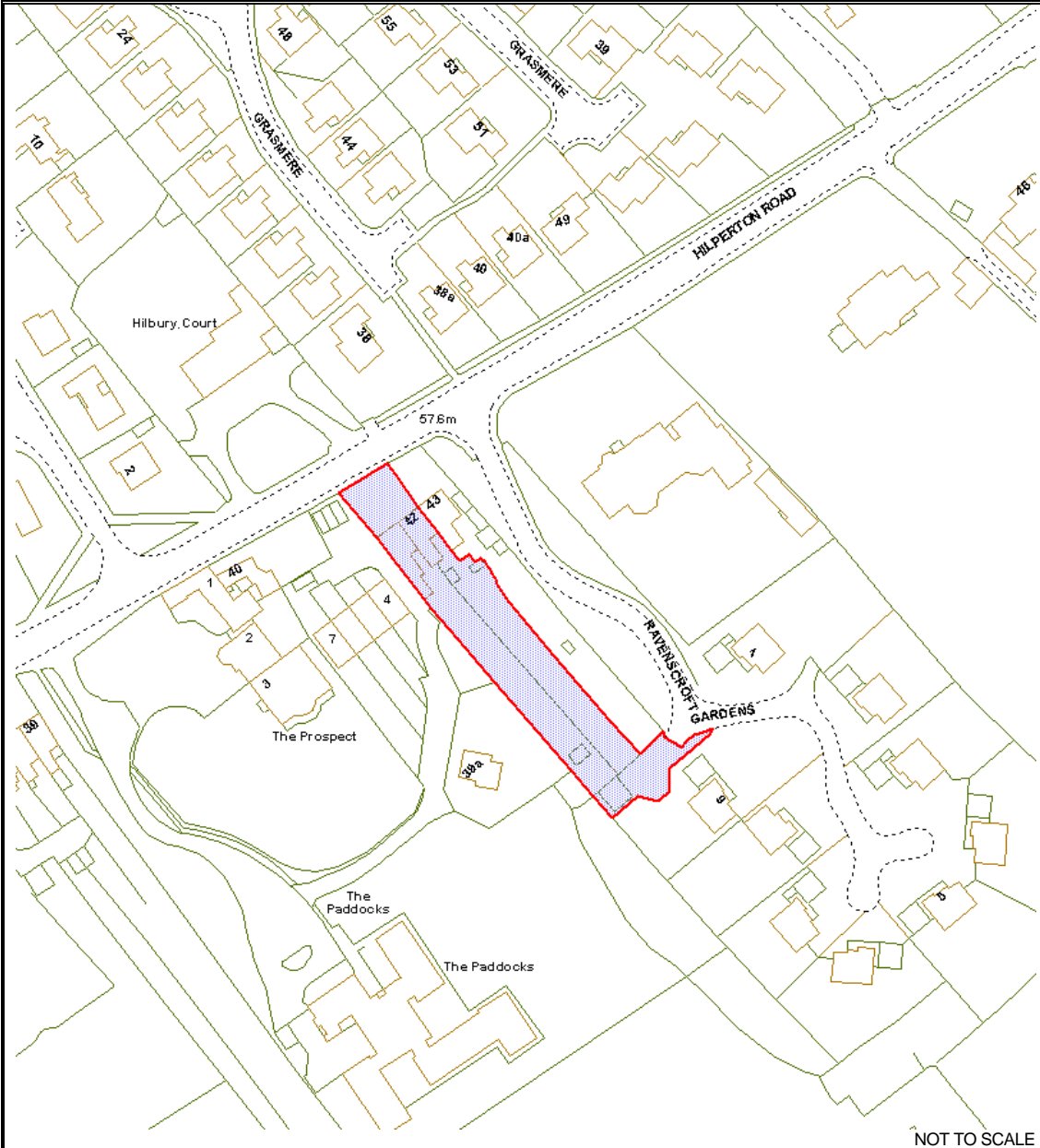
PLANNING COMMITTEE

5 October 2006

ITEM NO: 04

APPLICATION NO: 06/01776/FUL

LOCATION: 41 And 42 Hilpertown Road Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 06/01776/FUL

Site Address: 41 And 42 Hilpertown Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 386505 158358

Application Type: Full Plan

Development: Formation of vehicular access

Applicant Details: Mr And Mrs N Purnell
42 Hilpertown Road Trowbridge BA14 7JQ

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

Case Officer: Miss Nicola Rogers

Date Received: 08.06.2006 Expiry Date: 03.08.2006

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 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.

- 3 Details of the design and finish of the wall and piers shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

- | | |
|---|--|
| 4 | Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety. |
| 5 | The area 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.

REASON: In the interests of road safety. |
| 6 | The proposed access shall incorporate splays on both sides to the rear of the existing footway based on co-ordinates of 2.4 metres by 2.4 metres and which shall be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety. |
| 7 | All existing stonework shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28. |

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee as Trowbridge Town Council objects to the proposal and your officers recommend permission.

This is a full planning application for the creation of a vehicular access onto Hilperton Road to serve 42 Hilperton Road by widening the existing pedestrian opening. The proposal also seeks to create a parking area for both 41 and 42, with two parking spaces for each and a shared manoeuvring area.

The properties, along with number 43 form a terrace of three listed properties set back from the road by approximately 14 metres, the properties are also located in the Hilperton Road Conservation Area.

Vehicular accesses exist to the front of 41 and 43 at present, but 42 has a pedestrian access only at present.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: "Concerns of the business of Hilperton Road, the access onto the main road and the demolition of a listed wall."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections subject to conditions.

PUBLICITY RESPONSES

No comments received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C17 Conservation areas

C27 Listed buildings

C28 Alterations to listed buildings

RELEVANT PLANNING HISTORY

77/00049/HIS - Provision of vehicular access, 41 Hilpert Road (permission 11/3/77)

KEY PLANNING ISSUES

The main issues in this case are the effect of the proposal on the character and appearance of the listed buildings and their curtilages as well as the character and appearance of the conservation area. The road safety issues are also prevalent in this case.

PLANNING OFFICER COMMENTS

All three properties in this row are Grade II listed and any structures in their curtilages present at the time of listing, such as walls, are included in that listing. The boundary walls of all three properties are low, being approximately 0.2 metres in height, the boundary of number 43 has iron railings above, of approximately the same height as the walls. This and the capping of the walls to 41 and 42 imply that these properties also had railings at some time, although it is not clear when these were removed. It is estimated that the boundary walls are original to the properties. Planning permission was granted to number 41 for the creation of an access in 1977.

The initial proposal was for the entire removal of the wall at the front of the property, however, this was not acceptable and your officers requested a reduction in the amount of wall lost, whilst still leaving sufficient space for vehicular entry.

The special character of these buildings is contributed to by the front gardens. Numbers 42 and 43 have established gardens with mature trees and hedges and planting to the front. Number 41, however, has limited planting around the edge of the site and contains gravel in the centre. It is important in the consideration of this proposal that a significant amount of planting remains to the front of number 42, to preserve the setting of the building and its contribution to the street scene and conservation area.

This proposal is sympathetically designed to retain the special character of the front gardens with boundary planting retained between the properties and 2.5 metres of planting retained at the front of the property, number 42 the area of vehicular entry would be paved in the existing stone slabs making up the pedestrian path. Only 2.3 metres of wall would be lost as a result of this proposal and the special character of the listed buildings will be retained.

The Hilpert Road Conservation Area is largely characterised by high stone walls forming the boundaries of a number of listed properties. The boundaries to these three properties are the exception to this character as they are very low walls, probably with railings above originally. It is imperative to preserve the character and appearance of the conservation area and retain a sense of how these walls have changed over time. A loss of the entire wall, in the same manner as originally proposed would detract from the character and appearance of this conservation area. However, this proposal would retain a significant amount of wall and the appearance of the conservation area would be preserved.

This proposal seeks to create a suitable vehicular entrance to this property directly from Hilperton Road. There is an existing access to the rear of the property, which leads off Ravenscroft Gardens and is some 70 metres from the rear of the property, for ease of access this entrance is proposed. The proposal would create a shared manoeuvring area for both 41 and 42 Hilperton Road. This is an improvement on the current situation as there is no room to turn within the parking area of 41 so cars can not leave and enter the public highway in a forward gear. This proposal would enable cars for both properties to turn within the site, thereby alleviating some of the traffic hazards existing on Hilperton Road.

CONCLUSION

Whilst this proposal would result in a section of wall being removed from the curtilage of the listed building, on balance the proposal is acceptable in terms of its effect on the setting of the listed building and the character and appearance of the conservation area. The proposal would improve the situation in terms of highway safety.

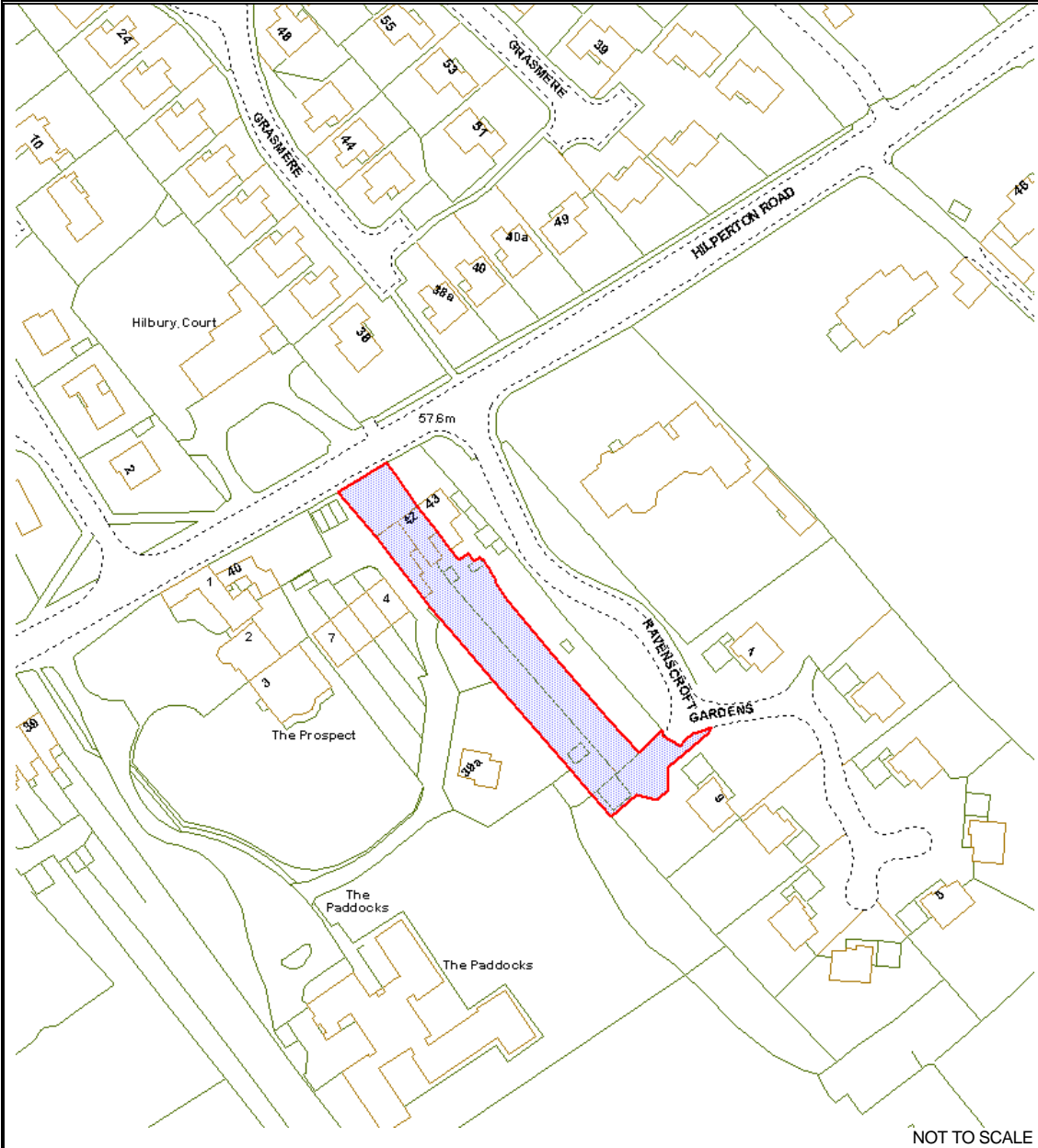
PLANNING COMMITTEE

5 October 2006

ITEM NO: 05

APPLICATION NO: 06/01775/LBC

LOCATION: 41 And 42 Hilpertown Road Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 06/01775/LBC

Site Address: 41 And 42 Hilpert Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 386505 158358

Application Type: Listed building

Development: Formation of vehicular access including partial demolition of frontage boundary wall

Applicant Details: Mr And Mrs N Purnell
42 Hilpert Road Trowbridge BA14 7JQ

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

Case Officer: Miss Nicola Rogers

Date Received: 08.06.2006 Expiry Date: 03.08.2006

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

Condition(s):

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

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

- 2 Details of the design and finish of the wall and piers shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

- 3 All existing stonework shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee as Trowbridge Town Council objects to the proposal and your officers recommend consent.

This is an application for listed building consent for the creation of a vehicular access onto Hilpert Road to serve 42 Hilpert Road by widening the existing pedestrian opening. The proposal also seeks to create a parking area for both 41 and 42, with two parking spaces for each and a shared manoeuvring area.

The properties, along with number 43 form a terrace of three listed properties set back from the road by approximately 14 metres.

CONSULTATION REPLIES

- TROWBRIDGE TOWN COUNCIL: "Concerns of the business of Hilpert Road, the access onto the main road and the demolition of a listed wall."

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No objection subject to the imposition of conditions.

PUBLICITY RESPONSES

No comments received

RELEVANT PLANNING POLICY

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

RELEVANT PLANNING HISTORY

77/00049/HIS - Provision of vehicular access, 41 Hilpert Road (permission 11/3/77)

KEY PLANNING ISSUES

The main issues in this case are the effect of the proposal on the character and appearance of the listed buildings and their curtilages.

PLANNING OFFICER COMMENTS

All three properties in this row are Grade II listed and any structures in their curtilages present at the time of listing, such as walls, are included in that listing. The boundary walls of all three properties are low, being approximately 0.2 metres in height, the boundary of number 43 has iron railings above, of approximately the same height as the walls. This and the capping of the walls to 41 and 42 imply that these properties also had railings at some time, although it is not clear when these were removed. It is estimated that the boundary walls are original to the properties. Planning permission was granted to number 41 for the creation of an access in 1977.

The initial proposal was for the entire removal of the wall at the front of the property, however, this was not acceptable and your officers requested a reduction in the amount of wall lost, whilst still leaving sufficient space for vehicular entry.

The special character of these buildings is contributed to by the front gardens, numbers 42 and 43 have established gardens with mature trees and hedges and planting to the front. Number 41, however, has limited planting around the edge of the site and contains gravel in the centre. It is important in the consideration of this proposal that a significant amount of planting remains to the front of number 42, to preserve the setting of the building.

This proposal is sympathetically designed to retain the special character of the front gardens with boundary planting retained between the properties and 2.5 metres of planting retained at the front of the property, number 42 the area of vehicular entry would be paved in the existing stone slabs making up the pedestrian path. Only 2.3 metres of wall would be lost as a result of this proposal and the special character of the listed buildings will be retained.

CONCLUSION

Whilst this proposal would result in a section of wall being removed from the curtilage of the listed building, on balance the proposal is acceptable in terms of its effect on the setting of the listed building.

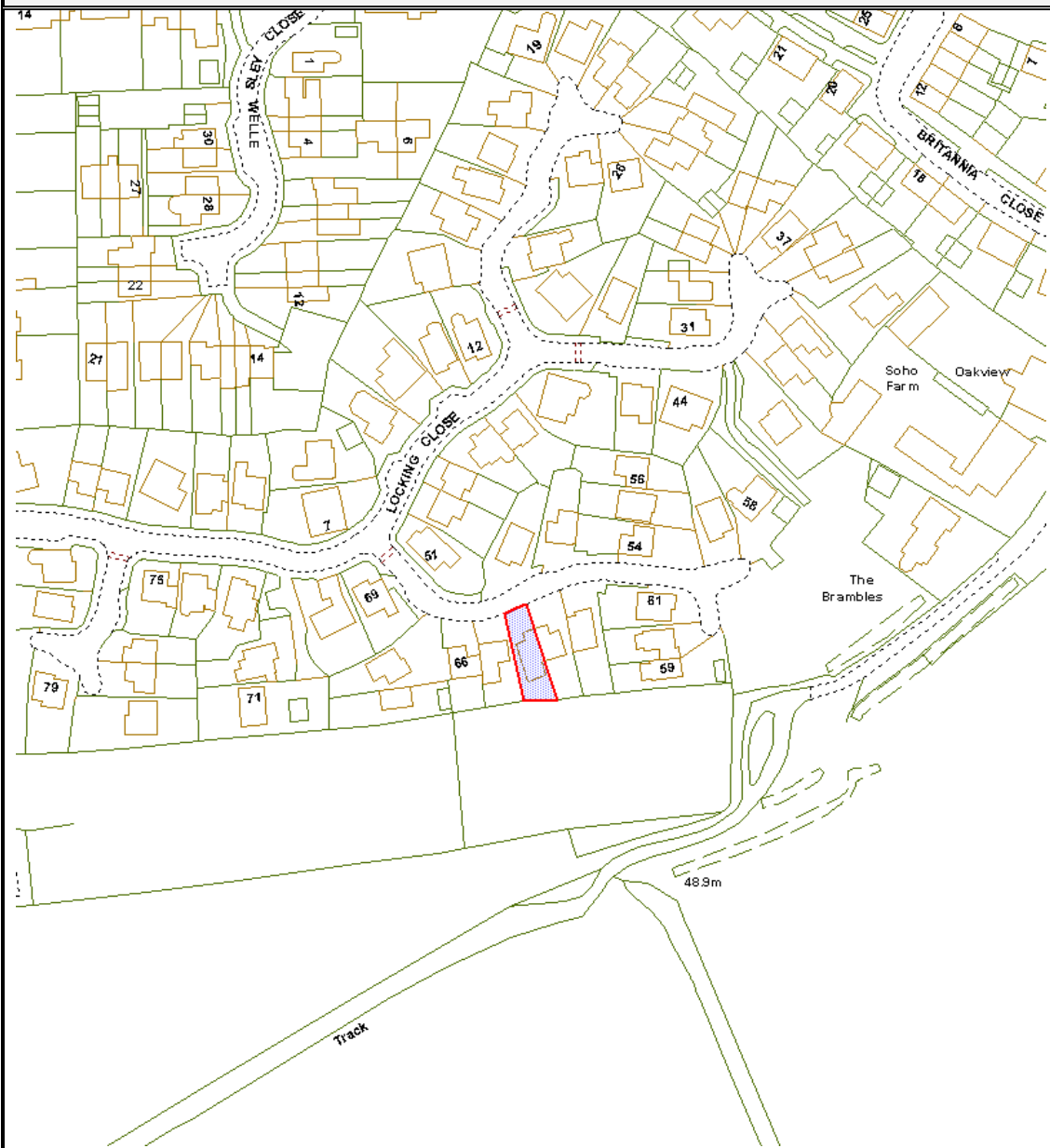
PLANNING COMMITTEE

5 October 2006

ITEM NO: 06

APPLICATION NO: 06/02325/FUL

LOCATION: 64 Locking Close Bowerhill Wiltshire SN12 6XS



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 06/02325/FUL

Site Address: 64 Locking Close Bowerhill Wiltshire SN12 6XS

Parish: Melksham Without Ward: Melksham Without

Grid Reference 391772 161576

Application Type: Full Plan

Development: Proposed rear first floor extension

Applicant Details: Mr Alan Hiscocks
64 Locking Close Melksham Bowerhill Wiltshire SN12 6XS

Agent Details: A Harlow & Son
46 Longford Road Melksham Wiltshire SN12 6AT

Case Officer: Mr David Cox

Date Received: 01.08.2006 Expiry Date: 26.09.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The two storey rear extension by reason of its size, scale, bulk, mass and design would result in a overly dominant extension leading to an unacceptable loss of sunlight/daylight to the habitable bedroom windows of No 63 and on the patio area of No 65, to its detriment. Therefore the application is contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration 2004 and advice contained in the Councils Supplementary Planning Guidance - House Alterations and Extensions 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee at the request of Cllr Oakman in the interest of public debate.

This is an application for a rear first floor extension over an existing single storey extension at 64 Locking Close, Bowerhill. This is a residential area comprising of a range of detached and semi-detached properties. No 64 is a semi-detached property built with light brown bricks under a brown tiled roof. The adjoining semi, No 63 is to the east of the application site and the next dwelling, No 65 is to the west.

No 63 has a kitchen window on its ground floor closest to the application site and a bedroom window on its first floor. No 65 has a kitchen window facing the application site but also has a patio area in close proximity to the existing ground floor extension of No 64.

The proposal would add a first floor over the existing ground floor extension. It would measure approximately 5.2 metres wide, 3.2 metres deep and 6.7 metres tall sloping to 5 metres at eaves. It would extend the two existing bedrooms on the rear elevation with the windows facing out onto the rear garden. A new bathroom window on the side elevation facing No 65 would be required.

The extension would leave a 0.9 metre gap between it and the side boundary with the neighbouring semi No 63.

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: No objection.

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter. One letter of objection was received.

- The outlook from the kitchen window would look onto nothing but brickwork and permanently reduced light.
- This would also be the same for the patio area of No 65
- Daylight has already been lost by the ground floor extension, which is at an acceptable level but a first floor extension would be extreme.
- The extension would be out of character with other houses on the street.

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

SPG states that permission will not normally be granted for an extension that significantly affects the amount of daylight/sunlight enjoyed by the neighbours. Large extensions, especially two storeys close to the boundary with the neighbours can overshadow their gardens and make them less pleasant. It also states that a two storey rear extension more than 2 metres in length or close to the boundary with another house is likely to have an adverse impact on the neighbour, although the design and orientation will be taken into account.

This proposal is 3.2 metres deep and close to both its neighbouring semi to the east and the adjoining property to the west. Therefore an extension this deep would have an adverse impact on the patio of No 65 during morning hours i.e. blocking most of the daylight until midday. The same would occur on the bedroom windows of No 63 during late afternoon and into the evening where the extension would completely block out the sun.

Additionally SPG also states that neighbours should have a 90-degree of open view from their habitable windows. Using a 45-degree line from the bedroom window of No 63 it was found to cut significantly into the side of the extension. Therefore the extension itself would lead to a complete loss of the 90-degree outlook but also confirm that overshadowing would undoubtedly occur.

The insertion of the bathroom window raises no objection because it is a non-habitable window that would have obscured glass. Therefore it would not result in a loss of privacy for the neighbours it would face onto, No 65. However this does not outweigh the harm caused by the two-storey extension on the neighbours.

The extension would not be visible from the street scene albeit it for a very brief moment when passing on the main road. In any case the extension has an appropriate appearance that would not cause harm to the host building but it does have an adverse impact on the neighbours.

CONCLUSION

The two-storey rear extension would lead to an unacceptable loss of sunlight for both the bedroom window of No 63 and the rear garden patio of No 65. The extension would completely dominate the outlook and living standards of these areas to its detriment. For the above reasons the application should be refused planning permission.

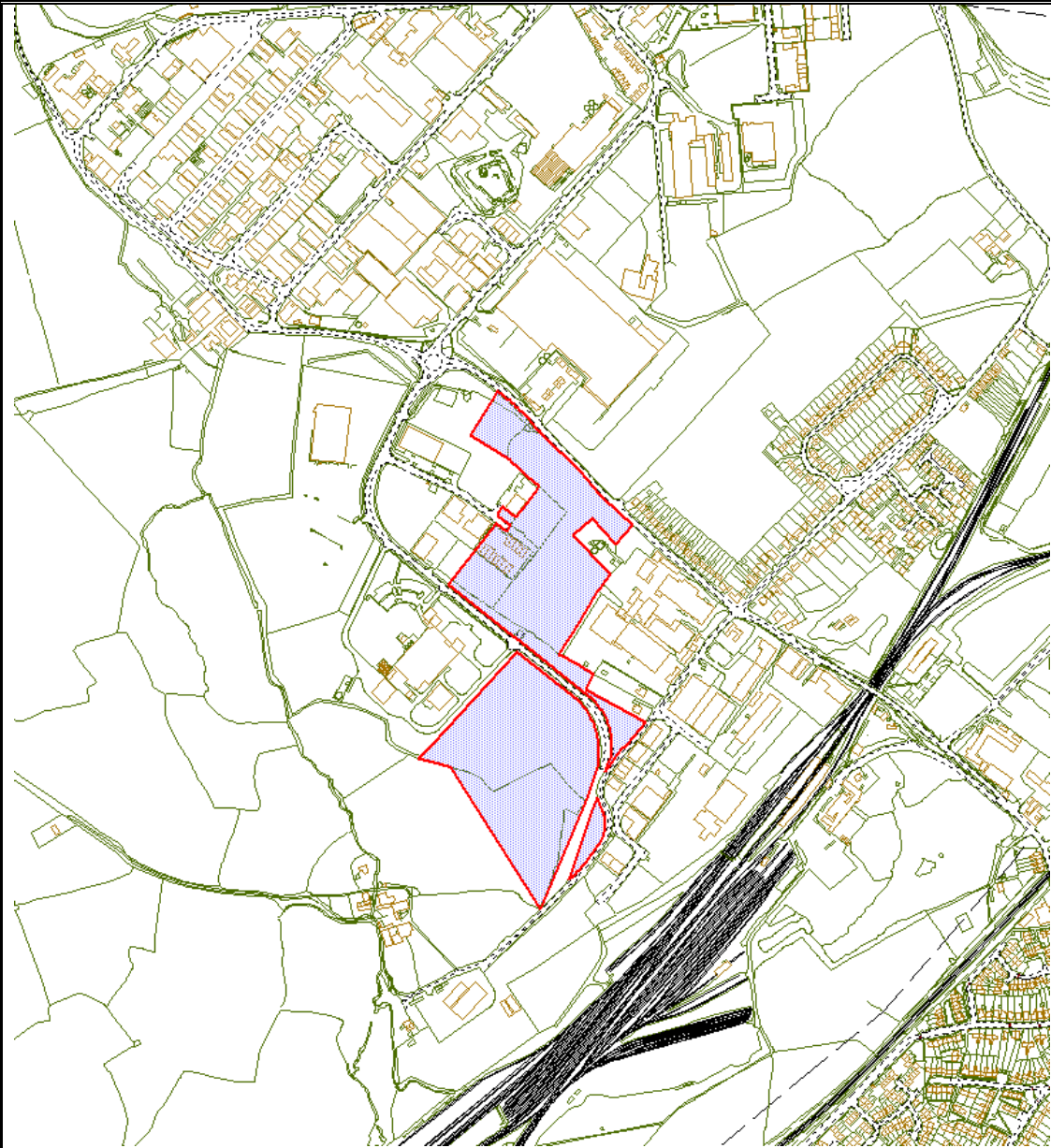
PLANNING COMMITTEE

5 October 2006

ITEM NO: 07

APPLICATION NO: 06/00576/FUL

LOCATION: Land South Of Storridge Road Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 06/00576/FUL

Site Address: Land South Of Storridge Road Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham

Grid Reference 385689 152374

Application Type: Full Plan

Development: Section 73 application to remove Condition 14 of planning permission 04/01476/FUL

Applicant Details: Prospect Land Limited
C/o Pegasus Planning Group F A O Kerry Sullivan 6-20 Spitalgate Lane Cirencester Gloucestershire

Agent Details: Pegasus Planning Group
F A O Kerry Sullivan 6-20 Spitalgate Lane Cirencester Gloucestershire GL7 2DE

Case Officer: Miss Julia Evans

Date Received: 20.02.2006

Expiry Date: 17.04.2006

REASON(S) FOR PERMISSION:

The proposal conforms to the Development Plan, and material changes in planning circumstances justify the removal of the condition.

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

- 4 Phase 1 of the development shall be taken to mean the area shown on the illustrative layout plan 414-001D, received on 22 October 1997, as including units A, B, C, D, E, P, Q, R and S, or an equivalent developable floorspace together with their access roads and parking areas. Phase 2 shall be taken to mean all that part of the development not forming part of the Phase 1 development.

REASON: In order to regulate the development of the site and its infrastructure, and for the avoidance of doubt.

- 5 The site and each unit shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the Local Planning Authority. The approved scheme for Phase 1 shall be implemented in the first planting season following the commencement of Phase 1 and the approved scheme for Phase 2 shall be implemented in the first planting season following the commencement of Phase 2 and the approved scheme for each unit shall be implemented in the first planting season following the commencement of construction of that unit. The landscaping scheme for each phase and/or unit shall use trees and/or shrubs of approved species and height and shall be maintained thereafter for a period of not less than five years. Any trees or shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

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

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

- 6 The details submitted pursuant to Condition 01 shall include details of surface water attenuation, and upon approval, no development shall commence until such time as the surface water attenuation facility has been designed and constructed to the written satisfaction of the Local Planning Authority .

REASON: In the interests of flood prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.

- 7 The details submitted pursuant to Condition 01 shall provide for:

- a. A separate surface water drainage system;
- b. The level of all new development to be above the 1 in 100 year flood level;
- c. Floor levels of all buildings to be a minimum of 600mm above the 1 in 100 year flood level;
- d. The temporary flood retention facility for Phase 1 to have a capacity of 600 cubic metres;
- and
- e. Existing drainage channels and ditches to be enhanced.

REASON: In the interests of flood prevention and to ensure that the development is designed to meet the 1 in 100 year flood level.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.

- 8 No development in Phase 2 as defined in Condition 02 shall take place until a comprehensive scheme of surface water attenuation for the area has been designed and installed in accordance with details approved by the Local Planning Authority. Subsequently the development shall be constructed in accordance with the approved details.

REASON: In the interests of flood prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.

- 9 Development shall not be commenced until details of petrol/oil interception have been submitted to and approved in writing by the Local Planning Authority and installed in the surface water disposal system to its satisfaction. Such petrol/oil interception(s) shall be permanently retained and maintained thereafter.
- REASON: To minimise the risk of pollution to the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies U1a, U2 and U4.
- 10 Any above ground oil/chemical storage tanks shall be surrounded by an impervious bund and integral base with a retention capacity of at least 110 per cent of the largest tank within the bunded area. There shall be no working connections outside the bunded area.
- REASON: To minimise the risk of pollution to the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies U1a, U2 and U4.
- 11 The details submitted pursuant to Condition 01 shall include a scheme of hedgerow retention and upon approval, no hedgerow shall be removed without the further approval in writing of the Local Planning Authority.
- REASON: In the interests of the appearance of the area.
- 12 Detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority before development commences. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. All works referred to in this condition shall be completed, and the parking and servicing areas shall be available for use before the premises are occupied.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.
- 13 Prior to the submission of reserved matters for each phase, an archaeological evaluation of that phase shall be undertaken and the results submitted to the District Council and County Archaeologist; details of appropriate archaeological mitigation measures shall be agreed prior to the submission of the reserved matters, and thereafter implemented.
- REASON: In order to safeguard any archaeological deposits within the site.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14, C15 and C16.
- 14 No development shall take place on the land shown hatched and designated Phase 1a on the plan numbered 414-001D, received on 22 October 1997, until such time as a right turn land and associated works, generally as shown on Peter Finlayson's drawing numbered P141/3A and a three metre wide (or such other width as the public highway permits) pedestrian/cycleway and associated works along Storridge Road from the proposed access to the Brook Lane roundabout have been completed.
- REASON: In order to ensure that proper access is available to serve the industrial park.

COMMITTEE REPORT

APPLICATION DETAILS

Councillor Manasseh has requested that this application be considered by the Planning Committee, as he is concerned that the removal of this condition will cause a further increase of traffic on an already busy road.

This is a Section 73 application for the removal of Condition 14 of the renewed outline consent 04/01476/FUL, for industrial development at land southeast of Storridge Road, Westbury. This 2004 application in itself renewed an earlier outline renewal, 01/01264/FUL, which in turn renewed the original outline consent 97/00903/OUT. This was subject to conditions and two legal agreements: one with the County Council to secure highways works, and the other for the future maintenance of all landscaping and open space areas.

Condition 14 of the 2004 renewal permission states: - "The details submitted pursuant to Condition 01 shall include adequate access and land for the provision of a rail terminal and thereafter no development shall take place on the land which would prevent the future provision and operation of the rail terminal. The Reason: In order to ensure that the potential for bulk freight transport from the site is not prejudiced. The Policy: West Wiltshire District Plan - 1st Alteration 2004 - Policy T8a."

The applicant's wish to remove Condition 14 of planning permission 04/01476/FUL because they consider the protection of this land is no longer necessary. They state: -

"The accompanying drawing clarifies a number of key points in respect of the concerns raised by Councillor Manasseh and Westbury Town Council regarding the proposed deletion of Condition 14 of Planning Permission 04/01476/FUL. The key issues are as follows:-

- The land corridor for the Intermodal rail link as identified within the original outline planning permission for Northacre (Application 97/0903) followed the route identified in green on the enclosed plan. This route was required to facilitate the length of train that was to utilise the freight facility .

- The District Council reviewed the requirement for the rail link as detailed on Planning Permission 97/0903 when allowing the detailed consents for the United Milk and Techprep developments (identified on the enclosed plan). During this process it became clear that the originally proposed route could not be achieved because of the level of highway works that would be required to Brook Lane (including a road bridge over the proposed rail track), and the route was subsequently developed upon by the detailed consents granted for United Milk and Techprep.

- Subsequently the Council deleted Condition 12 of outline permission W97/00903 and Condition 10 of outline Planning Permission W99/01499 which required 'adequate access and land for the provision of a railfreight' on the site covered by these consents (it is understood that the reinsertion of such a requirement within Planning Permission 01/01264 and subsequently 04/01476 was therefore an error).

- The District Council has since granted planning permission (LPA Reference: 03/00617) for the erection of a covered rail container and production facility located on land south of the land included within the outline permissions for the Northacre Business Park. This planning permission represents a valid alternative to the un-implementable proposals identified within the original 1997 application for Northacre Business Park.

- In support of the revised location for a rail facility, as approved under Planning Permission 03/00617, the District Council has also now safeguarded this alternative site through Policy T8A (of the adopted West Wiltshire Local Plan) for a multi user railfreight facility" at Northacre. As can be seen from the attached plan, this safeguarded land accords with the detail of Permission 03/00617 and is sighted outside the area granted outline permission under Planning Permission 04/01476."

The site lies within the E1 and E7 employment areas, and over an Area of High Archaeological Interest or Potential.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: "Now has no objection to these amended plans."

- HEYWOOD PARISH COUNCIL: Have written on their own initiative and state: - "Objection. The business generated will result in a material increase in traffic movements and these movements will aggravate the existing difficulties caused by inappropriate use of the Storridge road and The Ham by traffic from Northacre Park, the West Wilts Trading Estate and Brook Lane.

"To minimise the impact of this traffic on residential amenity in the Heywood Storridge Ward, approval of the application should be conditional on the prior completion and opening to traffic of the Northacre Park Link Road into Brook Lane and the revised/improved signage at the roundabout with Storridge Road and Quartermaster Road.

"Furthermore, approval of the application should be subject to measures instituted for the completion of highway improvements required to give 'Priority to traffic entering/exiting the WWTE at the junction of Link Road and Hawkeridge Road."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Raise "No objection."

- ENVIRONMENT AGENCY: State: - "The Environment Agency - South West Region make the following comments will not be adversely affected by this proposal.

"For information, we were not consulted on planning permission 04/01476/FUL."

- Network Rail - No response has yet been received.

- Inspector of Railways - No response has yet been received.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: State: - "Key Issues: The proposal seeks the removal of condition attached to existing planning permission, which grants permission for a variety of commercial employment uses on the Northacre Park Industrial Estate, Westbury. The condition in question seeks the development of a significant rail freight terminal as part of the proposed employment development.

"The District Council continues to actively encourage the modal shift from road based freight movements to rail based freight movements where viable. This policy meets a number of wider sustainability objectives, which can all be delivered through encouraging sustainable travel patterns. Specifically, the District Plan identifies an area to the immediate south of the proposal site to be safeguarded for future development as an inter-modal rail freight terminal.

"The original permission envisages a significant rail freight facility beyond the scope and scale of that safeguarded under, District Plan Policy T8A. Such a facility would require extensive infrastructure. Namely, new track and ballast, and new signalling. In contrast, the facility proposed under Policy T8A could make use of existing (although disused) sidings, with an upgrade of existing signalling systems. In the current rail climate the former proposal can no longer be reasonably described as being viable, whilst the latter remains a long-term possibility.

"Conclusions: I believe that it would be unreasonable for the District Council to seek to retain the condition pertaining to the provision of a rail freight terminal on the proposal site. However, this should not be interpreted as a change in wider District Council policy towards the future provision of rail freight on the site safeguarded under Policy T8A. Under the current rail climate the

development of the proposal site as a rail freight facility is unlikely to take place. Retention of the rail freight facility condition could conceivably stifle the development of the site for employment uses. However, the Policy T8A site remains (for the moment) a viable long-term proposition for rail freight use and should remain safeguarded for such uses.

"Policy Recommendation: Acceptable in policy terms."

- ENVIRONMENTAL HEALTH: State "I have no comments to make with regard to the above planning application."

- ECONOMIC DEVELOPMENT: "Have no comments to make on this and support Planning Policies comments."

PUBLICITY RESPONSES

The application has been advertised with a Public Notice Site Notice. No responses have been received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP2	Infrastructure
DP3	Development strategy
DP5	Town centres, district centres, and employment areas
T4	Transport interchanges
T5	Cycling and walking
T6	Demand management
C5	The water environment
HE2	Other sites of archaeological or historic interest

West Wiltshire District Plan - 1st Alteration 2004

C14	Archaeological Field Evaluation
C15	Archaeological Assessment
C16	Archaeological Investigation and recording
C31A	Design
C32	Landscaping
C35	Light pollution
C36	Noise
C38	Nuisance
C40	Tree Planting
E1	New employment land allocations
E2	Employment policy areas
T8A	Rail freight facility
T10	Car parking
T11	Cycleways
I1A	Foul water disposal
U2	Surface water disposal
U3	Flooding
U4	Groundwater Source Protection Areas
I1	Implementation
I3	Access for everyone

National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and commercial development in small firms
PPG13	Transport

Circular 11/95 - The Use of Conditions in Planning Permissions

RELEVANT PLANNING HISTORY

97/00903/OUT - Industrial park (outline) - Permission 07.10.1998

01/01264/FUL - Renewal of outline consent for industrial development - Permission 26.11.2001

04/01476/FUL - Section 73 application to vary Conditions 1 and 3 of planning permission

01/01264/FUL - Permission 22.12.2004

The rail freight applications: -

98/01057/OUT - Rail covered docking/container and production facility - Permission 27.04.2000

03/00617/FUL - Erection of covered rail docking/container and production facility without compliance with Condition 1 imposed on outline planning permission 98/01057/OUT - Permission 27.04.2000

06/02287/FUL - Section 73 application for variation in time limit in relation to approved application 03/00617/FUL - Live.

KEY PLANNING ISSUES

This application raises the matter of the removal of Condition 14 from the outline consent.

PLANNING OFFICER COMMENTS

The key issue in this case is whether there has been any material change in planning circumstances since the proposal was renewed in 2004. Section 73 of the Town & Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a permission. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue. The original planning permission will continue to exist whatever the outcome of the application under Section 73. Circular 11/95 advises that as a general rule, applications for renewing a permission should only be refused where there has been a material change in planning circumstances that would merit a different decision.

The original 1997 permission was first renewed in 2001 with all the original conditions attached. At that time it was considered that no material changes had taken place. However, this 2001 application not only renewed the 1997 site area, but also amalgamated other areas into this permission. There is no reasoning on the file as to why this was done. Section 73 applications are a means of determining applications for planning permission without compliance with conditions previously attached. In your officer's view, the decision to amalgamate several different decisions under one renewal application as was done in 2001 was incorrect. However, it was done, and the 2004 renewed the 1997 application (and thereby 99/01499/OUT and 00/00792/OUT) again for another three years.

The current application seeks to remove the condition on this permission requiring the provision of a rail terminal. The Planning Policy Section have made it clear that "it would be unreasonable for the District Council to seek to retain the condition pertaining to the provision of a rail freight terminal on the proposal site.....". Under the current rail climate the development of the proposal site as a rail freight facility is unlikely to take place. Retention of the rail freight facility condition could conceivably stifle the development of the site for employment uses. However, the Policy T8A site remains (for the moment) a viable long-term proposition for rail freight use and should remain safeguarded for such uses." The original 1997 permission envisaged a rail freight facility beyond the scope and scale of that currently safeguarded under Development Plan Policy T8A.

The T8A policy area is safeguarded for a multi-user rail freight facility, and planning permission exists on it for the erection of a covered rail docking/container and production facility (ref 03/00617/FUL). In view of the Planning Policy comments, the T8A safeguarded area, and the existing planning permission on land for a rail facility, no objection is raised to the removal of this condition from the permission.

Heywood Parish Council have objected to the proposal as it would result in a material increase in traffic movements. They consider that "nothing has changed since the permission was first granted." However, in addition to the matters raised in the above paragraphs, the development of United Diaries and the car storage site have already sterilised part of the original line from development. The highways issues raised are not supported by the Parish Council, hence their concerns are not upheld.

CONCLUSION

The material considerations for the retention of this condition no longer apply, hence the recommendation to remove the condition is considered acceptable and in accordance with Development Plan policy.

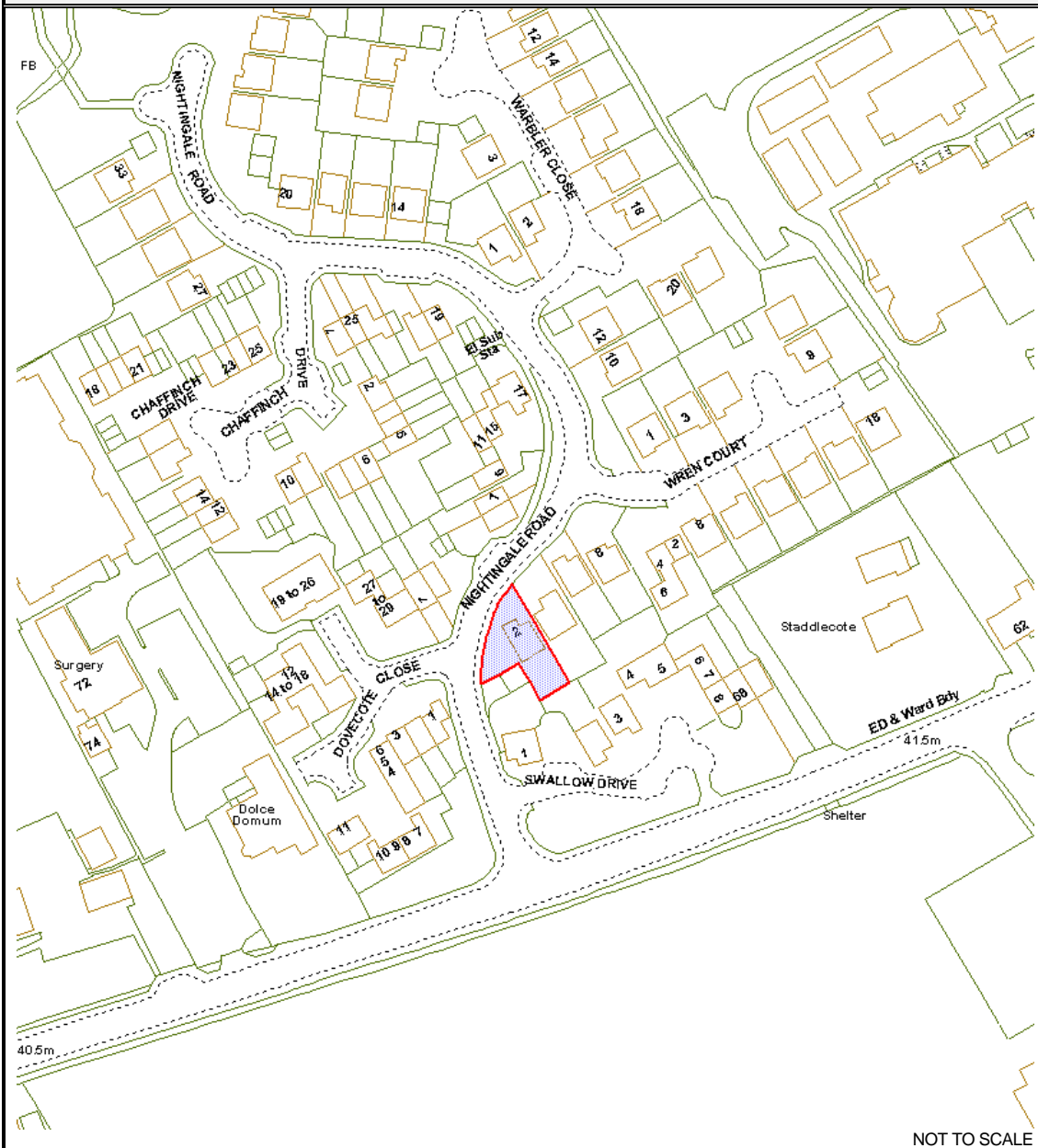
PLANNING COMMITTEE

5 October 2006

ITEM NO: 08

APPLICATION NO: 06/01992/FUL

LOCATION: 2 Nightingale Road Trowbridge Wiltshire BA14 9TP



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 06/01992/FUL

Site Address: 2 Nightingale Road Trowbridge Wiltshire BA14 9TP

Parish:

Ward:

Grid Reference 384580 157588

Application Type: Full Plan

Development: Self contained annexe

Applicant Details: Mr Michael Hudd
2 Nightingale Road Trowbridge Wiltshire BA14 9TP

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 29.06.2006

Expiry Date: 24.08.2006

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 The accommodation to be provided within the development hereby approved shall remain as permanent ancillary accommodation to the dwelling 2 Nightingale Road and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit.

REASON: In the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for a self-contained annexe at 2 Nightingale Road, Trowbridge.

The property is located approximately 60m north of the intersection between Nightingale Road and Wingfield Road. The application site is in a residential area, characterised by dwellings of uniform materials of reconstituted stone and tile. Dwellings are mainly double storey in height and have variable modern designs. The area contains detached, semi-detached and terraced houses.

The proposal is for a side extension to the dwelling that would occupy a footprint of 4.7m x 7.1m. An existing porch and entrance would be removed. The extension would have an open plan kitchen/lounge at ground floor level, with 2 bedrooms and a shower above. The applicant states that the annexe would be for use by a family member only. The extension would be aligned with the front of the dwelling, but would have a roofline 400mm below that of the existing roof ridge. Materials matching the existing are proposed.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: "This appeared out of character with the area."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to a condition tying the use of the annexe to use by members of the same household.

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C38 Effects of development on neighbouring properties

C31A Design

SPG House alterations and extensions.

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issues in this case are the acceptability of an annexe in this locality and the design of the proposed dwelling in relation to the surrounding area.

PLANNING OFFICER COMMENTS

The property is located in an area which has a character defined by a consistency in the use of materials, but with house types of varying designs. There is no established character of uniform design or dwelling size. Although the extension would be prominent to the corner of the site this would not be a unique situation within the area. As an example, the semi-detached dwelling nearby at no 5 Nightingale Road is also located on a corner within close proximity of the street frontage.

The extension would be located to the north of the only immediately neighbouring residential property. There is a double garage located to the south of the boundary, on the neighbour's side. No overshadowing or dominance issues would arise for any neighbour. A proposed bedroom window would be orientated towards the dwelling to the south, which has upstairs windows at approximately 18m distant. This would not normally comply with distance criteria between neighbouring windows to habitable rooms, but in this case there are two existing bedrooms to the rear of the application dwelling that are orientated in that direction. The two dwellings are also at slightly obscure angles to each other. The pitched roof to the double garage would interrupt overlooking into the neighbouring garden to the south.

The highway authority recommendation that there be no future subdivision of the single residential planning unit should be made a condition of any permission where parking for two vehicles is available to the front of the existing dwelling, with limited parking or amenity space available to serve the annexe were it to be subdivided in the future.

CONCLUSION

The proposed extension would not be out of keeping with the variable designs of dwellings in the area, provided that matching materials are utilised. Subject to a condition being made applicable requiring that the annexe remains tied to the existing dwelling the application should be granted permission.

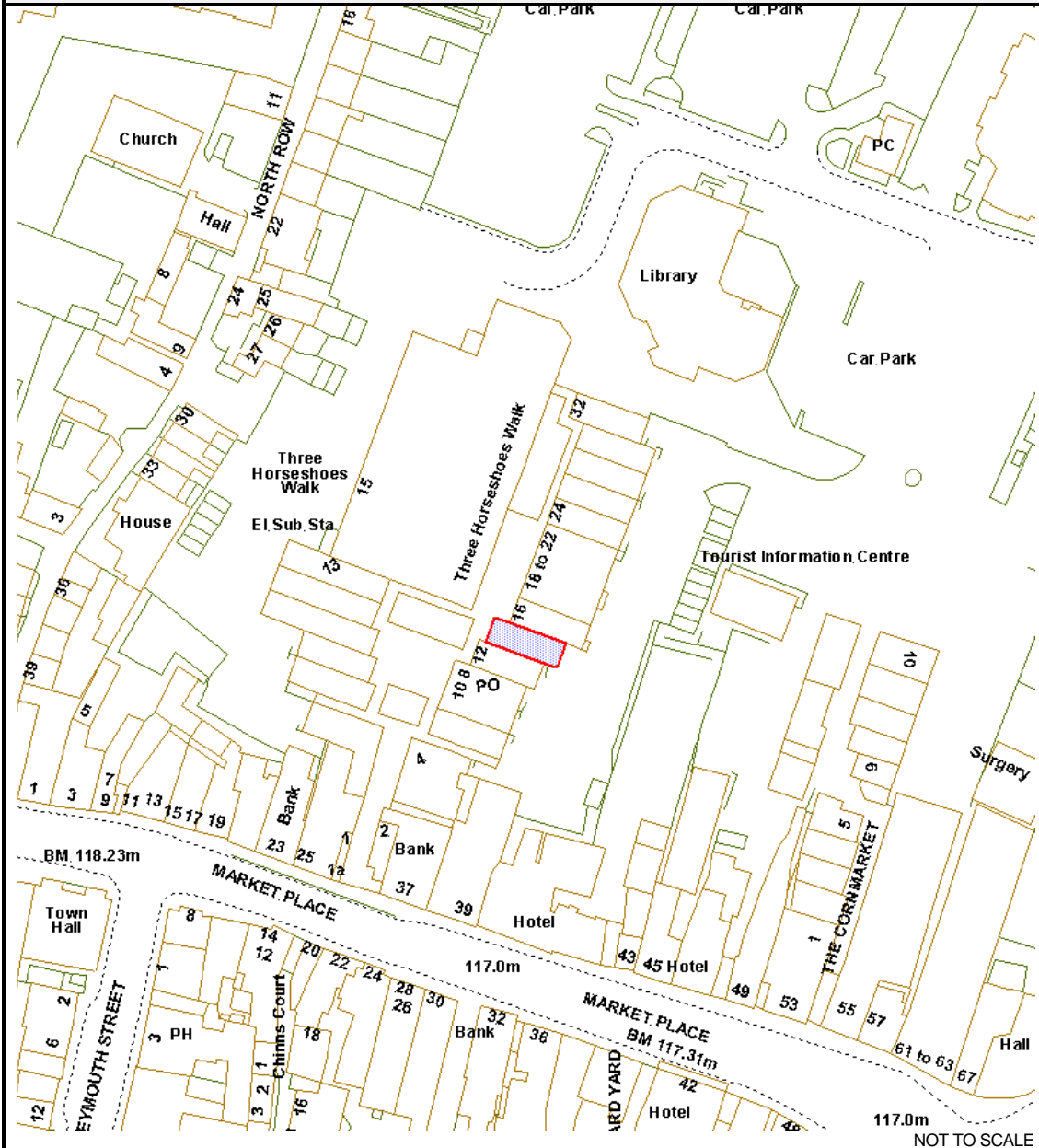
PLANNING COMMITTEE

5 October 2006

ITEM NO: 09

APPLICATION NO: 06/01571/FUL

LOCATION: 14 Three Horseshoes Walk Warminster Wiltshire
BA12 9BT



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 06/01571/FUL

Site Address: 14 Three Horseshoes Walk Warminster Wiltshire BA12 9BT

Parish: Warminster Ward: Warminster East

Grid Reference 387512 145140

Application Type: Full Plan

Development: Construction of single storey rear extension to existing retail unit to provide additional storage space and alterations to the shopfront

Applicant Details: Hypo Real Estate Int
C/o Kenmore Property Group Ltd 5 Wigmore Street London W1U

Agent Details: Mellersh And Harding
6 Duke Street St James London SW1X 6BN

Case Officer: Miss Julia Evans

Date Received: 18.05.2006 Expiry Date: 13.07.2006

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 C17, C18 & C31A.

- 3 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17, C18 & C31A.

- 4 Before any work is commenced on site, details of the measures to protect and/or divert the public water main near to the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken in accordance with the approved details.

REASON: In order to protect public infrastructure.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1.

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water to arrange points of connection and protection of their apparatus.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought before the Planning Committee because of Warminster Town Council object. Your Officer recommends permission.

This is a full application for the construction of a single storey rear extension and alterations to the shopfront of 14 Three Horseshoes Walk, Warminster. The shop is one of a terrace of shops within a pedestrian shopping mall, and is currently vacant. It was last used as a bakers and café. The existing blue shopfront has arched windows and door with a wooden skirt and fascia. Above the shops lie residential units. To the rear lies a communal servicing and access area. The rear of the shops is constructed of concrete blocks with flat roofs forming terraces for the residential units above them.

The proposed shopfront would have a centralised door and full-length windows in an aluminium frame. Above would be a shop fascia, left blank for signage. The extension to the rear would be constructed of blockwork to match the existing, with a flat roof. It would be used to provide additional storage space, and would have a footprint of approximately 5.5 metres by 3.5 metres. A servicing area would be left to the front of the extension.

The site lies within the Warminster Conservation Area, the town's policy limit, and the primary retail frontage area.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: "Moved refusal of this application as this will be a loss of a service area and loss of parking..... Voting unanimously for refusal."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "As with my response to the similar proposals of W06:0044 I have no highway objection to raise."

- WESSEX WATER: State: - No objection but recommend that a condition and informative be imposed.

"It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure."

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: Raise "no objection."

PUBLICITY RESPONSES

The application has been advertised with a Public Notice and neighbour notifications have been undertaken.

One response has been received raising the following matters: -

- The extension will result in the loss of a servicing and loading area, which will result in excess noise, congestion and traffic problems;
- Add to the congestion problems already experienced in the area; and
- The owner's attempts to manage the parking situation are unsuccessful.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- T5 Parking
- C5 The water environment
- HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

- C17 Conservation Areas
- C18 New development in Conservation Areas
- C25 Shopfronts
- C31A Design
- C36 Noise
- C38 Nuisance
- T10 Car parking
- SP4 Primary retail frontages
- U1 Infrastructure

National guidance

- PPS1 Delivering Sustainable Development
- PPS6 Planning for town centres
- PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

88/01096/FUL - Installation of aluminium up and over shopfront - Permission 16.08.1988

90/01646/FUL - Change of Use from A1 to A3 and new shopfront with fascia - Permission 05.03.1991

05/02393/FUL - Construction of a single storey rear extension to existing retail unit to provide additional storage space, and alterations to shopfront - Refused 08.12.2005.

06/00044/FUL - Construction of a single storey rear extension to existing retail unit to provide additional storage space, and alterations to the shopfront - Withdrawn 24.02.2006.

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Planning history;
- Impact of the proposals on the Conservation Area;
- Impact on the highway infrastructure;
- Impact on amenity; and
- Change of use.

PLANNING OFFICER COMMENTS

Number 14 is a vacant A3 use within a pedestrianised shopping mall in Warminster's Conservation Area. The General Permitted Development Order 1995 permits changes of such uses to A1 or A2 uses without the need for planning permission. The current application proposes a modern shopfront to replace that permitted and implemented in 1991. Although the existing shopfront is preferable to that proposed, the character of the Conservation Area at this point is one of modern shopfronts overlooking an enclosed pedestrian mall. It is felt, therefore, that in view of the surrounding character of the area that a refusal on Conservation Area character and appearance would be difficult to substantiate.

To the rear of the property, a single storey blockwork and flat-roofed extension is proposed. Two previous applications have been submitted for this extension: the first was refused for proposing render, and the second was withdrawn by the applicant as it still had not addressed the loading and servicing concerns raised by the proposal. The current application proposes to replicate the existing materials used in the building, and has been reduced in size so that it does not protrude further than the rear of Unit 16. As a result of these changes, the proposal is considered acceptable in terms of the impact of the proposal on the Conservation Area.

The previous refusal and withdrawn application raised concerns as to the loss of an area used for loading and servicing of the property. The reduction in size of the extension means that the servicing and loading area is now of a similar size to the neighbouring units. The Highway Authority have not raised an objection to the proposal, although a neighbour has objected. In view of the amendment to the current proposal, it is now considered acceptable, and no objection is raised, subject to a condition requiring the area to be kept free of obstruction.

Wessex Water have raised concern as regards the proximity of the extension to a public water main. A condition has been attached requiring protection of the water main.

A neighbour has raised concern as to noise generation from the proposal. In view of the existing use of the properties, it is not felt that the extension would significantly exacerbate noise disturbance over and above that which already exists. However, the Environmental Health Section have not objected to the proposal, and any noise complaints can be addressed through their legislation.

CONCLUSION

Subject to conditions, the proposal is now considered acceptable and in accordance with the Development Plan.

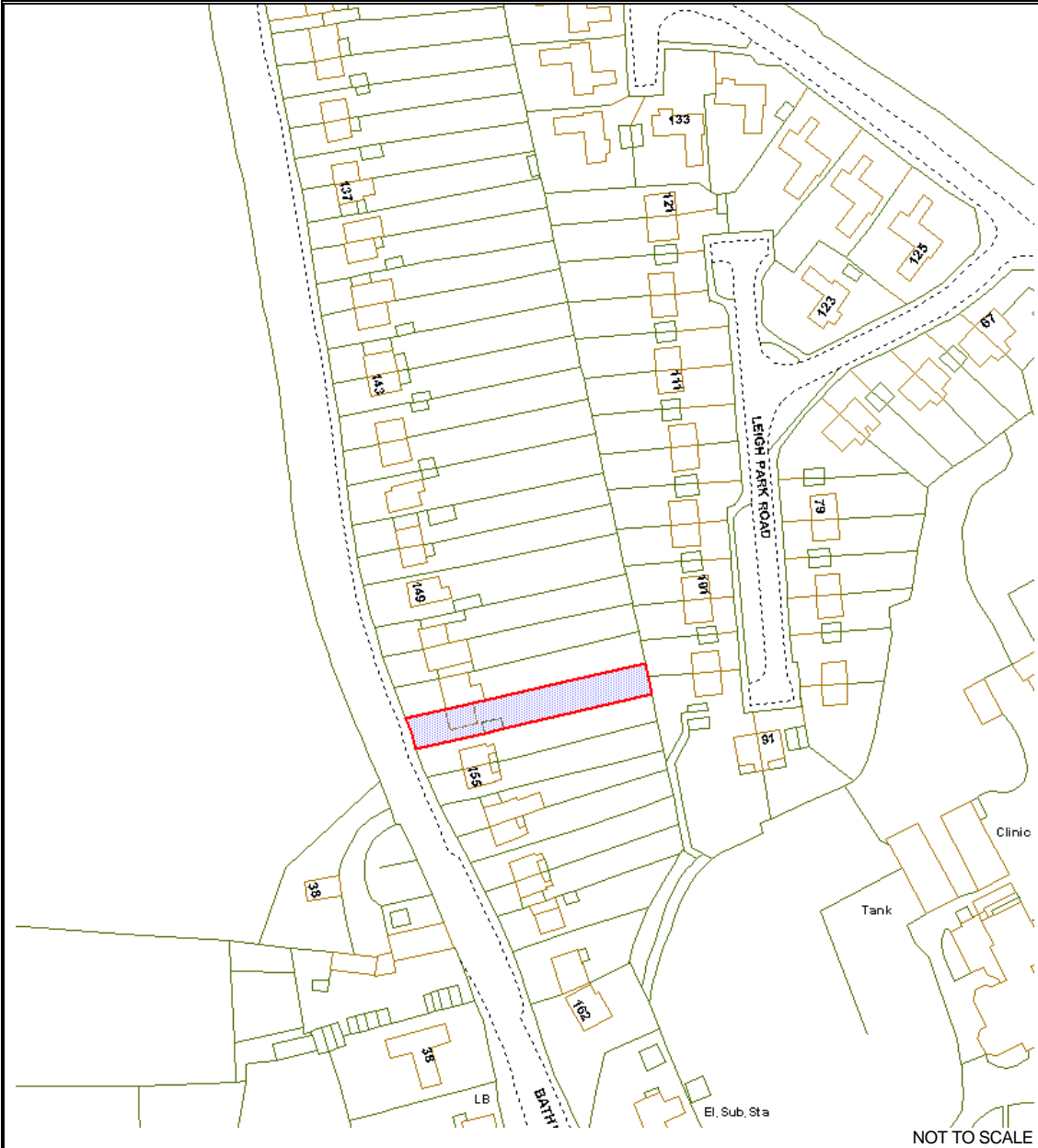
PLANNING COMMITTEE

5 October 2006

ITEM NO: 10

APPLICATION NO: 06/02082/FUL

LOCATION: 153 Bath Road Bradford On Avon Wiltshire BA15 1SS



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SLA: 100022961

10 Application: 06/02082/FUL

Site Address: 153 Bath Road Bradford On Avon Wiltshire BA15 1SS

Parish: Bradford On Avon

Ward: Bradford On Avon North

Grid Reference 382487 161707

Application Type: Full Plan

Development: Extension to dwelling

Applicant Details: Mr And Mrs Goggin
153 Bath Road Bradford On Avon Wiltshire BA15 1SS

Agent Details: Hetreed Ross Architects
F.T.A.O. Christin Peglow Bath Brewery Toll Bridge Road Bath
BA1 7DE

Case Officer: Mr Donncha Murphy

Date Received: 10.07.2006

Expiry Date: 04.09.2006

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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because the Town Council objects contrary to Officers recommendation of permission.

This is a full application for a first floor side extension. The proposed first floor extension would be approximately 2 metres in width and 10 metres in length. The roofline of the proposed extension would match the existing.

The proposal also includes the conversion of the existing loft but this element of the work is permitted development and does not require formal planning permission.

The host dwelling is a two-story semi-detached dwelling located in an area of similar dwellings in a residential area on the northern side of the town.

The materials used in the proposed extension would match those used in the existing dwelling.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Bradford on Avon Town Council have objected to the proposed development on the following grounds:

The proposal would constitute over development of the host building and it would be out of keeping with the character of the neighbouring properties. It would also set an unacceptable precedent and involve the use of too many, too large velux windows.

PUBLICITY RESPONSES

Neighbours have been notified to which there has been no response.

RELEVANT PLANNING POLICY

West Wilts District Plan - 1st Alteration 2004

C31A Design

C38 Nuisance

H1 Town Policy Limits

Supplementary Planning Guidance

SPG Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

98/01208/FUL - Extension - Approved 01.10.1998

99/00640/FUL - Two storey rear extension and garage - Approved 12.07.1999.

KEY PLANNING ISSUES

The main issues to consider are the potential impact on the host dwelling, the street scene and neighbouring amenity.

PLANNING OFFICER COMMENTS

The materials used in the proposed extension would match those used in the host dwelling satisfying the guidelines set out within Council policy.

A mixture of roof shapes and angles in one building can create a confused appearance. However, the design, angle and style of the original roof would be reflected in the roofline of the extension conforming to the guidelines set out in Supplementary Planning Guidance.

Bradford on Avon Town Council objects to the proposals but it is considered that the proposal is in character with the neighbouring properties. A similar side extension was constructed to the neighbouring property at 154 Bath Road and another similar side extension at 151 Bath road. It would be difficult therefore to argue that the current proposals would set an unacceptable precedent, and in any case every application is considered on its individual merits.

The Town Council is also concerned about the introduction of too many roof windows. Although the proposal involves the introduction of roof windows in the south, east and west elevations, only the one on the front elevation would be visible from the street scene. It would be a minor alteration and would not be to the detriment of the host dwelling or the street scene. Furthermore, these windows form part of the loft conversion and constitute permitted development and would not require planning permission.

The impact on the neighbouring amenity must also be considered. The location of the extension is such that there would be no adverse impact on the neighbouring property to the north and a .5 metre gap would be retained between this and the neighbouring property to the south. The location of the extension is such that it would appear as a subservient element to the host dwelling and no harm from loss of light or overlooking.

CONCLUSION

The proposed development would not have an adverse impact on the host dwelling, the street scene or neighbouring amenity.

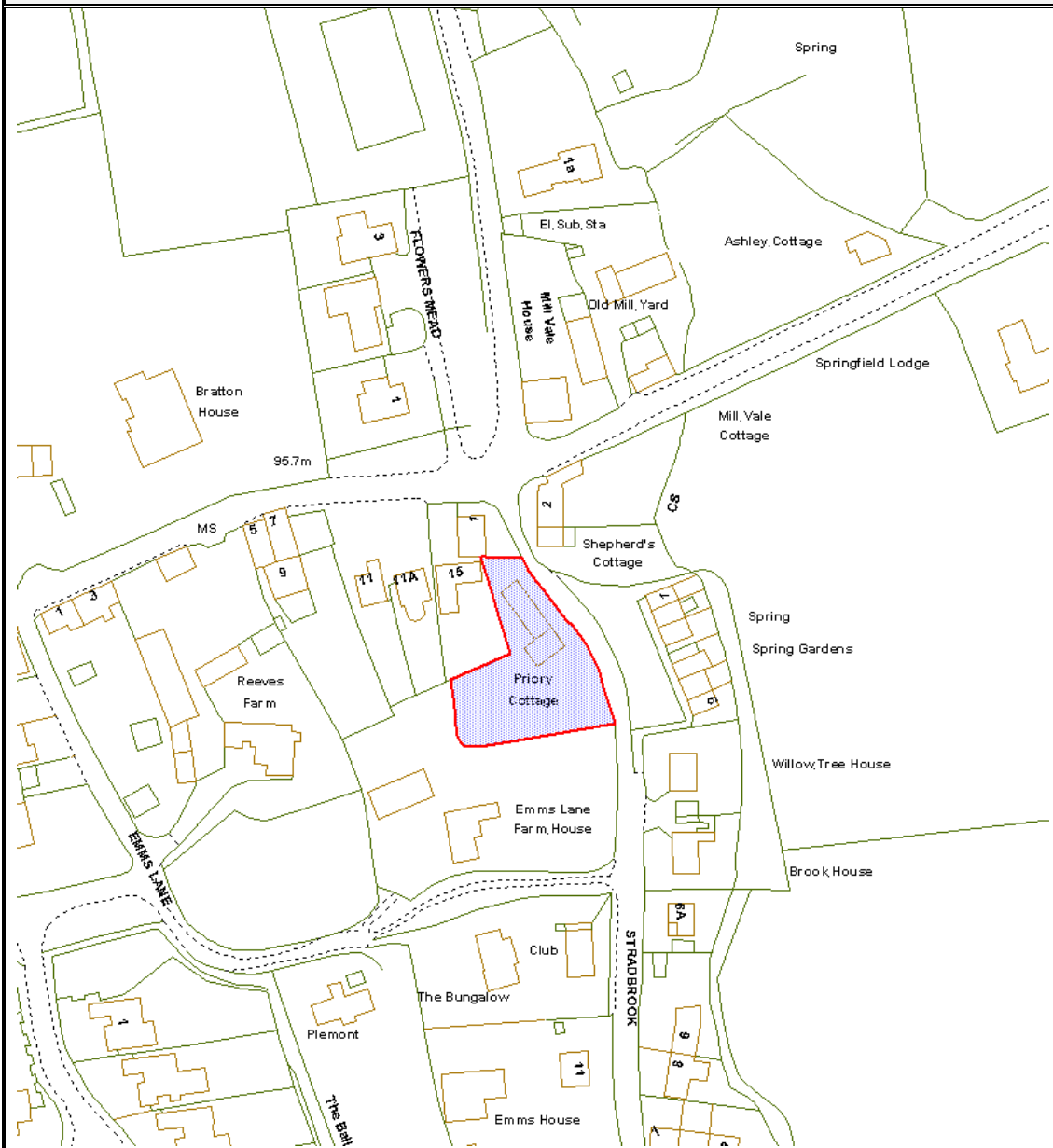
PLANNING COMMITTEE

5 October 2006

ITEM NO: 11

APPLICATION NO: 06/00470/FUL

LOCATION: Priory Cottages Stradbrook Bratton Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 06/00470/FUL

Site Address: Priory Cottages Stradbrook Bratton Wiltshire

Parish: Bratton Ward: Ethandune

Grid Reference 391718 152463

Application Type: Full Plan

Development: Conversion of Nos 5 and 7, currently one dwelling into two separate dwellings

Applicant Details: Mr D D Huntley
30 Bremeridge Road Westbury Wiltshire BA13 3UJ

Agent Details:

Case Officer: Mr Russell Brown

Date Received: 10.02.2006 Expiry Date: 07.04.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure a further open book exercise at the completion of the development to further assess the viability of the proposals and whether it is necessary to make any contribution towards affordable housing in accordance with Council policy.

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 any materials to be used in 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 character of the listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 and C28.

- 3 A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the buildings 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 and the setting of the listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 and C32.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee as the Parish Council objects to the proposals contrary to Officer's recommendation of approval.

This is a full planning application for the conversion of 5 and 7 Priory Cottages, currently one dwelling, back into two separate dwellings together with associated internal and external works to the listed building.

Nos 5 and 7 Stradbrook form part of a terrace of three dwellings within the Bratton Conservation Area. Nos. 5 and 7 are Grade II listed although No. 9 is not.

This application seeks approval for the creation of the additional dwelling and the various works necessary to achieve this including various alterations of reinstatement and repair.

These works include the formation of a new first floor window opening for a new bathroom on the rear elevation of No. 7 and the blocking up of a door at ground floor level in order to separate the two properties.

There is cement render on the rear of the listed building and the proposals also include for its partial removal in order to allow the building to breathe and to return it to its original character.

A large amount of guttering and downpipes on the rear of the property would be removed as a more coherent approach to the drainage utilising the original cast ironwork.

These properties are located several metres higher than the level of the road. There is a steep bank rising from the edge of the road and the properties to the west are all in a raised above the road without the benefit of any parking provision. No parking as a result can be achieved within the site and none is proposed as part of this application.

CONSULTATION REPLIES:

- BRATTON PARISH COUNCIL: The Council objected on the grounds that the plan showed no provision for parking. Stradbrook already has a parking problem and with the possibility of a minimum of 4 further vehicles from 2 dwelling this would exacerbate an already congested parking problem in Stradbrook.

STATUTORY CONSULTATION

- HIGHWAY AUTHORITY: Object on grounds of lack of parking, leading to more on-street parking, and that the site is a remote location away from services, employment and public transport.

- WESSEX WATER: No objections in principle.

PUBLICITY RESPONSES

The application has been publicised by site notice and press advertisement and neighbours have been notified. One letter has been received in response.

There is no objection but it is noted that there is no mention of access and parking

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C3 Special Landscape Areas
C15 Areas of High Archaeological Interest
C17 Conservation Areas
C27 Listed Buildings
C28 Alterations to Listed Buildings
C31A Design
C38 Nuisance
H2 Affordable Housing
H17 Village Policy Limits

PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

Supplementary Planning Guidance

SPG Affordable Housing

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues in this application are the effect of the proposals on the character of the listed building, the special character and appearance of the Conservation Area, the principle of the creation of a new dwelling, affordable housing, neighbouring amenity and highway safety.

PLANNING OFFICER COMMENTS

Principle of an additional dwelling

The properties were originally two cottages and were only recently converted to form one dwelling unit. The conversion of two dwellings into one is permitted development. However, the subdivision of one dwelling into two does require planning permission

The creation of an additional dwelling is acceptable as it is within the Village Policy Limits of Bratton. In addition, these properties were originally two dwellings and this proposal is a reversion back to the original arrangement and would require very few external or interior alterations.

Affordable housing

The applicant has undertaken an open book exercise in accordance with the Council's Supplementary Planning Guidance. This has shown that no contribution for affordable housing is required at the present time. However, this may not necessarily be the case once the conversion has taken place. It is therefore recommended that a Section 106 agreement is entered into to ensure that should the financial situation change, a reassessment can be undertaken.

Impact on the historic environment

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.

The physical works to the building are of a relatively modest scale. The new rear facing first floor window would be of traditional construction and would match the historic windows in the rest of the property. This is a logical position for a window and would correspond with the other windows in the property.

The remainder of the works are mainly of repair. The cement render to the rear of the property would be carefully removed and left either as brick or rendered in lime, depending on the condition of the bricks.

Inappropriate guttering would be removed from the rear and the guttering rearranged to make a coherent and acceptable system for the drainage. This would undoubtedly enhance the character of the listed building.

There would be no harm the character or fabric of the listed building and the works would not only be beneficial but add to the longevity of the building.

There would be no alteration to the front elevation and the proposals would not result in any harm to the special character and appearance of the Conservation Area as the building would be returned in a sympathetic manner to the original layout and appearance.

Highway safety

Both the Highway Authority and the Parish Council are concerned over the lack of parking for the houses.

The site is within a Conservation Area and as such the historic layout of roads, gardens and buildings are very important to the character of the area.

Stradbrook has a steep bank rising to the west and these properties are sited high above the road level. Historically there has never been any form of parking provision. In order to provide parking for these dwellings, the garden to the south of No. 3 Stradbrook would need to be completely excavated down to road level, with retaining walls created in excess of 4 metres high. This would be detrimental to the special character and appearance of the Conservation Area as it would destroy the historic layout of this area, harm the streetscene and also result in a visually intrusive feature in the wider area.

The provision of parking would be likely to harm the special character and appearance of the Conservation Area and the setting of these listed buildings.

This is also an Area of High Archaeological Interest where such large-scale excavation may well be unacceptable.

Historically, these were a terrace of three properties, two of which are listed, and none of which had the benefit of any parking. There is historical justification for three dwellings in this location with no parking. There is unrestricted on street parking in this area and the two cottages once converted would each comprise only two bedrooms which would be unlikely to generate the need for more than one, or a maximum of two spaces. It is Government guidance that local planning authorities should be flexible with regard to provision of parking.

Furthermore, Stradbrook is within a short distance of the main road running through Bratton, only 20 metres from these properties, which forms a main bus route through Bratton in each direction.

Neighbouring amenity

The building would not be altered in such a way as to result in harm to neighbouring amenities. The new window would serve a bathroom and therefore no overlooking would be created. There are no directly affected rear neighbouring properties and although there are neighbouring properties to the north these would not be affected by any of the alterations.

Other matters

The external alterations are so small that there would be no impact on the Special Landscape Area. The scheme does not propose any ground works and therefore the archaeology of the area would not be affected.

CONCLUSION

The creation of an additional dwelling is acceptable within the policy framework. The proposed conversion works would not be overly intrusive and would not harm the character or integrity of the listed building, the special character and appearance of the Conservation Area or neighbouring amenities.

The conversion would ensure the continuing life of the building and prevent further deterioration of the building's fabric.

The historic situation is such that the site and neighbouring properties do not have the benefit of off-street parking and there is unrestricted parking on the streets nearby.

This application is therefore recommended for permission subject to a Section 106 Agreement.

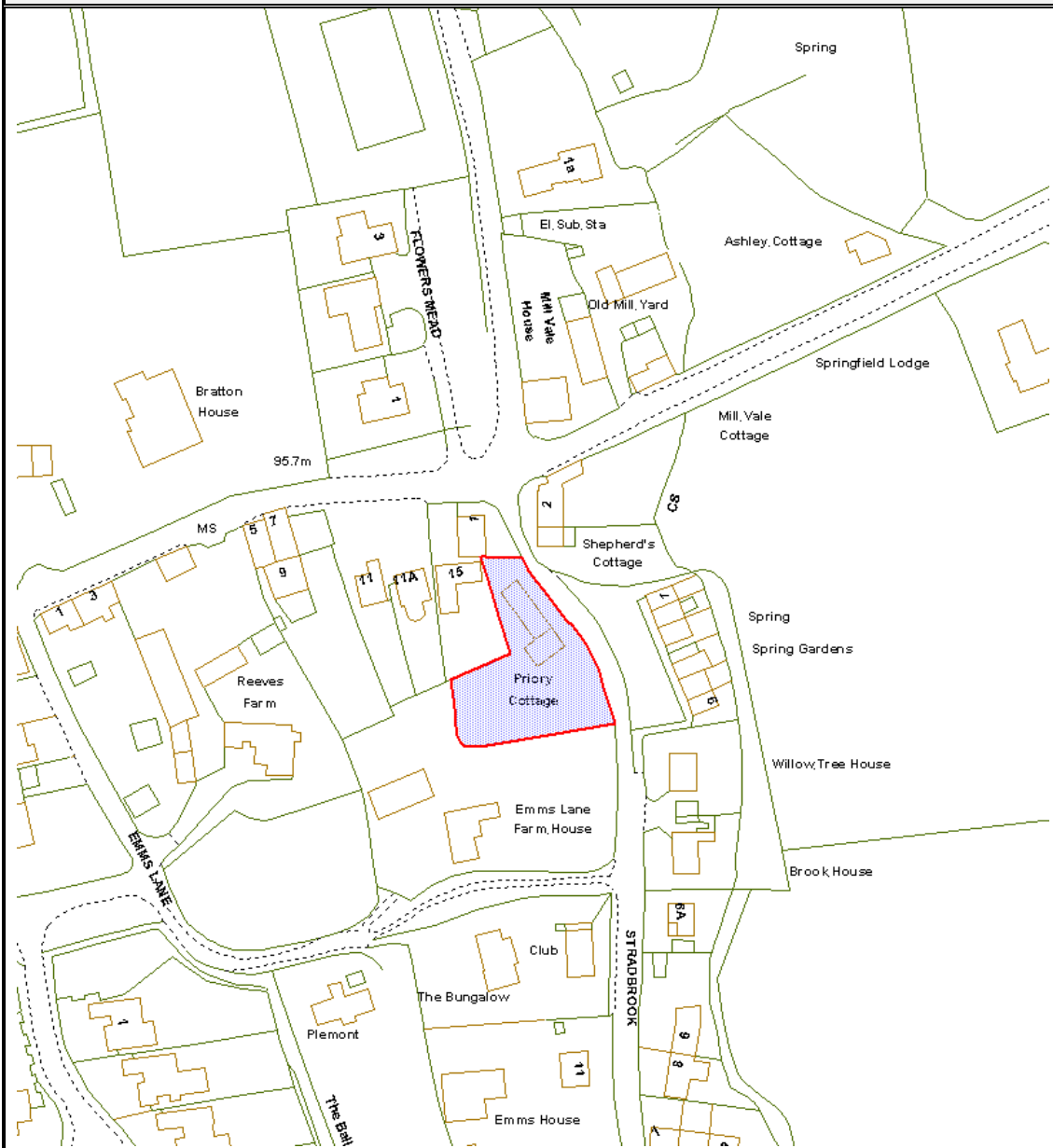
PLANNING COMMITTEE

5 October 2006

ITEM NO: 12

APPLICATION NO: 06/00471/LBC

LOCATION: Priory Cottages Stradbroke Bratton Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 06/00471/LBC

Site Address: Priory Cottages Stradbrook Bratton Wiltshire

Parish: Bratton Ward: Ethandune

Grid Reference 391718 152463

Application Type: Listed building

Development: Conversion of Nos 5 and 7, currently one dwelling into two separate dwellings

Applicant Details: Mr D D Huntley
30 Bremeridge Road Westbury Wiltshire BA13 3UJ

Agent Details:

Case Officer: Mr Russell Brown

Date Received: 10.02.2006 Expiry Date: 07.04.2006

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

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

- 2 Samples of the materials to be used, including mortar and render compositions and finishes, in the internal and external works to the listed building 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 character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 and C28.

- 3 Details of the elevations of all new or replacement external windows 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.

- 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 all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 6 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 7 Details of the method of blocking up the internal opening shall be submitted to and approved in writing by the Local Planning Authority. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and fabric of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- Note(s) to Applicant:**
- 1 You are advised that no works to form 2 separate dwellings should commence until the parallel planning application, reference 06/00470/FUL has been granted.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee as the Parish Council objects to the proposals contrary to Officers recommendation of approval.

This is an application for listed building consent for the conversion of 5 and 7 Priory Cottages, currently one dwelling, back into two separate dwellings together with associated internal and external works to the listed building.

Nos 5 and 7 Stradbrook form part of a terrace of three dwellings within the Bratton Conservation Area. Nos. 5 and 7 are Grade II listed although No. 9 is not.

This application seeks approval for the creation of the additional dwelling and the various works necessary to achieve this including various alterations of reinstatement and repair.

These works include the formation of a new first floor window opening for a new bathroom on the rear elevation of No. 7 and the blocking up of a door at ground floor level in order to separate the two properties.

The works comprise returning the cottages back to their original layout and size. There is a ground floor internal door that links the two properties, this would be blocked up as per the original situation. There is a stud partition WC in No. 7 which would be removed. A window in the rear of No. 5 would be opened into a doorway to serve as the back door, this is likely the original position of the back door.

The first floor of No. 5 would not be altered. The first floor of No 7 would have a bathroom installed at the rear and the formation of a new window opening for that bathroom.

There is cement render on the rear of the listed building and the proposals also include for its partial removal in order to allow the building to breathe and to return it to its original character.

A large amount of guttering and downpipes on the rear of the property would be removed as a more coherent approach to the drainage utilising the original cast ironwork.

A Structural Engineer's Report has been submitted with the application which indicates that some structural strap ties are required along with repair or replacement of roof timbers.

CONSULTATION REPLIES:

- BRATTON PARISH COUNCIL: The Council objected on the grounds that the plan showed no provision for parking. Stradbroke already has a parking problem and with the possibility of a minimum of 4 further vehicles from 2 dwelling this would exacerbate an already congested parking problem in Stradbroke.

PUBLICITY RESPONSES

The application has been publicised by site notice and press advertisement and neighbours have been notified. One letter has been received in response.

There is no objection but it is noted that there is no mention of access and parking

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C27 Listed Buildings

C28 Alterations to Listed Buildings

C31A Design

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

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

The properties were originally two cottages and were converted into one dwelling relatively recently.

The physical works to the building are of a relatively modest scale. The new rear facing first floor window would be of traditional construction and would match the historic windows in the rest of the property. This is a logical position for a window and would correspond with the other windows in the property.

The remainder of the works are mainly of repair. The cement render to the rear of the property would be carefully removed and left either as brick or rendered in lime, depending on the condition of the bricks.

Inappropriate guttering would be removed from the rear and the guttering rearranged to make a coherent and acceptable system for the drainage. This would undoubtedly enhance the character of the listed building.

Originally there would have been no internal link between the dwellings and therefore the blocking up of the ground floor internal link would reinstate the original layout. Similarly, the reinstatement of a rear door from No. 5 would have no impact on the historic character or integrity of the building.

The removal of the ground floor WC in No. 7 is acceptable as the partitions are modern stud walls. Their removal would reinstate the original proportions of the room and would therefore be of benefit to the character of the listed building.

There would be no alteration to the front elevation.

There would be no harm to the character or fabric of the listed building and the works would not only be beneficial but add to the longevity of the building.

The first floor internal alterations are limited to No. 7 and comprise the formation of a bathroom by installing partitions in one room. This would not result in harm to the character of the building as the character of the existing room would be retained as a bedroom with a front facing window. A rear facing window would be created for the newly formed bathroom. This window would be traditionally constructed and made to match the historic windows in the rest of the property. In terms of the character of the building this is a logical position for a window and would correspond with the other windows.

The remainder of the works comprise mainly of repairs. The cement render to the rear of the property would be carefully removed and left either as brick or rendered in lime, depending on the condition of the bricks. Some timbers in the roof structure would be repaired or augmented with extra timbers to support the roof. Structural ties would be installed in the locations identified in the Structural Engineer's report. These repairs and measures would ensure the future of the building as the structure would become sound.

The inappropriate guttering would be removed from the rear and the guttering rearranged to make a coherent and acceptable system for the drainage. This would be an improvement to the character of the listed building.

CONCLUSION

The proposed conversion works are not overly intrusive and would not harm the character or fabric of the listed building. The conversion would ensure the continuing life of the building and prevent further deterioration of the building's fabric.

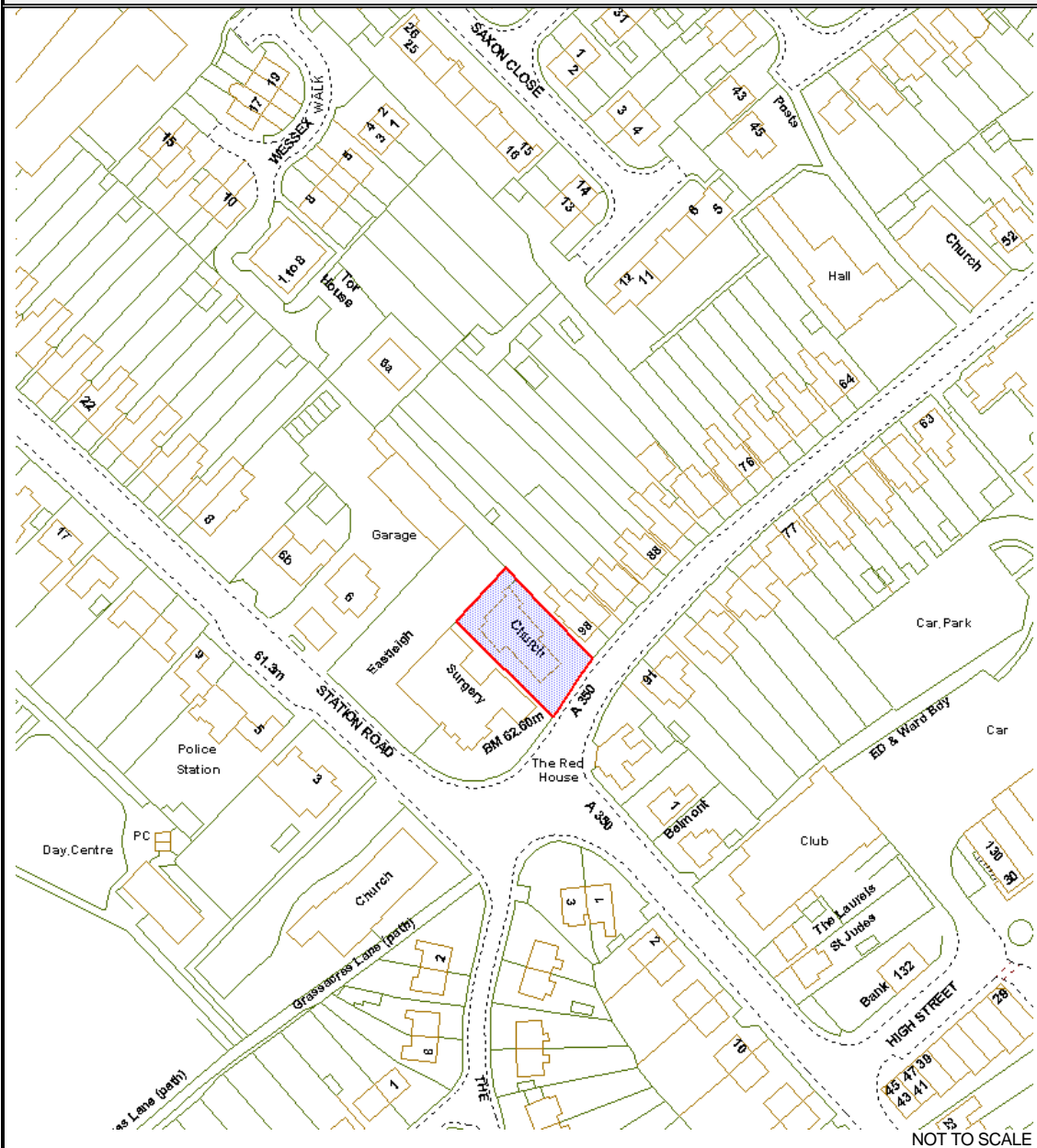
PLANNING COMMITTEE

5 October 2006

ITEM NO: 13

APPLICATION NO: 06/00653/FUL

LOCATION: St Bernadettes Church West End Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 06/00653/FUL

Site Address: St Bernadettes Church West End Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham

Grid Reference 387071 151373

Application Type: Full Plan

Development: Replace windows with aluminium double glazing

Applicant Details: Canon Liam O'Driscoll
St Johns Presbytery Wingfield Road Trowbridge Wiltshire

Agent Details: Quartley Hodges Hood
6 Fore Street Trowbridge Wilts BA14 8HD

Case Officer: Miss Julia Evans

Date Received: 12.06.2006 Expiry Date: 07.08.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 Policy C31A of the West Wiltshire District Plan 1st Alteration states that proposals for new development on prominent or sensitive sites should pay particular attention to proportion and composition, and utilise high quality materials, finishes and details. The proposed replacement windows by reason of their design and detailing are considered detrimental to the visual quality of the building, and consequently contrary to this policy.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been called in for Planning Committee's consideration by Councillor Clegg.

This is a full application for the replacement of the existing metal windows at St Bernadettes Church, West End, Westbury, with double-glazed aluminium ones. The church is constructed of red brick with attractive detailing to the openings. When viewed from the A350 road, the building has a symmetrical façade. The existing windows are single-paned metal ones, divided into small panes. The glass is predominantly green, with some clear panes.

To the south and east of the church lies residential properties, whilst to the west and north is a doctor's surgery and associated car park. The church lies within the Westbury Town Policy Limit.

The proposal is for the replacement of all the windows with white double-glazed aluminium ones. The proposed replacement windows would have different opening patterns to the existing windows. Decorative, not functional glazing bars have been proposed so as to replicate the existing glazing pattern. No details of the colour of the glass to be used has been provided.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: The comments of the Conservation Officer will be reported on the late list.

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: The comments of the Conservation Officer will be reported on the Late List.

PUBLICITY RESPONSES

Neighbour notifications have been undertaken. No responses have been received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C31A Design

National Guidance
PPS1 Delivering Sustainable Development

RELEVANT PLANNING HISTORY

04/00174/FUL - Extension - Refused 23.04.2004

05/00715/FUL - Single storey extension - Permission 14.07.2005.

KEY PLANNING ISSUES

This application raises the planning matter of the impact of the replacement windows on the church.

PLANNING OFFICER COMMENTS

St Bernadettes Church is currently an attractive brick building with metal coloured glazed windows just off the junction of the A350 with Station Road, Westbury. It is a fine cruciform building with a striking degree of architectural merit, and it currently has a symmetrical façade with attractive brickwork. The brickwork detailing around the doors and windows is particularly attractive, and the existing windows are single-glazed, coloured glass (predominantly green), in metal frames.

The Planning Committee approved a single-storey side extension in July 2005, which significantly alters the shape and character of the church. The extension is currently under construction, and this application seeks to replace the existing windows with double-glazed aluminium ones. Originally the application was submitted with UPVC windows, but the applicant changed this to aluminium during its processing. Revised drawings have been submitted showing exactly the same windows as the UPVC ones previously submitted, apart from the that they will be constructed of aluminium.

The existing single-glazed metal windows have a thin frame and functional glazing bars. This results in a visual impression that is dominated by the shape of the opening, the coloured glass, and the small regular panes of glass. The emphasis, is therefore, on the attractive brickwork and its design features. The proposed replacement with double-glazed, albeit aluminium windows, has not replicated this subservient character of the existing fenestration. The windows are enclosed within large frames, with thick opening casements, which draws undue attention to itself, resulting in a clumsy visual appearance. Policy C31A of the West Wiltshire District Plan 1st Alteration requires new development on prominent or sensitive sites to pay particular attention to proportion, and composition, and utilise high quality materials, finishes, and details. The use of the windows as proposed is not considered to be in character with the fine architectural detailing of the host building. In addition, no details have been provided as to the colour of glass to be used, but assuming that it is to be clear, this will provide a bland and featureless appearance that is not currently observed with the existing green glass.

CONCLUSION

The proposed replacement windows are considered to be an insensitive addition to this architecturally fine building. It is not felt that conditions could overcome these reasons for refusal.

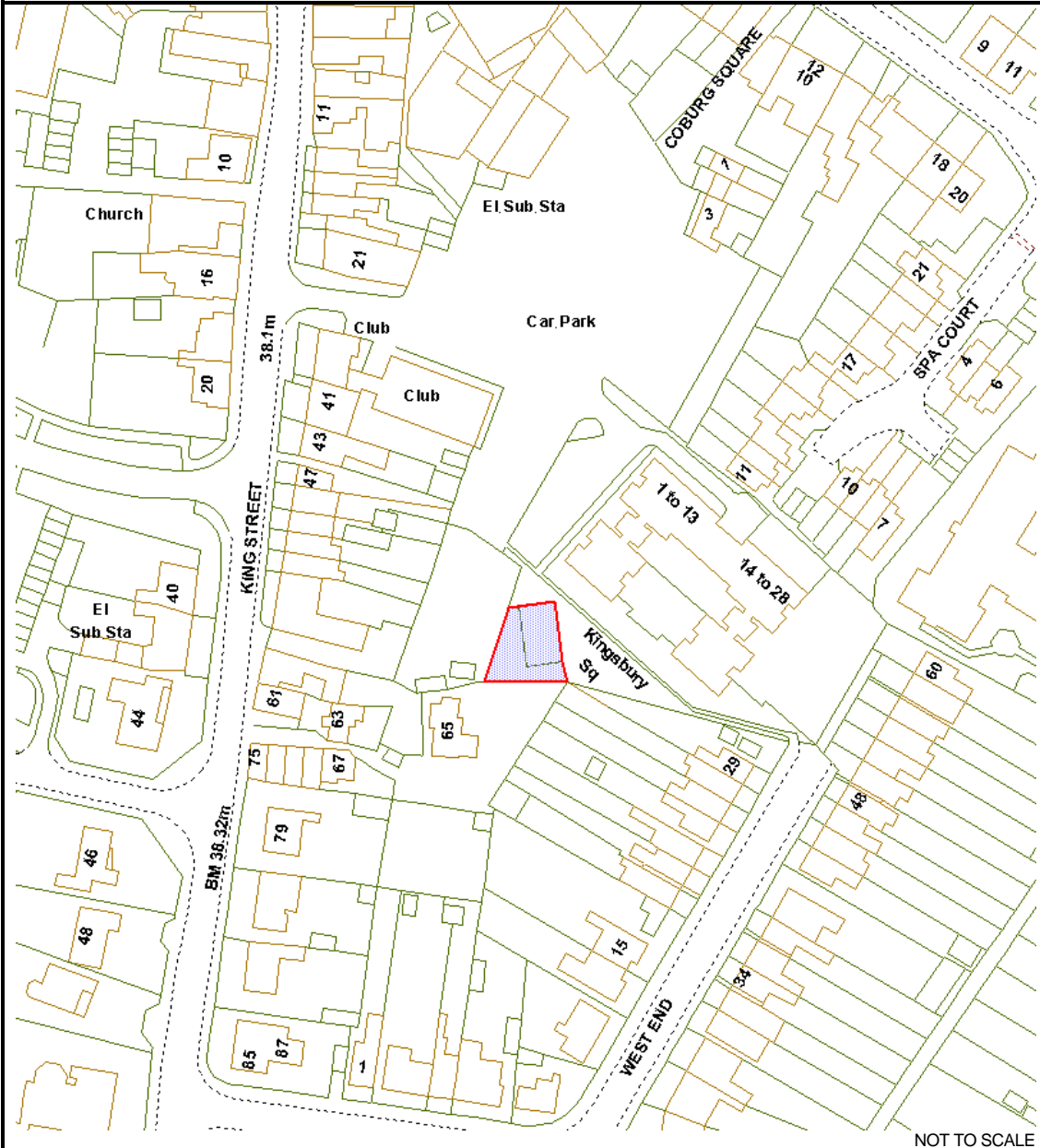
PLANNING COMMITTEE

5 October 2006

ITEM NO: 14

APPLICATION NO: 05/02705/FUL

LOCATION: Lifeline Centre Kingsbury Square Melksham
Wiltshire SN12 6HL



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SLA: 100022961

14 Application: 05/02705/FUL

Site Address: Lifeline Centre Kingsbury Square Melksham Wiltshire SN12 6HL

Parish: Melksham (Town)

Ward: Melksham Spa

Grid Reference 390521 163418

Application Type: Full Plan

Development: Change of use from offices to dwelling

Applicant Details: West Wiltshire District Council
FAO T Miles Bradley Road Trowbridge Wiltshire BA14 0RD

Agent Details:

Case Officer: Miss Julia Evans

Date Received: 14.11.2005

Expiry Date: 09.01.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the development shall have been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

REASON: To ensure that proper provision is made for the disabled.

- 3 Detailed plans of the parking areas, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority before development commences. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. All works referred to in this condition shall be completed, and the parking areas shall be available for use before the premises are occupied.

REASON: To ensure that an adequate area for parking is available in the interests of highway safety, and to protect the public footpath.

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

- 4 The development hereby permitted shall not be occupied until safe pedestrian routes, have been provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
- REASON: In pursuit of sustainable transport objectives, and to protect the public footpath.
- 5 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.
- 6 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.
- 7 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 to any elevation of the development hereby permitted.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 8 The property shall be occupied as one dwelling unit, and shall not be sold or let as separate accommodation from Kingsbury Square.
- REASON: because this permission is only granted having regard to the particular circumstances of need advanced in support of the development for the named applicant.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to the Planning Committee because the applicant is the District Council.

This is a full application for the change of use of offices to a single dwelling at the Lifeline Centre, Kingsbury Square, Melksham. The offices are within a single storey building constructed of red brick with brown concrete roof tiles to the roof. The building has no separate vehicular access, nor any demarcation of public or private space to the front of the building. A public footpath runs between it and Kingsbury Square, which links King Street car park to West End. Residential properties bound the site to the south and west.

The change of use concerns the building itself, and the land to the south and west. Internal alterations are being proposed, but no external alterations. Clarification for the existing use of the building, and the justification of the loss of employment floorspace, plus the provision of access to the building has not been provided.

The building lies within Melksham Town Policy Limit. The properties along the eastern side of King Street are listed buildings.

Additional information has been received from the Housing Services Manager explaining the use of the building (ie as offices for the neighbouring lifeline centre) and that it is required by the Council to provide temporary accommodation for disabled families.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: Had no objection.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY states: "The application does not state whether the dwelling is to be tied to the adjacent residential development or whether it is to be an entirely separate unit, also whether the existing uses of the site are in addition to the staff associated with numbers 1 to 28 Kingsbury Square. No details of associated parking or access to the site have been submitted. Further information regarding the above matters is required to determine the parking and access implications of this development."

- WESSEX WATER: "The development is located within a sewered are, with foul and surface water sewers available. The developer has proposed to disposal of surface water to existing arrangements. 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

- HOUSING state: "I am aware of this proposal and it has our full support. No affordable housing is appropriate because the scheme falls under the H2 threshold for urban areas." A further response has been received from the Housing Services Manager stating "In January 05, Cabinet approved the setting up of a project review board to oversee a review of the Council's provision of temporary accommodation Cabinet approved a Project Initiation Document that highlighted the need to carry out a review and some of the many alternative options for the future.

"Adjacent to Kingsbury Square hostel is a bungalow style building that provided the offices of the Lifeline centre. The building was jointly owned with Kennet Dc and North Wilts DC. These premises are no longer used for this purpose as the lifeline centre had moved offices. The building was then temporary used (approx. 12 months) by a county-wide leisure services partnership and was generally used to store leisure equipment. Once this use come to an end, it was confirmed that it would easily convert into a three bedroom bungalow for use as temporary accommodation. Following this full review, a paper was written and discussed at Cabinet on 15th June 2005.Cabinet had resolved at this meeting, amongst other things:- The cost of acquisition and adaptation of the Lifeline Centre to residential accommodation at an estimated cost of £57,200. The figure of £57,200 included the costs of paying North Wiltshire and Kennet District Councils £28,000 to repay their share of the expenses in making the premises available to the Lifeline scheme.

"Because of the location of these premises, it is unlikely that a more suitable use could be found. The costs of adaptation are estimated to be £29,200, making a total capital cost of £57,200. These figures are based on an evaluation of the Lifeline Centre of £60,000.

"A change of use is therefore required to convert the current commercial property into a residential one. The bungalow would then be completely refurbished and adapted for the use of disabled homeless families and managed by the Housing Needs Team at WWDC. We have a statutory duty to provide suitable temporary accommodation for disabled families and without the adaptation of the bungalow we would not be able to meet a statutory function."

- ECONOMIC DEVELOPMENT: Have not responded.

PUBLICITY RESPONSES

The application has been advertised with two Public Notice site notices and neighbour notifications have been undertaken. No responses have been received.

RELEVANT PLANNING POLICY

86/00029/R3F - Communications control centre - Permission 18.02.86

89/00889/FUL - Extension to provide new larger control room - Permission 27.06.89

RELEVANT PLANNING HISTORY

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
- R11 Footpaths and rights of way
- H1 Further housing development within towns
- E5 Loss of employment floorspace
- T10 Car parking
- T12 Footpaths and bridleways
- U1A Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Areas

SPG

Residential Design Guide

National Guidance

- PPS1 Delivering Sustainable Development
- PPG3 Housing

KEY PLANNING ISSUES

This application raises the following planning matters:

- loss of employment uses;
- conversion to residential uses;
- highways and parking matters;
- the water environment; and
- amenity.

PLANNING OFFICER COMMENTS

This application is for the change of use of a single storey office building to one dwelling, including a small area of enclosed land to the rear of the property. The District Council is the applicant and owner of the building. The existing use has been described by the applicant as a "commercial office", and despite a request for clarification of use, none was forthcoming. The submitted floor plans show a use broadly office-based building in terms of function and layout, so the application has been treated as being a change of use from offices to residential.

However, additional drawings and information have only recently been received by from the Housing Services Manager who has clarified that there is a loss of office space, but that the change of use is required to fulfil the Council's statutory duty to provide temporary accommodation for disabled homeless families.

As a result of this interpretation, the proposal needs to be considered against Policy E5 of the West Wiltshire District Plan - 1st Alteration 2004, which states that "applications involving the loss of existing employment floorspace, including proposals for retail development, will only be permitted where the following criteria are satisfied:

- i) there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses;
- ii) such proposals are compatible with neighbouring land uses and do not create bad neighbour uses; and
- iii) such proposals do not give rise to, or continue existing traffic or environmental problems."

The application has not been supported with any justification demonstrating that the loss of employment floorspace is acceptable in this location. However, the use of the building in this location is intrinsically linked to the neighbouring lifeline centre. The Council has a statutory duty to provide suitable temporary accommodation for disabled families. In view of this situation and the relocation of the offices away from this site, these exceptional circumstances are felt to outweigh the loss of employment uses on this site. However, a condition has been attached linking the bungalow to the Kingsbury Square facility.

The proposed change of use does not appear to require any external alterations. In view of the distances to nearby residential properties, and the existing fenestration pattern of the building, it is not felt that the proposal is detrimental to the amenity of neighbours. However, a condition has been suggested removing permitted development rights for windows, so as to protect neighbouring amenity.

The building has the appearance of a modern bungalow, so its conversion to residential use is not felt to raise any design objections. However, the proposal has not included any land to the front of the property, nor does it include any means of access to it.

The Highway Authority have raised concerns as to the lack of information submitted with this application, including no details as to parking and access implications for the property. Recently received additional information from the Housing Manager states "The staff at the lifeline centre used the Kingsbury Square car park for parking and as the lifeline centre (bungalow) is now only intended to be used for one disabled family at a time, they would have full access to the hostel car park which is managed and maintained by WWDC for the residents of either Kingsbury Square or the bungalow and would be given a car pass. A large footpath surrounds Kingsbury square and leads to the entrance of the bungalow. The bungalow is completely self contained and is a totally

separate dwelling. The bungalow will however be managed by the hostel manager whose office is based at Kingsbury Square. Basically the bungalow provides the only form of disabled facilities for families in temporary accommodation and will be fully adapted." In view of this additional information, revised plans showing these details have been requested. It is felt that conditions can be attached to control the parking and access arrangements.

Wessex Water has requested that the applicant contacts them to discuss arrangements to connect to the apparatus. This could be dealt with by informative.

CONCLUSION

The exceptional circumstances cited with this application mean that the loss of employment floorspace is acceptable in this location. Subject to the suggested conditions, no objections are raised.

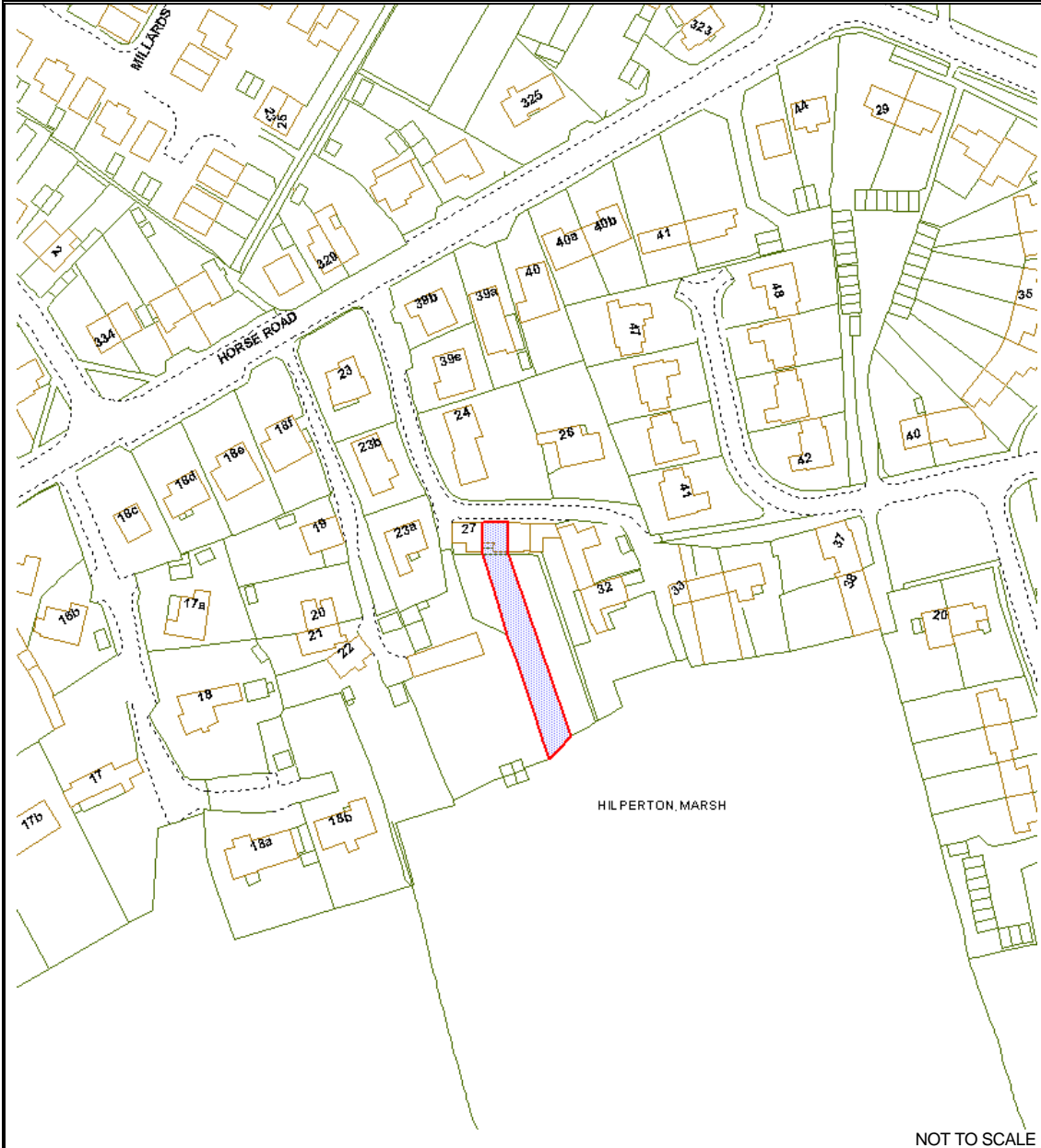
PLANNING COMMITTEE

5 October 2006

ITEM NO: 15

APPLICATION NO: 06/02152/FUL

LOCATION: 28 Horse Road Hilpertown Wiltshire BA14 7PF



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SLA: 100022961

15 Application: 06/02152/FUL

Site Address: 28 Horse Road Hilperton Wiltshire BA14 7PF

Parish: Hilperton Ward: Paxcroft

Grid Reference 386716 159792

Application Type: Full Plan

Development: Two storey extension

Applicant Details: Mr K Whelan And Mrs S Escott
28 Horse Road Hilperton Trowbridge Wiltshire BA14 7PF

Agent Details: Mr K M Papierz
40 Greenland Mills Bridge Street Bradford On Avon Wiltshire
BA15 1BL

Case Officer: Mr Matthew Perks

Date Received: 13.07.2006 Expiry Date: 07.09.2006

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

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Hilpertown Parish Council object and your officers recommend permission.

This is a full planning application for a two-storey extension to the rear of 28 Horse Road, Hilpertown.

The dwelling is one of a terraced group located in a cul-de-sac extension to the south of Horse Road proper. The proposal is for an extension to an existing kitchen at ground floor level, with a bedroom above. A hipped roof end is proposed.

The application drawings have been amended. Initially the plans proposed an extension that would protrude 2.1m beyond an existing single storey lean-to extension that runs the length of the terrace. At the upper storey level the building would have protruded 3.3m beyond the rear of the main building. Following objections this plan was revised to reduce the extension beyond the rear of the building to 3m (1.8m beyond an existing single storey lean-to extension).

Two windows are proposed to the bedroom, facing the rear of the property. There are no other upstairs windows. At ground floor level window to the kitchen would face the western boundary of the property. The side boundaries of the property are defined by wooden fencing of approximately 1.5m in height topped by a trellis.

The roof ridge height of the extension would be 6.3m, approximately 1.5m below the primary roof ridge to the terrace. A hipped end is proposed.

The extension would be 0.5m from the eastern boundary of the property and 2.3m from the western boundary.

A shared private right of access to the other dwellings passes to the rear of the dwelling and would be re-routed around the extension.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL:

Original Plan

"The Parish Council objects to this application as it is felt that the proposed extension will be incompatible with the design of existing buildings, will threaten a public right of way, will block natural daylight, will conflict with the pattern of development and will overlook, conflict with and have a poor relationship with adjoining buildings."

Revised Plan

"Members of the Parish Council wish their objections to remain the same."

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. Two letters of response were received to the original plan, one of which represented the views of two neighbours. Grounds of objection are:

- a flank window would face onto the neighbouring property to the west;
- the rear windows would overlook the neighbour's garden to the west, which is at an angle to the dwellinghouse;
- there would be a loss of light and amenity to number 27, in particular a study to the first floor where computer activities and photography are carried on;
- there would be a loss of light and amenity to number 30 if this case sets a precedent;

- spoiling the appearance of the group of cottages;
- the proposals would represent overdevelopment;
- there will be considerable disruption during building operations;
- this would set a precedent for similar development of other properties;
- increased congestion in the lane;
- the proposals would require an alteration to the right of way to the rear, and the objector would not agree to this;
- in the event of approval there should be a condition requiring the repair of a hole in the road near 28, which construction vehicles would worsen.

A letter representing two of the neighbours was received in response to the revised plan. The objections were re-stated, and the point was made that the request for a frosted window should in no way be seen as lessening the other objections.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C38 Effects of development on neighbouring properties

C31A Design

SPG On house alterations and extensions.

RELEVANT PLANNING HISTORY

None on this dwelling.

90/01263/FUL - Two storey extension to rear of 29 Horse Road - Permission 09.10.1990 - not acted on.

KEY PLANNING ISSUES

The key issues with this application relate to design and potential impacts on neighbouring amenity.

PLANNING OFFICER COMMENTS

Policy Issues

Policy C31A of the West Wiltshire District Plan 1st Alteration, 2004 deals with issues of design. In considering the relevant criteria in terms of this policy the following issues are of importance:

- the proposed extension would be a subservient rear element to the host building, and would not be visual to the street frontage or be prominent in the wider landscape.
- the host building is not within a sensitive locality.
- the host building does not enjoy any protected status.
- the proposal includes the minor relocation of the private right of way to the rear of the dwelling, which the applicant proposes to deal with by way of a legal agreement between the parties.

Policy C38 the West Wiltshire District Plan 1st Alteration, 2004 of requires that proposals not detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses. Council's Supplementary Planning Guidance on house alterations and extensions provides more detailed guidance for the evaluation of proposals in terms of this Policy 38 and Policy C31A. The SPG advises that extensions should not harm the style and appearance of the main house and should not harm neighbouring amenity.

In this case the extension is to the rear of the property on the southern side of the building. There are no similar extensions to the building (a two-storey rear extension was approved to No. 29 in 1990, but was never built). The SPG on house alterations and extensions provides guidelines in terms of size of extensions and acceptable fields of view. The proposed extension would be of a subservient form to the rear of the building that would not be visual in the streetscape or in any way prominent in the wider townscape. The 1.8m that the extension would protrude beyond the

existing ground floor level rear of the neighbouring properties would not bring the extension within a 90° field of view of any ground floor window to neighbouring habitable rooms. There would furthermore be no encroachment into the 90° field of view of neighbouring windows at the upstairs level. Due to the orientation of the building there would be no significant impact on daylight or sunlight to amenity areas to neighbouring dwellings, including no. 30, which would be some 10m from the extension, at an obscure angle.

Neighbouring Amenity

The comment of the neighbour to the west with regard to overlooking and the angle of the boundary is relevant. However there is an existing window to a habitable room orientated in the same direction as the proposed bedroom window and, although the new windows would effectively be closer to the boundary, they would nevertheless be at a distance of between approximately 7.5m and 10m of the boundary. Whilst the objector's comments must be acknowledged it is not considered that they would constitute sustainable reasons for refusal of the proposal. During the site inspection it was noted that substantial vegetation under the control of the objector provides a screen to the boundary, although this would be reduced during the winter. On balance the extent of the increase in overlooking given the existing situation does not justify refusal. The window facing the objector's property at ground floor level would serve the kitchen extension and not a habitable room. It would face a gate with a limited degree of direct visibility into the neighbouring garden area. Since this window is a secondary source of light, a condition that requires obscure glazing would be appropriate to addressing the neighbour's concerns.

With regard to other neighbouring observations, it is not considered that the proposal would represent overdevelopment of the site, or that it would lead to increased traffic congestion. It would not be reasonable to require road repairs as a condition of a permission granted for this extension, and disruption during building would be of a temporary nature.

One of the neighbours has expressed the view that they would not be willing to negotiate the re-alignment of the private right of way, but this would not be a planning consideration as it relates to a private covenant. The access is not a public right of way.

CONCLUSION

When considered in terms of the guidance criteria contained in Council's SPG on household alterations and extensions and relevant District Plan policy the application should, on balance, be granted permission.

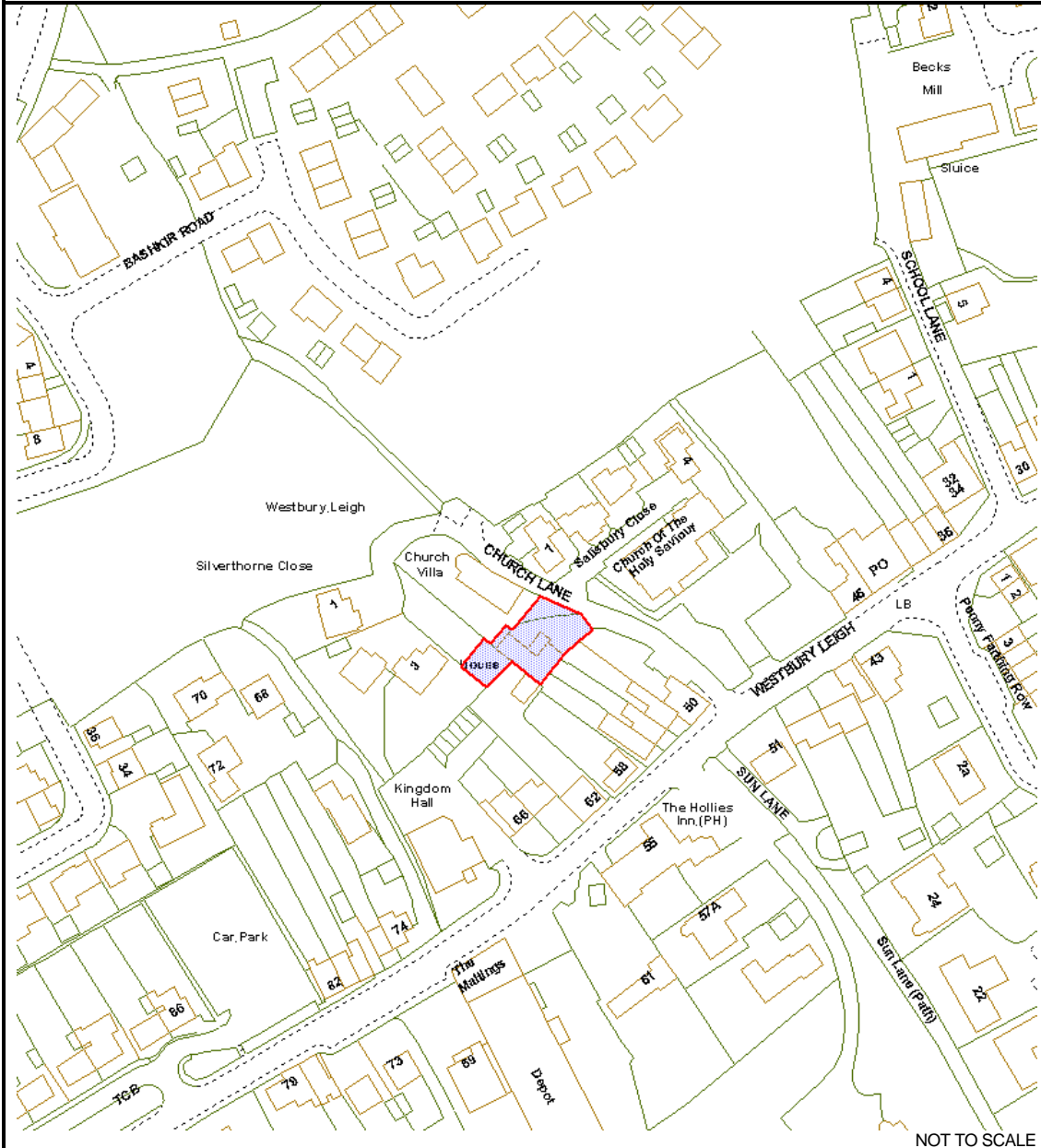
PLANNING COMMITTEE

5 October 2006

ITEM NO: 16

APPLICATION NO: 06/02425/FUL

LOCATION: Land South East Of Church House Church Lane
Westbury Leigh Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

16 Application: 06/02425/FUL

**Site Address: Land South East Of Church House Church Lane Westbury
Leigh Westbury Wiltshire**

Parish: Westbury Ward: Westbury Laverton
Grid Reference 386299 150133
Application Type: Full Plan
Development: Conversion of garage, workshop and flat to 2 dwelling units
Applicant Details: Mr And Mrs I Taylor
Church House Church Lane Westbury Leigh Westbury BA13 3SQ
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr Matthew Perks
Date Received: 04.08.2006 Expiry Date: 29.09.2006

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 rooflights in the south western and south eastern elevations shall be of a fixed non-opening type and 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.

- 3 The bathroom window in the south western elevation shall be of a fixed type and obscure glazed with safety glazing to be approved by the Local Planning Authority 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, health and safety and privacy.

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

- 4 Before the development hereby permitted is first occupied the visibility splay indicated on the approved plans shall be constructed. The section of walling to be removed shall be rebuilt using the same or matching materials on the new alignment of the boundary.
- REASON: In the interests of highway safety and the appearance of the street scene.
- 5 Four parking spaces together with access thereto, shall be provided concurrently with the development hereby approved.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.
- 6 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee because Westbury Town Council object and your officers recommend permission.

This is a full planning application for the conversion of a garage/workshop and existing ancillary accommodation into two dwellings on land to the southeast of Church House, Church Lane, Westbury Leigh.

The site is located to the west of Church Lane. The building to be converted is located on a portion of land of approximately 400m² in extent to the south of Church House. This L-shaped building is currently split into a garage, workshop and residential accommodation associated with the main dwelling on ground floor level with a large store-room area above. The garaging previously served Church House and the accommodation provided in the coach house. New separate garaging has been permitted to serve Church House. The proposed dwellings would be modest two bedroom units. The building appears to have been an old coach house that has been modernised. An existing glass-fibre roofed lean to would be demolished as part of the development.

The application is a revision to a proposal (Ref 06/01319/FUL) that was refused for the following reason:

"The proposal, by reason of the complete lack of provision in the layout of private amenity space to the dwelling on the south eastern side of the building, would not provide future residents of this dwelling with any external area for exclusive amenity use. This would be contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration, 2004 and the adopted "Residential Design Guide" supplementary planning guidance."

The application has been revised to provide separate private amenity space of approximately 50m² for each of the dwellings. The garden area to one of the units would be accessed over the shared paved area to the front of the building. The proposal includes 4 parking spaces on this hard-surfaced courtyard area on the Church Lane side of the building. The building would retain its essential form when converted, although there would be changes to doorways and fenestration including the addition of rooflights.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: "Members objected to this application due to more intensification of use of what is strictly a single lane road with an already restricted access to the highway."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection. "Feel bound not to object, given the history of surrounding development. Subject to a condition requiring a plan detailing site access and visibility splays, no objection."

- WESSEX WATER: No objection.

PUBLICITY RESPONSES

Neighbours were notified of the proposal. One response was received. The neighbour to the southwest is concerned that the rooflights to the south-western elevation would overlook a garden/patio area in his property. The bathroom window (which already exists) is actually at ground floor level adjacent to a patio area. The window should at least be of toughened glass, but would be preferably omitted. No extractor vent should exhaust onto the neighbour's property. A large part of the garden has been allocated to the new units. It was understood that planning permission for a double garage had already been approved in this area.

PLANNING POLICY

Wiltshire Structure Plan 2016

DP7 Housing in Towns and Main Settlements

West Wiltshire District Plan - 1st Alteration 2004

C38 Effects of development on neighbouring properties

C31A Design

H1 Housing development in towns

T10 Parking

PPG3 Housing

RELEVANT PLANNING HISTORY

06/01319/FUL - Conversion of garage, workshop building and flat into two dwellings - Refusal 20/06/2006.

KEY PLANNING ISSUES

The primary issues in this case are whether or not the proposals have overcome the reason for refusal of application 06/01319/FUL, and if the changes made to that plan would impact on neighbouring amenity.

PLANNING OFFICER COMMENTS

The proposal now submitted has provided for separate amenity space for each of the proposed dwelling units. Whilst the amenity space for the one unit is accessed over an area of shared use for both properties, it would retain a degree of privacy, not being directly overlooked by the second unit or any neighbour.

The Town Council's observations on highway issues are noted. However, the Highway Authority has not objected subject to the provision of visibility splays and on site parking layout. The agent has submitted a plan showing how the splays could be achieved in accordance with the highway authority comments. An additional consideration is that there would be a limited increase in the use of the access. In the past this access was used for the main dwelling and the accommodation in the coach house. Separate garaging has been approved to the rear of the Church House under planning application reference 05/01865/FUL. This garaging will be accessed from the rear of the Church House property. The nature of Church Lane is such that speed is restricted, and visibility towards the main road, Westbury Leigh is acceptable according to the highway authority. The existing boundary wall is of an appealing character that enhances the street scene opposite the Grade II Listed St Saviour Church over the road from Church House. It is considered that the Highway Authority recommendation should be made a condition of any permission, but that the wall should be re-built of the same materials in order to provide the splay. (See Condition 4).

The objector is concerned with potential overlooking from the rooflights to the south-western elevation. These windows would not be primary windows to the bedroom and landing that they serve. The primary windows would be orientated towards the front of the dwellings. A condition requiring that the rooflights be obscure glazed and of a fixed type would overcome any potential for overlooking. This condition should also apply to the rooflights proposed to the south-eastern elevation. The bathroom window referred to by the objector is already in existence, but is at a low level relative to the neighbour's property. This window currently faces the rear of a garden shed in an area remote from the neighbouring dwelling that is currently utilised for domestic storage and parking. Provided that this window remains obscure glazed, is non-opening and is fitted with safety glass it is considered that neighbouring amenity would not be unacceptably harmed.

CONCLUSION

The reason for refusal of application 06/01319/FUL has been overcome by the provision of separate amenity space to each of the dwellings. The provision of access and parking is to the satisfaction of the Highway Authority subject to appropriate conditions. The issues raised by the objector can be addressed by conditions. The application is recommended for permission.

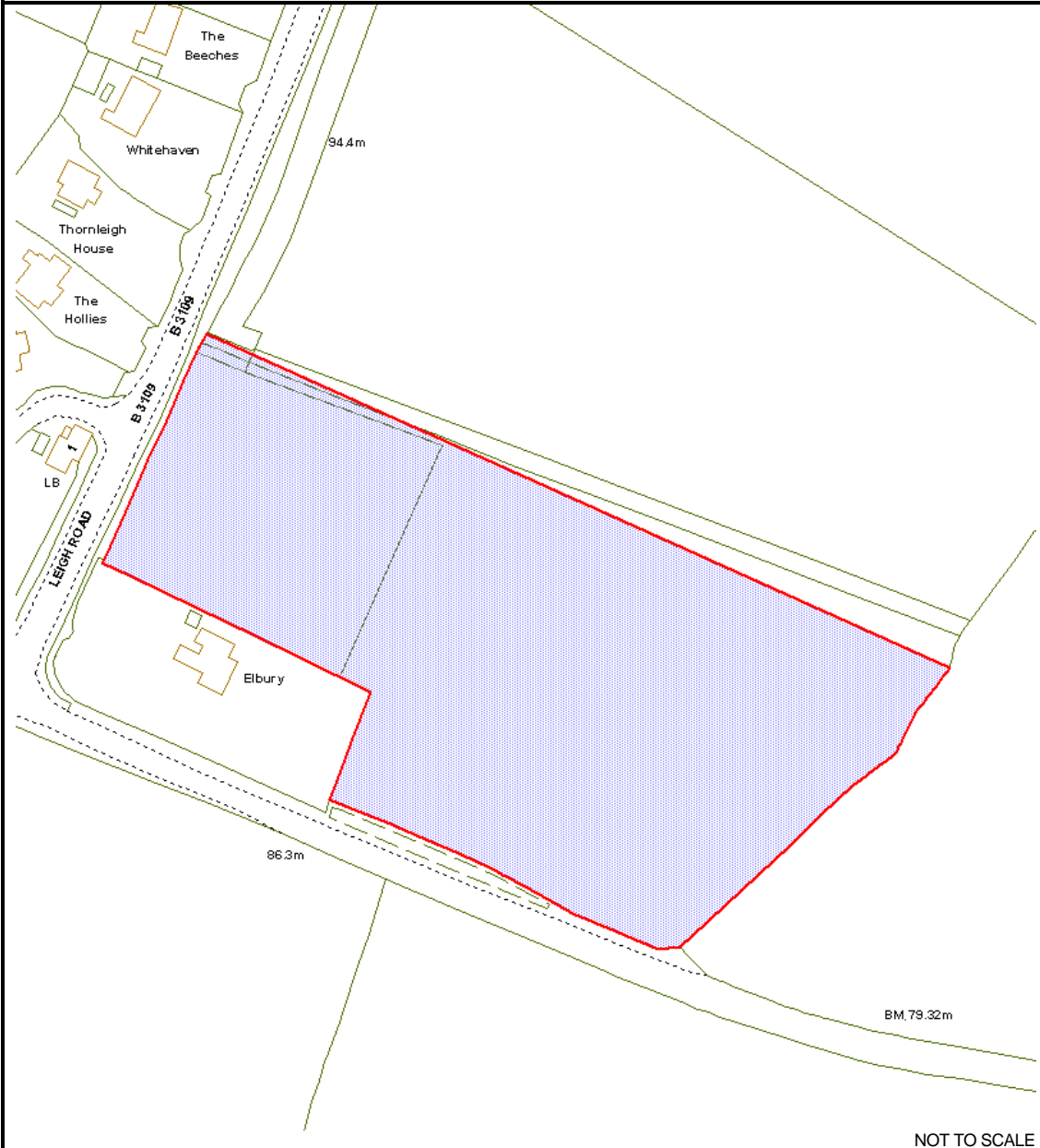
PLANNING COMMITTEE

5 October 2006

ITEM NO: 17

APPLICATION NO: 06/02110/FUL

LOCATION: Land Adjacent Elbury House Leigh Road Bradford
On Avon Wiltshire



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SLA: 100022961

17 Application: 06/02110/FUL

Site Address: Land Adjacent Elbury House Leigh Road Bradford On Avon Wiltshire

Parish: Bradford On Avon

Ward: Bradford On Avon North

Grid Reference 383244 161965

Application Type: Full Plan

Development: Agricultural entrance with drop kerb to highway

Applicant Details: Marion Joy Singer
Elbury House Leigh Road Bradford On Avon Wiltshire BA15 2RD

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 07.07.2006

Expiry Date: 01.09.2006

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 access hereby permitted shall be used for agricultural purposes only.

REASON: In the interests of highway safety and protection of the green belt and countryside from residential encroachment.

- 3 A recessed entrance having a minimum width of 4.5m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel).

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 Any entrance gates shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

REASON: In the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee because Bradford on Avon Town Council object to the application and Officers recommend permission.

This is an application to create an agricultural access from the B-class Leigh Road onto an agricultural field. The proposed access would measure approximately 5m in width and would be set back 5m from the road with visibility splays. The existing agricultural field does not have an agricultural access and is currently only accessible from the domestic curtilage of Elbury House which is located to the south of the agricultural field. The application site is located within the Western Wiltshire Green belt and the countryside.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: This proposal would contribute to sub-urbanisation of Green Belt. The Town Council does not understand why the existing new agricultural roadway cannot be used for access to the agricultural land in this ownership. The Town Council is concerned that if permission were given a new drive would be constructed. Contributing to the sub-urbanisation of the Green Belt.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to conditions.

PUBLICITY RESPONSES

One letter was received raising the following issues;

- Site has been incorporated within garden
- Other possible location for access
- Risk to highway safety from a further access

A further letter was received which raised no objections to the application.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP12 The Western Wiltshire Green Belt

C12 Agriculture

West Wiltshire District Plan - 1st Alteration 2004

GB2 Control of development in the Western Wiltshire Green Belt

C1 Countryside Protection

C31A Design

C32 Landscaping

E9 Agricultural land

National Guidelines

PPS1 Delivering Sustainable Development

PPG2 Green Belt

PPS 7 - Sustainable Development in Rural Areas

RELEVANT PLANNING HISTORY

05/00844/FUL - Install domestic entrance - Withdrawn

KEY PLANNING ISSUES

The key issues to consider in this application are the principle of the proposed access and the effect of the proposed access on highway matters, the green belt and the character of the countryside.

PLANNING OFFICER COMMENTS

The new access is required because the agricultural land which has been purchased by the applicant does not have an access point onto Leigh Road. There is no proposal to change the use of the field as part of this application.

A previous application was withdrawn for a domestic access to be created across the agricultural field. That application would not have been acceptable within Council policy because it would have represented inappropriate development in the Green Belt and an unacceptable intrusion into the countryside of a domestic use requiring a change of use of land.

The use of the currently proposed agricultural access can be controlled by condition and the Highway Authority has suggested such a condition to the effect that a residential use of the access would be unacceptable. However an agricultural use of the access would be acceptable because it would generate less traffic.

More generally, although a concern has been raised regarding highway safety the Highway Authority has raised no objection to the creation of an agricultural access into this field. Whilst other comments received on highway safety are noted your Officers support the view of the Highway Authority that this proposal will not jeopardise highway safety.

The application site is located within the Western Wiltshire Green Belt. PPG2 contains planning policy on Green Belts. It states in paragraph 3.12 that "the statutory definition of development includes engineering and other operations ...the carrying out of such operations and the making of material changes in the use of the land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. This proposal for an access would not harm the openness of the Green Belt. The use of the access for agricultural purposes would help to safeguard the countryside and the proposal would not therefore conflict with the purposes of including land within the green belt.

The existing agricultural field is rural in character and the inclusion of an access in the proposed position should not harm the visual amenity of this countryside location. A comment has been received asking why the neighbouring access to the north cannot be used for access to the field. The applicant has confirmed that this access cannot be used because the applicant does not own or have a right of access over this land. Further, although the field is accessible from the curtilage of Elbury House the access is of inadequate width to allow agricultural vehicles to access and egress and an agricultural access is therefore required.

The comments of the Town Council are noted regarding the potential sub-urbanisation of the green belt. The Committee should however only consider the application which is put before them for determination which is for an agricultural access. As has been mentioned the Case Officer is likely to resist the creation of a domestic access and track across this agricultural land and the applicant is aware of this.

A comment has been received suggesting that the agricultural land to the north of Elbury House has been incorporated within the domestic curtilage of Elbury House. There was no evidence of this on the Case Officer's site visit and the Council's Enforcement Team have investigated this matter and are satisfied that there is no breach of planning control.

CONCLUSION

The agricultural access is required to access an existing agricultural field which has no alternative means of access. Subject to conditions, the proposal is considered to be acceptable and in accordance with Development Plan and Government Guidance. There are no material considerations which outweigh this policy consideration and accordingly, the application is supported.