

PLANNING COMMITTEE

26 OCTOBER 2006

Planning Applications for Determination

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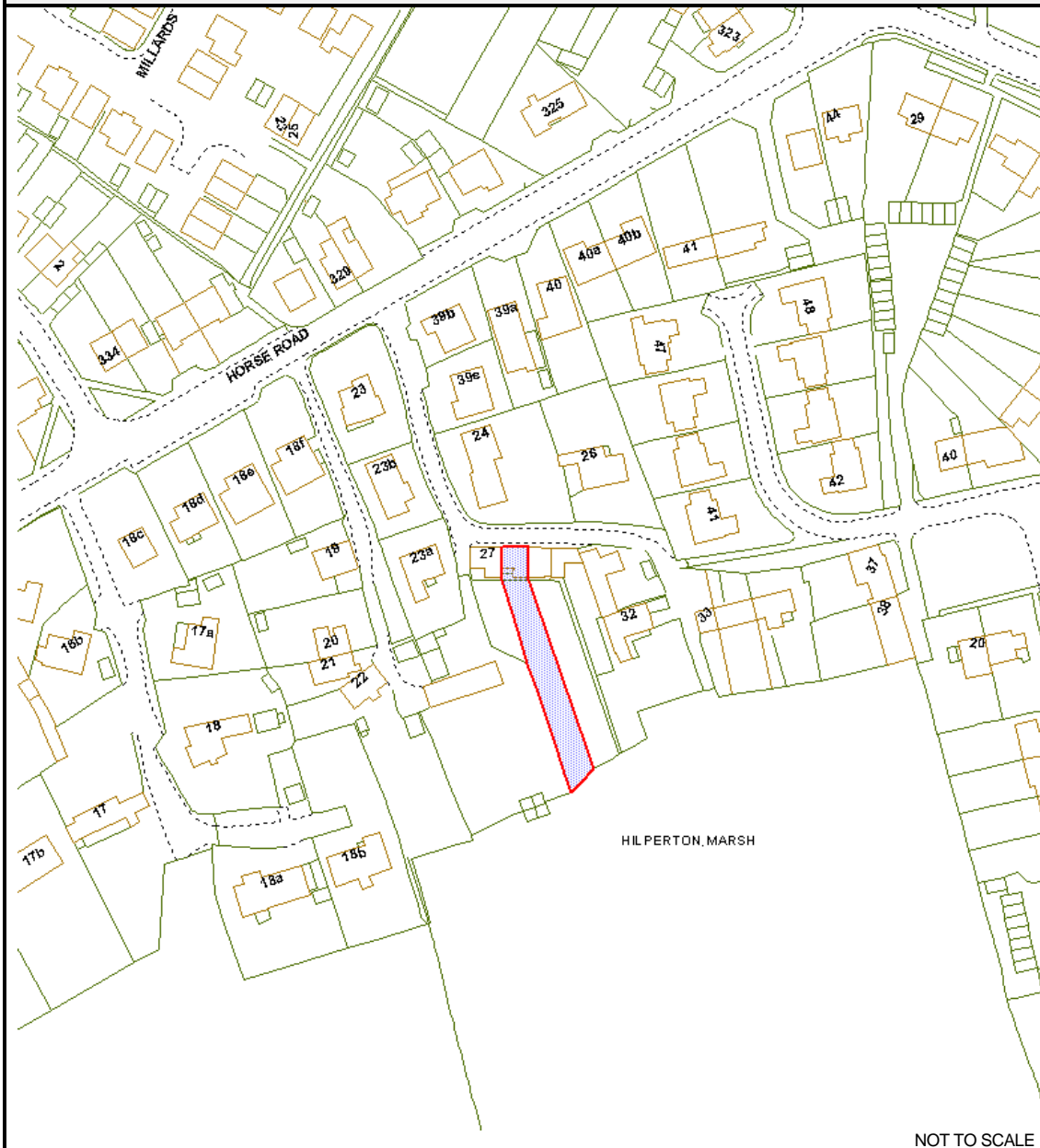
PLANNING COMMITTEE

26 October 2006

ITEM NO: 01

APPLICATION NO: 06/02152/FUL

LOCATION: 28 Horse Road Hilpertons Wiltshire BA14 7PF



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www.westwiltshire.gov.uk

SLA: 100022961

01 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 was deferred at the meeting of the Planning Committee on 5 October 2006 to allow for Members to make a site visit. It was originally brought to Committee because Hilpertown Parish Council objected and your officers recommended 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.

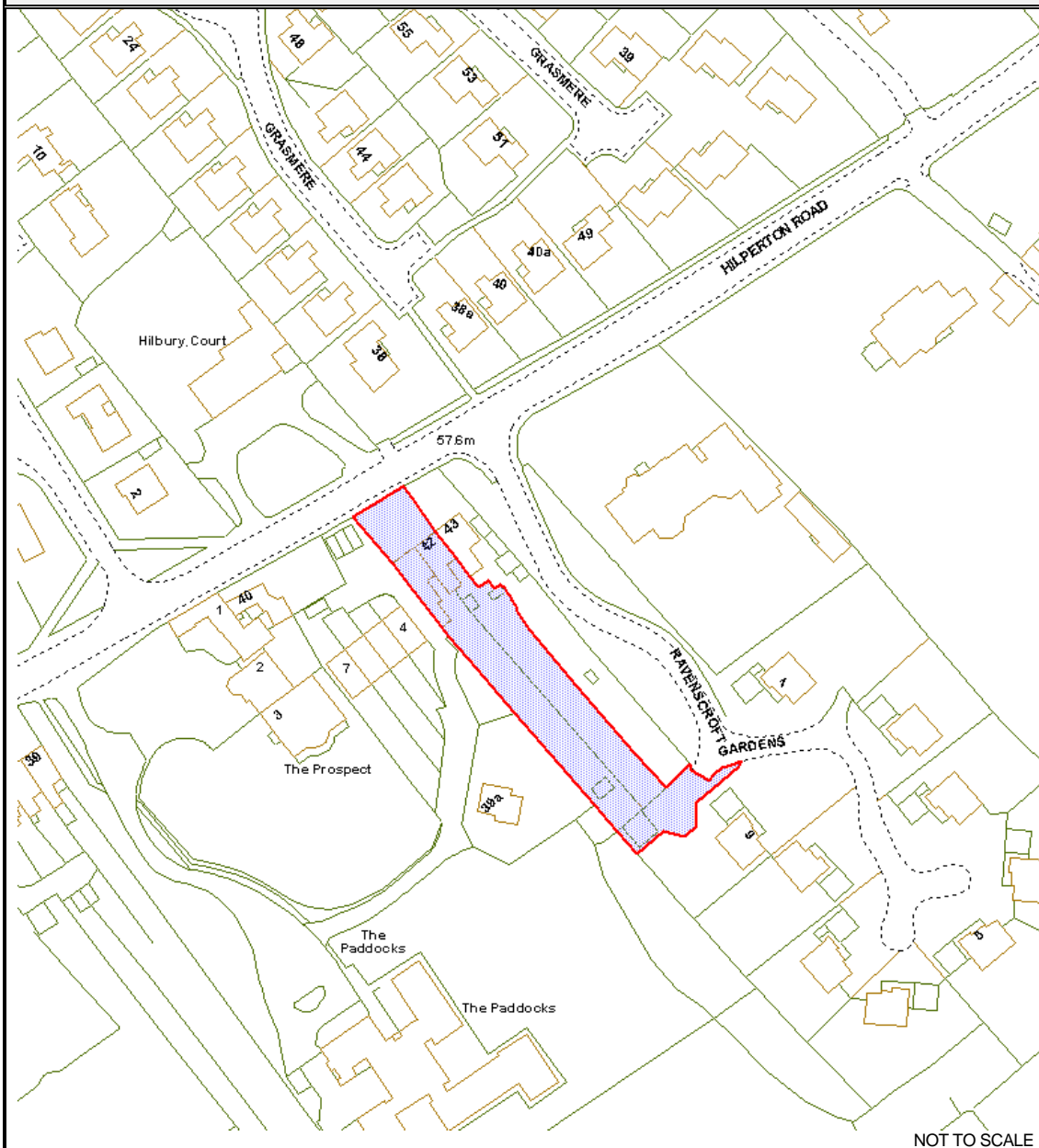
PLANNING COMMITTEE

26 October 2006

ITEM NO: 02

APPLICATION NO: 06/01776/FUL

LOCATION: 41 And 42 Hilpert Road Trowbridge Wiltshire



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SLA: 100022961

02 Application: 06/01776/FUL

Site Address: 41 And 42 Hilpert 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 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

RECOMMENDATION: Refusal

Reason(s):

- 1 The frontage wall makes a significant contribution to the historic form and sense of enclosure within this part of the conservation area. The formation of a wider access punctuating this historic wall in a prominent position within the conservation area would neither conserve nor enhance its special character and as such would be contrary to Policies C17 and C18 of the West Wiltshire District Plan - 1st Alteration 2004.
- 2 The formation of a wide vehicular access within the boundary wall to this listed building would, by reason of the more open appearance and loss of an historic feature together with the intrusion of parked vehicles, adversely affect the character and setting of the listed building and as such would be contrary to Policy C27 of the West Wiltshire District Plan - 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application was been deferred by the planning committee on 5 October 2006 for further consultation with the Heritage Development Officer and Conservation Officer. In the light of these comments, the recommendation has been reassessed. Any previous mention of comments are superseded by this report.

This is an application for full planning permission 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.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: Objects on the grounds that the proposal would be detrimental to the character of the listed buildings.

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

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
C31a Design

RELEVANT PLANNING HISTORY

77/00049/HIS - Provision of vehicular access, 41 Hilperton 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 and the character and appearance of the wider conservation area in which the property is located.

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.

Number 41 has an existing access off Hilperton Road and a gravel drive. Planning permission was granted to number 41 for the creation of an access in 1977. This permission has resulted in a significant change to the setting of this listed property, by opening up a formerly enclosed area and removing an historic feature of the curtilage.

The setting and 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 with a York stone path to the front door. 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. The removal of a significant section of this wall would detract from the historic character and setting of this listed building and would detract further from the setting of the terrace of three listed buildings.

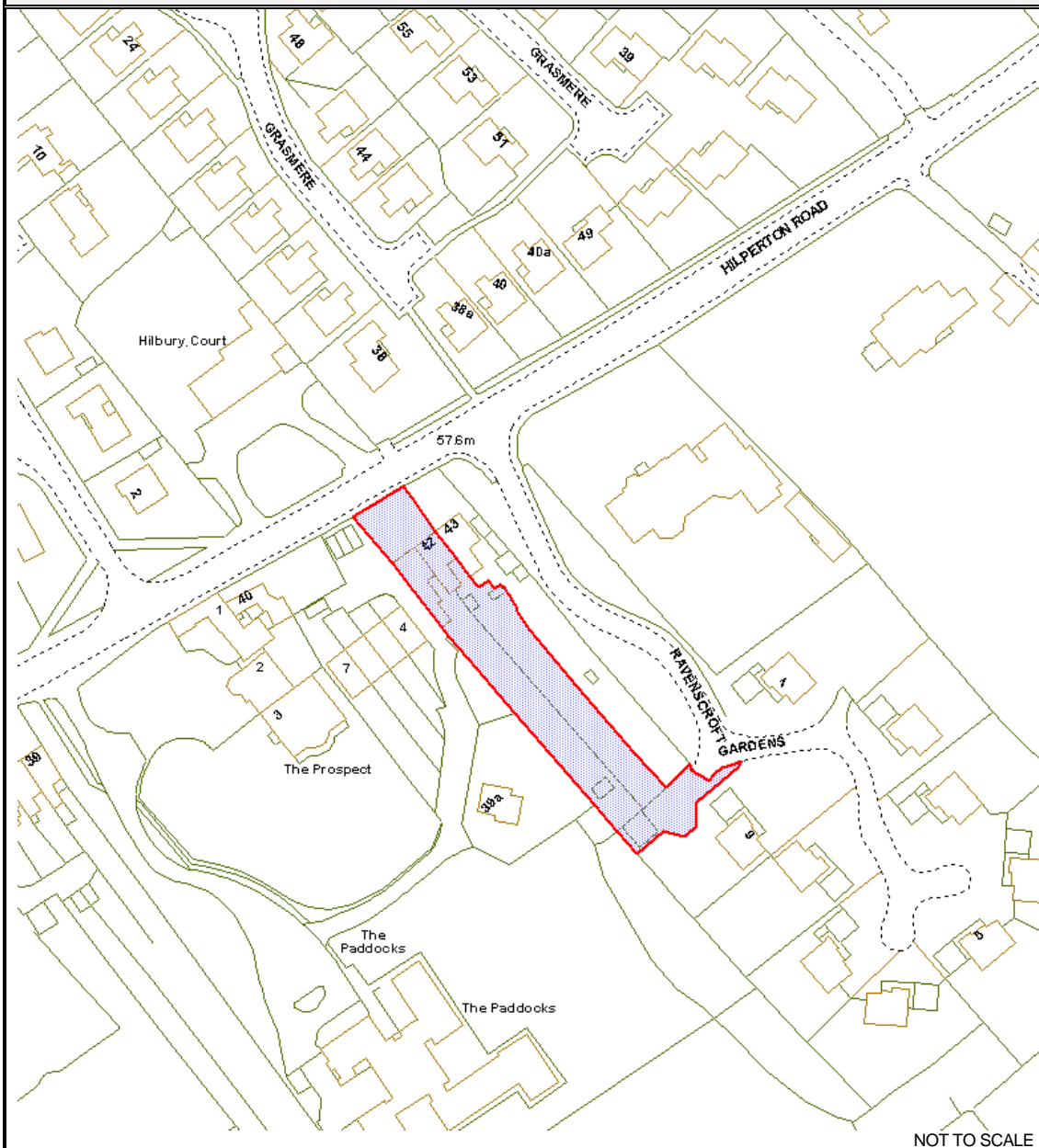
Whilst the amount of wall to be removed has been reduced from what was originally proposed and approximately 4.3 metres of wall would be retained as well as the planting behind, the loss of what is believed to be an original feature would not respect the character of this historic building.

In addition, the parking of vehicles in front of these buildings, which were never intended for vehicular access, would also harm the character and setting of these buildings by introducing an intrusive element to the frontage.

The character of the Hilperton Road Conservation Area is defined by the high stone walls, which mark the boundaries of the historic properties along it. Whilst the properties in this case are bounded by a low stone wall they contribute to the character and appearance of the conservation area. This terrace of three properties makes a strong contribution to the street scene at this point and the front garden area of the properties enhances the street scene here. The loss of part of this wall would detract from the character and appearance of the conservation area

CONCLUSION

Any loss of the wall would not maintain the historic layout and sense of enclosure that the remaining wall provides.

ITEM NO: 03**APPLICATION NO: 06/01775/LBC****LOCATION: 41 And 42 Hilpert Road Trowbridge Wiltshire**

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SLA: 100022961

03 Application: 06/01775/LBC

Site Address: 41 And 42 Hilperton 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 Hilperton 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

RECOMMENDATION: Refusal

Reason(s):

- 1 The formation of a wide vehicular access within the boundary wall to this listed building would, by reason of the more open appearance and loss of an historic feature together with the intrusion of parked vehicles, adversely affect the character and setting of the listed building and as such would be contrary to Policy C27 of the West Wiltshire District Plan - 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application was been deferred by the planning committee on 5 October 2006 for further consultation with the Heritage Development Officer and Conservation Officer, in the light of comments the recommendation has been reassessed. Any previous mention of comments have been superseded by this report.

This is an application for listed building consent 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.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: Objects on the grounds that the proposal would be detrimental to the character of the listed buildings.

CONSULTATION REPLIES

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

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 Hilpertown 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.

Number 41 has an existing access off Hilpertown Road and a gravel drive. Planning permission was granted to number 41 for the creation of an access in 1977. This permission has resulted in a significant change to the setting of this listed property, by opening up a formerly enclosed area and removing an historic feature of the curtilage.

The setting and 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 with a York stone path to the front door. 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. The removal of a significant section of this wall would detract from the historic character and setting of this listed building and would detract further from the setting of the terrace of three listed buildings.

Whilst the amount of wall to be removed has been reduced from what was originally proposed and approximately 4.3 metres of wall would be retained as well as the planting behind, the loss of what is believed to be an original feature would not respect the character of this historic building.

In addition, the parking of vehicles in front of these buildings, which were never intended for vehicular access, would also harm the character and setting of these buildings by introducing an intrusive element to the frontage.

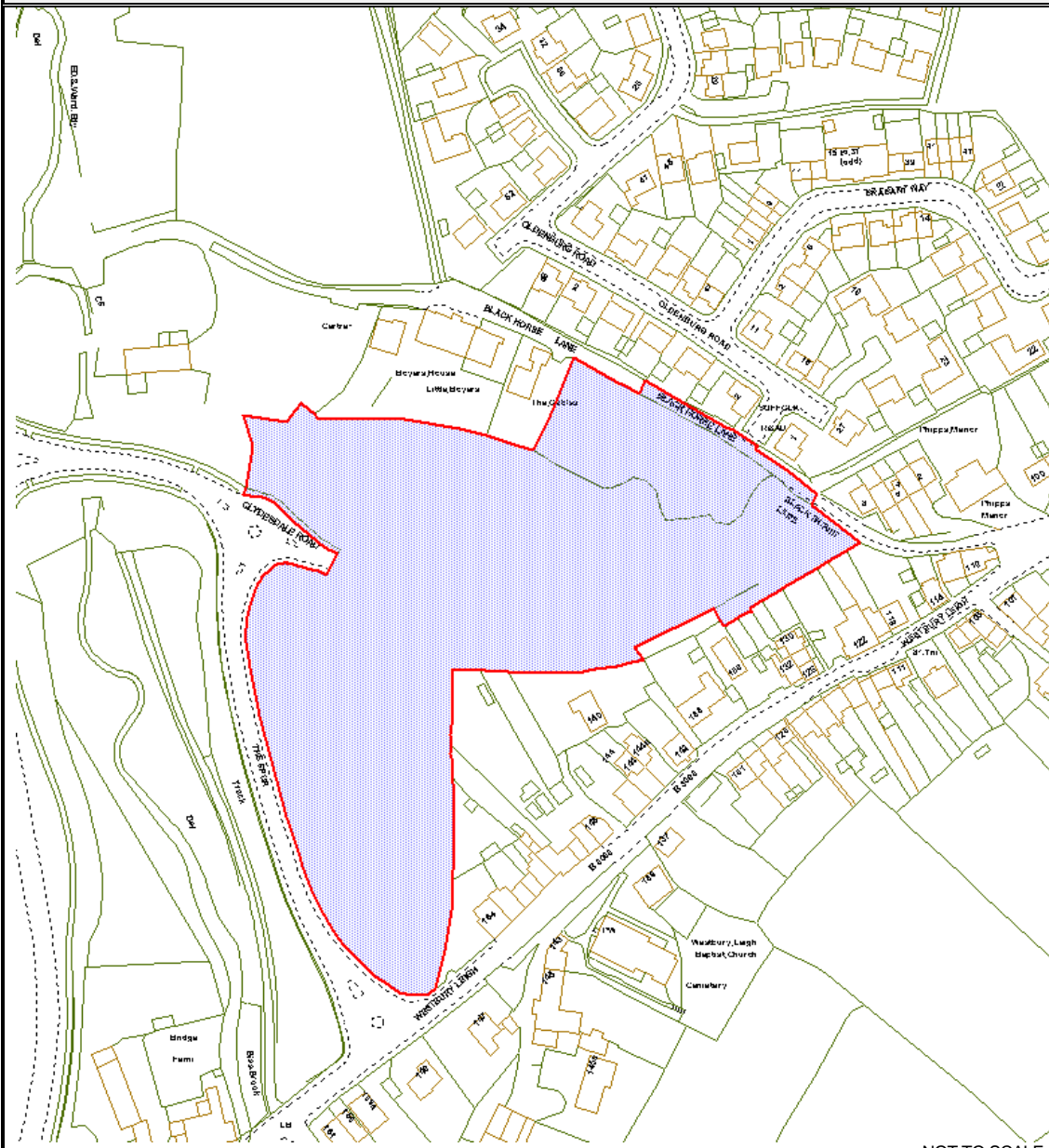
CONCLUSION

Any loss of the wall would not maintain the historic layout and sense of enclosure that the remaining wall provides.

ITEM NO: 04

APPLICATION NO: 06/01979/FUL

LOCATION: Area R14 Westbury Leigh Westbury Wiltshire



NOT TO SCALE

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SLA: 100022961

04 Application: 06/01979/FUL

Site Address: Area R14 Westbury Leigh Westbury Wiltshire

Parish: Westbury Ward: Westbury Laverton

Grid Reference 385972 149964

Application Type: Full Plan

Development: Erection of 62 dwelling houses, associated public open space, road infrastructure and works to Blackhorse Lane

Applicant Details: Persimmon Homes (Wessex) Ltd
6-20 Spitalgate Lane Cirencester Glos GL7 2DE

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

Case Officer: Miss Julia Evans

Date Received: 26.06.2006 Expiry Date: 25.09.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date subject to conditions and to the prior completion of legal agreements to secure the following:-

- **the provision of 28% affordable housing provision to be delivered until the nil subsidy arrangement;**
- **the provision of public open space together with a management plan and financial contributions for future maintenance;**
- **a financial contribution towards highway works to and off site, and towards public and sustainable transport improvements and provision; and**
- **a financial contribution towards education provision, as identified by the County Education Officer.**

Condition(s):

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A, H13 and H24.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A, H13 and H24

- 4 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

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

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

- 5 The development hereby permitted shall not be occupied until details for the disposal of sewage and foul water have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

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

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

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

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

The above to be carried out to the satisfaction of the Local Planning Authority. Site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice. Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: in the interests of public health and safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C37.

- 8 Before the dwellings hereby approved are first occupied properly consolidated and surfaced accesses (not loose stones or gravel) shall be constructed, details of which shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety.

- 9 Before works are commenced on site, provision shall be made within the site for the disposal of surface water, including arrangements so as to prevent its discharge onto the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety.

Policy: West Wiltshire District Plan - First Alteration 2004 - Policy U2

- 10 No vehicular access shall be formed onto the distributor road from plots 1 to 7, 14 and 16 to 21, inclusive.

Reason: In the interests of highway safety.

- 11 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, 'car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to and approved by the Local Planning Authority in writing. The works shall be undertaken in accordance with the approved details.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 12 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling prior to it first being occupied for its intended purpose shall be served by a properly consolidated and surfaced footway and carriageway to at least base-course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

- 13 The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
- Reason: To ensure that the development is served by an adequate means of access.
- 14 No landscaping or other obstruction shall be allowed to exceed a height of 600mm within the residential amenity areas abutting the access road at plots 7, 8, 15 and 16.
- Reason: In the interests of highway safety.
- 15 No doors, gates or any other means of enclosure or any window at ground floor level shall be permitted to open over or extend into the highway at any point.
- Reason: In the interests of highway safety.
- 16 A landscaping scheme for the public open space and amenity areas, including a programme for their implementation, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in accordance with the approved programme, and the landscaping shall be maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.
- REASON: To ensure that adequate recreation space is provided to meet the needs of the development.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4.
- 17 The public open space, amenity areas and play areas shall be laid out and completed, including any equipment, means of enclosure and other structures, no later than the occupation of the 20th dwelling of the development.
- REASON: To ensure that adequate recreation space is provided to meet the needs of the development.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4.
- 18 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.
- The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.
- Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.
- If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

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

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

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

- 19 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.

- 20 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.

- 21 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, including details of all new retaining walls. 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.

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

- 22 Before the commencement of any works on site, a structural engineers report shall be submitted to and approved in writing by the Local Planning Authority, demonstrating the measures being undertaken to ensure the stability of Boyers Wall. The development shall be only undertaken in accordance with these approved works.

REASON: To ensure that the listed wall is preserved.

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

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

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

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

- 24 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

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

- 25 Building and construction work on the development hereby permitted shall not take place outside the hours of 07.30 hours to 18.00 hours Monday to Friday and 08.00 hours and 13.00 hours on Saturdays, and at no time on Sundays and Bank Holidays.

REASON: In order to safeguard the amenity of the area

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

Note(s) to Applicant:

- 1 Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded to control spillage and leakage in compliance with the Control of Pollution (Oil Storage) England Regulations 2001.
- 2 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 3 Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.
- 4 According to our records there is a landfill site within 250 metres of the proposed development. The site, our ref. W80/0032/WD, is for land at Dilton Marsh (ST 855511). The licence permitted the disposal of soil, sub soil and builders waste, including material containing asbestos. The licence is no longer in force. It is thought that the site is at a low risk from the production of landfill gas. Waste Management Paper No 27 states: "Where development is proposed within 250 metres of a landfill site the developer will need to take account of the proximity of the proposed development to the landfill".
- 5 You are advised to contact Wessex Water to agree points of connection to and protection of their apparatus.
- 6 You are advised that planning permission does not absolve you from complying with the relevant laws protecting habitats and species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV of Circular 06/2005.
- 7 The ground conditions on the site must be subject to a detailed investigation to establish their suitability for the proposed use. This information should comprise a historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination. The report should include and comment on the following:
 - a) summary of site history;
 - b) description of the investigation procedures;
 - c) description of the site;
 - d) details of findings of the investigation and interpretation methodology and results of hazard/risk assessment;
 - e) recommendations for further investigations and/or remedial measures.

The report should also include appendices covering the following:

- i) logs of exploratory holes and tabulated gas/contamination data;
- ii) drawings showing location of exploratory holes and spatial distribution of gas/contamination as appropriate.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full application for the erection of 62 dwellings, associated public open space, road infrastructure and works to Blackhorse Lane, at land to the south of Westbury Leigh. The site measures approximately 2.1ha in size, and is currently rough grass with isolated mature trees within it. It is bounded to the north by Blackhorse Lane and the residential properties along it, to the south and east by the ribbon residential development along Westbury Leigh, and to the west by the new estate distributor, beyond which lies Biss Brook and its wooded floodplain. The site rises in a north-easterly direction, and the properties along Westbury Leigh are at a higher level, looking down into the site. There are a number of protected trees within and on the boundary of the site, and to the northern boundary lies the Grade II Boyers House and its separately listed Grade II garden wall. Other listed properties bordering the site include 164, 148, 150, 152, 154 and Bridge Farmhouse, Westbury Leigh.

The current proposal is for 62 dwellings located either side of a new road which would link the junction 12 roundabout to Oldenbury Road and the new residential development to the north of it. This new road would require the partial demolition of the listed garden wall; a Listed Building Consent application for this works is currently pending consideration (Ref. 06/02939/LBC). The housing proposed is a mix of flats, detached, semi-detached and terraced, two and three storey properties, providing two, three and four bedroomed properties. Of the 62 dwellings 17 would be affordable homes, providing 13 two-bedroomed houses, and 4 three-bedroomed house on site. These units would be in the eastern half of the site. Two areas of public open space are proposed: the large area lies to the south of Boyers House, and covers an area of approximately 0.425ha with the protected trees retained within it; the smaller area lies between plots 10 & 10, covering approximately 525 metres square.

The application has been submitted with the following supporting documents:

- a Planning Statement;
- a Design Statement;
- a Protected Species Report; and
- an Arboricultural Report

Summarising each in turn, the Planning Statement states that: "The proposed housing subject of the application relates to land outside the area of the original outline planning permission for Leigh Park, Westbury, which was most recently extended by approval on 11 February 2003 of application 01/01955. However, the application includes details of the link road which was included in the outline consent as an integral part of the infrastructure to Leigh Park.

"This application for full planning permission comprises the following elements: - residential development comprising 62 dwelling houses (including open market housing and associated affordable housing) and associated roads, parking, public open space and landscaping, and necessary works to Blackhorse Lane.

"The proposed development accords with the recommendations of the Local Plan Inspector and the subsequently adopted Local Plan, as set out within Policy H13 of the West Wiltshire District Plan First Alteration, adopted in July 2004.

"The application for full planning permission submitted for Area R14 is compatible with the objectives of the planning permission granted for the land to the north under Application 01/01955, providing residential development which can be serviced by the facilities provided in respect of the wider Leigh Park development."

The Design Statement states that the proposal is in accordance with PPG3 in that: "The application addresses the following key points in these documents:

- 1 Provides for a sustainable pattern of development concentrated in an existing urban area.
- 2 Secures an appropriate mix, size and affordability of dwellings.
- 3 Provides for an efficient use of land in line with the density guidelines of 30-50 dwellings per hectare as identified in PPG3.
- 4 Parking provision in accordance with PPG13 and local plan policies.
- 5 Facilitates a quality of design, providing safe/secure communities."

The Protected Species Report recommends that although no protected species were found on the site at the time of survey (ie. 26/01/05), "A reptile survey should be conducted before development proceeds", "measures should be taken to avoid clearing vegetation during the peak nesting season (March to July inclusive)", and "any crown-lifting or other tree surgery type work conducted on trees noted as having the potential to harbour bats should be preceded by an assessment of the likely impact on bats and possibly a detailed bat survey."

An Arboricultural Report states "As described, the site's tree cover is growing within the northern POS area and along the eastern boundary. It is assumed that the principal of allocating the northern area as POS has been established. The retention of the trees within the POS does not represent a constraint on development proposals. The most significant trees on the site, the two category A Beech trees (T105 & 106) are located in this area of the site.

"While the eastern boundary trees have grown to become local landscape features, several have developed with significant faults that will affect their safe usefully life expectancy. Several of the eastern boundary trees appear to be off site and are therefore not within the control of the development.

"The Arboricultural Constraints Plan (appended to this report) would not normally indicate amenity clearance zones associated with category R trees, as they should be felled prior to any approved development taking place. However, as the mature Horse Chestnut (T203) is located off site it is outside the direct control of the development and will need to be retained, though it is most unlikely to remain beyond the short term, irrespective of any development proposals.

"The arboricultural constraints plan indicates amenity clearance zones associated with the category C trees. Category C trees should only be retained in locations where they do not represent a significant constraint to development proposals. where category C trees are retained their amenity clearance zones should be taken into account.

"Due to their potential size, the majority of the trees on the eastern boundary are not suitable for retention in close proximity to new properties or within small residential gardens. While the TPO currently provides several of the eastern boundary trees with a degree of statutory protection, the condition of the mature Lime (T205) renders it unsuitable for long term retention in a situation where it would be a threat to future residents and adjacent buildings.

"The over-mature Horse Chestnut (T203) is an off-site tree that potentially affects the adjacent area of the site. However the tree is in such a condition that it will not remain a feature of the site beyond the short term and should not be regarded as a constraint to development proposals."

The site lies within the H13 residential policy area, within the Town Policy Limit, and over an Area of High Archaeological Interest (Policy C15). Policy C40 requires additional tree planting to the edge of the site.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL state: "Whilst acknowledging that most of the previous objections have now been addressed, Members still maintain their objection to the poor visibility splay onto Blackhorse Lane.
- DILTON MARSH PARISH COUNCIL state: "The Parish Council has the following objections to this proposed development:
 - The development of this site was not included in the original discussions and the subsequent outline plan approval of June 1996. It was specifically excluded.
 - The Parish Council is determined to preserve the rural buffer zone to its greatest extent and to prevent the coalescence between the village of Dilton Marsh and Westbury Leigh. This proposed development seriously jeopardises that rural buffer.
 - This application appears to conflict with the application to give access to the Romsey Management site.
 - There is a strong possibility of contamination by heavy metals or anthrax on this site. It should be noted that this site includes the original storage point for hides when first delivered to Case and Son leather works.
 - The Council has consistently identified the problem of heavy traffic on the 83099 and A3098 due to the increase of traffic from Leigh Park. This proposed development will exacerbate the problem and give rise to additional highway safety concerns.
 - The design of the properties is not in keeping with those being built on the rural fringe of Dilton Marsh or Westbury Leigh."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to conditions relating to:
 1. Properly consolidated and surfaced accesses;
 2. Provision for surface water disposal;
 3. No vehicular access shall be formed onto the distributor road from plots 1 to 7 , 14 and 16 to 21.;
 4. Details of the roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture;
 5. Properly consolidated and surfaced roads, footways, and turning spaces;
 6. Construction of the service road ;
 7. No landscaping or other obstruction abutting the access road at plots 7, 8, 15 and 16;
 8. No doors, gates or any other means of enclosure or any window at ground floor level shall be permitted to open over or extend into the highway at any point;
 9. A Residential Travel Plan;

"You will be aware from my recent emails and copy correspondence that matters have progressed sufficiently following extensive negotiations and layout amendments to recommend that the above planning application can be approved.

"The layout is such that I am content with the alignment of the access road and the access to individual properties. I am also satisfied with the level and location of the car parking now proposed.

"There are a number of issues that will require inclusion into a Section 106 Agreement which will cover financial contributions in respect of Traffic Orders, bridge costs and sustainability payments including contributions towards the local bus service which operates in the area. There have been detailed and frank discussions with the applicants and their professional advisers and I am now in apposition and pleased to report that agreement has been reached on the following payments for inclusion in the agreement:

- a. The funding of a Traffic Order for the Prohibition of traffic along part of Black Horse Lane [not exceeding £3,000] - as the final amount will be determined by the legal costs of its publication and included within the agreement].

- b. Contribution to the costs of the road bridge over the railway at Westbury (which will need to be index linked until the date of construction) [£27,000]
- c. Contribution to the 'Optimum bias uplift costs' of the new bridge [£14,850]
- d. Contribution towards the costs of the provision of the bus service for the area and the enabling of season tickets for the new development [£30,000]
- e. County Council staff time in monitoring the Residential Travel Plan for 5 years [£3,750]
- f. Provision of 4 in total 'car share' advertising boards [£2,000]."

- CHIEF EDUCATION OFFICER: No objection subject to securing contribution to education provision through legal agreement. They state "Our figures are based upon the proposed 62 dwellings and indicate that 19 Primary and 14 Secondary age pupils will need places. Neither the designated primary (Westbury Leigh CE), nor the designated secondary (Matravers), can accommodate these additional pupils within existing capacities. Both schools are forecast to reach full capacity in 2007. In view of this, we would require developer contributions which are the DfES published cost multipliers for the provision of pupil places in this Authority. These are currently £10,372 per primary and £15,848 per secondary school place, and updated annually for each financial year. Currently, this would amount to a total indicative contribution of £418,940. All contributions to be secured by way of a S106 agreement, subject to BCIS indexation and appropriately bonded."

- ENVIRONMENT AGENCY: No objection subject to conditions.

- WESSEX WATER: No objection but state:

"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.

"According to our records, there is a public water main and both foul and surface water sewers crossing the site. Please find enclosed a copy of our records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum three-metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed."

"It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

"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."

- WILTSHIRE & SWINDON BIOLOGICAL RECORDS CENTRE: Holding objection. A protected species survey is recommended to enable your Council to help determine the application. A list of protected species and their statutory protection is enclosed with their letter.

- ENGLISH NATURE: Object, but these objections have been overcome by conditions - see Panning Officer's Comments. They state "English Nature endorses the ecological survey's following recommendations:

- Vegetation clearance should be timed to avoid bird nesting season (March to August). If vegetation clearance is required outside of these times, then work should be preceded by a detailed search for active nests by a licensed ecologist. If active nests are found, vegetation clearance should be avoided in their vicinity until after the nesting season.
- If works are intended to any trees identified as having the potential to support bats, then those trees must be checked prior to works by a licensed ecologist and their advice followed.

"PPS9: Biodiversity and Geological Conservation states that developments should achieve a net gain of habitats for biodiversity. We would therefore recommend that opportunities for enhancement of nature conservation interests should be considered in the preparation of detailed site layouts or landscape schemes. The Town and Country Planning Association's (TCPA) 'Biodiversity By Design', Guide 2004 produced in conjunction with English Nature provides further information on this issue and can be accessed via our website.

"The planning application states that surface water is going to mains sewerage with "foul and surface water drainage infrastructure proposed for adoption by Wessex Water under a s104 agreement". English Nature would strongly recommend that Sustainable Urban Drainage Systems (SUDS) are adopted, given the scale of the development. Information on best practice for SUDS can be found at www.ciria.com/suds

"Please note that if planning permission is granted, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005."

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY has commented only on the public open space issues raised by the proposal. They conclude: "Based on the latest HLM '05 housing figures and the projected housing capacity of emerging sites, I can confirm that the current proposals will meet the Leigh Park POS requirement. However, should the housing capacity for Areas R1d, R13 and R14 rise the POS requirement will need to be re-evaluated."

"2. Land to the west of Area R14. This is a thin strip of land that lies to the west of Area 14 and immediately east of the Biss Brook. This strip of land is included within the District Plan Policy H13 housing allocation. Currently, the Revised Leigh Park Master Plan includes this land as informal POS, which does not count towards the wider Leigh Park POS requirement.... Conclusion: The size and the shape of the site is not conducive for formal POS. The site is reasonably well related to Area R14 and I am satisfied that once Leigh Park is complete the adjoining link will not form a barrier to accessing the site. Given that the District Council has included other informal POS provision within the POS requirement calculation it would be churlish not to consider inclusion of the site."

- ENVIRONMENTAL HEALTH: No comments received.

- HOUSING SERVICES state: No objection. They comment that "due to design restrictions on R14 for the full 30% she agreed 28% (18 units) on this phase, but 32% was to be provided on R12. However, again there were design restrictions on R12 so 7 additional units have been put onto R11 instead. This was agreed on the basis that we looked at the whole of the area rather than each phase individually in terms of providing optimum layout, mix and design. In total, the correct level of affordable housing is being provided in relation to the total number of dwellings proposed across the phases."

"We are keen to stress that this is not something that we would normally agree to, or should this method set a precedent, it was merely the most convenient way to deal with the affordable housing allocation over these phases of the same development."

- HERITAGE DEVELOPMENT OFFICER: Has not responded.

- SCIENTIFIC OFFICER: Has not responded.

- URBAN DESIGNER & CONSERVATION ASSISTANT: Has not responded.

- LEGAL SERVICES: Have not responded.
- TREE & LANDSCAPE OFFICER: Has not responded.

PUBLICITY RESPONSES

The application has been advertised with a Public Notice Site Notice placed in two locations. Neighbour notifications have also been undertaken. Four responses have been received making the following comments:

- Westbury Leigh will lose a green area.
- Already too many houses in Westbury Leigh.
- Loss of part of a Listed wall.
- Loss of wildlife.
- Rising land levels across the site could result in stability issues for existing retaining walls.
- Loss of access to rear boundaries of existing properties.
- Site suffers from flooding.
- Poor layout, boring, unimaginative house styles.
- 3 storey houses are alien to Westbury Leigh.
- Poor relationship with neighbouring listed buildings.
- Insufficient regard to protected trees.
- Loss of listed wall and no information concerning its repairs.
- No retaining/engineering information for Blackhorse Lane.
- Loss of village character of Westbury Leigh.
- Lack of nearby services.
- Increased traffic levels.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- T5 Cycling and walking
- T6 Demand management
- T8 Transport provision for new developments
- C1 Nature conservation
- C5 The water environment
- HE2 Other sites of archaeological or historic interest
- HE7 Conservation Areas and Listed Buildings
- RLT1 Recreation, sport & leisure

West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected species
- C15 Archaeological Assessment
- C27 Listed Buildings
- C28 Alterations and extensions to Listed Buildings
- C31A Design
- C32 Landscaping
- C33 Recycling
- C34A Resource consumption and reduction
- C37 Contaminated Land
- C38 Nuisance
- C40 Tree Planting
- R4 Open space in new housing developments
- R11 Footpaths and rights of way
- H2 Affordable housing

H13	Leigh Park, Westbury
H24	New housing design
T4	New distributor roads
T9	Bus services
T10	Car parking
T11	Cycleways
T12	Footpaths and bridleways
S1	Education
U1	Infrastructure
I1A	Foul water disposal
U2	Surface water disposal
U3	Flooding
U4	Groundwater Source Protection Areas
I1	Implementation

Supplementary Planning Guidance
 Open Space Provision in New Housing Developments (Adopted August 2004)
 Residential Design Guide (Adopted June 2004)
 Affordable Housing (Adopted August 2005)

National Guidance
 PPS1 Delivering Sustainable Development
 PPG3 Housing
 PPS9 Biodiversity and Geological Conservation
 PPG13 Transport
 PPG15 Planning and the Historic Environment
 PPG17 Planning for Open Space, Sport and Recreation
 PPG25 Development and Flood Risk

Circular 05/05 - Planning Obligations
 Circular 06/98 - Affordable Housing
 Circular 11/95 - The Use of Conditions in Planning Permissions

RELEVANT PLANNING HISTORY

87/01012/OUT - New distributor roads and residential and industrial development - Withdrawn 18.05.1988

88/00932/OUT - Residential development - Withdrawn 03.11.1988

88/01343/OUT - Residential development, provision of public open space, commercial and community facilities, highways and associated development - DETR - decision made by DCLG not West Wiltshire District Council - 24.05.1989

88/01344/OUT - Residential development, provision of open space, commercial and community facilities, highways and associated development - Withdrawn 15.05.1998

95/00943/OUT - Residential development including affordable homes, distributor roads and link roads, District Centre, including new community uses and comprising A1, A2, A3, D1 and D2 uses, primary school extension, public open space, B1 employment - Permission 16.03.1998

97/00127/OUT - - Residential development including affordable homes, distributor roads and link roads, District Centre, including new community uses and comprising A1, A2, A3, D1 and D2 uses, primary school extension, public open space, B1 employment - Withdrawn 03.11.1999

01/01361/S73 - Application under S73 to continue development without complying with Condition 16 of 95/00943 and Condition 18 of 01/00021 (delete the word "ancillary" to allow general residential development in the District Centre) - Withdrawn 23.10.2002

01/01362/S73 - Application under S73 to continue development without complying with Condition 16 of 95/00943 and Condition 18 of 01/00021 (delete the word "ancillary" to allow general residential development in the District Centre) - Withdrawn 03.05.2002

05/01654/FUL - Erection of 68 dwellings, associated public open space, road infrastructure, and works to Black Horse Lane - Non determination public inquiry scheduled for 13 & 14 December 2006. See Planning Officer's comments.

06/01927/LBC - Partial demolition of garden wall to southeast of Boyers House - Refused 02.08.06

06/02939/LBC - Demolition of part of Grade II listed wall - Pending consideration.

KEY PLANNING ISSUES

This raises the following planning matters:

- planning history and non-determination appeal inquiry;
- principle of the development;
- design;
- impact on Listed Buildings;
- highways safety, sustainable transport and associated contributions;
- amenity issues;
- protected trees and landscaping;
- the water environment;
- protected species;
- archaeology protection;
- public open space provision and contributions;
- affordable housing provision;
- education contributions; and
- recycling and resource consumption.

PLANNING OFFICER COMMENTS

This application is a resubmission of a similar proposal (05/01654/FUL) that was considered by the Planning Committee on 13 July 2006. The resolution of the Planning Committee was that "the Planning Inspectorate be informed that had the Council been in a position to determine this application it would have been refused for the following reasons:-"

- 1- adverse impact on the settings of nearby Listed Buildings, and the existing townscape and patterns of development;
- 2- lack of information and details as to the works and remediation measures involved in the partial demolition of a Grade II Listed Building;
- 3- unacceptable distributor road design;
- 4- no financial contribution for works to fund a distributor road and road bridge;
- 5- detrimental to neighbouring amenity;
- 6- protection of trees of amenity value and edge of site landscaping;
- 7- public open space provision;
- 8- no financial contribution for the education requirements generated by the proposal; and
- 9- no provision of recycling facilities.

The inquiry appeal for this application is scheduled for 13 and 14 December 2006. The applicants submitted the current application before the Planning Committee on 13 July, and consequently the original submission did not address the nine reasons for refusal. As a result negotiations have been taking place on the current submission to address these issues, which have resulted in revised plans. In addition, a new Listed Building Consent application has also been submitted in an attempt to address this previous refusal.

Principle of the Development

This site is an additional residential site identified in the Inspector's Report to the Local Plan Inquiry, which was subsequently identified as part of the Policy H13 allocation for housing in the adopted West Wiltshire District Plan - 1st Alteration 2004. It is not included within the outline permission covering much of the rest of the Westbury Leigh area, and is, therefore, an additional site included within the H13 policy area. Within the Inspector's Report, the area was identified as providing a housing yield of 45 units, and that its delivery would include additional affordable housing and public open space provision. In addition a contribution to the Leigh Park distributor road would also be required. The current proposal for 62 dwellings, therefore, is considered acceptable in principle. The density for the scheme is approximately 30 dwellings per hectare, which just falls within the ranges suggested by PPG3. Consequently, the principle of residential development of this site has been established through the District Plan process.

Design and Impact on Listed Buildings

Turning now to the details of the scheme, Development Plan policy and PPG3 require development to have a mix of sizes and types of dwellings, that overlook public areas, that do not dominate the area, that complement the characteristics of the locality, and which accommodate all means of transport. Policies C31A and H24 of the West Wiltshire District Plan - 1st Alteration, plus the supporting Supplementary Planning Guidance, attempt to ensure that new development is integrated into its local environment. The proposed development uses the new housing types that have been accepted on the rest of the Westbury Leigh site. In this particular location the proposal lies directly behind the ribbon development of Westbury Leigh village, which is characterised by old terraced properties fronting the street. In addition to Boyers House and its garden wall, there are a group of listed buildings at the southern end of the village. The 2005 application raised concerns as regards its adverse impact on the setting of nearby listed buildings, and on the existing townscape and patterns of development. The current application has been revised during its processing to try and address these issues. The revisions include changes to the southern tip of the site by reducing the height of the terrace formed by plots 1-4, and moving plot 10 away from the garden boundary of number 164. These revisions are considered to be more acceptable, and the street-scene drawing of the plots 1-4 and its relationship with 164 shows an improved street-scene that has more reference to the setting of the Listed Building and the historic street-scene.

The garden wall to Boyers House is a grade II Listed Building, and the proposed development utilises it as a boundary for some of the affordable housing units. The application requires its partial demolition to provide for the linking distributor road. Revised plans and information has been provided showing the impact of the partial demolition on the wall, and subject to conditions this work is considered acceptable. At the time of writing the report, however, no Listed Building Consent has been approved for these works.

Highways and Sustainable Transport Matters

The current application has sought to address the highways concerns raised by the 2005 application. Government Guidance and Development Plan policy require new residential developments to overlook public areas and have road layouts which are determined by the buildings. The current application has retained the approved outline route for the linking road through the site, and has proposed a mix of housing and boundary types along the road frontage. The Highway Authority has reviewed the road alignment, access and parking arrangements and consider that it is now acceptable subject to several suggested conditions. These form part of the recommendation.

Policy H13 and T4 require the provision of a distributor road linking Station Road with the A3098. The Highway Authority have requested that this development makes a contribution towards the funding for the road bridge over the railway line. Unlike with the previous application, the applicant has now agreed to provide a financial contribution for the crossing, plus contributions that are requested by the Highway Authority for a traffic order, and sustainable housing provision.

Amenity Issues

The site slopes upwards towards the eastern boundary of the site, and many of the gardens neighbouring it have boundaries delineated by retaining walls. The 2005 application was not supported with any sectional drawings or any indication of finished floor levels. Some of the existing properties along Westbury Leigh are within 8m of the site boundary. The current application has been supported with some street-scene drawings, and this, plus the revised layout has addressed these concerns. However, conditions have been suggested concerning finished floor levels and boundary treatments, which will include retaining walls and other such matters.

Protected Trees and Landscaping

There are a number of protected trees in and around the site, and in addition to these there are other trees, particularly on the site boundary, which are worthy of retention. The 2005 application was refused because the proposal was considered detrimental to the health and well-being of the protected trees, and for the trees creating a nuisance to the proposed dwellings. Revised drawings showing a layout which places greater separation between the trees and proposed development have now been submitted, along with an Arboricultural Report. This is broadly accepted as an improvement. However, the Council's newly appointed Landscape Officer has considered these revisions and the report, and his comments are included on the Late List.

The site is also allocated in the West Wiltshire District Plan - 1st Alteration for boundary landscaping under Policy C40. The site would form the edge to the built up area of Westbury Leigh and consequently the visual transition between this and the open countryside is of great importance, particularly when viewed from the higher ground to the south and east. The application has now demonstrated that the land along the Biss Brook is to be adopted by the District Council in the near future. The retention of this heavily wooded watercourse as an area of permanent landscaping for Westbury Leigh is required under the Section 106 Legal Agreement on the original outline permission. Consequently, it is now felt that the provision and retention of this landscaped area is satisfactory to screen the proposed development.

The Water Environment

To the west of the site lies the Biss Brook. Neighbours have highlighted that the site suffers from flooding. Consultations with both the Environment Agency and Wessex Water have raised no objections to this proposal in terms of flooding risk. Subject to conditions concerning contaminated land, chemical storage, foul and surface water drainage, plus informatives concerning water pollution prevention measures, no objection to the proposal can be substantiated on these grounds.

Protected Species

The application was supported by an Ecological Survey, which did not find any evidence of protected species. With the 2005 application, English Nature were satisfied that the survey was acceptable, and that any permission should include conditions for further survey and mitigation measures. However, this time, English Nature have raised an objection, recommending that the application be refused on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. There has been a conflicting response from English Nature over the report and how to handle it. In these circumstances, it would not be appropriate to refuse the application. Consequently, conditions have been attached requiring a further survey and the application of relevant mitigation measures.

Archaeology

The site lies within an Area of Archaeological Interest. The 2005 application resulted in no objections or requirements from the County Archaeologist.

Public Open Space Provision and Contributions

The current application provides two areas of public open space within the site. The larger of the areas lies to the south of Boyers House, and has been located here by the applicant to protect the setting of this grade II Listed Building and the protected trees within this area. This area covers approximately 0.425ha. On the eastern boundary of the site is another area of public open space, measuring 525 metres squared, which is located here to provide access to two protected trees. Both areas are for informal provision.

Policy H13 requires public open space provision within the Westbury Leigh development, and Policy R4 of the West Wiltshire District Plan - 1st Alteration requires all development proposals of 10 or more dwellings to make appropriate provision for public open space at a standard of 2.43 hectares per 1,000 population. The supporting Supplementary Planning Guidance for this policy provides further guidance as to the implementation of Policy R4. The Planning Policy Section were concerned that the 2005 application did not provide sufficient public open space for both the requirements of the site and the overall Westbury Leigh provision. With the current application Planning Policy have concluded that 'based on the latest Housing Land Monitoring 2005 housing figures and the projected housing capacity of emerging sites, I can confirm that the current proposals will meet the Leigh Park public open space requirement. However, should the housing capacity for areas R1D, R13 and R14 rise the public open space requirement will need to be re-evaluated'. Consequently, it is now felt that the provision is sufficient. The applicant has agreed to entering into a Section 106 Agreement for provision and maintenance arrangements.

Affordable Housing Provision

Policy H13 of the West Wiltshire District Plan - 1st Alteration requires provision of an appropriate level of affordable housing for the development. Policy H2 of the West Wiltshire District Plan - 1st Alteration requires sites of more than 25 dwellings or 1 hectare or more to provide up to 30% affordable housing provision. The proposal provides 17 affordable homes, 13 two-bedroomed houses and 4 three-bedroomed ones. The Housing Section have considered the affordable housing provision on this application, and are happy that the 28% provision on the site is acceptable in light of the 32% provision across the wider Westbury Leigh area (ie. Area R12). The applicants are also prepared to enter into a Section 106 Legal Agreement. The housing mix, design and provision has been accepted by the Council's Housing Services team, so no objection to the scheme is raised as regards this aspect.

Education Contributions

Policy S1 of the West Wiltshire District Plan - 1st Alteration requires a planning obligation to be provided by the developer where the residential development gives rise to the need for additional education provision. The Education Authority, Wiltshire County Council, have identified a need based on the requirement for 19 primary and 14 secondary age pupils needing places. As neither the designated primary or secondary schools can accommodate these increases, a financial contribution of £10,377 per primary and £15,848 per secondary school place has been requested. Unlike within the 2005 application, the applicant has now agreed to enter into a Section 106 Legal Agreement to secure this financial contribution

Recycling Facilities

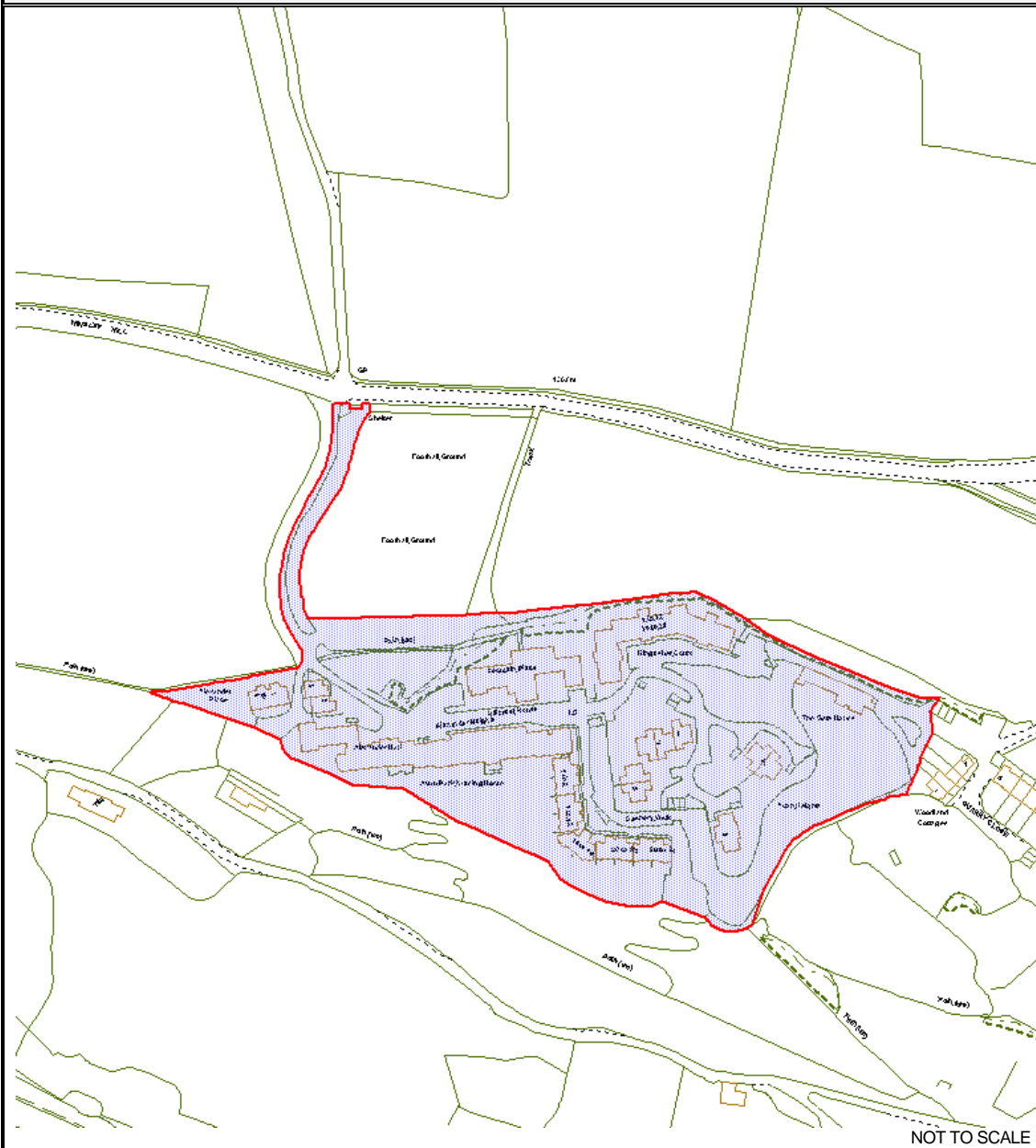
Policy H13 requires the provision of a recycling mini-bank station to make recycling convenient to the local community. Policy C33 of the West Wiltshire Plan - 1st Alteration requires residential development of over 50 dwellings or more to provide a recycling station of approximately 10 square metres, unless adequate and convenient provision already exists in the locality. The ninth reason for refusal on the 2005 application was because this facility had not been provided. Within the current application no on-site provision has been provided as the original outline permission and associated Section 106 makes provision at the Leigh Park Local Centre. While it is recognised that this remains an outstanding issue, it is considered that the current outstanding application for outline planning permission at the former District Centre site (R11 or R12 - 06/02424/OUT) offers an opportunity to resolve this issue. In addition, Council policy is to provide and promote kerbside recycling so it is not felt appropriate to provide a small on-site facility, in addition to this and the provision at the Local Centre.

CONCLUSION

As currently submitted the proposal is now felt to overcome the reasons for refusal on the 2005 application. The proposal is now considered to be in accordance with Development Plan policies, and subject to satisfactory completion of the required Legal Agreements and the attachment of the suggested conditions, no planning objections are raised.

26 October 2006

LOCATION: Avonpark Care Centre Avonpark Village Limpley
Stoke Wiltshire BA2 7FF



SLA: 100022961

05 Application: 06/02569/FUL

**Site Address: Avonpark Care Centre Avonpark Village Limpley Stoke
Wiltshire BA2 7FF**

Parish: Winsley

Ward: Manor Vale

Grid Reference 379303 160872

Application Type: Full Plan

Development: Conversion of building to community care centre and roof alterations

Applicant Details: Care Village Group
Wyngates Elms Cross Bradford On Avon Wiltshire BA15 2AL

Agent Details: Stone + Partners
Saxum House 4 Billetfield Taunton Somerset TA1 3NN

Case Officer: Mrs Judith Dale

Date Received: 21.08.2006

Expiry Date: 16.10.2006

JUSTIFICATION REASON:

The proposal represents a development from the plan but there are very special circumstances which are that the increase in visible volume would be insignificant and the proposal would provide community facilities that would justify the granting of permission.

RECOMMENDATION:

The application be referred to the First Secretary of State under the Green Belt Directive as a departure from the Development Plan and planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision.

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 Before the development hereby permitted is commenced, plans showing a parking area to provide for six additional vehicles shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity and road safety.

- 4 Before the development hereby permitted is occupied, the parking area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to their satisfaction. This area shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of amenity and road safety.

- 5 During the construction phase of this development, no plant, machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800 Mondays to Fridays, and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.

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

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

- 6 Prior to the commencement of development and during the course of the development, the building shall be carefully surveyed to determine whether bats or barn owls are present. If any sign of bats or barn owls is discovered during the development, work shall cease immediately and English Nature shall be consulted further.

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

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

- 7 The accommodation hereby permitted shall be used within the definition of Class C2 Residential Institutions as defined in the Town & Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order, with or without modification) and the complex as a whole shall be used as one unit with no part severed therefrom.

REASON: To accord with the terms of the application and ensure that the development remains as an appropriate use within the Green Belt

Note(s) to Applicant:

- 1 The applicant is advised to consult with Wessex Water to agree a point of connection onto Wessex infrastructure for the satisfactory disposal of foul flows and to seek alternative methods for the satisfactory disposal of surface water from the site.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Cunliffe-Jones and because it represents a departure from the Development Plan.

This detailed application proposes works to Block 5 of the Avonpark Care Centre Village. The proposal is effectively in two parts:

(a) The conversion of the existing, predominantly unused, second floor roof area to form six "care suites", together with a range of upgraded communal and social facilities. This conversion is supported by the construction of six identical pitched roof dormers in the front (garden) elevation, and eight in the rear (entrance) elevation. Two small velux windows are also proposed in each.

(b) The replacement of an existing first floor conservatory at the eastern end of the building with an extension on the same footprint to provide a communal dining room.

The external dormer roofworks are to be constructed of plain tiles to match the existing, while the dining room extension is proposed as a glazed structure.

Block 5 is one of the original buildings on this former hospital site located at the western end of the complex, and opposite the main entrance. The complex as a whole is sited within an area of the Green Belt and within the Cotswold Area of Outstanding Natural Beauty, but outside the Village Policy Limits of both Winsley and Limpley Stoke.

The application is accompanied by a detailed planning statement which incorporates a Bat Survey.

CONSULTATION REPLIES:

- WINSLEY PARISH COUNCIL: The Parish Council was informed by the planning authority some years ago that the site had been developed to its limit. There are some outstanding landscaping obligations from earlier permissions that still need attention.

The planning and design statement with this application seeks to justify these new proposals in relation to the District Plan and Green Belt policies by characterising them as not disproportionate additions over and above the size of the existing building. The criterion normally applied to applications in this area is in relation to the size of the original building. Many have failed that test. To let the building existing at any particular time be the baseline would be a recipe for continual increase.

Consistency is important. The Parish Council wants those considerations to be highlighted in the report to the Committee and in the determination of this application; also that attention be given to the outstanding landscaping obligations.

The Parish Council believes consideration by the Planning Committee is appropriate for this application.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to a condition requiring the submission of a plan which incorporates six additional parking spaces.

- WESSEX WATER: No objection subject to agreement to a point of connection onto Wessex systems for the satisfactory disposal of foul flows; the investigation of alternative methods for the satisfactory disposal of surface water from the site and agreement to a point of connection onto Wessex infrastructure.

- WILTSHIRE & SWINDON BIOLOGICAL RECORDS CENTRE: Advises that an ecological survey is carried out to assess the presence of protected species.

- ENGLISH NATURE: No comment received.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: One of the principles of sustainable development outlined in PPS1 is making efficient use of land and buildings, another is that development should be located to make best use of a range of existing facilities and services.

Green Belt policy allows for limited extensions of property, providing that they do not result in disproportionate additions over and above the size of the original building - the aim is to ensure that there is no harm to the openness of the area. The proposal needs to be considered in the light of AONB policy, the basis of which is to conserve and enhance the natural scenic beauty of the area. Being in a rural environment, it is important that the proposal should have no adverse impact on the qualities of the local countryside and its associated wildlife habitats.

The other main issue in this case is the design of the proposal which should respect the existing building in terms of its scale and proportions and blend unobtrusively with the character of the surrounding countryside.

Conclusions:

The proposal is hardly within the most sustainable location, but the complex already exists, and the proposal - essentially the creation of rooms in the roof - is not taking further land resources.

The plans indicate that there would be no increase in the footprint of the existing building, little increase in its mass and no increase in the height of the block's roof ridge or in any ground surfacing. Accordingly, it is considered that the proposal would not compromise the openness of the area and be contrary to green belt policy.

In terms of design, the elevations, with the new dormers and the extension are, in my opinion, acceptable in terms of their scale, form and positioning. Though there is no increase in the roof height, they do give the building a slightly "grand" appearance. The only concern is the impact of this elevation on any long views from the south, especially at night, when the building will show lighting from a higher point. However, I would assume that this is negated by the impact of the existing external lighting to the whole complex; this is a detailed matter on which the case officer can make a judgement. The applicants provided a report on a bat survey; its contents have been noted.

Finally, it is considered that there will be a continuing pressure in the future to add further accommodation to this site. Given the continuance of green belt policy, it is likely that, building conversions aside, any further development would compromise the openness characteristic -and also- possibly jeopardise the scenic quality of the landscape.

- ENVIRONMENTAL HEALTH OFFICER: No objection subject to a condition controlling the hours of operation during the construction phase.

PUBLICITY RESPONSES

The application has been advertised by site notice and in the local press, both as development affecting a Public Right of Way and as a departure from the Development Plan. Neighbours have also been notified of the proposal. No letters of comment or objection have been received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP9 Reuse of land and buildings
- DP12 Western Wiltshire Green Belt
- DP14 Housing, Employment and Related Development in the Open Countryside
- C8 Areas of Outstanding Natural Beauty

West Wiltshire District Plan - 1st Alteration 2004

- GB1 Western Wiltshire Green Belt
- GB2 Control and development in Green Belt
- C1 Countryside protection
- C2 Areas of Outstanding Natural Beauty
- C7 Protected species
- C31A Design
- H24 Housing design
- T10 Parking

SPG Residential Design Guide

- PPS1 Delivering Sustainable Development
- PPG2 Green Belt

RELEVANT PLANNING HISTORY

This site complex, formerly the Winsley Hospital, has an extensive planning history since permission was granted in 1989 for the conversion of the most prominent building, the subject of this current application, into a nursing home (89/0042). Under that permission, Block 5 was proposed for conversion into 13 individual suites with a communal kitchen and day rooms, together with an extension for 16 additional bed sitting rooms.

Since that time, further internal alterations have been permitted to the size and type of accommodation within this building which now provides 17 "close care units" instead of the former single bedroom/ensuite units.

More generally, within the site, there has been considerable redevelopment of many of the former buildings, and conversion of existing buildings under some 30 plus separate applications made over the past 15 years.

KEY PLANNING ISSUES

The main issues raised by this application are:

- The principle of the development with specific regard to Green Belt policy.
- The impact of the development on the visual quality and landscape of the surrounding Area of Outstanding Natural Beauty.
- Design considerations.

PLANNING OFFICER COMMENTS

Planning Policy

As identified in the Planning Policy comments above, the purpose of Green Belt policy is to ensure no harm to the openness of the area. In originally considering an application for the conversion of the former redundant hospital to a residential use in the mid-1980s, the Secretary of State at that time took the view that the proposal "would not have any significant impact on the Green Belt, would not lead to any erosion of the countryside, and would not contribute to the coalescence of nearby settlements". While he subsequently refused planning permission because he was not satisfied that the premises could not be more appropriately used for institutional purposes, it was made clear that the "residential use of the buildings is not in itself objectionable".

Within the framework of residential use, Green Belt policy allows for limited extensions of property, 'providing it does not result in disproportionate additions over and above the size of the original building'. It is quite clear from the site history that the scale of development which has occurred on this site in recent years is already quite extensive, and that in terms of the site as a whole, the policy would not normally permit any further residential development. In that sense, the application must be viewed as a departure from the Development Plan which should only be permitted if there is very special justification.

In this particular case, while the current application clearly proposes an increase in the overall amount of residential development, the following points are considered relevant:

1. Due to the various changes which have occurred to this, and other buildings over the years, it is difficult to assess the actual size of the 'original' building with any degree of accuracy.
2. The proposed increase in residential accommodation is to be primarily accommodated within the existing, underused roof area of the current building. Plans indicate that there is no proposed increase in either its existing footprint or the ridge height and only a marginal increase in its mass through the construction of a number of small dormer windows. With regard to the replacement conservatory, the floor area remains unaltered, while the roof area would be elevated by only approx 900mm.

3. In terms of individual units, the total number would be reduced from 27 single bedroomed/ensuites to 23 "close care units" - it could therefore be argued that while the residential floor area is to be increased, the potential number of residents would be no greater.

4. These 'close care' facilities are purpose-designed suites combining independent living with care and support, which enable more frail or dependant residents to remain in their own accommodation for longer. They are characterised by groups of self-contained units incorporating specific design features to help frail residents, 24 hour care and support staff, a comprehensive range of communal facilities and domestic support services, and assistance with transport. As part of the wider national thrust towards improving and widening the choice for the elderly, Avonpark Care Centre must be committed to expanding this particular type of accommodation, and this is the prime generator for this latest application.

The current scheme proposes that the roof area, which is predominantly used for storage and staff accommodation, will provide 6 additional residential suites, a small cinema, chapel, meeting space, treatment room and computer suite. Some of these facilities already exist but need to be upgraded, and will combine with other existing facilities which include a wellness centre, exercise room, hairdressing salon, restaurant, bar, library, games room, shop and guest accommodation to provide an expanded and improved range of centrally located facilities and services.

In terms of the scale of this overall development, it could be argued that the proposal is simply making a more efficient use of the physical space which already exists. Combined with only a marginal increase in building mass and limited potential for increasing the number of actual residents, a balanced judgement suggests that this particular development could not be considered to compromise the openness of the Green Belt and, as such, would be acceptable within the framework of Green Belt policy.

Area of Outstanding Natural Beauty

The site is located within the Cotswold Area of Outstanding Natural Beauty where the policy basis is the conservation and enhancement of the natural scenic beauty and special landscape character of the area. The site as a whole is located on the edge of a steep escarpment of the Limpley Stoke valley, well screened by areas of woodland from views from that direction; views of the site from the adjoining Winsley/Limpley Stoke Road are limited due to the distance from the highway and the sloping topography.

In terms of the impact of the development on the character and appearance of the Area of Outstanding Natural Beauty, any concern would be the potential impact of the 14 proposed dormer windows, 8 in the south facing elevation towards the Limpley Stoke valley, and 6 on the Winsley facing elevation. Due to the topography of the site and the siting of the building, the dormers in the latter would not be visible from wider public views and could not be considered to impact on this part of the special landscape. With regard to the elevation facing across the valley, photographs submitted by the applicant show existing views from Crowe Hill in Freshford and the degree to which the application building is screened behind "maturing trees". These summertime views clearly show the levels of screening at its densest and it needs to be recognised that part of the roof of the application site would be visible from distant views during the winter months. This, in itself, is not a reason for refusal, and a judgement has to be made as to whether the degree of additional lighting at night from these additional dormers and roof lights would be detrimental to the landscape quality of the area.

A balanced assessment, based on the existing degree of lighting from the two lower floors of this elevation, together with existing lighting to the whole complex, suggests that this argument would be difficult to justify as a sole reason for refusal.

Design

The existing roof area is large, tile clad, and has a clearly symmetrical form with three gable projections regularly spaced in both front and rear elevations. Two small pitched roof dormers already exist in the rear elevation; three identical dormers exist in the front elevation.

In terms of design, the matching scale and elevations of the new dormers, sited to maintain the symmetry across the whole roof area, are considered acceptable within the framework of Policy C31A and appropriate within the context of the building.

CONCLUSION

While it is recognised that this site is not in the most sustainable of locations, the complex as currently exists, is making an efficient use of land and buildings and provides a community facility for which there appears to be an increasing demand. The proposal does not take further land resources, is not extending the footprint of the existing building and is attempting to make a more efficient use of an existing underused resource.

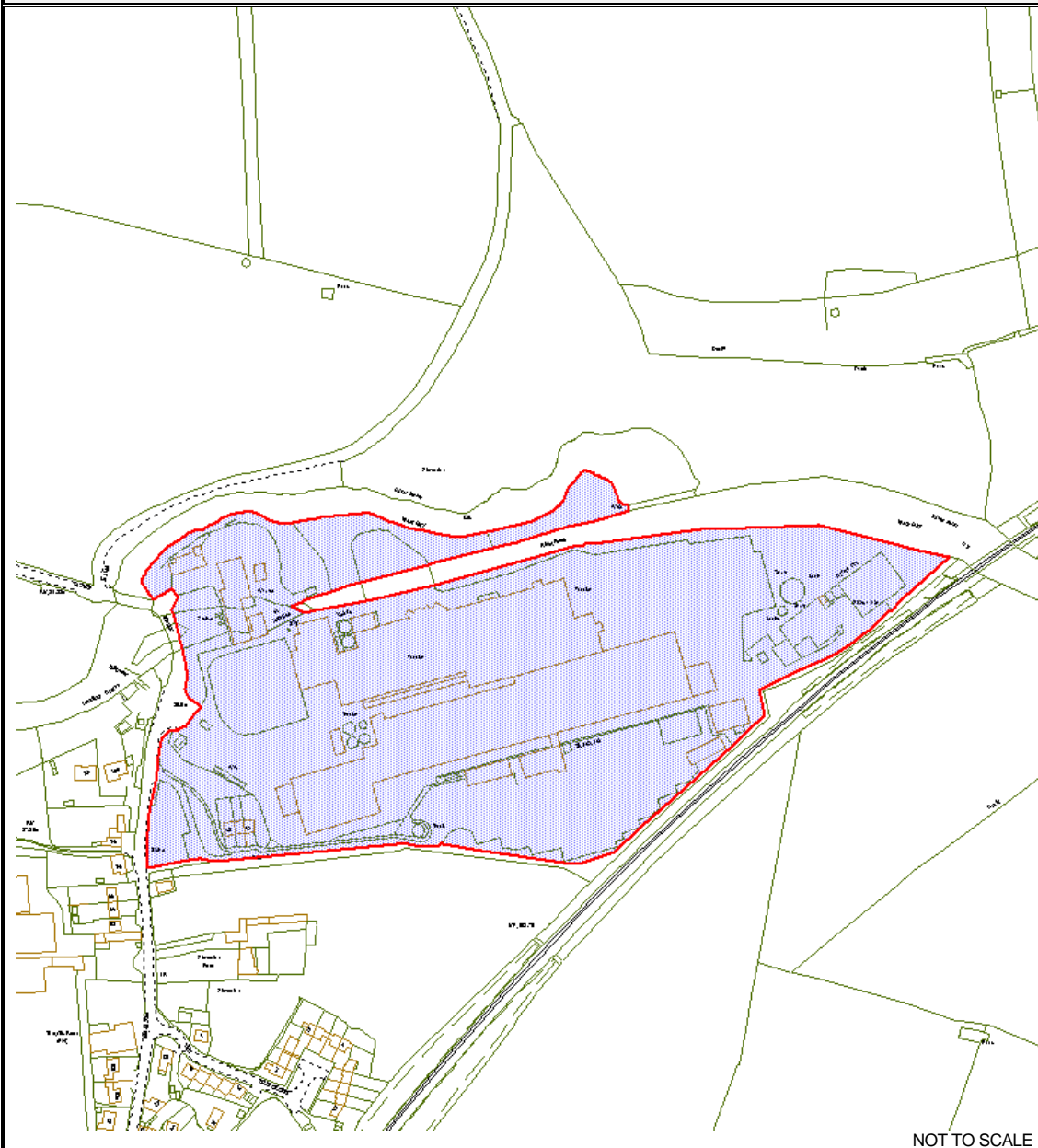
On balance, this particular proposal is not considered contrary to the objectives of the Green Belt, although the continued creep which this scheme ultimately represents is clearly of concern and raises legitimate questions as to the possibility and pressure for yet further development on this site. The point is made in the consultation response from the Planning Policy Manager that apart from building conversions, it is likely that any further development would compromise the openness of the Green Belt and begin to affect the scenic quality of the AONB. Clearly, the proper implementation of policy at that time should provide the necessary safeguard by ensuring that any future application is judged on its own merit against both Green Belt and AONB policies.

The application will require to be forwarded to the Secretary of State as a departure from the Development Plan.

ITEM NO: 06

APPLICATION NO: 06/02480/FUL

LOCATION: Cereal Partners Staverton Wiltshire BA14 6PH



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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

06 Application: 06/02480/FUL

Site Address: Cereal Partners Staverton Wiltshire BA14 6PH

Parish: Staverton

Ward: Paxcroft

Grid Reference 385704 160872

Application Type: Full Plan

Development: Building alterations comprising new link building, demolishing of changing facilities, wheat intake building alterations, new hydraulics building and demolishing of social club

Applicant Details: Cereal Partners
Staverton Wiltshire BA14 6PH

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 09.08.2006

Expiry Date: 04.10.2006

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 During the construction phase of the development no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 Saturdays, or at any time on Sundays or Bank Holidays.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This planning application is brought to committee because the Parish Council objects to the proposal contrary to Officers recommendation.

This is a full planning application for the creation of a new link building, an extension to the existing wheat intake building and to create a new hydraulics building which would go in the place of a changing facility to be demolished. A social club which is on the site would also be removed. The wheat intake building would occupy the same footprint as previously but would be increased in height from 7.3m to 10.1m. The new hydraulics building would be 23m in length, 4.6m in depth and it would be 5.2m in height to ridge level. The link building would be 12m by 9m and 6m in height. Two new galvanised external fire escape stairs would be provided one either side of the link building. The link building would have an access/escape walkway over the roof. The application site is located partially within the floodplain. The proposals would be required to enable several products previously manufactured in Hertfordshire to be manufactured at the Holt site. The site in Hertfordshire is to be closed down.

The net effect of the proposed works would be a reduction in floor area at the plant of 161m³.

CONSULTATION REPLIES

STAVERTON PARISH COUNCIL

No objections to this application.

HOLT PARISH COUNCIL

This Parish Council generally welcomes future employment opportunities in our catchment area, but this has to be weighed against:

A - Increased volumes of traffic.

B - Unpleasant sickly sweet smells which will continue to impact on our community but for much longer periods.

C - Levels of noise nuisance which may not be higher than hitherto but will persist over much longer periods of time.

The Parish Council meets again on Wednesday 25th October when this application will be dealt with in detail; both by the Council and interested members of the community. Until this Council has responded - following its next meeting - this application must be deferred.

Any further comments received from Holt Parish Council following their meeting will be represented in the late list for the committee.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

The proposal will not result in an increase in the floor area of the site and the number of employees will not exceed the level at the site when the Nestle Chilled Dairy Plant occupied part of the site in recent years; therefore no highway objection is raised.

INTERNAL CONSULTEES

ENVIRONMENTAL HEALTH

The site is an existing large scale food production unit. The proposed physical changes as outlined do not appear to add significantly to any noise or odour emissions emanating from the premises. It is understood that the applicant may be intending to intensify activity by the addition of a further shift, but that this does not require planning approval. Recommend no objections be raised.

Further comments were received from the Environmental Health department noting the following;

'The factory commenced the production of breakfast cereals in November 1998. Since that time the Environmental Health team have received a total of 11 complaints, 9 pertaining to odour, one of odour and noise from refrigeration units, and most recently a complaint of noise at night.

The odour complaints tend to be of an intermittent nature and relate in the main to a sweet chocolate/vanilla- like odour associated with the production of chocolate-coated cereals. Although the company employ a wet scrubber to clean the exhaust air and recover cocoa, the volatiles in the flavourings can give rise to odour. Chocolate cereal production is not a continuous process. Complaints have been found to coincide with a production batch in the past. Cereal Partners UK have indicated to Environmental Health and Holt Parish Council that the chocolate cereals line is to transfer to a sister plant elsewhere, as part of the reorganisation of their UK production.

As regards the noise complaints - there has been one isolated complaint relating to refrigeration noise, which the factory investigated and resolved in liaison with the complainant. The other isolated complaint alluded to disturbance from noise at night during the recent hot summer months.

To date, no statutory nuisance in respect of noise or odour has been substantiated in respect of any of the complaints'.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, two letters were received raising the following issues;

- Not consulted on the original application for the factory
- Sight, sound, smell and visual impact have an impact on the locality
- Object to noise, lighting, 24hr working, smell from the proposal
- Increase in traffic to and from the factory
- Not a suitable location for this type of business

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C1 - Countryside protection

C31a - Design

C36 - Noise

C38 - Nuisance

E2 - Employment policy area

U3 - Flooding

RELEVANT PLANNING HISTORY

97/0505/FUL - Demolition, refurbishment and erection of building to provide new cereal factory - Permission

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of highway safety, noise, smell, flood risk and the visual impact of the proposals.

PLANNING OFFICER COMMENTS

Planning Policy

The existing factory is located in an E2 - employment policy area as allocated in the West Wiltshire District Plan 1st Alteration 2004. Within such areas proposals for employment development including extensions on the allocated E2 sites will be permitted subject to a number of criteria. The policy is therefore in principle of increasing the employment on the site. The current proposal would result in an additional 55 staff being employed at the site.

Nuisance

Objections have been received regarding the potential for increased nuisance to occur if the scheme is permitted. The Environmental Health department were consulted on the application to gauge the impact of the proposals. They commented that the proposed physical changes as outlined, do not appear to add significantly to any noise or odour emissions emanating from the premises. It is understood that the applicant may be intending to intensify activity by the addition of a further shift, but that this does not require planning approval. The Environmental Health department are correct in that the proposal to re-utilise the facilities for 24hr working would not require planning permission.

The Environmental Health department have indicated that the odour complaints received relate primarily to the production of chocolate-coated cereals. Cereal Partners UK have indicated to the Environmental Health department and Holt Parish Council that the chocolate cereals line is to transfer to a sister plant elsewhere, as part of the reorganisation of their UK production. In terms of nuisance from odour the Environmental Health department have commented that this should not be increased significantly.

In terms of noise nuisance it is noted that all new equipment would be located within the factory buildings or within purpose built sound attenuated enclosures. Further all ventilation fans that vent to the atmosphere will be sound attenuated. The Environmental Health department have commented that only one isolated complaint has been received relating to refrigeration noise, which was investigated and resolved by the factory in liaison with the complainant.

The process remains the same as previously in that the use of the factory for the production of cereals is retained. The Environmental Health department have confirmed that to date no statutory nuisance in respect of odour or noise has been substantiated at the site. It is not considered that odour emanating from the site will increase to a level where refusal could be supported. There is no external lighting proposed at the plant as part of this proposal and amenity should not therefore be harmed.

Traffic and highway safety

The Applicant's acknowledge that the proposal would result in an increase in traffic movements to and from the site. There are not however any changes proposed to the access or the car parking area of the site. The increase in traffic should be contextualised by considering the increase in relation to the traffic movements to and from the site when both Nestle and Cereal Partners were operating. The proposed levels of traffic flows are 40% less than that which was experienced 18 months ago.

The Highway Authority were consulted on the application and raised no objections to the proposal because it would not result in an increase in the floor area of the site and the number of employees would not exceed the level at the site when the Nestle Chilled Dairy Plant occupied part of the site in recent years. Therefore whilst concerns have been raised about traffic production from a neighbour, given the planning history of the site it is important to understand that traffic generation would not exceed that previously experienced at the site.

It should also be noted that Cereal Partners are endeavouring to put forward measures to mitigate the impact of increased traffic at the site. Details of which have been submitted with the application.

Flooding

The application site is located partially within the 1 in 100 year floodplain. Of the proposed buildings only the proposed hydraulics building would however be located within the flood plain. The Environment Agency have issued standard advice in their flood plain matrix which advises that for industrial/commercial extensions of less than 250m² they do not wish to be consulted but provide a standard response. The main element of risk in this instance is that the proposed development itself would be at risk of flooding. A flood risk assessment should therefore be produced in accordance with Environment Agency guidance. The applicants have done so and they advise that there are no records of the factory buildings being affected.

The site owners are aware that the site is partially within the floodplain and they have confirmed that a crisis plan is in place for the factory. The hydraulics building will have no electrical services within 0.5m of finished floor level and a waterproof shutter to the service door that will be put in place at times of risk. Given also that the proposed hydraulic building would be smaller in footprint than the existing changing facility which is to be removed it is not considered that flood risk would be increased by this proposal. The proposal would accord with Policy U3 of the West Wiltshire District Plan 1st Alteration 2004 and there is no requirement to refer this application to the Environment Agency.

Design

The proposed extensions would be designed so as to match in with the existing building. The largest building would be the wheat intake building that would be raised to 10.1m in height this building would still however be much lower in height than the larger factory building behind. The proposed works would not harm the visual amenity of the site or the surrounding area.

Other matters

Holt Parish Council have raised the issue that the site will be operating for longer hours. They are correct in making this assessment but it should however be understood that the operating hours of the site cannot be controlled at present and that 24 hour working has taken place in the past.

A neighbour has objected to the proposal because the use is unsuitable for the area. The factory has however been in operation for a considerable period of time and this application cannot revisit the appropriateness of the use of the site. The site it should also be noted lies within an employment policy area allocated in the West Wiltshire District Plan 1st Alteration 2004.

A neighbour has objected to the proposal on the basis that they were not consulted. This neighbour has subsequently been consulted on this proposal.

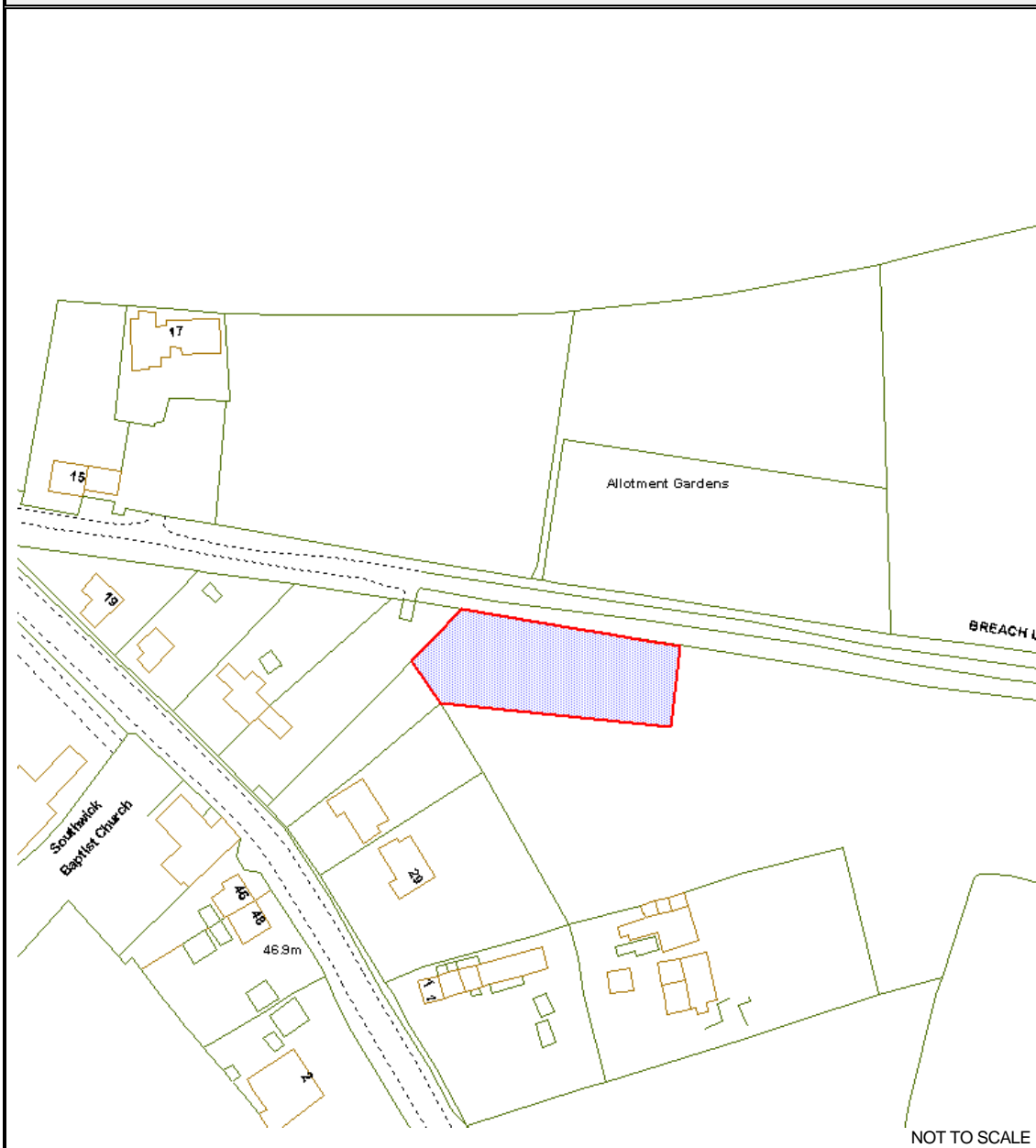
CONCLUSION

The proposed works involved in this proposal are of a limited scale when seen in the context of the overall factory. It is considered acceptable and permission is recommended subject to conditions.

ITEM NO: 07

APPLICATION NO: 06/01430/FUL

LOCATION: Land Rear Of 27 Wynsome Street Southwick
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 06/01430/FUL

Site Address: Land Rear Of 27 Wynsome Street Southwick Wiltshire

Parish: Southwick Ward: Southwick & Wingfield
Grid Reference 384225 155076
Application Type: Full Plan
Development: Erection of stables and menage for private use
Applicant Details: Mr M Jones
Barncroft The Barton Kington Langley Chippenham Wiltshire
Agent Details: Willis And Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Miss Julia Evans
Date Received: 04.05.2006 Expiry Date: 29.06.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 The development hereby permitted shall not be used for commercial purposes, including the keeping of horses at livery or as a riding school.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy E10.

- 3 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. The works shall be undertaken in accordance with the approved details.

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

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

- 4 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.
- REASON: To minimise the risk of pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.
- 5 No materials, including manure, shall be burnt on site.
- REASON: In order to minimise nuisance
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38
- 6 Details of lighting to the stables (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.
- 7 There shall be no lighting of any sort to the menage.
- REASON: In order to minimise nuisance and pollution prevention
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C35 and C38
- 8 Before the commencement of any development on site, a method of storage and disposal of manure, which shall not include burning, shall be submitted and approved in writing by the local planning authority. Storage and disposal shall thereafter be in accordance with the approved method for so long as the stables hereby permitted remain on the site.
- REASON: In order to protect groundwater
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies U4 and C38
- 9 Before the commencement of any works on site, the access, including the area of bridleway between the hard surfaced length of Breach Lane and the entrance, shall be surfaced to the satisfaction of the Rights of Way Warden, such that it is fit for use by pedestrians and horses, prior to either the stables or the menage being brought into use, details of which shall have been submitted to and approved in writing by the local planning authority. Maintenance of this length of the public right of way will become the responsibility of the applicant.
- REASONS: In the interests of highway safety.
- 10 The proposed access to the menage shall incorporate splays on both its sides to the rear of the existing bridleway based on co-ordinates of 2.4m by 2.4m and which shall be kept free of obstruction at all times.
- REASONS: In the interests of highway safety

- 11 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.
- The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.
- Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.
- If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.
- The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete
- REASON: To ensure that existing trees of value are adequately protected.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.
- 12 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 14 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.

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water to arrange connection onto their apparatus
- 2 You are advised that a landscaping scheme needs to include planting to the western boundary of the site.
- 3 You are advised that there are land ownership issues raised with this application as regards the use of the bridlepath.
- 4 You are advised to contact the Rights of Way Section at Wiltshire County Council as regards use of the bridleway.

COMMITTEE REPORT**APPLICATION DETAILS**

This application is before the Planning Committee because of the Parish Council object and your Officers recommend permission.

This is a full application for the erection of a stable block and attached food store, and menage at land to the rear of 27 Wynsome Street, Southwick. The site area measures 1400m², and is currently grassland. Residential properties run along Wynsome Street to the west, and to all other aspects is agricultural land. A public bridleway forms the northern boundary of the site, and a mature hedgerow with several mature trees runs along it. The bridleway is roughly surfaced up to the entrance at the rear of number 25; beyond that it is grass and unsurfaced. A locked gate across it prevents vehicular traffic using it.

The proposal is to construct four stables, a tack room and feed store in the north-east corner of the field. The building would be constructed of timber boarding walls, with profiled steel sheeting to the roof. The menage would be located along the northern boundary of the site, and would measure approximately 39m by 20m, bounded by a 1.2m post and rail fence. Sectional drawings have not been provided, although they are indicated on the plans. As the site slopes upwards towards the east, these have been requested.

A new access has also been proposed, leading onto the bridlepath. This would be between the two mature trees on the northern boundary of the site. Apart from position, no other details have been provided. The applicant has stated that the use of the stables and menage would be for the private use of him and his family. The northern boundary hedge and its trees are proposed for retention.

The site lies in the open countryside, adjacent to Southwick's village policy limit.

Revised drawings and information have been received showing two cross sections of the menage, which shows it set down within the existing land levels.

CONSULTATION REPLIES:

- SOUTHWICK PARISH COUNCIL: state "The Parish Council object to this application for the following reasons:

- the Council note the applicant's letter states the menage and stables are for private use, however, if the Council were to agree to this application they would request a condition stipulating it remain for private use only a further condition stating the lighting of the menage would not affect the locality as it has an environmental impact of increasing light pollution, disturbing wildlife, interfering with other houses and could blind traffic etc;

- the Council would also like details for the arrangements for disposal of manure and drainage and the position of the stables prior to plans being passed;

- the access along the northern side forms part of the bridleway and the Council would want to see the bridleway remain as is and not be used for vehicular access, particularly as the proposed access point is next to several well-established trees; the Council express concern that any high-sided vehicles (eg horse-boxes, hay delivery vehicles) could damage these mature trees when entering the site;

- the application details part of the stables as being within the domestic curtilage and so the parish council would request they be positioned slightly further back so they are not within this curtilage."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: state "The application plan shows a new access from the bridleway into the site, no details of this access have been submitted. Any works to the bridleway require consent and supervision of the Rights of Way Warden who can be contact on 01225 702649.

"Therefore I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:"

- surfacing subject to requirements of Rights of Way Warden;.
- visibility splays; and
- the menage to be provided within the development hereby approved shall remain as permanent ancillary land to 27 Wynsome Street, and shall be used only by persons of the same household. There shall be no sub-division of this single planning unit.

"I confirm that I should have requested a personal condition, as recommended for 05/02664. The condition relating to the development being tied to number 27 should have referred to the proposed dwelling (approved under 06/01021) as in the application covering both the dwelling and stable and menage, however if this cannot be applied as a result of the two developments being covered by separate applications it should not be used."

- ENVIRONMENT AGENCY: state "The Agency has no objections in principle to this proposal, however, the following comments must be noted:

"The applicant should ensure that no pollution occurs from the surface water drainage from the menage. There is a potential for contamination of this surface water by manure and dirty water deposits on the surface of the menage. All possible steps should be taken to ensure that this does not result in the pollution of the receiving watercourse. Such a pollution may result in formal action from this agency.

"One such preventative measure should be the regular removal of all manure deposits from the menage to ensure a short residency time. Manure/dung heaps should be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes should be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

"The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

"There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches."

- WESSEX WATER: state "The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the details design stage.

"The developer has proposed to dispose of surface water to mains. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (eg soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

"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 connection onto Wessex Water infrastructure."

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: Have not responded.

PUBLICITY RESPONSES

The site has been advertised with a Public Notice Site Notice and neighbour notifications have been undertaken. Four letters have been received making the following points:

- increased vehicular traffic on a public bridlepath resulting in a conflict with other users;
- smell nuisances to neighbouring properties;
- owners of bridleway do not give their permission for any additional vehicular access over their property;
- access onto Wynsome Street is substandard;
- stables should be moved further to the north;
- loss of a hedgerow; and
- proposal should use the access onto the Wynsome Street.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1 - Priorities for sustainable development

DP2 - Infrastructure

DP14 - Housing, employment and related development in the open countryside

T6 - Demand management

C1 - Nature conservation

C5 - The water environment

West Wiltshire District Plan - 1st Alteration 2004

C1 - Countryside protection

C6A - Landscape features

C31A - Design

C32 - Landscaping

C35 - Light pollution

C36 - Noise

C38 - Nuisance

C40 - Tree planting

R11 - Footpaths and rights of way

E10 - Horse related development

T10 - Car parking

T12 - Footpaths and bridleways

U1A - Foul water disposal
U2 - Surface water disposal
U4 - Groundwater Source Protection Areas

National Guidance
PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas
PPG13 - Transport

RELEVANT PLANNING HISTORY

86/01160/OUT - One bungalow - Refused 14.10.86
86/01553/OUT - Dwelling - Refused 27.01.87. Appeal dismissed 20.11.87
04/01869/OUT - Erection of one dwelling house - Permission 18.09.04
06/01021/REM - Erection of detached dwelling - Approved 02.06.06
06/02397/FUL - Erection of four-bed residential dwelling - Pending consideration

KEY PLANNING ISSUES

This application raises the following planning matters:-

- impact on the open countryside;
- highways matters, particularly use of a public bridleway;
- amenity; and
- land ownership rights.

PLANNING OFFICER COMMENTS

This is a full application for stables and tack and store room building, associated hardstanding, and equine menage, to the rear of 27 Wynsome Street, Southwick. Such proposals need to be considered under Policy E10 of the West Wiltshire District Plan - 1st Alteration, which states that 'proposals for equestrian facilities and change of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications. All such building proposals should have special regard to siting, design materials and construction to ensure they blend in with their surroundings and do not have an adverse impact on the countryside and the natural environment including the water environment'. The L-shaped building provides four stables, a tack room and food store, and would be constructed of timber boarding to the walls and profiled steel sheet to the roof. The stable block would be accessed from the house which is under construction to the south of the proposal, with vehicular access for the stables being onto the public bridleway. The proposed location of the stables is considered acceptable and would be over 30m away from neighbouring residential properties. Subject to conditions concerning materials, manure disposal, lighting of the stables, tree and hedgerow protection and landscaping (particularly along the western boundary) the proposal is considered acceptable and not detrimental to neighbouring amenity.

The application also proposes a menage, which would be set down into the landscape. No lighting is proposed, nor would it be acceptable in this location in view of the rural character of the area and impact on neighbouring properties. Consequently, subject to conditions, including no lighting to the menage, no objection is raised.

Policy E10 requires equestrian proposals not be raise highway implications. Neighbours have expressed concerns as to the increased vehicular use of a public bridleway. Policies in the development plan (ie R11 and T12) encourage the protection of rights of way, and increased vehicular use would not normally be supported. However, in this case, the Highway Authority have not objected to this increase, subject to conditions concerning hard surfacing of it, visibility splays and a personal condition restricting use. As a result of this view, it would be difficult to recommend a refusal which contradicts the expert advice of the Highway Authority.

The Highway Authority have requested resurfacing of the bridlepath and an access to be created onto it. The site area for the application does not include access to the bridleway and despite a request for this to be revised and notice served on the relevant land-owners, no such information has been received. Indeed the applicant states 'regarding the access onto the bridleway, I understand that the applicant has a vehicular right of way along the bridleway and he believes that he owns up to the middle of the bridleway, in accordance with common law'. Neighbours have stated that other land-owners of the bridleway will not give their permission for additional vehicular access over their land. Land ownership and right are not planning matters. However, the provision of an access is, and a condition has been attached requiring the works to the bridleway and access to be completed to the satisfaction of the local planning authority before the commencement of any other works on the site.

CONCLUSION

The proposal is considered acceptable subject to the suggested conditions.

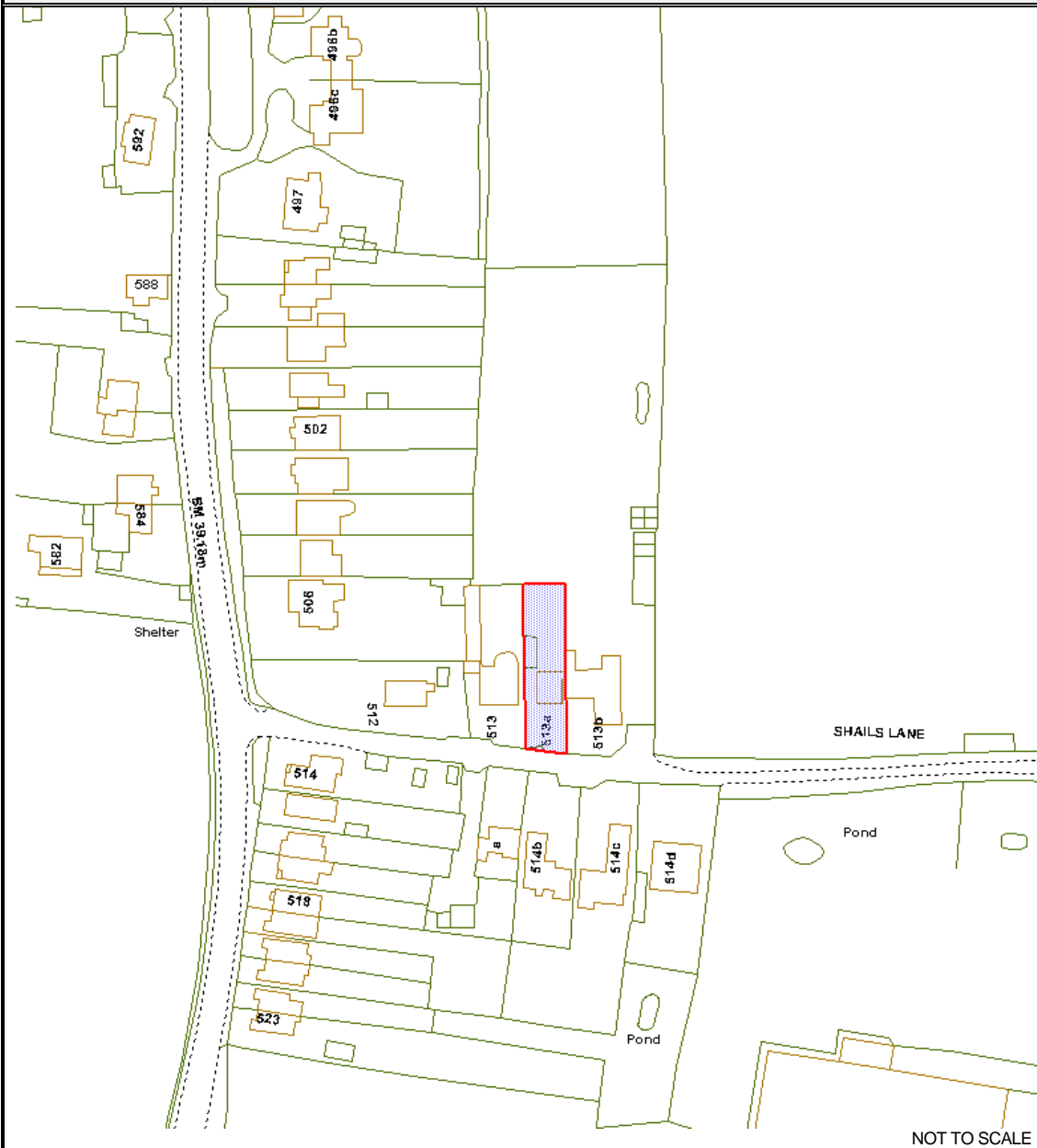
PLANNING COMMITTEE

26 October 2006

ITEM NO: 08

APPLICATION NO: 06/02438/FUL

LOCATION: 513A Shails Lane Melksham Wiltshire SN12 6DZ



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 06/02438/FUL

Site Address: 513A Shails Lane Melksham Wiltshire SN12 6DZ

Parish: Melksham Without Ward: Melksham Without

Grid Reference 390167 162003

Application Type: Full Plan

Development: Proposed ground floor side extension and rear conservatory

Applicant Details: Mr Alan Hardman
513A Shails Lane Melksham Wiltshire SN12 6DZ

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

Case Officer: Mr David Cox

Date Received: 10.08.2006 Expiry Date: 05.10.2006

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 Melksham Without Parish Council objects and your Officers recommend permission.

This is an application for side and rear extension at 513a Shails Lane, Melksham.

The application site is a two storey detached property on the northern side of Shails Lane. It is located in a predominantly residential area comprising detached 2 storey dwellings on one side of the road and bungalows on the opposite side.

The proposal would add a side lean to extension measuring approximately 2.8 metres wide, 2.8 metres deep and 3.5 metres tall sloping to 2.2 metres at eaves. Attached onto the side lean to will be a conservatory measuring approximately 6 metres deep, 3.1 metres wide and 2.9 metres tall sloping to 2.3 metres at eaves.

An existing detached block would be demolished.

CONSULTATION REPLIES:

MELKSHAM WITHOUT PARISH COUNCIL

Objection: "The Council questions the close proximity of the proposed new extension to the boundary wall. It needs to be built further away from the boundary line.

STATUTORY CONSULTATIONS:

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

The proposal complies with Policy C31a of the District Plan.

The side extension is of an appropriate design, size and scale not to cause harm to the host building or impinge on its position on the street scene. The built form of the dwelling itself would screen it from public view.

The Parish Council's objection relates to the impact on the neighbours. SPG states that permission will not normally be granted for an extension that significantly affects the amount of daylight/sunlight enjoyed by the neighbours. It also states a single storey extension, which exceeds 3 metres in length at or near the boundary, is more likely to have an adverse effect on the neighbour.

Although this proposal would result in a rear conservatory with a depth of 6 metres, which far exceeds the level given in the guidance, it would be located on the footprint of the existing garage.

There would therefore be no increase in overshadowing as a result of the proposal. Therefore the Parish Council's objection cannot be supported.

CONCLUSION

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

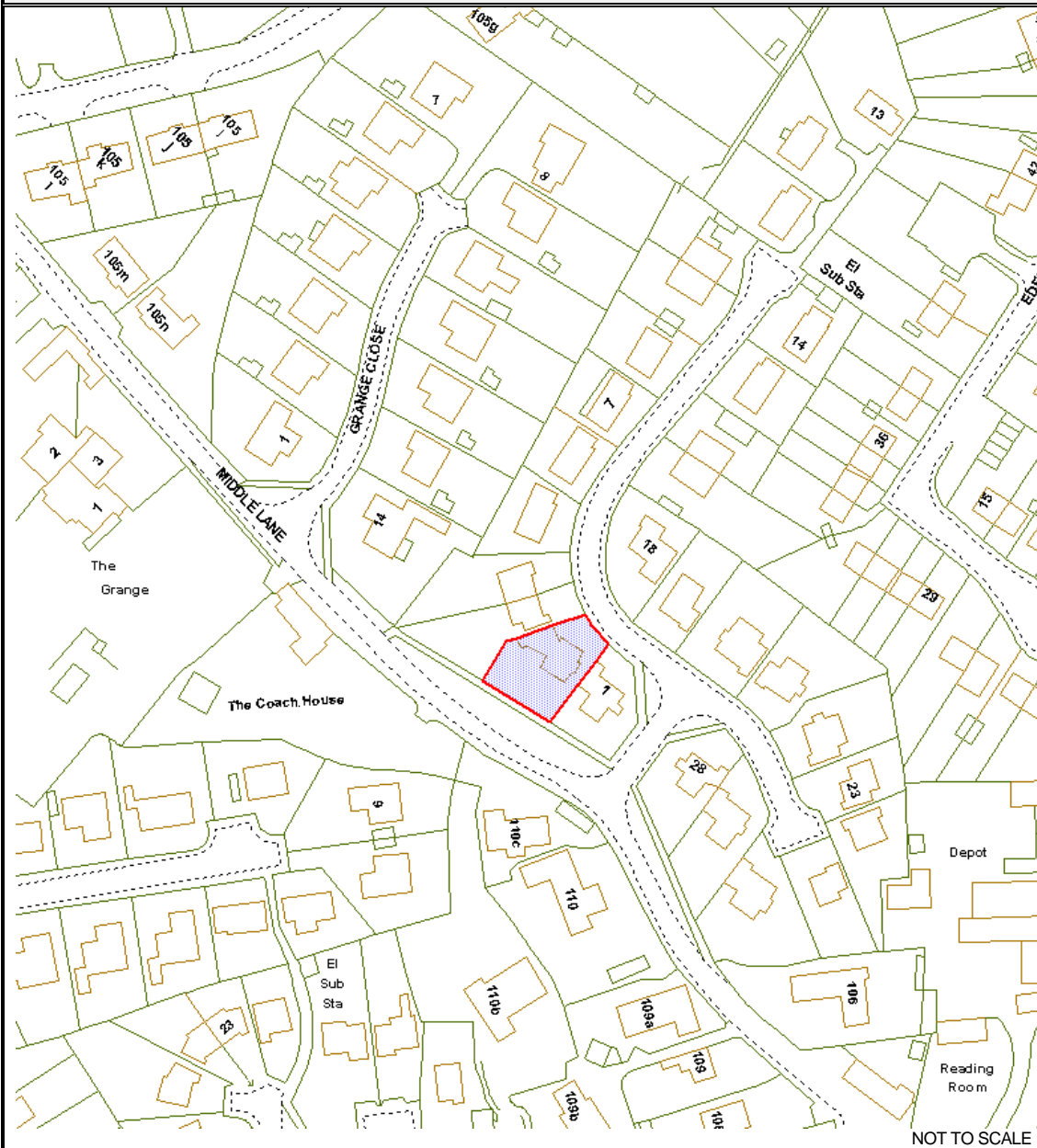
PLANNING COMMITTEE

26 October 2006

ITEM NO: 09

APPLICATION NO: 06/02293/FUL

LOCATION: 2 Brookfield Rise Whitley Wiltshire SN12 8QP



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SLA: 100022961

09 Application: 06/02293/FUL

Site Address: 2 Brookfield Rise Whitley Wiltshire SN12 8QP

Parish: Melksham Without Ward: Atworth & Whitley

Grid Reference 388590 166253

Application Type: Full Plan

Development: New tiled pitched roof and reduction in glazing

Applicant Details: Mr Ian Holbrook
2 Brookfield Rise Whitley Wiltshire SN12 8QP

Agent Details: Mr S Filipowicz
36 The Common Broughton Gifford Melksham Wilts

Case Officer: Mr David Cox

Date Received: 11.08.2006

Expiry Date: 06.10.2006

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 Melksham Without Parish Council object and your Officers recommend approval.

This is an application for a new tiled pitched roof and a reduction in glazing at 2 Brookfield Rise, Whitley.

The application site is located in a residential cul-de-sac comprising of 2 storey detached dwellings. No 2 has an odd shaped footprint with a single storey side garage being attached to the main 2-storey element but it follows the line of the plot that angles away from the dwelling.

The proposal would replace the existing flat roof with a pitched roof, which at its highest point will reach approximately 4.6 metres. This is approximately 500mm lower than the eaves on the main roof. This would require the window on its side elevation to be reduced in size.

The neighbour to the north-west No 3 has a first floor landing window on its side elevation facing the application site.

CONSULTATION REPLIES:

MELKSHAM WITHOUT PARISH COUNCIL

Objection: "There is concern that the roofline is too high and as a result, could spoil the overall streetscene at Brookfield Rise. It needs to be lowered so that it is less prominent and more in keeping with the scale of adjacent properties."

STATUTORY CONSULTATIONS:

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

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. In this case the impact of the proposal on the host building and on the street scene will need to be assessed as well as the impact on the amenity of No 3 Brookfield Rise.

PLANNING OFFICER COMMENTS

Policy C31a of the District Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. Whilst Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene. In order to achieve this extensions should be a subservient element to the host building and not upset the symmetry of the building a whole.

The replacement of a flat roof with a pitched roof is acceptable in principal. Given the unusual shape of the footprint of the single storey side section it will have a roof form that is different to the roof form on the main dwelling. Whilst this may create a slightly confused appearance this is outweighs the harm caused by the current flat roof.

The Parish Council are specifically concerned about the height of the roof which would result in harm to the street scene. The key design issue to point out is that the ridge of the roof would be attached half way on the side elevation of the main 2-storey building. This combined with the shallow pitch of the roof would mean that there is no bulk impact and so would not harm the appearance of the street scene. The roof form would also be subservient to the host building again ensuring no harm would be caused to the host building or the appearance of the street scene.

The proposal would increase the size, bulk and mass adjacent to the boundary with No 3. However the only increase in overshadowing would occur on the side elevation of No 3 that only has one first floor landing window. Some overshadowing of its rear garden will also occur but not to an extent that would justify as a reason for refusal.

Therefore the Parish Council's comments cannot be supported.

CONCLUSION

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

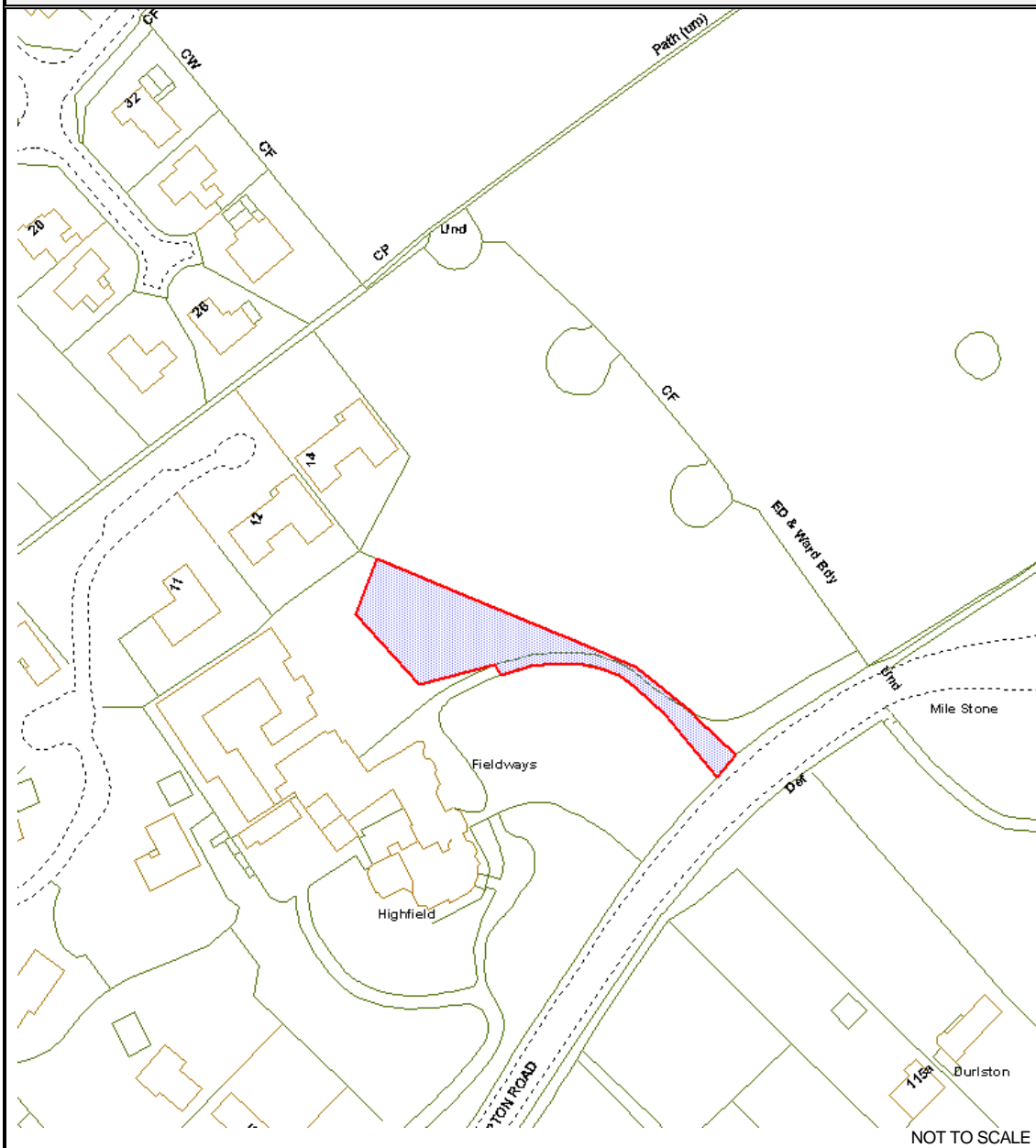
PLANNING COMMITTEE

26 October 2006

ITEM NO: 10

APPLICATION NO: 06/00438/FUL

LOCATION: Land North East Of Fieldways Hilperton Road
Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

10 Application: 06/00438/FUL

Site Address: Land North East Of Fieldways Hilperton Road Trowbridge Wiltshire

Parish: Trowbridge

Ward: Park

Grid Reference 386828 158777

Application Type: Full Plan

Development: Resident managers dwelling

Applicant Details: Paul Waring
PW Projects And Builders Fieldways Hotel Hilperton Road
Trowbridge BA14 7JP

Agent Details: Bill Lowe
43 Alexandra Road Frome Somerset BA11 1LX

Case Officer: Miss Julia Evans

Date Received: 12.06.2006

Expiry Date: 07.08.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 Policies C17 and C18 of the West Wiltshire District Plan - 1st Alteration state that the special character or appearance of Conservation Areas will be preserved or enhanced. Proposals for new development should be characteristic of the area, retain important open spaces and views, and use traditional local materials. Policy C27 states that planning permission will not be granted for any development that would adversely affect the setting of a Listed Building. The proposal, by reason of its location, form, design and use of materials is considered detrimental to the character and appearance of the Conservation Area and to the setting of the Grade II* Listed Building. The proposal is, therefore, considered contrary to these policies.
- 2 Policy H1 states that development within the built-up areas of the towns will be permitted provided that it is in keeping with the character of the surrounding area, and does not result in a loss of an open area important for amenity reasons. Policy C31a states that new development should respect or enhance the townscape, the area's historic layout and spatial characteristics, and pay particular attention to design and materials. The Residential Design Guide states that development in the historic environment should respect the fundamental principles of the area and positively relate to its surroundings. The proposal, by reason of its location, form, design and use of materials is considered out of character with this part of the town. The proposal is therefore considered contrary to these policies and the Residential Design Guide.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full application for the erection of a dwelling in the grounds of Fieldways, Hilperton Road, Trowbridge. The Fieldways Hotel and Fitness Centre is the last property before the open countryside between Trowbridge and the neighbouring village of Hilperton. The hotel is an Ashlar Stone building with slates to the roof lying within mature gardens. The hotel has a modern single storey extension to it of reconstituted stone and imitation slates providing the fitness area. The access to the site is off Hilperton Road to the northeast corner of the site. Amongst the mature trees within the grounds lie several gravel car parks. The site is level, and has views across the open countryside to Hilperton.

The proposed bungalow would lie in the northern corner of the site on an area currently used as a car park. The three-bedroomed bungalow would be constructed of natural slate to the roof with reconstructed Bath Stone to the walls, and timber double-glazed windows. It would share the hotel's access onto Hilperton Road. An existing semi-mature Horse Chestnut would be removed from the site. The applicant has provided a supporting statement stating that "the peak business activity is at un-social weekend hours and this does require the presence of an on-site manager" to support the female on-site duty manager. The applicant considers that the positioning of the bungalow will allow the occupier to monitor movements in and out of the site, and prevent crime. The loss of car parking is considered acceptable in that there is ample existing space on site. As regards the design, the applicant considers the proposal "preserves the character of the Conservation Area by proposing a subordinate building of compatible design."

The site lies within the Hilperton Conservation Area, and Trowbridge's Town Policy Limit. The hotel is a Grade II* Listed Building, and the boundary wall along Hilperton Road is a Grade II Listed Building. There are a number of protected trees within and near the site.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Have "no objection. The Committee noted this application was within the curtilage of a listed building."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection. State: "I recommend that this application be approved subject to conditions.

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

- WESSEX WATER: State: - "The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

"The developer has proposed to dispose of surface water to soakaway. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

"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 connection onto Wessex Water infrastructure."

- ENGLISH HERITAGE: Object. State: "Summary - Fieldways Hotel occupies part of a Grade II* Listed Building. The property is set within a landscape garden setting. The proposal is for the erection of a new manager's house to the north east of the house. The principle of a new building in the setting of the house is contentious. It is considered that the proposed building in terms of location, design and materials would have an adverse impact on the setting of this Grade II* Listed Building and is contrary to the advice in PPG 15.

"English Heritage Advice - Fieldways and Highfield is a Grade II* Listed Victorian house setting with a garden setting and parkland beyond. This house has a suburban character defined a large houses set within generous grounds. The historic maps show that this house was designed with villa style garden with boundary tree planting, walks and a parkland planned tree clumps. Substantial development has taken place on the site, for example the fitness centre was built on the site of the kitchen garden and a housing development has encroached into the parkland to the north. The proposed lodge would occupy a site in front of the building line of one of the principal elevations, at the boundary between the historic garden and parkland. The lodge would adversely affect the connection between the house, its garden and the views to more extensive landscape. This is contrary to advice within PPG 15 paragraph 2.16.

"Notwithstanding the concern regarding the principle of the proposed new lodge house we consider that, in addition, it would be inappropriate development due to its bulk, design and materials.

"Recommendation - We recommend that the application is refused."

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: Objects. Has stated: "This is an important Grade II* Listed Building that as part of the Hilperton Road Conservation Area is one of the most prominent and significant of the Victorian houses in this part of the town. Its significance is emphasised by the large area of open land that surrounds the building lending an air of parkland quality to its grounds. Indeed, historically it is likely that such a high status property would have been set in a parkland situation in order to advertise its grand position in terms of the social hierarchy of the day.

"The building has relatively recently been subdivided into 2 units. Highfield remain in domestic use and is by far the most elaborate of dwellings of this period that I have come across in recent years although in need of repair. Fieldways is now a Hotel and benefits from the views across the fields towards Hilperton. The driveway and access into the hotel part of the property is more open than into Highfield and allows these views as one enters the sight interspersed with a fine array of mature trees. The applicants have been at pains to deliver some information about the future use of the Hotel but I am not aware that a management plan for the site has been developed indicating how this proposal fits into the long term aspirations for this site and the successful running of the commercial side. I feel this information would have been useful in helping to determine the importance of this proposal. Although I do have some sympathy with the idea of creating a separate dwelling for the manager from a security stance, I am not convinced that this proposal is entirely appropriate in terms of the setting of the listed building and how the openness of this part of the site could be compromised by its presence.

I feel it would perhaps have been more fitting to this building's character and setting to have designed something more akin to a stable block or ancillary building like a lodge that would have been more likely to have been associated with this property. Although the proposal in itself appears to be reflecting quality in the materials that are being proposed, in terms of the overall size it will be quite bulky and cover quite a large area of ground. I consider that this is unacceptable in its present form because of the adverse impact the bulk will have on this part of the grounds.

I do not have the benefit of old maps etc but would have thought that the location for such a building would not be to encroach into an area that was historically meant to be open space. The proposal will intrude into the Parkland area, breaking away from the built up area around the main building. This will also have a potential harmful impact on the Conservation Area in the sense that there appears to be a definitive line of development on this side of the road before it stops to go into garden/grounds with the fields of the Gap beyond to the east offering a rural edge to the Hotel and setting to the Conservation Area. The fact that this building will have quite a strong presence when entering the grounds of the hotel and visually interrupt views across the grounds and countryside is, I feel detrimental, to the character and appearance of this Conservation Area.

The current scheme is in my view too bulky and located in an area that should not be compromised by any building of this size. "

"Refuse - Negotiate revised scheme for further comments from conservation."

- LANDSCAPE OFFICER: Has not responded.

PUBLICITY RESPONSES

The site has been advertised with a Public Notice Site Notice and neighbour notifications have been undertaken. One response has been received making the following comments: -

- No trees should be removed, apart from the Horse Chestnut; and
- There should be no future dormer windows allowed in the bungalow.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP8 Affordable housing
- DP9 Reuse of land and buildings
- T6 Demand management
- 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
- C27 Listed Buildings
- C31a Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- C40 Tree Planting
- H1 Further housing development within towns
- H2 Affordable housing within towns and villages
- T10 Car parking
- 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
- PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

No relevant planning history.

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Impact on the setting of the Listed Buildings;
- Impact on the setting of the Conservation Area;
- Density and PPG3 requirements;
- Neighbouring amenity;
- The water environment; and
- Highways and parking issues.

PLANNING OFFICER COMMENTS

PPG 15 and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the Local Planning Authority has a duty to pay attention to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses. Section 72 states that the Local Planning Authority also has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area.

PPG3 requires Local Planning Authorities to encourage a density of between 30 and 50 dwellings per acre on sites within existing settlements. The application site is approximately 1,150m² in size, which would mean that a single dwelling on this plot as proposed would create a density of 9 dwellings per hectare. However, PPG3 states that "new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by a wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality." Irrespective of Government Guidance, the key considerations with this application is not achieving density objectives, but the impact of the proposal on the Conservation Area and the setting of the Listed Building.

Policy H1 of the West Wiltshire District Plan - 1st Alteration states that proposals for housing development within the built-up areas of existing towns will be permitted subject to the proposal satisfying a number of criteria. These include ensuring that siting, layout and design considerations are satisfactory and in keeping with the character of the surrounding area, that there is satisfactory services for drainage, that it does not result in the loss of an open area or visual gap important for recreation or amenity reasons, and it does not create any highways or transport problems. The site also lies within the town's Conservation Area and is within the setting (ie garden) of a Grade II* Listed Building. Proposals in such situations should not adversely affect the character or setting of any Listed Building, whilst policies for new development in Conservation Areas will only be permitted if they meet the following criteria: -

- The development preserves or enhances the character or appearance of the Conservation Area;
- The plot, layout, scale, form and detailed designs are characteristic of the area;
- Historically important boundaries and street patterns and characteristic means of enclosure are retained;
- Open spaces and views of importance to the character of the area are protected; and
- Traditional local materials are used.

The proposal is for a bungalow in the grounds of a Grade II* Listed Building. The applicant has stated that the bungalow is required for security purposes for the hotel, and that its design has been produced so as to pick up the details of the host building, whilst using reconstituted stone and natural slate roof tiles. Notwithstanding the views and stated need for the bungalow, development plan policy makes it clear that such proposals should respect the setting of the Listed Building and preserve or enhance the character or appearance of the Conservation Area.

This is an important Grade II* Listed Building in its own right and in terms of the Hilperton Road Conservation Area, as it forms one of the most prominent and significant Victorian houses in this part of the town. Its significance is emphasised by the large area of open land surrounding the building, which historically would have emphasised the house's grand status in terms of the social hierarchy of the day.

Although the applicant has proposed using some design references from the main house, the use of reconstituted stone cannot be supported in this historically sensitive location. In terms of its overall size it will have a bulky appearance and occupy a large part of the garden/parking area. This is considered to have an adverse visual impact on the openness of this part of the site, resulting in a loss of the historic character and function of this part of the Conservation Area and the setting of the Listed Building, as it is meant to be open space. The proposal appears to intrude still further into the open parkland by being so separated from the built-up area around the main building. The building will also have a strong visual presence when entering the grounds of the hotel, and will interrupt views across the countryside and grounds. This again is considered detrimental to the setting of the Listed Building and the character and appearance of the Conservation Area.

The applicant has responded to the objections of both English Heritage and the Conservation Officer by stating that the bungalow relates to the neighbouring modern residential estate, and that the bungalow offers no interruption to views. Notwithstanding the applicant's views, the proposal is considered to have a significant detrimental impact on both the setting of the Listed Building and the character and appearance of the Conservation Area. Consequently, the proposal is considered contrary to development plan policy, including H1 and C31a which require new development to respect or enhance sensitive sites, settlement patterns, and design.

The proposal is located approximately 25 metres away from habitable rooms of neighbouring residential properties, and is, therefore, not considered to be significantly detrimental to their amenity.

The proposal results in the loss of car parking for the hotel as it lies on an area of gravelled surface. The Highway Authority have not raised an objection to the proposal, although recommend that if permitted a condition should be attached linking the bungalow to the use of the hotel, so as not to provide a conflict of use of the same access.

Wessex Water have raised no objection to the scheme, subject to suitable connections to their apparatus, which could be dealt with by an informative.

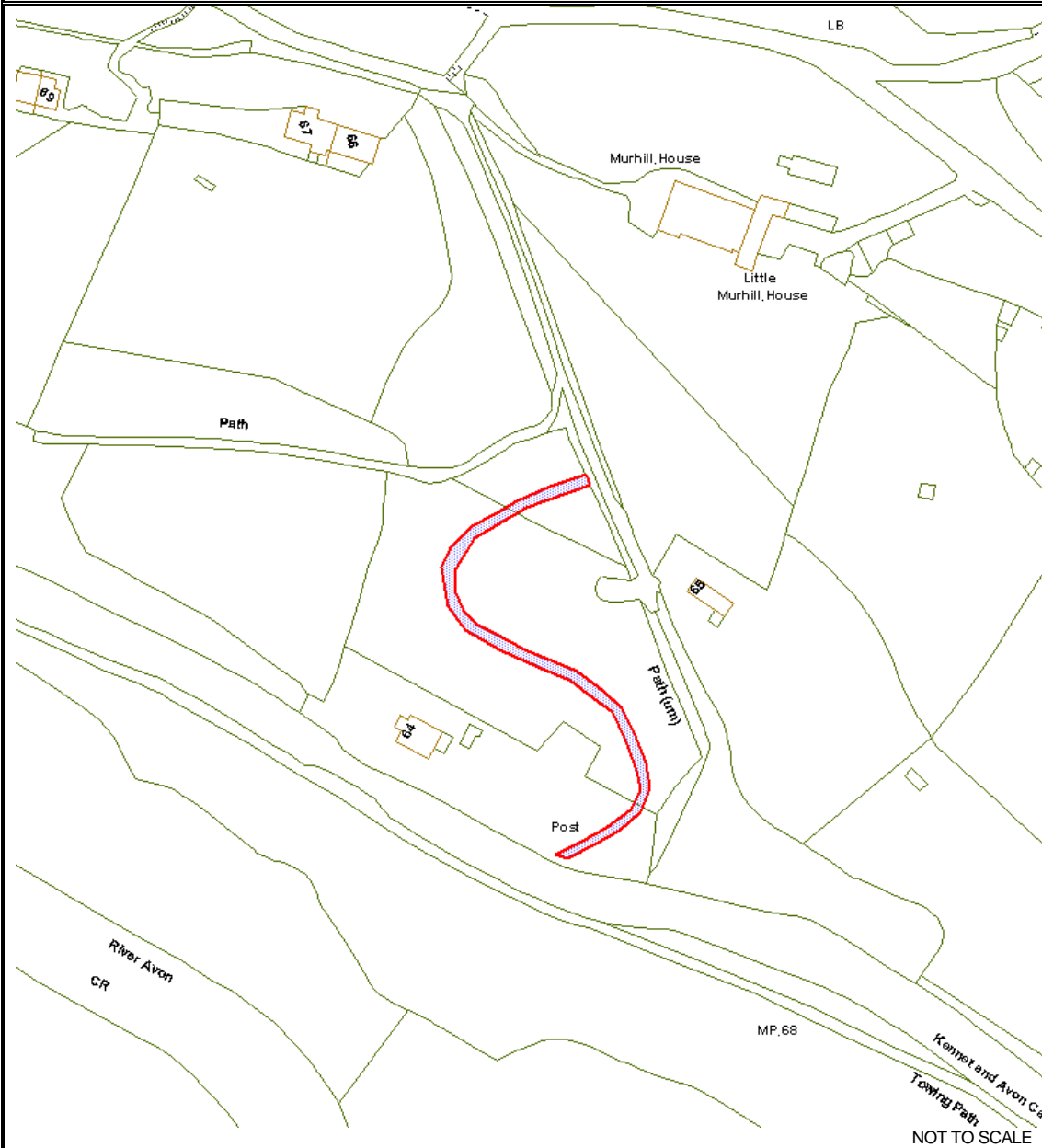
CONCLUSION

The proposal is considered detrimental to the setting of the Grade II* Listed Building and the character and appearance of the Hilperton Road Conservation Area. It is not felt that conditions would overcome the fundamental objections to the scheme.

ITEM NO: 11

APPLICATION NO: 06/01273/FUL

**LOCATION: Canal Cottage 64 Murhill Limpley Stoke Wiltshire
BA2 7FG**



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SLA: 100022961

11 Application: 06/01273/FUL

Site Address: Canal Cottage 64 Murhill Limpley Stoke Wiltshire BA2 7FG

Parish: Winsley

Ward: Manor Vale

Grid Reference 379506 160508

Application Type: Full Plan

Development: New vehicular access

Applicant Details: Mr And Mrs Steadman
Canal Cottage 64 Murhill Limpley Stoke Wiltshire BA2 7FG

Agent Details:

Case Officer: Mr James Taylor

Date Received: 12.06.2006

Expiry Date: 07.08.2006

JUSTIFICATION REASON:

The proposal represents a departure from the Development Plan but there are very special circumstances would which justifies the granting of permission, which are that the access track would allow the applicant private and safer access to their dwelling in a manner that would cause no harm to the openness of the Green Belt in this wooded setting.

RECOMMENDATION:

The application be referred to the First Secretary of State as a departure from the Development Plan and planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision.

Condition(s):

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

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

- 2 There shall be no lighting of the access track.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C1, C2, GB2 and C35.

- 3 No development shall take place until samples of the finished surface materials to be used in the construction of the access track 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 C1, C2 and C31a.

- 4 No development shall take place until a detailed landscaping scheme of the whole site including, but not limited to, the return of the existing track between points D and E on the submitted plans has been submitted to and approved in writing by the local planning authority.

REASON: In the interests of amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policies GB2, C1 and C2.

Note(s) to Applicant:

- 1 Disturbance of wildlife: It is an offence under the Wildlife & Countryside Act 1981 to disturb protected wildlife. Wildlife and habitat controls are administered by English Nature who can be contacted on 01929 556688.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee as it represents a departure from the development plan.

This is a full planning application for the construction of a new vehicular access. It would be constructed with some cut and fill to create a natural graded limestone aggregate finish, single track access, 2.5 metres wide. The track would have a curved 125 metre route to better deal with the contours and steep nature of the site.

The development would be across an area of open countryside, which has been designated for its nature conservation interest and is located in an Area of Outstanding Natural Beauty and the Western Wiltshire Green Belt. The site is a very steep slope of the River Avon with the canal running along the bottom. It is densely vegetated, with some mature trees, but largely scrub and long grass.

CONSULTATION REPLIES:

WINSLEY PARISH COUNCIL

No objection

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No objection

ENGLISH NATURE

No objection subject to an informative regarding nesting birds.

BRITISH WATERWAYS

No objection

PUBLICITY RESPONSES

The proposal was publicised by site notice, press advertisement and by letters to neighbours.

The application has also been advertised as a departure from the development plan.

No comments received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan 1st Alteration (2004)

GB2 Control of Development in Green Belts

C1 Countryside Protection

C2 Areas of Outstanding Natural Beauty

C6 Nature Conservation Interest

C32 Landscaping

C31a Design

C38 Nuisance

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS9 Biodiversity and Geological Conservation

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issues to consider are if the proposed development would cause any harm to the open countryside, the area of outstanding natural beauty, or nature conservation interests. Further it should be considered if this is appropriate development in the Green Belt.

PLANNING OFFICER COMMENTS

There is a presumption against development in the Green Belt, and therefore permission should only be granted for development that fits set criteria. Government guidance in PPG states at paragraph 3.12 that:

'The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.'

It is noted that this guidance is not expressly stated in the West Wiltshire District Plan 1st Alteration (2004) and/or the Wiltshire Structure Plan 2016. In light of this it must therefore be treated as a form of development that although in accordance with national guidance is contrary to the current development plan, and is therefore should be refused as inappropriate development.

The proposed development would involve some modest levels of cut and in-fill of this steeply sloped valley to facilitate an even single-track access road, finished with limestone aggregate. It is noted that the track would be well landscaped by existing mature trees that are to be retained. In light of the above it is considered that the proposals would have no impact on the openness of the Green Belt and cause no harm in terms of the Green Belt. For this reason the proposal has been advertised as a departure from the development plan because it is contrary to policy but would not cause any harm.

The impact on the AONB can now be considered. As stated above the level of cut and fill appears from the submitted plans to be minimal, and the mature vegetation on site would remain. This can be ensured by condition. In light of this it is considered that the development would be well landscaped and therefore has no significant impact on the special landscape character of this wooded valley.

The application site has been designated for its nature conservation interest. Policy C6 states that proposals will not be permitted if considered harmful to the ecological interest of these scarce and vulnerable habitats or result in a serious loss of flora or fauna. It is noted that no trees would be lost from the development, and indeed a landscaping condition has been suggested to ensure this. Following further negotiation between the applicant and the Council a ecological survey has been submitted indicating no harm to protected species, and English Nature have withdrawn their objection to the proposals following their own discussions with the applicant and based on the information the applicant has supplied.

Considering the above and the nature and scale of the application it is not concluded that no harm would occur and the duty of the local authority under PPS9 to maintain and enhance nature conservation interests has been achieved. If during implementing any permission protected species were discovered then they are protected under other legislation. An informative is suggested to inform the developer in this regard.

The proposed access would be across an area of land that is not part of the domestic garden curtilage of the applicant and therefore should be treated as a change of use of the land. Such a change of use of the land would have no impact on the Green Belt as discussed, and it is also considered for the reasons outlined previously to cause no harm to the open countryside. The land is not being used for agriculture, movements would relate to one dwelling only with no business or commercial interest and it would be well screened within the wider context. Further the land to which the application relates is only the access strip and not the surrounding area, so no harm would occur.

The proposed access to the main road would be off a private road that is only used by 2 other neighbouring properties. This access would be used instead of the existing British Waterways' access, which is very steep, and potentially hazardous due to this incline. British Waterways and the Highway Authority have raised no objection to the proposals. As such it is considered that the proposal would enhance safety and have no impact on the public highway.

The proposal would not harm the amenity of the neighbouring properties, indeed it may marginally enhance the amenity of one resident who will no longer have passing vehicle movements.

CONCLUSION

For the reasons outlined above this application should be recommended for permission.

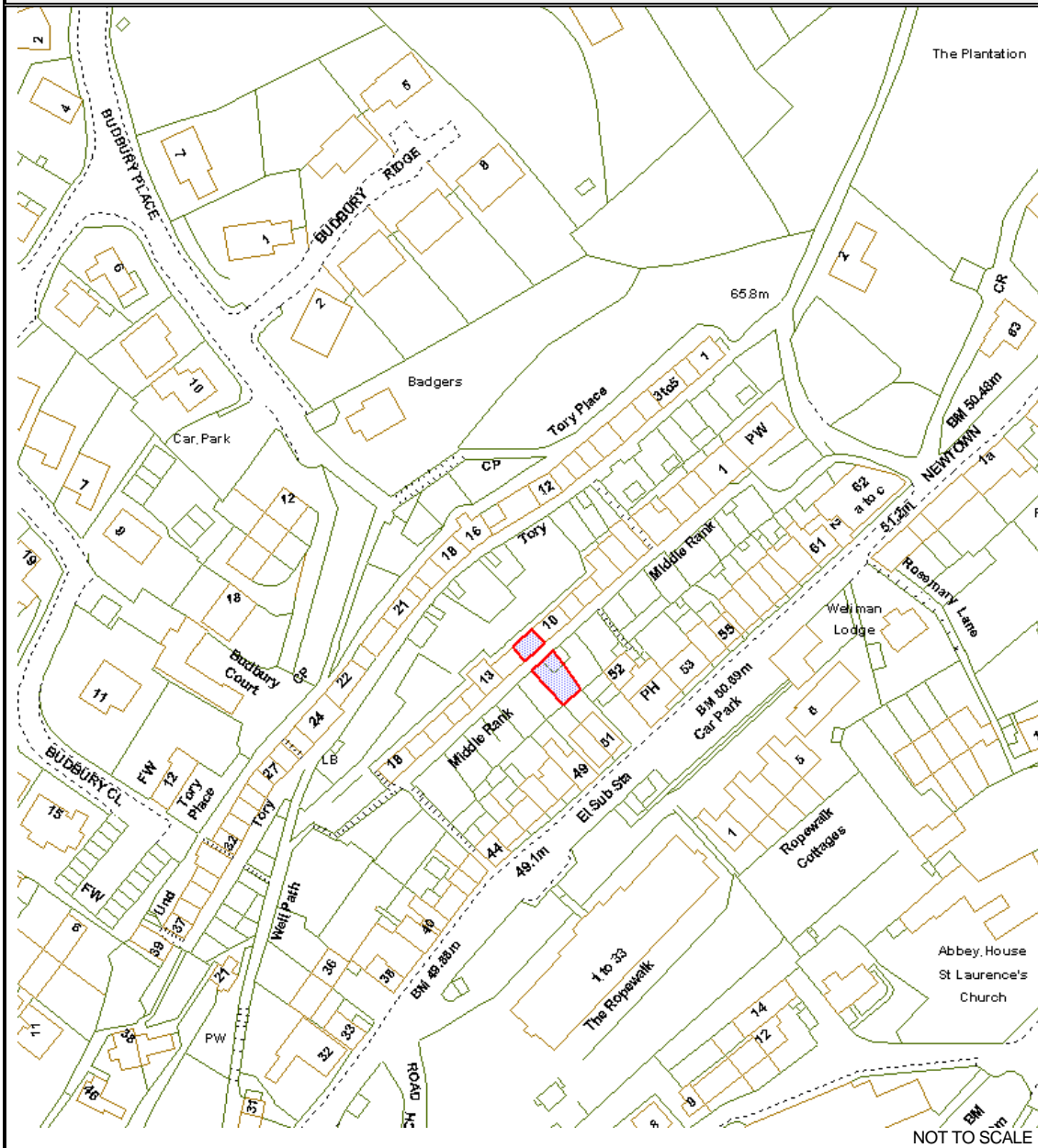
PLANNING COMMITTEE

26 October 2006

ITEM NO: 12

APPLICATION NO: 06/02707/LBC

LOCATION: 11 Middle Rank Bradford On Avon Wiltshire BA15 1NL



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SLA: 100022961

12 Application: 06/02707/LBC

Site Address: 11 Middle Rank Bradford On Avon Wiltshire BA15 1NL

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382338 160999
Application Type: Listed building
Development: Conversion of roof space including provision of two velux rooflights
Applicant Details: Rev'd Ian Brothwood
11 Middle Rank Bradford On Avon Wiltshire BA15 1NL
Agent Details: Slade Smith & Winrow
37a Silver Street Bradford-on-Avon Wilts BA15 1JX
Case Officer: Mr Mark Reynolds
Date Received: 01.09.2006 Expiry Date: 27.10.2006

REASON(S) FOR CONSENT:

The proposed works would safeguard the character and integrity of this listed building.

RECOMMENDATION: Consent

Condition(s):

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

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

- 2 Elevational details of the proposed rooflights, which shall be conservation type, 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.

- 3 Further details of the proposed staircase including details of the handrail shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of these works on site. The work shall be carried out in accordance with the approved details.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

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

Note(s) to Applicant:

- 1 You are advised that although this is acceptable in the context of Listed Building Consent, the proposals may not conform to the requirements of Building Control.

COMMITTEE REPORT**APPLICATION DETAILS**

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

This is an application for listed building consent for the conversion of a roof space at No. Middle Rank, Bradford on Avon. The proposal involves the insertion of two roof lights and the insertion of an additional staircase into the attic. The building is grade II listed forming part of a continuous terrace of Nos 1-18 which are grade II listed. The building itself has been largely rebuilt in recent years with a modern pantiled roof which was reported at the time of listing. The application site is also located within the conservation area.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL: Object.

There is inadequate space and headroom to allow for the provision of reasonable living accommodation and the proposed alterations would have an adverse affect on the listed building contrary to Policy C28.

INTERNAL WWDC CONSULTATIONS**HERITAGE DEVELOPMENT OFFICER:**

No objection.

PUBLICITY RESPONSES

The proposal was advertised by site notice, no comments were however received.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
HE7 - Architectural and historic heritage

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

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issue to consider in this application is whether the proposals would protect the character and integrity of these listed buildings.

PLANNING OFFICER COMMENTS

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.

Policy C27 states that the character of listed buildings will be protected and that planning permission or listed building consent will not be granted for any development that would adversely affect the character or setting of any listed building.

Further Policy C28 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

The existing building has been partially reconstructed within the last 30-40 years. The existing attic space for the building has been totally rebuilt with concrete blockwork and new timber roof structure. The listing description correctly refers to the roof of this building having a modern pantiled roof. The proposal to introduce two velux rooflights within the modern roofspace would not harm the building and would not result in the loss of historic fabric subject to the detailing of the rooflights. The List Description for the terrace of properties advises that the houses in the terrace are mostly two storeys with attics in gables. Converting the roof space would not harm the character of the building or adjoining listed buildings many of which have loft conversions.

The comments of Bradford on Avon Town Council are noted regarding the inadequate level of proposed accommodation in the roof. It is not however for the planning process to determine the use to which the living space will be put and this is a matter upon which the applicant should satisfy himself.

The introduction of a further staircase to the roof space internally would not result in any loss of historic fabric. An existing linen cupboard would be removed but this is only modern stud walling and there are no objections raised to this element of the proposal.

CONCLUSION

This proposal would protect the character and integrity of this listed building and consent is recommended.

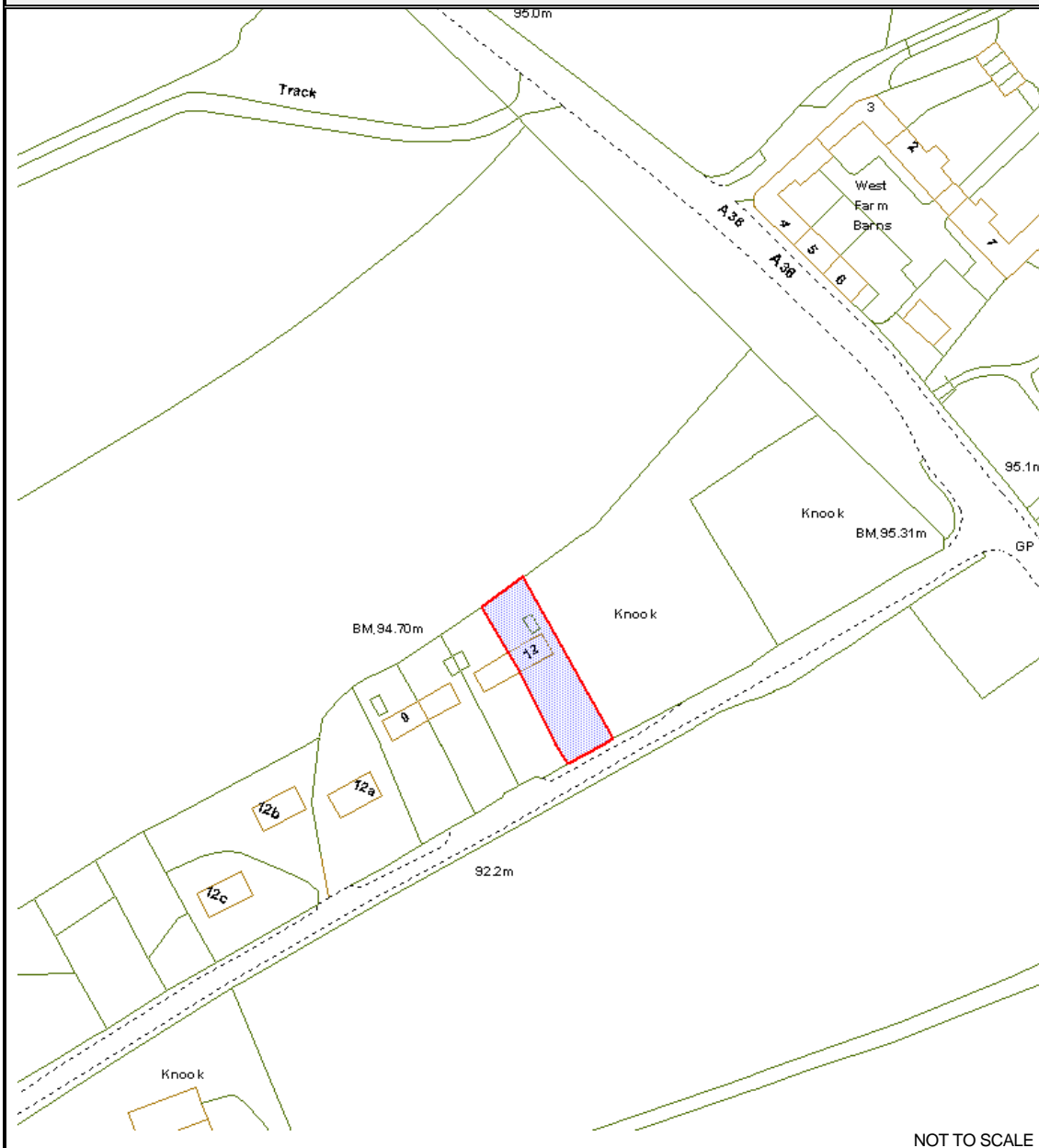
PLANNING COMMITTEE

26 October 2006

ITEM NO: 13

APPLICATION NO: 06/02770/FUL

LOCATION: 12 Knook Wiltshire BA12 0JG



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www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 06/02770/FUL

Site Address: 12 Knook Wiltshire BA12 0JG

Parish: Knook Ward: Mid Wylze Valley

Grid Reference 393945 142022

Application Type: Full Plan

Development: Wooden shiplap garage (double) with concrete base to store classic scooters

Applicant Details: Mr & Mrs M A Mitchell
12 Knook Wiltshire BA12 0JG

Agent Details:

Case Officer: Mr James Taylor

Date Received: 08.09.2006

Expiry Date: 03.11.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 No development shall take place until the unauthorised garage structure that was refused planning permission (reference 06/00867/FUL) on 04 July 2006 is completely demolished.

REASON: In order to protect the spatial characteristics of the area and the special landscape character of the AONB.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policies C2 and C31a.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Council's Planning Committee because the Parish Council objects to the proposals contrary to your Officers recommendation.

The revised scheme is for a timber garage, 7.2 metres long by 5.4 metres wide that would be located in the rear garden of 12 Knook in West Wiltshire. The previous application for a larger garage in the front garden was refused.

This application would reduce the size of the proposed timber garage to 5.5 metres by 3.7 metres, approximately half the original footprint, and relocate it to the rear garden of the application site. It would be approximately 3.3 metres high to the ridge, and constructed off a concrete base, with shiplap timber and black onduline roofing.

To the east of the garage the boundary is a 1.5-metre high fence, and then open grassed land, associated with a water reservoir. Further beyond is the A36 running from Warminster to Salisbury. To the north is open countryside, and to the west are the rear gardens of the rest of the terrace leading into the historic heart of the settlement.

The host building is an end of terrace 2-storey dwelling constructed of grey stone with pantiles to the roof. It is typical of the immediate area, with the terrace creating a strong building line. The site is within an Area of Outstanding Natural Beauty, and the village is characterised by a mixture of residential properties and agricultural development.

CONSULTATION REPLIES:

HEYTESBURY, IMBER & KNOOK PARISH COUNCIL

Objects due to over-development of the site.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. There were 2 letters received with the following objections:

- Concerned about garages to both the front and rear
- Noise

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C2 Areas of Outstanding Natural Beauty

C31a Design

C38 Nuisance

SPG Supplementary Planning Guidance on House Alterations and Extensions

RELEVANT PLANNING HISTORY

06/00867/FUL - Concrete base with shiplap double garage to front of property - Refusal - 04/07/2006

KEY PLANNING ISSUES

The main issues to consider are if the development harms the host building, street scene, neighbouring amenity and/or the AONB. The planning history of the site is also a material consideration.

PLANNING OFFICER COMMENTS

For this application to be recommended for permission it is necessary for the previous reasons for refusal to be overcome. The previous proposal was refused because its scale and location were out of keeping with the area, detrimental to the street scene and the special landscape character of this AONB.

The Council's SPG on house alterations and extensions highlights that garages should be designed in sympathy with the house whether detached or attached. This proposal has reduced the size of the proposal to half that of the original retrospective application which was refused. Further the location of the garage has been amended to the rear garden which is more sympathetic to the spatial characteristics of the area, away from the street scene and not prominent in the landscape. Sheds and other such domestic features can be expected within a residential curtilage, and such structures are best located in ancillary rear garden areas. As such it is considered that it is of a scale, form and location that is sympathetic to the spatial characteristics of the area.

Whilst it is acknowledged that the structure is still large, it would however no longer be visible from a southern or northern approach on the A36, further it would not be visible approached from the west and only glimpsed from the east, over the top of a 1.5-metre high boundary fence. As such it is considered that it cannot be detrimental to the special landscape character of the AONB.

As the development has been located to the east side of the curtilage and is single storey in nature it would have no impact on the neighbouring amenity.

Objections to the proposal, including that of the Parish seems to stem from the existing unauthorised double garage that is located in the front garden. This garage has been refused planning permission and the applicant is currently being given a period to consider alternative schemes and/or appealing the Council's decision, done under delegated powers to the officers. A condition has been suggested to ensure that the existing garage is removed before any permission can be implemented. Further conditions can be utilised to ensure that the development's materials would harmonise with the area.

Finally no details for a change of use application have been made. Therefore it is considered that the garage is and would be used for domestic purposes. Any significant commercial activity would require a change of use application.

CONCLUSION

For the reasons outlined above it is considered that the previous reasons for refusal have been overcome and no harm to any acknowledged planning interests would occur.

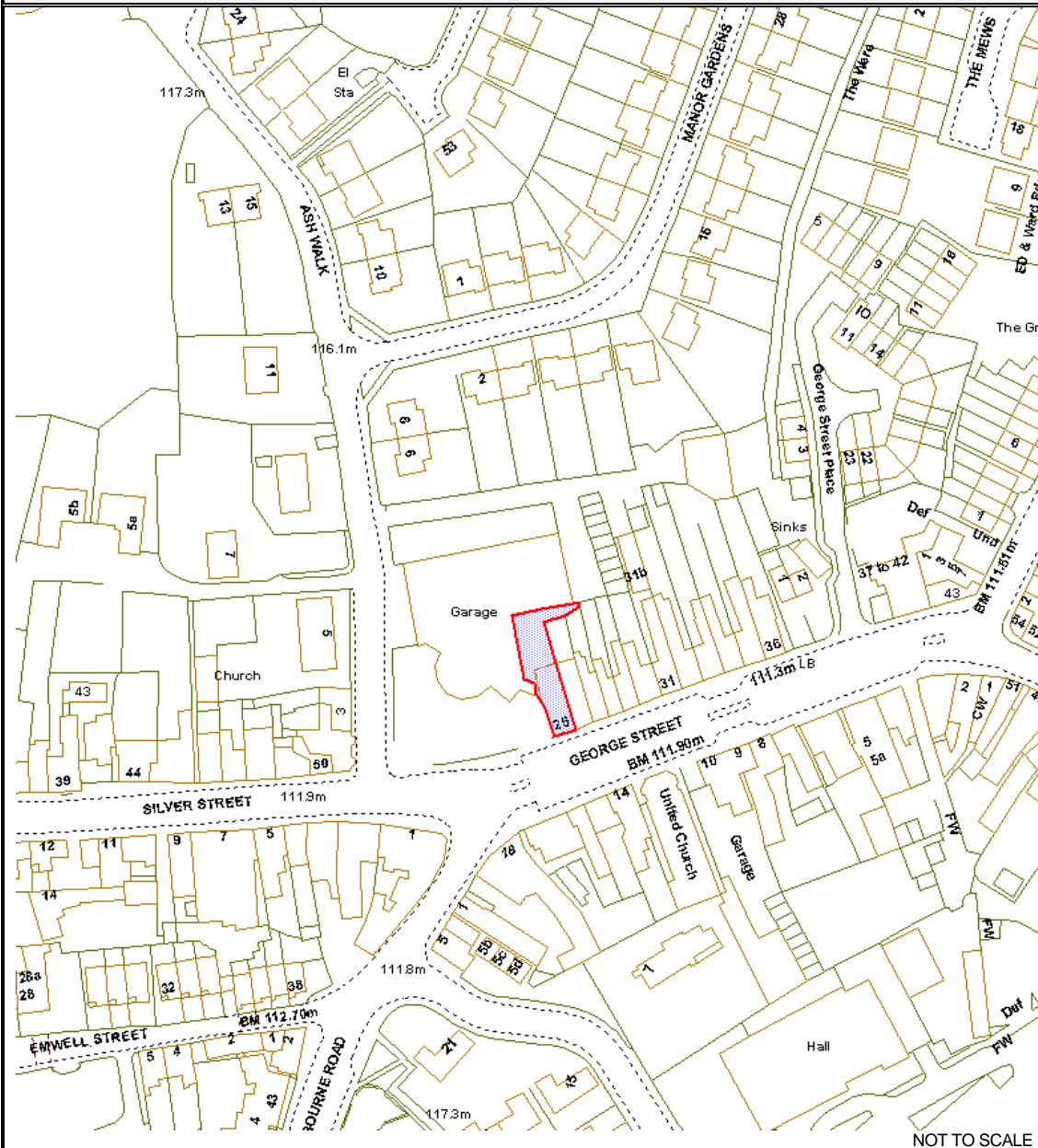
PLANNING COMMITTEE

26 October 2006

ITEM NO: 14

APPLICATION NO: 06/02583/FUL

LOCATION: 25 George Street Warminster Wiltshire BA12 8QB



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www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 06/02583/FUL

Site Address: 25 George Street Warminster Wiltshire BA12 8QB

Parish: Warminster Ward: Warminster West

Grid Reference 387150 145157

Application Type: Full Plan

Development: Conversion to A5 hot food takeaway

Applicant Details: Mr J Tiernay
42 Lower St Helens Road Hedge End Southampton SO30 0LU

Agent Details:

Case Officer: Mr James Taylor

Date Received: 21.08.2006 Expiry Date: 16.10.2006

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 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

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

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

- 3 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of public health and safety.

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

- 4 At all times when the premises are in use, a sign shall be fixed near all exit doors to the premises requesting patrons to be quiet on leaving the premises.

REASON: To safeguard the amenities of the area in which the development is located.

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

- 5 No live or amplified music or any other amplified sound shall be produced so as to be audible at the boundary of any inhabited premises either attached to or in the vicinity of the site to which this permission refers.

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

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

- 6 The use hereby permitted shall not be open to customers outside the following times: 09:00 and 23:00 on Mondays to Saturdays, and 09:00 and 22:00 on Sundays and Bank Holidays.

REASON: To safeguard the amenities of the area in which the development is located.

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

- 7 Any door, window, louvre, vent or fan in the premises shall be insulated so as to prevent any noise being audible at the boundary of any inhabited premises, either attached to or in the vicinity of the premises to which this permission refers.

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

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

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

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

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

Note(s) to Applicant:

- 1 The applicant is advised to contact the Food Section of West Wiltshire District Council, Bradley Road, Trowbridge, BA14 0RD, Tel, 01225 770388.
- 2 The premises may require registration under the Food safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational.
- 3 The applicant is advised that a separate ventilated space between the toilet compartment and any rooms where foods are stored, prepared and/or served may be required. Any internal alterations to the layout of the building are likely to require a further listed building application.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning committee as the Town Council objects contrary to officers recommendation.

The application is for the conversion of a vacant ground floor retail unit to A5 hot food takeaway.

There would be no external alterations to the building, however an external flue to the rear, through the single storey flat roofed extension would be required. This would be 1 metre high sited 8 metres from the historic rear external wall.

The host building is a Grade II listed 3-storey townhouse, built from of red brick. It forms the western end of a terrace of properties, which have a uniform character and appearance. To the rear of the terrace there are a number of alterations and extensions, including a long single storey flat roof extension on the host building and two 8 metre high flues. The terrace includes a charity bookshop, solicitors and other takeaway establishments. This street scene forms an important part of the Warminster Town Centre Conservation Area and is classed as Secondary Retail Frontage.

It is noted that adjacent to the application site, the ground floor is used for residential purposes, and that the first and second floors are also in residential use. There are parking bays on both sides of the road with free parking for up to 2 hours and there are numerous pay and display car parks within walking distance. The site has a fringe of town centre location.

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL

Objects to the proposal for the following reason:

- The committee is not happy with this conversion to accommodate such a business in a conservation area.

HIGHWAY AUTHORITY

The proposed use requires a higher level of parking provision than the current use however the site is located in the town centre where public car parking is readily available. Therefore no Highway objection is raised.

ENVIRONMENTAL HEALTH

Response to application 06/00972/FUL: 'No objection in principle. It would be advisable for the extract ventilation equipment to incorporate an activated carbon filtration unit or similar for enhanced odour removal.'

Response to current application: 'The specification for the extract ventilation would satisfy the recommendation made in our earlier consultation for this development. One other observation would be the need for an intervening ventilation space between the toilet compartment and any rooms where food are stored/prepared or served.'

HERITAGE DEVELOPMENT OFFICER

Response to application 06/00972/FUL: No objection in principle to conversion of unit, however recommended refusal to allow negotiation of a less obtrusive scheme.

Response to current application: No comment received.

PUBLICITY RESPONSES

The application has been publicised by press advertisement and neighbour notification.

2 letters of objection received from the representatives of McCarthy and Stone concerned about:

- Noise, odours and disturbance
- Increased night activity
- Parking
- Unnecessary facility - additional facilities detrimental to the area
- Sound: Concerned about noise from the takeaway and its customers, particularly after 10pm and when the pubs close. Also concerned about noise from the flue.
- Daylight: Concerned that the volume of people outside the takeaway would lead to them having to close their curtains for privacy and therefore they would lose light.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- SP1 Town Centre Shopping
- SP5 Secondary Retail Frontage
- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C20 Change of Use in Conservation Areas
- C27 Listed Buildings
- C28 Alterations and Extensions to Listed Buildings
- C31a Design
- C36 Noise
- C38 Nuisance

- PPS1 Delivering Sustainable Development
- PPG15 Planning and the Historic Environment
- PPS6 Planning for Town Centres

RELEVANT PLANNING HISTORY

06/00974/LBC - Erection of External flue to rear elevation - Refusal - 17/05/2006
06/00972/FUL - Change of use to A5 hot food takeaway - Refusal - 17/05/2006
06/02590/FUL - Conversion to A5 Hot Food Takeaway and erection of external flue - Pending parallel listed building application.

KEY PLANNING ISSUES

PPG15 and Section 66 of the Planning (Listed building and Conservation area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

PPG15 and Section 72 of the Planning (Listed building and Conservation area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

The main issues to consider regarding this application are the potential impact on the listed building, the conservation area, highway safety, neighbour amenity and the mix and vitality of the town centre. The planning history of the site is a material consideration.

PLANNING OFFICER COMMENTS

It is necessary for the previous reasons for refusal to have been overcome. It was considered that the external flue height, size, form and siting as previously proposed would be an incongruous feature to the detriment of the listed building and the character and appearance of the Conservation Area. The flue has been reduced to a height of 1 metre, 7 metres smaller than before, and 8 metres away from the historic fabric of the building, generating a substantial degree of separation between the flue and the historic building. Therefore it is considered that the previous reasons for refusal have been overcome. The proposed flue would be a relatively innocuous feature that would not cause any significant harm to the character and appearance of the listed building or the Conservation Area.

The creation of a space in the roof of the modern rear extension for the flue would cause no harm to the historic fabric or adversely affect the character of this Grade II listed building. The detail of the internal alterations is dealt with in the parallel listed building consent application (reference 06/02590/LBC). There are no other external alterations for the proposed conversion from retail to hot food premises and therefore it is considered to be sympathetic to the historic environment.

The issue of highway safety can now be addressed. The Highway Authority has raised no objection to the application as it has a Town Centre location. There is parking on George Street for a number of vehicles in the lay-bys for up to 2 hours. In addition there are a number of pay and display car parks within a short walking distance of the site. Due to its Town Centre location it is close to those that walk into town or use public transport. As such it is considered that the application is in accordance with the policies of the West Wiltshire District Plan and would cause no harm to highway safety.

The Environmental Health department has raised no objection to the proposed change of use. Indeed they are satisfied that the extract ventilation equipment is as recommended in the previous consultation. It is noted that all the internal alterations and noise generating activity are kept to the west side of the shop away from the shared wall with the adjoining property. This should keep any nuisance from inside kept to a minimum. Conditions can be utilised to help protect amenity of current and future neighbouring occupiers.

The neighbour has objected to the potential gathering of people outside the premises and near their property. However the planning system cannot protect such issues. Some degree of noise is to be expected in a Town Centre location where a number of evening activities such as pubs, restaurants and takeaways are clustered. Indeed it is noted from site inspection that the street is characterised by a number of such establishments in close proximity already. As such it is considered that the change of use to an A5 takeaway would cause no significant harm to the neighbouring amenity, even potential future occupiers of adjacent and as yet unbuilt sheltered accommodation, subject to appropriate conditions.

Finally the issue of the change of use, in the context of its Town Centre and Secondary Retail location, should be assessed. The area is characterised by a range of activity from residential to retail, financial and eating establishments. Although there are a number of takeaway establishments in the street already, no harm to the primary commercial function of the centre would occur. Indeed this would bring the unit into use, because at present it is a vacant shop. Such uses as this are to be expected in the secondary retail frontage of one of the district's 5 major towns.

CONCLUSION

The current proposal overcomes the previous reasons for refusal, and would not lead to any detrimental impact on the character, appearance, setting or integrity of this Grade II listed building or the conservation area in which it is located, and the vitality of the town centre would be maintained.

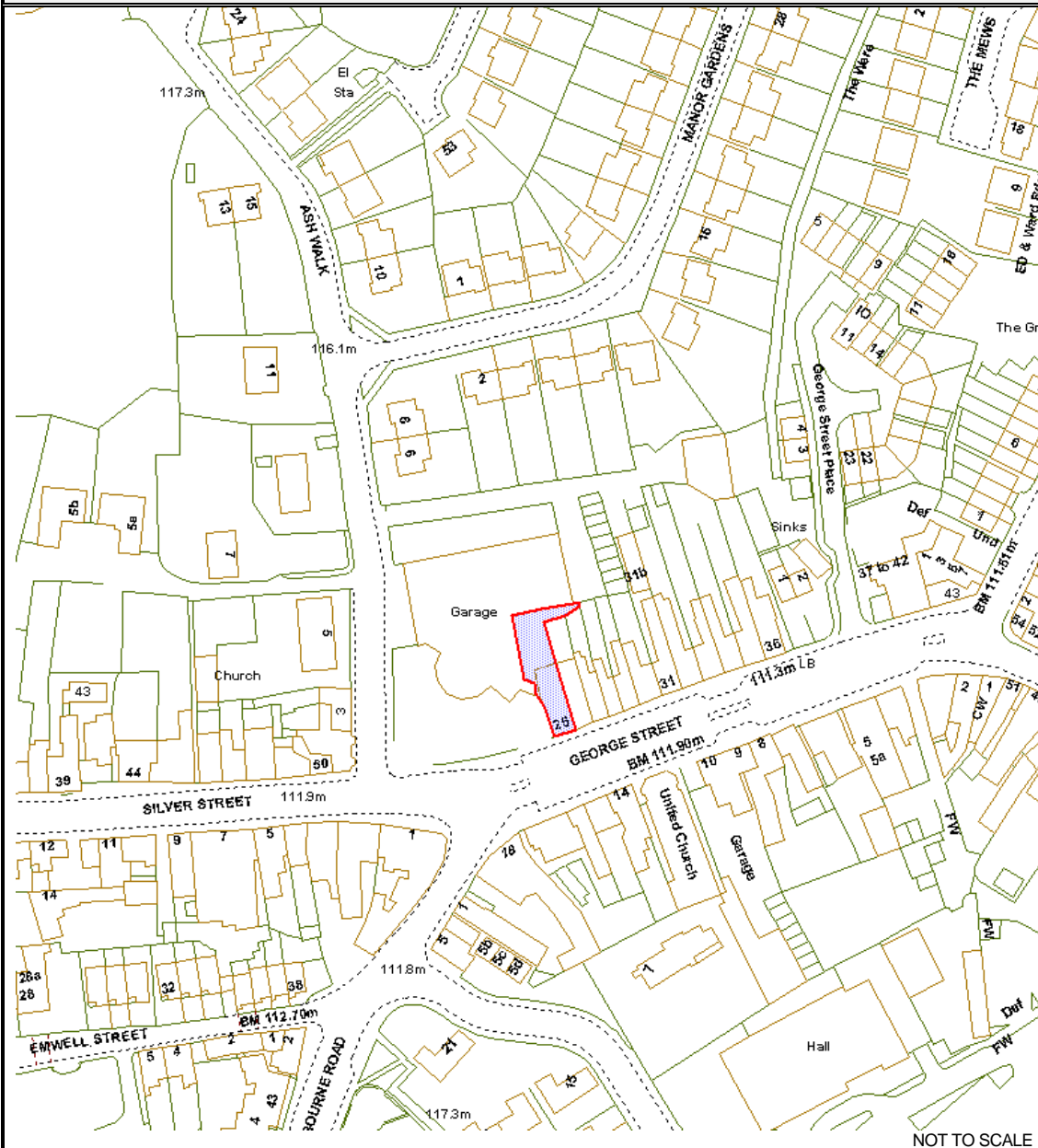
PLANNING COMMITTEE

26 October 2006

ITEM NO: 15

APPLICATION NO: 06/02590/LBC

LOCATION: 25 George Street Warminster Wiltshire BA12 8QB



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www.westwiltshire.gov.uk

SLA: 100022961

15 Application: 06/02590/LBC

Site Address: 25 George Street Warminster Wiltshire BA12 8QB

Parish: Warminster Ward: Warminster West

Grid Reference 387150 145157

Application Type: Listed building

Development: Conversion to A5 hot food takeaway and erection of external flue to rear elevation

Applicant Details: Mr J Tierney
42 Lower St Helens Road Hedge End Southampton SO30 0LU

Agent Details:

Case Officer: Mr James Taylor

Date Received: 21.08.2006 Expiry Date: 16.10.2006

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 Details of all new external flues 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.

- 3 A method statement of the proposed works, including but not limited to, details for the creation of the hole in the former external wall for the flue and the making good of all surfaces, shall be submitted to and approved in writing by the local planning authority prior to any development taking place.

REASON: To ensure that loss of historic fabric is minimised and the character and appearance of the listed building is preserved.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council objects contrary to officers recommendation.

This is a resubmission of a previous refusal for the erection of an external flue to the rear of the building and associated internal alterations. The proposal has been revised so that the flue would now exit through the modern flat roof rear extension, approximately 8 metres from the historic Grade II listed building's rear elevation. The flue would be approximately 1 metre high, with dimensions of approximately 700mm by 600mm. Internally it is proposed to bring the flue through the former external wall, and run it through the modern extension through a filter, silencer and fan. Additionally it is proposed to add a stud partition wall to create a cold store in the modern rear extension, and insert ancillary features such as a service counter, cooker freezers and seating in the waiting area.

The host building is a Grade II listed 3-storey townhouse, made of red brick. It forms the western end of a terrace of properties, which have a uniform character and appearance. To the rear of the terrace there are a number of alterations and extensions, including a long single storey flat roof extension on the host building. Other buildings have external flues running up their rear elevations to a total height of approximately 8 metres. The building is part of the Conservation Area, and Secondary Retail Frontage.

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL

Objects to the proposal for the following reason:

- The committee is not happy with this conversion to accommodate such a business in a conservation area.

HERITAGE DEVELOPMENT OFFICER

Response to application 06/00972/FUL: No objection in principle to conversion of unit, however recommended refusal to allow negotiation of a less obtrusive scheme.

Response to current application: No objection to revised proposals.

PUBLICITY RESPONSES

The application has been publicised by site notice.

One letter of objection received from the representatives of McCarthy and Stone concerned about:

- Noise, odours and disturbance
- Increased night activity
- Parking
- Unnecessary facility - additional facilities detrimental to the area

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

06/00974/LBC - Erection of External flue to rear elevation - Refusal - 17/05/2006

06/00972/FUL - Change of use to A5 hot food takeaway - Refusal - 17/05/2006

06/02583/FUL - Conversion to A5 Hot Food Takeaway - Pending parallel application

KEY PLANNING ISSUES

PPG15 and Section 66 of the Planning (Listed building and Conservation area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The main issues to consider regarding this application are the potential impact on the character, appearance, setting and integrity of the Grade II listed building, and to make sure that damage to the historic fabric has been minimised. Further the planning history of the site is a material planning consideration.

PLANNING OFFICER COMMENTS

This application overcomes the previous reasons for refusal.

The only external alteration to the property would be the erection of a flue to the rear of the building, approximately 8 metres from any historic fabric. The rear is characterised in part by a variety of ancillary alterations and extensions, which point to the more recent evolution of the terrace. The host building, which is Grade II listed and located in a Conservation Area, is an end of terrace property, and as such there are glimpses of the activity to the rear of the building. However it is considered that a flue of 1 metre in height in this position above a modern flat roof extension, 8 metres from the historic fabric would not cause any detrimental impact to the character, appearance or setting of the listed building. As such it is considered that the previous reasons for refusal in regard to the external flue's height, size, form and siting have been overcome.

The second reason for refusal was the lack of justification to prove that the loss of historic fabric had been minimised. The flue would have the same route through the former external wall of the terrace as previously, and it was considered that insufficient information relating to this was given in the application. The applicant has now specified why the flue is the size it is and it is considered that this justifies the proposals and that this option leads to a minimal loss of historic fabric. A condition has been attached to require further details in this regard to make sure loss of historic fabric is minimised. Therefore reason 2 for refusal has also been overcome.

The other internal alterations can now be considered. Internally the proposal would not cause any harm to historic fabric, with the vast majority of the alterations taking place in the modern flat-roof rear extension. It is proposed to create a stud wall in the modern rear extension, and insert ancillary equipment. This has no historic fabric and therefore works in this area pose no concerns. In the heart of the building it is proposed to insert ancillary equipment such as a cooker, extraction hood, counter and bench seating. Such installations pose no concerns in principle and conditions can be attached to ensure that they can be simply removed at a future date, and that their installation would cause no significant harm to the historic fabric. There would be no alteration to the essential form of the building and the special character of the building would be respected.

It is noted that the Council's Heritage Development Officer has no objection in principle to the proposed change of use. It is considered that this revised scheme is far less obtrusive than the previous scheme and no longer causes any harm to the character and appearance of the listed building.

The comments from the representatives of McCarthy and Stone have been noted, however it is not considered that any issues raised are relevant to this listed building, indeed the Town Council's objection appears to be based on the type of business in the area, not the historic building.

CONCLUSION

There would be no harm to the character, appearance, setting or integrity of this Grade II listed building.

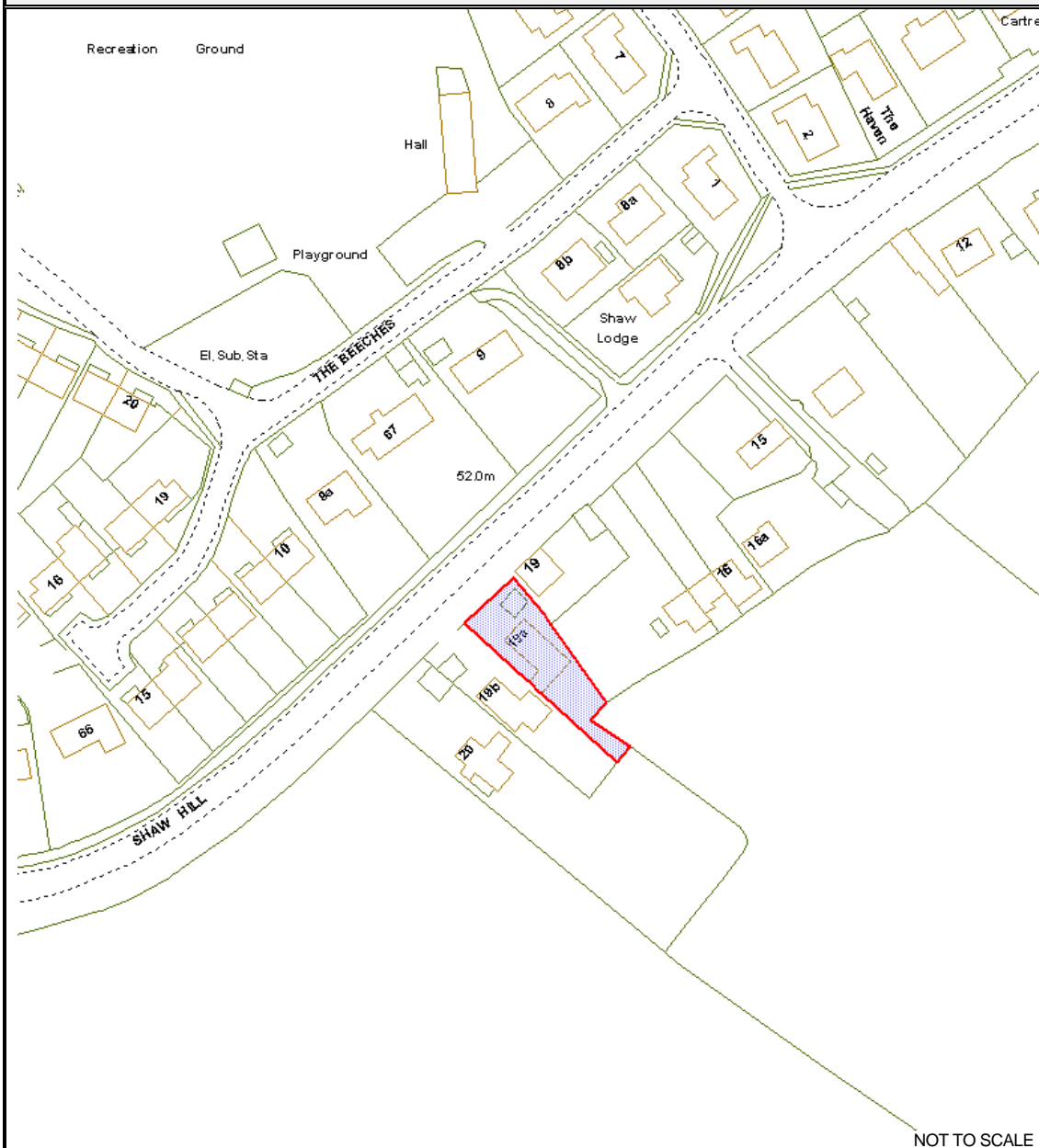
PLANNING COMMITTEE

26 October 2006

ITEM NO: 16

APPLICATION NO: 06/02481/FUL

LOCATION: 19A Shaw Hill Shaw Wiltshire SN12 8ET



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www.westwiltshire.gov.uk

SLA: 100022961

16 Application: 06/02481/FUL

Site Address: 19A Shaw Hill Shaw Wiltshire SN12 8ET

Parish: Melksham Without Ward: Atworth & Whitley
Grid Reference 388592 165490
Application Type: Full Plan
Development: Conservatory to rear of property
Applicant Details: Mr And Mrs Ware
19A Shaw Hill Shaw Wiltshire SN12 8ET
Agent Details: Leekes
FAO Mr E Wells Unit 1 Cardiff Road Pontyclun CF72 8PN
Case Officer: Mr Donncha Murphy
Date Received: 15.08.2006 Expiry Date: 10.10.2006

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 as Melksham Without Parish Council has objected to the proposal contrary to the recommendation of the planning officer.

This is a full application for a conservatory extension to the rear of the existing single storey property. The proposed conservatory would be 3.9 metres in width and 3.6 metres in length. The development would be constructed on a raised section 1.2 metre in height. Therefore the height of the proposed conservatory would be approximately 4 metres in height from the ground level.

The host dwelling is detached bungalow located in a line of similar dwellings.

CONSULTATION REPLIES:

MELKSHAM WITHOUT PARISH COUNCIL: Objects.

The Council objects that the proposed conservatory is too close to the boundary line and too dominant, due to its noticeable height. It needs to be built at least one metre away from the boundary, so that it does not take light from the adjacent property or jeopardise the capacity of the adjoining property to have a conservatory in the future, in accordance with WWDC planning policy guidelines.

PUBLICITY RESPONSES: The proposal was advertised by letters to the neighbouring properties. One letter of objection was received.

The neighbour to the south has objected to the proposed development for the following reasons:

- There would be insufficient space between the proposed development and the neighbouring boundary. A one-metre gap is required for maintenance purposes.
- The height of the proposed extension is unacceptable and would result in a loss of light to the kitchen window of no. 19b.

The neighbours were also concerned that the sewer drains run on the boundary line close to where the conservatory boundary would be. This is a building control issue and not a planning issue.

The question was also raised as to what was the total amount of cubic capacity permitted on the plot. There is no set limit to the size of the extension that can be applied for. There have been no previous applications for this property and any application would be determined in accordance with National and Local planning policy.

PLANNING POLICY:

West Wilts District Plan 1st Alteration 2004

C31a - Design

C38- Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY: None

KEY PLANNING ISSUES: The main issues to consider regarding this application is the potential impact on the neighbouring amenity.

PLANNING OFFICER COMMENTS:

The comments of the Parish Council and the neighbour's letter of objection must be addressed:

The proposed development would maintain a gap of approximately one-metre to the neighbouring boundary therefore conforming to the guidelines set out in the SPG- Planning Design Guidance (House alterations and extensions). The proposal is therefore not too close to the neighbour's boundary.

There would be no loss of amenity resulting from this development. There would be partial loss of light to the window on the northeastern elevation of no. 19b as a result of the development. However due to the orientation of the property the loss of light would be minimal. Therefore it is felt that there would not be unacceptable conflict to policy C38 of the West Wiltshire District Plan First Alteration 2004, which aims to protect residential amenity.

The view that the proposed development is too high and would jeopardise the capacity of the adjoining property to have a conservatory in the future cannot be supported. The roofline of the proposed conservatory is set 2.2 metres below the height of the host dwelling. The height of the proposed development is also lower than that of 19b.

Furthermore the possibility of future extensions to the rear of the neighbouring property are not a relevant consideration in determining this application. Any future applications by the neighbours will be considered on their own merits.

CONCLUSION

There would not be unacceptable conflict to the neighbour amenity as a result of this proposal. It is therefore recommended for permission.