

PLANNING COMMITTEE

16 NOVEMBER 2006

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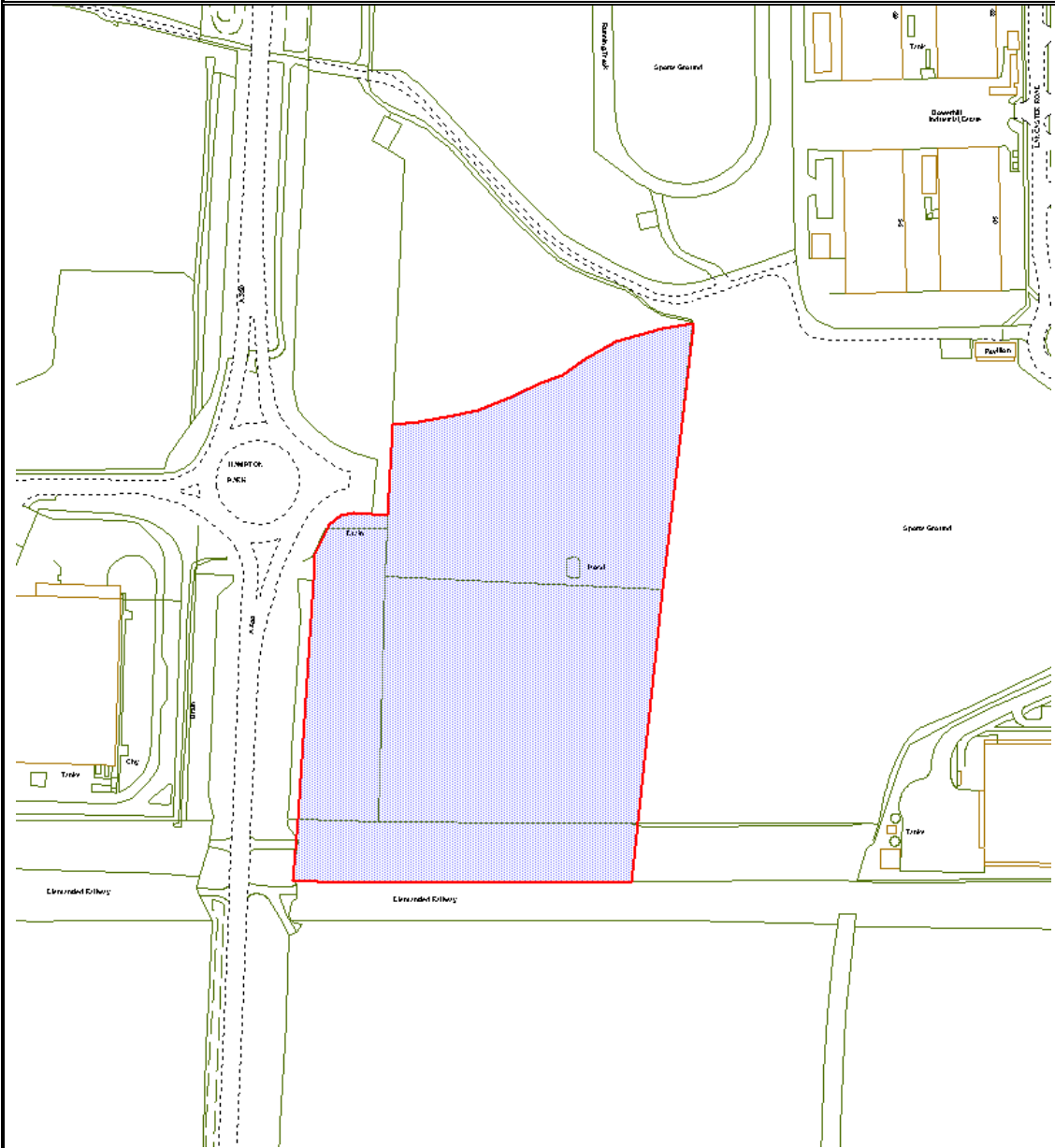
PLANNING COMMITTEE

16 November 2006

ITEM NO: 01

APPLICATION NO: 06/02520/FUL

LOCATION: Land Adjacent Semington Bypass Melksham
Wiltshire



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 06/02520/FUL

Site Address: Land Adjacent Semington Bypass Melksham Wiltshire

Parish: Melksham Without Ward: Melksham Without

Grid Reference 390627 161644

Application Type: Full Plan

Development: Distribution warehouse (use class B8) with associated office, pumphouse, gatehouse and car parking, together with the provision of a link road from A350 to serve the development

Applicant Details: Cereal Partners UK
C/o The Development Planning Partnership 14 Windsor Place
Cardiff CF10 3BY

Agent Details: The Development Planning Partnership
14 Windsor Place Cardiff CF10 3BY

Case Officer: Mr Peter Westbury

Date Received: 01.08.2006 Expiry Date: 31.10.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

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

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

- 4 Prior to the development hereby approved being first brought into use for its intended purpose, the access road shown on the submitted and approved plans between the A350 Semington Bypass and as far as and abutting the eastern site boundary shall be completed to the satisfaction of the Local Planning Authority approval of which shall be given in writing.

REASON: To ensure that the development is completed in a satisfactory manner and to enable the future servicing of the adjoining development sites.

POLICY: Policy E2 of the West Wiltshire District Plan First Alteration 2004.

- 5 No development approved by this permission shall be commenced until a scheme for the provision of foul surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before occupation.

REASON: To prevent pollution of the water environment.

- 6 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of 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 First Alteration - Policy C35.

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

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

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

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

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

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

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

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

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

- 10 No site works or clearance shall be commenced until protective fences which conform with British Standard 5837:1991 have been erected around any existing trees and other existing or proposed landscape areas in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for arboricultural or landscape works.

REASON: To safeguard the areas to be landscape and the existing trees and planting within the site

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32.

- 11 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under Condition 10 have been implemented in accordance with the approved plans.

REASON: To safeguard the areas to be landscape and the existing trees and planting within the site

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32.

- 12 The proposed estate roads, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, car parking and street furniture shall be constructed and laid out in accordance with the details to be submitted 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 the Local Planning Authority.

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

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

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

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

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

- 15 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. 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, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage systems 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 tan overflow pipe outlets should be detailed to discharge downwards in the bund.

REASON: To prevent pollution of the water environment.

- 16 Prior to being discharge into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor

REASON: To prevent pollution of the water environment.

- 17 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

- 18 Details of recycling facilities on the site shall be submitted to and approved by the Local Planning Authority, and the approved facilities shall be installed prior to the first use of the premises and maintained at all times thereafter.

REASON: To encourage the recycling of materials.

- 19 A wheel washing facility, of a specification approved in writing by the Local Planning Authority, shall be provided on the site throughout the period of construction of the bund(s).

REASON: To ensure that materials from the site are not deposited on public roads.

- 20 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.

- 21 No development shall take place until the recommendations set out in the ecological report attached to the application have been undertaken to the satisfaction of the Local Planning Authority. Specifically:

The ditch supporting water voles should be retained have a 6-8 metre vegetated buffer either side. This area should be fenced during construction to prevent accidental damage to burrows.

Hedgerows and other bird nesting habitat should be retained wherever possible. Where this is not possible, bird nesting habitat should only be removed outside of bird nesting season (March to August inclusive).

Mature trees with the potential to support bats should be retained wherever possible. Where this is not possible, trees with bat potential should be re-surveyed and the ecologist's advice followed.

Any tree surgery or removal works should be preceded by an updated assessment of their potential to support bats.

REASON: To ensure the protection of any wildlife on the site.

- 22 Prior to the occupation of the site, the Applicants and their successors, shall be required to submit a Travel Plan to the Local Planning Authority for their approval. This Plan shall include details of the number of vehicles visiting the site, their destinations and the routes they will normally take. The Travel Plan should include the aim that wherever possible, heavy goods vehicles should avoid the use of non-trunk roads.

REASON: In the interests of ensuring that heavy goods vehicles are kept off roads incapable of accommodating them comfortably.

POLICY: Wiltshire Structure Plan 2016 Policy T10.

Note(s) to Applicant:

- 1 The Applicant is reminded of the need to secure the diversion of a footpath across the site by way of a diversion order under Section 257 of the Town and Country Planning Act 1990.
- 2 The applicant is reminded to seek the advice of English Nature in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats _c) Regulations 1994 and the Protection of Badgers Act 1992.
- 3 The applicant is advised to contact Wessex Water on 01225 526000 with regard to connection to water and sewerage infrastructure.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee because Melksham Without Parish Council object and your Officer's recommend approval.

Cereal Partners UK wish to establish a warehouse and distribution centre in Melksham. The application proposal is for a single building with an area of proposed totalling approximately 13,600 square metres. The proposed building would measure approximately 120 metres wide by 110m deep. It would be approximately 20m tall. It would be set back approximately 80m from the main A350 to the west.

The number of people to be employed at the site is to be confirmed.

The main entrance would be on the north elevation and the building would incorporate 18 access points for articulated lorries.

The application proposal also includes associated infrastructure including pump house, sprinkler tank to the south of the main building and hard standing to the north with laid out space for 26 trailers. The proposal includes 59 car parking spaces to the north of the main entrance, including 2 disabled spaces. There are no proposals for signage to be erected on the building.

There is currently no access to the site, although the spur off the roundabout at the junction of the Semington Bypass with the spur road to the old Semington Road, is in place. The application proposal includes the provision of part of the Semington to Bowerhill bypass.

A footpath running along the eastern boundary of the site will have to be diverted as part of the proposal.

The application site is located on an open greenfield site on the eastern side of the new A350 Semington bypass on land between the Bowerhill Industrial Estate and the Bypass. The application site is agricultural land divided into pastures by a number of hedgerows. There are no trees on the site, which are the subject of a Tree Preservation Order (TPO). There is one oak tree on the site, which is estimated to be approximately 20m tall.

The A350 Semington Bypass occupies an elevated position above the site. The site survey suggests that it is 2m above the site.

To the west of the A350 Bypass and opposite the application site is Avon Rubber building which was granted planning permission in 1998. The plans attached to the application (98/00400) indicate that the Avon Rubber building is approximately 14m tall at its highest point. The flue to the rear of the building is 15m tall.

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: Object

The Parish Council have considered the merits of this application on three occasions since it was submitted. The comments received add up to an objection to the proposal on the following grounds:

1. Size and scale - there is alarm and objection at the height of the building which is "ridiculously" tall;
2. Roofline - should reflect surrounding development;
3. Landscaping and environment - a full landscape plan is required;
4. Hedgerow and tree preservation order - object to the removal of the protected Oak tree;
5. Footpath 42 - the Council notes that the applicant has shown Footpath 42 as being diverted into the Bowerhill Sports Field. "This would not be possible without negotiation since the Sports Field is outside the development site. A diversion may be acceptable subject to a contribution towards the planned new Sports Facilities. As it stands at present, Footpath 42 needs to be diverted within the site, along the line of the hedgerow.
6. Sewage and drainage - question why a septic tank is being proposed;
7. Cycleways - unclear where the cycleways are to be positioned;
8. Lighting - down lighting is essential.

In the light of these issues raised, it was agreed that the applicants should make a presentation to the Parish Council. This presentation took place on 2 October 2006. The minutes of the meeting, produced by the applicants, indicates that the Parish Council were able to raise the concerns set out above directly with the applicants.

Following this meeting the Parish Council reconsidered the application. As a result they stated: -

"The Council reiterates previous comments made and would like to add:

1. A projected visibility map should be provided;
2. Request that the colour of the building should be "buff green and brown, not blue."
3. Provision for a pavement and cycleway should be made;
4. The Parish Council should agree details of the landscaping before development commences;

The Parish Council also suggest that if planning permission be granted that conditions be attached.

- MELKSHAM TOWN COUNCIL: Formal comments to be reported on the late list

"A couple of Town Councillors who broadly support this application have asked if the planning application could be considered by Town Councillors at their next meeting on 13th Nov. 2006."

STATUTORY CONSULTATIONS

- SOUTH WEST REGIONAL ASSEMBLY: No comments received.
- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions.
- ENVIRONMENT AGENCY: No objection.

Initially objected: "insufficient information is available to assess the proposed development on flood flow paths and flood storage."

In response to this objection the applicants entered into a dialogue with the Environment Agency to demonstrate that there are adequate means of disposal of surface water drainage.

Following the receipt of this additional information the Environment Agency withdrew their objection.

- WESSEX WATER: No objection
- NATURAL ENGLAND: Object on the grounds that conditions should be attached to require the recommendations of the Ecological Report be conditions to the permission.
- WILTSHIRE WILDLIFE TRUST: No overall objection but note that the site supports Badgers and Great Crested Newts.
- COUNTY ARCHAEOLOGIST: No objection

NON STATUTORY BODIES

- MELKSHAM TRUST: No objection but comment:

1. A tree planting scheme should be submitted.
2. Existing trees on the boundary of the site should be retained.
3. "Graduated colours" are suggested
4. Ask whether alternative designs have been considered
5. Ask whether a model of the scheme will be available
6. Ask whether further consideration will be given to the design of the roof.

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: No objection subject to the imposition of conditions.
- ECONOMIC DEVELOPMENT: Support the application

"We fully support this application as it brings in new opportunities for employment in the Melksham area. Additionally, within the application, the creation of the access road to Bowerhill has been long awaited and will open up further economic development prospects in the district. "

PUBLICITY RESPONSES

A site notice was erected and neighbouring properties were consulted, as a result no representations were received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016 (2006)

DP4	Housing and Employment Proposals
T8	Transport Provision for New Development
T10	Freight Transport

West Wiltshire District Plan 2011 (2004)

C31a	Design
C32	Landscaping
C35	Light Pollution
C38	Nuisance
C40	Tree Planting
E1	New Employment Land Allocations
E2	Employment Policy Areas
T3	Transport provision for new developments
T4(E)	New Distributor Roads
U3	Flooding

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS23	Planning and Pollution Control
PPG25	Development and Flood Risk

RELEVANT PLANNING HISTORY

There is no planning history for the site.

Planning permission was granted at Committee for building alterations comprising new link building, demolishing of changing facilities, wheat intake building alterations, new hydraulics building and demolishing of social club at Cereal Partners factory at Staverton (Application: 06/02480/FUL, granted 26 October 2006).

KEY PLANNING ISSUES

The key planning issues are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh that policy. In particular the following issues are important in the determination of this application:

- 1) The principle of development
- 2) Economic Benefits of the proposal
- 3) The design of the proposal
- 4) The impact of the proposal on the wider highway network

PRINCIPLE OF DEVELOPMENT

There is no objection in principle to developing this site for employment purposes. The land forms part of the 34.5 hectares of land in Melksham which is allocated for employment purposes in the adopted Development Plan Policy E1. Furthermore sites surrounding the application site have been developed for employment purposes including Westinghouse Brakes, G-Plan and Gompels Healthcare to the east of Westinghouse Brakes.

Policy E1 states that proposals for employment development should "include a new link road to the A350". The provision of the majority of this road forms part of this application proposal. The remainder of the road would be secured if planning permission were granted for the redevelopment of the Christie Miller Sports Field for employment purposes. There is an extant application for outline planning permission for this (04/00797/OUT).

ECONOMIC BENEFITS

This proposal will facilitate investment in the Melksham area by an international company and is supported by the Council's Economic Development Officers. The Employment Aims of the Council set out at paragraph 3.3 of the Development Plan are to sustain a buoyant local economy and to create suitable conditions for the expansion of existing firms and the development of new business. This application proposal is consistent with this aim.

The provision of the majority of the Semington to Bowerhill Bypass will have significant benefits for all employers on the Bowerhill Industrial Estate. A condition is proposed to secure its delivery before development commences on the warehouse.

DESIGN

The site is not in a sensitive area and in this context the design be of an appropriate quality. The building is intended to meet the operational requirements of the Applicant and as a consequence it must be 20m tall.

It is accepted that the application proposal is for a tall building that will significantly alter the character of this area. The nearest building to the site is the Avon Rubber on the western side of the A350. This building is approximately 15m tall at its highest point.

The proposed building would be set back approximately 80m from the main A350. It will also be located on land which is 2m below the surface level of the A350. It is considered that these factors combined with a detailed landscaping scheme for the frontage with the A350. This will diminish its impact on the wider landscape.

The "look" of the building would to a substantial extent be determined by the nature of the facing materials. The Applicants have submitted indicative elevations which show the building as being blue. However, in response to the concerns of the Parish Council, they have confirmed that there is no preference for the colour of the building. Indeed the application drawings indicate that the blue colour is indicative. The colour of the building can be controlled by condition.

The visibility and impact of the development in the wider landscape would not only be partly dependent on the nature of the facing materials but also to what extent landscaping would screen the site. Adopted Policy E1 and the Proposals Map states that there should be a heavily planted buffer strip to the south of the site. The application proposal includes this and landscaping along the frontage with the A350. It is proposed to add conditions requiring that a landscape scheme for the site be submitted and implemented as part of the development of the site. In line with the comments from the Parish Council this should include maintenance of an oak tree on the site. While this tree is not the subject of a TPO, the applicants have confirmed that this tree will be retained as part of the application proposal.

THE IMPACT OF THE PROPOSAL ON THE WIDER HIGHWAY NETWORK

Policy T10 of the Wiltshire Structure Plan 2016 states that where carriage of freight where rail is not appropriate, encouragement will be given for heavy goods vehicle traffic to use those roads where a minimum of environmental damage will occur. This is considered to be principally the primary route network. Therefore as this site is on the main A350 the proposal is consistent with this policy.

However Members will recall that at the Meeting of the Planning Committee on 26 October 2006 concern was expressed that this proposal would result in increased heavy goods vehicles on roads off the primary road network, in particular the main road passing through Holt.

The correct method of addressing this is through a traffic order for the main road through Holt. However the issue of heavy goods vehicles travelling between the factory at Staverton and the application site has been raised with the applicants. In response, they note that at present the Staverton factory has no storage warehouse. Currently 60% of outbound finished product is sent to a warehouse in Hertfordshire. These vehicles currently travel through Holt to get to Melksham and then on to junction 17 of the M4. The remaining 40% of the goods are shipped to Deeside in the North West via junction 18 of the M4. This will continue if this application is refused. They add that this application proposal is for a national warehouse. Stock from the Staverton factory will represent only part of the total stock within the warehouse at Melksham. They also note that the movement between the factory at Staverton and Melksham will be improved with the building of the Hilperton Relief Road.

However in recognition of concerns about the impact of the proposal on the local road network, the Applicants have agreed to a condition requiring the submission of a travel plan requiring them to submit details of the proposed travel movements of lorries. There is a similar condition attached to the permission for the minor alterations to the factory at Staverton (06/02480/FUL). A key aim of the Travel Plan will be the avoidance of travel movements on roads other than the main highway network. Such a condition will assist in alleviating the concerns of the residents of Holt.

OTHER MATERIAL CONSIDERATIONS

Car parking provision is considered to be sufficient for a development of this scale. Development plan policy requires the provision of 1 space per 200 square metres. As this proposal provides 62 spaces (including 3 spaces for the disabled), the proposal is consistent with Development Plan policy.

There is also a footpath which crosses the site and this will need to be diverted. This can be achieved by the applicant applying for a diversion order following the grant of planning permission under section 257 of the Town and Country Planning Act 1990. An informative reminding the applicant of this is included in this report.

As stated in their own consultation response, the objection of Natural England (English Nature) can be overcome through the imposition of relevant conditions requiring the implementation of the mitigation set out in the Applicants Ecological Assessment, which accompanied the application.

CONCLUSION

The application proposal will have significant economic benefits on the District and Melksham in particular, not least in facilitating the completion of the majority of the Semington to Bowerhill bypass. The combination of a landscape scheme and suitable colouring for the building will diminish its impact on the wider landscape. Accordingly it is considered that this application should be supported.

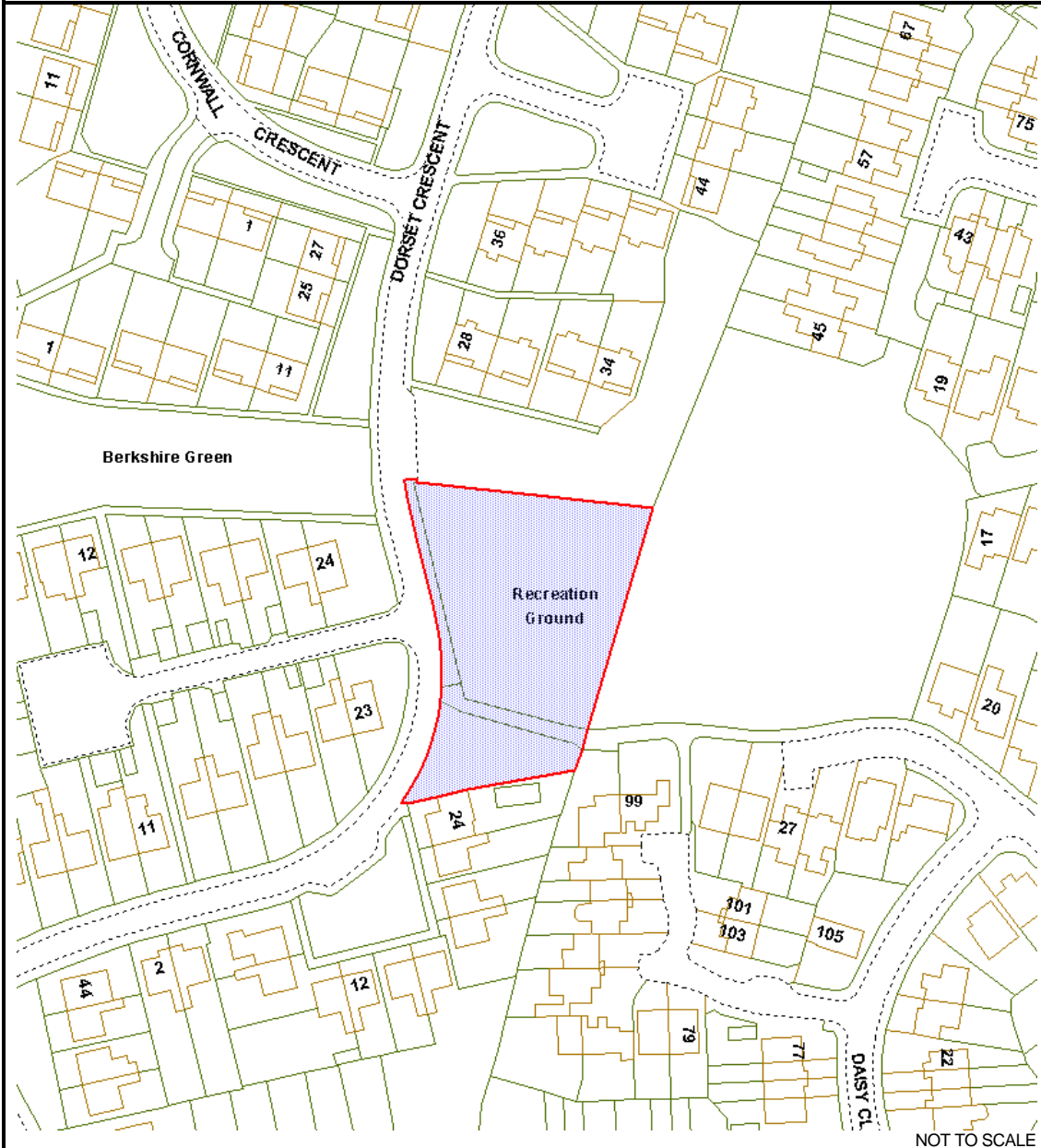
PLANNING COMMITTEE

16 November 2006

ITEM NO: 02

APPLICATION NO: 06/02784/OUT

LOCATION: Recreation Ground Berkshire Green Melksham
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 06/02784/OUT

Site Address: Recreation Ground Berkshire Green Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham Spa

Grid Reference 391202 163555

Application Type: Outline Plan

Development: Development of 4 no. houses and 4 no. bungalows with 15 no. car parking spaces

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

Agent Details: Quattro Design Architects Ltd
1 Great George Street Bristol BS1 5RR

Case Officer: Mrs Judith Dale

Date Received: 07.09.2006 Expiry Date: 02.11.2006

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

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

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

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

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

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

- 4 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.
- 5 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.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 9 The existing hedgerow located on the eastern boundary of the site shall be retained and subsequently maintained.
- REASON: To ensure that existing hedges of value are adequately protected.

- 10 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

POLICY: In the interests of road safety and amenity.

- 11 Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 12 Provision shall be made within the site for the disposal of surface water so that none drains onto the adjoining public highway; details of which drainage shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 13 Provision shall be made for dropped kerbs and tactile paving across the entrances to the parking areas, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and safety for all users of the highway.

- 14 Before the development hereby permitted is occupied, an appropriate barrier shall be constructed along the entire northern boundary of the proposed car park where it adjoins the existing public footpath, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 15 No development authorised by this permission shall take place until a contract has been agreed to the satisfaction of the Local Planning Authority which secures a scheme for the upgrade and improvement of existing recreational facilities at the adjoining Princess Gardens site.

REASON: To ensure the appropriate upgrade of the adjoining play area to compensate for the loss of the existing recreational facilities and area of Public Open Space as a result of this development.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy R2

Note(s) to Applicant:

- 1 The applicant/developer is advised to consult with Wessex Water with regard to agreement to a point of connection to Wessex infrastructure for the satisfactory disposal of foul and surface water flows generated by the proposal.
- 2 The applicant is advised that notwithstanding condition 3 above, the west elevation of the proposed bungalows fronting onto Dorset Crescent shall be set back from the proposed footpath in the interests of visual amenity at this point
- 3 You are advised that the illustrative layout plan, reference 1727-P-DC2, in regard to siting, layout and access arrangements would be likely to be an acceptable layout and could form the basis for a future application for approval of reserved matters.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee for three reasons: -

1. The applicant is the District Council as procurer of its PFI housing scheme;
2. The application has been 'called in' by Councillor Barker;
3. The recommendation is for approval contrary to that of the Melksham Town Council.

This is an outline application for the erection of 4 houses and 4 bungalows on a 0.2-hectare site. The site itself is a level grassed area of public open space incorporating a small children's play area, and the whole forms the western part of a much larger area of recreational land which extends from Dorset Crescent to Primrose Avenue. It is physically separated from this adjoining area by a substantial hedge, which forms the eastern boundary of the current application site, but is accessed by a public footpath (number 8) which crosses the site and annexes the most southerly triangle.

The proposal is in two parts: -

- The erection of 8 two-bedroomed dwellings on the larger part of the site lying north of the footpath. The illustrative plan shows two pairs of bungalows backing onto a terrace of 4 two-storey dwellings, both at right angles to Dorset Crescent. The bungalows would be served by a new vehicular access, accommodating 5 parking spaces, 4 of which are shown to be for disabled provision; the two-storey dwellings would have direct pedestrian access only onto the existing footpath, which is to be retained unaltered.
- The development of the triangle of land to the southern part of the footpath as a car park for 10 vehicles to be served by a new vehicular access directly onto Dorset Crescent.

Although detailed illustrative information has been submitted to support the proposal, the application is in outline form only, with all matters formally reserved for subsequent approval.

The application is supported by a Design Statement and an Affordable Housing PFI site Planning Brief.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: Objects to the proposal on the following grounds: -

- Narrow roads worsened by cars parking on the side of the road, causing them to be virtually impassable;
- Obstructed visibility on the blind corner of Berkshire Green, worsened by any additional parking/development vehicles;
- Loss of recreational land. In the District Plan First Alteration up to 2011. It states that the recreation land in Dorset Crescent is protected. However, it does state later that if land is available nearby for recreation use, Dorset Crescent can be used for other purposes. However, if this happens it will take away the only green space in this area. (H1);
- Overdevelopment of the site (C31a/C31d);
- Concerns regarding emergency access to estate. This is especially a concern as there is sheltered housing in the area;
- Lack of car parking provision (V3/T10);
- Sewerage problems increased by development (U1a);
- Surface water drainage problem (u2).

The Town Council felt if this application were to go ahead that health and safety issues should be considered prior to any planning decision being made. Other concerns were:

- The development is among sheltered housing, which may cause anxiety to the vulnerable tenants if it goes ahead;

- English Heritage needs to be consulted as to whether the hedge forming part of the boundary to this development is protected.

Councillors were surprised that this application had been received prior to the deadline for the consultation on affordable housing on various sites in Melksham.

Resolved: - The Town Clerk to write to the Chief Executive and Leader of West Wiltshire District Council stating the Town Council's concern that this application had been received prior to the PFI consultation deadline.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to conditions relating to the provision and retention of car parking areas, appropriate surfacing details, the satisfactory disposal of surface water, the provision for dropped kerbs and tactile paving across the entrance to the parking areas.

- ENVIRONMENT AGENCY: No comment to make.

- WESSEX WATER: No objection subject to agreement to a point of connection to Wessex infrastructure for the satisfactory disposal of foul and surface water flows generated by the proposal.

- RIGHTS OF WAY OFFICER: No objection to the footpath being adjacent to the car park providing there is a barrier preventing vehicles running over the existing path.

NB Additional comments have been made by both the Highway Authority and the Rights of Way Officer referring to the stopping-up of part of footpath 8. As part of pre-application discussions on this site, an alternative option was considered which would have involved diverting this footpath along the southern boundary of the site. This option has since been rejected and the current application involves no modification or alteration of the existing right of way.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY OFFICER: The proposal seeks to develop land used as recreation open space for eight units of affordable housings. The proposal site is located within Melksham's town policy limits and is within a residential area. The proposal site forms part of a much larger area of open space, known as Berkshire Green. The proposal forms part of the District Council's affordable housing PFI project.

The proposal site is located within Melksham's town policy limits. Consequently, the redevelopment of the site for housing is broadly acceptable in policy terms. The proposed housing density falls within the range set out under PPG3, at an approximate gross density of 33 units per hectare.

The loss of recreation open space merits further examination. The proposal site is identified within the Leisure & Recreation Needs Assessment as a low value recreation site. As such, it's continued use is being reviewed through the Leisure and Recreation Action Plan and the emerging Leisure & Recreation DPD.

The emerging policy position, under the draft Leisure & Recreation DPD, is that low value sites be assessed against criteria set out under draft Policy LP3, which considers, i) retention and enhancement, ii) retention and conversion to an appropriate alternative form of green space use, and iii) consider disposal and use money to enhance local open space facilities.

Current District Plan Policy R2 clearly seeks the retention of open space provision throughout the district, subject to the identification of alternative provision of equivalent benefit (in the immediate locality), or the enhancement (through development) of existing facilities. Clearly, as the site is of low value, the replacement of the proposal site with another low value open space is not a desirable option. However, I note that the applicant proposes a series of enhancements to the adjoining (wider) open space provision, which will improve the overall performance and value of the wider open space.

In conclusion, whilst the proposal will result in a net loss of open space, it does seek to enhance the quality of the wider open space provision at Berkshire Green. In this respect, the proposal meets existing policy and meets the emerging policy position by re-investing in existing open space provision, whilst also contributing towards affordable housing provision. In order to confirm this conclusion, the District Council's Leisure Manager be consulted on this proposal - to confirm that this approach is acceptable.

- **AFFORDABLE HOUSING MANAGER:** There is a demonstrable need to housing in Melksham and the Housing Needs Survey and Waiting List show a District wide preference to two-bedroom accommodation. With regard to the provision of affordable housing, the site falls below the policy threshold and therefore we would not seek 30%.

- **LEISURE MANAGER:** The Leisure & Recreation Needs Assessment (L&RNA) identified the play area at Dorset Crescent as being of low value and low quality and suggested it be linked to the adjacent play area (known as Princess Drive, which has been highlighted in house as being an essential site). The PFI application is in line with this, therefore it is fully supported.

A commuted sum to allow us to refurbish and extend Princess Drive play area is required.

I feel the principle of the development is sensible as long as the necessary funds are made available to extend and improve the adjacent play area, and that the remainder of the open space to the north and east remains as free open public space.

- **LANDSCAPE OFFICER:** Is in full agreement with comments put forward by the Leisure Manager. Unfortunately, the commuted sum for off-site provisions, due to the low number of housing (8 units) would mean very little could be achieved on any site.

- **PFI PROJECT MANAGER:** This application forms part of the Council's private finance initiative (PFI) scheme to provide at least 400 much needed affordable homes throughout the district. The proposal has been developed following pre-planning consultation and based on appropriate professional advice.

Public consultation has been carried out, in accordance with the Statement of Community Involvement, on all 18 areas of Council owned land that have been identified as being potentially suitable for the provision of affordable housing. This was in addition to and separate from the normal planning consultation. It was always intended that these two consultation processes would run alongside each other. Public consultation ran for 12 weeks until 15 October 2006 and included:

- * five community area drop-in sessions,
- * an interactive webpage, and
- * a display of architect's drawings in reception.

Local people's views were sought on the Council's proposals for the sites, including how to integrate new developments within existing communities and what facilities are needed locally. By the end of the consultation period, approximately 650 responses had been received, including comments forms, letters, e-mails and petitions.

A total of 23 responses were received for Dorset Crescent, including a 51 name petition. Two respondents indicated that they were in favour of the proposal for the land and 17 were against. Four of the responses, including the petition, were unclear or silent as to whether respondents support or oppose the proposal. It should be noted that:

- * public consultation responses are not based on the detail of the planning application,
- * may not be for planning reasons, and
- * there is a likelihood of double counting with planning consultation responses.

PUBLICITY RESPONSES

The current planning application has been publicised by Site Notice and local press advertisement, and neighbours have been notified. Seven letters of objection have been received on the following grounds: -

- Contrary to policy with regard to the loss of public open space facilities;
- Will set a precedent for the loss of other similar sites within the district;
- Would encourage the submission of other applications without providing the required amount of open space;
- Loss of mature trees on the site;
- New houses will off-set the privacy and quality of life currently enjoyed by elderly residents in Dorset Crescent;
- More suitable sites are available in Bowerhill;
- The site is inaccurately referred to as Berkshire Green;
- Increase in traffic;
- Loss of safe playing facilities for local children;
- Exacerbation of parking problems;
- Increase likelihood of refuse vehicles and emergency vehicles being prevented from accessing properties due to increased road use and congestion.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP7 Housing in Towns and Main Settlements
- DP8 Affordable housing

West Wiltshire District Plan - 1st Alteration 2004

- H1 Further Housing Development within towns
- H2 Affordable Housing within Towns and Villages
- H24 New Housing Design
- R2 Protection of Recreational Space
- C31a Design
- T10 Car parking

West Wiltshire Leisure and Recreational Needs Assessment
Supplementary Planning Guidance - Residential Design Guide

- PPS1 Delivering Sustainable Development
- PPG3 Housing
- PPG17 Planning for Open Space, Sport and Recreation

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The key issues raised by this application are: -

- The principle of residential development including density;
- The loss of recreational space;
- Highway and access considerations;
- Design and amenity considerations;
- Contributions.

PLANNING OFFICER COMMENTS

As referred to in the above comments from the PFI Project Manager, this application forms part of the Council's Private Finance Initiative to provide affordable homes throughout the district. This application is the first to be considered and, if approved, would contribute 8 of those dwellings in a sustainable urban location and on a site which would not normally require any contribution towards affordable housing. While this proposal would deliver 100% affordable scheme, it is important that the application is considered within precisely the same policy framework as any private housing development, and recommended only if it accords with the criteria set by those relevant policies.

Principle of Residential Development

This site is located within the town boundary limits for Melksham where the principle of residential development is acceptable subject to compliance with a number of criteria. These include the siting, layout and design considerations being satisfactory and in-keeping with the character of the area; the development not resulting in the loss of an open area important for recreation and amenity reasons; the development providing safe and convenient connection to the existing pedestrian network and the highway.

Although details are reserved for subsequent approval, the proposed siting and layout reflect the general character and pattern of adjoining development. The density of 33 dwellings per hectare is PPG3 compliant, although clearly at the lower end of the density scale. This is predominantly due to 50% of the dwelling units being bungalows to match those units which currently lie beyond the northern boundary of the site and which are required to meet a specific housing need within the area.

The two remaining criteria relating to the loss of an open space 'important for recreation or amenity reasons' and safe and convenient connection to the highway are dealt with separately in the following sections.

Loss of Recreational Space

The loss of the existing recreational space needs to be considered within three 'policy' frameworks:

1. Policy R2 of the adopted District Plan which resists the loss of play places and recreational land unless alternative provision of "equivalent community benefit" is made in the immediate locality, or it can be demonstrated that there is an excess of public open space in the area "taking account of the recreational and amenity value of such provision."

2. The Council's Leisure and Recreation Needs Assessment (July 2005) which assesses all existing recreational facilities within the district in terms of their current value - the application site has been identified as of low value and low quality.

3. The draft Leisure and Recreation Development Plan Document is an emerging policy document which assesses "low value" sites against policy criteria to determine whether such sites should be-

- (i) Retained and enhanced;
- (ii) Retained but converted to an alternative green space use;
- (iii) Disposed of, and the funds used to enhance other local open space facilities.

The proposal also needs to be considered within the context of PPG17, which generally supports the retention of high quality and well managed and maintained open space and recreational facilities, and resists their redevelopment unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. It goes on to advise that where recreational facilities have been assessed as being of poor quality or underused, Local Authorities should 'seek opportunities to improve the value of existing facilities'.

Firstly, it is important to emphasise that a formal assessment has been undertaken on this site as part of the Council's Leisure and Recreational Needs Assessment - this has clearly identified the site as being of low value and quality.

Secondly, the policy framework makes it clear that on such identified sites, there is an opportunity for land to be redeveloped providing that other facilities in the near vicinity could be further enhanced to provide a better quality, but equally convenient replacement.

In this particular case, there is a very extensive area of public open space, including a formally equipped children's play area immediately adjoining the application site. Its enclosed play area is better equipped and fenced than the play facility which would be lost as part of the proposal, which consists of a single slide and a pair of swings located on an unfenced area of tarmac. An appropriate commuted sum (see section on Contributions) would provide for further enhancement and expansion of these adjacent facilities in Princess Drive, which would be both equally convenient to local residents and of a much improved standard.

With regard to the loss of the informal grassed area, there is already a considerable area of open grassed land immediately adjoining the application site to provide an adequate and acceptable replacement facility.

On balance, therefore, it is considered that the loss of this area of Public Open Space would not be contrary to either adopted policy R2 or the emerging recreation and leisure strategy for the district. Members will note that the proposal is fully supported by the Council's Leisure Manager as part of this overall strategy which would enable the retention and upgrade of an existing 'essential' site with minimum community disbenefit.

Highways and Access Considerations

Despite concerns raised by local residents over increased congestion levels and inadequate parking, the Highway Authority has no objection to the proposal on either matter.

The development provides for a total of 15 spaces to serve 8 dwellings, a ratio of almost 2 spaces per dwelling with a third of these being available for disabled parking. This overall level of provision is fully in line with PPG3 and with PPG13 guidelines and quite adequate in the context of the surrounding residential area.

In terms of the relationship of the proposed car park with the public footpath which forms its northern boundary, it is clear it will require to be an adequate barrier for pedestrians for safety reasons - this can appropriately be covered by condition to ensure a structure which meets functional and visual requirements.

As referred to previously, it is not anticipated that the development will require any modification or alterations to the existing public right of way across the site which will be retained to provide pedestrian access to the existing open space beyond.

Design and Amenity Considerations

Since this application is in outline form only, full design details can only be determined at the reserved matters stage. However on the basis of the illustrative layout, the scheme would appear to meet those general principles and guidelines laid down in Council Policies H24 and C31a and its Residential Design Guide:

- Although the mix is limited with all dwellings proposed as two-bedroomed units, this is in direct response to the particular need identified in Melksham; however this is "offset" by a combination of single-storey and two-storey dwellings to contribute to visual variety.
- Because the site has a public frontage on two sides, it is impossible for the development to front directly onto both. However, the suggested layout of parallel lines of development fronting separately onto an adjoining public open space and a public footpath would address 'Secured by Design' principles, while visual interest can be added to the road elevations as part of the detailed design.
- The existing development immediately north of the site is single-storey, while that to the south is two-storey; the proposed layout links these two styles in a logical way with a mixture of both to reflect this surrounding character.
- Indicative proposed distances between the backs of the new development range from 12 m to 18 m. While 12m is at the lower end of acceptability, the precise relationship between properties and their ultimate design can be reviewed as part of the reserved matters process to ensure adequate standards of amenity and privacy for future residents.

In terms of amenity, and the direct impact of the development on existing properties, because the proposed housing area will be surrounded on all four sides by "open space" of some type, there will be no direct loss of privacy, overlooking or other specific concern with regard to individual amenity.

There will, inevitably, be a more general loss of amenity and loss of views as a result of the development of an existing green space but this, in itself, is not a reason for resisting the development. In this particular case, where there will still remain a considerable amount of green space in the general vicinity, it would be difficult to justify the real visual harm of a loss of part, which has already been independently assessed as being of "low quality".

Contributions

1. Public Open Space

Although a development of only eight dwellings would not normally generate a financial contribution towards open space at all (the threshold is ten), the calculated amount for a scheme on this scale would be approx £5,500. As indicated by the Landscape Officer in his comments, this amount would be sufficient to make only limited improvement to existing facilities.

Subsequent advice from the Council's Leisure Manager confirms that '£25K would ensure we could undertake some worthwhile improvements to Princess Gardens, therefore providing one high quality facility in place of two fairly low quality ones'. This has been referred to the PFI Project Manager for his comments - he agrees to this level of committed sum and it is suggested that an appropriate planning condition is attached to run with the development of the land.

2. Affordable Housing

Although a development of this scale within the built-up area would not normally require a contribution for affordable housing, this development, by its nature, would provide a 100% contribution.

CONCLUSION

It is clear from the above assessment that the general principle of the development of 8 affordable dwellings on a sustainable site within the built-up area of Melksham would be a desirable, efficient and appropriate use of land in accordance with the Council's adopted framework. What is perhaps not so clear at first sight is the appropriateness of such a development on an area of public open space which to local residents, still serves an important amenity function and should be retained.

However, both Government and Council policies recognise that in achieving a proper balance between the built-up areas and important green spaces, it is the quality of those spaces which is just as important as the quantity. Where the quality is found to be poor, the reuse of that particular land to achieve other community benefits can be an efficient and equally appropriate use of that resource.

In this particular case, where an independent assessment confirms the site as being underused and of low value, its redevelopment for another form of community benefit, in this case affordable housing, together with the opportunity to upgrade an existing recreational facility on land immediately adjoining, would suggest such an efficient and appropriate use of that resource.

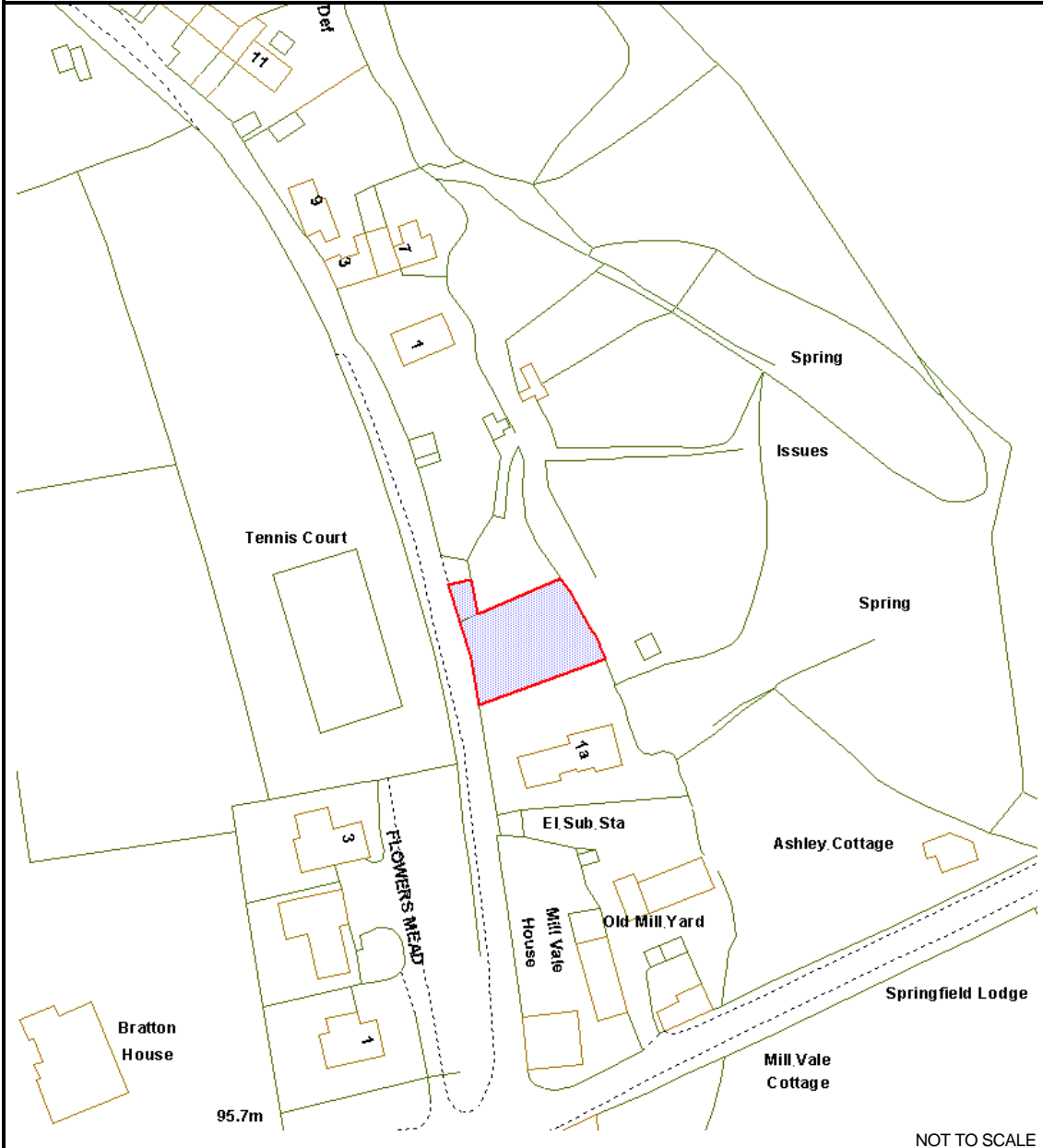
PLANNING COMMITTEE

16 November 2006

ITEM NO: 03

APPLICATION NO: 06/01395/FUL

LOCATION: Land Between 1A Millhouse And 1 Lower Road
Bratton Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 06/01395/FUL

Site Address: Land Between 1A Millhouse And 1 Lower Road Bratton Wiltshire

Parish: Bratton Ward: Ethandune

Grid Reference 391714 152595

Application Type: Full Plan

Development: Two storey detached dwelling using a shared access

Applicant Details: Miss L Broom
1A Millhouse And 1 Lower Road Bratton Wiltshire

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

Case Officer: Miss Nicola Rogers

Date Received: 02.05.2006 Expiry Date: 27.06.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior agreement of a Legal agreement to ensure the provision of a commuted sum towards affordable housing in the district in accordance with the Supplementary Planning Guidance - Affordable Housing.

Condition(s):

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

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

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

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

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, with particular regard to the trees on the eastern boundary of the site.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway or the adjacent property.
- REASON: In the interests of highway safety.
- 7 Details of the alterations to the access to the site shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance before the dwelling is occupied. The access area shall be properly consolidated and surfaced (not loose stone or gravel).
- REASON: In the interests of highway safety.
- 8 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow the archaeologist to observe the excavations and record items of interest and finds.
- REASON: To protect the archaeological heritage of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C16.

- 9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.
- 10 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.
- 11 Sufficient space for two parking spaces together with a vehicular access thereto shall be provided for the proposed dwelling, before it is occupied, in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or the provision of access.
- REASON: In the interests of highway safety
- 12 Development shall not take place until the area between the nearside carriageway edge and lines drawn between a point 2 metres back from the carriageway edge along the centre line of the access and points on the carriageway edge 45 metres from this point shall be cleared of obstruction to visibility at and above a height of 900mm and thereafter maintained free of obstruction at all times. Please note, the hedging and posts must be reduced in height as indicated on the submitted plan and maintained thereafter.
- REASON: In the interests of highway safety.
- 13 No development shall take place until further plans of the levels and details of earthworks have been submitted to and approved in writing by the Local Planning Authority. The details shall show the relationship of proposed dwelling to the existing surrounding landform. Development shall be carried out in accordance with the approved details.
- REASON: because the submitted plans are inadequate in this respect
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31a

Note(s) to Applicant:

- 1 The applicant is advised that they are required to protect the integrity of Wessex Water systems. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. With respect to water supply, there are water mains in the vicinity of the proposal, connection can be agreed at a later date.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of one four bed detached house. The land on which this property is proposed is below the level of Lower road and slopes down away from the road. Access is proposed to be gained via the existing access to 1 and 1a Lower Road.

The site encompasses part of the domestic garden of 1a Lower Road and is mostly laid to lawn with a few trees.

As part of this submission a flood risk assessment and a protected species survey were included.

INTERNAL WWDC CONSULTATIONS

- HOUSING SERVICES: Contribution required for affordable housing.

CONSULTATION REPLIES

- BRATTON PARISH COUNCIL: Expresses concern about access to and from the highway to this property. Because of restricted vehicular access and parking to both the existing and proposed, this new dwelling will cause more parking on the highway. With inadequate turning space within the site it will mean that all vehicles will have to reverse back onto the highway causing danger to both themselves and other users of Lower Road.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: I have no objection subject to conditions, particularly the visibility, I expect 2 x 45 metre visibility splays and the hedge and post to be reduced appropriately as indicated.

- WESSEX WATER: No objections

- ENVIRONMENT AGENCY: No objections following the submission of a flood Risk Assessment

- NATURAL ENGLAND (ENGLISH NATURE): No objections. A reptile survey should be undertaken to identify whether reptiles are present. if reptiles are found, then mitigation proposals should be given in detail.

PUBLICITY RESPONSES

One letter received in respect of the ownership of the access. This has been resolved and the correct notice served on the owner of the access.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C3	Special Landscape Area
C15	Area of high archaeological importance
C17	Conservation Areas
C18	New development in conservation areas
C31a	Design
C38	Nuisance
H17	Village policy limits
U3	Flood risk area

RELEVANT PLANNING HISTORY

04/02456/FUL - Two and a half storey detached dwelling house with integral garage (withdrawn 26/1/05)

KEY PLANNING ISSUES

The main issues in this case are the design of the proposed property and its effect on the conservation area, the amenity of the neighbours, the provision of access and the effect on the natural environment.

PLANNING OFFICER COMMENTS

The site is located within the Bratton Village Policy Limit as identified by Policy H17 of the District Plan, where the principle of residential development is acceptable, both in terms of Development Plan policies and Government guidance. However careful attention must be paid to the siting, layout, design, form and relationship of the proposed dwellings with neighbouring properties.

The site is also within the Bratton Conservation Area, which encompasses most of the village. The design of the property must therefore preserve or enhance the character and appearance of the conservation area.

The existing property 1a Lower Road was permitted in 1981 and is a typically modern property in red brick and incorporating dormer windows on most roof slopes. This property is set at a lower level than the road and the historic property Mill Vale House to the south. The site in this case is located to the north of this existing property, also at a lower level than the road on sloping land at the far eastern edge of the village. The eastern edge of the site is heavily wooded with native species and this contributes strongly to the appearance of the area and marks the edge of the built up area of the village. The trees in the centre of the site are large non-native species.

The design of the proposed dwelling in this case borrows from the existing property, using familiar elements such as gabled dormer windows and gable ends. Due to the levels of the site, as shown approximately on the elevations, the property would be viewed from above and from a distance when viewed from a public place. The location of the existing fence and brick piers marking the sloping drive also contribute to the screening of this property, these are to remain on the eastern side of the drive.

Whilst the design of the property reflects a more modern dwelling in the area, the design of the property would preserve the character and appearance of the conservation area.

The design of the property is modern but not intrusive in the conservation area. The site is currently a domestic garden, but the area to the immediate north is less cultivated and contributes to the rural appearance of this part of the village. This area to the north of the site is an important visual gap in the conservation area and should be retained. The same cannot be said for the application site as it is already bounded by a wooden fence separating it from the wilder area. A dwelling in this location would not be contrary to policy H17 or C17 in respect of the loss of an open space.

This site is located between two existing properties, 1a Lower Road, approximately 11 metres to the south of the site, and 1 Lower Road, some 53 metres to the north. Habitable room windows in the south elevation of the proposed property would be approximately 21 metres from the windows in the north elevation of 1a Lower Road, this is in accordance with the Council's Supplementary Planning Guidance - House alterations and extensions. This proposal would not be detrimental to the amenity of the existing residents in the area.

Originally the Highway Authority were concerned that the required visibility splays and suitable levels could not be achieved on this site. However, works have been suggested to create the required visibility splays, although this crosses land not in the applicant's ownership, therefore a suitably worded condition is suggested to overcome this. The concern over the levels centres on the drainage of surface water, this can also be conditioned with further plans showing suitable drainage.

This site is located on the edge of a Special Landscape Area and is an area of known wildlife activity. A protected species survey was submitted with the proposal, along with a flood risk assessment. Both Natural England and the Environment Agency have no objections to this proposal.

CONCLUSION

On balance the proposal is acceptable in terms of design, the effect of the property on the natural environment and the provision of access to the site.

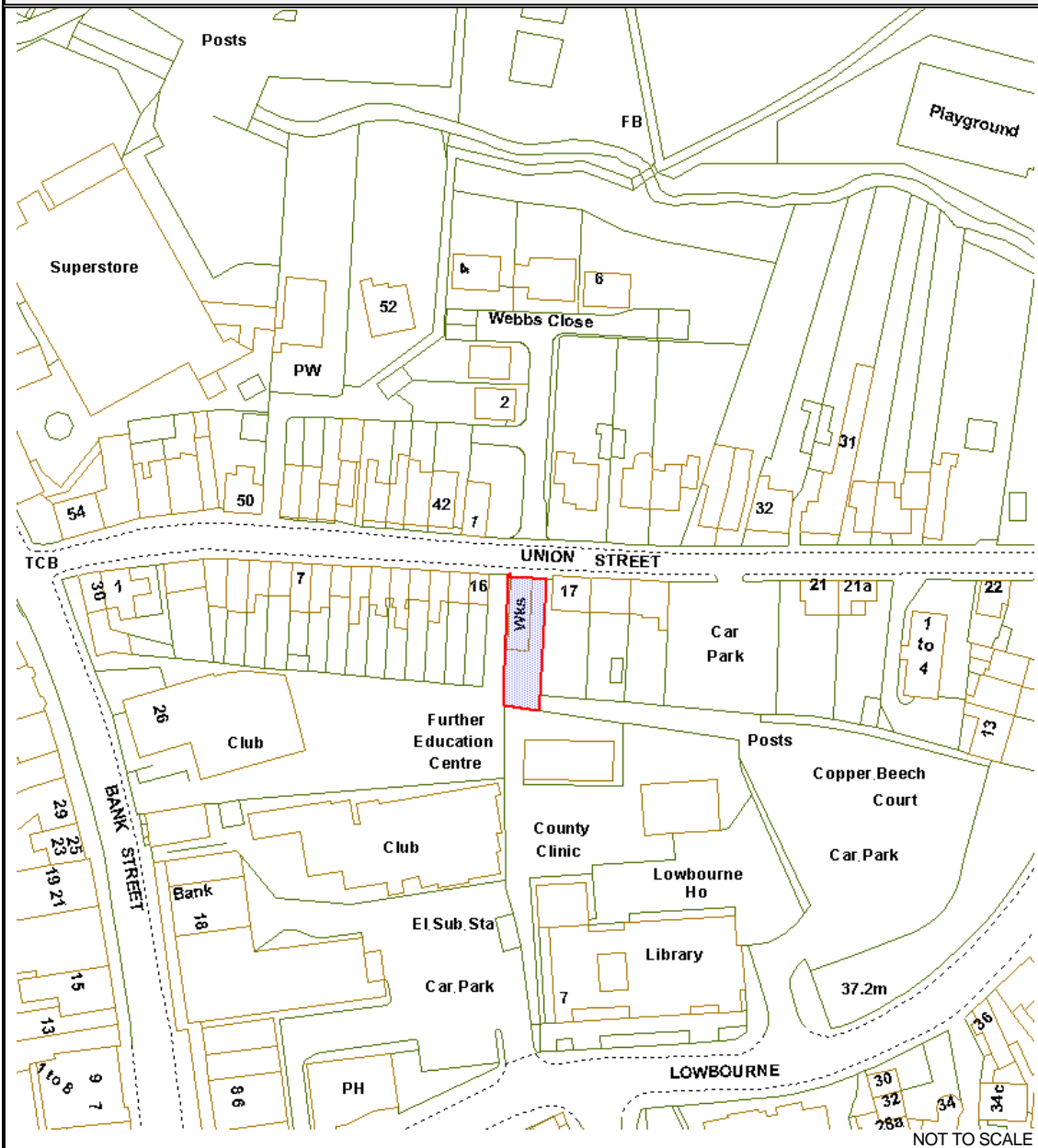
PLANNING COMMITTEE

16 November 2006

ITEM NO: 04

APPLICATION NO: 06/01795/FUL

LOCATION: 16A Union Street Melksham Wiltshire SN12 7PR



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 06/01795/FUL

Site Address: 16A Union Street Melksham Wiltshire SN12 7PR

Parish: Melksham (Town) Ward: Melksham North

Grid Reference 390567 163973

Application Type: Full Plan

Development: A derelict coach house with commercial use being converted into 3 small dwellings

Applicant Details: S J Orchard
17 Kenilworth Gardens Melksham Wiltshire SN12 6AE

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 09.06.2006 Expiry Date: 04.08.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 Details of the elevations of all new or replacement external windows, rooflights and doors 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 appearance of the Conservation Area.

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

- 4 Details of the design of all railings, fences and gates shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17.

Note(s) to Applicant:

- 1 The applicant is advised to satisfy himself regarding any agreement that may be necessary with affected property owners in respect of the right of way to the east of the building have been entered into prior to the commencement of any works.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for full planning permission for the conversion of a derelict coach house with a previous light industrial (B1) use into 3 small dwellings. The proposal is a revision to the original plan that provided for an extension to the building to provide a fourth new dwelling on the rear.

The revised plans and additional information on employment land issues were submitted following discussion with the applicant. The proposed dwellings would be modest one-bedroom units. The interiors would be configured such that a bedroom, hall and bathroom would be located at ground floor level, with an open plan kitchen/lounge in the roof space above. First floor windows initially proposed are replaced in the revised plans by high-level rooflights. The eaves would be raised by 275mm, or one block course, in order to accommodate the upstairs rooms.

The building was previously owned by the WWDC who let the premises. The applicant states that this use of the site ceased approximately 10 years ago.

The application site is located to the south of Union Street close to the centre of Melksham, with Bank Street being some 100m distant. It is located within the conservation area. The building is of utilitarian but interesting appearance. Materials are ashlar under slate.

CONSULTATION

MELKSHAM TOWN COUNCIL

Objection on the grounds of:

- "- Concern regarding the very small size of the properties;
- Lack of amenity for residents;
- Concerns regarding emergency access;
- Lack of car parking;
- Out of keeping with general street scene."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection.

"No car parking is provided on site so this development would be car-free. No highway problems are seen as a result of this as the site is located close to the town centre and the adjacent highway has parking restrictions on it. No highway objection is raised."

WESSEX WATER

No objection.

INTERNAL WWDC CONSULTATIONS

LOCAL PLAN SECTION

Primary concern would be the loss of employment floorspace. Further information required as to whether or not the loss of employment space would have an adverse impact on the supply and mix of employment land provision.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 3 responses were received, two of these coming from one neighbour. Issues raised include:

- the application shows that the right of way to the east of the property belongs to the applicant. This actually belongs to the Council. The current owner of the Further Education Centre to the south of the site has a vehicular and pedestrian right of way over this;
- the gates proposed to the northern end of the right of way would require permission from the current owner of the Further Education Centre;
- The application shows that the passage would be resurfaced with cobbles. Again permission would need to be sought;
- There is a potential hazard with accesses for the dwellings being immediately adjacent to the right of way;
- loss of privacy to No. 17 Union Street;
- parking problems;
- Possible loss of access to the rear of No 16.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP7 - Housing in Towns and Main Settlements

West Wiltshire District Plan 1st Alteration, 2004

C17 - Character and appearance of conservation areas

C20 - Change of use in Conservation Areas

C38 - Effects of development on neighbouring properties

C31a - Design

E5 - Loss of employment floorspace

H1 - Housing development in towns

T10 - Parking

PPG 3 - Housing

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issues in this case are the principle of the development of three residential units on this previous employment site within the Conservation Area, and highway considerations.

PLANNING OFFICER'S COMMENTS

The building is within the town policy limits of Melksham and as such new development would be subject to the criteria in policy H1 of the West Wiltshire District Plan, 1st Alteration including the local setting and neighbour amenity. Due consideration is also required in relation to conservation area policies and the loss of employment land.

- Policy H1 considerations

The proposed dwellings would be single bedroom units and would be of very modest proportions, providing "entry-level" accommodation in close proximity to central Melksham. Residential terraces lie to the east and west of the site in Union Street. Residential development densities in the area are variable, and there is a variety of land use in the wider vicinity, typical of the locality near to town. Shopping facilities are within easy walking distance, as are the main public transport routes.

The revised proposals remove the upstairs windows in the initial drawings, replacing them with velux windows. Three of these velux windows would serve the open plan kitchen/lounge area to the one unit centrally located in the block, whilst the units to either end would have circular windows to the gable ends in addition to rooflights. The gable-end windows would not impact on neighbouring amenity. A section drawing shows that the velux windows would be installed above eye level at $\pm 2\text{m}$. This would eliminate the potential for overlooking on neighbouring properties.

There is an existing cobbled lane to the east of the site. This is not a public right of way, and appears to not have been in use for some time. A neighbour has stated that he has private rights to this access, and that it will be necessary for the applicant to obtain permission for the proposed relaying of cobbles and the erection of any gate. It is also pointed out that there is a potential hazard should vehicles use this access. It is however clear from the overgrown state that the way has not been in use for an extended period. The cobbled area would provide a degree of open area immediately fronting the dwellings, and a common private space of 40m^2 would be provided at the southern end of the building.

The development would bring the building back into functional use. Although not listed the building does have a traditional utilitarian appearance that contributes towards the conservation area street scene. The repair and refurbishment of the building, whilst retaining its traditional form, would represent an improvement to the existing dilapidated appearance of the structure. The site would also be improved from its generally overgrown state, and the proposed re-cobbling of the pathway to the east would contribute positively to the overall setting.

- Conservation area

Policy C20 of the West Wiltshire District Plan (change of use in Conservation Areas) permits such changes provided that any alterations in the appearance or setting of the building involved would not be detrimental to the special character or appearance of the area. In this case, the essential form of the building would be retained. Whilst the height would be increased by 275mm (one stone block course) the roof pitch would be retained.

- Highway issues

The highway authority is satisfied that the scheme should be car-free. Public parking is available in the near proximity for visitors, who would be restricted from parking on Union Street by the double yellow lines.

- Employment Land

The applicant has submitted a letter from the agents who dealt with the sale of the property by the WWDC. The agents confirm the original advice to the WWDC at the time of sale still applies, i.e. that the required refurbishment and rebuilding of the property to bring it back to employment use could not be justified on the basis of rental that would have to be charged to cover the costs. Parking restrictions and limited opportunities for loading/unloading exacerbate the situation. On balance it is considered that the benefit of bringing the building back into functional use and its refurbishment outweigh considerations of the limited and indeterminate possibility of re-instating an employment use, especially where this would have its own negative consequences in terms of issues such as deliveries and other increased non-residential activity between the neighbouring dwellings.

CONCLUSION

Whilst acknowledging that the proposed dwellings would be of a small size, the development would provide three entry-level starter homes in close proximity to the Melksham town centre. This would accord with government guidelines in the form of PPG 3, which encourages a mix of available accommodation types in these localities. The development would result in the recovery of the building and its surrounds in a form that would preserve the appearance of the conservation area. On balance these gains would outweigh considerations of the loss of employment land, especially given the restricted nature of Union Street and the potential harm to neighbouring amenity that would arise with the re-commencement of a B1 use.

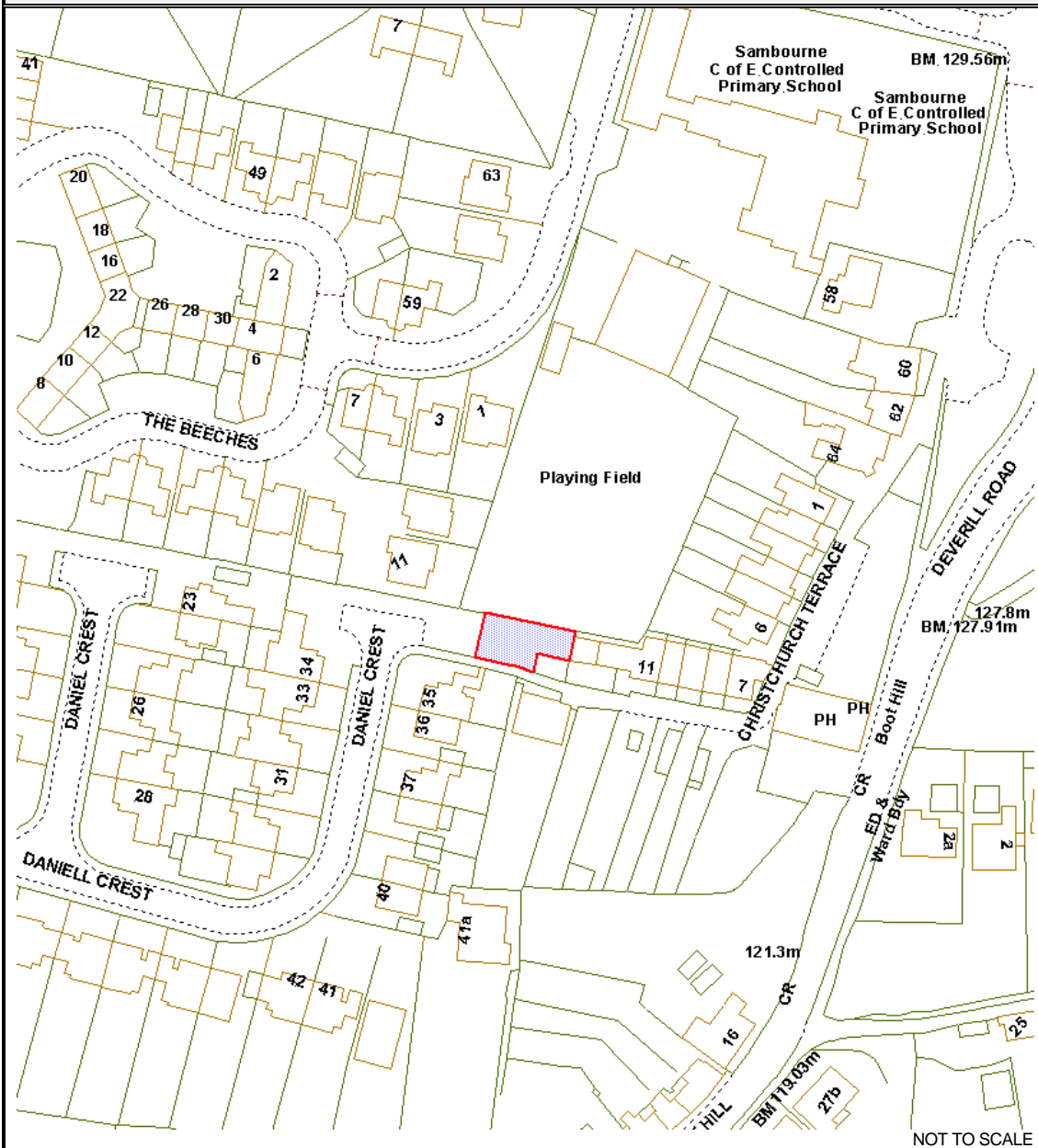
PLANNING COMMITTEE

16 November 2006

ITEM NO: 05

APPLICATION NO: 06/02810/FUL

LOCATION: Land Adjacent 35 Daniell Crest Warminster Wiltshire



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SLA: 100022961

05 Application: 06/02810/FUL

Site Address: Land Adjacent 35 Daniell Crest Warminster Wiltshire

Parish: Warminster Ward: Warminster West

Grid Reference 386928 144524

Application Type: Full Plan

Development: Three bedroom detached house with integral garage

Applicant Details: Mr And Mrs Brumby
Bell Cottage 68 Deverill Road Warminster BA12 9QS

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 13.09.2006 Expiry Date: 08.11.2006

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 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

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

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

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

REASON: In the interests of highway safety.

- 5 The boundary treatment to the eastern boundary of the property shall make provision for measures to prevent vehicular access from Christchurch Street and/or the encroachment onto the parking area of no. 12 Christchurch Street.

REASON: In the interests of highway safety.

- 6 The upstairs bathroom windows in the eastern 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.

- 7 No works in relation to the development hereby permitted shall commence until improvements to the turning head and pedestrian access to the school have been carried out in accordance with drawings which shall be approved in writing by the Local Planning Authority in consultation with the Highway Authority

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to water and sewerage infrastructure.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because the Town Council objects and officers recommend permission.

This is a full planning application for a two storey, 3 bedroom dwelling with integral parking adjacent to 35 Daniell Crest, Warminster. The property is located on the eastern side of the turning head at the northern end of Daniell Crest, and to the south of the school playing fields. A public footpath to the south of the property provides a link between Daniell Crest and Christchurch Terrace to the east. An access gate to the school grounds is situated to the west of the site.

The site has an extensive history that includes permissions for residential development granted in the 1990's. The plan for the dwelling is virtually the same as that which was submitted under application ref. 04/00678/FUL, which was refused and was dismissed on appeal. However, additional information has been submitted in order to address the reasons for dismissal as identified by the Inspector.

WARMINSTER TOWN COUNCIL

The Town Council objects to the proposal. Refusal is recommended on the grounds that:-

1. The development would represent a hazard for children going to and from school.
2. Inadequate parking facilities will cause disruption to the neighbouring road.
3. Overdevelopment of the site.
4. The highway is not suitable for increased vehicle numbers.

CONSULTATION

HIGHWAY AUTHORITY

The Highway Authority raises no objections to the proposal. The Authority suggests conditions relating to parking and the disposal of surface water on the site.

In the light of the Inspector's reasons for dismissing the appeal, the applicants have negotiated with the highway authority to improve the turning head, and the authority recommends that no works shall commence on the development before these improvements have been carried out.

WESSEX WATER

Wessex Water makes recommendations with regard to the need for agreement to be reached (this can be done at detailed design stage) on sewer connections and water supply. The disposal of surface water must also be addressed by way of condition.

PUBLICITY

Neighbours were notified of the proposal. 7 letters of response were received.

Objections raised are:

- Same as previously refused application that was dismissed on appeal;
- The development of the site would be an unacceptable and un-neighbourly form of development, detrimental to the living conditions of the occupants of nearby dwellings, contrary to Policies C38 and H1;
- Out of keeping with neighbouring development;
- Cramped form of development;
- Providing a street lamp 14m from an existing one is ludicrous. A lamp placed to illuminate the pathway would be a better option;
- Increased traffic flow in Daniell Crest, as well as impact on parking;
- The loss of a formerly grassed open area. This area was vandalised by a former resident in the area to form a parking lot for illicit vehicle activities.
- No means of access over adjacent land shown;
- The public footpath is not shown as such on the plans;
- Pedestrian safety would be affected;
- Vehicles could drive between Christchurch Terrace and Daniell Crest;
- The rear garden is inadequate for a potential 4 person dwelling;
- The owner of no. 12 Christchurch Terrace points out that the area to the south east of the property is in fact a parking area on his property, and is not shown as such on the plan.

RELEVANT PLANNING HISTORY

86/00620/OUT : Dwelling : Refused
88/02055/OUT : Dwelling : Refused
89/00541/FUL : Dwelling : Permission
93/00625/FUL : Substitution of house type : Permission
96/01455/FUL : Three bedroomed house : Permission
98/01316/FUL : Revised house type with inclusion of two storey side extension : Permission
03/02146/FUL : Proposed 2 storey dwelling : Withdrawn
04/00678/FUL : Three bedroom dwelling : Refused and dismissed on appeal.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C38 - Effects of development on neighbouring properties

C31a - Design

H1 - Housing development in towns

H24 - New housing design

T10 - Parking

PPG 1 - General Policies and Principles

PPG 3 - Housing

KEY PLANNING ISSUES

The only issue in this case is whether or not the reason for dismissal of the appeal by the Planning Inspectorate has been addressed.

PLANNING OFFICER'S COMMENTS

Council's reasons for refusal of application reference 04/00678/FUL were:

"1. The proposed dwelling would, by reason of its size and siting, represent an unacceptable and un-neighbourly form of development, detrimental to the living conditions of the occupants of nearby dwellings, particularly by virtue of its overbearing visual impact, overlooking and loss of privacy, contrary to Policies C38 and H1 of the West Wiltshire District Plan - 1st Alteration 2004.

2. The proposed dwelling would prejudice the School Travel Plan for Sambourne Church of England Primary School."

In considering these reasons the Planning Inspector dealing with the appeal came to the conclusions that:

- Policy H1 of the West Wiltshire District Plan 1st Alteration (2004) had not introduced any changes that would justify reversing the previously granted permissions on the site, particularly in the light of government guidance under PPG3 that encourages the efficient use of land. The application site is considered to have little value as an open space or amenity area;
- The proposal was not contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) in that there would not be a sufficient loss of neighbouring privacy or material overlooking so as to justify refusal; and
- Whilst she did not consider the proposal to be contrary to Policy H1, the lack of information concerning the access arrangements to the site and school led the Inspector to conclude that permission could not be granted.

The Inspector's comments indicate that the planning history of the site seen together with PPG3 guidance outweigh the first reason for refusal of 04/00678/FUL. Further, provided that the issue of sufficient information in respect of access to the site and safe pedestrian access to the school were to be submitted, the application could be granted permission. Therefore, whilst noting the comments of the Town Council and neighbouring objections, this would be the only issue that the applicant would need to address.

The applicant subsequently entered into discussions with the highway authority and "Travelwise" based at the Wiltshire County Council. A plan showing a new pedestrian link to the school gate was prepared by the Council showing what would be required in order to achieve the improvements to the access. The plan includes new drop kerbs, tactile paving elements and new lighting. The highway authority's comments on the application confirm that there is no objection on highway grounds, subject to conditions and the completion of the works to the highway. These works could be achieved by way of an agreement under Section 278 of the Highways Act, with a "Grampian"- type condition applied to any permission.

CONCLUSION

It is considered that the issue of providing safe pedestrian access to the school would be addressed by completion of the highway works in accordance with the plan drawn up by the County Council. The Inspector's decision indicates that refusal on the other grounds in reason 1 of Application 04/00678/FUL would not be justified. Provided that appropriate conditions are applied, the application should be granted permission.

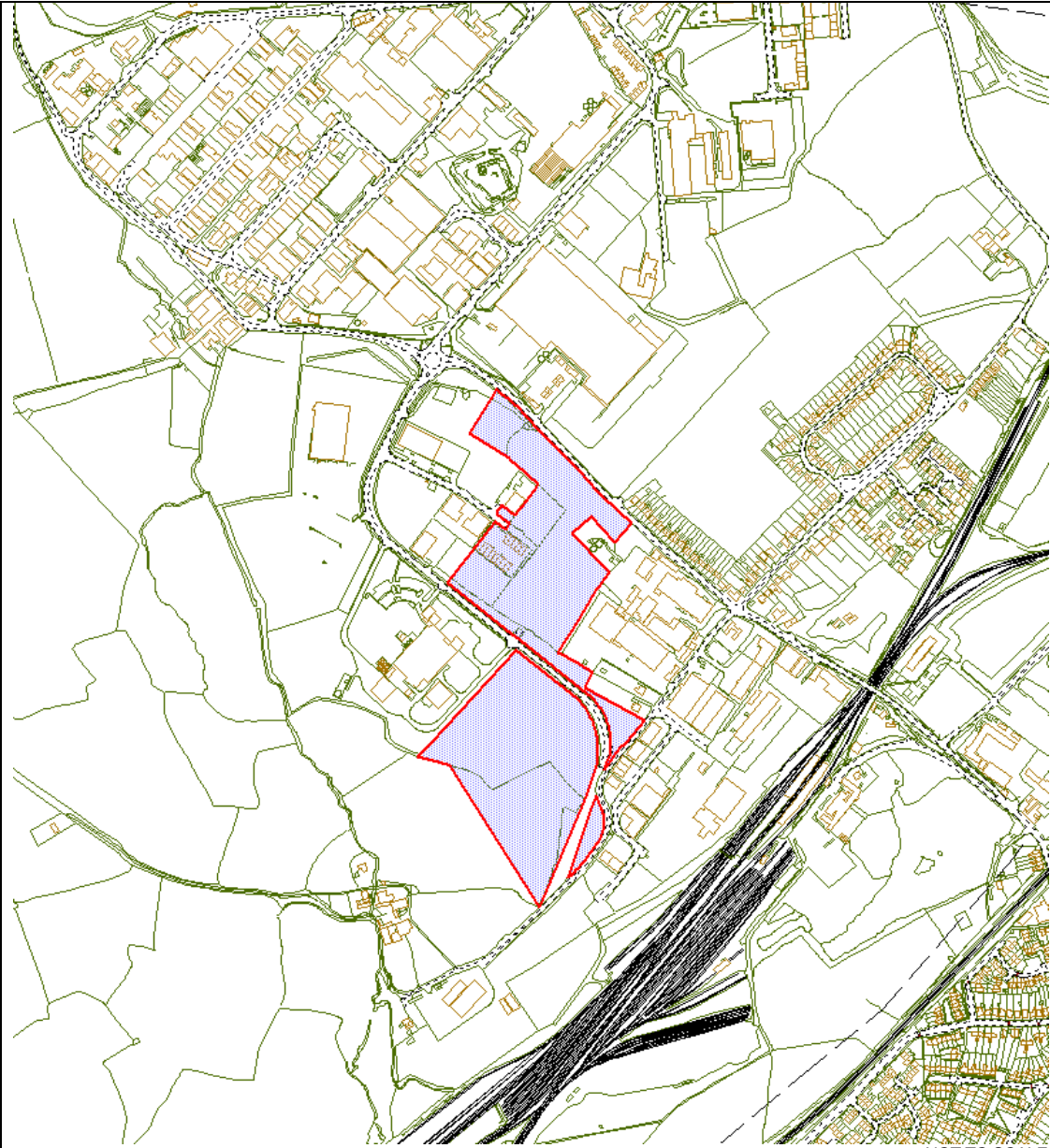
PLANNING COMMITTEE

16 November 2006

ITEM NO: 06

APPLICATION NO: 06/02532/FUL

LOCATION: Land South Of Storridge Road Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 06/02532/FUL

Site Address: Land South Of Storridge Road Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham

Grid Reference 385689 152374

Application Type: Full Plan

Development: Section 73 application for variation of time limit in relation to approved application 04/01476/FUL

Applicant Details: Prospect Land Limited
Pullman House Old Station Yard Edington Westbury Wiltshire

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

Case Officer: Miss Julia Evans

Date Received: 16.08.2006

Expiry Date: 11.10.2006

REASON(S) FOR PERMISSION:

The proposed development confirms with the Development Plan and there have not been any material changes in planning circumstances since the proposal was renewed in 2001.

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of flood prevention.

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

- 7 The details submitted pursuant to Condition 01 shall provide for:
- a. A separate surface water drainage system;
 - b. The level of all new development to be above the 1 in 100 year flood level;
 - c. Floor levels of all buildings to be a minimum of 600mm above the 1 in 100 year flood level;
 - d. The temporary flood retention facility for Phase 1 to have a capacity of 600 cubic metres; and
 - e. Existing drainage channels and ditches to be enhanced.

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

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

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

REASON: In the interests of flood prevention.

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

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

Note(s) to Applicant:

- 1 Your attention is drawn to the following agreements under Section 106 of the Town and Country Planning Act 1990, which relate to the application site. The Agreement dated 7 October 1998 between Henry James Corp and Mabel Louise Corp and Prospect Land Limited and West Wiltshire District Council; and the Agreement dated 16 December 1998 between Prospect Land Limited, Wiltshire County Council and Henry James Corp and Mabel Louise Corp.

COMMITTEE REPORT**APPLICATION DETAILS**

This application is brought before planning Committee because of the objection from Heywood Parish Council.

This is a Section 73 application for the variation of Conditions 01 and 03 of the renewed outline consent 04/01476/S73, for industrial development at land southwest of Storridge Road, Westbury. This 2004 application in itself renewed an earlier outline renewal, 01/01264/FUL, which in turn renewed the original outline consent 97/00903/OUT. This was subject to conditions and two Legal Agreements: one with the County Council to secure highways works, and the other for the future maintenance of all landscaping and open space areas.

Condition 01 of 04/01476/FUL states: "The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of three years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Reason - In accordance with Section 92 of the Town & Country Planning Act (1990).

Condition 03 of 04/01476/FUL states: "Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission. Reason - In accordance with Section 92 of the Town & Country Planning Act (1990)."

The applicant states: - "The related planning history commences with the submission by Prospect Land Limited in 2001 of Application 01/01264/FUL. With consent this combined three previous permissions which established the development of Northacre Business Park, applications 97/00903, 99/01499 and 00/100792. The 2001 'renewal of outline' application (01/012,64/FUL) was itself the subject of renewal in 2004 with the approval of application 04/01476/FUL, this application sought permission for a "Section 73 application to vary Conditions 1 and 3 of planning permission 01/01264/FUL", Conditions 1 and 3 relating to the imposition of a statutory time limit on development and associated reserved matters. This application was approved in December 2004.

"The subject of this application is to vary identical Conditions 1 and 3 of Application 04/01476/FUL, again, these relate to the imposition of a statutory time limit of three years on the commencement of development and the submission of any reserved matters.

"Although the latest Planning and Compulsory Purchase Act 2004 removes the ability of an applicant to extend the life of an outline planning permission by means of a Section 73 application to vary a condition, this only applies to consents issued after the implementation date; existing permissions granted before that date are able to take advantage of the old system until the 24th August this year."

The site lies within the E1 and E2 employment areas, and over an Area of High Archaeological Interest or Potential.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL:

Have "No objections."

- HEYWOOD PARISH COUNCIL:

State: - "OBJECTION. The business generated will result in a material increase in traffic movements and these movements will aggravate the existing difficulties caused by inappropriate use of the Storridge Road and The Ham by traffic from Northacre Park, the West Wilts Trading Estate and Brook Lane. To minimise the impact of this traffic on residential amenity in the Heywood Storridge Ward, approval of the application should be conditional on the prior completion and opening to traffic of the Northacre Park Link Road into Brook Lane and the revised/improved signage at the roundabout with Storridge Road and Quartermaster Road.

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

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY:

Have not responded.

- ENVIRONMENT AGENCY:

State: - "The Environment Agency's interests will not be adversely affected by this proposal."

- WESSEX WATER:

Have not responded.

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

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

West Wiltshire District Plan - 1st Alteration 2004

C14	Archaeological Field Evaluation
C15	Archaeological Assessment
C16	Archaeological Investigation and recording
C31a	Design
C32	Landscaping
C35	Light pollution
C36	Noise

C38	Nuisance
C40	Tree Planting
E1	New employment land allocations
E2	Employment policy areas
T8a	Rail freight facility
T10	Car parking
T11	Cycleways
U1A	Foul water disposal
U2	Surface water disposal
U3	Flooding
U4	Groundwater Source Protection Areas
I1	Implementation
I3	Access for everyone

National Guidance

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

Circular 11/95 - The use of conditions in planning permission

RELEVANT PLANNING HISTORY

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

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

04/01476/FUL - Section 73 application to vary Conditions 1 and 3 of planning permission
01/01264/FUL - Permission 22/12/2004

06/00576/FUL - Section 73 application to remove Condition 14 of planning permission
04/01476/FUL - Permission 05.10.2006.

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Extension of time limit; and
- Highways matters.

PLANNING OFFICER COMMENTS

The key issue in this case is whether there has been any material change in planning circumstances since the proposal was renewed in 2004. Section 73 of the Town & Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a permission. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue. The original planning permission will continue to exist whatever the outcome of the application under Section 73. Circular 11/905 advises that as a general rule, applications for renewing a permission should only be refused where there has been a material change in planning circumstances that would merit a different decision.

The original 1997 permission was first renewed in 2001 with all the original conditions attached. At that time it was considered that no material changes had taken place. This 2001 application not only renewed the 1997 site area, but also amalgamated other areas into this permission. There is no reasoning or explanation on file as to why this was done. Section 73 applications are a means of determining applications for planning permission without compliance with conditions previously attached. In your officer's view the decision to amalgamate several different decisions under one renewal application as was done in 2001 was incorrect. However, it was done, and the 2004 application renewed the 1997 application (and thereby 99/01499/OUT and 00/00762/OUT) again for another three years.

Most of the land in red line site area has not been developed, although parts of it have reserved matters approval. Consultations with the Environment Agency have not raised any objections subject to these conditions previously attached.

Heywood Parish Council have objected to the proposal as it would result in a material increase in traffic movements. They consider that the proposal will increase traffic problems along Storridge Road and The Ham. Unfortunately the Highway Authority have not responded to the application consultation. However, it is not felt that this objection is a material change from the previous renewal where similar objections were raised.

Application 06/00576/FUL requested the removal of Condition 14 from planning permission 04/01476/FUL. This required the provision of a rail terminal within the site. It was decided that the T8a Policy safeguarded area for such a facility, and the existing permission for its provision on land to the immediate north of the railway was a justified reason for removing this condition. Consequently, this condition has not been suggested with this application.

CONCLUSION

The proposal is considered acceptable and subject to the suggested conditions, in accordance with Development Plan policy.

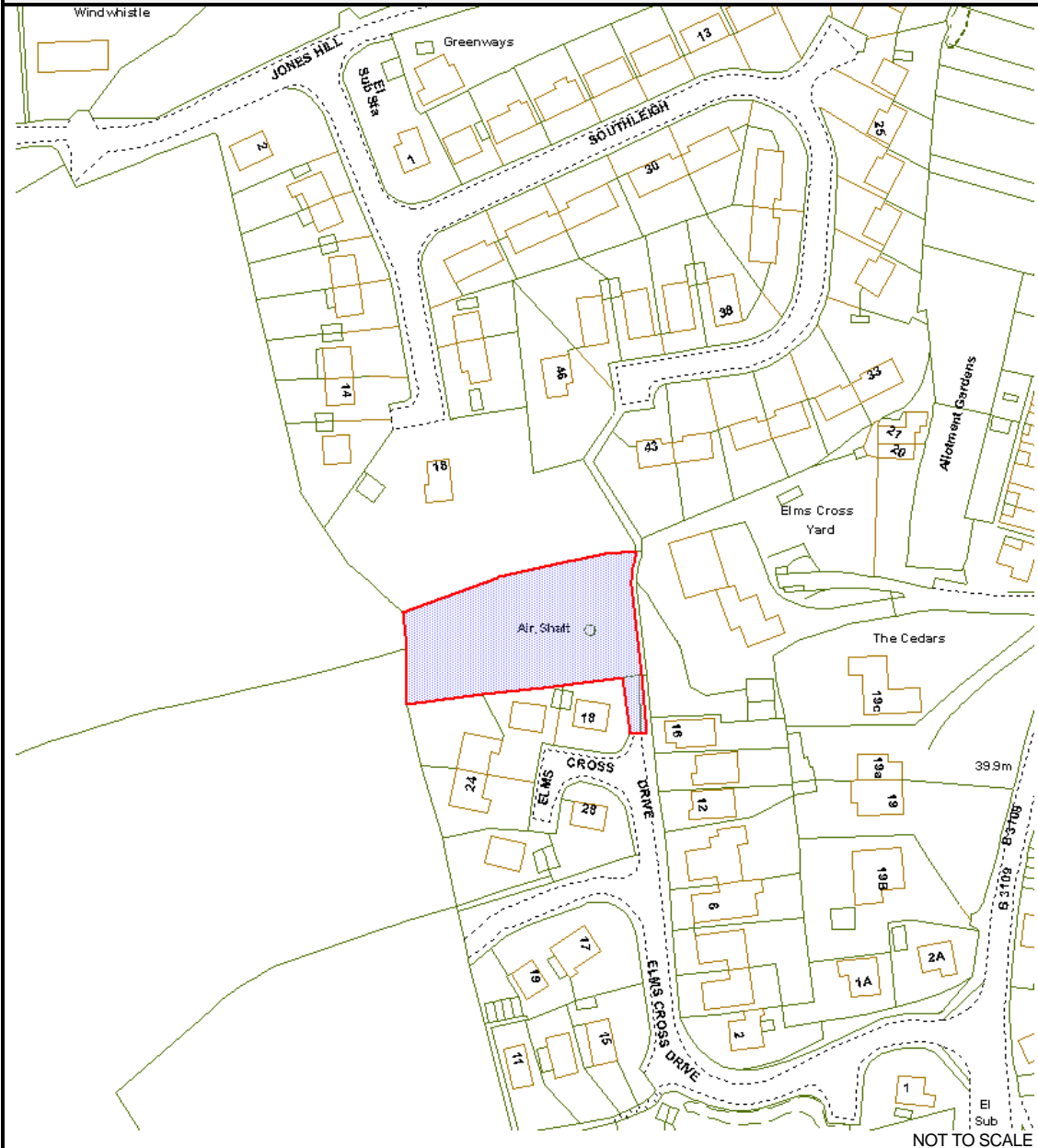
PLANNING COMMITTEE

16 November 2006

ITEM NO: 07

APPLICATION NO: 06/01354/FUL

LOCATION: Land Off Elms Cross Drive Bradford On Avon
Wiltshire



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

SLA: 100022961

07 Application: 06/01354/FUL

Site Address: Land Off Elms Cross Drive Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382343 160060

Application Type: Full Plan

Development: Erection of 5 detached houses, carports and cul de sac access with a new road entry

Applicant Details: Oakfield Farm Products Ltd
Bettrel House 18 Frome Road Bradford On Avon Wiltshire BA15 2EA

Agent Details: Slade Smith & Winrow
37a Silver Street Bradford-on-Avon Wilts BA15 1JX

Case Officer: Miss Nicola Rogers

Date Received: 27.04.2006 Expiry Date: 22.06.2006

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

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

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 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.
- 7 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.
- 8 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
- REASON: In the interests of highway safety.

- 9 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- REASON: In the interests of highway safety.
- 10 The gradient of the proposed access within 4.5 metres of the carriageway edge shall not exceed 1 in 15.
- REASON: In the interests of highway safety.
- 11 No development shall take place until full structural details of the proposed supports for the mine, as shown in Fig. 9 of the Ground Conditions report, to be prepared by a fully qualified structural engineer have been submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure the stability of the land is maintained

Note(s) to Applicant:

- 1 The applicant is advised that they are required to protect the integrity of Wessex Water systems. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. With respect to water supply, there are water mains in the vicinity of the proposal, connection can be agreed at a later date.
- 2 You are advised that all rights in respect of FP38 must be safeguarded. The footpath must be made available at all times while the works are taking place and appropriate signage and guarding erected to allow free passage for pedestrians. Failure to do so could result in the Highway Authority stopping the works, unless a public order diversion is in place.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of five detached dwellings with associated garages and a cul-de-sac access off Elms Cross Drive.

The site is effectively rectangular in shape with a narrow spur in the southeast corner, which accesses on to the head of Elms Cross Drive. This spur partly comprises a length of the public footpath which links Elms Cross Drive to Southleigh and passes along the eastern boundary of the site; it also comprises a narrow section of the side garden of 18 Elms Cross Drive.

The site measures approximately 0.1 hectare is currently overgrown and slopes deeply down from west to east towards the public footpath and the 2 metre high fence, which marks its boundary.

The site lies directly above a disused mine, currently used in connection with an operational mushroom farm to the east a disused air shaft exists in the centre of the site towards the eastern edge of the site, this is blocked and no longer required in connection with the mine underneath.

CONSULTATION REPLIES

- BRADFORD ON AVON TOWN COUNCIL: Object. The site is not suitable for development as this area is already very congested. This site should be considered as an employment or industrial site as it has been a stone mine and then a mushroom farm for a couple of hundred years. If the airshaft is covered it will preclude further use of the mine for mushrooms and result in a loss of jobs. Drainage of rainwater for run off on Elms Cross is already inadequate. Drainage for nearby neighbours will also be affected. Subsidence already experienced in Jones Hill. This development could cause subsidence elsewhere in the area.

- HM INSPECTORATE OF MINES: it is imperative that the additional support in the shallow mine with very limited competent cover is adequate and resistant in the long term. The adequacy of the proposed pillars and walls can be assessed only by taking into account the detailed underground conditions including a visual assessment. The report does not appear to include any detail on the design or fabric of the additional supports.

- WILTSHIRE WILDLIFE TRUST: object to the application on the basis that the protected species reports are out of date.

INTERNAL WWDC CONSULTATIONS:

- LANDSCAPE OFFICER: No comments received

- BUILDING CONTROL: The site is over extensive mine workings and therefore specialist design foundations will be required. The site is also on a slope and there are also implications for level/ramp access to the dwellings.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections subject to conditions

- WESSEX WATER: No objections

- LIBRARIES & HERITAGE: No comments received

- ENVIRONMENT AGENCY: No objections, but comment as follows: It is the applicant's responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. Additional, other local water interests, including wells, springs and private abstractions must not be adversely affected.

- NATURAL ENGLAND (ENGLISH NATURE): No objections subject to the protected species surveys being updated before development takes place.

PUBLICITY RESPONSES

Twelve letters of objection have been received from neighbours of the site. The following points are raised:

- Existing and potential subsidence problems
- Design of the houses is not in keeping with the area
- Provision of the footpath
- Loss of a ditch supporting wildlife
- Increase in traffic problems
- The proposal has not overcome the reasons for refusal
- Loss of privacy to neighbours
- Wildlife surveys are not up-to-date

RELEVANT PLANNING POLICY

West Wiltshire District Plan - First Alteration 2004

C4	Landscape setting
H1	Further housing development within towns
H24	New housing development
T12	Footpaths and bridleways
T10	Car parking
U3	Flooding

PPG3 - Housing

PPG14 - Development on unstable land

RELEVANT PLANNING HISTORY

03/01100/OUT - Erection of 5 detached houses and garages and cul de sac with new entry off Elms Cross Drive (withdrawn 6/8/03)

03/02130/OUT - Erection of five detached houses, garages and cul de sac access with new entry (refused 23/2/05)

KEY PLANNING ISSUES

This proposal must overcome the previous reasons for refusal, given as follows:

1. "The application does not provide sufficient detailed information to enable a full and proper assessment of the proposal in terms of the stability of the site, its ability to support the proposed development, and the arrangements to ensure the future long- term stability of the site and the underlying mine. The application is therefore contrary to advice contained in Planning Policy Guidance Note 14 entitled 'Development on Unstable Land'.
2. "The proposed development, by reason of its density, represents an inefficient use of land contrary to the advice contained in Planning Policy Guidance Note No 3 'Housing'."

The main issues to consider is whether these reasons for refusal have been overcome. In this case are the principle of development on this land, the effect of the proposed dwellings on the stability of the land, and as this application is now detailed, the design and layout of the proposal also need to be considered.

PLANNING OFFICER COMMENTS

This site is located immediately within the town limits of Bradford on Avon, the boundary line for which abuts the western boundary of this application site. The principle of development is therefore acceptable subject to a number of identified criteria.

The site lies directly above the Bethell Mine, formerly used for the extraction of stone. According to the structural reports submitted in support of the application, it is not possible to date precisely the period when the mine was worked, although it appears likely that the mine was developed mainly after the opening of the Kennet & Avon Canal in 1809, and probably suffered a decline when good quality stone was located during the construction of Box Railway Tunnel (1836-1841). The mine has been used for mushroom farming since the 1870s. It will remain as an employment use for mushroom farming and this use would not be compromised by this proposal.

Advice on development on unstable ground is given in PPG14. Paragraph 16 of that guidance states:

"The responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. In particular, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner... The developer should therefore make a thorough investigation and assessment of the ground to ensure that it is stable, or that any actual or potential instability can be overcome by appropriate remedial, preventative precautionary measures. It is important that such an assessment of a proposed development site should examine the site within its geographical context since instability of nearby ground may affect the site even when there is no evidence of instability within its boundaries."

A detailed report on the ground conditions has been submitted and considered by relevant consultees. This report provides the background to the geology and mining, presents the evidence obtained during a site investigation undertaken to establish the ground conditions and makes recommendations for the site development, both at surface level and as regards the relevance of the underground mining. The following points are of note:

- The mine is subject to annual inspection by the Health & Safety Executive, while in use for any form of commercial activity. No evidence of instability has been identified during such inspections since the 1990s
- The present pillar system within the mine is sufficient to support the existing roof structure. The report concluded "if the integrity of the mine roof is compromised by further falls, failures could occur and extend up to the surface"
- It is concluded that the proposed small-scale development can be safely built at the site, provided some precautions are taken.
- The house foundation design will need to take account of the presence of the disused freestone mines which, since the 1870s have been used as a mushroom farm, the slope of the ground and any shrink/swell potential of Forest Marble clays which will form the founding material.
- There is no obvious instability in the mine roof, but ... it is considered prudent to undertake some additional support in the mine prior to any site works.

The first reason for refusal given on the previous application relates to insufficient details being submitted with regard to the stability of the land, they are:

- The additional support actually needed within the mine to support development on the surface. This is dependent on the specific layout and siting of the units, which had not been proposed for determination at the earlier stage.
- The particular detailed foundations needed to support the proposed dwellings, which, again is dependent on site layout and house type details.
- The future arrangements for monitoring the stability of the existing mine.

This current application is submitted as a full planning application containing details of the siting and foundations of the houses. It is therefore now possible to fully assess the amount of support required.

The report submitted by the applicants as part of this application gives a proposed plan of the additional supports for the mine to support the proposed development above (fig. 9 of the report). It is suggested by this report that the additional supports would be sufficient to mitigate any additional pressure on the mine roof caused by the proposed development. This therefore satisfies PPG14 in that a "thorough investigation and assessment of the ground to ensure that it is stable, or that any actual or potential instability can be overcome by appropriate remedial, preventative precautionary measures" has been carried out.

The detailed plans of the proposed houses all include sections showing the foundations of the buildings. The Council's Building Control department has indicated that these foundations are acceptable.

This additional information in relation to the foundations, supports and house designs results in this full planning application overcoming the first reason for refusal as all the required information has been submitted. The submitted details show that all the necessary assessments have been carried out and precautionary measures proposed.

With regard to the second reason for refusal, the applicant has submitted a design statement to justify the proposal of five houses on this site. Five units on this site would represent a density of 29 dwellings per hectare, this is only just short of the recommended 30 dwellings per hectare in PPG3. Given the site constraints, economics of development and the potential impact on the stability of the land it would not be viable to request any further dwellings on this site. It should be noted that this development is at a slightly higher density than the existing residential areas of Elms Cross Drive and Southleigh, this density of development would be in keeping with the pattern of development in the area. The second reason for refusal, therefore, can not be upheld.

Turning to issues of design and layout, this proposal is for five detached units sited in an L shaped form around a cul-de-sac extension of Elms Cross Drive. Such an arrangement is not significantly out of character with existing patterns of development in Elms Cross Drive and the surrounding residential areas, and the suggested layout meets the basic tests and principles relating to distances between properties, gardens sizes and other amenity considerations.

The proposed dwellings are all proposed to be two-storey and are all variations on a theme, of pitched roofs and large areas of glazing. The design of the proposed dwellings is loosely based on the developments surrounding the site, of Bailey's Barn and Spencer's Orchard. The proposed dwellings have a distinct style and promote a sense of identity in this small-scale development. The design is a contemporary take on the style of development common to the town and would not appear out of place in this location. The proposed dwellings represent a mix of three and four bedroom properties, in accordance with policy H24 of the West Wiltshire District Plan 1st Alteration 2004, which requires a mix of dwelling sizes.

The windows on these properties would be located over 20 metres from the rear elevations of the existing dwellings on Elms Cross Drive, therefore there would be no further overlooking of the existing properties. To the north the property 18 Southleigh is a detached property set in a particularly large plot, the rear elevations of houses C - E would face this property, approximately 6 metres from the boundary and a further 25 metres from the rear elevation of 18 Southleigh. This proposal would not result in any overlooking of this neighbouring property.

CONCLUSION

The proposal overcomes the previous reasons for refusal and the design of the proposed units is acceptable, the application should therefore be permitted.

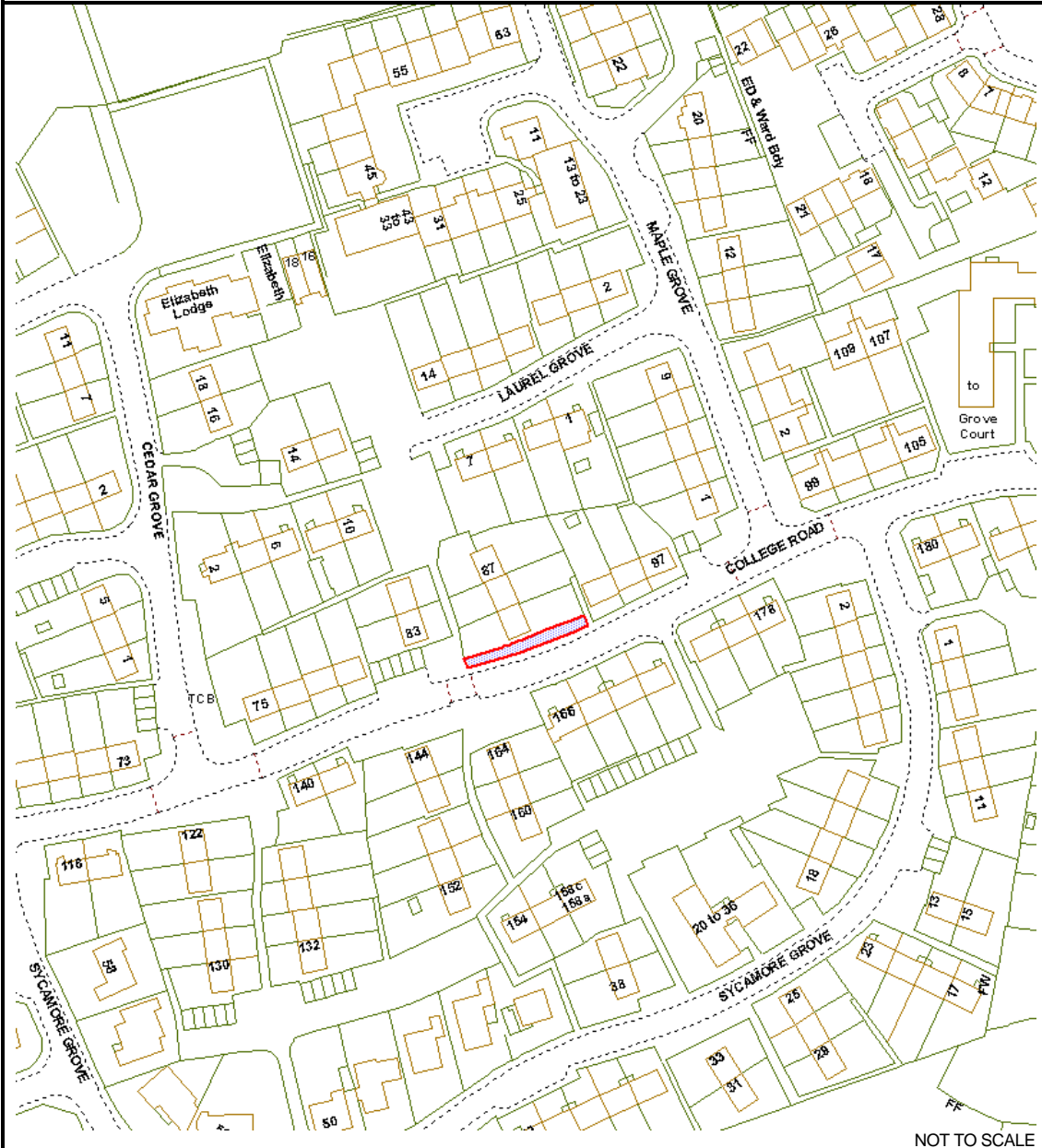
PLANNING COMMITTEE

16 November 2006

ITEM NO: 08

APPLICATION NO: 06/02990/FUL

LOCATION: Land Adjoining 91 College Road Trowbridge
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 06/02990/FUL

Site Address: Land Adjoining 91 College Road Trowbridge Wiltshire

Parish: Trowbridge Ward: College

Grid Reference 385074 156639

Application Type: Full Plan

Development: Change of use of land from amenity space to garden

Applicant Details: Mr Phillip Gray
91 College Road Trowbridge BA14 0EZ

Agent Details:

Case Officer: Mr James Taylor

Date Received: 02.10.2006 Expiry Date: 27.11.2006

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, Part 2, Class A, no gate, fence, wall or other means of enclosure shall be erected other than that submitted to and approved in writing by the Local Planning Authority prior to its installation.

REASON: In the interests of amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy C31a.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, Part 2, Class B, no access to the highway shall be constructed without the express consent of the Local Planning Authority.

REASON: In the interests of amenity and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy C31a.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning committee the Town Council object contrary to officer's recommendation.

This is a full planning application for the change of use of land from amenity space to residential garden.

The application site is a strip of land covered for the most part in concrete paving. It is adjacent to the public highway and measures approximately 32 metres in length by 3 metres in width. The strip of land has 1-metre high bollards adjacent to the pavement and is planted with 3 young trees.

The site fronts an unclassified road that is the main thoroughfare of the College Road residential development. It is one of a number of such amenity areas in this residential development, which is characterised by its open and spacious form.

CONSULTATION REPLIES:

TROWBRIDGE TOWN COUNCIL

Objects on the loss of green amenities.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No objections subject to conditions.

PUBLICITY RESPONSES

Neighbours were notified to which there has been no response.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

R2 Recreational Space

R11 Footpaths and Rights of ways

PPS1 Delivering Sustainable Development

PPG17 Planning for Open Space, Sport and Recreation

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issue to consider regarding this application are planning history, the potential impact of the proposals on the character of the area, and loss of public open space.

PLANNING OFFICER COMMENTS

The application site is located in a very spacious and open estate characterised by wide streets many with public amenity strips and squares, some of which have small trees. Such areas can help add to the character of the area. There is occasional informal lay-by parking on the edge of the street, and formal parking and garage facilities. These amenity areas play an important role in the character of the estate, but each to different degrees.

Open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation. This proposal equates to a loss of open space as it is a recreational space off the public highway where people can informally gather without causing conflict with pedestrians, cyclists or vehicular traffic.

However, each planning application must be assessed on its own merits and the context of this site is that the space is a very small and thin strip of land, that offers little amenity value other than helping to characterise the openness of the estate. This open appearance can be maintained by appropriate use of conditions.

The trees located on the site, whilst attractive offer little significant amenity value and are not worthy of tree preservation status. The application makes no reference to whether these would be retained or otherwise but this is outside the control of the Local Planning Authority. This area of land has been hard paved and, apart from the trees is not particularly attractive, and so small that it provides very limited space of recreational value.

The application makes no mention of a new boundary treatment or the creation of parking. It is likely that there would be some pressure to enclose this land as part of the garden if the change of use were granted. It is considered that these are important considerations and therefore should be controlled by the use of appropriate conditions. This is consistent with the planning history on an adjacent site that recently received permission for a change of use to garden.

Further the spatial character of the street scene is an important consideration. There is a strong linear emphasis on College Road and this proposal would still maintain this by retaining the pedestrian pavement and because the proposed boundary to the garden would align with the boundaries of neighbouring dwellings.

There is a large amount of public open space in the vicinity, indeed several larger areas to the north that offer more in amenity terms. This area is insignificant by comparison.

The casual erosion of such spaces in the urban area can be detrimental to the character of these areas, so the change of the use of amenity land to private garden and parking is not considered lightly. It is concluded that the change of use in this case would not cause such a detrimental impact on the character of the area or amenity to merit refusal and would not cause any demonstrable harm, and future boundary treatments and other forms of development within this area can be controlled by conditions.

The Highway Authority has raised no objection to the proposals subject to conditions. Finally it is noted that the public rights of way adjacent to the application site would be unaffected.

CONCLUSION

There would be no harm to the street scene or character of the area.

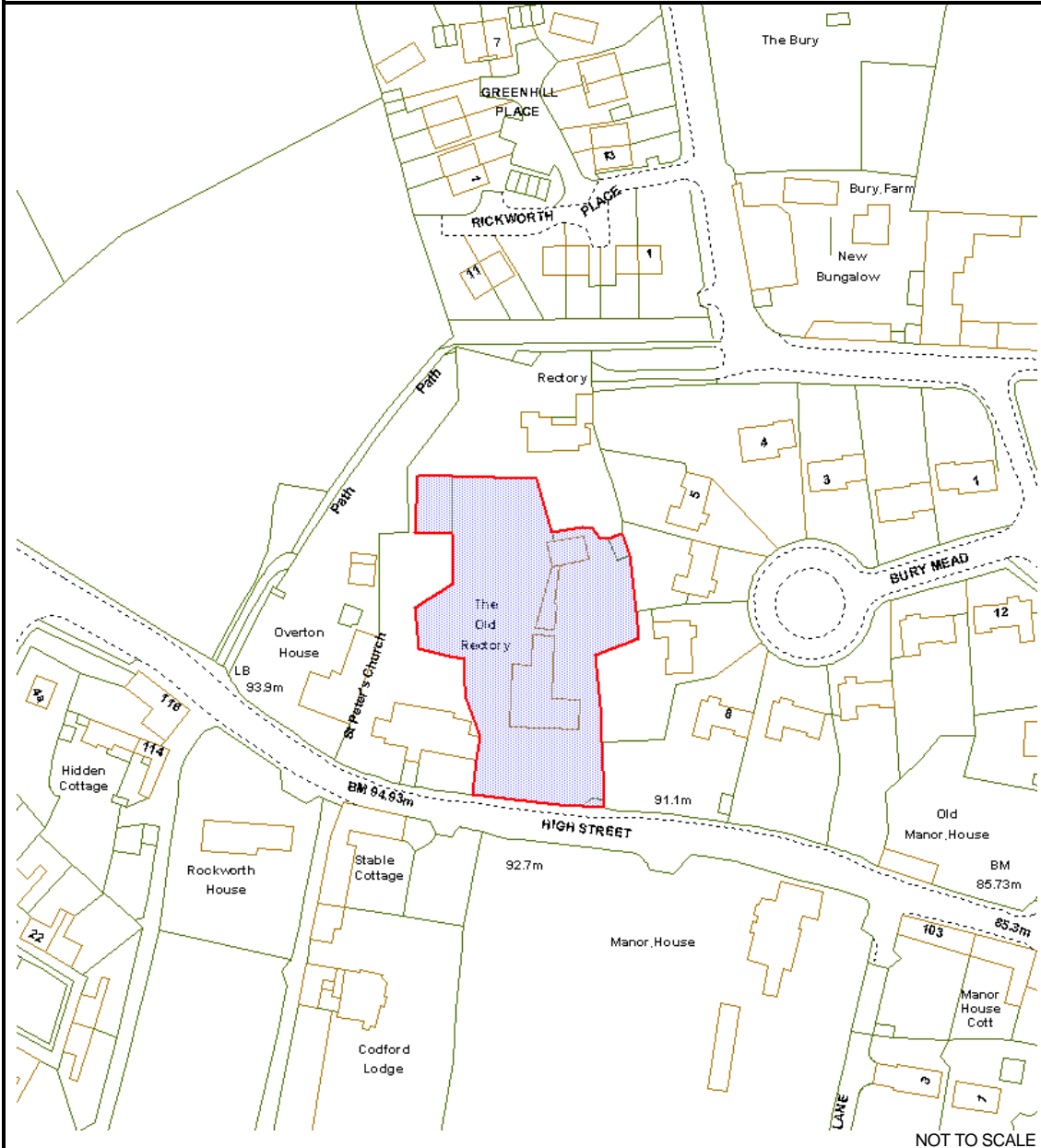
PLANNING COMMITTEE

16 November 2006

ITEM NO: 09

APPLICATION NO: 06/02087/FUL

LOCATION: The Old Rectory High Street Codford Wiltshire BA12 0NQ



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 06/02087/FUL

Site Address: The Old Rectory High Street Codford Wiltshire BA12 0NQ

Parish: Codford Ward: Mid Wylve Valley

Grid Reference 396609 139942

Application Type: Full Plan

Development: Refurbishment of the existing outbuilding and conversion to form residential accommodation together with construction of a timber frame car port/garage

Applicant Details: Lieutenant Colonel JDV Woolley OBE
The Old Rectory Codford St Peter Warminster Wiltshire BA12 0NQ

Agent Details: Michael Lyons Architecture
The New Barn Odstock Road Salisbury Wiltshire SP5 4NZ

Case Officer: Mr Russell Brown

Date Received: 10.07.2006 Expiry Date: 04.09.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

REASON: To ensure that the development harmonises with its setting and that the character of the curtilage listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A, C27 and C28.

- 3 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 4 The property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, the main dwelling and it shall not be let or sold as separate accommodation.
- REASON: Because the creation of a separate dwelling unit would be unacceptable in this area by reason of harm to highway safety.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee at the request of Councillor Newbury.

This is a full planning application for the conversion of a curtilage listed outbuilding to a residential annexe to be used in connection with the main house. The proposal also includes the construction of a timber framed garage building.

The site is at The Old Rectory in Codford, which is a Grade II listed building. The outbuilding is a curtilage barn 10.5 metres long, 6 metres deep and 6 metres high. It is currently a barn with a single space inside and is used for domestic storage. The barn has a corrugated metal roof with no openings, large timber sliding doors on the south elevation and minimal window openings.

The proposed conversion would involve the roof being removed and replaced with a natural slate roof. The previous proposal included the installation of 2No. dormer windows and a rooflight on the south elevation and a single rooflight on the north elevation. The revised scheme has replaced these dormer windows with conservation rooflights. The existing window in the gable of the east elevation would be retained and a similar window would be installed in the western facing gable.

The ground floor would remain as an open plan single space. The large timber barn doors would be retained as shutter features and a glazed section fitted into the large opening. A staircase would be put against the north wall leading to two bedrooms and a bathroom. The bedrooms and bathroom would be served by the south facing rooflights and the north facing rooflight would light the staircase.

There is a single storey mono-pitch link building between the barn and the main listed building. Part of this building would be used in the conversion to be part of the new dwelling and would form a lobby, utility and WC.

An existing modern timber building would be removed and a new timber triple garage with a clay tile roof would be built on the east of the site. Two of the garage bays would be open and the third enclosed with timber doors. This building would be 9.5 metres long, 6 metres deep and 5.5 metres high.

The access to the barn is from the High Street via the driveway to the main listed building. This is a single width access.

There are neighbouring residential properties to the east, over 20 metres from the barn and would be 11 metres from the timber garages. There is a rectory over 22 metres to the north of the barn.

The application has been revised as part of the planning process and dormer windows originally proposed have been deleted.

CONSULTATION REPLIES:

- CODFORD PARISH COUNCIL

No objections but concerned about detracting from listed building, additional traffic onto highway and potential overlooking to Burymead properties.

STATUTORY CONSULTATION

- HIGHWAY AUTHORITY

No objections providing the accommodation was not occupied by a separate household.

Any future efforts to separate the annex accommodation to provide a separate unit of accommodation are likely to be opposed by the Highway Authority due to the sub standard access width and limited visibility from the access onto High Street.

The following condition should be attached to any permission granted:

The accommodation to be provided within the development hereby approved shall remain as permanent ancillary accommodation to the principal dwelling The Old Rectory High Street Codford and shall be occupied only by persons of the same household. There shall be no sub-division of this single residential planning unit.

- ENGLISH NATURE

No objections.

- WESSEX WATER

No objections subject to the drainage being satisfactory to the Council.

PUBLICITY

The application has been publicised by site notice and press advertisement. 6 letters have been received, making the following points:

- Harm to setting of listed buildings
- Concern over wishes of future occupiers of listed building
- There is already a flat in the listed building
- This is not a 'refurbishment' but a 'barn conversion'
- Potential overlooking to residents of Burymead
- The outbuilding is a curtilage listed building
- The applicants have objected to a similar proposal on another site in Codford
- The applicants have made major improvements to this listed building
- The outbuilding is higher than the properties in Burymead and will overlook directly
- Impact on privacy/quality of life due to increased activities on the site
- Access is difficult - poor visibility
- Harm the outlook of surrounding properties
- No windows are proposed in the north elevation that would overlook, but if windows were put in the north elevation they would overlook the garden of the vicarage that is used for private meetings
- Not enough information has been submitted
- The roof may have to be raised
- This is backland development contravening Policy H17
- The horse chestnut tree to be removed contributes to the character of the area and should have a TPO put on it
- The proposed garage block would be larger and more dominant than the existing outbuilding - impact on neighbouring properties
- The simplicity of the outbuilding would be lost and inappropriate dormer windows will further destroy the character and appearance of the building contrary to PPG15 and Policy C28
- Overlooking from northern rooflight
- The reason for this planning application is financial

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- C2 Areas of Outstanding Natural Beauty
- C27 Listed Buildings
- C28 Alterations to Listed Buildings
- C38 Nuisance

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

RELEVANT PLANNING HISTORY

86/00760/FUL - Conversion of garage building to staff accommodation - Permission 22.07.1986

KEY PLANNING CONSIDERATIONS

The key issues in this application are the principle of the conversion and the effect of the proposal on the character and fabric of the listed building, the Area of Outstanding Natural Beauty, highways matters and neighbouring amenities.

PLANNING OFFICER COMMENTS

The converted outbuilding would not be occupied as a separate dwelling unit and would remain as ancillary accommodation to the main house and would be controlled by condition. As the outbuilding would be converted for use as an annexe to the main house, this raises no highway objections as it would not result in an additional residential unit.

The barn is currently a simple building with an agricultural appearance. The inclusion of rooflights into the south roof slope would not significantly alter the agricultural appearance of this barn and any effect would be further mitigated by the improvement in the roof covering - from metal to natural slate. The character of this barn will therefore be altered but the change in roofing would be an overall improvement of the building. The large agricultural doors would be retained which would also retain much of the character of the barn. The setting of the main listed building would not be harmed as the outbuilding would remain subservient in status and appearance.

The Area of Outstanding Natural Beauty is unlikely to be harmed by this conversion as the building is within the village of Codford and surrounded by other development.

The Highway Authority have no objections to the proposal and this view is supported.

There would not be any detrimental impact on the amenities of the Rectory to the north as the Rectory lies over 22 metres away and there would be no windows in the northern elevation of the barn capable of overlooking.

The neighbouring properties to the east would not be directly overlooked as the proposed rooflight windows in the barn would look south down the driveway to the main road rather than towards the neighbouring properties. In addition these would have high internal cills to prevent direct overlooking. The existing window in the east gable is a small window and is over 21 metres from the nearest neighbouring dwelling, consequently, there would be no significant amount of overlooking caused to the neighbouring property. The proposed window in the western gable would also be small and would only look into the residential curtilage of the site.

The proposed garage building would be built on the boundary with the neighbouring property and 11 metres away from the rear of that property. However, only the roof slope would be visible above the boundary treatment which would not result in any harm to neighbouring amenities.

The proposed new garage building would be a large building. However it would be built in natural materials to respect the other buildings on site. This building would be located on the east of the site over 20 metres from the main listed building. Consequently, the main listed building would remain as the focus of the site. The garage building would be three bays long and have only one bay enclosed by timber doors, the other two bays would be open sided as car-ports. This would have the effect of reducing the visual impact of the building within the site due to the active frontage created by the open and unenclosed nature of the elevation. The garage building therefore would not be detrimental to the setting of the main listed building or the curtilage barn.

To address the other points raised by the publicity process:

The reasons why the application has been submitted, or the intentions of future owners, are not material planning considerations and cannot be taken into account in the determination of this application.

The horse chestnut tree is not the subject of a TPO and the site is not within a Conservation Area, therefore the tree could be removed at any time.

The scheme has been revised to remove the proposed dormer windows.

CONCLUSION

There would be no harm to the historic environment or amenity of neighbours.

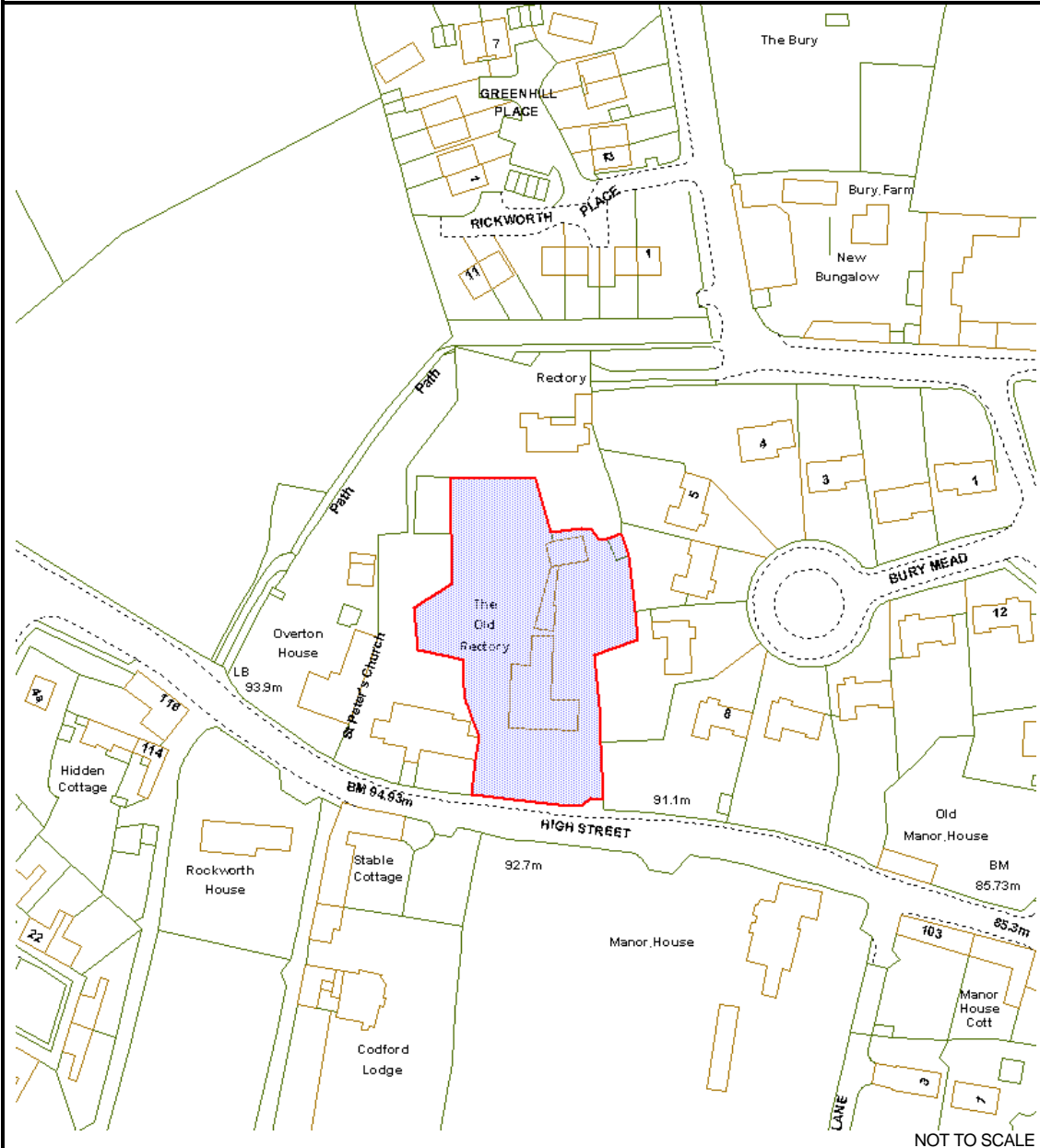
PLANNING COMMITTEE

16 November 2006

ITEM NO: 10

APPLICATION NO: 06/02086/LBC

LOCATION: The Old Rectory High Street Codford Wiltshire BA12 0NQ



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www.westwiltshire.gov.uk

SLA: 100022961

10 Application: 06/02086/LBC

Site Address: The Old Rectory High Street Codford Wiltshire BA12 0NQ

Parish: Codford Ward: Mid Wylze Valley

Grid Reference 396609 139942

Application Type: Listed building

Development: Refurbishment of the existing outbuilding and conversion to form residential accommodation together with construction of a timber frame carport/garage

Applicant Details: Lieutenant Colonel J DV Woolley
The Old Rectory High Street Codford Wiltshire BA12 0NQ

Agent Details: Michael Lyons Architecture
The New Barn Old Stock Road Salisbury Wiltshire SP5 4NZ

Case Officer: Mr Russell Brown

Date Received: 10.07.2006 Expiry Date: 04.09.2006

REASON(S) FOR CONSENT:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections 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 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 character and fabric of the listed building is protected.

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

- 3 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

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

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

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

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

- 6 Further details of the internal treatment of the walls shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of these works on site.

REASON: In order to protect the character of the listed building.

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

- 7 Details of the existing roof structure, and proposals for its reconstruction including the retention where possible of existing members, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof. The works shall then only be carried out strictly in accordance with those approved details.

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

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

- 8 A full schedule of any repairs shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the listed building, and subsequently the works shall be carried out strictly in accordance with the approved details.

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

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

- 9 Details of the fixing methods of the existing timber doors to be used as the shutters shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee at the request of Councillor Newbury.

This is a listed building consent application for the conversion of a curtilage listed outbuilding to a residential annexe to be used in connection with the main house. The proposal also includes the construction of a timber framed garage building which is dealt with by the corresponding planning application 06/02087/FUL.

The site is at The Old Rectory in Codford, which is a Grade II listed building. The outbuilding is a curtilage barn 10.5 metres long, 6 metres deep and 6 metres high. It is currently a barn with a single space inside and is used for domestic storage. The barn has a corrugated metal roof with no openings, large timber sliding doors on the south elevation and minimal window openings.

The proposed conversion would involve the roof being removed and replaced with a natural slate roof. The previous proposal included the installation of 2No. dormer windows and a rooflight on the south elevation and a single rooflight on the north elevation. The revised scheme has replaced these dormer windows with conservation rooflights. The existing window in the gable of the east elevation would be retained and a similar window would be installed in the western facing gable.

The ground floor would remain as an open plan single space. The large timber barn doors would be retained as shutter features and a glazed section fitted into the large opening. A staircase would be put against the north wall leading to two bedrooms and a bathroom. The bedrooms and bathroom would be served by the south facing rooflights and the north facing rooflight would light the staircase.

There is a single storey mono-pitch link building between the barn and the main listed building. Part of this building would be used in the conversion to be part of the new dwelling and would form a lobby, utility and WC.

The application has been revised as part of the planning process and dormer windows originally proposed have been omitted.

CONSULTATION REPLIES:

- CODFORD PARISH COUNCIL

No objections but concerned about detracting from listed building, additional traffic onto highway and potential overlooking to Burymead properties.

PUBLICITY

The application has been publicised by site notice and press advertisement. 6 letters have been received in relation to the parallel planning application, making the following points:

- Harm to setting of listed buildings
- Concern over wishes of future occupiers of listed building
- There is already a flat in the listed building
- This is not a 'refurbishment' but a 'barn conversion'
- Potential overlooking to residents of Burymead
- The outbuilding is a curtilage listed building
- The applicants have objected to a similar proposal on another site in Codford
- The applicants have made major improvements to this listed building
- The outbuilding is higher than the properties in Burymead and will overlook directly
- Impact on privacy/quality of life due to increased activities on the site
- Access is difficult - poor visibility

- Harm the outlook of surrounding properties
- No windows are proposed in the north elevation that would overlook, but if windows were put in the north elevation they would overlook the garden of the vicarage that is used for private meetings
- Not enough information has been submitted
- The roof may have to be raised
- This is backland development contravening Policy H17
- The horse chestnut tree to be removed contributes to the character of the area and should have a TPO put on it
- The proposed garage block would be larger and more dominant than the existing outbuilding - impact on neighbouring properties
- The simplicity of the outbuilding would be lost and inappropriate dormer windows will further destroy the character and appearance of the building contrary to PPG15 and Policy C28
- Overlooking from northern rooflight
- The reason for this planning application is financial

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C27 Listed Buildings

C28 Alterations to Listed Buildings

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

86/00760/FUL - Conversion of garage building to staff accommodation - Permission 22.07.1986

KEY PLANNING CONSIDERATIONS

The key issue in this application is the effect of the proposal on the character and fabric of the listed curtilage building and the effect on the setting of the main listed building.

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

PLANNING OFFICER COMMENTS

The barn is currently a simple building with an agricultural appearance. The inclusion of rooflights into the south roof slope would not significantly alter the agricultural appearance of this barn and any effect would be further mitigated by the improvement in the roof covering - from metal to natural slate. The character of this barn will therefore be altered but the change in roofing would be an overall improvement of the building.

The large agricultural doors would be retained which would also retain much of the character of the barn. The glazing section to be inserted in the existing large opening would reference the space as an historic opening.

The existing window in the east gable will be repaired and a corresponding window would be inserted into the western gable. This would not harm the fabric of the building as the window would be modest in size and would be in keeping with the rest of the building.

Internally, the ground floor would be kept as an open plan space which would reflect the spacious nature of its former use. The first floor would be divided into 2 No. bedrooms and a bathroom. The partitions would be simple stud partitions that would not harm the fabric of the building. In addition, the internal alterations would be completely removable by their non-intrusive nature.

The conversion of the barn would not affect the setting of the principal listed building. The barn has always been an outbuilding to the main listed building and it would retain its subservience in terms of its status and appearance.

The points raised by the publicity process that do not relate to the listed buildings are dealt with in the report for the parallel planning application.

CONCLUSION

There would be no harm to the character of the listed building or setting of the principal listed building at the site.

PLANNING COMMITTEE

16 November 2006

ITEM NO: 11

APPLICATION NO: 06/02414/FUL

LOCATION: 109A Beanacre Wiltshire SN12 7PZ



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SLA: 100022961

11 Application: 06/02414/FUL

Site Address: 109A Beanacre Wiltshire SN12 7PZ

Parish: Melksham Without Ward: Melksham Without

Grid Reference 390777 166474

Application Type: Full Plan

Development: Double garage

Applicant Details: Mr Richard S Andrews
109A Beanacre Wiltshire SN12 7PZ

Agent Details:

Case Officer: Mr James Taylor

Date Received: 04.08.2006

Expiry Date: 29.09.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The development hereby approved shall not be commenced until a plan showing a turning space for vehicles has been submitted to and approved in writing by the Local Planning Authority. The garage shall not be first brought into use until the turning area has been constructed and approved in writing by the Local Planning Authority. The turning space shall be kept clear of obstruction at all times.

REASON: In the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee as the Parish Council objects contrary to officers' recommendation.

The application is for a detached double garage in the front garden adjacent to the main A350 through Beanacre. It would be constructed from matching materials to the host building, with a footprint approximately 5.2 metres by 6 metres, and a total height of 3.8 metres to the ridge of its pitched roof.

The area is characterised by ribbon linear development set back off the A350 by approximately 20 metres. The dwellings are of a variety of forms and scale, but they are generally detached. The host building in this case is a bungalow, with a 2 metres natural hedge on the front boundary and a recessed gated entrance. It is important to note that the street is in also now characterised by large detached garages to the front of the curtilage on the front boundary, this includes 111A and 111, very close to the application site.

The proposals have been revised during the course of the application in order to use traditional construction methods in lieu of a concrete prefabricated garage originally proposed.

CONSULTATION REPLIES:

MELKSHAM WITHOUT PARISH COUNCIL

Objects to the proposed garage as it would be in front of the established building line.

Other comments in regard to it being an inharmonious construction have been addressed by the revised materials.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No objection subject to a condition to ensure that adequate turning space is provided on site.

PUBLICITY RESPONSES

Neighbours were notified to which there has been no response.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

Supplementary Planning Guidance on House Alterations and Extensions

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issues to consider regarding this application are the design of the proposal, the street scene, neighbouring amenity, highway safety and planning history of the locality.

PLANNING OFFICER COMMENTS

The proposed garage would be of a scale, form and materials that are appropriate to this area, which is characterised by large detached dwellings constructed from a variety of materials, indeed there are some very large double garages existing in the street scene within front gardens.

It is noted that the parish council has objected to the siting of the garage to the front of the application site, adjacent to the highway. This objection is supported by the Council's SPG on house alterations and extensions, which highlights that 'detached garages located in front of the dwelling on the back edge of the highway, often appear to dominate the street frontage and detract from the main house. This type of arrangement will not be encouraged.'

The thrust of this guidance should be considered when determining any planning application as part of the planning merits of the application. Each planning application should be considered on its merits and in this case the character of the area and the street scene are material considerations. It is important to note that planning permission was granted and since implemented in the 1990s for the construction of large detached garages on the edge of the highway, to the front of other dwelling houses in this locality. Therefore such development and indeed larger development than this has been permitted in the recent past and now forms a part of the street scene.

Further it is noted that the front boundary of the site is currently a large and established 2 metre high hedge. This would break up the blank elevation of the proposed garage and mitigates its impact on the street scene. Therefore, on balance and in the light of recent planning history on nearby sites, this proposal, utilising matching materials to the host building of a sympathetic scale and form with appropriate boundary treatment would not harm the character of the area or the street scene.

The proposed garage would be sited away from the neighbouring properties, the other side of high boundary treatments. The proposal would also be to the north of those properties and it is therefore considered that no significant loss of light or impact would occur.

In addition it is noted that the A350 is a very busy highway, and therefore it is imperative that the cars in the locality enter and leave the highway in a forward gear, so a condition has been attached to require a turning space be provided on site. This is in accordance with the Highway Authority's consultation response.

CONCLUSION

The proposal would be in character with the street scene and would cause no harm to any acknowledged planning interests.

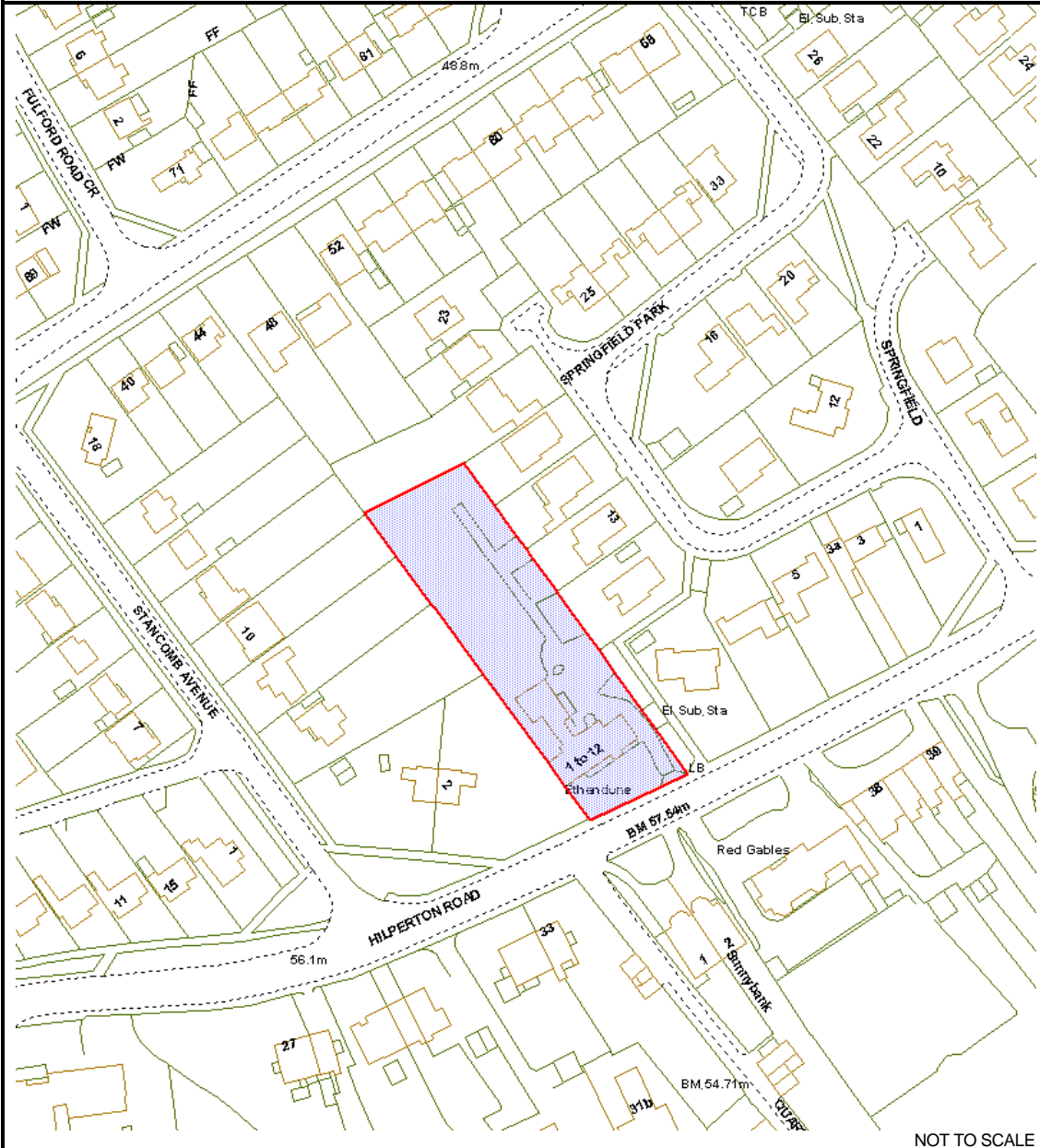
PLANNING COMMITTEE

16 November 2006

ITEM NO: 12

APPLICATION NO: 06/02054/FUL

LOCATION: Land Rear Of Ethendune Hilpert Road Trowbridge
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 06/02054/FUL

Site Address: Land Rear Of Ethendune Hilpert Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 386288 158347

Application Type: Full Plan

Development: Erection of four dwellings (revised proposal)

Applicant Details: Keylock Homes Ltd
Keepers Cottage Spiers Piece Steeple Ashton Trowbridge
Wiltshire

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

Case Officer: Mr Matthew Perks

Date Received: 06.07.2006 Expiry Date: 31.08.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 Details of the elevations of all new external windows and doors including any glazing shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

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

- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 Before any development is commenced on site, including site works or storage of any description, a scheme for the protection of all trees to be retained on site must be submitted for written approval to the Local Planning Authority.
- REASON: To ensure that existing trees of value and/or subject to Tree Protection Orders are adequately protected.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.
- 7 The area shown as "Communal Garden" on the approved plan No 1423/10/B Rev B shall remain as shared amenity space and shall not be subdivided or fenced-off into separate units of garden space.
- REASON: To protect and preserve the setting of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 8 The parking and servicing areas indicated on the approved plans together with the means of access thereto shall be completed and made available for use before the premises are occupied and shall be maintained as such thereafter.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for full planning permission for the erection of four dwellings to the rear of Ethendune, Hilperton Road, Trowbridge. The plans under consideration are a revision of those initially submitted under this planning reference for six dwellings, which was altered following negotiation.

The application revises application Ref. 05/01782/FUL that was for four three-bedroomed dwellings, which was refused for the following reasons:

"1 The proposed development by reason of its layout, siting, scale, form, design and prominence would result in a visually discordant, unsympathetic and uncharacteristic development, at variance with the context of the surrounding area, and harmful as it would not preserve or enhance the character or appearance of the Trowbridge Hilperton Road Conservation Area. This proposal is contrary to Policy HE7 of the Wiltshire Structure Plan 2011, Policies C17, C18, C31a and H1 of the West Wiltshire District Plan 1st Alteration 2004 and the advice contained within PPS1, PPG 3 and PPG 15.

2 The proposed development by reason of its siting, form, scale, formalisation and subdivision of the curtilage, and the facilitation of the access arrangements would not protect the verdant open setting to Ethendune and would create a harmful competition resulting in the loss of the dominant presence of Ethendune, which would adversely affect the character and setting of Ethendune (Grade II Listed Building), contrary to Policy HE7 of the Wiltshire Structure Plan 2011, Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 and the advice contained within PPG 15.

3 The proposed development by reason of its siting, orientation, scale and proximity to the eastern boundary with Springfield Road properties, would result in a visually overbearing and dominant form of development, which would also significantly overlook neighbouring gardens, resulting in a loss of privacy, contrary to Policies C38 and H1 of the West Wiltshire District Plan 1st Alteration 2004.

4 The access road by reason of its restricted width, poor alignment and sub-standard junction with the A361 is considered unsuitable to accommodate the increased use generated by the proposed development, detrimental to highway safety. This proposal is contrary to Policy H1 criteria F of the West Wiltshire District Plan 1st Alteration 2004 and Paragraphs 28 & 29 of PPG 13.

5 This proposal fails to adequately consider the likely harmful impact of the proposed development on protected trees on and overhanging the site from neighbouring land. This proposal is contrary to Policies C17, C18, C40 and H1 of the West Wiltshire District Plan 1st Alteration 2004."

The application site is located to the rear of the Grade II Listed "Ethendune" on the northern side of Hilperton road approximately 800m from central Trowbridge. The property falls within the Conservation Area.

The revised proposal is for four dwelling units. A mix of 2 x three-bedroom, 1 x two-bedroom and 1 x one-bedroom units is proposed. The building would be an extension to the rear of Ethendune. A single storey, low profile structure in an "L"- shape extending 30m towards the rear of the property is proposed. The width of the extension would be 7m, and the roof ridge height would be between 5.2 and 5.5m. Materials would be stone-coloured rendered walls, non rebated timber windows, wide plank doors, slate roofs and black-painted metal gutters and downpipes. An existing single storey red-brick extension with a footprint of 72m² and accommodating 1 flat would be demolished to accommodate the new development.

Parking would be provided for a total of 20 vehicles on site. This would include provision for 11 of the existing flats in the main building. The 12th existing flat would be lost with the demolition of the red brick extension. A communal garden area of between 34 and 23m in depth would be provided at the northern end of the site. Each of the new units would be provided with a small private garden space to the rear. There is an existing bin store on site, and a new bin store is proposed within an existing outbuilding for the new units.

An application for Listed Building Consent has also been submitted for the proposals.

CONSULTATION

TROWBRIDGE TOWN COUNCIL

"TTC objected on the grounds this was not in keeping, not happy with the access to the highway."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

Initial proposals for 6 dwellings: Refusal recommended on grounds of insufficient parking and the access, where more than 5 units were proposed.

Revised proposal for 4 dwellings. No comment received. However, the applicant has submitted a copy of correspondence received from the authority in response to a pre-application query. The authority regarded the private drive as acceptable provided that it would serve the existing flats plus four dwellings on the site. Lack of parking remained an issue however.

WESSEX WATER

No objection.

ENGLISH HERITAGE

Do not wish to offer any comments.

INTERNAL WWDC CONSULTATIONS

LOCAL PLANS

Acceptable in policy terms, subject to the satisfaction of conservation area and listed building policies.

HERITAGE DEVELOPMENT OFFICER

No objection.

"The demolition of part of the existing building is a benefit to the main building as this is a red brick structure with a pyramid type roof that is out of scale with the rest of the building. The removal of this part of the building is welcomed.

The proposed extension which would replace this red brick building would in footprint be much larger than that which would be demolished. However, the form of the proposed extension would be of subservient proportions to the main listed building. The building would be single storey and its roof would step down as the site drops towards the rear. The form of the building would reflect the linear form of the site whilst retaining a reasonable area of open communal space at the end of the site.

This listed building is one of the remaining large houses in this part of Trowbridge. The houses were all characterised by large plots and spacious rear gardens. It is therefore important to retain this element of communal and open space as this is part of the character of the site. The area at the rear of the site should not be formally divided in order to safeguard the setting of the listed building and a condition to this effect should be imposed on any permission or consent.

The design of the proposal is quite plain and simple, respecting the rest of the building whilst being traditional in itself with two-light mullion windows and stone detailing.

The materials are proposed to be rendered in stone colour with stone detailing and slate roofs. These are acceptable materials that should be fully conditioned, including finishes, to ensure that the completed scheme is in keeping with the listed building.

The revised plans have included a small parapet and flat roof structure to in-fill between the existing single storey wrap-around structure and the proposed extension. This does seem to be the best way of dealing with this gap and would be the least intrusive in terms of the effect on the surrounding roof forms.

The proposal is large but on balance would not significantly harm the character, fabric or setting of the listed building."

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 6 Responses were received.

Grounds for objection include:

- Increased traffic hazard. Access not suitable;
- Potential loss of TPO trees;
- Overlooking of surrounding properties;
- No need to fill this garden space with housing. The newer housing estates would be preferable for new development;
- Owners were aware of the size of garden at time of purchase. No right to believe that this meant that it could be developed;
- It is noted that there was pre-application discussion with officers and Councillors following previous refusal. This is not acceptable, leading to the assumption that approval would be granted;
- It would be surprising if the development plan allows for development in rear gardens;
- Harm to wildlife that exists in the garden;
- Harm to listed building;
- Overdevelopment of the site;
- Restricted access for emergency vehicles;
- Impact on views from neighbouring properties;

The Trowbridge Civic Society welcomed the re-design, but remained concerned with traffic issues. Also suggested a mixture of brick and stone materials, as well as the render.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP7 - Housing in Towns and Main Settlements
HE7 - Listed Buildings and Conservation Areas

West Wiltshire District Plan 1st Alteration 2004
C17 - Conservation Areas
C18 - New Development in Conservation Areas
C27 - Listed Buildings
C31a - Design
C38 - Nuisance

C40 - Tree Planting
H1 - Further Housing Development within Towns
H24 - New Housing Design
T10 - Car Parking

PPS 1 - Delivering Sustainable Development
PPG3 - Housing
PPG13 - Transport
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

05/01782/FUL: Erection of four dwellings: Refused: 29.09.2005

KEY PLANNING ISSUES

The main issue in this case is whether or not the reasons for refusal of application 05/01782/FUL have been overcome.

PLANNING OFFICER'S COMMENTS

- Application 05/01782/FUL

The development under application reference 05/01782/FUL was for the erection of a substantial, terraced, two and a half storey building. This building would have been located roughly 24m from the rear of the application site. The garden area would furthermore have been subdivided in order to provide separate garden spaces for each of the new dwellings. A hard surfaced parking and manoeuvring space of 25m in depth would have separated the new building from Ethendune. It was considered that this would have resulted in harmful competition between the new terraced building and Ethendune, the new building being too large, visually dominating, incongruous and at odds with its surroundings. The dominance of the building relative to neighbouring properties as well as the Conservation Area was also considered unacceptable, as was the potential impact of the new building and hardstandings on the protected trees on the site.

The first three reasons for refusal for Application 05/01782 are overcome by this proposal.

The proposed development has been significantly reduced in overall scale and height, and takes the form of a domestic outbuilding extension to "Ethendune". This removes the separate unrelated building in the northern 3rd of the property that was previously proposed. The building would be single storey in height, emphasising its subservience to the main building. This would simultaneously remove any issues of dominance, overshadowing or overlooking onto neighbouring properties. The scale and form of the building would be more appropriate to the context of the conservation area, and the setting of the listed building. (See comments of Heritage Development Officer above). The subdivision of the garden space in the northern sector of the curtilage is also no longer proposed, being replaced by a communal garden area. It is considered that these changes address reasons for refusal No's. 1, 2 and 3 for application 05/01782/FUL.

Officers are satisfied that the fourth reason for refusing Application 05/01782 has been overcome.

The highway authority has not commented on the proposal for four units, although there was an objection to the six-unit plans on grounds of access and parking. The reasons for refusal of application ref. 05/01782/FUL did not refer to parking. The proposal in that case was for four 3-bedroom units. The current configuration would result in fewer bedrooms (2 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom). There would be no grounds at this stage to introduce parking as a reason for refusal. Further, although the scheme only provides 1.3 parking spaces per unit, the property is in close proximity to town and is on a primary bus route. The applicant has provided a copy of a letter from the highway authority wherein it is stated that an access that provided for a passing bay would be acceptable as a private drive to serve the flats and four additional units. A passing bay is indicated on the plans. On the basis of the reduction in the number of bedrooms that would be provided, and in view of the proximity of the development to Trowbridge it is

considered that refusal in this case on the grounds of reason 4 of the previous refusal would not be reasonable. The highway authority has been approached for additional comment, which will be reported on the late list if received.

In addressing reason 5 of the previous refusal, no building is proposed in the vicinity of the protected trees in the northern third of the property where the proposed double storey terrace and gardens under application 05/01782/FUL would have been located. The hardstanding in close proximity to trees on the neighbouring property to the west would be replaced by the private garden spaces to the new dwellings. These trees were subject to crown raising works under application 05/01404/TPO in order to lift the crown away from the listed building roofline providing additional light to the area adjacent to the boundary adjacent to the private spaces to the rear of two of the new dwellings. The deodar located mid-way along the eastern boundary of the property is currently surrounded by the existing parking area hard surface. It is however considered that any permission should include a condition requiring details of protective measures for the trees during the construction phase of the proposal.

CONCLUSION

It is considered that the application has overcome the five reasons for refusal of application 05/01782/FUL. The application should be granted permission.

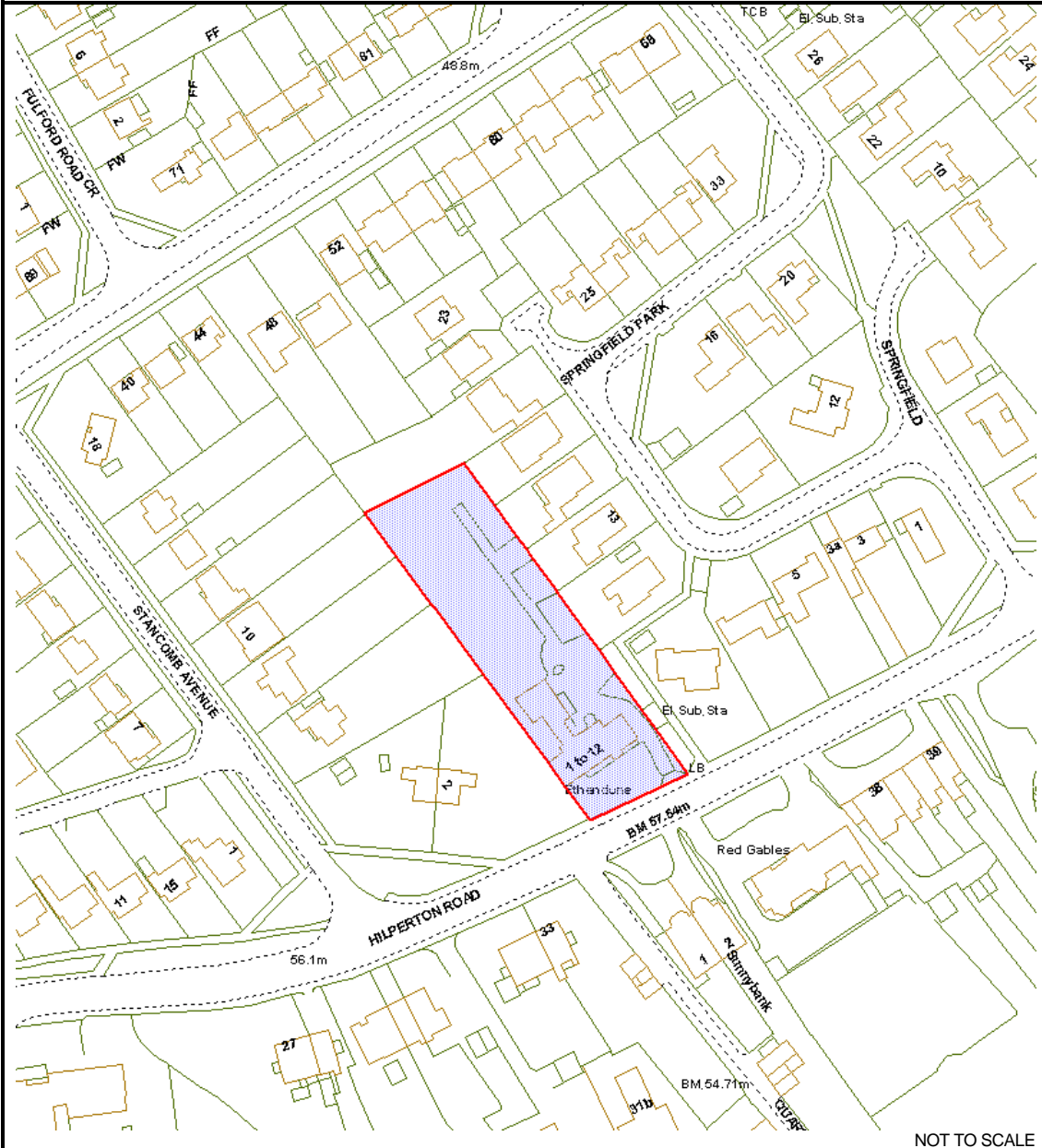
PLANNING COMMITTEE

16 November 2006

ITEM NO: 13

APPLICATION NO: 06/02053/LBC

LOCATION: Land Rear Of Ethendune Hilpert Road Trowbridge
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 06/02053/LBC

Site Address: Land Rear Of Ethendune Hilperton Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Park

Grid Reference 386288 158347

Application Type: Listed building

Development: Erection of four dwellings after demolition of brick-built extension

Applicant Details: Keylock Homes Ltd
Keepers Cottage Spiers Piece Steeple Ashton Trowbridge
Wiltshire

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

Case Officer: Mr Matthew Perks

Date Received: 06.07.2006 Expiry Date: 31.08.2006

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

Condition(s):

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

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

- 2 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

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

- | | |
|---|--|
| 3 | Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28. |
| 4 | Details of the design, external appearance and finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28. |
| 5 | The area shown as "Communal Garden" on the approved plan No 1423/10/B Rev B shall remain as shared amenity space and shall not be subdivided or fenced-off into separate units of garden space.

REASON: To protect and preserve the setting of the listed building.

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for listed building consent for the erection of four dwellings to the rear of the Grade II Listed "Ethendune", Hilperton Road, Trowbridge following the demolition of a brick-built rear extension. The consent application relates to the works that would be carried out in the event that the planning application 06/02054/FUL for the erection of four dwellings is granted permission.

The application is a revision to a proposal for six dwellings, which was changed in the light of highway authority comments on the Planning application. The building would be an extension comprising a single storey, low profile structure in an "L"- shape extending 30m towards the rear of "Ethendune". The width of the extension would be 7m, and the roof ridge height would be between 5.2 and 5.5m. Materials would be stone-coloured rendered walls, non-rebated timber windows, wide plank doors, slate roofs and black-painted metal gutters and downpipes. An existing single storey red-brick extension with a footprint of 72m² and accommodating 1 flat would be demolished to accommodate the new development.

A communal garden area of between 34 and 23m in depth would be provided at the northern end of the site. Each of the new units would be provided with a small private garden space to the rear of the dwellings.

CONSULTATION

TROWBRIDGE TOWN COUNCIL

"TTC objected on the grounds this was not in keeping, not happy with the access to the highway."

INTERNAL WWDC CONSULTATIONS

HERITAGE DEVELOPMENT OFFICER

The comments of the Heritage Officer, being central to the issues in this case, are reflected in the Planning Officer Comments section below.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 2 Responses were received.

The Trowbridge Civic Society welcomed the re-design, but remained concerned with traffic issues. Also suggested a mixture of brick and stone materials, as well as the render.

A neighbour objected to both the full planning and the listed building application. The listed building-related objection is in respect of materials and "inappropriate building in juxtaposition to the main building".

- Impact on views from neighbouring properties;

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

HE7 - Listed Buildings and Conservation Areas

West Wiltshire District Plan 1st Alteration 2004

C27 - Listed Buildings

RELEVANT PLANNING HISTORY

05/01782/FUL: Erection of four dwellings: Refused: 29.09.2005

KEY PLANNING ISSUES

The main issue in this case relates to the impact on the character of "Ethendune".

PLANNING OFFICER'S COMMENTS

The comments of the Heritage Officer on this application are that the demolition of part of the existing building would benefit the main building.

The proposed extension which would replace this red brick building would in footprint be much larger than that which would be demolished. However, the form of the proposed extension would be of subservient proportions to the main listed building. The building would be single storey and its roof would step down as the site drops towards the rear. The form of the building would reflect the linear form of the site whilst retaining a reasonable area of open communal space at the end of the site.

This listed building is one of the remaining large houses in this part of Trowbridge. The houses were all characterised by large plots and spacious rear gardens. It is therefore important to retain this element of communal and open space as this is part of the character of the site. The area at the rear of the site should not be formally divided in order to safeguard the setting of the listed building and a condition to this effect should be imposed on any permission or consent.

The design of the proposal is quite plain and simple, respecting the rest of the building whilst being traditional in itself with two-light mullion windows and stone detailing.

The materials are proposed to be rendered in stone colour with stone detailing and slate roofs. These are acceptable materials that should be fully conditioned, including finishes, to ensure that the completed scheme is in keeping with the listed building.

The revised plans have included a small parapet and flat roof structure to in-fill between the existing single storey wrap-around structure and the proposed extension. This does seem to be the best way of dealing with this gap and would be the least intrusive in terms of the effect on the surrounding roof forms.

The proposal is large but on balance would not significantly harm the character, fabric or setting of the listed building."

Provided that appropriate conditions are applied, the application should be granted consent.