

Planning Applications

- (a) To receive and note the attached list of delegated decisions made since the last meeting (list herewith)
- (b) To determine planning applications received in accordance with the Committee's delegated powers (list herewith).

NOTES:

(i) LOCAL GOVERNMENT ACT 1972 – SECTION 100D

The background papers relating to the applications reported upon include not only relevant planning documents but also replies to consultations with other bodies and authorities, letters of representation from interested parties, previous planning decisions and source material otherwise referred to in the reports.

(ii) HUMAN RIGHTS ACT 1998

The human rights implications of the actions recommended in these reports have been considered and are acceptable and the checklist has been addressed.

PLANNING COMMITTEE

15 FEBRUARY 2007

Planning Applications for Determination

Item No	Application No	Location	Parish	Page No
01	06/03164/FUL	Construct two storey extension to rear of main house, demolish existing garage/stables outbuildings and construct new garage/store - Whitepits Farm 34 - 35 Kingston Deverill Wiltshire BA12 7HE	Kingston Deverill	1
02	06/03161/LBC	Construction of two storey rear extension to main house, general internal alterations at ground and first floor level, general refurbishment including re-thatching of main roof, demolition of garage/stable outbuilding and construction of new garage/store - Whitepits Farm 34 - 35 Kingston Deverill Wiltshire BA12 7HE	Kingston Deverill	9
03	06/02441/FUL	Demolition of Hill Leigh and erection of 9 no. 2, 3 and 4 bed dwellings and associated parking - Land Rear Of 69 Woolley Street Bradford On Avon Wiltshire	Bradford On Avon	15
04	06/03403/OUT	Erection of 3 dwelling (outline) and resiting of electricity sub station - Land Adjacent 22 Cherry Orchard Codford Wiltshire	Codford	27
05	06/03372/FUL	Construction of new skateboard park - Stallard Recreation Ground Stallard Street Trowbridge Wiltshire	Trowbridge	37
06	06/02424/OUT	Community centre, day nursery (siting) Doctors surgery (Siting) and associated car parking, 23 apartments, 70 dwelling houses and public open space - Areas R11 And R12 Westbury Leigh Westbury Wiltshire	Westbury	45
07	04/00797/OUT	Employment development B1/B2/B8 - Land South West Of Christie Miller Sports Centre Lancaster Road Bowerhill Wiltshire	Melksham Without	61
08	06/03666/FUL	Proposed conversion of derelict wellhouse to garden store - Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN	Bradford On Avon	73
09	06/03312/LBC	Conversion of derelict 'wellhouse' to garden store - Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN	Bradford On Avon	79
10	06/02623/FUL	Conversion of garage to form annexe - 64 Bradley Road Trowbridge Wiltshire BA14 0RA	Trowbridge	85
11	06/03714/FUL	Proposed single storey side extension - 48 Savernake Avenue Melksham Wiltshire SN12 7HD	Melksham (Town)	91
12	06/02397/FUL	Erection of 4 bed residential dwelling - Land Adjacent Of 27 Wynsome Street Southwick Wiltshire	Southwick	95
13	06/03560/FUL	Variation of condition 18 of application 00/01255 - to allow all vehicular access - The Hope Nature Centre Southwick Country Park Frome Road Southwick Wiltshire	Southwick	101
14	06/03300/FUL	New conservatory to rear elevation of existing dwelling house - 56 Station Road Westbury Wiltshire BA13 3JN	Westbury	109

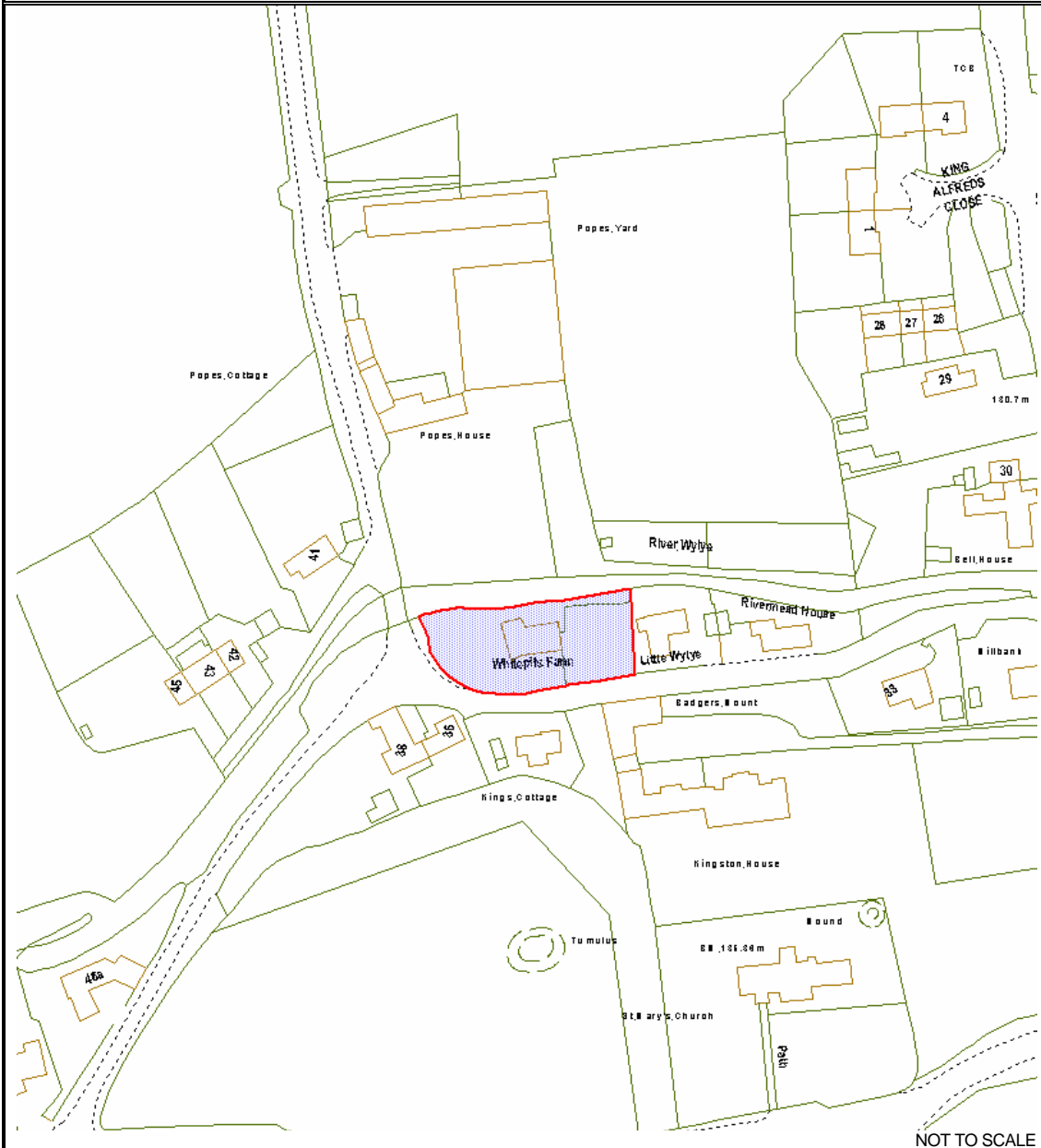
PLANNING COMMITTEE

15 February 2007

ITEM NO: 01

APPLICATION NO: 06/03164/FUL

LOCATION: Whitepits Farm 34 - 35 Kingston Deverill Wiltshire
BA12 7HE



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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 06/03164/FUL

Site Address: Whitepits Farm 34 - 35 Kingston Deverill Wiltshire BA12 7HE

Parish: Kingston Deverill

Ward: Shearwater

Grid Reference 384527 137153

Application Type: Full Plan

Development: Construct two storey extension to rear of main house, demolish existing garage/stables outbuildings and construct new garage/store

Applicant Details: Linnick Developments Ltd
PO Box 1630 Warminster BA12 8YA

Agent Details: Wolstenholme & Partners
The Old Church House Church Steps Frome Somerset BA11 1PL

Case Officer: Mr Russell Brown

Date Received: 17.10.2006

Expiry Date: 12.12.2006

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 character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & 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 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

- 5 The construction of the development hereby permitted shall adhere to the submitted Flood Risk Assessment, received on 30/11/06.

REASON: In the interests of flood protection.

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

- 6 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.

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

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

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

- 8 Prior to the commencement of works on site, a construction method statement detailing how pollution to the river will be prevented shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to prevent contamination of the river.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy U4

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

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

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

Note(s) to Applicant:

- 1 The proposed river bank restoration and stabilisation should make use of 'soft' engineering to create a natural profile allowing wetland vegetation to establish. Further advice is available, if required, from the Wessex Chalk Streams Project (tel. 01380 737008).

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Committee on 25.01.07 for a site visit to indicate the position of the garage building and to ask for the Conservation Officer's views in writing.

This application was originally brought to the planning committee as the Parish Council objected and officers recommended permission.

This is a full planning application for an extension to this Grade II listed building in Kingston Deverill and the construction of a detached garage/workshop building on the site of a former set of workshops, garaging and stables.

The site is within the Area of Outstanding Natural Beauty, a Conservation Area and lies in a flood risk area.

The property is a 2 storey thatched cottage that formerly had a small complex of outbuildings that have been demolished and removed prior to this application. The demolition has been added to this application as a retrospective element.

The proposed two storey extension would project 2.5 metres from the centre of the rear elevation and would comprise a 2 storey thatched gable 5 metres wide. The existing materials and window that would be removed from the building would be reused in the construction of the extension. There would also be an eyebrow window in the existing rear roofslope adjacent to the proposed extension.

The proposed garage and workshop building would be sited in the location of the former set of outbuildings, although the proposed garage building would be significantly smaller in terms of footprint. The garage building would be higher than the previous buildings, as these were single storey and flat roofed. The proposed building would be 5.6 metres tall, this has been reduced from 6 metres following consultation responses.

The garage building would comprise a double carport with a garden store/workshop and a study/office above. There would be an external timber staircase. The building would be for the domestic use of the main house.

The proposed garage building would have open fronted carports, timber framed, with a timber garage door on the store room. The rest of the building would be rendered with brick quoins and a clay tile roof.

The neighbouring property to the east would be 3.5 metres away and the garage building would be set back, its ridge behind the rear wall of the neighbouring property.

CONSULTATION REPLIES

UPPER DEVERILLS PARISH COUNCIL

Objections

- Inaccuracies in the plans
- The size of the garage/workshop is considered disproportionate to the main house - against Policy GB2
- The garage would impose on the neighbour contrary to Policy C38 and the Supplementary Design Guidance
- The garage building may, in the future, be used as accommodation
- Out of keeping with the AONB contrary to Policy C2 - proposals do not enhance and preserve the character of the building
- The proposals do not comply with listed building Policy C27

- The rear extension would remove part of the catslide roof which is visually pleasing and a rare feature. Does not comply with Policy C28
- The area of tarmac and concreting to the front of the property is considered disproportionate and would affect surface water runoff possibly causing flooding, against Policy U3

STATUTORY CONSULTEES

LIBRARIES AND HERITAGE

No objections

ENVIRONMENT AGENCY

A Flood Risk Assessment should be submitted in accordance with the Environment Agency's standing advice.

The Environment Agency have been consulted on the submitted Flood Risk Assessment and have made no further comments as yet.

WILTSHIRE WILDLIFE TRUST

No response

NATURAL ENGLAND

No objections subject to conditions

CRANBORNE CHASE AND WEST WILTSHIRE DOWNS AREA OF OUTSTANDING NATURAL BEAUTY

No objections

- Much of the character is being retained
- The garage and workshop building would be domestic rather than business
- The plain tile roof and general structure should echo local design, form and scale

INTERNAL WWDC CONSULTEES

CONSERVATION OFFICER

I would not normally be involved in consultations relating to a Grade II listed building. However, the main reason for my involvement in this application was because there were some major concerns in the village and with the local Member concerning the condition of this building over the course of 2005/06. Many of the concerns were about the condition of this property. Because of the Building at Risk issue, I was involved in the initial discussions with the applicant to seek a reasonable way forward to ensure that this property no longer remained empty for any longer than it had to. The only site visit I have had was to look at the condition of the building with the case officer and applicants to ensure that it was adequately protected from wind and weather infiltration. Broad details for proposals to alter the interior of the house were also discussed at this time - summer 2006. No further involvement was required after the application was submitted other than to deal with the applicant on one occasion when Mr Brown was on leave.

I am of the view that the general proposals for the internal alterations and small extension to the house are acceptable subject to Conditions. I am especially aware of the debate that we had over the form of thatching material to be reinstated. I would be interested to know what the final form of thatch is agreed upon although I would always advocate Combed Wheat Straw as it is the accepted thatching material in this part of Wiltshire. Care should be taken to ensure that the ridge details are not too ornate. If this application does not get approved there may be a need to look at legal action to be taken in order to ensure that this property is adequately protected against the weather until such time as another scheme is agreed or the applicants have an appeal decision.

NON-STATUTORY CONSULTTEES

PUBLICITY

The application has been advertised in the local press, a site notice placed on the site and neighbour notifications undertaken. 2 letters have been received making the following points:

- The two storey extension should not be a problem
- The height of the garage building should be as before - single storey
- Inaccuracy of plans - Little Wylde is closer than shown
- The footprint of the proposed garage building is less than the previous outbuildings
- The previous outbuildings were all single storey in height
- The form and mass of the new garage building would be overbearing in its setting against the main dwelling
- The need for a garage/workshop/study building is out of keeping with the local area
- Potential for noise nuisance from workshop
- Possible future use of the garage building for accommodation
- The concept for the existing listed building is well thought out
- Possibility of flooding and pollution of the river

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C2 - Area of Outstanding Natural Beauty

C6 - Area of High Ecological Value

C15 - Area of High Archaeological Interest

C27 - Listed Buildings

C28 - Alterations to Listed Buildings

C31a - Design

C38 - Nuisance

U3 - Flood Risk Area

U4 - Groundwater Source Protection Zone

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C2 Area of Outstanding Natural Beauty

C6 Area of High Ecological Value

C15 Area of High Archaeological Interest

C27 Listed Buildings

C28 Alterations to Listed Buildings

C31a Design

C38 Nuisance

U3 Flood Risk Area

U4 Groundwater Source Protection Zone

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

PPS25 Development Flood Risk

RELEVANT PLANNING HISTORY

None.

KEY PLANNING CONSIDERATIONS

The key issues in this application are the effect of the proposal on:

- the character and setting of the listed building
- the special landscape character of the Area of Outstanding Natural Beauty
- neighbouring amenities
- flooding implications and drainage
- protected species
- archaeological implications

PLANNING OFFICER'S COMMENTS

The character and setting of the listed building

The listed building has been empty for some time and has suffered deterioration as a result. The applicants have undertaken extensive pre-application discussions with the Heritage Development Officer and the Conservation Officer as regards the future of this building. There are stability issues at the rear of the building as there are no foundations for the existing rear lean-to. The proposed extension would remedy this problem and provide additional space in a sensitive and sympathetic manner.

The extension would be a thatched gable and would only project 2.5 metres from the existing rear of the house. This would be sympathetic to the scale of the existing building and would not result in an overbearing form of development. The thatched roof would be replaced on the rear roof slope, which is a necessary repair in any case, incorporating the new extension. A traditional eyebrow window would be inserted into the thatch adjacent to the extension in order to give light into the house.

The fenestration of the existing rear elevation would be reused as far as possible in the altered rear elevation and any new windows would be matching existing units. The doors would be traditional timber doors.

The character of the listed building would not be harmed by this extension due to the sympathetic and subservient nature of the proposed extension.

The proposed garage building has been sited in the location of the previous outbuildings. The roof height has been reduced to 5.6 metres to increase the subservience of the building in terms of its appearance and relation to the listed building and to the neighbour dwelling.

The design is simple and discreet and would not detract from the setting of the listed building. The listed building would still remain very much the focus of the site.

The special landscape character of the Area of Outstanding Natural Beauty

The site is within the village of Kingston Deverill. The site is surrounded by other development and is not prominent in the wider landscape due to the topography of the surrounding area. The scale of the proposed development is in keeping with its surroundings and the design and form of the development would not be prejudicial to the quality of the landscape. Consequently, it can be seen that the special landscape character of the Area of Outstanding Natural Beauty would not be harmed by either the proposed extension or the proposed garage building.

Neighbouring amenities

The proposed extension to the main listed building would not result in any harm to neighbouring amenities. No overlooking would be created by the extension and there would be no overshadowing effect either.

The proposed garage building would be sited close to the eastern neighbouring property. However, its ridge would be behind the rear wall of the neighbouring property and therefore the effect of its height would not be to the detriment of the amenities of the neighbour property. There would be no significant overbearing effect created by the proposed garage building due to its size and siting.

The neighbouring dwelling opposite, across the road, would not suffer any detrimental loss of light or overbearing effect and due to the reduction in height of the ridge, would not result in any adverse visual effect. The property opposite would be almost 20 metres from the garage building.

Flooding implications and drainage

The Environment Agency have no objections subject to a Flood Risk Assessment (FRA) being submitted in accordance with their standing advice. The FRA has been submitted and appears to be in line with the Environment Agency's advice regarding flood protection. A condition should be imposed ensuring the compliance with the FRA.

A new treatment plant would be installed on the site to deal with the foul drainage to ensure no contamination of the natural water sources.

Protected species

English Nature have no objections subject to conditions ensuring the construction process does not disturb any protected species and that mitigation measures are put in place for any protected species that are found.

A condition requiring a full ecological survey and report, together with mitigation measures prior to the commencement of building works should be imposed.

Archaeological implications

Nothing of archaeological significance would be affected by this development. The Libraries and Heritage department of Wiltshire County Council has no objection.

Other points raised by the Parish Council and publicity responses.

The site is not within the Green Belt and the hard surfacing proposed could be done without consent.

The proposed garage building is for domestic ancillary use, any potential use of the building in the future cannot be taken into account in this application. A further planning application would be required if any change of use was proposed.

Due to the domestic nature of the outbuilding, the workshop would not result in any noise over and above that of any other private residential site.

The revised plans have resolved and corrected the inaccuracies in the original plans, namely the relative positions of the neighbouring property.

CONCLUSION

The application would not harm any interests of acknowledged importance and therefore this application is recommended for permission.

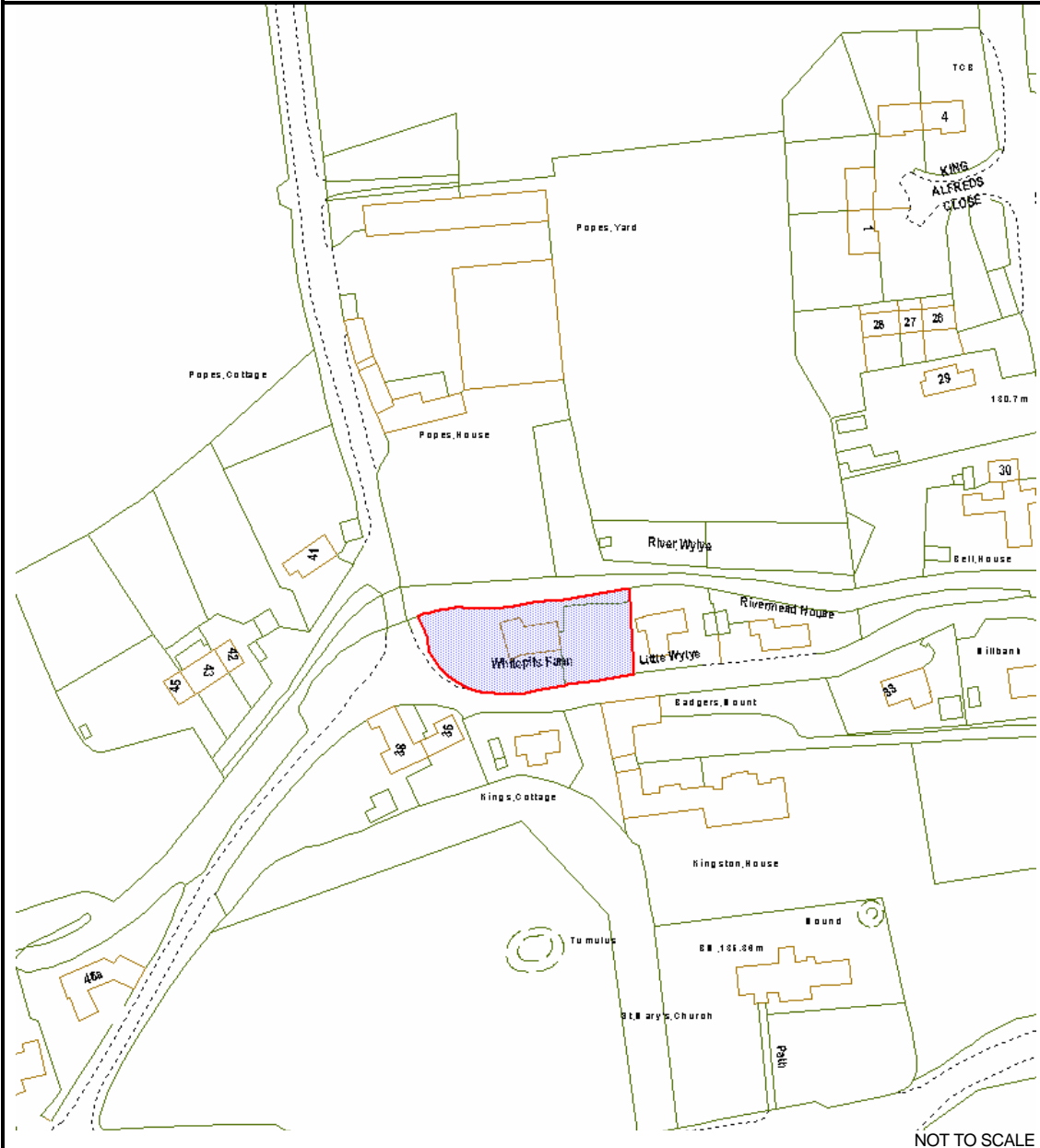
PLANNING COMMITTEE

15 February 2007

ITEM NO: 02

APPLICATION NO: 06/03161/LBC

LOCATION: Whitepits Farm 34 - 35 Kingston Deverill Wiltshire
BA12 7HE



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 06/03161/LBC

Site Address: Whitepits Farm 34 - 35 Kingston Deverill Wiltshire BA12 7HE

Parish: Kingston Deverill

Ward: Shearwater

Grid Reference 384527 137153

Application Type: Listed building

Development: Construction of two storey rear extension to main house, general internal alterations at ground and first floor level, general refurbishment including re-thatching of main roof, demolition of garage/stable outbuilding and construction of new garage/store

Applicant Details: Linnic Developments Ltd
PO Box 1630 Warminster BA12 8YA

Agent Details: Wolstenholme & Partners
The Old Church House Church Steps Frome Somerset BA11 1PL

Case Officer: Mr Russell Brown

Date Received: 17.10.2006

Expiry Date: 12.12.2006

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

Condition(s):

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

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

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

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

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

- 5 Details of all new or replacement 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 The thatching material used must be combed wheat straw.

REASON: To ensure that the character and fabric of the listed building is protected.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the planning committee as the Parish Council object and officers recommend permission and the planning committee deferred the application on 25/01/07 for a site visit to indicate the position of the garage building and to ask for the Conservation Officer's views in writing.

This is a listed building consent application for an extension to this Grade II listed building in Kingston Deverill. The application also includes details of the construction of a detached garage/workshop building on the site of a former set of workshops, garaging and stables. These works do not require listed building consent, only planning permission, and therefore this matter is dealt with under the accompanying planning application 06/03164/FUL.

The site is within the Area of Outstanding Natural Beauty, a Conservation Area and lies in a flood risk area.

The property is a 2 storey thatched cottage that formerly had a small complex of outbuildings that have been demolished and removed prior to this application. The demolition has been added to this application as a retrospective element.

The proposed two storey extension would project 2.5 metres from the centre of the rear elevation and would comprise a 2 storey thatched gable 5 metres wide. The existing materials and window that would be removed from the building would be reused in the construction of the extension. There would also be an eyebrow window in the existing rear roof slope adjacent to the proposed extension.

The proposed internal works to the listed building comprise the removal of two ground floor partition walls and rebuilding of one in a revised position. Several internal doorways would be widened and a cloakroom would be created with a new partition wall. Part of the rear wall would be removed for the purposes of the extension. On the first floor the partitions are proposed to be rearranged to create bedrooms/bathrooms.

CONSULTATION REPLIES

UPPER DEVERILLS PARISH COUNCIL

Objections

- Inaccuracies in the plans
- The size of the garage/workshop is considered disproportionate to the main house - against Policy GB2
- The garage would impose on the neighbour contrary to Policy C38 and the Supplementary Design Guidance
- The garage building may, in the future, be used as accommodation
- Out of keeping with the AONB contrary to Policy C2 - proposals do not enhance and preserve the character of the building
- The proposals do not comply with listed building Policy C27
- The rear extension would remove part of the catslide roof which is visually pleasing and a rare feature. Does not comply with Policy C28
- The area of tarmac and concreting to the front of the property is considered disproportionate and would affect surface water runoff possibly causing flooding, against Policy U3

STATUTORY CONSULTEES

N/A

INTERNAL WWDC CONSULTEES

CONSERVATION OFFICER

I would not normally be involved in consultations relating to a Grade II listed building. However, the main reason for my involvement in this application was because there were some major concerns in the village and with the local Member concerning the condition of this building over the course of 2005/06. Many of the concerns were about the condition of this property. Because of the Building at Risk issue, I was involved in the initial discussions with the applicant to seek a reasonable way forward to ensure that this property no longer remained empty for any longer than it had to. The only site visit I have had was to look at the condition of the building with the case officer and applicants to ensure that it was adequately protected from wind and weather infiltration. Broad details for proposals to alter the interior of the house were also discussed at this time - summer 2006. No further involvement was required after the application was submitted other than to deal with the applicant on one occasion when Mr Brown was on leave.

I am of the view that the general proposals for the internal alterations and small extension to the house are acceptable subject to Conditions. I am especially aware of the debate that we had over the form of thatching material to be reinstated. I would be interested to know what the final form of thatch is agreed upon although I would always advocate Combed Wheat Straw as it is the accepted thatching material in this part of Wiltshire. Care should be taken to ensure that the ridge details are not too ornate. If this application does not get approved there may be a need to look at legal action to be taken in order to ensure that this property is adequately protected against the weather until such time as another scheme is agreed or the applicants have an appeal decision.

NON-STATUTORY CONSULTEES

PUBLICITY

The application has been advertised in the local press, a site notice placed on the site and neighbour notifications undertaken. 2 letters have been received making the following points:

- The two storey extension should not be a problem
- The height of the garage building should be as before - single storey
- Inaccuracy of plans - Little Wylde is closer than shown
- The footprint of the proposed garage building is less than the previous outbuildings

- The previous outbuildings were all single storey in height
- The form and mass of the new garage building would be overbearing in its setting against the main dwelling
- The need for a garage/workshop/study building is out of keeping with the local area
- Potential for noise nuisance from workshop
- Possible future use of the garage building for accommodation
- The concept for the existing listed building is well thought out
- Possibility of flooding and pollution of the river

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C27 - Listed Buildings

C28 - Alterations to Listed Buildings

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None.

KEY PLANNING CONSIDERATIONS

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

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

PLANNING OFFICER'S COMMENTS

The listed building has been empty for some time and has suffered deterioration as a result. The applicants have undertaken extensive pre-application discussions with the Heritage Development Officer and the Conservation Officer as regards the future of this building. There are stability issues at the rear of the building as there are no foundations for the existing rear lean-to. The proposed extension would remedy this problem and provide additional space in a sensitive and sympathetic manner.

The extension would be a thatched gable and would only project 2.5 metres from the existing rear of the house. This would be sympathetic to the scale of the existing building and would not result in an overbearing form of development. The thatched roof would be replaced on the rear roof slope, which is a necessary repair in any case, incorporating the new extension. A traditional eyebrow window would be inserted into the thatch adjacent to the extension in order to give light into the house.

The fenestration of the existing rear elevation would be reused as far as possible in the altered rear elevation and any new windows would match existing units. The doors would be traditional timber doors.

The character of the listed building would not be harmed by this extension due to the sympathetic and subservient nature of the proposed extension.

The internal alterations would result in a minimal loss of historic fabric. The widening of the doorways would not result in adverse effects to the listed building. There is no objection to the loss of part of the rear wall, as the rear wall is in a poor state and has no foundations. The proposed extension would ensure the future of the building and the rest of the existing rear wall.

The staircase would be replaced as the existing staircase is not capable of retention. The existing staircase was most likely to have been inserted into the building when the rear outshut extension was built. It is not therefore an original feature. The new staircase would be in the identical position, maintaining the historical reference to that period of change. On the first floor the wall would be lowered to incorporate the new staircase.

The windows that would be removed from the existing openings would be reused in the new extension, as would all salvageable building materials. Consequently, the existing fabric of the building would be retained.

There is no objection to the rearrangement of the first floor partition walls as the revised positions would create logical rooms that complement the window positions and maintain a sense of proportion to the first floor spaces.

The other matters raised by the Parish Council and the publicity responses are dealt with in the report of the planning application 06/03164/FUL.

CONCLUSION

There would be no harm the character or integrity of the listed building and therefore this application is recommended for consent.

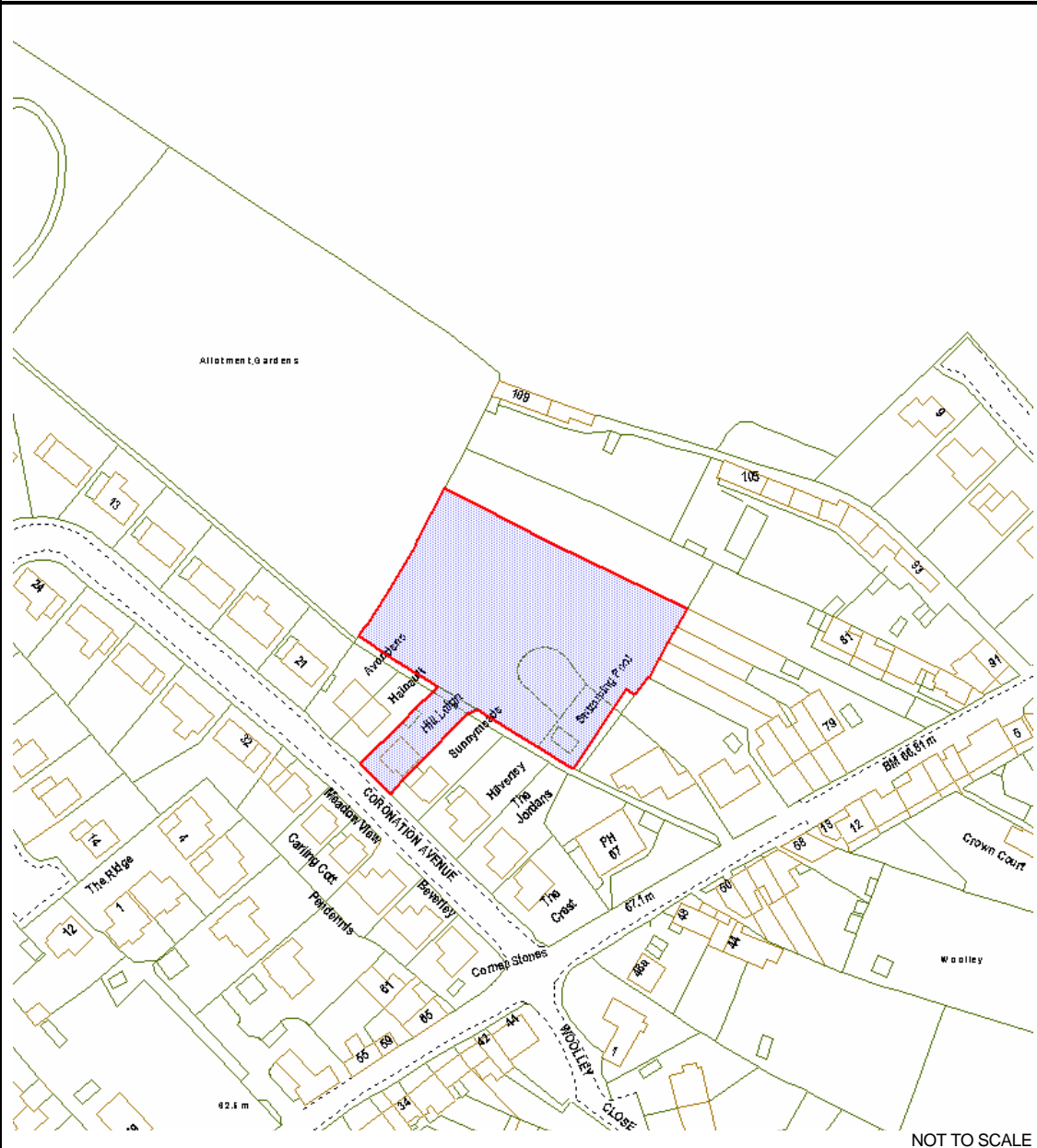
PLANNING COMMITTEE **15 February 2007**

15 February 2007

ITEM NO: 03

APPLICATION NO: 06/02441/FUL

LOCATION: Land Rear Of 69 Woolley Street 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

03 Application: 06/02441/FUL

Site Address: Land Rear Of 69 Woolley Street Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon North

Grid Reference 383304 161332

Application Type: Full Plan

Development: Demolition of Hill Leigh and erection of 9 no. 2, 3 and 4 bed dwellings and associated parking

Applicant Details: Beswick Homes
C/o 2-4 Wood Street Swindon Wiltshire SN1 4AB

Agent Details: Ian Sullivan Architectural Design Limited
2-4 Wood Street Swindon Wiltshire SN1 4AB

Case Officer: Mr Peter Westbury

Date Received: 08.08.2006 Expiry Date: 03.10.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 5 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.

- 6 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

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

REASON: In the interests of Highway safety.

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

REASON: In the interests of Highway Safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Committee on 7 December 2006 for a site visit.

This Report has been amended to inform and comment on further representations received and incorporate matters reported on the Late List at the meeting of the Planning Committee on 7 December 2006. The representations made have not altered the recommendation made at that meeting.

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

This is an application for full planning permission for the erection of 9 dwellings and associated parking and landscaping on land to the rear of 69 Woolley Street, Bradford on Avon.

The application site is located within the town policy limits for Bradford on Avon and the Conservation Area. The adopted Bradford on Avon Conservation Area Character Assessment describes development in Woolley as being largely 19th Century. It states that the terraces are generally two-storey of linear form and either parallel or at right angles to the street with a compact layout. It continues that development in this area is based on the house/path/garden pattern, and stone walls, including those forming boundaries and extending out into the countryside, are important.

The application site is surrounded by residential development to the south, recreational land to the west, a Public House and residential development to the south, recreational land and open countryside to the north.

There are trees on the northwest and northeast sides that are the subject of a Tree Preservation Order. There are also 4 fruit trees within the site that any scheme for this site would be required to replace to an acceptable standard.

Access to the site will be achieved by the demolition of Hill Leigh, a detached dwelling on the eastern side of Coronation Avenue. This property is not within the Conservation Area and therefore does not require Conservation Area Consent for its demolition. The demolition will create space for an access road which the plans show will have a width of 9 metres with footpaths on either side. The carriageway will be 5 metres wide.

The proposed housing on the site would comprise of terraced development with a mixture 5 three-bedroomed dwellings, 2 four-bedroom dwellings and 2 two-bedroom dwellings. The proposal includes provision for landscaping and the incorporation of 0.6 metre tall stone walls to separate the proposed residential development from the parking areas.

The scheme has been revised in order to address issues surrounding highways, design, layout and landscaping.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object.

Recommends refusal as this backland proposal by reason of its overall design, density and layout is not in keeping with the characteristics of the surrounding area and does not preserve or enhance the character of the Conservation Area and disrupts the character of Coronation Avenue: this contrary to policies H1 and C18 in particular.

"This site is outside the built-up area of the town and close to the Green Belt boundary. It is an orchard within the Bradford on Avon No 2 Conservation Area. The site is greenfield with no existing highway access. Its trees are an important part of the setting of the edge of the town. Overall density in the locality is relatively low with generous gardens for many of the surrounding houses.

The proposal is a "backland" development. It requires the building of an access road and footways onto Coronation Avenue a quiet residential road outside the Conservation Area. It requires the demolition of one of a coherent group of interesting 1930's stone houses worthy of inclusion in the Conservation Area. Indeed this road is the only material addition proposed by the Town Council and other community interests for inclusion to the Conservation Area in the North of the Town.

The LPA is particularly asked to be rigorous in the application of their obligation to "preserve or enhance the conservation" area. This is a higher obligation than, for example, causing little damage to the area. The acid test here is simple. Does the proposed development improve the area? The impact on the street scene and amenity, of the residents of Coronation Avenue are also crucial matters.

The Town Council notes that the proposer makes much of their consultation with officers of the LPA but this seems to have been the limit of the discharge of their community consultation obligations. They have not consulted with the Town Councillor made serious attempts to accommodate many of its soundly based points raised in response to earlier submissions."

The Town Council recommends that there is no disposal of this matter without a site visit by members of the WWDC planning committee to the area. We feel this is important to appreciate neighbourhood impact".

- "Whilst the design of the houses and their terrace form is a significant improvement on previous submissions. The density is also too high. The area tradition is for less bulky or "broken line" terraces. Again, this appears to be an attempt to build as many houses as possible on the limited land available. A scheme of considerably higher quality respecting its surroundings and making a positive contribution to the Conservation Area, and other surrounding area, is required.
- There is little green space in this proposal. Car parking dominates the congested layout. The use of fishbone pattern brickwork in the excessive paved area adds to an impression of suburban rather than village development.
- The proposal would result in the destruction of an orchard, important to the garden and green character of the area, and a wildlife habitat. Inadequate space is provided to ensure the long-term protection and future growth of trees on the site, especially those subject to TPOs.
- The proposed would further exacerbate the existing severe and recognised pedestrian safety issues relating to the Woolley Street area, including its unsafe junction with Coronation Avenue.
- Due to the blind nature of the access road caused by high hedges it will be difficult for motorists to notice pedestrians crossing on the footpath to Sladesbrook, many of whom are young.
- 1.8 wooden fences are not a characteristic of the area.
- No specification has been submitted showing materials for the windows and doors and their detailing.
- The Wiltshire and Swindon Structure Plan 2016 Adopted 1.4.06 Housing background paper in Section 11.2 of this paper sets out "That West Wiltshire District represented a "special case", because it was the only District in which the existing housing supply was considered to be more than sufficient to accommodate the number of dwellings required for the Plan period to 2016."
- Neither the County Structure Plan or District Plan seeks this form of development in Bradford on Avon. The development would make no contribution."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions.
- ENVIRONMENT AGENCY: No objections subject to standard drainage advice.
- ENGLISH HERITAGE: No objection.

"The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

- NATURAL ENGLAND: No comments received.
- WESSEX WATER: No objection.

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

INTERNAL WWDC CONSULTATIONS

- URBAN DESIGN AND CONSERVATION ASSISTANT: No objection.

The advice of the Council's Urban Design and Conservation Assistant is to support the application for the following reasons:

"This scheme has to reconcile the character and layout of development which lies within the Conservation Area, the existing site characteristics and the more modern qualities of Coronation Avenue."

This is achieved successfully by:

- A singular terrace at right angles to Woolley Street
- Architecturally the design of the properties reflects the character of the locality.
- The scheme retains the majority of the boundary wall, and does not prejudice the existing footpath.
- The design has reduced the impact of highway works and includes a well landscaped wall parking area, which respects the nature of the site and its surroundings.
- "Efforts have been made to retain a green courtyard to the front of buildings as well as the existing mature trees which bound the site, thus retaining the setting of the Conservation Area and the wooded backdrop to the surrounding streets."

Overall the conclusion is that the proposal will "certainly change the site, but not to the detriment to the character of the Conservation Area or the wider characteristics of the locality and consequently, with relevant conditions, accords with the Council's policies.

Since the preparation of the report for the meeting on 7 December, the Urban Design and Conservation Officer has clarified that the western and northern boundaries are of historic significance. They are in very poor condition. In repairing and retaining these boundary walls, the application makes a positive contribution to the presentation and enhancement of historic boundaries/features within the conservation Area.

The walls referred to have been identified for retention on the plans submitted, but equally this will be covered by the proposed conditions.

These comments were reported on the Last List on 7 December 2006.

NON-STATUTORY CONSULTATIONS

- BRADFORD ON AVON PRESERVATION TRUST: "This development is proposed in a conservation Area with a very special character based on small terraced cottages with distinctive layouts set around gardens and orchards. As a result of a recent survey of the area by the conservation Officer it has been proposed to extend the conservation Area to include another open area of garden and orchard at 49 Woolley Street.

The proposal to place the terrace in the middle of the site with parking to the front and high wooden fences to the rear is completely alien to the predominantly house/garden pattern of Woolley conservation Area. The proposed positioning of the terrace will result in damage to tree roots of TPO trees and there is the threat of loss of habitat for protected species of bats and owls.

This Trust suggests that this proposal does not conserve or enhance the character or appearance of the conservation Area. (PPG15 and C17 & C18 Local Plan.

The layout and form of the proposed development does not retain or respect the open space aspect of this part of the conservation Area. Design Policy C31 a or H1 Contrary to Policy HE7 of the Wiltshire Structure Plan 2011.

Hill Leigh is in a group of houses proposed for inclusion in the conservation Area. Demolition of this house would spoil the group.

The Trust has concerns about pedestrian safety and poor access from the site onto Coronation Avenue. There are often cars parked on this road and satisfactory visibility would be questionable from the site.

The Trust recommends refusal of this application".

- FRIENDS OF WOOLLEY: Object on the following grounds:
 - Proposal neither preserves nor enhances the character or appearance of the conservation Area, as required by national and adopted local policy (PPG15)
 - Does not respect or enhance landscape and townscape features.
 - Does not protect existing trees on the site
 - Does not secure the long term protection of the trees along the northern boundaries of the site, as required by the TPO placed on them
 - Pays scant attention to the up to date Structure Plan policy.

A further representation was received underlining this objection and stating that the proposal is contrary to conservation Area policies of the District Plan.

Following the deferral of the application on 7 December 2006, a further representation was received from the Friends of Woolley making the following comments:

- English Heritage have not been consulted.
- The report to Committee fails to mention the adopted SPG: Bradford on Avon Conservation Area Character Assessment in the listing of relevant policy.
- The report to Committee fails to adequately describe the existing character of the conservation area, or to adequately assess consistency with certain key characteristics set out in the adopted Conservation Area Appraisal.
- The report ignores some of the key advice given by the Assistant Urban Design and Conservation Officer.
- As has been demonstrated above, the proposed layout of the site, with the building in the centre of the site and parking to front and rear, and with the buildings facing away from the green space of the conservation area, is NOT traditional in this area. The statement in the Report to Committee that 'the layout (is) traditional' is therefore wrong.
- The report fails to describe the relationship of the western most house to the TPO'd and vigorously growing TPO trees.
- This is not the only option for development on this site. The report is inaccurate in stating that 'any scheme for this site would be required to replace (the fruit trees) to an acceptable standard'
- The report states that there are just 4 fruit trees on the site, when in fact there are at least a dozen.
- The report fails to point out to members that the 'walled courts' for cars, are in fact bounded by walls of 600mm or 2 feet high.
- The report fails to inform members of the risks of approving grasscrete as a surface in a parking area that is in frequent use.
- In the presentation to members at Committee, the condition of the site was highlighted, and Members were advised that a benefit of development would be remedy of this.

PUBLICITY RESPONSES

39 representations were received, each objecting to the proposal on the following grounds:

- Overdevelopment of the site
- Poor access to the site.
- Concern about pedestrian safety
- Proposal would totally disrupt Coronation Avenue

- People need open spaces
- Loss of a dwelling would ruin the character of Coronation Avenue
- Proposal would require additional car parking
- Loss of privacy
- Detrimental impact on the character of the Conservation Area
- Loss of a vital and substantial part of the "mosaic of open orchards and gardens that is a key characteristic of the Conservation Area, and which forms the setting to the surrounding historic linear terraces of cottages"
- Loss of the traditional and historic house/ path/ garden pattern of development which predominates in the Woolley Conservation Area.
- Loss of an important open area in the Conservation Area.
- Demolition of existing lean to would damage TPO trees.
- Loss of "tranquillity in the area"
- Does not preserve or enhance the character or appearance of the Conservation Area, as required by national and adopted local policy (PPG15 and policies C17 and C18 in the WWDC Adopted Local Plan).
- Does not respect or enhance landscape and townscape features and views or the historic layout and spatial characteristics of the surrounding area as required by Design policy C31a or H1.
- Does not protect existing trees nor include appropriate new planting and boundary treatments are uncharacteristic. This is contrary to Policy C32.
- Does not secure the long-term protection of the protected trees along the northern boundaries of the site, as required by the TPO on them.
- The proposed access would have a substantial visual impact on the local environment contrary to Policy C31a paragraph 2D.
- Increased noise
- Unsympathetic character and design
- Increased pollution
- Loss of sycamore, walnut and ash trees which are covered by TPO.
- The site's surrounding walling should be listed
- All trees on the site should be the subject of a TPO.
- Layout not in character with the surrounding area
- Concern about the use of grasscrete.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- HE7 Conservation Areas
- DP1 Priorities for Sustainable Development
- DP3 Development Strategy
- DP7 Housing Development at Towns and Main Settlements
- DP9 Development of Previously Developed Land

West Wiltshire District Plan -1st Alteration 2004

- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C31a Design
- C32 Landscaping
- C38 Nuisance
- H1 Further Development Within Towns H24 -New Housing Design T10 -Car Parking

PPS1 Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 Planning and the Historic Environment

In the absence of clear central Government Guidance on Housing, reference has been made to both the withdrawn PPG3 on Housing and PPS3 which comes into effect on 1 April 2007.

SPG Design Principles

Adopted Bradford on Avon Conservation Area Assessment (January 2001)

RELEVANT PLANNING HISTORY

05/01304/FUL- Demolition of Hill Leigh and erection of 14 three-bedroom dwellings and associated parking - Refused (24/08/05) for the following reason:

"The layout and form of the proposed development would not retain or respect the open space aspect of this part of the Conservation Area nor would the proposed replacements for the 4 fruit trees retain the linear form of the existing trees. Therefore the proposal would be harmful to the special character and appearance of the Conservation Area contrary to Policy HE7 of the Wiltshire Structure Plan 2011, Policies C17, C18, C31 a and C32 of the West Wiltshire District Plan 1st Alteration 2004 and advice given in PPG15."

Tree Preservation Order 05/0007/IND confirmed 4 August 2005.

KEY PLANNING ISSUES

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act, the key planning issue in the determination of this application is whether the proposal complies with Development Plan policy, whether there are any material considerations to outweigh compliance with policy and whether this proposal overcome the previous reason for refusal.

PLANNING OFFICER COMMENTS

Principle of Residential Development and Impact on the Conservation Area

Policy H1 of the District Plan states that proposals for housing development within the built-up area of Bradford on Avon (as defined on the Proposals Map) will be permitted provided that they do not conflict with any other Structure or District Plan Policies. This site is within and bounded by the town policy limit of Bradford on Avon and residential development is therefore acceptable in principle.

As this site is located within the Bradford on Avon No. Conservation Area, key Development Plan policies are those relating to Conservation Areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on Local Planning Authorities, to pay special attention to the "desirability of preserving or enhancing the character or appearance of that area".

The West Wiltshire District Plan Policy C17 states that the special character or appearance of the designated Conservation Areas and their setting in West Wiltshire will be preserved and enhanced. This is consistent with the legal requirement of the Local Planning Authority as set out in PPG15.

Policy C18 states that proposals for new development in a Conservation Area will be permitted only if the following criteria are met.

- a. The development will preserve or enhance the character of the Conservation Area;
- b. The plot layout, scale, form and detailed designs are characteristic of the area;
- c. Historically important boundaries and street patterns, trees, walls, railings and other means of enclosure which contribute to the area's character are retained;
- d. Open spaces and views into, out of and within the area, which are important to its character are protected;
- e. Materials and colours which blend with their setting are used. Traditional local materials will be expected, except in locations away from public view.

The character of the Conservation Area in this location is of open land. As noted in the Officer's report on Application 05/013040/FUL historically the site was part of a larger area of allotment gardens. The conclusion for this earlier application was that the proposal would not retain this openness and accordingly should be resisted. In submitting revised proposals for the site, the density of development on the site has been reduced and the applicant has amended the design to, in their words, echo "the form and character of the most attractive terraces within the Conservation Area". The Applicant has sought to address the issue of openness by including areas of landscaping within the scheme and softening the hard landscaped areas through the use of grasscrete.

As a result, the advice of the Council's Urban Design and Conservation Assistant is in support of the proposal stating that it will not be to the detriment of the character of the Conservation Area or the wider characteristics of the locality.

With regard to the layout, scale and form, this proposal has a reduced density of development and, by including a design which echoes the residential development in Woolley Street, the proposal is broadly consistent with the character of the area. This consistency will be further increased by the use of a palette of materials to match development in Woolley Street. A suitable condition to achieve this is recommended.

There are no historically important boundaries on the site.

In respect of the openness of this part of the Conservation Area, the application proposal has been amended so that more of the site will remain open. The concerns of the objectors that the proposal will result in the loss of an important open area are noted. However, on balance the Applicants statement that the proposed terrace has been placed much closer to the southern boundary of the site and footpath so enabling a much greater proportion of the area to remain open and undeveloped, is supported. The incorporation of gardens to the rear of the proposed dwellings coupled with the use of grasscrete will assist in ensuring that the overall open character of this site is retained.

The materials to be employed in this development will match existing residential development in Woolley Street. This can be secured by the imposition of relevant conditions.

The conclusion reached therefore is that the proposed development would preserve the character and appearance of the Conservation Area.

Design

The siting, layout and design of the proposed development is considered to be acceptable. The advice of the Council's Urban Design and Conservation Officer is that the scheme takes account of the character of the locality and in particular that of the Conservation Area. .

The design and layout of the proposal are traditional, in scale with and would respect the appearance of the surrounding area. The detailing is not unsympathetic and therefore is acceptable within a scheme of new residential development such as this.

The use of grasscrete is considered to be appropriate for this site. The exact details of what form this will be subject to condition.

The proposal is therefore regarded as being consistent with Policy C31a.

Landscaping

The trees on the site which are the subject of a tree preservation order are retained. The mature hedgerow which separates the application site from the footpath to the rear of properties in Coronation Avenue will, with the exception of the portion required to be removed to facilitate the access road, be retained. As the proposal is for less than 25 dwellings on a site with an area of less than a hectare, there is no requirement to provide affordable housing.

The 4 fruit trees would be replaced by 5 semi-mature trees, four of which follow the linear form of the existing trees.

The proposal is therefore consistent with Policy C32.

Highway Considerations

In respect of highway considerations, there has been no support from the Highway Authority that the proposed site access from Coronation Avenue created by the demolition of one house will be unsafe. Indeed the Highways Authority raise no objection to the proposed access.

There is equally no support for the view that nine additional dwellings in this locality will add to any traffic congestion in the area.

Response to the Further Representation Received from the Friends of Woolley

Following the meeting on 7 December 2006, a further representation was received from the Friends of Woolley. It is considered that the points have already been addressed in the consultation responses from the Council's Assistant Urban Design and Conservation Officer and Landscape Officer. Concerns about the design of the proposal are addressed above.

Comments of the Friends of Woolley

The detailed representation of the Friends of Woolley needs to be addressed in detail.

- The comments of English Heritage are set out above;
- In raising no objection to the application, the Council's Urban Design and Conservation Assistant would have consulted the Bradford on Avon Area Character Assessment;
- The Friends of Woolley suggest that the Report presented on 7 December 2006 failed to adequately describe the existing character of the Conservation Area, or to adequately assess the "consistency within certain key characteristics set out in the adopted Conservation Area Appraisal". This report has been amended to reflect these concerns. Your Officers are satisfied that this proposal would both preserve and enhance of the Conservation Area;
- Your Officers are satisfied that by incorporating a terrace development at the site, the proposal is consistent with the traditional form of terraced development in the area, as described in the Conservation Area Character Assessment;
- The application drawings indicate that the proposed buildings would be 10 metres from the trees in the north-western corner of the site;
- The application proposal includes sufficient provision for the replacement of fruit trees on the site;
- It is noted that an earlier assessment of the other fruit trees on the site (05/0007/IND) found the remaining trees to be diseased, of poor quality or damaged and were therefore not included in the Tree Preservation Order. Given the lack of value of these trees, they have not been specifically replaced as part of this application proposal. Nevertheless, your officers are satisfied that the proposal includes sufficient landscaping, to be secured by condition;
- Your Officers, in discussion with the applicants are satisfied that grasscrete represents an appropriate material to be employed on this site. The grasscrete forecourt of the development is unlikely to be adopted and therefore its maintenance will be by agreement of future occupiers of the development. It is further noted that only grasscrete will be employed in a small part of the development;
- The application report has been amended to refer to the proposed walls.

CONCLUSION

The application would preserve and enhance the character and appearance of the Conservation Area, does not detract from the surrounding area and overcomes the previous reason for refusal. It is therefore recommended for permission.

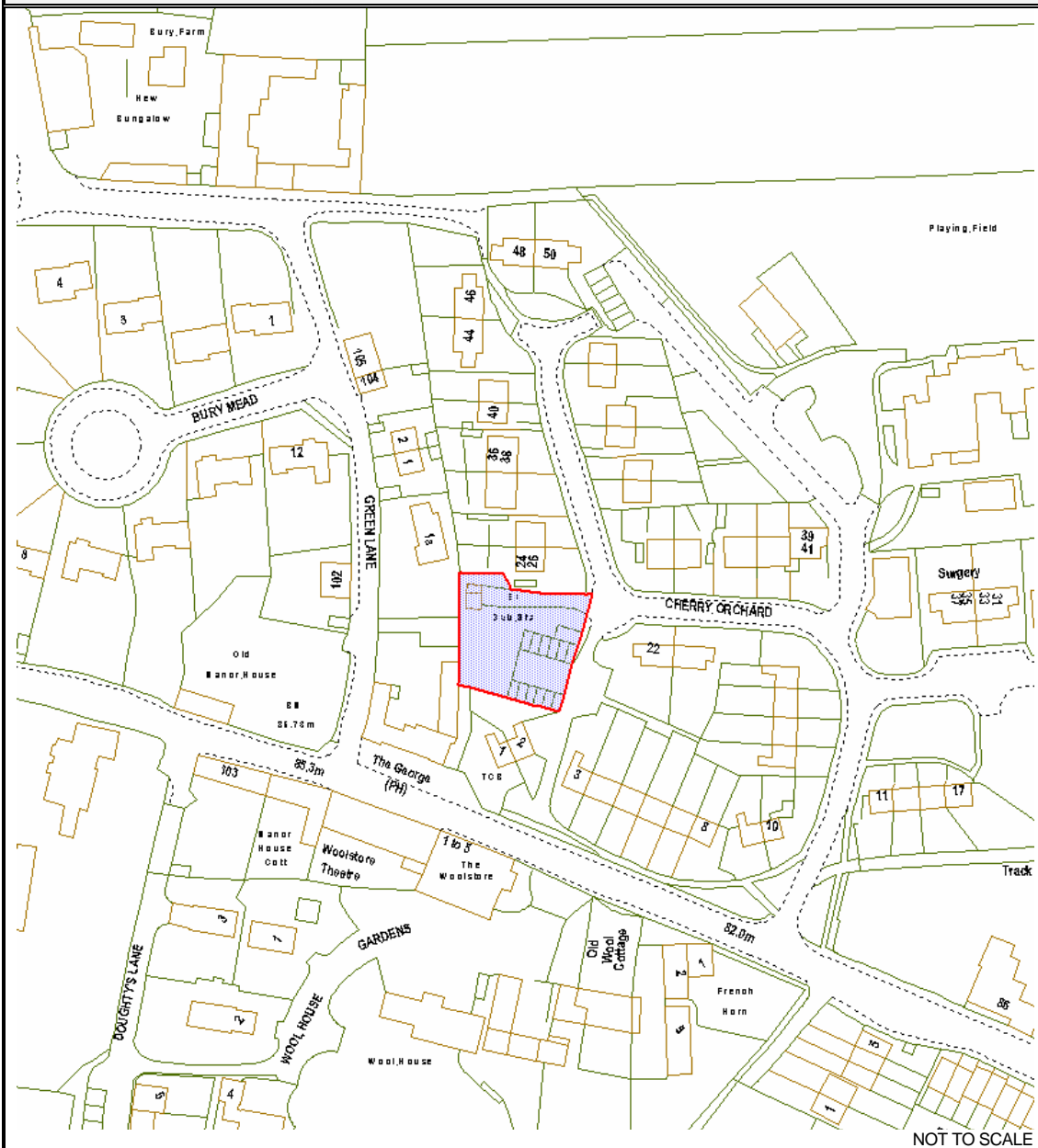
PLANNING COMMITTEE

15 February 2007

ITEM NO: 04

APPLICATION NO: 06/03403/OUT

LOCATION: Land Adjacent 22 Cherry Orchard Codford Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 06/03403/OUT

Site Address: Land Adjacent 22 Cherry Orchard Codford Wiltshire

Parish: Codford Ward: Mid Wylze Valley

Grid Reference 396790 139909

Application Type: Outline Plan

Development: Erection of 3 dwelling (outline) and resiting of electricity sub station

Applicant Details: West Wiltshire Housing Society
C/O Willis And Co. 30 The Causeway Chippenham SN15 3DB

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

Case Officer: Mrs Judith Dale

Date Received: 06.11.2006 Expiry Date: 01.01.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall not be commenced until either improvement works have been carried out to the sewage treatment works receiving flows from this development, or satisfactory alternative works for the disposal of sewage have been provided to serve the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details and subsequently maintained in a serviceable condition.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies U1 & U1A

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

REASON: In accordance with Section 92 of the Town and 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 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.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 7 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.
- 8 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.
- 9 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.
- 10 The development hereby approved shall not be occupied until 2 spaces per dwelling have been provided within the curtilage of the site.
- REASON: In the interests of highway safety.

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

REASON: In the interests of amenity and road safety.

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

REASON: In the interests of highway safety.

- 13 The dwellings hereby granted shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan - 1st Alteration 2004 for so long as the dwellings remain on site.

REASON: To accord with the terms of the application and to secure the delivery of affordable housing on the site in accordance with Council policy.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H2.

Note(s) to Applicant:

- 1 The applicants are advised to consult with the Local Authority's Drainage Engineer with regard to the capacity of the Cherry Orchard Sewerage Treatment Plant and the required infrastructure to enable this development to proceed.
- 2 The applicants are advised to consult with Wessex Water on the proposed arrangements for the disposal of foul sewage and connections for water supply.
- 3 The applicants are advised to consult with the Local Authority's Environmental Health Officer with regard to the proper dismantling and disposal of any asbestos materials on this site.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred at the last Planning Committee for further negotiations with the applicants over the provision of 12 additional parking spaces within the locality. At the time of preparing this report there is no firm outcome to the negotiations, but a response is anticipated in time for this next meeting, and will be reported on the Late List.

The application was previously reported as follows: -

This application is brought to Committee because of the Parish Council objects contrary to officer's recommendation.

This is an outline application for the erection of three affordable dwellings on land adjoining Nos 24-26 Cherry Orchard.

The site measures approximately 0.085 hectare, is square shaped and currently comprises a parking forecourt with two carriage blocks of six units each, originally built to provide parking for residents in Cherry Orchard. The site is predominantly level, but rises up towards the northern boundary where a grassed bank abuts the rear of those properties located in Green Lane.

This parking area is accessed by a shared surface driveway which continues beyond the site as a pedestrian route only through to Green Lane; it also provides footpath access to the rear of a group of properties located between Cherry Orchard and Green Lane.

Although the proposal is submitted in outline form, layout and access are to be determined at this stage. The scheme proposes a pair of semi-detached units, together with one detached dwelling, all fronting directly onto the existing access; each is provided with two parking spaces in the "front" gardens of the dwellings. Design is for later consideration, but the accompanying Design & Access Statement states that the dwellings are to be two-storey in height.

The development requires the relocation of an existing electricity substation to the north west corner of the site, although the access arrangements will remain unaltered.

This application is effectively a renewal of a previous permission granted by the Planning Committee in April 2004 (03/02156/OUT).

CONSULTATION REPLIES:

- CODFORD PARISH COUNCIL: The Parish Council is opposed to this application on the following grounds:-

1) Inadequate Sewerage Treatment Facility

The existing sewerage treatment plant has proved inadequate to cope with the current number of households, having been subject to a number of failures due to overloading.

A replacement plant is long overdue to service the existing households and the PC would be opposed to the application until a new plant is installed. The WWDC condition for allowing WRHA to build on the allotment exception site was that a new treatment plant for the whole of Cherry Orchard should be included as part of the development costs. The initial outline planning application for three dwellings on the garage site was conditional on the existing sewerage plant being upgraded. As the WWDC withdrew the allotment land after the application was approved in April 2004 to enable the land to form part of the bid for the PFI grant, there has been a material change of circumstances. There should be no further applications granted for Cherry Orchard without adequate provision of suitable sewerage facilities for the whole site.

2) Unsatisfactory Parking Facilities

Cherry Orchard has 58 properties and 88 electors and as far as it can be ascertained only 9 households have off street parking, resulting in a high occupancy of street parking space by residents. The loss of the 12 garages amounts to a serious reduction in amenities for Cherry Orchard. Traffic circulation problems are greater now than when the garages were built and the site should be retained for parking. The PC is of the view that the parking issue cannot be resolved unless the proposed development includes parking spaces for at least 12 additional vehicles.

This application cannot be considered in isolation, the same planning criteria should be applied which would be required if the neighbouring properties formed part of the scheme. Any permission should ensure that the properties nearby do not lose existing amenities and have adequate parking available. The WWHS has other properties in the immediate area, including 8 flats adjacent to the proposed site, only one of which, that the PC is aware of, is owner occupied. At present all the occupants are not car owners, but in future they might be.

3) Residents' Concerns

In addition the following concerns have been expressed by residents:-

Proposed new siting of the electricity sub station is too near the back fence of 1A Green Lane.

Spread of asbestos dust onto neighbouring properties when garage roofs are demolished.

In conclusion the Parish Council request that, because of the serious concerns outlined above, this application should be referred to the full Planning Committee.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to conditions requiring the provision and retention of two parking spaces per dwelling; consolidated surfacing of the driveways; satisfactory disposal of surface water; the provision of visibility splays along the frontage of the site.
- ENVIRONMENT AGENCY: No comment to make.
- WESSEX WATER: Comments that there are no existing foul sewers in the vicinity of the site and that alternative method for disposal, such as septic tanks, will be required.

With regard to water supply, the developer will be required to agree a point of connection to Wessex infrastructure.

INTERNAL WWDC CONSULTATIONS

- HOUSING ENABLING MANAGER: Confirms that there is demonstrable need for affordable housing in Codford. The proposed mix of units also meets the current need.

The application is being made by West Wiltshire Housing Society and I would therefore assume that the proposal is for 100% affordable housing. As such we would support this application.

- ENVIRONMENTAL HEALTH OFFICER: No objection.
- DRAINAGE ENGINEER:

Original Comments:

Unfortunately I do not have any knowledge of the capability of the existing sewage treatment works to serve the proposed development.

However, I suggest that the applicant is requested to supply details of:-

- a) Existing number of dwellings connected to the works together with flows rates.
- b) Hydraulic and Biological Capacity of the works together with consented discharge rate.
- c) Proposed flow rates to the works.

As suggested previously, the correct functioning of soakaways to serve the dwellings should also be proved to the satisfaction of Building Control.

Amended Comments:

I have researched the information required and can comment as follows:-

- a) There are apparently approximately 60 properties connected to the existing works including a primary school and a doctor's surgery. In theory 3 more properties give only a small percentage increase in flow -but see below.
- b) The consent limits for this works are 30:45:25 (BOD:SS:Ammonia-N) which is quite a "slack" consent, but the works still substantially exceeds these figures on a regular basis. I have been informed that the hydraulic capacity is also near to its limit.
- c) So in summary I do not believe that the situation has changed from the last application to develop the site in that the sewage treatment works is not capable of accepting extra flows without refurbishment.

NON-STATUTORY CONSULTATIONS

- SOUTHERN ELECTRIC: No comment received.

PUBLICITY RESPONSES

The application has been advertised by site notice only as a Development of Public Interest, and neighbours have been notified of the proposal. Two letters of objection have been received on the following grounds:

- The proposed "hazardous" siting of the electricity substation and the close proximity to high frequency electrical equipment.
- A proposed health risk from the exposed asbestos roofing from the demolition of the garages.
- The historic importance of the wall along the western boundary of the site.
- The inadequacy of the existing sewage plant which has not been modified to accommodate additional dwellings.
- The loss of much needed parking spaces; approximately 8 vehicles are parked on the existing garage site.
- No guarantee that profits from the development will be spent by the Housing Society to improve facilities in the existing area.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP9 Reuse of land and buildings

West Wiltshire District Plan - 1st Alteration (June 2004)

H2 Affordable housing

H17 Village policy limits

H24 Housing design

C31A Design

U1 Infrastructure

U1A Foul water disposal

T10 Car parking

SPG "Residential Design Guide and "Design Principles"

PPS1 Delivering Sustainable Development

PPS3 Housing (to be implemented in April 2007)

RELEVANT PLANNING HISTORY

03/02156/OUT - Erection of three dwellings - Permission 11.12.03

KEY PLANNING ISSUES

The key issues raised by this application are considered to be:

- The principle of residential development, including site density.
- The loss of car parking.
- The capacity of the existing infrastructure, particularly drainage.
- Design and amenity considerations.
- Affordable housing.

PLANNING OFFICER COMMENTS

The Principle of Development

In terms of policy, this development, which is within village policy limits is acceptable, subject to conformity with the following criteria:

- The development would be in keeping with the character and appearance and spatial form of the settlement.
- It would not create inappropriate backland or tandem development.
- It would not result in the loss of an important area or visual gap.
- There are adequate services for the disposal of surface water, sewerage and water supplies.

The site is not in a backland position and because of its current use as a parking forecourt, would not result in the loss of an important visual open space. The proposed development for 3 units represents a density of 35 units per hectare in line with former PPG3 requirements. Although at the lower end of the previously advised density scale, this would not be out of keeping with the character of the surrounding development, which is predominantly two-storey, and in the form of either semi-detached or terraced properties.

The matter of adequate services is dealt with separately in this report.

Loss of Car Parking

Although this has been identified as a major objection by the Parish Council, the Highway Authority has not raised it as a particular issue, while there is no evidence to suggest that the matter has become an increasing problem since permission was first granted three years ago. In determining that previous application, the loss of parking was addressed in some detail in the Planning Officer's report as follows:

" With regard to the proposed loss of the existing garages, they are currently under used and in a poor state of repair. The Housing Society's records show that of the 12 units available, only 4 are currently rented out, which has been the level of occupancy for the past six to twelve months.

A considerable amount of correspondence has been generated over this matter, with a second, detailed letter from the Parish Council which solely addresses this issue. The point is forcibly made that the Housing Society has failed to maintain the garages in good repair, which combined with a 33% increase in rent, has discouraged residents from applying to occupy the garages. This has created an artificially low level of occupancy not reflective of the number of requests made to rent the garages and creating the misleading impression that there is no demand for this facility. The Housing Society has responded by offering garages to those individuals who signed the petition referred to previously, but apparently no responses have been received taking up this offer. A parallel offer to provide hardstandings within front garden areas has similarly met with no response.

The Highway Authority supports the view that, while there is concern over the loss of car parking, it would be difficult to sustain an objection to the redevelopment of the site based solely on the loss of car parking - the actual loss is comparatively small as a percentage of the total availability; PPG3 and PPG13 place a reducing importance on the position of parking; there is unrestricted, although limited roadside parking in the vicinity; there is the potential availability of hardstandings being provided within individual garden areas. On balance, therefore, while the loss of the garages is unfortunate, it would be difficult to justify on appeal."

The accompanying Design & Access Statement confirms that in the intervening three years, the actual number of garages now occupied has in fact fallen further to only three (25%). In the light of the previous permission, this apparent 'improvement' in the situation with a reduced demand for parking would not now be an acceptable reason to refuse this latest application.

Drainage Considerations

The provision of infrastructure is important in all new developments and a material consideration in determining the acceptability of a proposal. Policies U1 and U1A of the Adopted District Plan will not permit developments unless adequate drainage and sewerage treatment facilities are available or where suitable arrangements are made for their provision.

Consultations with the relevant agencies confirm that there is an existing capacity problem with the current sewage treatment facilities - Wessex Water advise that the developer investigates alternative methods, such as septic tanks, while the Council's Drainage Engineer confirms that "the sewage treatment is not capable of accepting extra flows without refurbishment", and that some form of new facility will ideally be required.

The Parish Council again raises this as a major concern and requests that no further developments are allowed in Cherry Orchard until the current inadequacies of the existing system are addressed.

While planning permission could be refused for this development on the grounds that it does not strictly comply with Policies U1 and U1A, Circular 11/95 advises that in a situation where other works may be required which the developer has no power to carry out, or which would need the consent of a third party, it may be appropriate to impose a Grampian condition (ie. worded in a negative form) which would prohibit the development until a specific action has been taken. The particular example quoted in this Circular actually refers to inadequate sewerage facilities.

In granting the previous permission in April 2004, this approach was adopted as being the most pragmatic and condition 4 was imposed as follows:

"The development hereby permitted shall not be commenced until works for the disposal of sewage have been provided to serve the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority."

The Council's Drainage Engineer has commented that this condition does not guarantee that the existing works should be improved before the development can proceed and has suggested appropriate alternative wording - this has been incorporated in a revised condition 4. It is not considered that that this amended condition is any more onerous on the applicant than the original condition but does appear to address more directly this particular area of concern.

Design & Amenity Considerations

Although the application is in outline form only, siting and access are for determination at this stage. Consequently, the proposed siting and layout of the three units has been revised from the original submission in order to provide a more acceptable relationship with No 2 Green Lane, whose side/rear boundary is actually marked by the wall of the more southerly of the two garage blocks. The proposed distance between this property and the detached unit on Plot 3 would now measure 10m with the proposed parking spaces ensuring that adequate distances to the boundary are maintained. This also now accords with the layout previously approved under 03/02156 and which was similarly revised to accommodate the amenity considerations of existing properties.

Affordable Housing

The application has been submitted by the West Wiltshire Housing Society as a scheme for 100% affordable housing to be delivered through the Public Finance Initiative - as such this more than meets the 50% contribution required under Policy H2. However, in the event that the site is subsequently sold to a private developer, proposed condition 13 ensures that a further application would be necessary to vary this condition to deliver a level of affordable housing commensurate with policy.

CONCLUSION

Outline planning permission for an identical development was granted on 1 April 2004 under planning reference 03/02156/OUT and will expire in April of this year. Since there has been no material change in either circumstances or policy since that date, there can be no valid planning reasons for now resisting this development which will deliver a further three affordable units for the benefit of the local community.

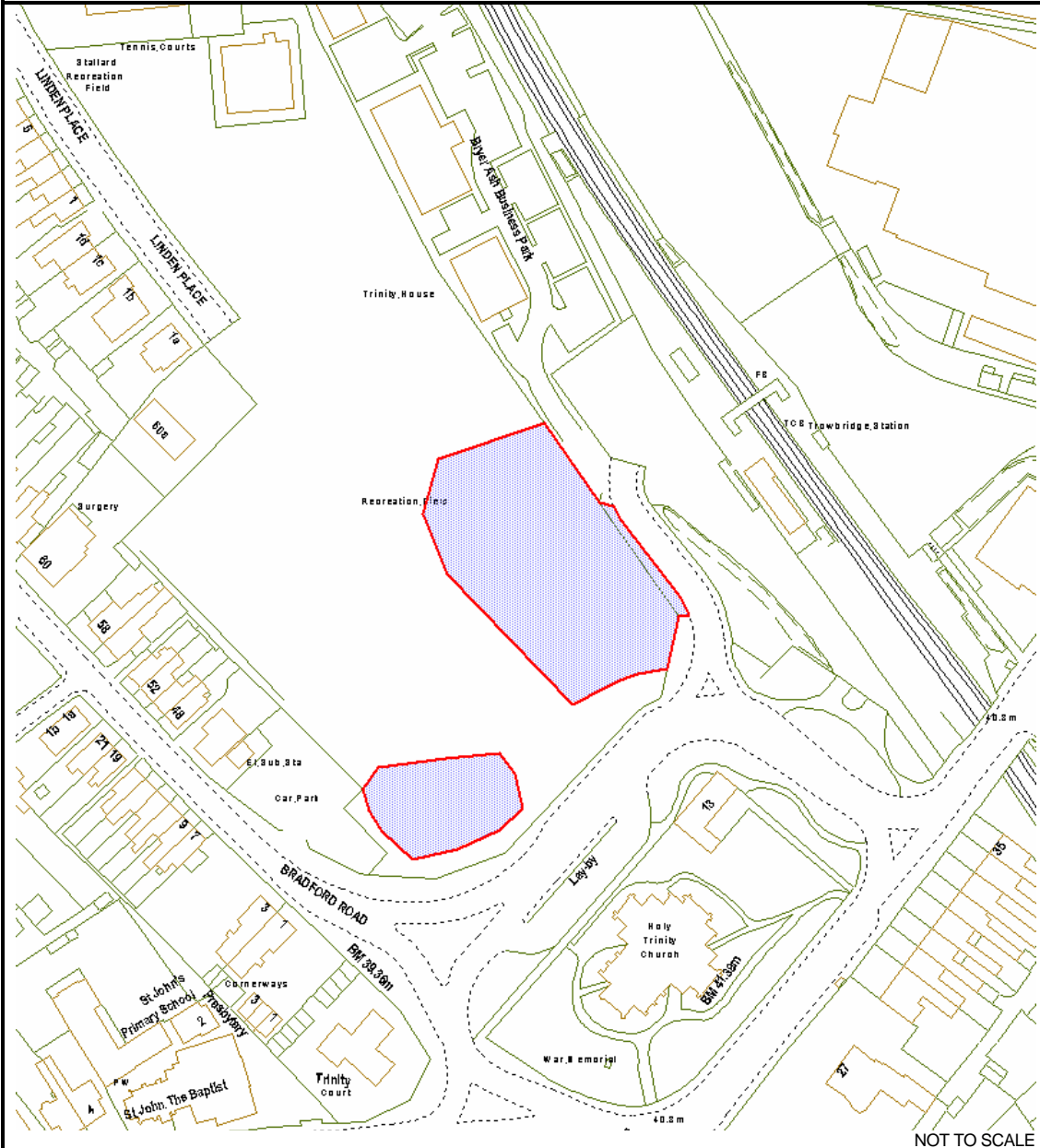
PLANNING COMMITTEE

15 February 2007

ITEM NO: 05

APPLICATION NO: 06/03372/FUL

LOCATION: Stallard Recreation Ground Stallard Street
Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 06/03372/FUL

Site Address: Stallard Recreation Ground Stallard Street Trowbridge Wiltshire

Parish: Trowbridge

Ward: Adcroft

Grid Reference 385068 157868

Application Type: Full Plan

Development: Construction of new skateboard park

Applicant Details: Mr S Nash
Council And Community Services Manager Trowbridge Town
Council 10/12 Fore Street Trowbridge Wiltshire

Agent Details: G Bendall
Bendcrete Leisure Ltd 2 Bridge View Business Centre Bridge Street
Abington OX14 3HN

Case Officer: Mr Matthew Perks

Date Received: 03.11.2006

Expiry Date: 29.12.2006

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 lighting shall be installed without prior approval.

REASON: Use of the facilities at night may lead to the loss of amenity for local residents.

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

- 3 No development shall take place until proposals for landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any change in levels.

Upon approval:

- the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following the completion of the development, or in accordance with a timetable to be agreed in writing by the Local Planning Authority;

- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- the scheme shall be properly maintained for a period of five years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period, shall be replaced in the next planting season with others of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation; and
- The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee at the discretion of the Development Control Manager in view of the extent of public interest.

This is an application for full planning permission for the construction of a new skateboard park at Stallard Recreation Ground, Stallard Street, Trowbridge.

The park would replace the existing steel half-pipe structure in the southernmost section of the park.

The proposed skating area would be formed within a 36m long x 15.3m wide area in the eastern corner of the park adjacent to the access road to the parking area on the western side of the railway station. The skating area would occupy the portion of land on and around the existing mound in this corner of the park. To the south, the Bradford, Wingfield, and Trowbridge traffic routes converge to circulate around the island formed by the Holy Trinity Church and churchyard.

The proposal includes the excavation of the existing mound in order to provide safety areas and run-offs as well as help to assimilate the new facility into the existing recreational area. Suitable soil arising from the excavations would be set aside and reused to form ground shaping over the existing skateboard ramp/basketball area. Rubble and subsoil arising from the excavations would be taken off site to a tip. The new skateboard park would be constructed as illustrated on the submitted plans (see presentation). There will be a series of platforms at levels of 1.5m, 1.8m, and 2.1m above the base, with flat and curved ramps. In the south eastern section of the new skateboard area a wall would be constructed to a level of 1.5m and 2.2m higher than the adjacent platforms.

Prior to the construction works temporary protective fencing would be erected in order to demarcate the construction site periphery outside the canopy of the adjacent trees which will be monitored during construction operations. The construction access for the new skateboard park would be from the station car park access road. As part of these works the length of the existing children's play area would be shortened by 5m and the existing eastern fence repositioned. The former path to this area would be broken up, the pedestrian gate repositioned and a new 1m wide tarmac path constructed to provide access to both the new skateboard area and the children's play area.

The existing metal skateboard ramp and concrete bases would be removed from site. The rubber mat area which abuts the ramp on the northern and southern edges, plus the basketball court surfacing, would be lifted and removed from site along with the basketball hoop, stand, and its concrete base. The earth below the ramp, and the base to the basketball court, would be broken up to relieve compaction, and the area covered with topsoil either imported or resulting from the excavations for the new skateboard park. The soil would be mounded to form new ground shaping, with heights between 0.5m and 1m above existing ground levels.

It is estimated that up to 30 people could make simultaneous use of the Skate Park.

CONSULTATION

TROWBRIDGE TOWN COUNCIL

No objection.

"Councillor Knight asked for his vote against 'no objection' to be recorded."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection.

INTERNAL WWDC CONSULTATIONS

LOCAL PLAN SECTION

No comment received.

ENVIRONMENTAL HEALTH

"The proposed works include the removal of an existing skateboard ramp and basketball surface.

The new skateboard facility will be located further away from the nearest residential properties in Bradford Road. This should reduce the potential for loss of amenity due to noise when the equipment is utilised. No lighting scheme is indicated for this proposal. If lighting is to be installed it must be designed to prevent a loss of amenity to any nearby properties."

No objection subject to condition.

LANDSCAPE OFFICER

"There are no arboricultural reasons to refuse the application, however there are a number of landscape issues that should be resolved if consent is to be granted:

The existing retained mounding/bank abutting the main road and access to the railway station should have trees planted on the side facing the road, which should reflect the adjacent tree planting of Lime and Maple.

To assist with noise and other associated issues, revised plans should be submitted including additional mounding to the west and north west of the skateboard facility. This will deflect noise, which will in part address issues that may be raised by nearby residents.

This is an ideal location for a skateboard facility for many reasons:

- The facility replaces the existing and ageing half pipe.
- It can be easily accessed by all users.
- The site is easily overlooked by passers-by and CCTV.
- The creation of this skateboard facility makes good use of this existing ageing recreational facility and addresses the need of today's user groups.
- By carefully addressing the siting, acoustics and landscaping the proposals will address the basic concerns of nearby residents."

No objection subject to conditions.

PUBLICITY RESPONSES

Neighbours were notified of the proposal. A total of 118 responses were received.

96 of these took the form of duplicated letters (effectively petitions) which contained objections on grounds of:

- the loss of a portion of the existing play area;
- loss of green space for use by all;
- loss of the mound;
- litter in the park.

The remainder of the objections centred on the following themes:

- Harm to the green environment of the existing park;
- Noise from the proposed site, including impact on Holy Trinity Church;
- Antisocial activities, including littering, graffiti, general bad behaviour, drinking, drugs and gangs;
- Lack of toilet facilities;
- Lack of lighting, CCTV, and fencing;
- Vandalism;
- Lack of parking;
- Harm to letting market in vicinity, and consequent impact on rental income;
- Reduced property values;
- Costs and maintenance funding not justified and possible increase in Council Tax;
- No supervision, first aid or Police monitoring;
- Siting too close to rail, footpath and road;
- No space for spectators;
- The structure would be very dominant in this position;
- Distraction to drivers;
- Loss of mound used by train-spotters, children sledding in winter and picnickers, and as an observation point;
- There is a current by-law restricting bicycle use in the park, which needs to be enforced;
- No time restrictions on use;
- No fences to skatepark area;
- Impact on the trees within the area;

47 of the total number of items received were from within 500m of the site, the remainder fell outside of this radius, including contributions from Bristol, Avoncliff and Melksham.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

RLT1 - Recreation, Sport and Leisure

West Wiltshire District Plan 1st Alteration, 2004

C36 - Noise

C38 - Effects of development on neighbouring properties

R2 - Protection of Recreational Space

RELEVANT PLANNING HISTORY

91/01126/FUL: Erection of skateboard ramp: Permission : 22.10.1991

04/01168/FUL and 05/00072/FUL : New skateboard park : Withdrawn.

KEY PLANNING ISSUES

The principal issue in this case is whether the skatepark can be accommodated on this site without prejudice to the overall use of the park or the amenities of adjacent occupiers.

PLANNING OFFICER'S COMMENTS

This proposal is consistent with Development Plan policy at all levels.

Not only is the proposal consistent with Development Plan policy, it fulfils objectives set out in the District Council's Corporate Plan.

In its Corporate Plan 2005-2010, West Wiltshire District Council identified better access to recreation as a key spotlight area where particular improvement is needed. As one outcome a comprehensive leisure and recreation needs assessment for West Wiltshire was undertaken. One of the conclusions of the assessment was that there is a strong need for more facilities for teenagers. In considering skateboard facilities, the report stated that "Skateboarding appeals particularly to a dedicated group of teenage youths. Across the District as a whole only 10% of properties are within 600 m of at least one skate facility, and 29% within a 1200 m cycle ride. There are no skate facilities in Westbury and therefore this should be a high priority. As only 17%, 21% and 13% of properties respectively are within 600 m of a skating facility in Bradford, Melksham and Trowbridge, this suggest a need for more provision in them as well."

Policy RLTI of the Wiltshire and Swindon Structure Plan, 2016 states that:- "Provision should be made for a wide range of facilities for sport, recreation, leisure and the arts to meet local, county and sub-regional needs, taking account of the distribution of existing facilities, and the public transport network, provided there is no adverse impact on the environment and the interests of local communities."

Policy R1 of the West Wiltshire District Plan (Recreational Space) states that the maintenance and improvement of formal and informal outdoor recreational facilities in the Plan area will be sought and the sports and recreational needs of local communities will be kept under review. The effective use of existing recreational areas and the creation of new amenities will be encouraged where needs and opportunities are identified.

This Policy commits the District Council to monitor the supply of and demand for outdoor sporting and recreational facilities, to seek to make the most effective use of existing facilities, and to identify deficiencies and opportunities for further provision.

The proposal should be assessed with due cognisance for these strategic and Policy goals as well as considerations that are particular to the site:-

RELATIONSHIP TO REST OF OPEN SPACE IN PARK

The area occupied by the skatepark and its surrounding landscaping would occupy $\pm 2000\text{m}^2$. The area to be recovered as landscaped open space with the removal of the existing half-pipe and basketball surface would be approximately 750m^2 in extent. The overall area of the park is currently approximately $16\,400\text{m}^2$. The skatepark would therefore occupy less than 8% of the park area upon completion of the project. The existing football ground, children's play area (apart from a 5m strip adjacent to the proposal site) and general open space would be largely retained

It is considered that the skating area would be a complementary feature to the recreational facilities in the park as a whole, and would not harm the other uses within the park. It would be an effective use of this portion of the park.

LOCATION, APPEARANCE AND ACCESS

The skatepark would replace the existing steel half-pipe located at the southern end of the park. This unattractive structure is currently sited within 55 to 60m of the nearest dwellings. The new park would be sited approximately 75m from the nearest residential property.

Stallard Park is easily accessed by public transport. It is a short walking distance from the Railway Station. The highway authority has no objections, and has not raised any issues from the parking, driver distraction or general traffic perspectives.

This corner of the park is visible to passers-by and would be easily subject to CCTV surveillance. It is not however considered distracting to users of the main traffic routes to the south. The conservation area boundary is situated on the other side of the main road, coinciding with the boundary of the Holy Trinity Church grounds. It is not considered that the skatepark would be harmful in this setting, and would in fact represent an improvement to the appearance of the park given the removal of the existing steel half-pipe. At the northern end of the proposed development, the skateboarding area would be set below the level of the existing mound, and would therefore not be dominant to any viewpoint from the south. It would be elevated above the surrounding ground level at the northern end, but this area would be banked and landscaped.

The general locality is considered to be highly suitable in terms of public transport and neighbourhood accessibility to potential users, and the siting within the park itself is considered the most suitable in relation to surrounding uses. The removal of the half-pipe would be an improvement.

OFFICER'S RESPONSE TO THE OBJECTIONS RAISED

The issues of locality, dominance, parking, traffic and loss of green space are addressed above.

Other concerns include anti-social activities that appear to relate to an existing situation in the park, and fears that the new skatepark would create further anti-social behaviour. Whilst it is not possible to quantify any likely increase or decrease in such behaviour.

The Secured By Design Guidelines on the design and management of play areas provides your officers with guidelines on what should be included in play area proposals to help to block the opportunity for crime and anti-social behaviour. It states that boundaries should be clearly defined with features to prevent unauthorised motorcycle/vehicle access. This proposal would be surrounded by a chain link fence. The Guidance states that landscaping should be included to allow natural surveillance across the playing area from public roads and footpaths. In this case, the existing ground levels are higher than the play area. The proposal would also be visible from the Trinity Gyrotory system and Trowbridge Railway Station. The Guidance states that the provision of appropriate lighting can assist the natural surveillance across the play area. In this case the decision has been made not to light the skateboard park. This is because it would be too intrusive. The existing park is not lit and therefore it is accepted that it would be unacceptable to introduce it now.

In accordance with this Guidance, there are no public rights of way through the development and access to the skateboard park is controlled by a gate. There are no structures within the skateboard park that could facilitate climbing into private areas. The proposal is located at some distance from private property.

Management is also identified as an important issue. The ongoing management of the site will be secured by condition.

Therefore this proposal has been designed to be secure and to limit the opportunity for it to become a centre for crime and anti-social behaviour. This Council's Environmental Health and Landscape officers find the proposal acceptable subject to conditions that would address lighting, noise and the setting of the skatepark.

The provision of toilet facilities in the park appears to be an existing problem, but would be a consideration in respect of all uses in the park. The children's play area and the football field currently lack such a facility. Whilst the Town Council should consider this as part of the broader use of the park, what is proposed is the replacement of an existing recreational use in the park.

The loss of the 5m strip of the children's enclosed play area would reduce the approximately 600m² space by about 75m². This is not an impact that would indicate refusal of the proposed skatepark. The area currently occupied by the old half-pipe would be improved by its removal and the proposed landscaping.

The agent estimates that up to 30 people could make simultaneous use of the skatepark. This would provide a mix to the more extensive other uses in the park such as dog walking and football, and broaden the recreational utility of the park as a whole.

It is speculated that there would be a potential loss of rental income to properties in the area. This would not be a planning consideration, but an argument could also be made that the removal of the old ramp and the siting of the new facility further from residential properties would be an improvement to the existing situation.

It should be noted that whilst there has been significant public response, a number of the objections, 60%, in total were from contributors whose addresses are more than 500m away from the site. Over 80% were in the form of duplicated letters. On balance, given the existing situation, the identified need for the facility, its compliance with Secured By Design Guidance, and the comments of the Environmental Health and Landscape officers, it is considered that the skatepark could be developed without increased loss of amenity to neighbouring properties. Users of the remainder of the park and coming from wider areas would have use of 92% of the park as a whole.

CONCLUSION

The location of the skatepark in terms of accessibility, as well as its siting in this corner of the park, are considered appropriate. The proposal would replace the existing unappealing metal half-pipe. The new skatepark would be an improved facility that addresses a need identified in the leisure and recreation needs assessment for West Wiltshire. There are no highway authority, environmental health or landscaping objections to the proposal. The application should be granted permission.

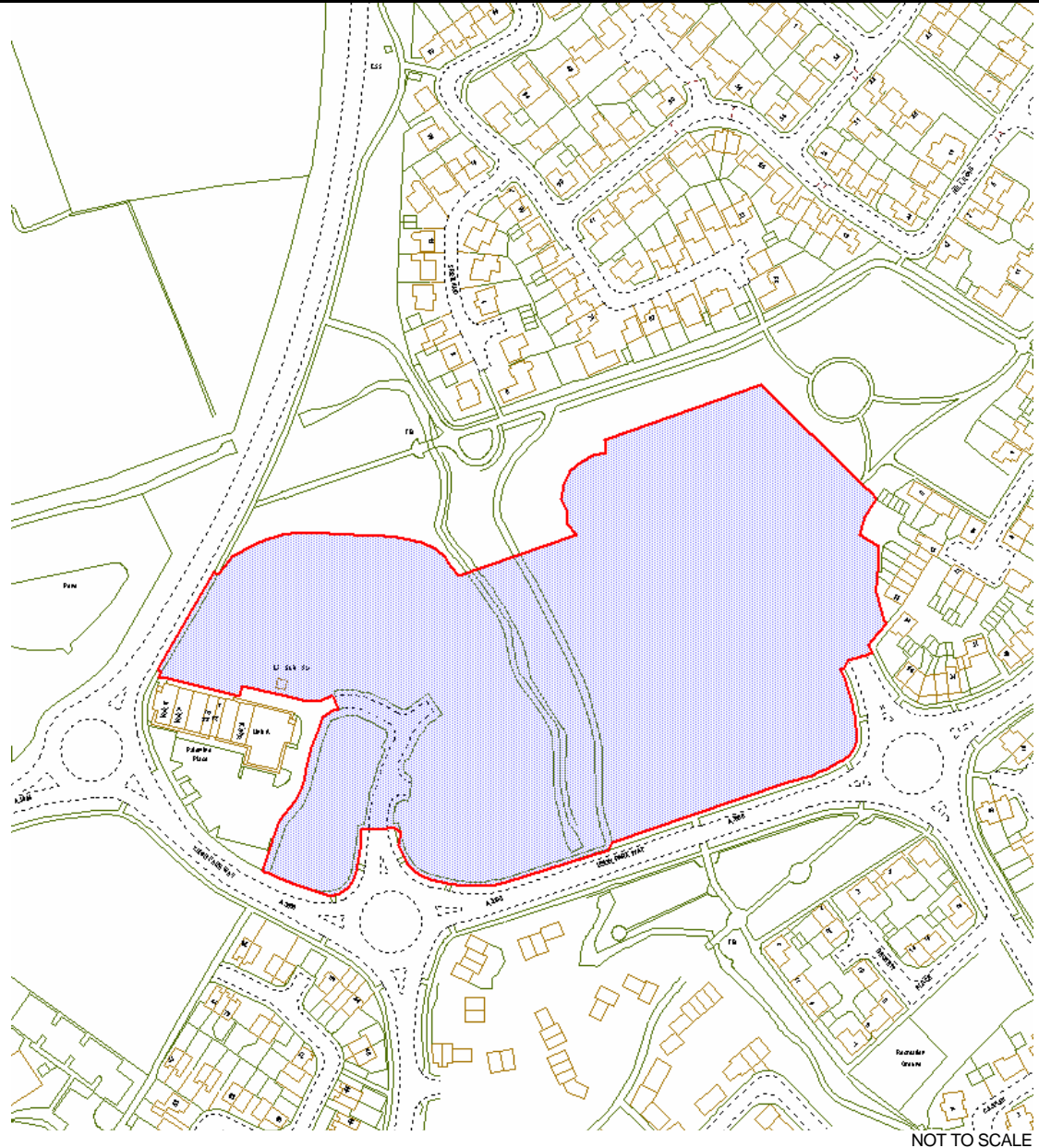
PLANNING COMMITTEE

15 February 2007

ITEM NO: 06

APPLICATION NO: 06/02424/OUT

LOCATION: Areas R11 And R12 Westbury Leigh Westbury
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 06/02424/OUT

Site Address: Areas R11 And R12 Westbury Leigh Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham

Grid Reference 386223 150501

Application Type: Outline Plan

Development: Community centre, day nursery (siting) Doctors surgery (Siting) and associated car parking, 23 apartments, 70 dwelling houses and public open space

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

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

Case Officer: Mr Peter Westbury

Date Received: 07.08.2006 Expiry Date: 06.11.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

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

- the provision of a Community Building within a timescale to be agreed with the Council.**
- the provision of land for a Day Nursery within a timescale to be agreed with the Council.**
- the provision of a doctor's surgery being offered for sale on the open market prior to the commencement of development and remaining open for an agreed period.**
- the provision of affordable housing at a level and in a form agreed with Housing Services.**
- the provision of public open space together with a management plan and financial contribution to future management**
- the provision of a contribution towards improved public transport.**

Condition(s):

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

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

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

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

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

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

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

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

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

- 5 The residential development hereby approved shall be completed in accordance with the following approved plans received by the Local Planning Authority on 26 July 2006: P.0119_05-1B, 98.050.101 Rev. J, 98.050.200 to 98.500.211, 98.050.212A, 98.050.213A, 98.050.214A and 98.050.215 to 98.050.218, 98.050.223, 98.050.500, 98.050.SOCIAL-01 Rev.B, 98.050.SOCIAL-02 Rev.B, 98.050.SOCIAL-03 Rev.B.

REASON: In order to confirm the approved details for the residential development on the site.

- 6 The community building/ place of worship hereby approved shall be completed in accordance with drawing 03.729.AL(0)01 received by the Local Planning Authority on 26 July 2006.

REASON: In order to confirm the approved details for the development of the site.

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

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

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

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

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

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

REASON: in the interests of public health and safety.

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

- 9 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.

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

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

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

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

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

- 14 The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

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

- 15 No doors, gates or any other means of enclosure or any window at ground floor level shall be permitted to open over or extend into the highway at any point.

REASON: In the interests of highway safety.

- 16 A landscaping scheme for the public open space and amenity areas, including a programme for their implementation, and the protection of the trees in Area R11 at the centre of the residential development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in accordance with the approved programme, and the landscaping shall be maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4.

- 17 The public open space, amenity areas and play areas shall be laid out and completed, including any equipment, means of enclosure and other structures, no later than the occupation of the 20th dwelling of the development hereby granted permission.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 21 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including details of all new retaining walls. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 22 Prior to the commencement of the development hereby permitted, an ecological survey of the Biss Brook tributary, 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.

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

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

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

- 24 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 of the recycling centre to be erected. The recycling centre shall be completed before the buildings are occupied or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 25 The development hereby permitted shall not be occupied until details for the disposal of sewage and foul water have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

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

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

Note(s) to Applicant:

- 1 Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded to control spillage and leakage in compliance with the Control of Pollution (Oil Storage) England Regulations 2001.
- 2 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 3 Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.
- 4 The Applicants are advised to contact Wessex Water to agree points of connection to and protection of their apparatus.
- 5 You are advised that planning permission does not absolve you from complying with the relevant laws protecting habitats and species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV of Circular 06/2005.
- 6 The ground conditions on the site must be subject to a detailed investigation to establish their suitability for the proposed use. This information should comprise a historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination. The report should include and comment on the following:
 - a) summary of site history;
 - b) description of the investigation procedures;
 - c) description of the site;
 - d) details of findings of the investigation and interpretation methodology and results of hazard/risk assessment;
 - e) recommendations for further investigations and/or remedial measures.

The report should also include appendices covering the following:

- i) logs of exploratory holes and tabulated gas/contamination data;
 - ii) drawings showing location of exploratory holes and spatial distribution of gas/contamination as appropriate.
- 7 The applicant's attention is drawn to the draft Code for Sustainable Homes published by the Department for Communities and Local Government.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee at the request of Councillor Manasseh and because previous applications for Leigh Park development have been brought before the Planning Committee. It should also be noted that Dilton Marsh Parish Council object.

This is an application for outline planning permission for approval of siting, design, external appearance and means of access for a community centre, associated car parking, 23 apartments and 71 dwellings and public open space. Approval is also sought for the siting of a day nursery and doctor's surgery.

The application site, formally referred to as the District Centre for the Leigh Park development, occupies an area of 4.01 hectares in the centre of Leigh Park to the west of Westbury. To the immediate west of the site is the local centre, which incorporates a mixture of retail and residential development. The majority of the site is greenfield land cut in two by a brook which runs from north to south. The main access to the site is gained from junctions J9 and J10 to the southeast of the site.

The application proposal includes all the details of 71 two-storey and three-storey residential dwellings centred around a central green which will include the important Cedar trees, which currently occupy a prominent position in the centre of the greenfield part of the site.

In addition the application proposal incorporates two blocks of flats to provide 23 affordable units. One block would be three-storeys the second would be two-storeys. This affordable housing would be located to the north of a proposed day nursery and community centre and to the northeast of the existing retail/residential development on the local centre site.

On the north-western side of the roundabout entrance to the local centre, provision will be made for a Doctor's Surgery. Approval is sought at this stage for the siting of the Day Nursery and Doctor's Surgery. All details are provided of the Community Centre.

The Community Centre is proposed to be 6.9m tall at its highest point. It will incorporate a Hall, including a Stage, Chapel, lounge/bar and associated kitchen and toilet facilities.

The application proposal makes provision for an additional 58 car parking spaces.

The application was accompanied by: -

- Planning Statement;
- Design Statement;
- ADAS Extended Phase/Habitat and Protected Species Report;
- Parking Assessment.

Subsequent to the submission of the application, the applicants have submitted a Tree Protection and Arboricultural Method Statement.

The Planning Statement states: -

"The proposals have been formulated following extensive discussions and agreement with officers of the Council and representations of the Community and are intended to complete the Local Centre, and bring forward new housing on a site allocated and committed for the purpose whilst providing additional community facilities and affordable housing".

The application proposal further includes a mechanism for the delivery of the proposed community buildings on the site.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: No objection.
- DILTON MARSH PARISH COUNCIL: Object.

Requested that comments made on withdrawn application 05/02636 be carried forward. These comments are set out in a letter to the District Council dated 28 November 2005 and state:

"The Council expressed its concerns that it represents gross over-development and that the resulting traffic would have significant implications for Dilton Marsh.

The Council was particularly concerned that the plantation of cedar trees, previously identified as an open landscape feature, would now be engulfed by the development and its amenity value lost.

The Council objects to this planning application on the grounds of gross over-development, an unacceptable increase in traffic flows and the loss of an important open landscape feature."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection.

"The principle of the development is considered acceptable, having regard to the existing permissions and the requirements of the Local Plan and Section 106 Agreement".

Detailed comments are made on the layout which are addressed in the Planning Officers comments and in a revised plan attached. They seek a financial contribution towards improvements to public transport in the area.

- EDUCATION AUTHORITY: Request a contribution towards education provision.

Have assessed that the proposed development would derive 23 primary and 17 secondary aged pupils. The Education Authority have confirmed that these pupils could not be accommodated in the local schools and so they seek a contribution of £507,972 calculated as follows:

"23 x DfES Cost Multiplier for Primary aged pupils currently £10,372 = £238,556
17 x DfES Cost Multiplier for Secondary aged pupils, currently £15,848 = £269,416"

The Education Authority has stated that these figures are indicative figures only.

- ENVIRONMENT AGENCY: No objection subject to the imposition of conditions
- NATURAL ENGLAND: No comments received.
- WILTSHIRE WILDLIFE TRUST: No comments received.

It is noted that on application 05/2636/REM - WWT issued a holding objection:

"The Trust considers that the ecological survey information submitted is incomplete."

- WESSEX WATER: No objection.

"The existing system is adequate to serve the proposed development."

- LEIGH PARK COMMUNITY ASSOCIATION: Support the application:

"Although I appreciate you have previously received a supporting letter from the association this was back in 2004 and we felt we would like to show our support is unchanged and we are looking forward to receiving the community centre building and the above provisions which will help to complete the local centre and give the residents of Leigh Park their promised provisions."

- WESTBURY CHURCHES TOGETHER: Support the application:

"Westbury Churches Together remains committed to the partnership scheme with the Leigh Park Community Association concerning the Community Centre; and that we approved the design of the proposed community centre building with the "place for religious worship" integrated within the building."

- WESTBURY GROUP PRACTICE: No comments received.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: No objection subject to clarification on the amount of public open space (Addressed within Planning Officer's Comments).

"The proposal site falls within the area identified for housing under the Leigh Park/Westbury Leigh master plan. Consequently, I welcome the site coming forward for a mix of residential and community uses."

The provision of affordable housing is welcomed.

"However, whilst the identified POS will meet the site specific requirement, it will result in a net reduction of 0.1ha of POS coming forward for the whole allocation. The continued role of POS12B in meeting the Leigh Park POS requirement needs to be nailed before this application is successfully determined. I suggest that a pragmatic solution would be to tie up POS12B's role (0.059ha) within the legal agreement."

- HOUSING: No objection.

Housing Services state that there is a demonstrable need for affordable housing in Westbury.

The level of affordable housing on the entire Westbury Leigh development has been the subject of negotiation between Housing and the applicants. The level of affordable housing to be provided on the site should be read in consultation with the provision to be made at Site R14. The provision of affordable housing will therefore be as follows: -

	Total Units	Total Affordable Units	%
R11	71	7	10
R12	23	23	100
R14	62	17	28
Total	156	47	30

Housing stress that this is not something that would normally be agreed, and should not be regarded as a method that will set a precedent:

"... it was merely the most convenient way to deal with the affordable housing over these phases of the same development."

- WASTE AND RECYCLING MANAGEMENT: Support the provision of a recycling centre.

- SUSTAINABLE COMMUNITIES: The Community Development Officer has arranged a meeting with the Leigh Park Community Association at the end of February to discuss the delivery of the Community Buildings on the site.

PUBLICITY RESPONSES

A site notice was erected and neighbouring properties to the site were consulted directly. As a result two representations were received objecting to the proposal on the following grounds:

- "It is a shame that the open space cannot be retain its meadow form".
- The proposal should include landscaping
- There is a need for amenities such as a Doctor's Surgery

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

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

West Wiltshire District Plan - 1st Alteration 2004

- C31a Design
- C32 Landscaping
- R4 Open Space in New Housing Developments
- H1a Housing Land Provision
- H13 Leigh Park, Westbury
- H24 New Housing Design
- SP6D Local Shopping in Towns and Villages
- CF1 Community Facilities and Services
- CF6 Community Facilities - Leigh Park
- S1 Education
- I1 Implementation

National Guidance

- PPS1 Delivering Sustainable Development
- PPPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG15 Planning and the Historic Environment
- PPG17 Planning for Open Space, Sport and Recreation
- PPS25 Development and Flood Risk

In the absence of Planning Policy Guidance on housing reference has been made to the now withdrawn PPG3 (Housing) and Planning Policy Statement 3 that comes into effect on 1 April 2007.

Circular 05/05 - Planning Obligations

Circular 06/98 - Affordable Housing

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

SPG Design

SPG Public Open Space

RELEVANT PLANNING HISTORY

There is a wealth of planning history for the Leigh Park Development:

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

00/01004/FUL - Foodstore 2499 square metres gross floorspace, roads, infrastructure, car parking and landscaping - Refused 02.11.2000

03/01256/REM - Retail development (5 no units A1, A2 and A3 use) with 14 no residential apartments over together with associated car parking, service yard area and landscaping - Approved 04.05.2004.

In May 2006, an application for the approval of reserved matters for a proposed local centre uses, residential development comprising a community centre, day nursery (siting) and associated car parking was withdrawn (05/02636/REM).

KEY PLANNING ISSUES

This application raised the following planning matters:

- Principle of residential development on the site;
- Planning History;
- Design;
- Landscaping;
- Highways issues;
- Affordable Housing;
- Provision of public open space;

PLANNING OFFICER COMMENTS

Principle of Development

The application is submitted in outline but also seeks full approval for the residential development and community centre. Outline permission is also sought for the proposed doctor's surgery and day nursery. If granted further approvals of reserved matters will be required for the latter facilities.

Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that where in making any determination under the Planning Act regard is to be had to the Development Plan unless material considerations indicate otherwise. In this case, the eastern part of the site is identified in Policy H13 as a site suitable for residential development and land to the east is identified as suitable for the provision of local shops, community facilities and health care facilities. This application will deliver both additional residential development and more importantly a variety of community facilities to serve the entire Leigh Park Development.

Planning History

In 1998, outline planning permission was granted for residential development including affordable housing, distribution roads and link roads, a district centre including new community uses and comprising A1, A2, A3, D1 and D2 uses primary school extension, public open space, B1 employment uses and surface water drainage works at Westbury Leigh, Westbury. In 2000, an application for a food store of 2,000 square metres was refused permission because of its potential impact on Westbury town centre (00/01004). The planned provision for shops and community facilities was changed to provide the Local centre use entirely to the west of the Biss Brook tributary. In 2004 application 03/01256/REM for retail development with 14 residential flats above and associated car parking was approved. This approval was subject of a variation to the Section 106 agreement which deleted reference to the provision of shops in the eastern sector of the "District Centre". This change is now reflected in Development Plan policy H13 which no longer requires the provision of a District Centre, but now requires:

"The provision of new community facilities, including local shopping facilities to meet the daily requirements of the Westbury Leigh development, halls for community uses and worship and health care facilities".

Provision of Community Building and Place of Worship is a requirement of Development Plan policy. Policy H13 states that the development of Leigh Park will require: -

"The provision of new community facilities, including local shopping facilities to meet the daily requirements of the Leigh Park development, halls for community use and worship and health care facilities".

The application proposal makes provision for a building for a community centre and also a place of worship. It also makes provision for a building for a Day Nursery. In discussion between the Leigh Park Community Association and the Applicants it has been agreed that these two buildings should be provided. The full details of this building have been provided. The plans indicate that the community building/place of worship will have a hall with an area of 204.7 square metres. The hall will incorporate a stage and can be adapted for use as a place of worship and for other activities. The second building would be used as a Day Nursery. The full details of this building are a reserved matter.

There has always been the expectation that the place of worship and community building would be two separate buildings and this is reflected in policy. However as a result of consultation with both the Leigh Park Community Association (LPCA) and Westbury Churches Together, it has been agreed that the place of worship and community building be combined. The applicant's supporting statement indicates that this building meets the requirements of the LPCA and Westbury Churches Together. Accordingly, your officers are of the view that the requirements of Policy H13 are met, even though they are not met in the way originally intended. The change is acceptable because it meets the LPCA's requirements.

Design

Relevant Development Plan Policy and the published PPS3 require development to have a mix of sizes and types of dwellings, that overlook public areas, that do not dominate the area, that complement the characteristics of the locality, and which accommodate all means of transport. Policies C31a and H24 in the District Plan, plus the supporting Supplementary Planning Guidance, attempt to ensure that new development is integrated into its surrounding environment. The proposed residential development which forms part of the application proposal incorporates a mixture of house types that are characteristic of the Leigh Park development in this location. This includes 1 and 2 bed open market flats, 2, 3 and 4 bedroom open market houses. The proposed residential development is surrounded by similar development within the Leigh Park development. The proposed residential development is therefore in scale and character with this and surrounding development and accordingly is consistent with Policies C31a and H24.

The density of the proposed development is consistent with advice in PPG3 and the emerging PPS3 about ensuring that the site is used efficiently. The density of the proposed building has been calculated to be 33 dwellings per hectare. This is an appropriate density for the proposed development.

Landscaping

The details of the landscaping for the site can be controlled by condition. However, of particular concern is the protection of the central Cedar trees. The applicants have supported their application with an Arboricultural Method Statement (AMS). The Council's Landscape Officer has been consulted on the application and has indicated that the AMS is satisfactory.

The application proposal also makes provision for additional planting along the banks of the brook. This will serve to underline its importance within the site.

The applicants have indicated that they would accept a condition requiring the protection of the central cedar trees on the site.

Ecology

In support of this application, the applicants submitted an Ecological Report which states that the proposed development is unlikely to have a significant adverse impact on the ecology. The proposal will improve the Biss Brook tributary which divides the application site in two.

It is recommended that a condition requiring the completion of a ecological survey of the Brook be undertaken in consultation with Natural England prior to development commencing on site.

Affordable Housing

Provision is made within the proposal for 23 no. 1 and 2 bed affordable flats. This provision must be seen in the context of the provision elsewhere in the Leigh Park development, in particular area R14 and has been negotiated to the satisfaction of Housing Services. Its provision will be secured by a Legal Agreement.

Provision of Public Open Space

The provision and ongoing maintenance of public open space on the site will be secured by a Legal Agreement with the Council. Through negotiation it has been agreed that financial contributions for public open space will be based on the overall master plan for the site. The Applicants have suggested that public open space provision within the site should be provided on the basis of the following calculation:

Number of dwellings proposed	94
Average household size	2.35
Total number of residents	220.9
6 acre standard applied per 1000 population	
Factor to apply	0.2209
6 acre standard (2.43 hectares)	2.43
2.43 multiplied by 0.2209 equals	0.54 hectares

There is a requirement to provide 0.54 hectares for the site.

It has been agreed that this will be secured by 0.465 hectares in Area POS 12A and 0.086 hectares in Area POS11. This is a total provision of 0.551 hectares. There is therefore sufficient provision within the site for Public Open Space.

Phasing and requirements for the Legal Agreement

There is a need for the Legal Agreement to include a mechanism to ensure the delivery of the community buildings on the site. However, Members will note that the Leigh Park Community Association have not made any representations on this application. It is unclear whether they will be in a position to run community buildings if they were delivered at an early stage. It is therefore regarded as being inappropriate to use the usual trigger of delivery prior to developing the residential part of the site.

It is therefore recommended that planning permission be granted at a future date subject to conditions and to the prior completion of legal agreements to secure the following:

- the provision of a Community Building within a timescale to be agreed with the Council.
- the provision of land for a Day Nursery within a timescale to be agreed with the Council.
- the provision of a doctor's surgery being offered for sale on the open market prior to the commencement of development and remaining open for an agreed period.

In this way, the development would provide for the Community building and land for a Day Nursery and allow Officers to negotiate a suitable timescale for the Local Community Association to take on the running of these buildings.

In addition, it has been agreed with the applicant that the legal agreement should include the following:

- the provision of affordable housing at a level and in a form agreed with Housing Services.
- the provision of public open space together with a management plan and financial contribution to future management
- the provision of a contribution towards improved public transport.

The delivery of these benefits is consistent with advice on Planning Obligations and will ensure that the proposed development is delivered.

CONCLUSION

The application proposal and design of the buildings is consistent with Development Plan Policy. The design of the proposed building is consistent with development plan policy. It will facilitate the delivery of community facilities to serve the Leigh Park Development. There are no material considerations to outweigh this policy consideration, accordingly this application should be supported.

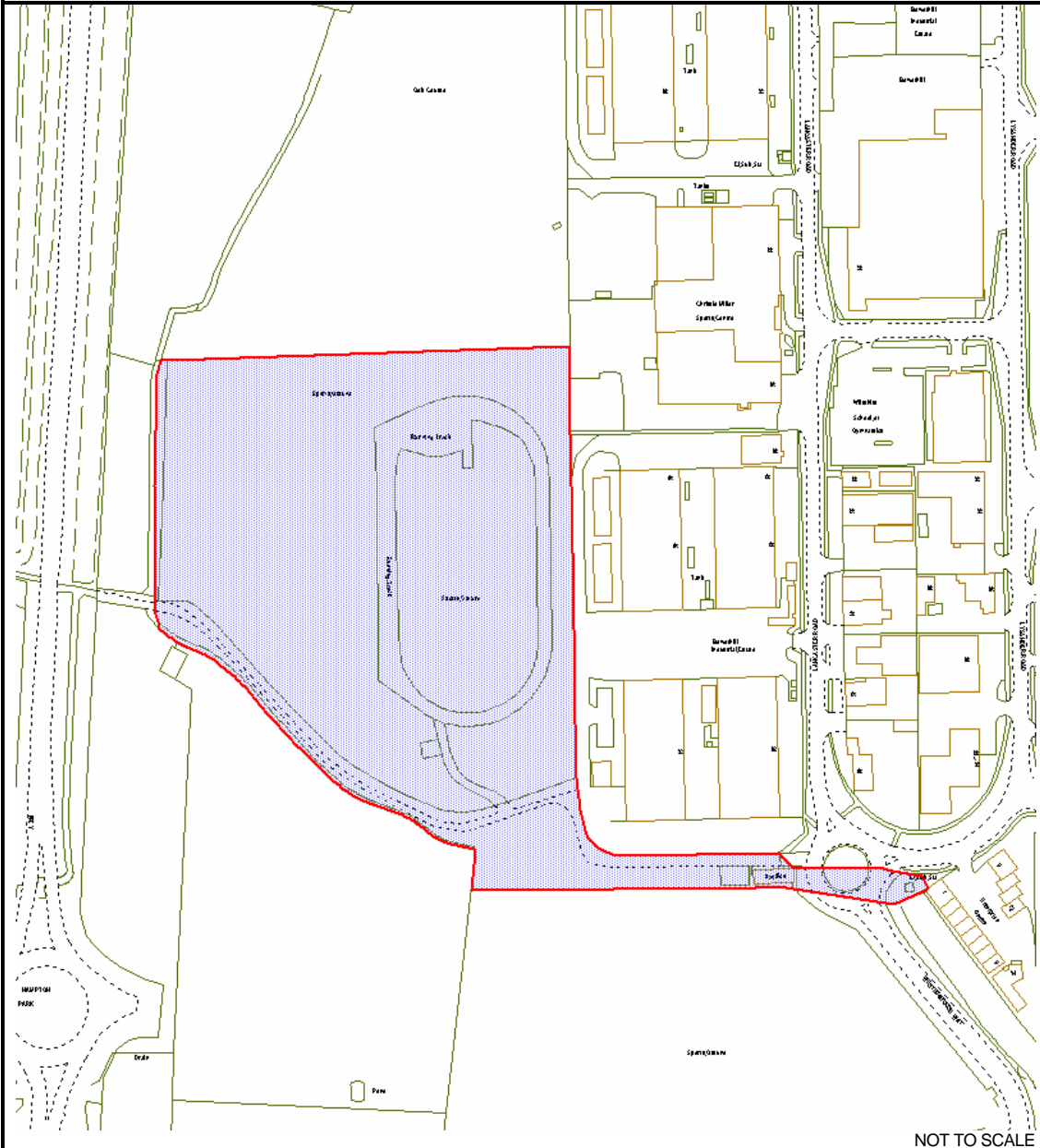
PLANNING COMMITTEE

15 February 2007

ITEM NO: 07

APPLICATION NO: 04/00797/OUT

LOCATION: Land South West Of Christie Miller Sports Centre
Lancaster Road Bowerhill 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: 04/00797/OUT

Site Address: Land South West Of Christie Miller Sports Centre Lancaster Road Bowerhill Wiltshire

Parish: Melksham Without Ward: Melksham Without

Grid Reference 390689 161952

Application Type: Outline Plan

Development: Employment development B1/B2/B8

Applicant Details: West Wiltshire District Council Bradley Road Trowbridge Wiltshire

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 30.04.2004 Expiry Date: 25.06.2004

JUSTIFICATION REASON:

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

RECOMMENDATION:

The Development Control Manager be authorised to grant on completion of a Section 106 agreement to secure replacement playing pitches to be provided within the area identified on the plan submitted by the WCC dated 30 January 2007 or a suitable alternative to be agreed with the District Council. Such pitches shall comprise of an area equivalent to the area of the playing fields lost by the proposal (i.e. 4.29ha) and shall consist of 2 senior sports pitches with associated changing facilities, be accessible to the Bowerhill community and constructed in accordance with Sport England's Guidance Notes 'Natural Turf for Sport' and 'Pavilions and Clubhouses' before development commences on site.

Condition(s):

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

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 be begun either before the expiration of five 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 to be approved, whichever is the later.

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

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

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

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

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

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

- 6 No development shall take place until details 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.

- 7 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, and details of species to be used in the creation of new habitats, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C1.

- 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. Such boundary treatment shall, where necessary, include measures to allow the passage of wildlife. 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 - Policy C32 and West Wiltshire District Plan - 1st Alteration

- 9 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.

- 10 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.

- 11 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.

- 12 The development hereby permitted shall not be occupied until safe pedestrian and cycle routes, and secure cycle parking and changing facilities, have been provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

REASON: In pursuit of sustainable transport objectives.

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

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

- 14 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.

- 15 Development shall not commence on site until a Working Method Statement and Management Plan for short and long term protection and management of Corn Parsley is submitted to and approved by the Local Planning Authority in consultation with the County Countryside Officer (Ecology)

REASON: In the interests of safeguarding Corn Parsley.

- 16 No work shall commence on the development site until the access road has been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

- 17 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.

- 18 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, whichever 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 tank overflow pipe outlets should be detailed to discharge downwards in the bund.

REASON: To prevent pollution of the water environment.

- 19 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.

- 20 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.

Note(s) to Applicant:

- 1 Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) regulations 2001").

COMMITTEE REPORT

APPLICATION DETAILS

This application was originally considered by the Planning Committee on 21 April 2005 and deferred to allow for further negotiations between the applicants (West Wilts District Council and Wiltshire County Council), Melksham Without Parish Council and Melksham Town Council. The original report to that committee is reproduced at the end of this report.

Update since April 2005

Since April 2005, Councillor Roy While charged the District Council's Community Development Officer and the Senior Community Planner at Wiltshire County Council to organise mediation between Wiltshire County Council and Melksham Without Parish Council. Your Officer's have also made a number of attempts to "kick start" this process.

The Mediators met with Melksham Without Parish Council and separately with Officers of the County Council and then the District Council.

The application proposal for development of the site has not changed. Of particular concern is the provision of alternative sports facilities to replace those 'lost' at the Christie Miller Sports Field and the open land to the south. These would be lost by the building of the link road between Semington and Bowerhill which forms part of this application.

As a result of these discussions, it has been agreed that the development of the Christie Miller sports field only requires the like-for-like relocation of 4.5 hectares of open space and that this should be located within the general vicinity but not necessarily on land adjacent to Pathfinder Way. This provision will have to meet the requirements of Sport England and be in a suitable location to serve the residents of Bowerhill. Wiltshire County Council has stated:

"It is accepted by the County Council that as a condition of the planning application for employment development on the Running Track Site at Christie Miller Sports Centre Bowerhill Melksham that it will have to provide replacement playing fields elsewhere in the locality to Sport England's standards."

The County has also supplied a plan showing the land on which the replacement sports provision could be made. The plan supplied identifies land at Woolmore Farm located on the eastern side of the A365 to the north east of Bowerhill. It should be made clear the development of this site for sports provision will require a separate planning permission.

MELKSHAM WITHOUT PARISH COUNCIL -additional comments since April 2005

At a meeting of Melksham Without Parish Council on 4 September 2006, the Parish Council raised the following points in respect of this application for outline planning permission.

- a. The Specification (of the playing fields and facilities) needs to be agreed before planning permission is granted. A completion date to be set for the transfer of the sports fields from WCC to MWPC.
- b. The existing playing fields should be protected from development and preserved as public open space/ recreation land. If all facilities are relocated to Woolmore Farm with no provision for Bowerhill.. THIS IS NOT ACCEPTABLE TO MWPC. The existing fields are well used for all recreation; adult football leagues, youth football training and there is demand for cricket pitches too.
- c. The recently approved District Local Plan First Alteration specifies that any land to replace the Christie Miller Rugby Field should be provided on land adjacent to Pathfinder Way. 10.8 HA has been allocated in the District Plan.
- d. The Parish Council was concerned that the landowner at Pathfinder Way has not been approached by WCC in any serious way. Very little effort has so far been made to find out if he was willing to negotiate. In fact the new WWDC Recreation Needs Analysis promotes Woolmore Farm for recreation uses, even though the District Plan has allocated land adjacent to Pathfinder Way.
- e. WCC has indicated additional land at Woolmore Farm may be available but has not specified how much. Clarity is needed.
- f. There is the potential for the shared use of the new school facilities with the community out of school hours. However there would need to be equality of partnership to ensure the community did not end up being able to use facilities only when the school did not want them. Community use should be a right and not just by concession.
- g. MWPC representatives emphasised that a Development Brief was need for this area, as specified in the adopted District Plan.

PLANNING POLICY OFFICER.

The application site is allocated in the District Plan 1st Alteration for further employment uses. The Plan requires the existing open space (approx. 4.5 hectares) to be replaced as part of the development. Implementation of the relocated sports field must be a pre-requisite to development.

The District Plan 1st Alteration states that the replacement provision should be of the same size and broad shape, to be laid out as formal sports pitches including a rugby pitch if required and will be in a location which affords good access with no conflict from other uses. Whilst the District Plan identifies land west of Pathfinder Way as a site for the provision of further formal open space provision, it is not specifically identified as the site for the replacement provision and provided that an alternative site meets the criteria identified above, the policy requirement can be satisfied.

The District Council is currently preparing a Leisure and Recreation Development Plan Document which when adopted will replace the recreation policies within the District Plan 1st Alteration. Preferred options were approved by Council for consultation in June 2006. This document identifies land within the Woolmore Farm estate as suitable for further formal sports pitch provision adjacent to the proposed secondary school, which could include replacement facilities for those at and adjacent to Christie Miller sports centre. Land west of Pathfinder Way was rejected as a preferred option due to land ownership resistance to its delivery for open space.

Provided that the development of the application site for employment uses delivers the same size and broad shape of replacement formal sports pitch provision in an accessible location within the Woolmore Farm estate or an alternative accessible site then the application is acceptable in planning policy terms. The Council's Leisure Manager and Sport England should be consulted to establish the exact specifications of the replacement provision, having regard to the deficiencies identified in the recent Leisure and Recreation Needs Assessment (2005) completed for the Council.

The District Plan 1st Alteration also identifies that the completion of the link road by the Bowerhill playing fields will necessitate the relocation of the existing pavilion and basketball court. I understand that there is already permission in place to deliver a relocated pavilion and basketball court on the Bowerhill playing fields.

LEISURE AND RECREATION MANAGER

From the leisure perspective I would support the relocation of the 4.29ha of playing fields to the Woolmore Farm site or to another suitable site within the area as long as the location within that site is accessible to the community and that the quality of pitch is sufficient. In preference I would like to see the pitches to be relocated to Woolmore Farm along with the new school facilities (that will be made available to the community by the school) to create a focal sporting facility in the town.

I echo the comment that Sport England should be consulted on this matter, as they will certainly have an interest in the relocation of the pitches.

With regards to the proposed development of changing facilities I would like to see the option of a commuted sum instead of a requirement for them to build them. We are currently investigating the possibility of developing additional community leisure facilities on the Woolmore Farm site, and if this is viable then it would be sensible for the outdoor changing provision to be part of that facility.

PLANNING OFFICER'S COMMENTS

The main proposal for this application remains the same as that considered in April 2005. It is an application for outline planning permission for the change of use of the Christie Miller Sports Ground to employment development including B1, B2 and B8 uses. All matters are reserved for subsequent approval except for the means of access.

The access to the site will be via the link road to the south of the site from Lancaster Road. This part is included in the application site. The Development Plan also indicates that this road will eventually link into the A350 at the roundabout at Hampton Park West. The bell mouth has already been completed at the roundabout and the other part of the link road permitted as part of the Cereal Partnership development approved recently in 2006. It is clear therefore that the only means of moving this project forward and facilitating the completion of part of the Semington to Bowerhill link road is by way of an outline planning permission.

As the details of the application have not changed in principle, the recommendation made on 21 April 2005 remains in essence the same. The main issue is therefore the need to secure the replacement sports pitches lost by the proposed development.

Development Plan Policy EI

Policy EI of the West Wiltshire District Plan allows for employment development on this site provided:

"Relocation of the existing Christie Miller Sports Field will be subject to a firm commitment which secures an alternative location, timing, implementation and an equivalent level of formal sports provision to meet the needs of the locality."

It has been agreed that the equivalent level is 2 senior pitches.

Therefore, unless these aspects can be secured as part of this proposal, the application would be a departure from this policy.

The alternative site for the pitches has now been identified by the County Council at Woolmore Farm. It is understood they own the land. This site has also been identified by Leisure and Recreation Development Plan Document which, when adopted, will replace the recreation policies within the District Plan 1st Alteration. Preferred options were approved by Council for consultation in June 2006. This document identifies land within the Woolmore Farm estate as suitable for further formal sports pitch provision adjacent to the proposed secondary school, which could include replacement facilities for those at and adjacent to Christie Miller sports centre. The location is also supported by the Leisure and Recreation Manager

There is therefore no objection to the number and relocation of the pitches to the area identified by the County Council at Woolmore Farm.

It remains necessary, therefore, to ensure that this provision can be secured as part of the current application for the development of the employment site and is timed to coincide with the loss of the existing pitches/ facilities.

One suggestion put forward has been that a condition be imposed on the current application which would prevent development of the employment site starting until the replacement playing pitches have been provided within the area identified on the plan submitted by the WCC dated 30 January 2007. Such pitches shall comprise of an area equivalent to the area of the playing fields lost by the proposal (i.e. 4.29ha) and shall consist of 2 senior sports pitches with associated changing facilities, be accessible to the Bowerhill community and constructed in accordance with Sport England's Guidance Notes 'Natural Turf for Sport' and 'Pavilions and Clubhouses'

However, because there is no firm commitment to the alternative site, it cannot be secured at this stage, nor can the timing be agreed because such a proposal would have to be the subject of a separate planning permission at a later date. If, following the grant of planning permission for the employment site with such a condition, the site was sold on to another developer, they would not be able to commence development until such time as the condition was discharge. However, they would have to rely on other parties to secure the planning permission and implementation of the sports pitches. There is no guarantee at this stage that such an application will be forthcoming and whether it would be granted. There is, in your officer's view, very little reasonable expectation that the developer could comply with the condition within the lifetime of the employment site permission. Such a condition would therefore be considered unreasonable, as it would not meet the tests set out in Circular 11/95 and it could be argued as being tantamount to a refusal of permission.

One alternative is for the relocation of the pitches to be secured by a s106 Agreement in which both parties agree that development should not commence on the employment site until the replacement playing pitches have been provided within the area identified on the plan submitted by the WCC dated 30 January 2007 or a suitable alternative to be agreed with the District Council. Such pitches shall comprise of an area equivalent to the area of the playing fields lost by the proposal (i.e. 4.29ha) and shall consist of 2 senior sports pitches with associated changing facilities, be accessible to the Bowerhill community and constructed in accordance with Sport England's Guidance Notes 'Natural Turf for Sport' and 'Pavilions and Clubhouses'

This would also be the most appropriate way to accommodate the Leisure Manager's preference for a commuted sum for the proposed development of changing facilities instead of a requirement for them to build them. Financial contributions cannot be secured by condition.

A s106 Agreement is entered into freely by the applicants and other interested parties and is a land charge on any subsequent owners. Therefore, if the land is sold on the new owners or developers they would also be bound by the Agreement. There is however some doubt that the County Council will agree to such an agreement. For the reasons outline above, a condition is not considered by your officers to be appropriate unless there is a parallel permission for the provision of the sports pitches which can be specified in the condition.

In the absence of a s106 Agreement your officers are of the opinion that the relocation, timing and implementation of the sports pitches could not be secured in accordance with the Development plan policy. The only other alternative would be to refuse the application.

Other points raised by the Parish Council

In respect of Point (a) and (b) are addressed in this report.

Point (c) There is no requirement within the District Plan to provide 10.8 hectare of replacement sports pitches.

Points (d) and (e) are addressed in the report.

Point (f) raised by the Parish Council are not relevant to the determination of the application.

Point g) raised by the Parish Council is that a "Development Brief" for the area is required in advance of this site being developed. The District Plan fulfils this function. It provides clear guidance on the future development of this site and the surrounding area. There is therefore no need for a further development brief.

For the reasons expressed above, your Officer's are of the opinion that this application can be supported subject to a s106 Agreement to secure the replacement pitches.

ORIGINAL REPORT PRESENTED TO THE PLANNING COMMITTEE ON 21 APRIL 2005

APPLICATION DETAILS

This application is brought to Committee because Melksham Without Parish Council object and your Officer's recommend approval. Furthermore, it is an application submitted jointly by Wiltshire County Council and West Wiltshire District Council.

This is an application for outline planning permission for the change of use of the Christie Miller Sports Ground to employment development including B1,B2 and Be uses. All matters are reserved for subsequent approval except the means of access.

The access to the site will be via the link road to the south of the site. The general arrangement for which has been provided.

MELKSHAM WITHOUT PARISH COUNCIL

Object to the application, making the following comment:

"The Council directs your attention to the conditions of development of this site as detailed in the newly adopted District Local Plan First Alteration; viz that the Christie Miller Rugby field cannot be developed until replacement recreational land has been identified -has this yet been done? The old Pavilion and basketball court too cannot be removed to make way for a road until a firm agreement is in place for their replacement. The Council objects to the use of an out of date site plan which does not show some of the main buildings on the area, such as the Wiltshire School of Gymnastics."

HIGHWAY AUTHORITY

No objection subject to the imposition of conditions.

PARKS AND AMENITIES

No comments received.

ENVIRONMENT AGENCY

No objection subject to the imposition of conditions.

SPORT ENGLAND

No objection subject to the imposition of the following condition:

"Replacement playing fields comprising an area equivalent to the area of playing fields being lost (ie approximately 4.29 ha /10.6 acres) and laid out for at least 2 senior sports pitches and associated changing facilities, will be provided in a location which is accessible on foot to the Bowerhill Community. Such replacement provision should be constructed in accordance with Sport England's Guidance Notes "Natural Turf for Sport" and "Pavilions and Clubhouses". The precise location of the replacement site will be agreed as a Reserved Matter prior to detailed planning consent being granted, and completed within 18 months of the commencement of development at the application site."

WESSEX WATER

No comments received

WILTSHIRE WILDLIFE TRUST

No objection. Have indicated that they are satisfied with the proposed mitigation.

ENGLISH NATURE

No objections to the proposal.

COUNTY ECOLOGIST

No objection subject to:

-Boundary hedgerows and scrub being retained.

-A Working Method Statement and Management Plan are produced and implemented. -That the consultant's recommendation in respect of great crested newt mitigation is imposed.

PUBLICITY

A public notice was erected and neighbouring properties were consulted: No consultation responses were received.

RELEVANT PLANNING HISTORY

None for the site.

Planning permission was granted on 11 February 2005 to Melksham without Parish Council for the relocation of the sports pavilion on the Bowerhill Sports field to the south of the application site (04/02391/OUT

PLANNING POLICY

Wiltshire Structure Plan 2011
DP4 Towns and Main Settlements

West Wiltshire District Plan 1st Alteration
EI New Employment Land Allocations
T4E New distributor roads

PPSI -Delivering Sustainable Development

PLANNING OFFICER'S COMMENTS

The main considerations in the determination of this application are development plan policy and whether there are any material considerations which outweigh the plan policy.

Development Plan Policy

The application proposal complies with development plan policy. The application site forms part of the 34.5 hectares of land allocated in Policy EI for employment development.

In respect of the application site, the policy states:

"Relocation of the existing Christie Miller Sports Field will be subject to a firm commitment which secures an alternative location, timing of implementation, and an equivalent level of formal sports provision to meet the need of the locality".

To this end the applicants have met with Sport England and have agreed to a condition requiring that replacement playing fields comprising an area equivalent to the area of playing fields being lost (ie approximately 4.29 ha (10.6 acres) be laid out for at least 2 senior sports pitches and associated changing facilities. This provision is to be provided in a location which is accessible on foot to the Bowerhill Community. Such replacement provision is required to be constructed in accordance with Sport England's Guidance Notes "Natural Turf for Sport" and "Pavilions and Clubhouses". The precise location of the replacement site will be agreed as a Reserved Matter prior to detailed planning consent being granted, and completed within 18 months of the commencement of development at the application site.

Although the exact location of this replacement provision is yet to be confirmed, the condition places a requirement upon the applicants to ensure that it is provided. Sport England has indicated that they are satisfied with this approach.

Material planning considerations

Material planning considerations relevant to the determination of this application are the concerns of the Parish Council not addressed above, which are as follows

The (Parish) Council objects to the use of an out of date site plan which does not show some of the main buildings on the area, such as the Wiltshire School of Gymnastics."

It is agreed that the plan is out of date, but it is considered that it is of sufficient detail for the purposes of the application for outline planning permission.

The proposed access

The plan attached to the application shows an access to the site from the south via the proposed distributor road to the south of the site (Development Plan policy T4E).

The applicants have also produced a draft plan (HPE001) which shows an access from the link road to the south of the application site. Until the details of the link road are known it is not possible to confirm the details of the access to the site. Nevertheless, given that there are no constraints to the delivery of an access in this location, it is considered that the means of access can be approved.

It is noted that there have been no objections raised to this application.

It is considered appropriate to impose the usual range of conditions which are relevant to this scale and character of development.

CONCLUSION

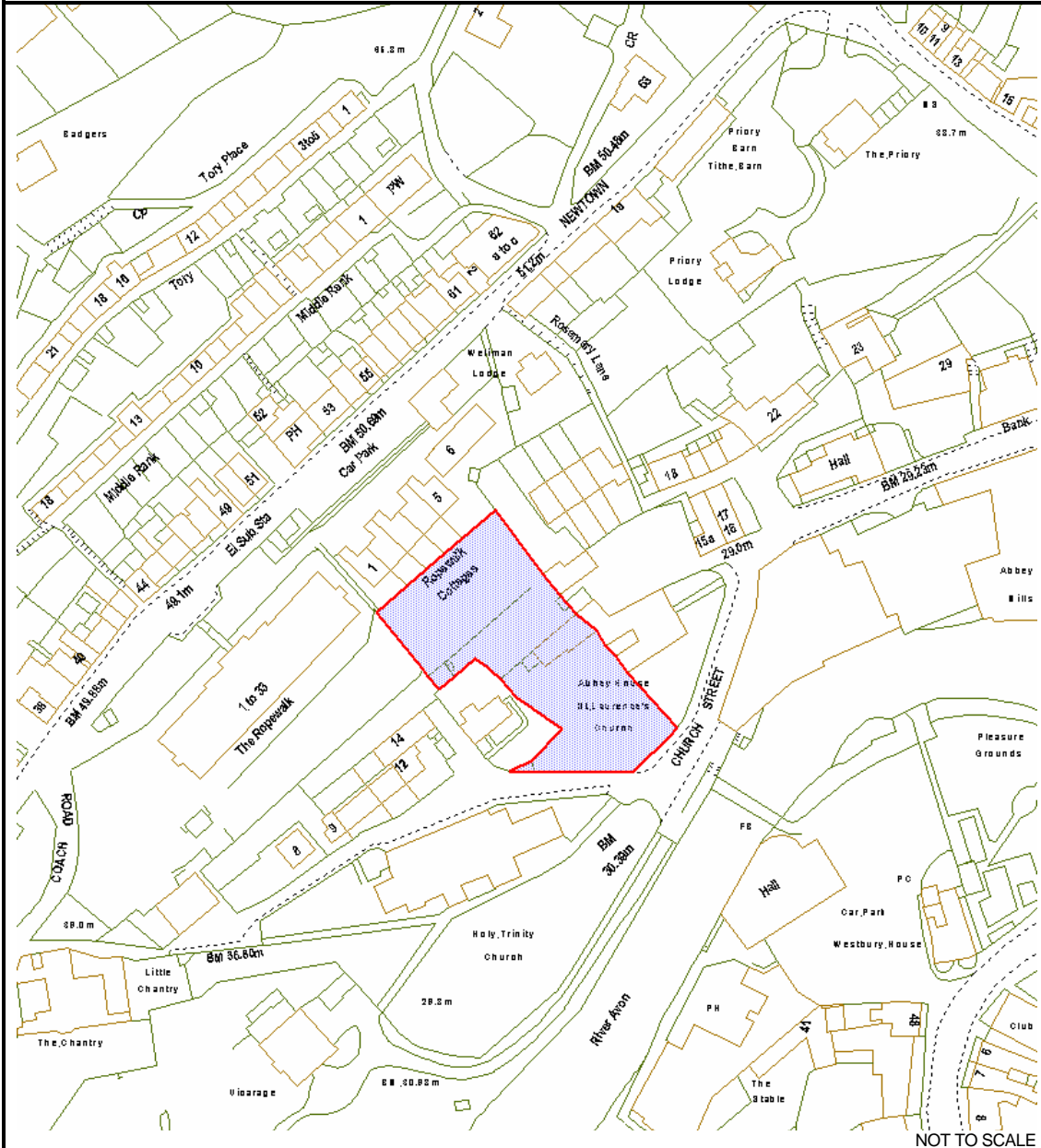
The application proposal complies with development plan policy and there have been no material considerations identified to outweigh this policy consideration. While replacement sports provision has not been identified at this stage, the proposed condition agreed with Sport England will ensure that within 18 months of a planning permission, replacement provision will have to be identified.

15 February 2007

ITEM NO: 08

APPLICATION NO: 06/03666/FUL

LOCATION: Hortons House 15 Church Street Bradford On Avon
Wiltshire BA15 1LN



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 06/03666/FUL

Site Address: Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN

Parish: Bradford On Avon

Ward: Bradford On Avon South

Grid Reference 382439 160935

Application Type: Full Plan

Development: Proposed conversion of derelict wellhouse to garden store

Applicant Details: Mr And Mrs J Seekings
Hortons House 15 Church Street Bradford On Avon Wiltshire
BA15 1LN

Agent Details:

Case Officer: Mr Russell Brown

Date Received: 04.12.2006

Expiry Date: 29.01.2007

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 The oak boarding shall not be stained or painted, but left natural to achieve a silvered finish.

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 is brought to the planning committee as the Town Council object contrary to your officers recommendation.

This is a full planning application for the reinstatement of a wellhouse for use as a garden store room. The site is in the curtilage of Hortons House in Bradford On Avon which is a Grade II* listed building. The wellhouse is directly behind the Saxon church, which is a Grade I listed building, and is sited at a higher level, behind a stone wall and iron railings.

The wellhouse is currently in a state of some ruin. Three walls are still principally intact but there is no roof structure and no south eastern wall.

Therefore the structure now forms a very small courtyard with the well opening in the middle. Historically the site of the well, actually a cistern, was enclosed within a building.

The proposal is to reinstate the missing wall with a vertical oak board panel with a matching vertical oak board door. The remaining walls would be built back up with natural stone to their former heights to allow a lean-to roof structure finished with reclaimed clay roman tiles.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

Objections:

"This is an extremely sensitive part of the Conservation Area being close to the Saxon church. In these circumstances use of wood for the sides of the store would be inappropriate and the Town Council commends the use of stone as was proposed in one of the previous applications."

STATUTORY CONSULTEES

ENGLISH HERITAGE

No objections

INTERNAL WWDC CONSULTEES

CONSERVATION OFFICER

"I have had pre-application discussions about this scheme on site. This is a complicated site because of the number of restraints attached to it or in close proximity to it.

Historically, it is clear that there was a form of structure here sometime ago with it's stone walls to 3 sides still remaining relatively intact. It is likely that this would have been a covered structure for housing the well in this location. The well was no doubt an important resource that probably would have served a number of dwellings and poss. business's in the area not to mention the fire station over the road! Indeed the map of 1901 seems to indicate that there may have been a more substantial structure located here.

* The location of this proposal is adjacent to the Grade I listed St Laurence's Chapel and there has been a lot of archaeological interest within the grounds of this church. With the close proximity of the churchyard, I would have thought it likely that the County Archaeologists would want to at least have an opportunity of considering this proposal.

* The setting of both the churches and the Annex to Abbey House known as Hortons House, let alone other listed buildings in the vicinity!, make it important to consider the setting of all of them. The greatest impact of this scheme, however, will be the Chapel itself as the proposal will face the churchyard behind a small stone wall and railings. The topography of the area means that the proposed structure will be raised above the level of the churchyard and certainly its roof and part of its elevation will be visible above the wall and through the railings from the churchyard. In terms of the other listed buildings in the area most will have views of this building but in my opinion they will not be harmful or adversely effect the setting of these buildings as they will be some distance away and in any case this is a relatively modest structure.

* With historic justification for this scheme, I would argue that there is good justification for reinstating it providing the materials and style of building is traditional and appropriate to the conservation area.

The original pre-application scheme proposed the same building form with a lean-to roof but with a slightly different shaped frontage executed in stone. The front has now been simply as a flat face with clearance shown over the well entrance. The only other difference is the use of timber instead of stone for the wall cladding. I do not feel that this should be a problem bearing in mind that this is a smart garden shed and replaces a more conventional timber shed presently housed in this location. Admittedly the original well head building may have had a return wall of stone but I am still not concerned with the use of timber providing it is oak and not stained. The photograph of the recent new ext. to Barton Farm clearly indicates that the timber there is stained in an unfortunate orange colour that is not appropriate. I am also aware that timber has been used in the front of the new extension to 14, Church Street next door to this, so I would feel it would be difficult to justify resisting timber in this situation. A further thought is that the timber door should match in indistinctly with the timber cladding to the same width of boarding etc. The present elevation proposal looks imbalanced in this respect."

PUBLICITY

The application has been advertised and a site notice attached to the site. Neighbour notifications have also been undertaken. No responses have been received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Area

C27 - Listed Buildings

C28 - Alterations to Listed Buildings

C31a - Design

C38 - Nuisance

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None relevant

KEY PLANNING CONSIDERATIONS

The key issues in this application are the effect of the proposal on:

- the character of the curtilage listed wellhouse
- the setting of the surrounding listed buildings
- the special character and appearance of the Conservation Area
- neighbouring and public amenities

PLANNING OFFICERS COMMENTS

The existing structure is in a state of ruin and considerable disrepair. The structure will continue to deteriorate, even with reasonable maintenance, until it falls completely. Consequently, it can be seen that the reinstatement of this building would safeguard the remaining structure and ensure its continuing longevity.

The character of the existing is that of a deteriorating structure. It is clear that there was previously a building on this site and its reinstatement raises no objections in principle. It is likely that the building was completely stone built.

The proposed timber panel walling for the south east elevation would create a softer elevation in appearance than a stone wall and would actually provide a visual reference to the fact that the wall had collapsed or been removed in the past.

The use of traditional oak boarding for both the wall and the door would be an acceptable material providing that it is left as a natural finish and not stained. This should be the subject of a condition. Oak has been used elsewhere in the locality to great effect and it is felt that this use of material would not harm the character of the listed building.

For similar reasons as above, the settings of the adjacent listed buildings - primarily Hortons House itself, Grade II*, and the Saxon church, Grade I - and the special character and appearance of the Conservation Area would not be adversely affected due to the sympathetic form of the proposal, discreet design and the sensitive use of materials.

In terms of neighbouring and public amenities, the only demonstrable effect the proposal would have would be on the visual amenities from the churchyard of the Saxon church and part of Church Street. For the reasons outlined above, the appearance of the proposal would not be visually intrusive and therefore would not harm the amenities of the public or any neighbours.

The final comment of the Conservation Officer's comments refer to the original plans, revised plans were submitted to overcome the issue by matching the oak board widths on the panel and the door.

CONCLUSION

The proposal would not result in harm to the character or setting of the listed buildings, the special character and appearance of the Conservation Area, or neighbouring amenities. Therefore the application is recommended for permission.

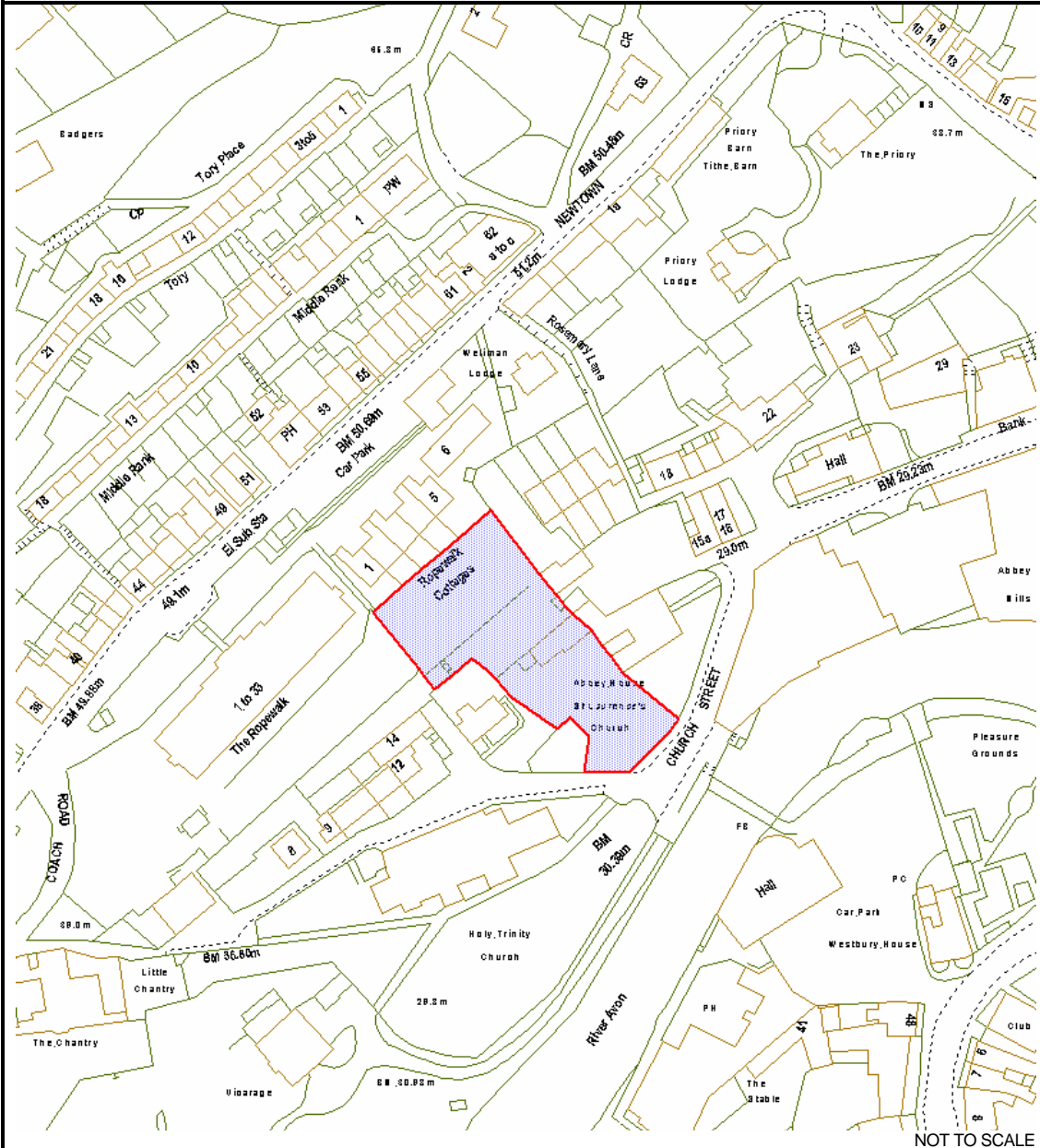
PLANNING COMMITTEE

15 February 2007

ITEM NO: 09

APPLICATION NO: 06/03312/LBC

LOCATION: Hortons House 15 Church Street Bradford On Avon
Wiltshire BA15 1LN



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 06/03312/LBC

Site Address: Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382439 160935

Application Type: Listed building

Development: Conversion of derelict 'wellhouse' to garden store

Applicant Details: Mr And Mrs J Seekings
Hortons House 15 Church Street Bradford On Avon Wiltshire
BA15 1LN

Agent Details: Mr J J Sample
Parham Bungalow Parham Lane Market Lavington Devizes Wilts

Case Officer: Mr Russell Brown

Date Received: 31.10.2006 Expiry Date: 26.12.2006

JUSTIFICATION REASON:

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

RECOMMENDATION: The First Secretary of State be informed that this Council raises no objection to the proposal and recommends that listed building consent be granted at a future date in the event of the Development Control Manager being satisfied that the First Secretary of State remits the application to this Council for decision.

Condition(s):

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

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

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

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

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

- 3 The oak boarding shall not be stained or painted, but left natural to achieve a silvered finish.

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

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

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

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

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

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

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

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

- 6 Details of the new roof structure 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.

- 7 Details of the elevations of the new door, at a scale of not less than 1:20, and sections through all frames 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.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for listed building consent for the reinstatement of a wellhouse for use as a garden store room. The site is in the curtilage of Hortons House in Bradford On Avon which is a Grade II* listed building. The wellhouse is directly behind the Saxon church, which is a Grade I listed building, and is sited at a higher level, behind a stone wall and iron railings.

The wellhouse is currently in a state of some ruin. Three walls are still principally intact but there is no roof structure and no south eastern wall.

Therefore the structure now forms a very small courtyard with the well opening in the middle. Historically the site of the well, actually a cistern, was enclosed within a building and the evidence that the applicant's have found seems to suggest that the building was in fact used for a garden store even at that time.

The application proposes to reinstate the missing wall with a vertical oak board panel with a matching vertical oak board door. The remaining walls would be built back up with natural stone to their former heights to allow a lean-to roof structure finished with reclaimed clay roman tiles.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

Objections:

"This is an extremely sensitive part of the Conservation Area being close to the Saxon church. In these circumstances use of wood for the sides of the store would be inappropriate and the Town Council commends the use of stone as was proposed in one of the previous applications."

STATUTORY CONSULTEES

ENGLISH HERITAGE

No objections

INTERNAL WWDC CONSULTEES

CONSERVATION OFFICER

"I have had pre-application discussions about this scheme on site. This is a complicated site because of the number of restraints attached to it or in close proximity to it.

Historically, it is clear that there was a form of structure here sometime ago with its stone walls to 3 sides still remaining relatively intact. It is likely that this would have been a covered structure for housing the well in this location. The well was no doubt an important resource that probably would have served a number of dwellings and poss. business's in the area not to mention the fire station over the road! Indeed the map of 1901 seems to indicate that there may have been a more substantial structure located here.

* The location of this proposal is adjacent to the Grade I listed St Laurence's Chapel and there has been a lot of archaeological interest within the grounds of this church. With the close proximity of the churchyard, I would have thought it likely that the County Archaeologists would want to at least have an opportunity of considering this proposal.

* The setting of both the churches and the Annex to Abbey House known as Hortons House, let alone other listed buildings in the vicinity!, make it important to consider the setting of all of them. The greatest impact of this scheme, however, will be the Chapel itself as the proposal will face the churchyard behind a small stone wall and railings. The topography of the area means that the proposed structure will be raised above the level of the churchyard and certainly its roof and part of its elevation will be visible above the wall and through the railings from the churchyard. In terms of the other listed buildings in the area most will have views of this building but in my opinion they will not be harmful or adversely effect the setting of these buildings as they will be some distance away and in any case this is a relatively modest structure.

* With historic justification for this scheme, I would argue that there is good justification for reinstating it providing the materials and style of building is traditional and appropriate to the conservation area.

The original pre-application scheme proposed the same building form with a lean-to roof but with a slightly different shaped frontage executed in stone. The front has now been simply as a flat face with clearance shown over the well entrance. The only other difference is the use of timber instead of stone for the wall cladding. I do not feel that this should be a problem bearing in mind that this is a smart garden shed and replaces a more conventional timber shed presently housed in this location. Admittedly the original well head building may have had a return wall of stone but I am still not concerned with the use of timber providing it is oak and not stained. The photograph of the recent new ext. to Barton Farm clearly indicates that the timber there is stained in an unfortunate orange colour that is not appropriate. I am also aware that timber has been used in the front of the new extension to 14, Church Street next door to this, so I would feel it would be difficult to justify resisting timber in this situation. A further thought is that the timber door should match in indistinctly with the timber cladding to the same width of boarding etc. The present elevation proposal looks imbalanced in this respect."

PUBLICITY

The application has been advertised and a site notice attached to the site. No responses have been received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C27 - Listed Buildings

C28 - Alterations to Listed Buildings

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None relevant

KEY PLANNING CONSIDERATIONS

The key issues in this application are the effect of the proposal on:

- the character of the curtilage listed wellhouse
- the setting of the surrounding listed buildings

PLANNING OFFICERS COMMENTS

The existing structure is in a state of ruin and considerable disrepair. The structure will continue to deteriorate, even with reasonable maintenance, until it falls completely. Consequently, it can be seen that the reinstatement of this building would safeguard the remaining structure and ensure its continuing longevity.

The character of the existing is that of a deteriorating structure. It is clear that there was previously a building on this site and its reinstatement raises no objections in principle. It is likely that the building was completely stone built.

The proposed timber panel walling for the south east elevation would create a softer elevation in appearance than a stone wall and would actually provide a visual reference to the fact that the wall had collapsed or been removed in the past.

The use of traditional oak boarding for both the wall and the door would be an acceptable material providing that it is left as a natural finish and not stained. This should be the subject of a condition. Oak has been used elsewhere in the locality to great effect and it is felt that this use of material would not harm the character of the listed building.

For similar reasons as above, the settings of the adjacent listed buildings - primarily Hortons House itself, Grade II*, and the Saxon church, Grade I - would not be adversely affected due to the sympathetic form of the proposal, discreet design and the sensitive use of materials.

The final comment of the Conservation Officer's comments refer to the original plans, revised plans were submitted to overcome the issue by matching the oak board widths on the panel and the door.

CONCLUSION

The proposal would not result in harm to the character or settings of the listed buildings. Therefore the application is recommended for consent.

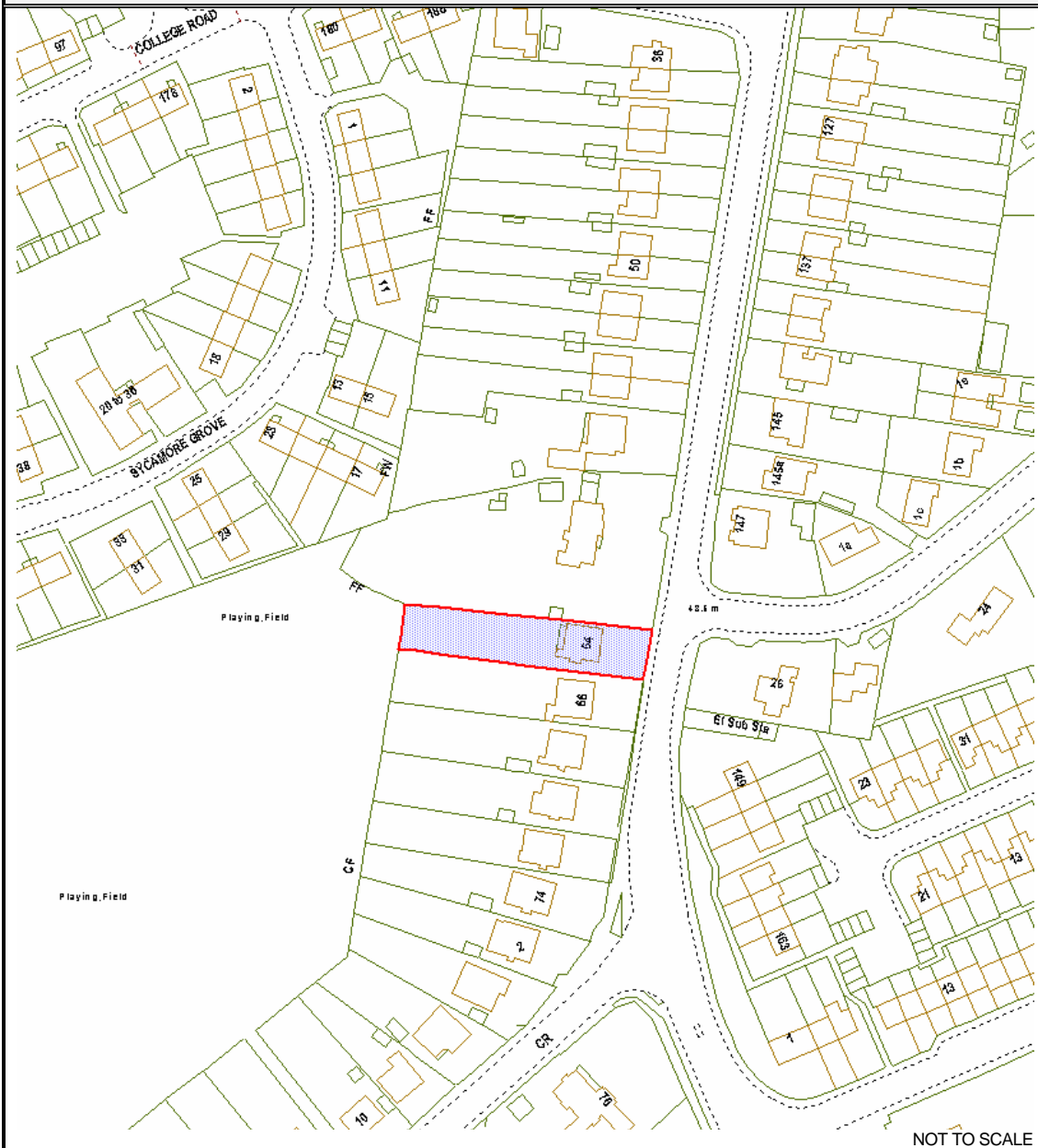
PLANNING COMMITTEE

15 February 2007

ITEM NO: 10

APPLICATION NO: 06/02623/FUL

LOCATION: 64 Bradley Road Trowbridge Wiltshire BA14 0RA



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www.westwiltshire.gov.uk

SLA: 100022961

10 Application: 06/02623/FUL

Site Address: 64 Bradley Road Trowbridge Wiltshire BA14 0RA

Parish: Trowbridge Ward: Drynham

Grid Reference 385242 156506

Application Type: Full Plan

Development: Conversion of garage to form annexe

Applicant Details: Mr P Manro
64 Bradley Road Trowbridge Wiltshire BA14 0RA

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

Case Officer: Mr David Cox

Date Received: 22.11.2006 Expiry Date: 17.01.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 The 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 contrary to planning policy in this area.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Content due to concerns that have been raised with her by the neighbours regarding this site.

This is an application for full planning permission for the conversion of a garage to form an annexe at 64 Bradley Road, Trowbridge. This is a residential area comprising of mainly detached bungalows. The physical alterations to the building have already taken place. These include removing the garage doors and replacing them with a wall incorporating two windows and an entrance.

The garage is located to the rear of No 64 in the garden of the property. It has a floor area of 33 square metres.

The application proposal is to convert this garage into a "granny annexe".

The granny annexe would have its own bathroom and kitchen and so it will have a certain degree of independence from the main house. Following investigations from the enforcement team and from correspondence from the applicant it has been stated that the garage is being converted to allow for a family member to occupy it. It is also intended for the main house to be used by the applicant as a family home.

The works have already been carried out on the garage with the doors removed and fenestration and front door installed. The garage is set back approximately 15 metres from the rear wall of the main house. There is a narrow gap between the main house and the side elevation of the neighbour No 66 to the south of approximately 3 metres, which allows for a very brief glimpse of the garage at a fair distance from the road.

CONSULTATION REPLIES:

TROWBRIDGE TOWN COUNCIL

No objection but the Committee would request clear conditions regarding its use only as part of the main residence.

STATUTORY CONSULTATIONS:

HIGHWAY AUTHORITY

No objection subject to occupancy conditions.

WESSEX WATER

No objection subject to informatives.

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter. One letter of objection was received from the neighbour of No 66 Bradley Road.

- Appearance: The stone lintel that was over the garage door has been left and the door openings have been bricked up but you can see where the two lines are. As a result it looks terrible, not only can I see this from my property but the public can also see it directly in front.

- Effect on Privacy: The two new windows at the front allow the occupier to look over my 6 ft boundary fence straight into my property, especially from the new kitchen area.

- Noise Disturbance: The new occupants and their visitors need to gain access by walking along side my property, this would create more pedestrian noise. If the garage is allowed to be used as a dwelling, as it is only 1 metre away from my boundary the noise would be enhanced if they were to have a party as young people do. This will take away the peaceful surroundings of the rear of my property.

- Drainage: The issue of drainage has not been properly considered by the applicant.

- Use of the Annexe: There is confusion over who will be using the annexe with the application form stating the son when the applicant told me it would be his mother.

- We have had a history with trouble with the occupants of the house with noise and rubbish being thrown over into our garden.

- The occupier takes in lodgers for rent with no regard to their backgrounds.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design
C38 - Nuisance

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

86/00021/FUL - Vehicular access - Permission 04.02.86

89/01541/FUL - Two storey extension and double garage - Permission 28.11.89

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

For the purposes of planning for this conversion to be regarded as an annexe, the overall dwelling needs to remain as one unit of accommodation. Your officers are satisfied that on the balance of all available evidenced this property will, with this conversion, remain as one unit of accommodation.

The applicants have stated that it will be occupied by a family member.

As there is concern that the annexe could be let out to tenants independent from the main house, a condition is proposed to state that the annexe cannot be used other than family members and cannot be let or sold as a separate unit.

Policy C31a of the Local Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. The proposal will change the physical appearance of the garage by removing the garage doors and replacing them with suitable sized and designed windows. The retention of the stone lintel helps to break up the continuous appearance of the brick wall. Whilst the new bricks that have in-filled the garage door openings are of a slight colour differentiation (because of differing weathering of the bricks), this does not detract from the appearance of the garage to a degree that would justify refusal. Additionally because the garage is set so far back from the main road and screened by both No 64 and No 66 this has had no negative impact on the appearance of the street scene. Therefore the neighbours comments cannot be supported.

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. The proposal would not have a detrimental impact on the amenities of the neighbours. The windows are not at a level that can look over and down into No 66's rear garden or habitable rear windows. The 1.8 metre tall fence also screens any direct overlooking. The noise generated by the conversion would be no different to the use of the garage for car parking or even the general use of the rear garden for recreational use. The neighbour's comments again cannot be supported.

In regards to the issue of renting out the main house to lodgers, investigations by the Council's enforcement department found that the main house has 4 bedrooms, two have en-suite facilities and two do not. There is a separate bathroom for communal use and a shared kitchen. At the present time 3 of these bedrooms are being let to the County Council "Aftercare" who have currently put two teenagers to live in the house. Planning Law allows for a house to be used by up to 6 people provided they are living as one household and still can be classed as a domestic dwelling. This requires that they must have shared kitchen, shared bathrooms and a shared living room, regardless of whether individual bedrooms have separate keys and locks. Therefore planning permission is not required for a change of use as it is regarded that main building is a single dwelling unit.

CONCLUSION

For the above reasons your officers are satisfied that this is a proposal for an annexe and conditions can ensure that it remains as such. The application should therefore be granted planning permission subject to conditions.

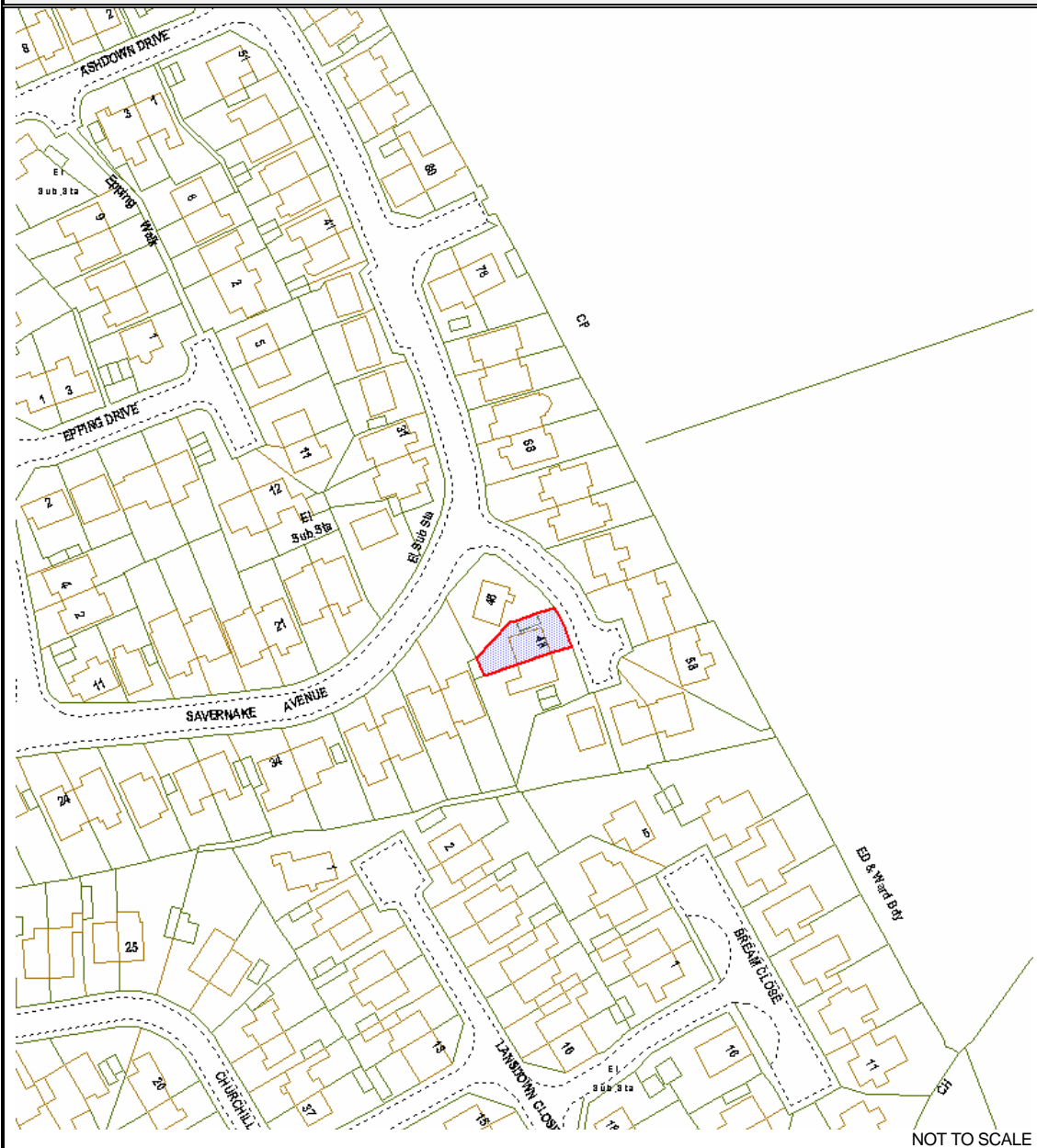
PLANNING COMMITTEE

15 February 2007

ITEM NO: 11

APPLICATION NO: 06/03714/FUL

LOCATION: 48 Savernake Avenue Melksham Wiltshire SN12 7HD



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www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 06/03714/FUL

Site Address: 48 Savernake Avenue Melksham Wiltshire SN12 7HD

Parish: Melksham (Town) Ward: Melksham Woodrow

Grid Reference 391636 164597

Application Type: Full Plan

Development: Proposed single storey side extension

Applicant Details: Mr Alan Stevens
48 Savernake Avenue Melksham Wiltshire SN12 7HD

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

Case Officer: Mr Donncha Murphy

Date Received: 12.12.2006 Expiry Date: 06.02.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the size and location of the extension and its relationship with the dwelling to the north, would result in loss of light and would have an overbearing, overly dominant and visually intrusive impact, harmful to the amenities currently enjoyed by the occupiers of that neighbouring property. This would be contrary to Policies C31A and C38 of the West Wiltshire District Plan - 1st alteration 2004 and the guidelines set out in the Supplementary Planning Guidance Planning Design Guidance (House alterations and extensions).

COMMITTEE REPORT

APPLICATION DETAILS:

This application has been brought to Committee as Councillor Oakman has called it in, in the interest of public debate.

This is a revised application for a single storey side extension to the existing dwelling. The plans indicate that the proposed extension would be 3.6 metres wide, 8.2 metres deep and 4.4 metres tall. The roofline would match that of the existing dwelling.

The host dwelling is a semi-detached bungalow located in a residential estate of similar dwellings.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: No objections.

PUBLICITY RESPONSES: The proposal was advertised by letters to the neighbouring properties. One letter in support of the application has been received. The neighbour to the north feels that the proposal would not have an over dominant or overbearing impact on his property, as stated in the previous reason for refusal.

In addition the proposal would be used as accommodation for the applicants ageing father. The neighbour whose amenity would be most affected (no. 46) as a result of the proposal feels that this should also be taken into consideration.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C3 Nuisance

H1 Town Policy Limits

SPG Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

06/02934/FUL - Single storey side extension - Refused 27.11.2006 for the following reason: -

"The proposal by reason of the size and location of the extension and its relationship with the dwelling to the north, would result in loss of light and have an overbearing, overly dominant and visually intrusive impact, harmful to the amenities currently enjoyed by the occupiers of that neighbouring property. This would be contrary to Policies C31A and C38 of the West Wiltshire District Plan - 1st alteration 2004 and the guidelines set out in the Supplementary Planning Guidance Planning Design Guidance (House Alterations and Extensions)."

KEY PLANNING ISSUES

Whether or not the proposal overcomes the reason for refusal for application 06/02934/FUL.

PLANNING OFFICER COMMENTS

- Impact on the host dwelling and the street scene

There would be no adverse impact on the host dwelling as a result of this proposal. The materials used in the proposed extension would match those used in the existing dwelling. Moreover the design, angle and style of the roofline would also match the roofline of the host dwelling conforming to the guidelines set out in the Supplementary Planning Guidelines Planning Design Guidance (House Alterations and Extensions).

- Impact on the neighbouring amenity

The north elevation of the proposal has been altered from the refused scheme. The revised plans show a hipped roof, which was a gable end on the initial plans. This is still inconsistent with Supplementary Planning (House Alterations and Extensions) which states that permission will not normally be granted for an extension that significantly affects the amount of daylight / sunlight enjoyed by the neighbours. This applies to both the garden area and the windows to habitable rooms. The introduction of a hip end to the north elevation would be an improvement on the original design and would increase the amount of light to the neighbouring property to the north. However for adjoining houses or houses that are closely related to each other, a single storey extension which exceeds 3 metres in length at or near the boundary is more likely to have an adverse impact on the neighbour. The proposed extension here would be over 8 metres deep and would be constructed on the neighbouring boundary with the property to the north. Moreover the proposal would come within approximately 1 metre of the neighbouring dwelling to the north. The length of the proposed extension has not been reduced and is still contrary to the guidelines set out in the SPG.

An extension that is both deep and constructed close to the boundary may have an overbearing and dominant effect on the outlook and garden of the house next door. The development would appear over dominant and visually intrusive in this location. There would be an adverse impact on the neighbouring amenity, would be in direct conflict with Policy C38 of the District plan and the guidelines set out in the SPG- Planning Design Guidance (House Alterations and Extensions).

The Council acknowledges that the proposed development is needed to accommodate the applicant's father. However the clear requirement for this additional accommodation does not outweigh its fundamental conflict with Development Plan policy.

CONCLUSION

The proposed development has not overcome the reason for refusal, for application 06/02934/FUL. It therefore cannot be supported.

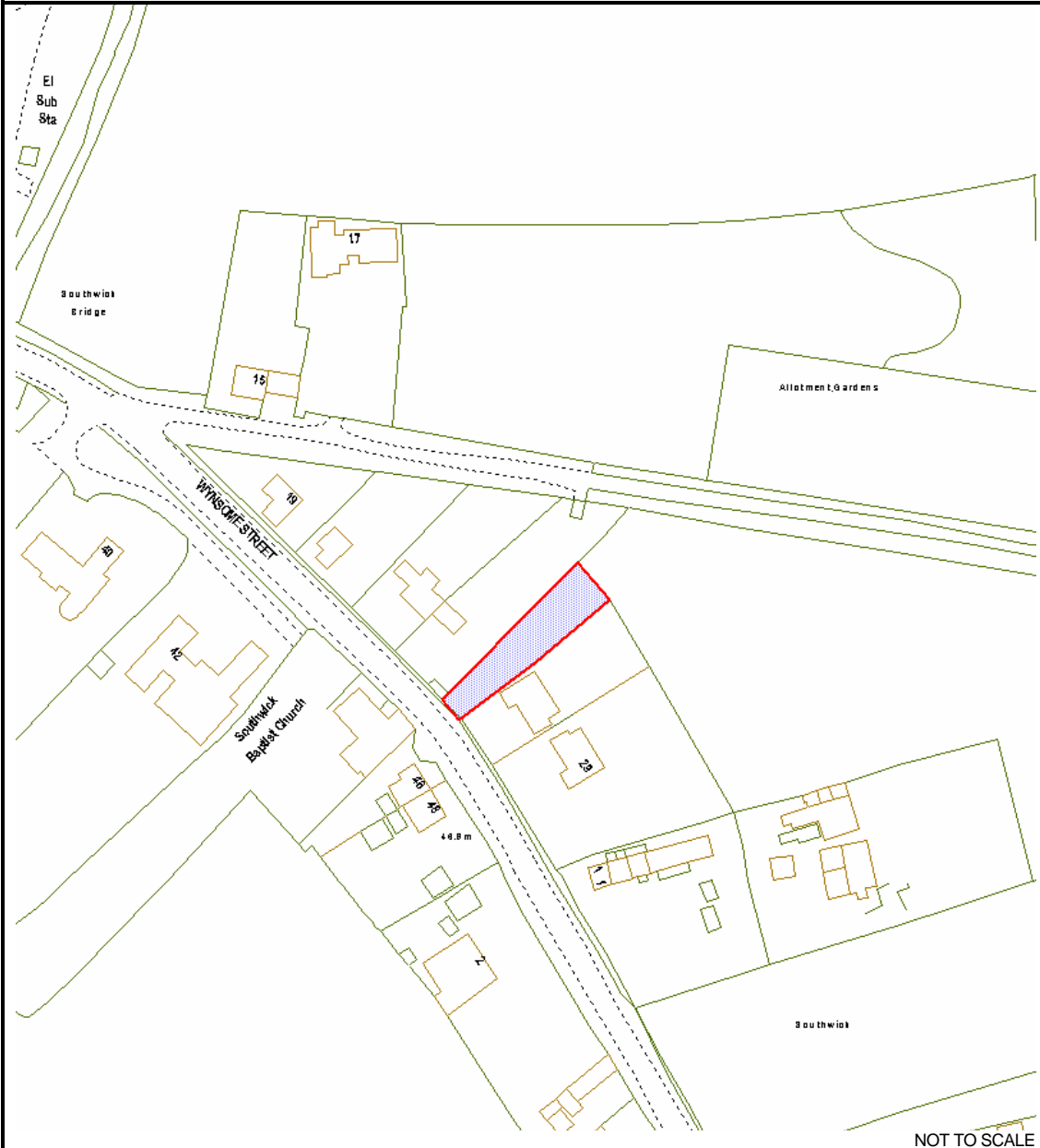
PLANNING COMMITTEE

15 February 2007

ITEM NO: 12

APPLICATION NO: 06/02397/FUL

LOCATION: Land Adjacent Of 27 Wynsome Street Southwick
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 06/02397/FUL

Site Address: Land Adjacent Of 27 Wynsome Street Southwick Wiltshire

Parish: Southwick Ward: Southwick & Wingfield

Grid Reference 384183 155058

Application Type: Full Plan

Development: Erection of 4 bed residential dwelling

Applicant Details: Mr Jones
Barncroft The Barton Kingston Langley Chippenham SN15 5PF

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 15.08.2006 Expiry Date: 10.10.2006

RECOMMENDATION: That the Planning Inspectorate be informed that had the Council been in a position to determine this application it would have been refused for the following reason:

Reason(s):

- 1 The proposal by reason of the size and location of the dwelling and its relationship with neighbouring properties, would have an overbearing, overly dominant and visually intrusive impact, harmful to the amenities currently enjoyed by the occupiers of that neighbouring property. This would be contrary to Policies C31A and C38 of the West Wiltshire District Plan - First Alteration 2004 and the guidelines set out in the Supplementary Planning Guidance Planning Design Guidance (House alterations and extensions).

COMMITTEE REPORT

APPLICATION DETAILS

This proposal is brought to Committee because it relates to a planning appeal against non-determination. Councillor Rosier has also requested that it be brought to Committee in the interests of public debate.

The appeal site comprises an area of land located between residential properties on the northern side of Wynsome Street on the edge of the village of Southwick. It is located within the village policy limits of Southwick. It is not located within a conservation area and is not subject to any other statutory designations.

A three bedroom dwelling is currently being constructed on the site, having been granted planning permission in May 2006 (Application Reference 06/01021/REM). The principle of residential development on the site was established in November 2004 when outline planning permission was granted (04/01869/OUT).

The appeal site is a level piece of land located on the north western side of Wynsome Street. There are residential properties on either side of the road. To the north of the site are two storey residential properties and to the immediate south is a detached bungalow. Access to the appeal site is gained from Wynsome Street. On the opposite side of the road is a Baptist Chapel, which is Grade II listed.

The appeal proposal is to effectively amend the approved three bedroom dwelling to develop a four bedroom dwelling on the site. To achieve this, the approved three bedroomed dwelling would incorporate a two storey rear extension and a single storey extension beyond. The plans indicate that these alterations would increase the depth of the property from 7.7m to 13.1m. The height of the proposed rear two storey "extension" would be 7m.

CONSULTATION REPLIES:

- SOUTHWICK PARISH COUNCIL: Object

"The Parish Council note that village residents have attended our planning meeting and made representations and produced copies of letters sent to the District Council. The residents expressed their disappointment in the result of the previous application but have had to accept that, but now they have received an application stating the house size will increase, as will the number of bedrooms, and as a consequence they have raised objection; we as Parish Council feel we should support them. In addition it has been brought to the Parish Council's attention that the hazard of dangerous parking in the area by site and delivery workers and as such the Parish Council are surprised the highway authority seems to have no objection to this application due to access issues."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions.

- WESSEX WATER: No objection

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

PUBLICITY RESPONSES

Neighbouring residents were consulted and as a result four representations were received including one representation signed by eight neighbouring residents, all objecting to the proposal on the following grounds:

- This is only a small plot of land and increasing the size of the property would be inappropriate.
- Concerned about access onto a busy road.
- Insufficient space for cars to park.
- Concerns that the proposal would cause a traffic hazard as the site is at a bend in the main road.

RELEVANT PLANNING POLICY

West Wiltshire District Plan First Alteration 2011 (2004)

C38 Nuisance

C31a Design

Adopted SPG: Residential Design Guide and Design Principles.

RELEVANT PLANNING HISTORY

04/01869/OUT - Outline planning permission for a dwelling on site, with all matters reserved for subsequent approval. Approved 26 September 2004.

06/01021/REM - Approval of all reserved matters for a three bedroom dwelling on the site.
Approved on 23 May 2006.

06/03854/FUL - Application for the erection of a three bedroom dwelling with a single storey rear extension. Pending consideration.

KEY PLANNING ISSUES

The main issues in the appeal are whether the proposed dwelling would be inconsistent with relevant development plan policy and would therefore detract from the amenities enjoyed by neighbouring properties.

PLANNING OFFICER COMMENTS

Policy 31a states that proposals for new development will be required to respect or enhance the quality of architecture of surrounding buildings; utilise high quality materials, finishes and details and integrate landscaping in the design as appropriate.

In this case, the size of the proposed dwelling and its position in relation to adjacent residential properties will fail to respect or enhance the quality of architecture of surrounding properties. The Council's Adopted SPG on Design states that the design of the building should respect the characteristics of the surroundings. It states that the scale height, bulk and silhouette of new development should relate to that of adjoining buildings and structures. In this case, it is considered that the scale, height and bulk so close to an adjacent bungalow will fail to respect the characteristics of the surroundings. The appeal proposal will therefore have an overbearing impact on this neighbouring properties and is therefore contrary to Policy C31a and SPG.

Policy C38 requires proposal to avoid detracting from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses. The proposal should also not result in loss of privacy to neighbouring properties.

The proximity of the appeal proposal to neighbouring properties will form the amenity enjoyed by them. The proposal will result in a loss of privacy to neighbouring properties. There is insufficient foliage between the site and neighbouring properties to afford sufficient privacy to those neighbouring properties. Even with the implementation of a limited landscaping scheme between the appeal site and surrounding properties, particularly the adjacent bungalow, the amenity of neighbouring properties will still be compromised. The proposal is therefore inconsistent with Policy C38. Furthermore, landscaping should be used to screen development that would otherwise be unacceptable.

There is no requirement to make a contribution towards the provision of affordable housing in this case. Although we have an SPG on Affordable Housing, the principle of residential development was established by an earlier outline planning permission granted before the adoption of this SPG.

Other material considerations

This application proposal needs to be seen in the context of its recent planning history. When planning permission was granted in 2006 for a three bedroom dwelling, the view of your Officers was that this represented an appropriate development of the narrow site. The Officers report stated:

"This part of the village has a variety of houses and bungalows of various ages and styles. There are modern houses and bungalows on the northern side of the road, and older houses on the south, plus the Grade II Listed Baptist Church. The narrow width of the plot has resulted in a design with the gable-end facing the street frontage. This is at odds with the characteristics of the neighbouring properties, and the impact of this is heightened by the use of stained boarding detail. It is noted that there are a variety of housing styles in the vicinity of the site and it is considered that this design is acceptable."

In summary your Officers view is that the permitted three bedroomed dwelling represents an appropriate development of this site. This proposal represents too much development of the site.

In addition, there is a current application pending determination which is for a three bedroom dwelling, identical to the one which was approved in 2006, with a single storey extension. Your Officers are of the view that this represents an appropriate extension to the dwelling which is currently under construction on the site. It should be noted that Southwick Parish Council raise no objection to this latest proposal for the site.

The Parish Council expresses concern regarding highway issues but the principle of residential development on the site has already been established.

CONCLUSION

Accordingly your Officers are of the opinion that the Planning Inspectorate be informed that had they been in the position to determination the application for a four bedroomed dwelling, they would have refused it because it is contrary to policy.

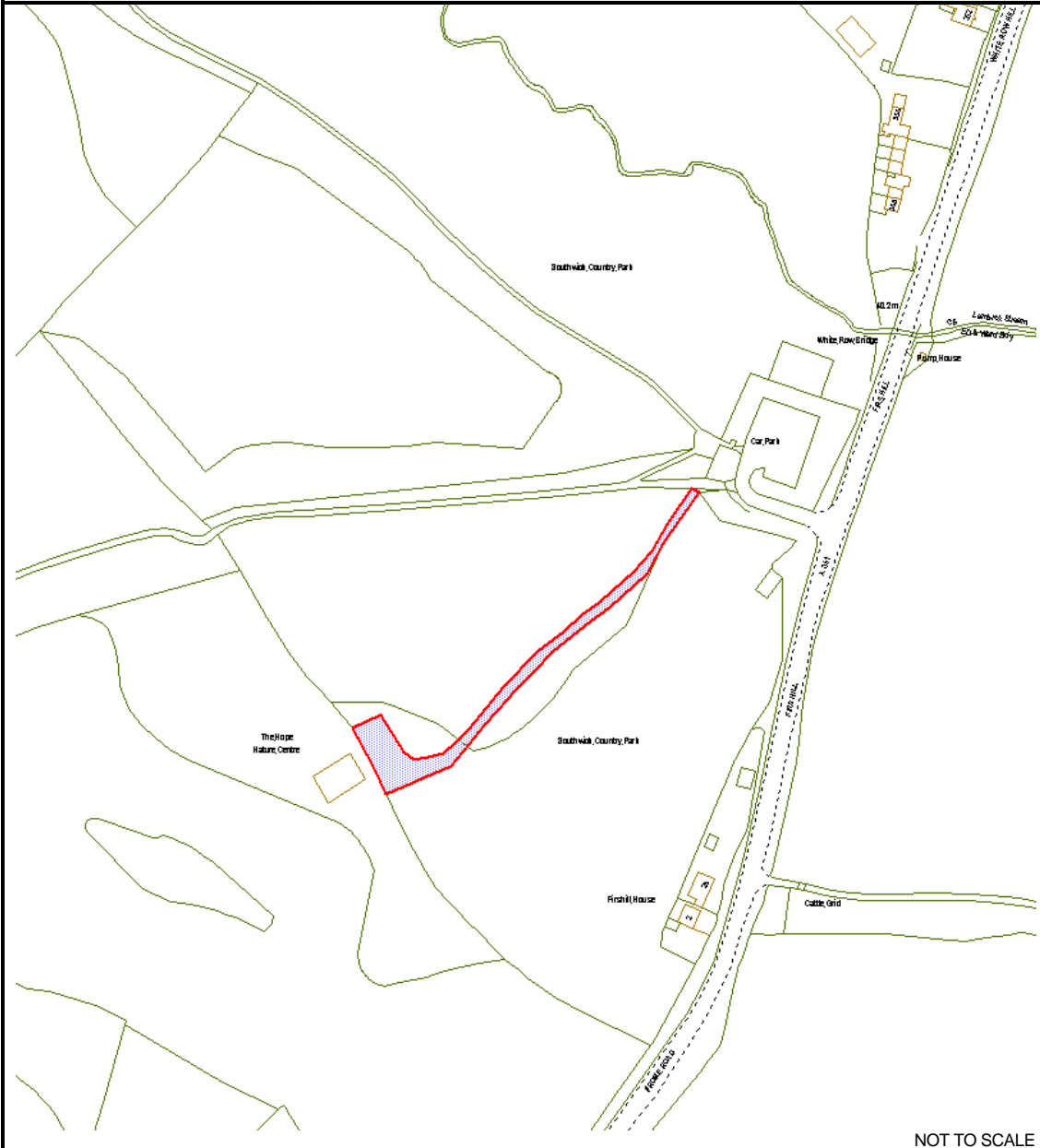
PLANNING COMMITTEE

15 February 2007

ITEM NO: 13

APPLICATION NO: 06/03560/FUL

LOCATION: The Hope Nature Centre Southwick Country Park
Frome Road Southwick Wiltshire



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SLA: 100022961

13 Application: 06/03560/FUL

**Site Address: The Hope Nature Centre Southwick Country Park Frome Road
Southwick Wiltshire**

Parish: Southwick Ward: Southwick & Wingfield

Grid Reference 384115 155987

Application Type: Full Plan

Development: Variation of condition 18 of application 00/01255 - to allow all vehicular access

Applicant Details: Hope Nature Centre
Southwick Country Park Frome Road Southwick Wiltshire

Agent Details: Ms J Fleming
18 Hazel Grove Trowbridge Wiltshire BA14 0JG

Case Officer: Mr David Cox

Date Received: 20.11.2006 Expiry Date: 15.01.2007

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 In accordance with Policy C24 of the West Wiltshire District Plan and Policy C32 of the West Wiltshire District Plan - 1st Alteration (Revised Deposit), to ensure a satisfactory landscaped setting for the development, the site 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, including tree and hedgerow translocation, shall be implemented in the first appropriate planting season, using trees and shrubs of approved species and height and maintained thereafter for a period of not less than 5 years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of 5 years.
- 2 In accordance with Policy RB of the West Wiltshire District Plan and Policy RB of the West Wiltshire District Plan - 1st Alteration (Revised Deposit), to ensure visual harmony with the surroundings of the development a sample of the materials to be used in the external walls and roofs of all the buildings and materials for the hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.
- 3 To enable the Local Planning Authority to ensure that these integral features of the development are in existence when they are needed, the turning areas and access road to the site shall be provided concurrently with the development to which they relate.

- 4 Notwithstanding the approved plans, in order to protect the rural appearance of the area and to enable the Local Planning Authority to reserve control over any alterations, detailed plans of any alterations, buildings, (either new or relocation of), hardsurfacing means of enclosure, change of use or other works to the premises shall be submitted to and approved by the Local Planning Authority. Where any such alterations or other works involve development or change of use the detailed proposals shall be the subject of a formal application for further planning permission.
- 5 In order that the Local Planning Authority shall reserve control over subsequent uses of the site, and thereby safeguard against any possible inappropriate or non-conforming use becoming established, the site shall be used for the purposes specified in the application and for no other purpose (including any other use which may fall within the same use class for the purposes of the Town and Country Planning (Use Classes) Order 1987).
- 6 In order to prevent the increased possibility of flooding occurring as a result of the development, details of run off arrangements from all the buildings need to be submitted to and approved in writing by the Local Planning Authority before any work is commenced.
- 7 In order to prevent the increased possibility of flooding occurring as a result of the pond, a scheme detailing design, location and overflow to the pond and an overland emergency route in the event of the overflow being blocked, needs to be submitted to and approved in writing by the Local Planning Authority before any work is commenced.
- 8 To prevent pollution of the water environment, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, a scheme providing for the adequate disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority.
- 9 To prevent pollution of the water environment, foul drainage must be kept separate from the clean surface and roof water, and must be connected to the public sewerage system. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water. Plans detailing foul discharge should be submitted to and approved in writing by the Local Planning Authority.
- 10 Because the permission is only granted having regard to the particular circumstances of need advanced in support of the development for the named applicant, this permission shall ensure for the personal benefit of the named applicant only, and it shall not confer any right or benefit on any other person having an interest in the property.
- 11 In order to protect the rural appearance of the area, details of the location of the kennels, appearance of the greenhouses, boundary chain link fencing, miniature railway track, children's play equipment, boundaries around the animal enclosures, and rabbit accommodation, shall be submitted to and approved in writing by the Local Planning Authority before works commence on site. The works shall thereafter be implemented as approved.
- 12 In order to protect the rural appearance of the area, details of the levels and appearance of the children's putting course shall be submitted to and approved in writing by the Local Planning Authority before works commence on site. The works shall thereafter be implemented as approved and not amended without the prior written consent of the Local Planning Authority.
- 13 In order to protect the amenities of adjoining residential properties, the miniature railway, trains and associated railway operations shall operate so as not to be audible beyond the application site boundaries.

- 14 In order to protect the amenities of adjoining residential properties, the precise uses for all parts of the site, including the type of animals/birds to be enclosed in each area, shall be implemented as shown on the approved plans. The prior written consent of the Local Planning Authority shall be obtained for any alterations to this plan.
- 15 In order to protect the appearance of this rural area, details of the location of the manure storage areas and litter bins shall be submitted to and approved in writing by the Local Planning Authority prior to the centre opening. This shall include details of appearance and methods of disposal.
- 16 In order to protect the appearance of this rural area, there shall be no external storage of goods, materials or products.
- 17 In order to protect the appearance of this rural area no works shall be carried out to the hedgerows in and on the site boundaries without the prior written consent of the Local Planning Authority.
- 18 The wooden gate leading to the access road shall remain locked except when the Nature Centre is open. This gate shall therefore be locked outside the hours of 0900 to 1730 throughout the year.

REASON: In order to protect the users of Southwick Country Park and provide access for people with disabilities.

- 19 In order to protect the appearance of this rural area, if the use of any part of the land and buildings is discontinued then any operations, works and building shall be removed and the land restored within 6 months of the use ceasing. Details of the restoration measures shall be submitted to and approved in writing by the Local Planning Authority within this 6 month period and therefore be implemented and approved.
- 20 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.

Note(s) to Applicant:

- 1 Any changes to the position and size of the buildings, including the pond, needs to be approved by the Local Planning Authority in writing.
- 2 A point of connection onto the nearest mains water supply to the site needs to be agreed with Wessex Water.
- 3 The applicant is advised to contact the Food Section of West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD (Tel: 01225 770388).
- 4 Only clean uncontaminated surface water from roofs and untrafficked paved areas should be discharged to any soakaway.
- 5 Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse of water source by the release of contaminated run-off.
- 6 The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.
- 7 To enhance the value of the pond for wildlife and as an attractive landscape feature, and to minimise its impact on the existing local environment, the following points should be incorporated:

- i) Sides should be gently sloping, rather than steep. Ideal range is 1:5 to 1:10, with 1:3 maximum.
- ii) Angle of slope on sides should vary around the pond to produce a more natural, irregular shoreline and to enable a range of vegetation types to establish.
- iii) Maximum recommended depth is 2.5m. A range of depths will allow colonisation by a range of flora and fauna.
- iv) A high, visually obtrusive bund should not be created around the edge of the pond.
- v) Consider utilising spoil to restore a nearby hedgebank, or creating a new one.
- vi) No spoil should be tipped within 7 metres of any watercourse, floodplain or area with natural vegetation.
- vii) Pond vegetation should be allowed to colonise naturally, in its own time, from nearby sites.
- viii) If vegetative cover is needed quickly, native species should be planted.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee at the request of Cllr Osborn for the consideration of the Committee of Recreational and Disablement interest.

This is an application for the variation of condition 18 of application 00/01255/FUL to allow for all vehicle access to the Hope Nature Centre in Southwick Country Park.

Condition 18 of permission 00/01255/FUL states that:

"In order to protect the users of the Southwick Country Park, the access road shall remain gated at its junction with the existing car park and the access road to the Nature Centre shall only be used for disabled, emergency and servicing vehicles."

The Nature Centre is located in the south of Southwick Country Park. The car park for the Country Park is located off the A361 road that links Trowbridge and Southwick. There is a single lane access track that leaves the existing car park and goes up hill in a south-easterly direction to reach the site. The plans indicate that the centre is approximately 60 metres from the car park.

The exit from the car park to the track has a metal gate, approximately 20 metres from which is another wooden gate that can be locked to stop access to the track leading to the Centre. However the track is not completely enclosed by the timber fence and it leaves an open section of grass on one side of this wooden gate. Therefore it would be feasible for cars to drive over this grass area when the wooden gates are locked (if the metal gate is left open).

The track is approximately 5 metres wide although the plans show in the 00/01255/FUL application state the track to be only 3.7 metres wide.

The track leads to an open area, which is laid with hard standing with no specific parking bays laid out. The plans in the 00/01255/FUL application indicate that this area should be 9 metres deep from the Centre itself. At the site visit, it was apparent that the hardstanding occupies a larger area from that shown on the approved plans. It is approximately 25 metres deep from its edge to the Centre. This area of hardstanding is also indicated to be a turning area when it is currently used as a car park.

The applicant has stated that the application has been made to allow vehicles to use the track to enable customers to use the tea-room. In a supporting statement they state:

- Many of their customers are elderly but do not have disabled badges or are young families, often with small children in prams.
- The access road is quite steep and from enquiries of our customers it is apparent that we would not be as well supported if car access was restricted.
- The existing car park is small and is frequently fully occupied by other visitors of the park.
- There is no way traffic can access other parts of the park as a gate, controlled by the Council blocks the drive.
- When the original condition was made the access was not thoroughly considered (the height and length of the track) and found that this alteration is necessary to encourage visitors to re-visit the centre.
- It would be almost impossible to monitor, as we could not have a member of our volunteers situated at the gate all day, to ascertain who does or who does not have a disabled badge.
- The additional use by vehicles other than those originally permitted will not be detrimental.

The submitted plans show that for provision of 6 disabled car-parking bays and a turning area for service and emergency vehicles on land to the side of the Centre has been considered and forms part of the access strategy for the site.

The proposed amended condition forms part of the recommendation.

CONSULTATION REPLIES:

SOUTHWICK PARISH COUNCIL

Objection:

The Parish Council raised various issues with the current car parking and vehicular access situation, which included noting the unofficial car parking already running at this centre, vehicles driving around other areas of the park and the gate being left unlocked overnight. As a consequence the Parish Council do not approve the variation of the planning condition as it stands but suggest the District Council look into the possibility of installing a barrier to the track along to the Hope Nature Centre and provide Blue Badge holder only parking in this area.

STATUTORY CONSULTATIONS:

PUBLICITY RESPONSES

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

- Hope when deciding this application, officers and members take into consideration the people who use this wonderful centre regularly.
- Being severely disabled my son who drops me off, needs to do so as close to the front door as possible.
- It is quite unthinkable that this arrangement should be stopped.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
CF1 - Community Facilities and Services Aim.
TO1 - Tourist Attractions

RELEVANT PLANNING HISTORY

00/01255/FUL - Nature centre with teashop/administration building, access road, animal shelters, landscaping and associated works - Permitted - 17.05.2001

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

There appears to be a number of issues regarding this site, including possible unauthorised works of the widening of the access track, the enlargement of the hardstanding area and its use for parking of non-disabled cars.

However, this application is purely for the variation of condition 18 to allow for vehicles other than disabled cars, emergency vehicles and servicing vehicles to use the track. The issue as to whether the permission 00/01255/FUL has been complied with is a matter for the Enforcement section, and a subsequent planning application maybe required.

It is considered that Condition 18 is not enforceable and not reasonable, as it is unworkable for users of the gate to continually get out of their vehicles and open and shut the gate each time they pass. This is particularly so in the case with disabled people as they do not have the mobility in order to get out and in their vehicles with such ease.

Therefore a reasonable solution would be to allow the wooden access gate to be left open during hours of trading and for all car users to be able to use the track in order to reach the Centre. The gates should then be locked when the Centre is closed. As the centre is open during the hours of 0930 to 1600 during the winter and 0930 to 1630 during the summer, the gates should be allowed to be open for an additional 30 minutes before and after these closing times. The variation of the condition should read as:

"In order to protect the users of the Southwick Country Park, the wooden gate leading to the access road shall remain locked when the Nature Centre is not is open. This gate should therefore be locked between the hours of 0900 to 1700 during the winter and 0900 to 1730 during the summer."

The plans will allow for the provision of disabled parking and for a turning area for service and emergency vehicles. Therefore the use of the track by these vehicles will not be prejudiced by the variation of this condition.

Therefore the Parish Councils comments cannot be supported, as disabled only parking is not enforceable. It is noted that because of the lack of a fence on one side of the wooden gate there maybe a possibility for cars to drive around the gate and into the rest of the Country Park. The District Council should therefore investigate installing a new fence on this side up to the gate.

During the consideration of this application the Council became aware that the area of hardstanding at the front of the centre had been increased. The Planning Enforcement Team will be investigating this matter.

CONCLUSION

For the above reasons the application to vary condition 18 should be granted planning permission subject to a condition relating to the gate being closed when the Centre is closed.

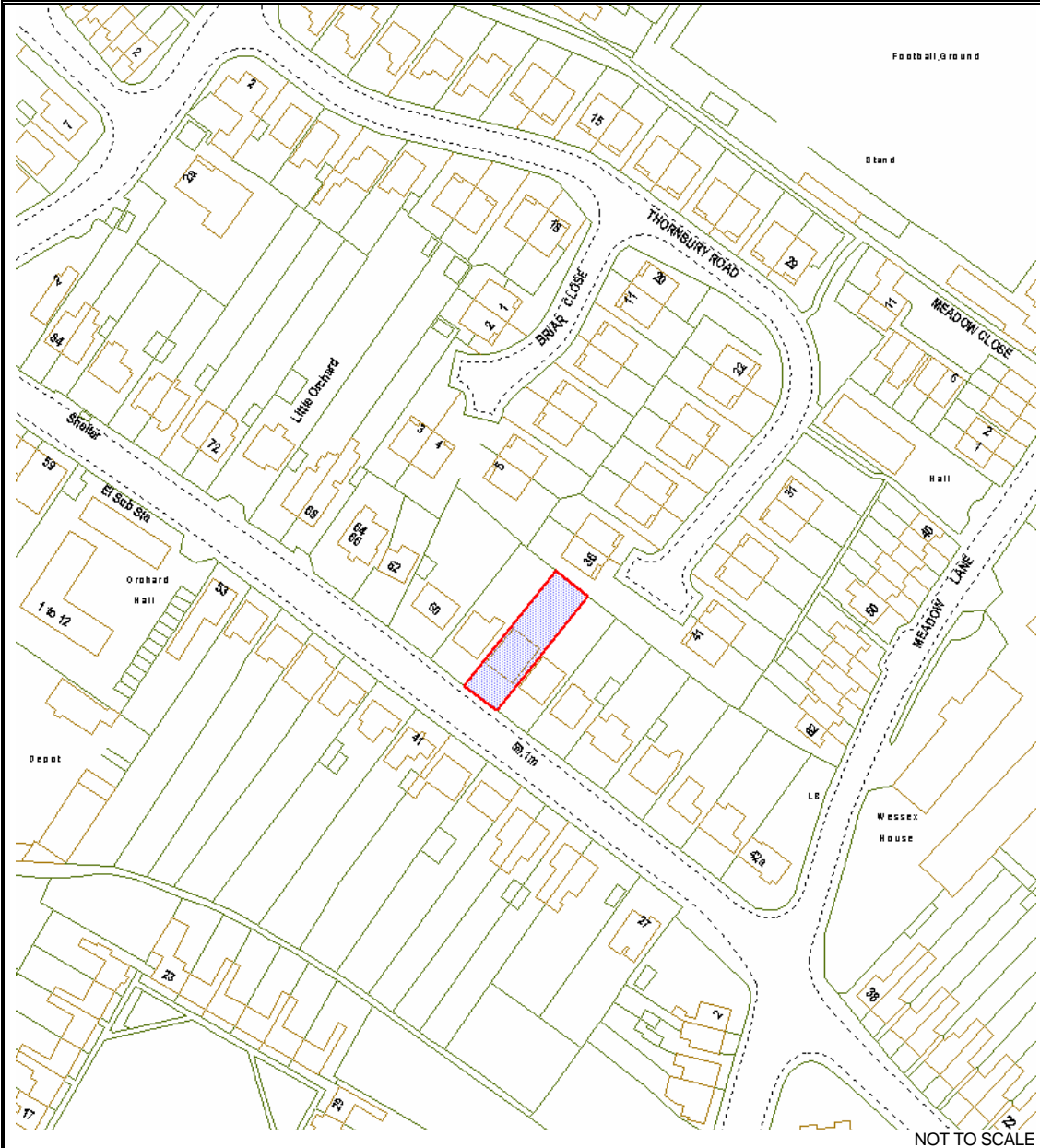
PLANNING COMMITTEE

15 February 2007

ITEM NO: 14

APPLICATION NO: 06/03300/FUL

LOCATION: 56 Station Road Westbury Wiltshire BA13 3JN



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SLA: 100022961

14 Application: 06/03300/FUL

Site Address: 56 Station Road Westbury Wiltshire BA13 3JN

Parish: Westbury Ward: Westbury Ham

Grid Reference 386831 151553

Application Type: Full Plan

Development: New conservatory to rear elevation of existing dwelling house

Applicant Details: Mr And Mrs L Kirby
56 Station Road Westbury Wiltshire BA13 3JN

Agent Details: N J Griffin
4 Vallis Road Frome Somerset BA11 3EA

Case Officer: Mr Donncha Murphy

Date Received: 30.10.2006 Expiry Date: 25.12.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of its size, siting and design would be likely to result in an unacceptable degree of overlooking of the rear gardens of the neighbouring properties resulting in a loss of privacy contrary to policy C38 of the West Wiltshire District Plan First Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee, as the applicant is an employee of West Wiltshire District Council.

This is a full application for a conservatory extension to the rear of the dwelling. The proposed conservatory would be 6 metres in width, 4 metres in width and 3.2 metres in height.

The host dwelling is a detached bungalow with similar properties either side. There have been previous extensions to the property. A single storey rear extension was added in 1991. This extension is 4.4 metres in depth, 8.6 metres in length and 3 metres in height with a flat roof.

In 1976 planning permission was granted for the erection of a double garage and in 1993 planning permission was granted for a dormer window constructed to the rear of the property.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: Members objected to this application realising that the floor level will be higher towards the rear of the site (relevant to the height of the fence), which will result in a loss of privacy to number 58 Station Road.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. One letter of objection received. The issues raised in this letter were: -

- Loss of light to number 58
- Loss of privacy to number 58
- Over development of the site

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C38 Nuisance

H1 Town Policy Limits

SPG Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

93/01532/FUL - New dormer window to rear elevation - Permission 07.02.1994

90/01711/FUL - Extension and new parking area - Refused 19.02.1991

91/01439/FUL - Vehicular access - Permission 21.01.1992

91/00685/FUL - Single storey extension - Permission 16.07.1991

91/00374/FUL - New Access - Refused 30.04.1991

76/01166/HIS - Demolition of existing garage and erection of double garage - Permission 28.01.1977.

KEY PLANNING ISSUES

The main issues to consider regarding this application is the potential impact on the host dwelling and the neighbouring amenity.

PLANNING OFFICER COMMENTS

Host dwelling

There have been previous extensions to the rear of the property. The proposed conservatory would be in an addition to an existing single storey rear extension to the property.

Although the proposed development is large in size (6 metres x 4 metres), it would be located in a large enclosed rear garden. There is sufficient space in the rear garden to accommodate a development of this scale.

However the SPG Planning Design Guidance highlights that extensions to dwellings should be subservient and sympathetic to the host building. The proposal would be single storey in scale and would have a relatively small mass, as such it would be subservient and to scale with the host building.

Neighbouring amenity

There are neighbouring properties in close proximity to the northwest and southeast. The application site is located at a higher level to that of the neighbouring properties either side. This difference in level would result in the proposal being at a higher level than the surrounding properties. Although there is a 2 metre high fence enclosing the rear garden of the property, due to the difference in the levels the proposed development would overlook the rear gardens of the properties either side resulting in a loss of privacy and amenity. The proposal is therefore contrary to Policy C38.

Due to the orientation of the property there would also be a partial loss of light to neighbouring properties, particularly number 58 to the northwest.

CONCLUSION

The proposed development would overlook the rear gardens of the neighbouring properties, resulting in a loss of privacy and is therefore contrary to Policy C38. Therefore it is recommended for refusal.