

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

22 MARCH 2007

Planning Applications for Determination

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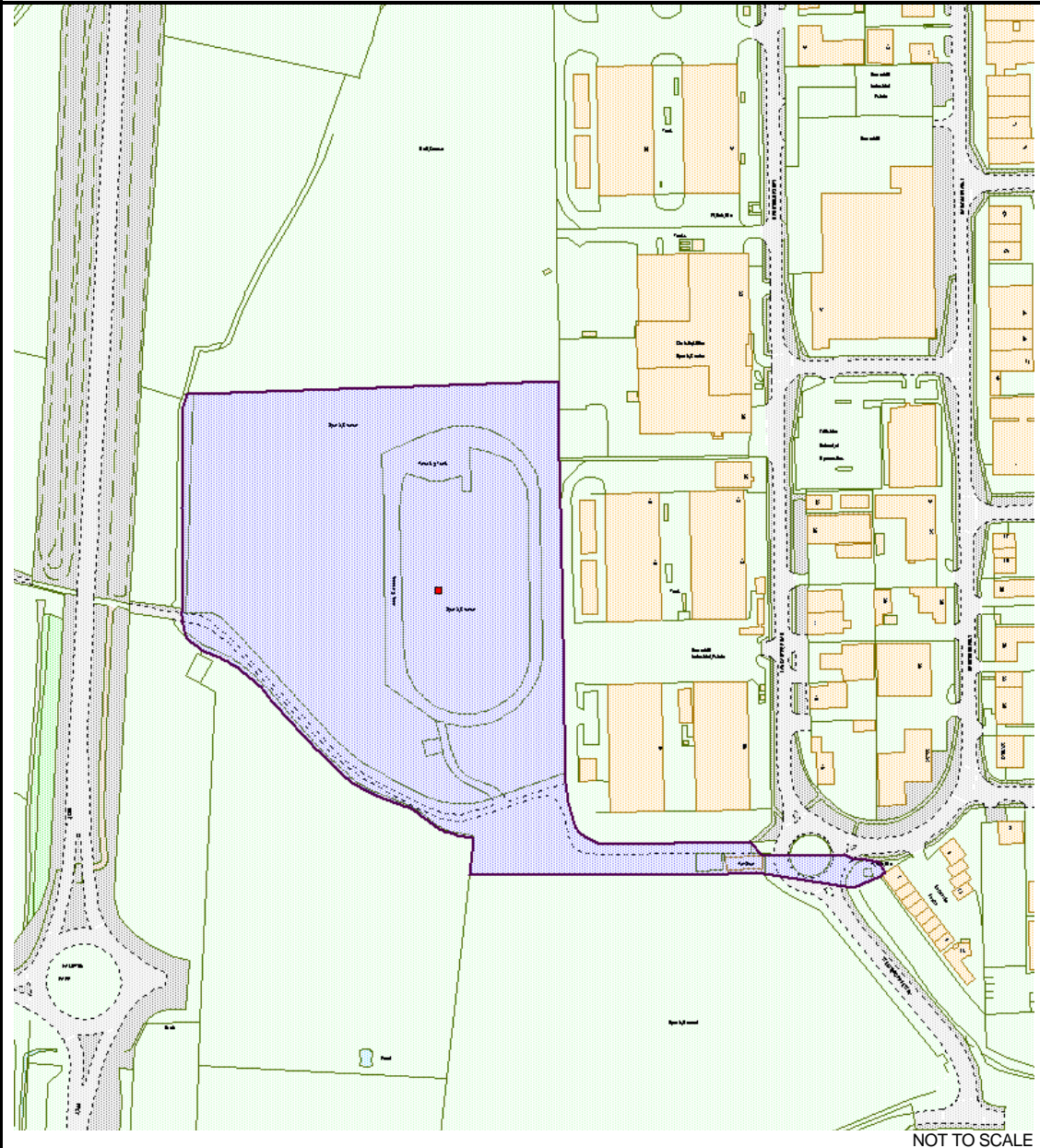
PLANNING COMMITTEE

22 March 2007

ITEM NO: 01

APPLICATION NO: 04/00797/OUT

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



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SLA: 100022961

01 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 / Wiltshire County Council
Attention: John Follows (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 outline planning permission on completion of a Section 106 agreement which shall:

1) secure replacement playing pitches to be provided within the area identified on the plan submitted by the WCC dated 30 January 2007 or on a suitable alternative location accessible to the Bowerhill community 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

2) secure a financial contribution which shall be index linked to Melksham Without Parish Council in lieu of the construction of a pavilion comprising changing rooms and a youth facility on the eastern side of the Bowerhill Playing Field on transfer of the application site from the current owner of the site to a developer or on commencement of development of the site whichever is the earlier

3) require the financial contribution made to Melksham Without Parish Council to be used only for the provision of a pavilion comprising changing rooms and a youth facility or other leisure or recreation facilities accessible to the Bowerhill community

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, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage systems of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage, All filling points and 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

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.

At the meeting of 15 February, a report on this application was not considered by the committee. That report originally recommended that the committee be minded to approve the application subject to the applicants entering into a section 106 agreement to provide appropriately located recreational facilities. That recommendation was changed on the late list to one of defer pending further discussions between officers of this council, the County Council and representatives of Melksham without Parish Council.

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 A360 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.

Officers of this Council, the County Council and a local ward member met with representatives of the Parish Council on 15th February to discuss this application. Following that meeting the Parish Council will further consider the application at a meeting on 26th February.

Further representation following meeting on 15 February 2007

Following a meeting attended by Councilor While, Officers from Wiltshire County Council and West Wiltshire District Council and Melksham Without Parish Council on 15 February 2007, a further representation has been received from the Parish Council stating:

"Thank you so much for the very positive Meeting we had with you last Thursday. It was good to discuss the various issues honestly and openly and I trust you shared our optimism that real progress is being made."

The Parish Council's notes on the outcome of the Meeting are as follows:

- * Melksham Without Parish Council expects the County Council to honour the draft Legal Agreement to transfer the Bowerhill Sports Field to Parish Council ownership.

- * When the District Valuer reaches an independent valuation figure for the Pavilion and basketball court, this sum will be transferred to the Parish Council account, on the understanding that the fund will be ring-fenced and will not be used until full consultation has taken place with the Bowerhill community. The District Council will secure this commuted sum on behalf of Melksham Without Parish Council via a proper Section 106 Agreement linked to the WCC planning application W04/00797.

- * To help the progress the County Council application, the Parish Council will support outline planning permission for MW04/00797. The Parish Council will retain the Village Green Application in full and will not withdraw all or any part of it until community consultation has taken place.

- * Community consultation will be carried out in liaison with the Parish Council and the Bowerhill Community by the County and District Councils, who will meet all consultation costs.

- * If the consultation indicates that Bowerhill residents continue to support the retention of the Bowerhill Sports Field in perpetuity as public open space, then the County Council will transfer ownership of the Sports Field to the Parish Council for £1, through a Legal Agreement in accordance with the terms of the pending agreement between the County Council and Parish Council.

- * The County Council will provide a written guarantee that the replacement land/ pitches at Woolmore Farm will be of the same standard, separate from, and in addition to any pitches provided at the site for use by the new George Ward School. The remaining shortfall of open space as identified in the current District Plan will be located within easy walking distance of the Bowerhill community.

- * Since this application includes land for the proposed new link road which is part of the Village Green application and the link road cannot go ahead without the Green application being amended.

The Parish Council emphasise their support for the proposed link road.

The Parish Council "fully supports the District Council Planning Officer's concern to ensure that the new pitches are secure via a proper Section 106 Agreement" and the new pitches are put in place before any development takes place.

Second letter received from Melksham Without Parish Council

"Following a special joint meeting with County and District Officers the Parish Council is now in agreement with the outline planning application to go forward. They requested certain conditions as outlined in the previous letter."

They also ask "to note that the Village Green Application which includes the land on which the new link road is to be constructed will remain in place after the Outline permission has been granted until community consultation has taken place re the future of the sports facilities on the Melksham Area. The Parish Council welcomes this opportunity to be fully involved."

The also "expect both the County and District Councils to honour the original agreement which was made for the Bowerhill Sports Field to remain as public open space in perpetuity. Prior to the last District Plan Inquiry it was jointly agreed between WCC, WWDC, MTC and MWPC that the Sports Field would be re allocated as public open space in lieu of the Christie Miller Running Track Field which was to be industrial land and the sports field would then be handed over by WCC to Parish Council ownership. Unfortunately the Parish Council are still waiting for the County Council to complete a Legal Agreement to conclude this land transaction.

At the 15th Feb meeting County representatives suggested that as The Green application had been pending for so many years, consultation was needed to ensure Bowerhill residents still wanted to retain this land for pitches and open space. The Parish Council has agreed to consultation, although as the Sports Field is so well used and in top quality condition for every type of sport, we are very sure that the local community wish to retain it. They keep telling us so.

The conditions set for the outline permission need to tie in The Village Green application and the WCC commitment to transfer this land to the community if this is the community's wishes. These aspects are entirely relevant to this application. Please would you take care to ensure that the terms as indicated in the attached letter [reported as above] are reflected to avoid any further obfuscation and delay in the almost finalised Legal Agreement between WCC and the Melksham Without Parish Council being completed.

We are almost there but we need your full support to ensure all parties honour the commitments already made. For this reason the Parish Council fully supports your Planning Officers recommendation for the proper Section 106 Agreement to legally secure the promised community benefits.

VILLAGE GREEN APPLICATION

The Village Green application referred to in the Parish Council's comments is not a planning application but a different procedure to establish the existing open space to the south of the current application site as a village green. There is therefore no connection in planning procedure terms.

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 south (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.

PLANNING COMMITTEE

22 March 2007

ITEM NO: 02

APPLICATION NO: 06/03851/FUL

LOCATION: Retail Unit 3 New Unit At Hackett Place Hilperton
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 06/03851/FUL

Site Address: Retail Unit 3 New Unit At Hackett Place Hilpertion Wiltshire

Parish: Hilpertion Ward: Paxcroft

Grid Reference 387331 158294

Application Type: Full Plan

Development: Change of use from A1 (retail) to A5 (sale of hot food)

Applicant Details: Marshgate Investment Limited
First Floor Sitla House 22 The Causeway Bishop Stortford CM23 2EJ

Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR

Case Officer: Miss Julia Evans

Date Received: 20.12.2006 Expiry Date: 14.02.2007

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

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

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

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

REASON: In the interests of public health and safety.

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

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

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies E2, E4 & E6.

Note(s) to Applicant:

- 1 You are advised to contact the Food Safety Team of the Environmental Health Section.

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

The application has been brought before the Planning Committee because Hilperton Parish Council object to it whilst your officers are recommending it for permission.

This is a full application for the change of use of a retail unit (A1 use) to a hot food takeaway (A5 use) of Unit 3 at Hackett Place, Hilperton. This unit is currently under construction. Planning permission 05/00496/FUL granted permission for three retail units with eleven flats above. The current application is to change the use of Unit 3 to a hot food takeaway (A5 use). At the time of the site inspection the building was under-construction, but not complete enough for occupation.

To the south and southeast lies public open space, and the estate distributor road lies to the western boundary of the site. The Local Centre as a whole lies on the valley side of the Paxcroft Brook, which lies to the south.

The application proposes the change of use of one of the retail units on the site. Apart from the ground floor plan, no elevational or additional information has been provided. Additional plans have been received which show the 300mm diameter extractor flue running through the building, outletting on the roof, as referred to in the supporting letter for the application.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL state: "The Parish Council strongly objects to this application, for the following reasons:-

- a) The proposed change of use will generate noise, disturbance, smells and pollution. The existing food units are situated away from the new residential units which are being built as part of this new development.
- b) Given the incidences of vandalism in the Community Centre area, this proposal for a further food outlet will undoubtedly exacerbate the problem.

c) The proposal will have an adverse effect on economy and businesses. If it goes ahead there will be (excluding Budgens), out of seven small units, three for the sale of food, and this will create an imbalance of usage and will become incompatible with existing planning permission, as the application was originally purely for retail and residential use."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Raise no highway objections.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: state "Currently there is a Budgens foodstore (A1), a card shop (A1), an estate agent (A2), a fish and chips shop (A5) and a Chinese take away (A5) unit at the Paxcroft Mead local centre. Three additional units are currently under construction and the proposal is for a hot food takeaway (A5) to occupy one of these additional units. Land for further local centre uses is available adjacent to the existing local shops.

"On the basis that local centres should provide for people's everyday needs and therefore for a range of retail uses, I believe that A5 units are acceptable within the overall mix. However, it is important that adequate opportunities exist for further A1 uses and other appropriate uses such as a launderette, pharmacy or sub-post office.

"Given that two further units will remain for A1 and other appropriate uses, in addition to those already in place, I consider that there are adequate opportunities for achieving a good range and quality of services to meet people's needs. At this stage, there are no policy reasons why a further A5 unit should be resisted.

"Policy Recommendation: Acceptable in policy terms."

- ENVIRONMENTAL HEALTH state: "I have taken a look at the plans for the above application. Our standard advisory letter will be sent to the Agent, which asks them to contact us for advice of food safety and hygiene regulation requirements.

"I have no concerns at this stage as two other A5 premises are in the local area, however, we would be interested in receiving a detailed plan of the kitchen area and any food storage areas once they become available.

"However, the following could be taken into consideration at this stage and due to residential dwellings in close proximity:

"FOOD AND RETAIL

"1 In order to safeguard the amenities of the area in which the development is located, suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use, and shall be maintained in good working order thereafter.

"2 In order to safeguard the amenities of the area in which the development is located, prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall be maintained at all times.

West Wiltshire District Plan - 1st Alteration - Policy C38

"NOISE INSULATION

"1 - In order to safeguard the amenities of the area in which the development is located, any door, window, louvre, vent or fan in the premises shall be insulated so as to prevent any noise being audible at the boundary of any inhabited premises, either attached to or in the vicinity of the premises to which this permission refers.

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

"HOURS OF OPERATION

"1 - In order to safeguard the amenities of the area in which the development is located, the hours of operation shall have to be considered

"2 - In order to safeguard the amenities of the area in which the development is located, deliveries and despatches of goods to and from the site should be limited to 'reasonable' hours, taking into consideration Saturdays, Sundays and Bank Holidays."

PUBLICITY RESPONSES

The application has been advertised with a Public Interest site notice and neighbour notifications have been undertaken. No responses have been received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP3 Development strategy
- DP5 Town centres, district centres and employment areas
- DP6 Shopping
- T6 Demand management
- W5 The water environment

West Wiltshire District Plan - 1st Alteration, 2004

- C31A Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- T10 Car parking
- T11 Cycleways
- SP3 Out of Centre Shopping
- SP6 Local shopping in towns and villages
- I1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I3 Access for everyone

National Guidance

- PPS1 Delivering Sustainable Development
- PPS6 Planning for town centres
- PPG13 Transport
- PPS25 Development and Flood Risk

RELEVANT PLANNING HISTORY

88/01650/OUT - Residential development together with local centre, highway improvements and public open space - Permission 08.08.1995

00/00533/REM - Local centre with public house, retail units (A1, A2 and A3), store, community centre and children's day care centre - Approval 06.11.2000

03/02038/FUL - Erection of Choices Video Store - Withdrawn 15.01.2004

04/00518/FUL - Proposed three retail units - Non-determination appeal allowed by PINS 28.02.2005

05/00496/FUL - Construction of three retail units and eleven flats - Permission 02.06.2005

06/00959/FUL - Change of use from A1 to A5 use on Unit 3 - Withdrawn 15.05.2006

KEY PLANNING ISSUES

The key planning issues with this application are:

- planning history;
- the principle of the change of use;
- noise and nuisance matters;
- highways and parking issues; and
- criminal activity.

PLANNING OFFICER COMMENTS

Planning permission was granted in 2005 (05/00496/FUL) for retail units with residential flats above at this stage. This is the second application for the change of use of the third unit from retail to a hot food takeaway. The previous application (06/00959/FUL) was withdrawn as the building work had only just started and inadequate information had been provided with the submission. The current application seeks to address these matters.

Policy SP6 of the West Wiltshire District Plan allows the provision of local shopping facilities in local centres subject to a number of caveats. The application has again not been supported with any justification as to the change of use and impact of the loss of a shop unit in this location. However, notwithstanding this lack of justification, the Planning Policy Section raises no objection to the change of use, stating "Given that two further units will remain for A1 and other appropriate uses, in addition to those already in place, I consider that there are adequate opportunities for achieving a good range and quality of services to meet people's needs. At this stage, there are no policy reasons why a further A5 unit should be resisted." Consequently with this view from Planning Policy no objection can be raised to the change of use.

The applicant has shown that the proposed change of use will be served by the existing in-built extraction pipe running through the building and extracting at the roof. The Environmental Health Section have "no concerns" as regards the change of use, subject to conditions concerning ventilation and filtration details, refuse storage, noise insulation, and hours of opening and deliveries, although the hours have not been specified by them. Clarification of this is still awaited, and to date has not been received. Notwithstanding this, the suggested conditions have been attached, as have the requested informative for contacting the Local Planning Authority's Food Section.

The change of use has raised no objections from the Highway Authority in terms of either highway safety or parking matters.

The Parish Council have objected on three grounds to the proposal. Their concerns as regards amenity and the principle of the change of use have been addressed above, but they also object to the exacerbation of vandalism in the area that the food outlet will create. Criminal activity cannot be used as a justification to refuse this planning application.

Prior to the Planning Committee meeting of the 8th March 2007, the following information was reported to Members on the Late List: "Two letters have been received from Marshgate Developments Ltd (ie. the applicant) raising the following points:-

* They comment on the objections of the Parish Council:

- Noise, smell and disturbance. The applicant states these concerns will be addressed by Building Regulations, and details submitted by the tenant.

- Vandalism. The residential use above the units will be a deterrent against unsociable behaviour in the area.

- Adverse impact on economy. The applicant feels there is now a good mix of uses at the centre.

* The applicant considers that several of the suggested conditions are unjustified:

- Details of ventilation and filtration. Although the applicant states this is covered by Building Regulations, this condition has been attached to protect the amenity of the residents and users of the centre, so its removal is not considered to be justified.

- Refuse Storage. Although the applicant states this was addressed with the original permission for the site, this dealt with the retail use. The change of use to A3 needs to be addressed as regards refuse disposal for this particular use.

- Noise control. The applicant states this is another matter for Building Control. Notwithstanding this view the condition has been attached to protect the amenity of the residents and users of the centre, so its removal is not considered justified.

- Hours of use and delivery. The applicant has objected to these suggested conditions but they have not been attached to the recommendation.

"Councillor Clark has also queried why the application was initially recommended for refusal, and now this has been changed to permission. The applicant provided additional information overcoming the initial concerns, hence the change in recommendation."

CONCLUSION

Subject to the suggested conditions, no objection is raised to the proposal.

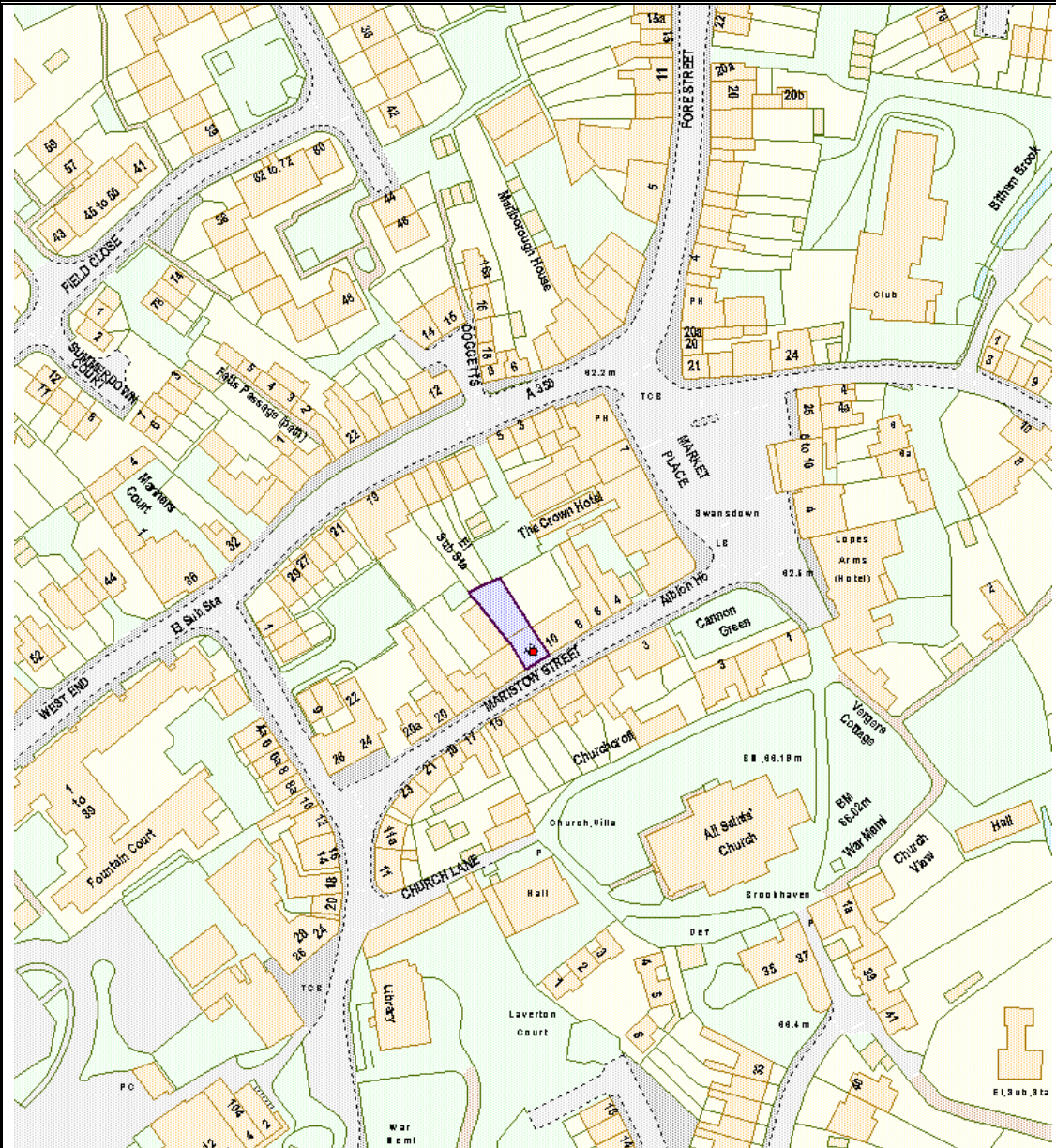
PLANNING COMMITTEE

22 March 2007

ITEM NO: 03

APPLICATION NO: 06/03786/FUL

LOCATION: 12 Maristow Street Westbury Wiltshire BA13 3DN



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SLA: 100022961

03 Application: 06/03786/FUL

Site Address: 12 Maristow Street Westbury Wiltshire BA13 3DN

Parish: Westbury

Ward: Westbury Ham

Grid Reference 387326 151476

Application Type: Full Plan

Development: Two storey extension at rear of building, offices on ground floor and flat on first floor

Applicant Details: Mr I Cresswell And Mr M Butler
12 Maristow Street Westbury Wiltshire BA13 3DN

Agent Details: R K Architecture
The Design Centre Crusader Park Warminster BA12 8BT

Case Officer: Mr Matthew Perks

Date Received: 14.12.2006

Expiry Date: 08.02.2007

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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

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

- 3 The rooflights to the north eastern roofslope shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

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

This is an application for a two-storey extension to the rear of 12 Maristow Street, Westbury, with offices to the proposed ground floor and a flat on the first floor.

The site is located in a rear space of some 115m² to the north of No. 12. The application site is in the conservation area, and within the Westbury town centre commercial area boundary (but outside of the primary retail frontage).

The proposal is for a double storey building occupying a footprint of ±43m², with a roof ridge height of 5.6m. The extension would be linked to the existing building by a single storey structure of 2m in length. The link would house a passageway between the existing and proposed buildings, and a toilet.

The double storey building would accommodate 2 offices and a utility room at ground floor level, with a studio flat above. The agent states that the offices would provide additional floorspace for the expansion of the existing mortgage/finance business on the site. An additional 2 staff members would be employed.

The flat would have a separate entrance at the rear of the extension. The new building would be located 1.4m from the property boundary to the east, which is defined by a corrugated iron fence of approximately 1.6m in height. To the west there is an existing single storey building of approximately 11m in length. No additional parking is proposed.

CONSULTATION

WESTBURY TOWN COUNCIL

"The Committee objected to this application on the following grounds:

- Detrimental to the preservation of the conservation area
- Overdevelopment
- Loss of amenity of neighbours
- Detrimental to the street scene
- No car parking provision realising Maristow Street is restricted parking during the daytime with all neighbouring car parks (including the Market Place) being time restricted."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

"This site is in the town centre and there are parking restrictions on the adjacent highway, therefore no Highway objection is raised."

WESSEX WATER

No objections.

ENVIRONMENT AGENCY

No objection.

INTERNAL WWDC CONSULTATIONS

CONSERVATION OFFICER

No comments received.

ECONOMIC DEVELOPMENT

No comment.

LANDSCAPE OFFICER

No comment.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 1 Response was received.

Objections are made on the grounds that this is a detached building occupying the whole garden within the Conservation Area. It is not an extension, and the link does not make it so. Parking in the area is inadequate. The expectation is that the building would produce four flats and not offices.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

- C17 Character and appearance of conservation areas
- C18 New development in conservation areas
- C38 Effects of development on neighbouring properties
- C31a Design
- SP1 Town centre commercial areas
- SP5 Secondary Retail Frontages
- TC1 Upper floor uses in town centres
- T10 Parking

PPS6 Planning for Town Centres

Reference has also been paid to PPS3 (Housing) which comes into effect on 1 April 2007.

RELEVANT PLANNING HISTORY

93/00649/FUL: Extension to rear: Per: 13.07.1993

92/01003/FUL: Two storey rear extension : Per : 29.09.1992

KEY PLANNING ISSUES

The main issues in this case are the principle of the proposed development on this site, the appearance of the extension and its relationship to the surrounding area.

PLANNING OFFICER'S COMMENTS

The proposal would extend the office floorspace to the existing finance business on the site at ground floor level and would provide residential accommodation above. The principle of this form of development within town centre secondary retail frontages is acceptable in terms of relevant District Plan Policy. Government Guidance in the form of Planning Policy Statement 6 furthermore encourages a mix of use in town centres, with residential uses above ground floor level. The provision of flat accommodation in this setting would also accord with PPS3 (Housing) guidance on desirable planning outcomes, providing a variety of accommodation types in built up areas and making efficient use of vacant land.

The proposed extension is situated within an enclosed yard. No windows to habitable rooms would be orientated in a direction that would lead to overlooking or loss of privacy for neighbours (although two obscure -glazed rooflights are proposed to the north east elevation). The building is not visual to the street frontage, or prominent to public viewpoints. Whilst the site has a level surface, the general slope of the land is such that the eaves height of the building facing the property to the north east would be $\pm 3.3\text{m}$. The ridge height to the proposed roof would be approximately 1.6m lower than that of the existing building. There would be no significant loss of neighbouring amenity to the east and west. There is a rear-facing window to a habitable room and a kitchen in the existing flat. This property is however under the ownership of the applicant. The gap between the existing and proposed building, together with the relatively lower hipped roof, would provide light to these north facing windows. The bedroom windows to this existing flats are south facing and would be wholly unaffected by the proposal. There is an open passageway providing access to this flat from the rear. There would be a 5m deep by 8.5m wide open area between the rear of the proposed building and the boundary that would accommodate a sitting-out space.

Local Planning Authorities in determining planning applications in a conservation area must play special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Case law establishes that if the development fails to enhance the character or appearance of the conservation area, but does not harm it, then it may be said to preserve that character or appearance. In this case the building would be within the enclosed yard in an area characterised by a variety of rear extensions and randomly arranged open backland. Materials matching the existing building are proposed. In this context the proposal is not considered to harm the surrounding area.

The site is located in a town centre area, and the highway authority does not object to the absence of parking. The proposed uses accord with District Plan Policy.

CONCLUSION

The principle of the proposed form of development is accepted and the proposal would not bring harm to this part of the conservation area. On balance the application should be granted permission.

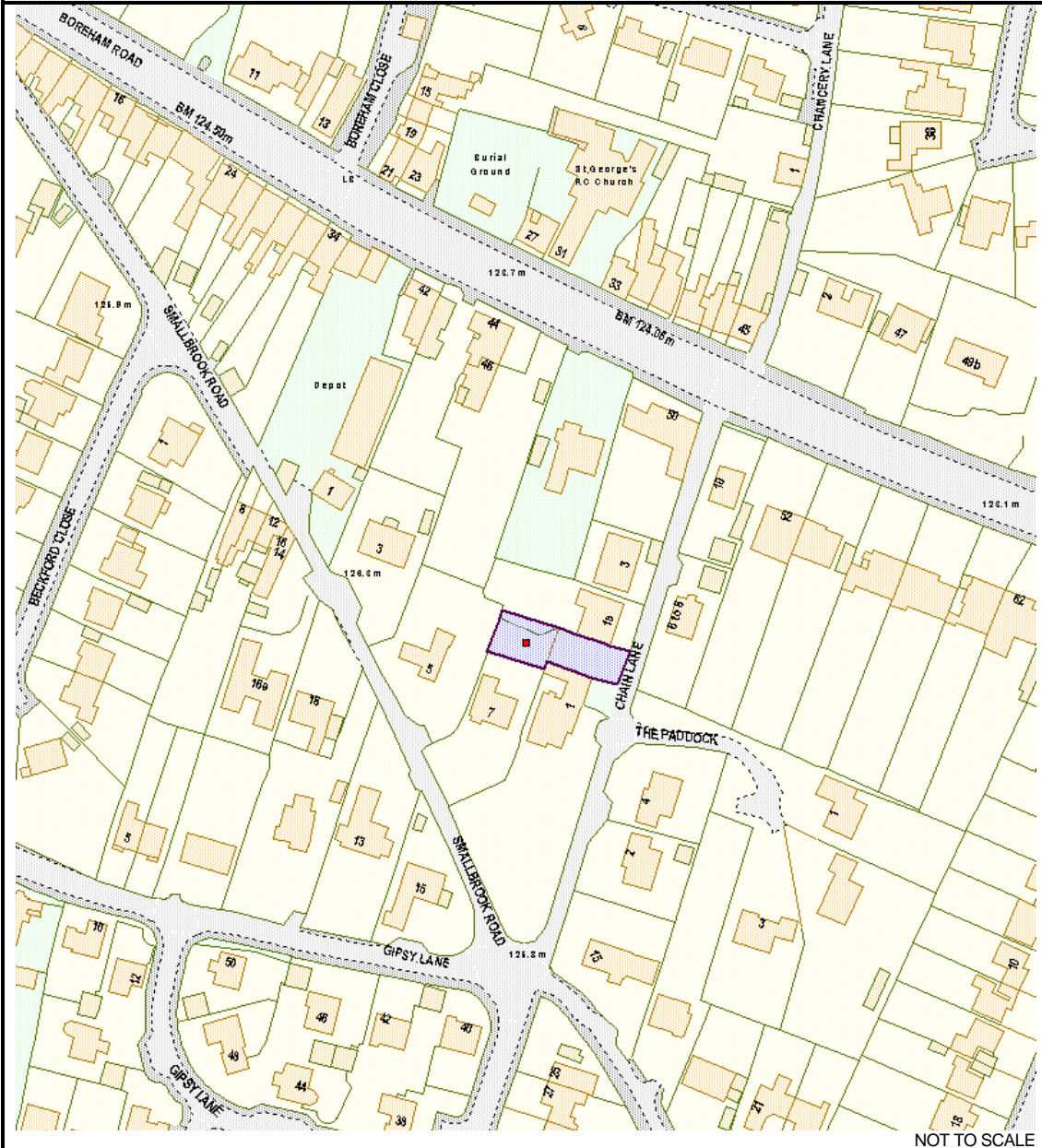
PLANNING COMMITTEE

22 March 2007

ITEM NO: 04

APPLICATION NO: 06/01587/OUT

LOCATION: Land Rear Of 7 Smallbrook Road Warminster
Wiltshire



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SLA: 100022961

04 Application: 06/01587/OUT

Site Address: Land Rear Of 7 Smallbrook Road Warminster Wiltshire

Parish: Warminster Ward: Warminster East

Grid Reference 388034 144635

Application Type: Outline Plan

Development: New access and erection of new dwelling

Applicant Details: Mrs S Stuart-Dunster
7 Smallbrook Road Warminster Wiltshire

Agent Details: R K Architecture
The Design Centre Crusader Park Warminster Wiltshire BA12 8BT

Case Officer: Mr James Taylor

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 Approval of the details of siting, 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 & 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 The dwelling hereby approved shall be single storey, with no rooms in the roof.

REASON: In the interests of amenity and privacy.

- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 All 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.
- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be carried out without the express planning permission of the Local Planning Authority.
- REASON: The implementation of permitted development rights on this site would be unacceptable due to the physical constraints of the site and proximity of neighbours.
- 10 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 11 The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used for any other purpose than the parking of vehicles in connection with the development hereby approved and shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 12 Any entrance gates shall be set back from the edge of the adopted highway a minimum distance of 4.5 metres and must be hung to open inwards only.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 13 Prior to the occupation of the new dwelling two car parking spaces shall be provided for each property and a new access to the existing dwelling created with visibility splays. This shall be shown on plans to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 14 No development shall take place until suitable connection to Wessex Water systems and infrastructure has been agreed in relation to water supply, sewerage and sewerage treatment.

REASON: To safeguard the amenity of the area.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

Note(s) to Applicant:

- 1 The developer is advised to contact Wessex Water prior to the commencement of development on the site to ensure adequate connection to Wessex Water systems and that Wessex water infrastructure is protected. Wessex water can be contacted on 01225 526000.

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

This application is brought to Committee because the Town Council has objected contrary to your officer's recommendation.

This is an outline application for residential development on land to the rear of 7 Small brook Road, Warminster. The application site is approximately 35 metres long x 9 to 11 metres wide which equates to 348 square-metres.

The site is relatively flat with a large detached garage existing to the rear of the site and mature trees on the rear boundary which are subject to tree preservation orders.

The street scene in this location is characterised by a random arrangement of residential properties fronting onto Smallbrook Road and Chain Lane respectively.

The original dwelling fronts onto the unclassified Smallbrook Road. The rear garden is of an L-shaped configuration, part of which forms the application site for the proposed new dwelling.

All matters except for the means of access have been reserved. An illustrative plan has been submitted and a full design and access statement has been provided. This indicates that the residential development is for a single storey 2-bedroom dwelling not exceeding 4.6 metres in height.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objection - concerned over safety problems with the access to this site and the apparent need to reverse out onto the highway.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to conditions. Additional dwelling served from this road is not a significant concern. Creation of new access to existing dwelling acceptable with possible benefit to adjoining dwelling.

PUBLICITY RESPONSES

The application was published by letters to the neighbouring properties to which no response has been received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

H1 Further Housing Development Within Towns

H24 New Housing Design

SPD Residential Design Guide

PPS1 Delivering Sustainable Development

PPS3 Housing - To be implemented in April 2007

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The key issues to consider with this application are the principle of development, the potential impact on the character and appearance of the area, amenity of neighbouring properties and future potential occupiers, and highway safety.

PLANNING OFFICER COMMENTS

The application site is located within the Town Policy Limits of Warminster and therefore Policies H1, C31a and H24 of the West Wiltshire District Plan 1st Alteration (2004) are relevant planning considerations. Policy H1 states that proposals for housing development within the built-up areas of the district will be permitted subject to detailed criteria being met. National Guidance in PPS3 encourages in-fill development subject to environmental considerations. As such the principle of development would be acceptable subject to it causing no harm.

Policy H1 sets out the criteria to which proposals should adhere, which includes that the siting, layout and design considerations should be satisfactory and in keeping with the character of the surrounding area.

This area is characterised by relatively low-density residential development. However it is important to note that there is no definitive design character or style typical of this area. To the north there are 2 bungalows on relatively small plots, opposite is a 2-storey detached dwelling with a mansard roof. Further to the north is the conservation area and a number of listed Georgian style buildings fronting onto the main road through Warminster. To the south of the application site are relatively large detached dwellings set in very spacious garden areas and built in a Victorian red brick style.

The proposal, although only indicative at this stage shows the building would be no more than 4.6 metres in height and single storey.

The illustration drawing indicates a limited height, contemporary style dwelling set back from the frontage of the site roughly in-line with the existing built form. Such a proposal would be sympathetic to the character of the area. Taking this into the broader national policy context, which encourages the more efficient use of land, then it is considered that a dwelling could be easily accommodated within the site. The density would still be below the lower threshold set out in PPS3 but this would be acceptable in this low-density location. It is acknowledged that there is a limited width to the site, however a dwelling could still be set in from both side boundaries. Further the dwellings on this side of the street typically occupy the full width.

The proposal would be positioned between the side elevation of the existing in-fill bungalow 1a Chain Lane and the flat roof extensions to the rear of 1 Chain Lane. Although only indicative at this stage it would be single storey, no more than 4.6 metres high to the ridge. As such the proposal would be unlikely to result in any overlooking or loss of light to surrounding properties. The existing dwellings to the south would be approximately 10 metres from the boundary of the application site, which is considered sufficient to not to cause any overlooking. 1a Chain Lane has rooflights in its rear elevation and would not directly overlooking the proposed property or its gardens. As such there are no concerns regarding amenity issues.

The proposal would utilise the existing access arrangements, which include visibility splays. It is noted that the access is onto a narrow lane, which has no footway, and therefore the principle of reversing onto the highway is not ideal. However this type of arrangement is existing on other dwellings in the street and the road is not classified. The highway authority has been consulted on the proposals and raised no object subject to the appropriate use of conditions. This includes the provision of two parking spaces for the existing and proposed dwellings, which can be accommodated based on the indicative plans. Further the proposals would see the creation of a new access for the existing dwelling on Smallbrook Road. This is not subject to this application and strictly speaking does not require planning permission. However it is considered that a Grampian condition can be used to ensure that this is created as the need is related to the proposed development and on land controlled by the applicant. Further the highway authority advise that this access creation could be beneficial to the visibility on adjoining accesses on Smallbrook Road.

It is noted that the tree preservation orders that existing on or near to the application site are limited to the rear of the site and would be unaffected by the proposed building works. There are no concerns in this regard.

The scheme would see the retention of the existing double garage to the rear garden of the proposed dwelling. As there is a very generous rear garden proposed, some 15 metres in length then this would not cause any issues in terms of amenity space, and would be a suitable garden workshop or storage space in a residential location. Further it is noted that the existing dwelling would not be compromised in terms of the garden area it would retain. It would still have generous garden area suitable for a large family home and typical of the locality. The low densities that would result from this proposed development, which would still be below the national guidance in PPS3, exemplify this point.

CONCLUSION

The proposal would be in character with the area and as such is recommended for permission subject to the use of appropriate conditions.

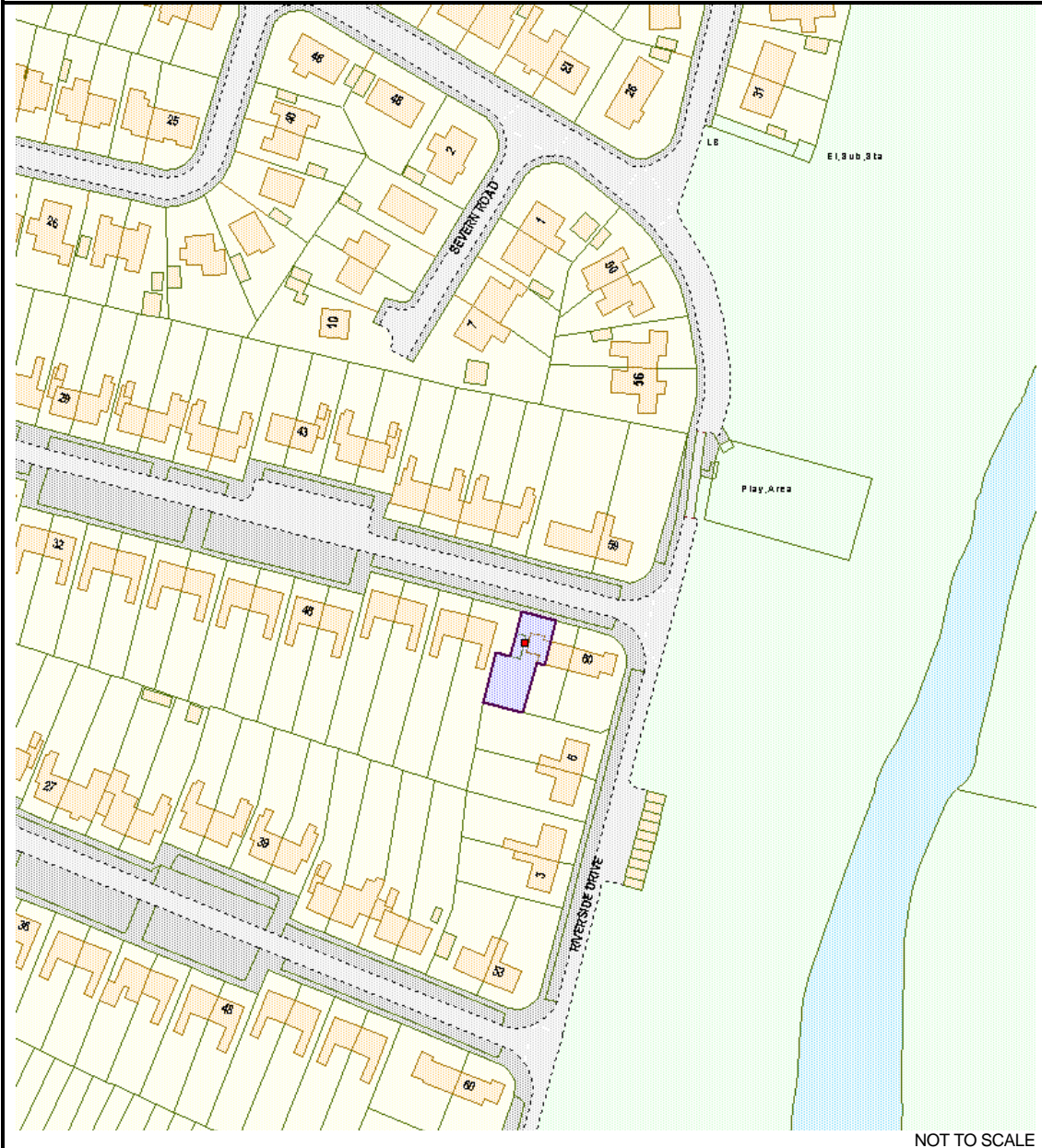
PLANNING COMMITTEE

22 March 2007

ITEM NO: 05

APPLICATION NO: 06/03858/FUL

LOCATION: Land Adjoining 58 Granville Road Melksham
Wiltshire



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SLA: 100022961

05 Application: 06/03858/FUL

Site Address: Land Adjoining 58 Granville Road Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham North

Grid Reference 390464 164758

Application Type: Full Plan

Development: Dwelling adjoining 58 Granville Road

Applicant Details: Mr L Webb
58 Granville Road Melksham Wiltshire

Agent Details: Mr C Hyde
3 Potley Lane Corsham Wilts SN13 9RY

Case Officer: Mr Mark Reynolds

Date Received: 22.12.2006 Expiry Date: 16.02.2007

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 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 driveway and parking area 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy T10.

- 4 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.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy T10.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy T10.
- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class A of the Order shall be carried out without the express planning permission of the Local Planning Authority.
- REASON: The implementation of permitted development rights on this site would be unacceptable in the interests of neighbouring amenity.
- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors above ground floor level, other than those hereby approved, shall be added to the west elevation of the development hereby permitted.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

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

This is a full planning application for the erection of an attached dwelling to an existing semi-detached pair of dwellings to create a terraced form of development. The application site itself is located within a residential estate of Melksham. The proposed dwelling would measure 6.9m in width, 9.9m in depth which includes a 3.6m long single storey rear extension and it would stand 8.2m in height to ridge level sloping to 5.1m in height at eaves level.

The dwelling would be positioned setback by 5.5m from the public highway. It would be constructed in brickwork with concrete interlocking roof tiles.

The proposals have been revised during the course of the application.

CONSULTATION REPLIES

MELKSHAM TOWN COUNCIL

On commenting originally:-

Objected to the application on the following grounds;

- H1 - The property would not be in keeping with the street scene and would overlook neighbouring properties
- C38 - The property would mean a loss of privacy and detract from the amenities of neighbours
- C31a - The property would not comply with proportion, composition, form, massing and scale guidelines.

On commenting on revised plans:-

The Town Council has considered the revised plans and has decided to make no change to their original objection to the proposal.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

No objections subject to conditions.

WESSEX WATER

No objections

PUBLICITY

5 letters of objection have been received to the original proposals raising the following objections;

- Development would be out of place
- Overlooking of No. 54 and No. 56
- Loss of light
- Highway safety concerns
- Lack of notification of No. 59
- No need for the housing

There has been one response to revised plans reiterating an objection to the proposal, specifically concern is expressed about increased parking and the resultant safety implications.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

T5 Parking

West Wiltshire District Plan 1st Alteration 2004

C31a	Design
C38	Nuisance
H1	Further Housing Development
H24	New House Design
T10	Car Parking
U1a	Foul Water Disposal
U2	Surface Water Disposal

PPS3 Housing - To be implemented in April 2007

PPG13 Transport

KEY PLANNING ISSUES

The key issues in this case are whether the proposal accords with planning policy, neighbouring amenity, design, highway safety and parking and character of the area.

PLANNING OFFICER'S COMMENTS

Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 advises that within the town policy limit new dwellings will be permitted subject to a number of criteria. Of most relevance in this case are that siting, layout and design considerations are satisfactory and they are in keeping with the character of the area; they do not result in the loss of an open area or visual gap important for recreation or amenity reasons; they provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway and, where appropriate, rail facilities without creating transport problems; and that they do not conflict with other structure or district plan policies.

In this case a detached form of development was originally proposed which raised objections regarding its suitability given the prevailing character of the area. The area is characterised by semi-detached dwellings set within large linear plots. The proposal has been revised to create a terraced form of development. The creation of a terrace would be more in keeping with the prevailing pattern of development. The proposal would not result in the loss of an important visual gap because the area to which the proposal relates is already occupied by a single storey side extension which would be removed. The proposal would result in a density of development of 40 dwellings per hectare which is compliant with PPS 3.

The dwelling has been designed at the front north elevation to be sympathetic to the adjoining dwellings. Although several windows are larger they have the same sill height. A modest porch is proposed to the development. The rear elevation would employ two dormer windows whilst these are not characteristic of the immediate surroundings these would not be prominent within the street scene located to the rear of the proposed dwelling. There would not therefore be any harm caused by the dormer windows to the street scene and there are no objections more generally to the design of the proposed dwelling.

The proposal involves the change of use of an area of highway verge. This arrangement is common within the street scene and part of the existing frontage is already laid out as hardstanding. There are not therefore any objections on this basis. The Highway Authority were consulted on the application and they have no objections providing the parking spaces are of adequate size which as proposed they will be.

Several objections have been received regarding the potential for the dwelling to overlook and overshadow neighbouring properties. The dwelling would incorporate a landing level window in the side elevation and habitable room windows in the front and rear of the dwelling. Although habitable room windows would be in the front and rear of the dwelling it is important to recognise that there already exists habitable room windows in the front and back of No. 58. Any overlooking would not be significantly enhanced by this proposal to suggest refusal. The dwelling would be in line with neighbouring properties and although a rear extension is proposed it is not considered that overshadowing of neighbouring properties would occur. Neighbouring amenity would not therefore in the Case Officer's opinion be harmed by this development.

The comments of the Town Council are noted however the above report examines the issues raised by the Town Council and refusal cannot be supported on their grounds of objection.

A neighbour has raised concern regarding a lack of notification. This neighbour does not immediately adjoin the site and was not notified. Notwithstanding this they have found out about the application and commented on the scheme.

A neighbour has suggested that there may not be a need for additional housing in Melksham. There however exists a demand for housing throughout most of the district which is emphasised by the need for affordable housing. Additional windfall housing such as this is therefore acceptable and does not represent an over-provision of housing.

CONCLUSION

The proposal is acceptable and permission is recommended.

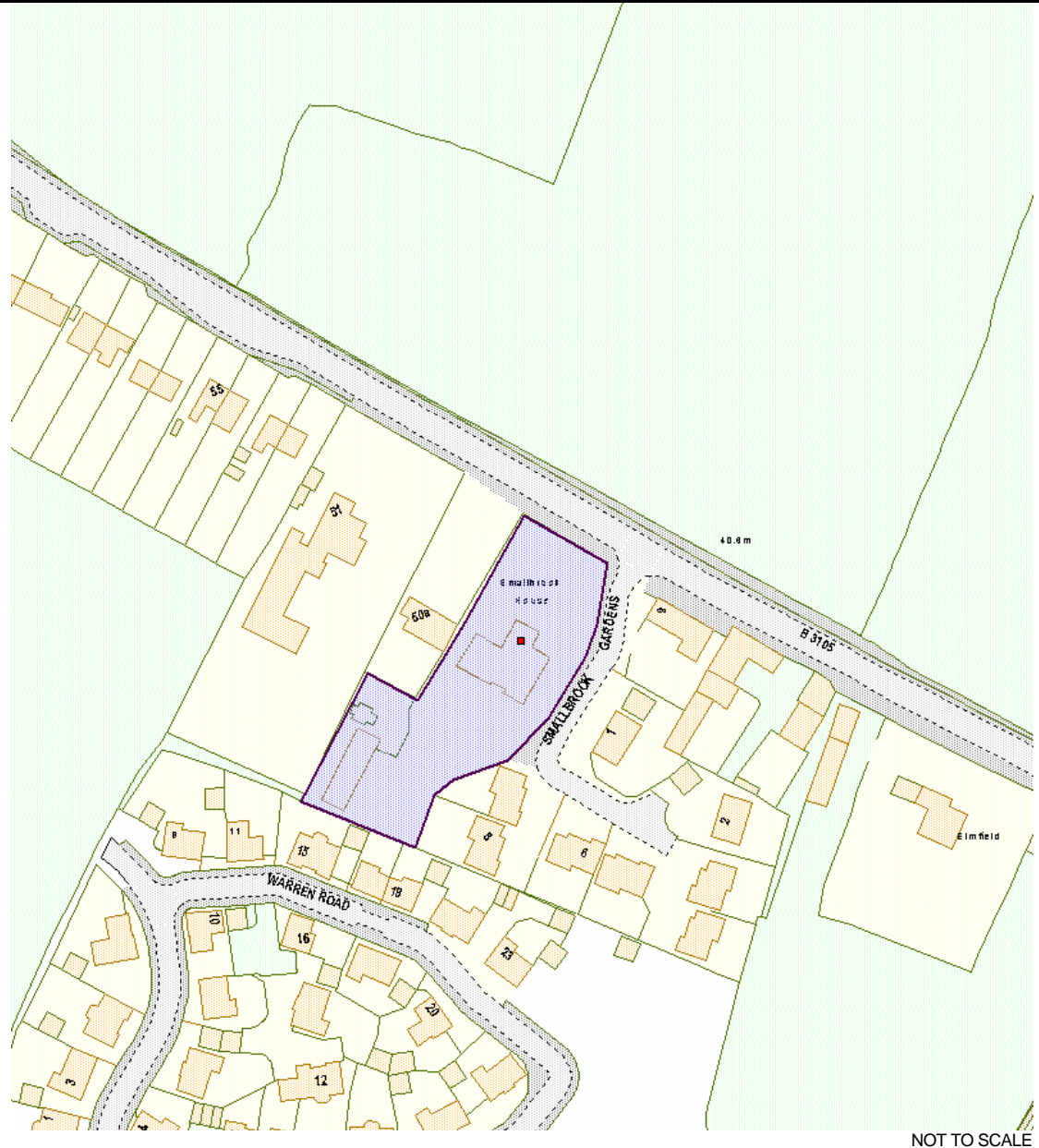
PLANNING COMMITTEE

22 March 2007

ITEM NO: 06

APPLICATION NO: 05/01741/FUL

LOCATION: Smallbrook House Smallbrook Gardens Staverton
Wiltshire



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SLA: 100022961

06 Application: 05/01741/FUL

Site Address: Smallbrook House Smallbrook Gardens Staverton Wiltshire

Parish: Staverton Ward: Paxcroft

Grid Reference 385915 160319

Application Type: Full Plan

Development: Change of use from dwelling to house in multiple occupation, internal alterations and fire escape staircase

Applicant Details: L J Walker And A Huxham
41 Victoria Road Trowbridge Wilts BA14 7LH

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 08.08.2005 Expiry Date: 03.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall 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 This permission shall be alternative to planning permission 03/00766/FUL given on 13.02.2004 and shall not be exercised in addition thereto or in combination therewith.

REASON: To ensure that two alternative permissions are not both implemented.

- 3 Residential occupancy of the property shall be restricted to a maximum of 14 persons.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

This application is referred to Committee because the Staverton Parish Council objected and officers recommend permission.

This is an application for full planning permission for the change of use to a House of Multiple Occupation of Smallbrook House, Smallbrook Gardens, Staverton. The application is retrospective in that the property is already in multiple occupation. Some works are however still to be implemented. The application is for the housing of 14 persons.

The building is located to the south of Marsh Road and immediately to the west of the Smallbrook Gardens residential development. The submitted floor plan shows 10 bedrooms (4 with en-suite toilet facilities), a common room lounge, 8 separate toilets, a shared kitchen of 4.2m x 6.6m in extent, a utility room and a separate shower.

CONSULTATION

STAVERTON PARISH COUNCIL

Objects. The Parish refers to noise disturbance, the fact that there was a condition when permission was granted for use as a hotel there was a condition requiring the stopping up of the access onto the B3105, a maximum of eight rooms were permitted in order to limit the amount of parking required and that a limit needs to be put into place regarding the number of occupants allowed to live in the building at one time.

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

Initially requested additional information. This was provided, and the authority has no objection with the use of the access at the front of the building as a collection and drop-off point. It is considered that there is adequate space for parking to the rear of the building.

INTERNAL WWDC CONSULTATIONS

BUILDING CONTROL

No comments received.

HOUSING SERVICES AND ENVIRONMENTAL HEALTH

These services were verbally consulted at the time of the preparation of this report to obtain current information. Housing Services advises that a licence for a house of multiple occupation has been granted for 14 people in this property. Environmental Health records indicate that no complaints have been registered post-October 2005.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 5 Responses were received. Objections were on the following grounds:

- Noise;
- Highway safety issues;
- Excessive number of residents;
- Loss of neighbouring amenity;
- Possible criminal activities in the house; and
- Parking

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004
C38 - Effects of development on neighbouring properties
H1 - Housing development in towns

RELEVANT PLANNING HISTORY

97/00783/FUL: Change of use to hotel plus parking : Permission : 11.09.1997

KEY PLANNING ISSUES

The primary issue in this case is the acceptability of the use of the property as a house of multiple occupation in this locality.

PLANNING OFFICER'S COMMENTS

This application is retrospective. The use of the property is for the housing of 14 people who are migrant workers. The workers are collected and taken to work and returned by minibus, in a shift pattern of 3 times per day between 6 am and 10 p.m.

Concerns by the Parish Council and neighbouring property owners were raised at a time when, it is understood, certain anti-social activities were associated with the use of the property. However these issues were raised in late 2005, and substantial delays with the application have arisen in the interim. Records reflect that, since the application was submitted, the issues have apparently been addressed. It has been confirmed with Council's Environmental Health Officers that no complaints have been received since late 2005. Housing Services officials further advise that the property has been licensed for the housing of 14 people. In considering the aspect of nuisance, the multiple occupation of the property will not, of itself, give rise to harm to neighbouring amenity, and it appears that the initial issues have been resolved.

Following the submission of additional information, the highway authority has confirmed that the use of the front of the building as a collection/drop off points is acceptable. The car parking area indicated to the rear of the site is regarded as adequate by the authority.

In its response the Parish Council was inter alia concerned that a limit needs to be placed on the number of occupants allowed to live in the building at any one time. Seen in the context of the history of the site where permission was granted for the use of the dwelling as an hotel with 8 rooms, it is considered that the accommodation of 14 people with shared facilities in the building would be acceptable. The submitted plans show that the building can be converted for this purpose without substantial alteration. The fire escape to the western elevation of the building would not be prominent to any public viewpoint, and would not significantly harm the appearance of the building.

The Parish Council was also concerned with the lack of parking to the rear of the property in the event that a previous permission for a dwelling in this area is implemented. An appropriate condition should be made applicable to any permission in order to prevent this occurring.

CONCLUSION

The use of this property as a dwelling of multiple occupation provides accommodation addressing a need for migrant workers. Whilst noting the reasons for objections, it is considered that these arose at a time when there were issues of neighbouring amenity, which have subsequently been addressed. The application should be granted permission.

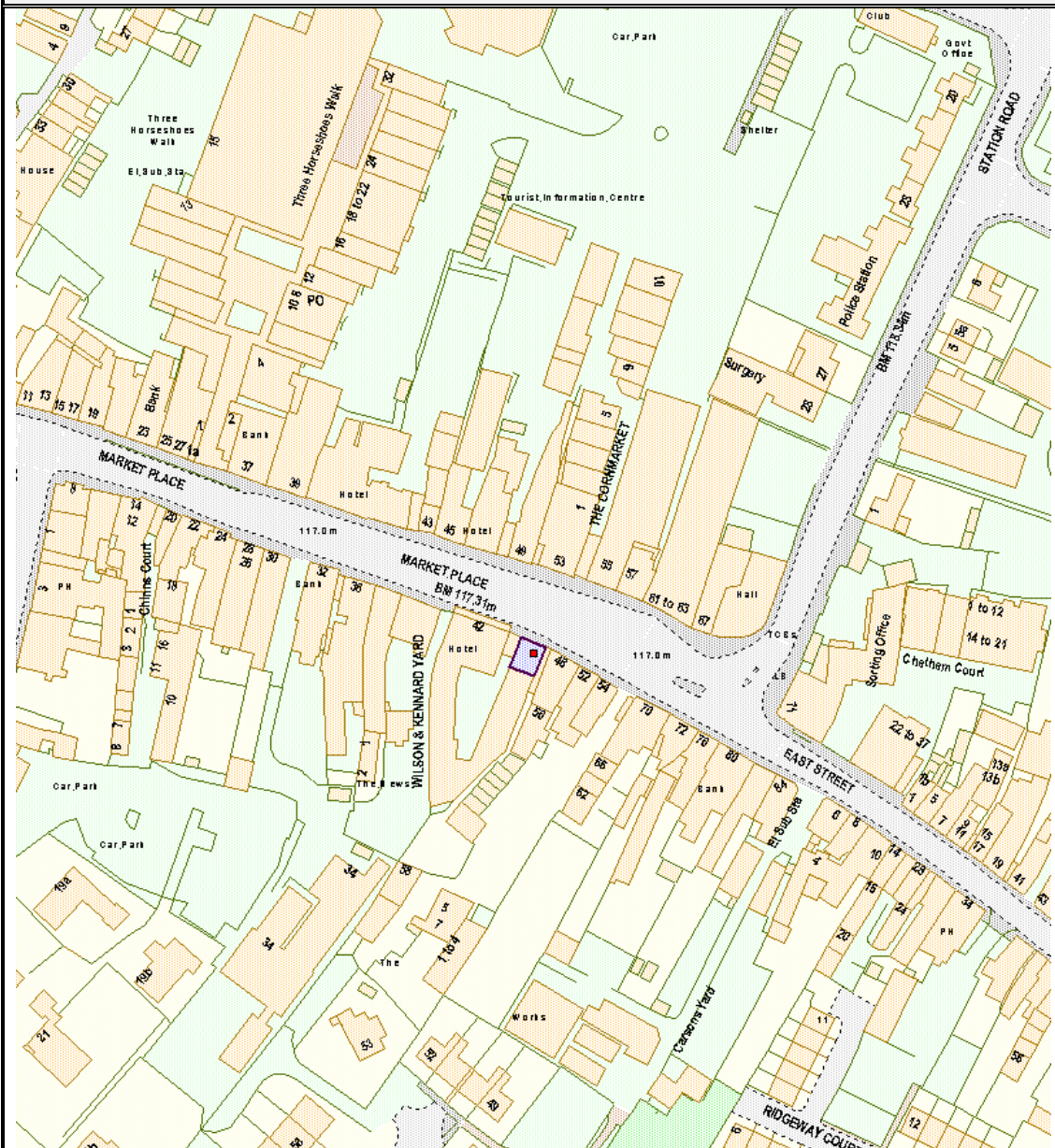
PLANNING COMMITTEE

22 March 2007

ITEM NO: 07

APPLICATION NO: 06/03323/FUL

LOCATION: 44 Market Place Warminster Wiltshire BA12 9BE



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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 06/03323/FUL

Site Address: 44 Market Place Warminster Wiltshire BA12 9BE

Parish: Warminster Ward: Warminster East

Grid Reference 387564 145039

Application Type: Full Plan

Development: Change of use from A1 retail to A2 financial and professional services

Applicant Details: Northwood (West Wiltshire) Ltd
57 Market Place Warminster Wiltshire BA12 9AZ

Agent Details:

Case Officer: Mr David Cox

Date Received: 26.10.2006 Expiry Date: 21.12.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the change of use from A1 to A2 would result in harm to the shopping function of the primary retail frontage and the vitality of the town centre contrary to Policy SP4 of the West Wiltshire District Plan 1st Alteration 2004.

Note(s) to Applicant:

- 1 As this is a Grade II Listed Building, any alterations whether internal or external including any signage would require Listed Building Consent application and possibly an Advertisement Consent application. These applications should be submitted to and approved before the commencement of works on the site.

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

This application is brought to Committee at the request of Councillor March for discussion of a change of use and its effect on the town centre.

This is an application for a change of use application from A1 retail to A2 financial and professional services at 44 Market Place, Warminster.

The property is located within the Primary Retail frontage area in central Warminster and is also within the Warminster Conservation Area. The property is also a Grade II Listed Building.

The Primary Retail frontage has a wide range of uses within it. There are a number of A2 uses including building societies, estate agents etc. There are also two hotels (C1) but two thirds of this part of Warminster are in A1 retail use. A use class survey of the Primary Retail Frontage found that the units with an A1 use is approximately 66%. Of the first 11 units on the southern side of Market Place (No's 84-42) currently only 4 (including the proposal site) are in A1 use. This application, if permitted would leave only 3 units in A1 use in this initial stretch of the Primary Retail Frontage.

Additionally No's 54-42 that form a specific section of the Primary Retail Frontage because it is a separate block of buildings that distinguishes itself from the rest of the street. The application site, No 44 is the only remaining A1 use in this specific block of buildings.

The applicant has submitted information, which states that the tenant who would be moving in to No 44 would free up an existing A2 unit, which would be converted back to A1 (No 59).

The applicant has submitted two statements (which have not be summarised at the request of Councillor March):

Comments received from Mr Andrews:

"We are freeholders of the property and agreed to lease it to Northwood Properties, subject to their obtaining the necessary A2 usage of the premises.

They made a planning application for A2 use and noted in a letter which was included with the application that if the application was successful, they would surrender their lease of 59 Market Place (opposite), which the freeholders, Mackays, would then incorporate into the double shop front with 57 Market Place as a supermarket, falling under A1 planning use.

Mackays also wrote to the planning department confirming this intention. Subsequently, your planning officer told Northwood (and myself on another occasion) that they were not prepared to take into account Northwood and Mackays undertaking that the use of 59 Market Place would revert to A1 and intended to decline the application for A2 use as they did not think it to be appropriate on its own merits.

As a result of the length of time which this matter has taken, Northwood have had to consider other options for moving of their business to accommodate Mackays, which may or may not prove fruitful, but I believe from our conversation earlier that you are fully aware that if A2 use is granted on 44-46 Market Place, it is quite clear that the existing A2 use of 59 Market Place will revert to A1 as Northwood will then have certainty over their requirements to relocate.

Regarding other interest in the building, I can confirm that we have had interest from A1 users, which have resulted in negotiations for letting the property, one to a Chinese herbal remedy retailer and another to a mobile phone supplier. In both cases, the negotiations were promising but the potential lessees withdrew their interest once they had seen the position of the shop as they felt that the hotel next door formed a natural break from the retail environment and were thus no longer suitable for this use.

We have, however, had interest from a firm of solicitors who are considering opening a branch in Warminster and have indicated that they would be interested in taking a lease on 44-46 Market Place, subject to A2 use being granted.

I understand that Martin Bradbury of Northwood has confirmed to you that if A2 use is granted under this planning application, the use of 59 Market Place will revert to A1".

Additional information from Mr Patrick Willis:

"I can confirm that my firm has been marketing this shop on behalf of Saxon Construction since July 2006. During this time we have received two serious enquiries from retailers (who's proposed use falls within Class A1 of The Town & Country Planning (Use Classes) Order 1987).

The companies concerned were Dr China (Chinese herbal remedies) & JAG Communications (mobile phones). Regrettably, whilst interest was expressed in the premises by the respective agents representing these companies, once the retailers themselves visited Warminster they both decided that the location of the property was inadequate to support retail use having regard to the natural break (formed by the Old Bell Inn) in the retail run on the southern side of the street.

The other serious interest we have received has come from Northwood Estate Agents (who, as you know, are planning to relocate as part of Mackays intention to enhance their proposed fashion store opposite) & a firm of solicitors both of whom would require Class A2 use".

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL

No objection.

STATUTORY CONSULTATIONS:

POLICY AND CONSERVATION

Object to the proposal:

"The purpose of primary retail frontages is to ensure that a high proportion of A1 retail units (shops) are retained within core areas to provide a strong retail presence. Adequate secondary frontages are identified in Warminster where A2-A5 uses are most appropriate.

In this case, taking the Warminster primary retail frontage as a whole, the application would result in a reduction to the overall A1 proportion from 66.3% to 65%. A supporting letter from another retailer explains that permission at this location would enable an A1 use to be achieved at 59 Market Place, replacing the current A2 use. However, unless this can be secured as part of this permission, there is no guarantee that this permission would result in anything other than a loss in A1 uses to a level materially below a "high proportion" of A1 uses.

Looking at the Market Place as approached from East Street, the proposal would reduce the proportion of A1 uses from 84 Market Place to 42 Market Place from 36% to 27%. Only 3 of the first 11 ground floor premises encountered would therefore be in retail use (and one of those 3 units is currently vacant). I am therefore concerned that this proposal will have a material impact in reducing the attraction of this part of the PRF. By contrast, the existing A2 use at 59 Market Place is not considered to adversely affect the mix of uses in this part of the PRF and so its replacement by an A1 use would not compensate in terms of retail character of the street for the loss at 44 Market Place.

Policy Recommendation: Unacceptable in policy terms."

ECONOMIC DEVELOPMENT

No comments received.

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

- SP1 Town Centre Shopping
- SP4 Primary Retail Frontages
- C17 Conservation Areas
- C20 Change of Use in Conservation Areas
- C27 Listed Buildings
- C28 Alterations and Extensions to Listed Buildings

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Impact on the Primary Retail Frontage:

Policy SP4 of the District Plan states that changes of use from A1 to A2 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre.

It also states that along these Primary Retail Frontages it is important to retain a strong retail presence in the face of pressures for the expansion of financial and professional service uses, such as building societies and estate agents, as well as food takeaway outlets.

Given the evidence of the use class survey, if this application were permitted only 3 units out of the first 11 on the southern side of Market Place (No's 84 to 46) would remain as A1. This represents just 27% of the retail frontage. This is an unacceptably low figure for A1 uses in the protected Primary Retail Frontage.

Additionally should this application be permitted none of the units in this specific building block (No's 54-42 Moretons Café - The Old Bell) would have an A1 use. This is a significant single section of the Primary Retail Frontage which would result in no shops, a direct contrast to what Policy SP4 is aiming to achieve.

Given these two considerations it is considered that should this application be permitted the shopping function of this primary retail frontage would be harmed and the vitality of the town centre would be undermined.

Paragraph 2.8 of PPS6 states that where existing centres are in decline Local Planning Authorities should assess the scope for consolidating and strengthening these centres by seeking to focus a wider range of services there. Whilst the use class survey of the Primary Retail Frontage found there to be some vacant units it is not to an extent to which that would suggest that Warminster town centre is in decline. The applicant has provided no information on this matter.

The applicant has stated that the proposed occupier of No 44 (an A2 estate agent) would move from No 59 Market place which is on the northern side of the road. This unit would then be converted to A1. However unless this can be secured as part of the permission, there is no guarantee that this permission would result in anything other than a loss of a further A1 unit. Conditions cannot be made on sites outside the red outline application area and such a condition would be unreasonable to make. Additionally, the existing A2 use at No 59 Market Place is not considered to adversely affect the mix of uses in this part of the PRF and so its replacement by an A1 use would not compensate in terms of retail character of the street for the loss at 44 Market Place

This application must therefore be judged on its own merits, which are a change of use of an A1 unit into A2 in the primary retail frontage.

Response to comments made by applicant:

In reference the change of use of an A2 unit back into A1 at No.59 (on the northern side of the street) it is not the case that the Council are "not prepared to take this into account". The situation is, as explained in the report that this cannot be secured by condition and the existing use at No 59 Market Place is not considered to adversely affect the mix of uses in this part of the Primary Retail Frontage. Therefore the application has to be judged on its own specific merits that of a change of use from A1 to A2 at No 44 Market Place (southern side of the street).

In reference to other potential occupiers at No.44, where the applicant claims that the property and its surrounding area no longer has a retail presence, exacerbated by the adjacent hotel. This should be an argument put to the Local Planning Authority during consultation of the new Local Development Framework on the boundaries of the Primary Retail Frontage and cannot be considered in this application. More importantly the recommendation for refusal aim to protect the shopping function of the primary retail frontage (A1 uses). If the Hotel next door forms a "natural break from the retail environment" then this is even more important to protect the existing A1 uses within the primary retail frontage. Supporting this change of use application would further undermine the primary shopping function of the primary retail frontage.

In reference to how long the property has been marketed for is a material planning consideration but has little weight against Policy SP4 of the District Plan.

CONCLUSION

Given the harm this would cause the shopping function of the primary retail frontage and on the vitality of the town centre and supported by the Policy section the application should be refused planning permission.

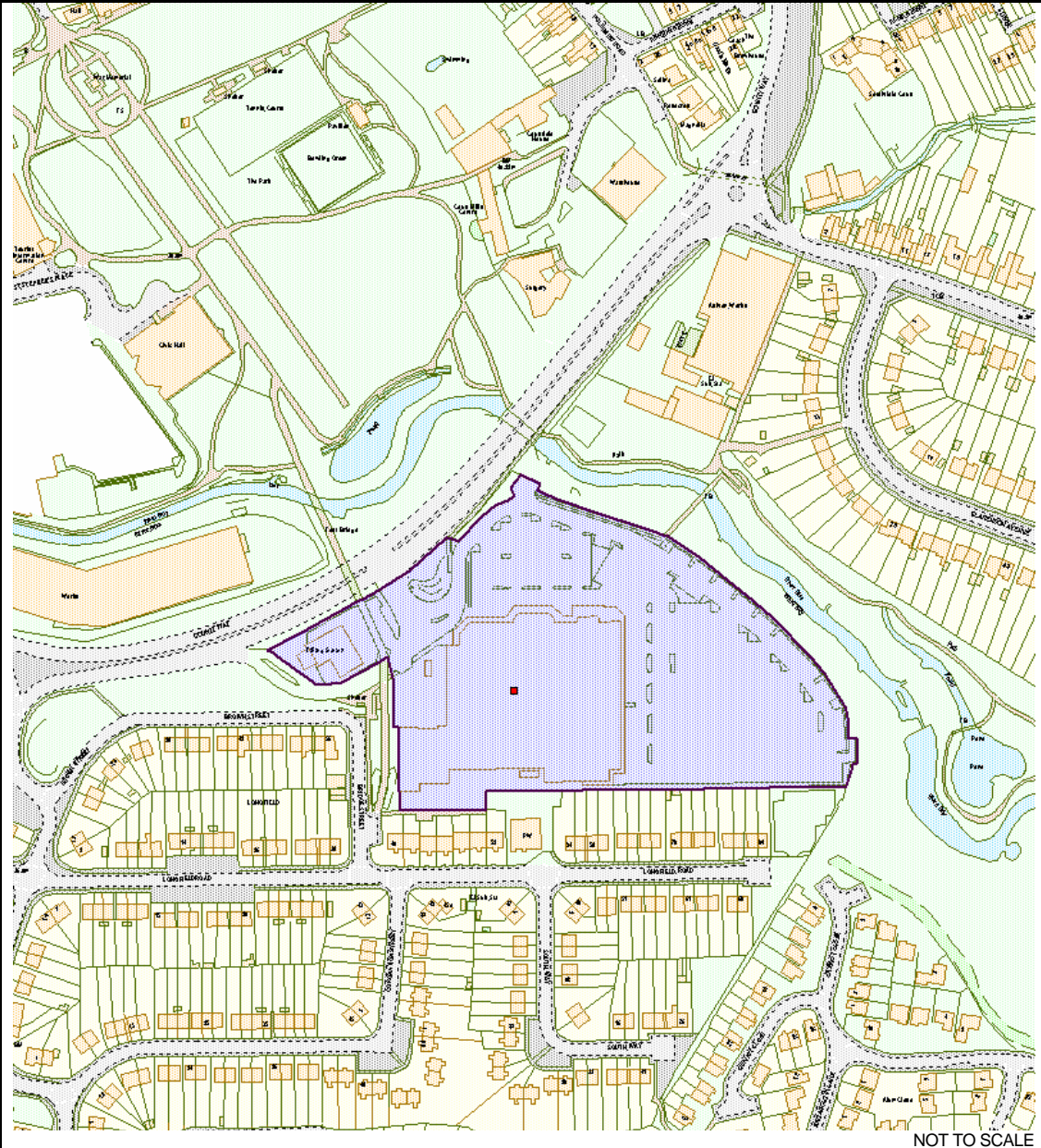
PLANNING COMMITTEE

22 March 2007

ITEM NO: 08

APPLICATION NO: 06/02756/ADV

LOCATION: Tesco Stores Ltd County Way Trowbridge Wiltshire
BA14 7AQ



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 06/02756/ADV

Site Address: Tesco Stores Ltd County Way Trowbridge Wiltshire BA14 7AQ

Parish: Trowbridge Ward: Drynham

Grid Reference 385965 157528

Application Type: Advertisement

Development: Car park signage and shop sign at entrance to store

Applicant Details: Tesco Stores Ltd
C/o Development Planning Partnership F A O Stephanie Smith 1
Fitzroy Square London W1T 5HE

Agent Details: Development Planning Partnership
F A O Stephanie Smith 1 Fitzroy Square London W1T 5HE

Case Officer: Mrs Jane Sanger

Date Received: 07.09.2006 Expiry Date: 02.11.2006

REASON(S) FOR CONSENT:

The proposed development 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: Consent

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.

COMMITTEE REPORT

APPLICATION DETAILS

This application was not considered by the Committee of 8 March 2007 because of failure to complete the agenda, and as such is deferred for a decision tonight.

This is an application for advertisement consent for a variety of advertisements within the car park of Tesco's store in County Way, Trowbridge.

The application site comprises a retail supermarket, with surface level car parking for 652 customers and a petrol filling station on land to the south of County Way, Trowbridge.

The details of the advertisements, which include replacements to existing signage are as follows:

- 1) 1 x 7m tall gantry signage displaying "Tesco extra" in white, red and blue to be located on grass verge at the main vehicle entrance to site. This will replace existing gantry signage at the site. This sign will be illuminated and has been considered and permitted under another application
- 2) 1 x predominantly red disabled parking signage to be located at the disabled parking area to the north of the entrance to the store
- 3) 2 x predominantly blue parent and child parking signage to be located to the east of the main building within the car park
- 4) 1 x predominantly red set down point to be located to the immediate north of the main building
- 5) 7 x flag pole style signs
- 6) New signage for bus shelters on site.
- 7) 1 x predominantly red trolley signage
- 8) 1 x predominantly red welcome and goodbye signage on the County Way boundary of the application site.
- 9) 2 x 2.8m tall predominantly red welcome and goodbye signage on the County Way boundary of the application site.
- 10) 1 x predominantly red welcome and goodbye signage on the County Way boundary of the application site.
- 11) 7 x predominantly white directional signage stating "petrol" and "exit" to be located within the car park of the supermarket
- 12) 2 x predominantly white directional signage stating "Disabled Parking" and "Set down point".
- 13) 1 x predominantly white directional signage stating "petrol" and "exit" to be located within the car park of the supermarket
- 14) 1 x predominantly white directional signage stating "petrol" and "exit" to be located within the car park of the supermarket
- 15) 1 x predominantly white directional signage stating "petrol" , "exit" and "staff and visitors reception"
- 16) 1 x predominantly white directional signage stating "Tesco deliveries" to be located at the exit from the petrol station to the west of the site.
- 17) 2 x predominantly blue Petrol filling station signage stating "Air and Water" and "Car Vac"
- 18) 2 x predominantly blue directional signage to be located to the south west of the main building.
- 19) 2 x predominantly blue directional signage to be located to the west of the main building
- 20) 1 x predominantly white directional signage to be located on the main access road to the site.
- 21) Clock tower signage to be amended to read "Tesco Extra". (already permitted under another application).
- 22) Re-cladding of existing air barrier signage for ATM machines to the immediate west of the main entrance to the store.
- 23) 1 x predominately white disclaimer signage to be located within the car park on the eastern side of the main building.
- 24) 1 x red coated sign which would frame the entrance to the store reading 'Welcome to TESCO extra Trowbridge'
- 25) 3 x freestanding signs in navy blue with white writing which comprise directional signage
- 26) 1 x fascia sign in navy blue with white writing reading 'exit'
- 27) 1 x freestanding in red and white with navy blue and white writing reading "Welcome to Tesco, Open 24 hours and its hours of opening Monday to Saturday and Sundays."

These advertisement signs have already been erected and the application is therefore retrospective.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: The committee considers this to be an excessive level of signage, which can be confusing to drivers, particularly where there are large numbers of pedestrians.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection.

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

06/01822/FUL - Alterations to existing car park layout - Approved 27.07.06

RELEVANT PLANNING HISTORY

West Wiltshire District Plan 1st Alteration (2004)

C24 Advertisements

C31A Design

C38 Nuisance

PPS1 Delivering Sustainable Development

PPS6 Planning for town centres

PPG19 Outdoor Advertisement Control

KEY PLANNING ISSUES:

The main considerations relating to this application are the impact of the development on highway safety and public amenity.

PLANNING OFFICER COMMENTS:

Policy C24 of the West Wiltshire District Plan 1st Alteration (2004) states:

"Applications for advertisements will be considered with regard to the interests of amenity and public safety. The size, form and location of advertisements will therefore be required to:

A Respect the appearance of a building or the visual character of the local environment, including any features of historic, architectural or cultural interest;

B Avoid distracting or confusing passers-by thereby impeding the safe operation of any form of traffic movement

It is considered that the signs would be sensitively designed and sited and would not present a hazard to public safety. It is understood from the agents that the majority of this signage involves the re-branding of existing signs. The majority of these are directional signs essential to reduce confusion in the car park area and will assist motorists and pedestrians to navigate the area

The layout and design of the car park has been designed to reduce the speed of vehicular traffic, resulting in drivers travelling at a slower speeds, which in turn minimises the risk of these signs causing a distraction to or impeding, the safe operation of any form of traffic movement either vehicular or pedestrian.

The majority of the signs proposed would be confined to the car park area, except for a smaller number in the area of the filling station and two small flags on the entrance to Tesco from County Way. These signs, except for the flags on the entrance, would be a sufficient distance from the highway, not to cause significant harm to slow moving traffic/stationary traffic in the car park or at the traffic lights of County Way. Although some of the signs would be visible from the footbridge linking the Tesco site with the park to the north of County Way, the signs would not be seen to confuse passers-by, due to the distance from the signage.

The signs proposed are not illuminated, except the gantry sign that was approved under a separate application.

CONCLUSION

The proposals are in accordance with the Development Plan and Planning Guidance and would not be seen to have a negative impact on highway safety or public amenity, and as such there is no reason why consent should not be granted.

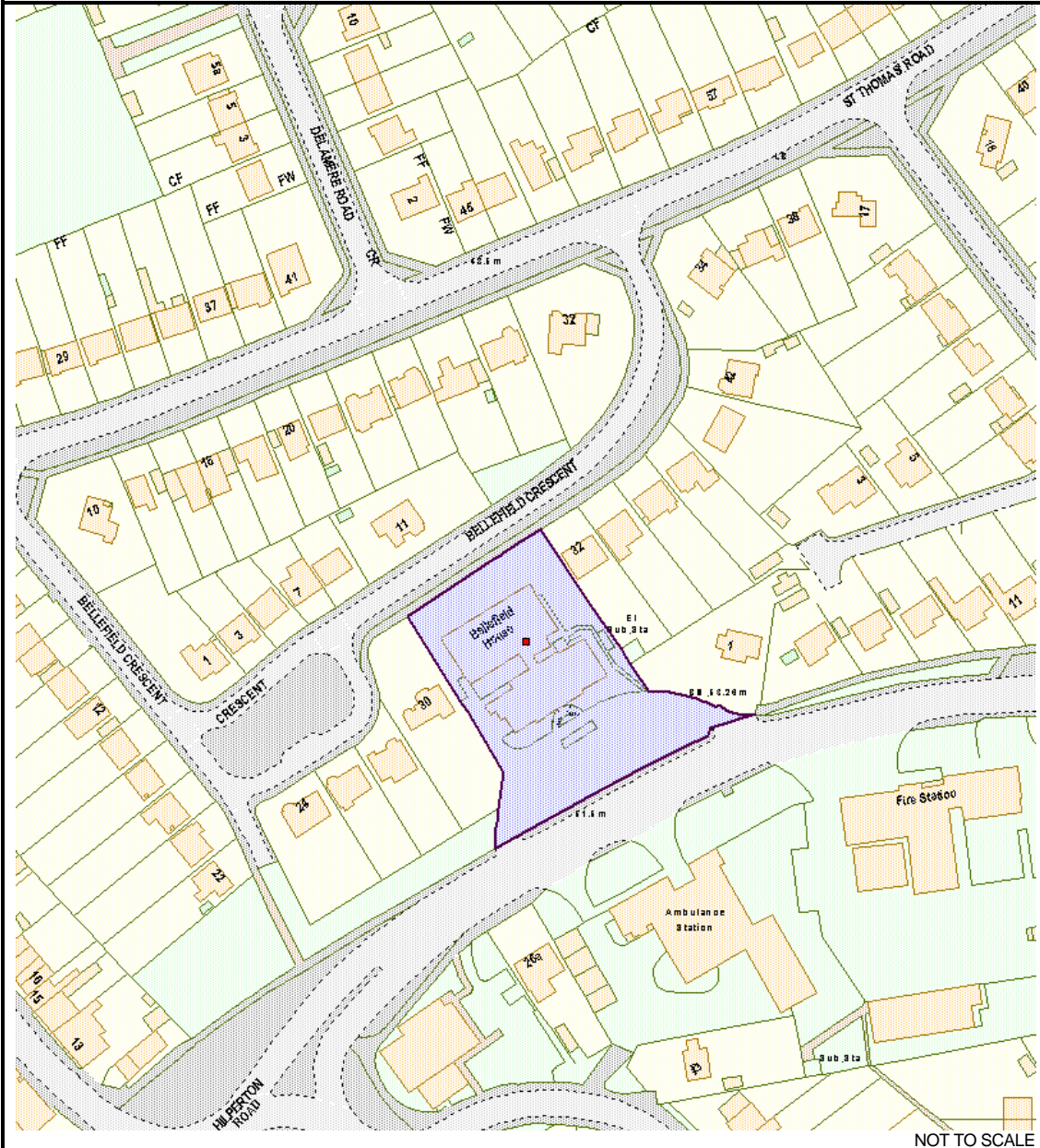
PLANNING COMMITTEE

22 March 2007

ITEM NO: 09

APPLICATION NO: 06/03243/FUL

LOCATION: Bellefield House Hilpertown Road Trowbridge
Wiltshire BA14 7JA



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 06/03243/FUL

Site Address: Bellefield House Hilperton Road Trowbridge Wiltshire BA14 7JA

Parish: Trowbridge Ward: Park

Grid Reference 386067 158263

Application Type: Full Plan

Development: Proposed alterations to form 9 no. flats

Applicant Details: Betagold Ltd
Nettlebed Church Lane Freshford Bath BA3 6EA

Agent Details: F W Beresford-Smith + Partners
The Chase High Bannerdown Batheaston Bath BA1 7JZ

Case Officer: Mrs Rosie MacGregor

Date Received: 23.10.2006 Expiry Date: 18.12.2006

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 development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.
- 3 A sample wall panel, not less than 1 metre square, shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement 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.
- 6 Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 7 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.
- REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 8 Details of the design, external appearance and finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policies C27 & C28.
- 9 The existing uPVC windows on all elevations shall be replaced with timber, single glazed windows to the satisfaction of the Local Planning Authority and to details which shall first have been approved in writing as described in Condition 4, prior to the first occupation of the residential units hereby approved.
- REASON: To preserve and enhance the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 10 Provision shall be made on site for the secure storage of bicycles prior to the first occupation of the dwellings hereby approved and in accordance with details that shall be submitted to and approved in writing by the local planning authority.
- REASON: In the interests of sustainable development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

- 11 The development hereby approved shall not be occupied until 31 parking spaces have been provided within the curtilage of the site.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy T10.

- 12 An arboricultural method statement, prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification, providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

A specification for protective fencing to trees during both demolition and construction phases which complies with 885837:2005 and a plan indicating the alignment of the protective fencing;

A specification for scaffolding and ground protection within tree protection zones in accordance with 885837;

A schedule of tree works conforming to 883998;

Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

Plans and particulars showing the siting of the service and piping infrastructure;

A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;

Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits;

Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that the work is carried out in accordance with current best practice.

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

- 13 No development shall take place until proposals for the 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 changes in levels.

The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with 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 5 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 the same species, unless the Local Planning Authority gives written consent to any variation;

The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity and 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 brought to Committee because the Town Council objects to the parallel listed building application and there are issues that equally relate to this proposal.

This application is for the change of use of Bellefield House to form a residential conversion of nine self-contained flats together with the provision of parking and landscaping. An existing 20th Century flat roofed extension to the rear, currently used as offices, would be retained in its current form as offices with its own separate pedestrian access from the car parking area retained.

Bellefield House is a fine Grade II Listed building which would originally have been built as a residential property but was subsequently converted and extended to form offices. It is situated on Hilperton Road close to the town centre opposite the Fire Station.

Although many of the fine interior details of the building have been retained unscathed, the original timber sash windows have previously been replaced with UPVC double glazed sealed units. The original ornate plastered ceiling within the former ballroom area has been previously removed when the building was converted to office use, as have sections of ornate plasterwork in other rooms.

The original portion of the Listed Building fronting Hilperton Road would be sub-divided to form a total of 9 flats comprising 8 two bedroomed flats and 1 one bedroomed flat. The original staircase would be retained with the addition of fire screens to form access between floors. It would be possible to retain most of the interior features and where there are original period doors which do not meet the appropriate fire resistance, these would be retained and upgraded.

Access to the existing offices would continue to be from the Bellefield House frontage and the existing access from Hilperton Road would be retained as a shared access for the offices and the nine flats with parking spaces provided for each. Apart from that the offices and residential units would be entirely separate. The entrance to the offices to the rear through a side door would remain unchanged. An existing spiral staircase would be removed.

One parking space would be provided for each of the nine flats, and a total of twenty-two spaces would be provided for the offices.

The former front garden to the Listed Building is currently laid to hard standing and this would be partially broken up and landscaped.

In support of the application the applicant's agents has submitted a design and access statement.

A previous proposal for conversion of the offices into 9 flats was allowed on Appeal in October 2004. The current proposals are similar to those allowed on Appeal although there are small changes to the layout and external parking and landscaping arrangement.

There have been minor revisions to the scheme as part of the consultation process.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: The committee welcomed this application despite its objections to the LBC application in respect of the same development.

STATUTORY CONSULTATIONS:

- HIGHWAY AUTHORITY: No objection subject to conditions, and to encourage sustainable transport opportunities, specifically cycle use, would expect the provision of sheltered and secure parking.

- WESSEX WATER: No objection in principle subject to conditions and informatives.

- TROWBRIDGE CIVIC SOCIETY:

The Society supports the majority of this application. We would like to see the sashes in the Venetian windows re-instated in the original pattern and the windows in the new wall at the back to be made to match. We would like to see the sashes in the venetian windows to be reinstated in the original pattern and the windows in the new wall at the back to be made to match. We think that the wall fronting Hilperton Road is in need of attention. This would be the ideal opportunity to rebuild it in the original pattern.

There is ornate ceiling plaster work, currently covered by false ceilings in some of the rooms. This would be a good opportunity to expose it and where the room has to be divided, plaster work made to match.

Subject to the conservation Officer being satisfied that all defects to the structure caused by removal/changes in the air conditioning system being made good, using appropriate heritage quality materials, we have no other objections.

INTERNAL WWDC CONSULTATIONS:

- HERITAGE DEVELOPMENT OFFICER: No objection.

- LANDSCAPE OFFICER: No objection. The proposed alteration would have a minimal impact on the Yew tree located on the right hand front corner, when viewed from the front of the house. However, there will be a requirement to erect scaffolding for the duration of any alterations. For this reason an Arboricultural Method Statement must be submitted to demonstrate that no harm will come to the tree.

There are no arboricultural or landscape reason to refuse this application. Any consent should be subject to conditions.

- BUILDING CONTROL OFFICER: No objection. The basic principle of the scheme appears to be satisfactory.

However, there are certain Building Regulation requirements which may have an impact on the building in relation to planning permission.

1 The majority of windows need to be adequate for means of escape purposes to which certain openable areas apply. Alternatively, doors within each separate flat will need to provide 30 minute fire-resistance, if existing doors are to be re-used upgrading will be required. Closing devices will also be required to all fire doors.

2 All doors onto the staircases need to be fire doors with closers, if existing doors, upgrading will be required.

3 The staircase from ground floor to lower ground floor will require underdrawing to provide fire resistance.

4 All separating walls and floors between flats need to provide sound insulation. Treatment to floors and ceilings will almost certainly be required. Before the flats are occupied the developer will need to provide sound testing results to confirm compliance with the Building Regulations.

5 Extractor fans are required from all kitchens and bathrooms. The terminals will probably need to be on outside walls.

6 It is noted that generally kitchens and bathrooms are internal, drainage details will need to be resolved.

Please note that these points relate to main principles of Building Regulations and are points that may affect the planning decision.

PUBLICITY

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

Observations have been received from the occupiers of 3 neighbouring dwellings on the following grounds:-

The residents are generally in favour of the proposal to convert the old building into flats.

Access for the users of the offices must be retained from the frontage, but it appears that a wall will be constructed to prevent access.

Access to the offices from Bellefield Crescent to the rear would be unacceptable.

The front brick boundary wall is in poor repair and is not original. It should be replaced with a new Ashlar Bath stone wall.

The ornate plaster ceilings should be protected.

The Upvc windows must be replaced.

It is encouraging to see that the old spiral staircase will be removed.

The redundant air conditioning plant, trunking and fixings should be removed and the building repaired and made good.

This important historic building must be treated sympathetically and all historic features retained.

PLANNING POLICY

RPG10/RPS10 Regional Planning Guidance for the South West

Wiltshire Structure Plan 2011

DP4 Towns and main settlements

T5 Parking

HE7 Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

C27 Listed buildings and protection of character

C28 Alterations to Listed buildings

C32 Landscaping

H1 Housing development within towns

H16 Flat conversions

C31A Design
H4 Flat conversions
T10 Car parking
E4 Loss of employment floor space

PPS1 Delivering sustainable development
PPS3 Housing (to be implemented April 2007)
PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

03/01714/FUL - 9 flats and 4 new houses - Refused 13.11.03

03/01715/LBC - 9 flats and 4 new houses - Refused 13.11.03

04/00313/FUL - 9 flats and 4 new houses - Refused 15.04.04 - Split decision on Appeal 21.10.04 - conversion to flats allowed and new dwellings dismissed.

04/00312/LBC - 9 flats and 4 new houses - Refused 15.04.04 - Split decision on Appeal 21.10.04 - conversion to flats allowed and new dwellings dismissed.

06/03217/LBC - Parallel Listed Building application - Pending.

KEY PLANNING ISSUES

The principle of residential use, design, layout, character and appearance of the listed building, loss of employment floor space, landscaping and parking are relevant to this application.

PLANNING OFFICER COMMENTS

Principle of residential use

The site is situated close to the town centre and although the offices to the rear are still in use, Bellefield House itself is currently vacant and there has been no response to marketing which is understood to have been carried out for a considerable length of time.

The principle of residential re-use of the Listed Building has already been established by the recent Appeal decision which is still extant. Furthermore, the redevelopment of the site for housing is consistent both within housing policy and Government guidance. It is adjacent to existing residential development and in a sustainable location that is well related to town centre facilities including shopping, public transport, employment sites, recreation facilities, community health facilities and schools.

The Planning Inspector in determining the earlier Appeal considered that the conversion of the house back to residential use, with the interior remodelled to create 9 apartments should be allowed. He took the view that the change of use would preserve the special architectural and historic interest and secure the refurbishment of the building and its long-term future.

Design, layout, character and appearance 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.

This is a fine and historic listed building which has suffered in the past from numerous insensitive alterations, particularly the introduction of Upvc windows and general alterations to convert the building into offices.

This application provides an opportunity to remove the majority of insensitive alterations that have been carried out to the building in the past.

The UPVC windows which have not enhanced the building would be removed and replaced with wooden sash windows to match the original which will be beneficial and significantly improve the appearance of this fine property. The detail of these replacement windows can be controlled by condition, as can any making good and retention and protection of the ornate ceilings.

It is clear from a site inspection that many of the fine historic features have been retained, albeit in some instances damaged or covered up by ductwork and suspended ceilings. Sadly, following removal of part of a 20th century suspended ceiling, it was possible to ascertain that the ornate plasterwork in what is understood to have been the original ballroom had been removed. This was possibly at the time the building was first converted into offices.

However, the subdivision of the building in the manner proposed will enable the remaining fine ceilings to be retained and most will be visible following the conversion. The proposed layout of the building has been designed in such a way as to retain as many traditional features as possible. Where sub-division of rooms is proposed these details can be protected above new suspended ceilings thus maintaining the integrity of the plasterwork.

The modern duct work and air-conditioning systems relating to this part of the overall site will be removed and making good can be controlled by condition.

The street scene on the Hilperton Road frontage and setting of the Listed building would be preserved and enhanced by the redevelopment of the site.

However, the replacement of the brick wall to the frontage does not form part of this application. It is clearly of relatively modern provenance and no historic record exists of the original wall. Even so the existing wall provides a sense of enclosure and is indicative of what is assumed to have been the line of the historic boundary wall.

These sympathetic proposals would provide this otherwise unoccupied building with a viable use that would preserve it for future generations.

Whilst the removal of the single-storey rear building would be preferable, this application is simply to secure the conversion of the building back to a residential use. Each application must be considered on its merits and whilst the retention of this extension is less than ideal, it does mean that the principal listed building can be provided with a continuing and viable use.

Loss of employment floor space

The principle of employment land provision has been established by the earlier appeal decision. Although it represents loss of employment floor space it is understood that there are equivalent areas of employment floor space readily available elsewhere within the town. The existing single storey office building will be retained.

Landscaping

The partial re-instatement of garden and landscaping are likely to enhance the local environment, as is the loss of part of the large area of unsightly and poorly maintained car parking to the front of the building.

Parking

It is considered that the parking provision is adequate and meets the guidance from the Government to seek to reduce traffic movements and reliance on motor vehicles.

The provision of secure cycle storage can be controlled by condition as can the provision of parking spaces.

Other matters

Although a neighbour is concerned about access to the offices this is clearly shown as being off Hilpert Road and no barrier to pedestrian access from the car park to the entrance to the offices is proposed.

Since this application proposes only 9 dwelling units there is no requirement for affordable housing, no requirements for a financial contribution to education needs, nor for public open space.

CONCLUSION

The character and setting of this important listed building together with the integrity of its historic fabric would be preserved and enhanced.

The sub-division of the building into flats as proposed would result in a practical and economical re-use of space together with sympathetic alterations that meet the requirements of Council policy.

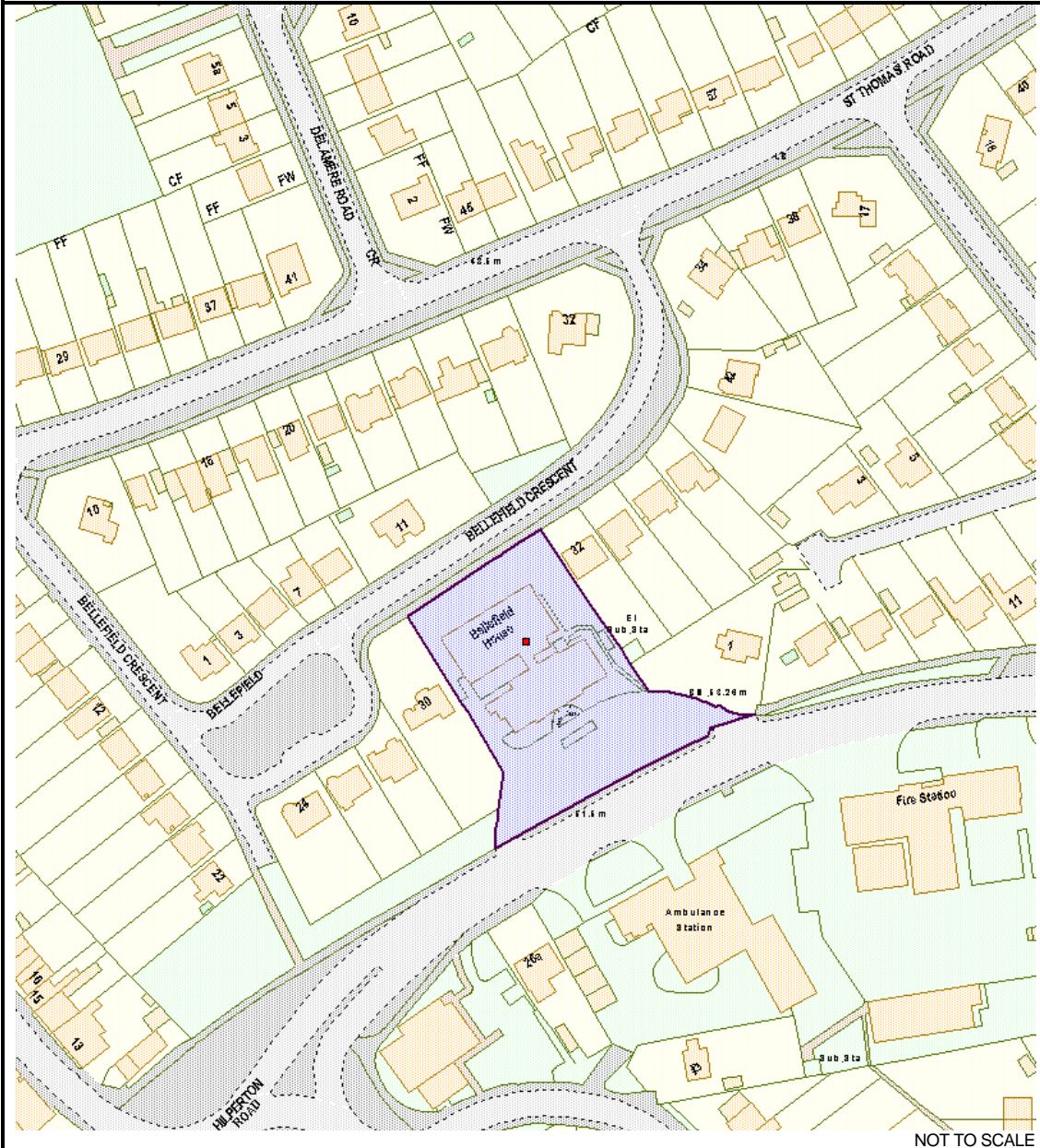
PLANNING COMMITTEE

22 March 2007

ITEM NO: 10

APPLICATION NO: 06/03217/LBC

LOCATION: Bellefield House Hilpert Road Trowbridge
Wiltshire BA14 7JA



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www.westwiltshire.gov.uk

SLA: 100022961

10 Application: 06/03217/LBC

Site Address: Bellefield House Hilperton Road Trowbridge Wiltshire BA14 7JA

Parish: Trowbridge

Ward: Park

Grid Reference 386067 158263

Application Type: Listed building

Development: Alterations to form 9 no. flats

Applicant Details: Betagold Limited
Nettlebed Church Lane Freshford Bath BA3 6EA

Agent Details: F W Beresford-Smith + Partners
The Chase High Bannerdown Batheaston Bath BA1 7JZ

Case Officer: Mrs Rosie MacGregor

Date Received: 23.10.2006

Expiry Date: 18.12.2006

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 development harmonises with its setting.

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

- 3 A sample wall panel, not less than 1 metre square, shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement 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.
- 6 Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 7 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.
- REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 8 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.
- 9 Details of the design, external appearance and finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policies C27 & C28.
- 10 A full schedule of repairs shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the listed building, and subsequently the works shall be carried out strictly in accordance with the approved details.

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

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

- 11 Details of how the ornate plaster ceilings within the ground and first floor rooms will be retained and conserved, together with details of any partition details and suspended ceilings in those rooms to be subdivided shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

- 12 Details of the making good following removal of existing ducts, trunking and air conditioning associated with the office use of the premises shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

- 13 The existing uPVC and aluminium windows on all elevations shall be replaced with timber, single glazed windows to the satisfaction of the Local Planning Authority and to details which shall first have been approved in writing as described in Condition 4, prior to the first occupation of the residential units hereby approved.

REASON: To preserve and enhance 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 Committee because the Town Council objects, contrary to officer's recommendation of approval.

This application is for works associated with the change of use of Bellefield House to form a residential conversion of nine self-contained flats together with the provision of parking and landscaping. An existing 20th Century flat roofed extension to the rear, and currently used as offices, does not form part of this application and would be retained in its current form as offices.

Bellefield House is a fine Grade II Listed building which would originally have been built as a residential property but was subsequently converted and extended to form offices. It is situated on Hilperton Road close to the town centre opposite the Fire Station.

Although many of the fine interior details of the building have been retained unscathed, the original timber sash windows have previously been replaced with UPVC double glazed sealed units. The original ornate plastered ceiling within the former ballroom area has been previously removed when the building was converted to office use, as have sections of ornate plasterwork in other rooms.

The original portion of the Listed Building fronting Hilperton Road would be sub-divided to form 5 No 2-bedroom flats and 4 No 1-bedroom flats. The original staircase would be retained with the addition of fire screens to form access between floors. It would be possible to retain most of the interior features and where there are original period doors which do not meet the appropriate fire resistance, these would be retained and upgraded.

In support of the application the applicant's agents has submitted a design and access statement.

A previous proposal for conversion of the offices into 9 flats was allowed on Appeal in October 2004. The current proposals are similar to those allowed on Appeal although there are small changes to the layout and external parking and landscaping arrangement.

There have been minor revisions to the scheme as part of the consultation process.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: The committee objected due to the lack of detail regarding a number of listed features, such as the fenestration, including Venetian windows and also internal features including plasterwork and also lack of any information regarding replacement of the wall bordering Hilpert Road.

STATUTORY CONSULTATIONS:

- TROWBRIDGE CIVIC SOCIETY:

The Society supports the majority of this application. We would like to see the sashes in the Venetian windows re-instated in the original pattern and the windows in the new wall at the back to be made to match. We would like to see the sashes in the venetian windows to be reinstated in the original pattern and the windows in the new wall at the back to be made to match. We think that the wall fronting Hilpert Road is in need of attention. This would be the ideal opportunity to rebuild it in the original pattern.

There is ornate ceiling plaster work, currently covered by false ceilings in some of the rooms. This would be a good opportunity to expose it and where the room has to be divided, plaster work made to match.

Subject to the conservation Officer being satisfied that all defects to the structure caused by removal/changes in the air conditioning system being made good, using appropriate heritage quality materials, we have no other objections.

INTERNAL WWDC CONSULTATIONS:

- HERITAGE DEVELOPMENT OFFICER: No objection.

PUBLICITY

The application has been publicised by site notice and press advertisement. Three letters were received in response to notification of the parallel planning application and are listed below.

The residents are generally in favour of the proposal to convert the old building into flats.

Access for the users of the offices must be retained from the frontage, but it appears that a wall will be constructed to prevent access.

Access to the offices from Bellefield Crescent to the rear would be unacceptable.

The front brick boundary wall is in poor repair and is not original. It should be replaced with a new Ashlar Bath stone wall.

The ornate plaster ceilings should be protected.

The Upvc windows must be replaced.

It is encouraging to see that the old spiral staircase will be retained.

The redundant air conditioning plant, trunking and fixings should be removed and the building repaired and made good.

This important historic building must be treated sympathetically and all historic features retained.

PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 Listed Buildings

West Wiltshire District Plan - 1ST Alteration 2004

C27 Listed buildings and protection of character

C28 Alterations to Listed buildings

PPS1 Delivering sustainable development

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

03/01714/FUL - 9 flats and 4 new houses - Refused 13.11.03

03/01715/LBC - 9 flats and 4 new houses - Refused 13.11.03

04/00313/FUL - 9 flats and 4 new houses - Refused 15.04.04 - Split decision on Appeal 21.10.04 - conversion to flats allowed and new dwellings dismissed.

04/00312/LBC - 9 flats and 4 new houses - Refused 15.04.04 - Split decision on Appeal 21.10.04 - conversion to flats allowed and new dwellings dismissed.

06/03243/FUL - Parallel application for planning permission - Pending.

KEY PLANNING ISSUES

Design, layout and the protection of the character and integrity of the listed building are relevant to this application together with the appeal decision.

PLANNING OFFICER'S COMMENTS

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

This is a fine and historic listed building which has suffered in the past from numerous insensitive alterations, particularly the introduction of Upvc windows and general alterations to convert the building into offices.

This application provides an opportunity to remove the majority of insensitive alterations that have been carried out to the building in the past.

In particular the UPVC windows which have not enhanced the building would be removed and replaced with wooden sash windows to match the original which will be beneficial and significantly improve the appearance of this fine property.

It is clear from a site inspection that many of the fine historic features have been retained, albeit in some instances damaged or covered up by ductwork and suspended ceilings. Sadly, following removal of part of a 20th century suspended ceiling, it was possible to ascertain that the ornate plasterwork in what is understood to have been the original ballroom had been removed. This was possibly at the time the building was first converted into offices.

However, the subdivision of the building in the manner proposed will enable the remaining fine ceilings to be retained and most will be visible following the conversion. The proposed layout of the building has been designed in such a way as to retain as many traditional features as possible. Where sub-division of rooms is proposed these details can be protected above new suspended ceilings thus maintaining the integrity of the plasterwork.

The modern duct work and air-conditioning systems relating to this part of the overall site will be removed and making good can be controlled by condition.

Whilst the removal of the single-storey rear building would be preferable, this application is simply to secure the conversion of the building back to a residential use. Each application must be considered on its merits and whilst the retention of this extension is less than ideal, it does mean that the principal listed building can be provided with a continuing and viable use.

The street scene on the Hilperton Road frontage and setting of the Listed building would be preserved and enhanced by the redevelopment of the site. However, the replacement of the brick wall to the frontage does not form part of this application. It is clearly of relatively modern provenance and no historic record exists of the original wall. Even so the existing wall provides a sense of enclosure and is indicative of what is assumed to have been the line of the historic boundary wall.

These sympathetic proposals would provide this otherwise unoccupied building with a viable use that would preserve it for future generations.

Finally, the Planning Inspector in determining the earlier appeal considered that the conversion of Bellefield House back to residential use, with the interior remodelled to create nine flats, albeit of a slightly different layout, should be allowed. He was of the opinion that the special architectural and historic interest of the building would be preserved and that the refurbishment would secure its long term future.

CONCLUSION

The character and setting of this important listed building together with the integrity of its fabric would be preserved and enhanced.

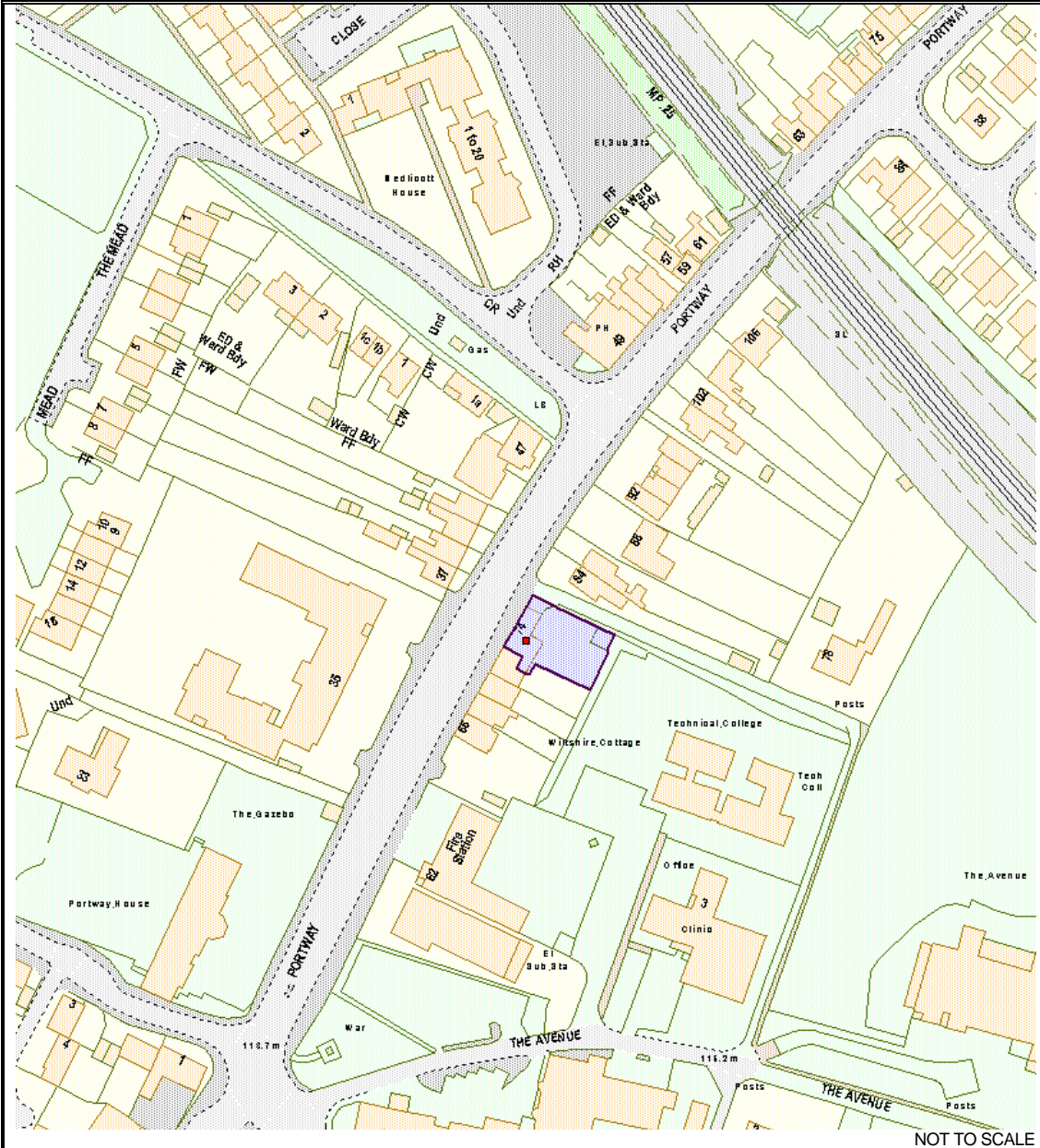
PLANNING COMMITTEE

22 March 2007

ITEM NO: 11

APPLICATION NO: 07/00298/FUL

LOCATION: 74 Portway Warminster Wiltshire BA12 8QE



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SLA: 100022961

11 Application: 07/00298/FUL

Site Address: 74 Portway Warminster Wiltshire BA12 8QE

Parish: Warminster Ward: Warminster East

Grid Reference 387438 145432

Application Type: Full Plan

Development: Proposed garden room

Applicant Details: Mr And Mrs Jones
74 Portway Warminster Wiltshire BA12 8QE

Agent Details: Barrie Taylor Associates
39 Silver Street Warminster Wilts BA12 8PT

Case Officer: Mr James Taylor

Date Received: 29.01.2007 Expiry Date: 26.03.2007

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

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

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

- 3 Details of the elevations of all new external windows and doors including any glazing, 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.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of an attached garden room to the rear of 74 Portway, which is a Grade II listed building. The proposal would be approximately 5.1 metres by 5.3 metres. It would be constructed from natural stone to match the host building under a lead roof. It would extend approximately 1.5 metres beyond the existing 2-storey extension to the south. There would be glazing to the south and east elevations and a solid stone wall with stone copings to the north elevation.

74 Portway is a Grade II listed building that forms the end of a terrace of modest cottages on Portway in Warminster within the Conservation Area. The dwelling has a historic two storey rear extension with projecting gable, and a modern 2-storey side extension that appears as a continuation of the terrace, flush with the front elevation. The building is constructed from a variety of materials but generally natural stone and red brick. The property benefits from a large and spacious rear garden.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objection. Members felt that the proposal is too modernistic and did nothing to enhance the listed building.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: No objection. The proposal has been designed to respect the scale and form of the host building and would not interrupt the first floor windows. The design is simple and materials are in keeping.

PUBLICITY RESPONSES

The application was publicised by site notice and local press advertisement, and neighbours have been notified. No comments received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C27 Listed Buildings
- C28 Alterations and Extensions to Listed Buildings
- C31a Design
- C38 Nuisance

SPG Supplementary Planning Guidance on House Alterations and Extensions

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

77/00298/HIS - Extension to dwelling to provide garage and additional bedrooms - Approved 20.05.1977

06/00965/FUL - Erection of sliding entrance gate at existing entrance to garage, and replacement wall section - Approved 04.05.2006

06/00877/LBC - Demolition of 1977 curved wall and erection of sliding timber entrance gates at existing entrance to garage, and replacement wall section and pier - Approved 04.05.2006

07/00299/LBC - Proposed garden room - Parallel listed building consent application - Pending.

KEY PLANNING ISSUES

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

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

The key issues relating to this proposal are if the development would cause any harm to the character and appearance of the listed building or Conservation Area, design and neighbouring amenity.

PLANNING OFFICER COMMENTS

The proposed garden room has been designed in a sympathetic and simple modern manner to avoid detracting from the character and appearance of the listed building. It is sited to the rear of a 1970s extension and to the side of a historic rear extension. It would be constructed from traditional materials including stone and lead for the roof. The fenestration although not ideal would be single glazed and have a wooden frame. This element is therefore considered acceptable in the context of the proposed extension. The form of the extension has avoided causing any harm to the fenestration arrangement on the first floor of the building.

The Council's Heritage Development Officer has offered no objection to the proposals considering them to be sympathetic to the listed building. The other alterations necessary for the proposed developments are dealt with in the parallel listed building application. In summary the proposals would preserve the character and appearance of the listed building because they are sympathetic in scale, siting, form and materials.

Further the proposals would preserve the character and appearance of the Conservation Area, indeed it may be argued that they would enhance it. This is because the rear elevation of the 1970s extension would be obscured by this more appropriate addition. The proposal would be visible as there is a rear public footpath running adjacent to the site, but it would not be prominent. As the extension is sympathetic to the host building and would not be prominent it cannot be considered to harm the character or appearance of the Conservation Area.

The proposed garden room would be limited to the rear of the property and would not be in proximity to any of the neighbours. It is of a modest scale and height and would not cause any overshadowing or overlooking. No harm to amenity would occur.

CONCLUSION

There would be no harm to the character or appearance of the conservation area, the character and setting of the listed building, or any other interests of acknowledged importance.

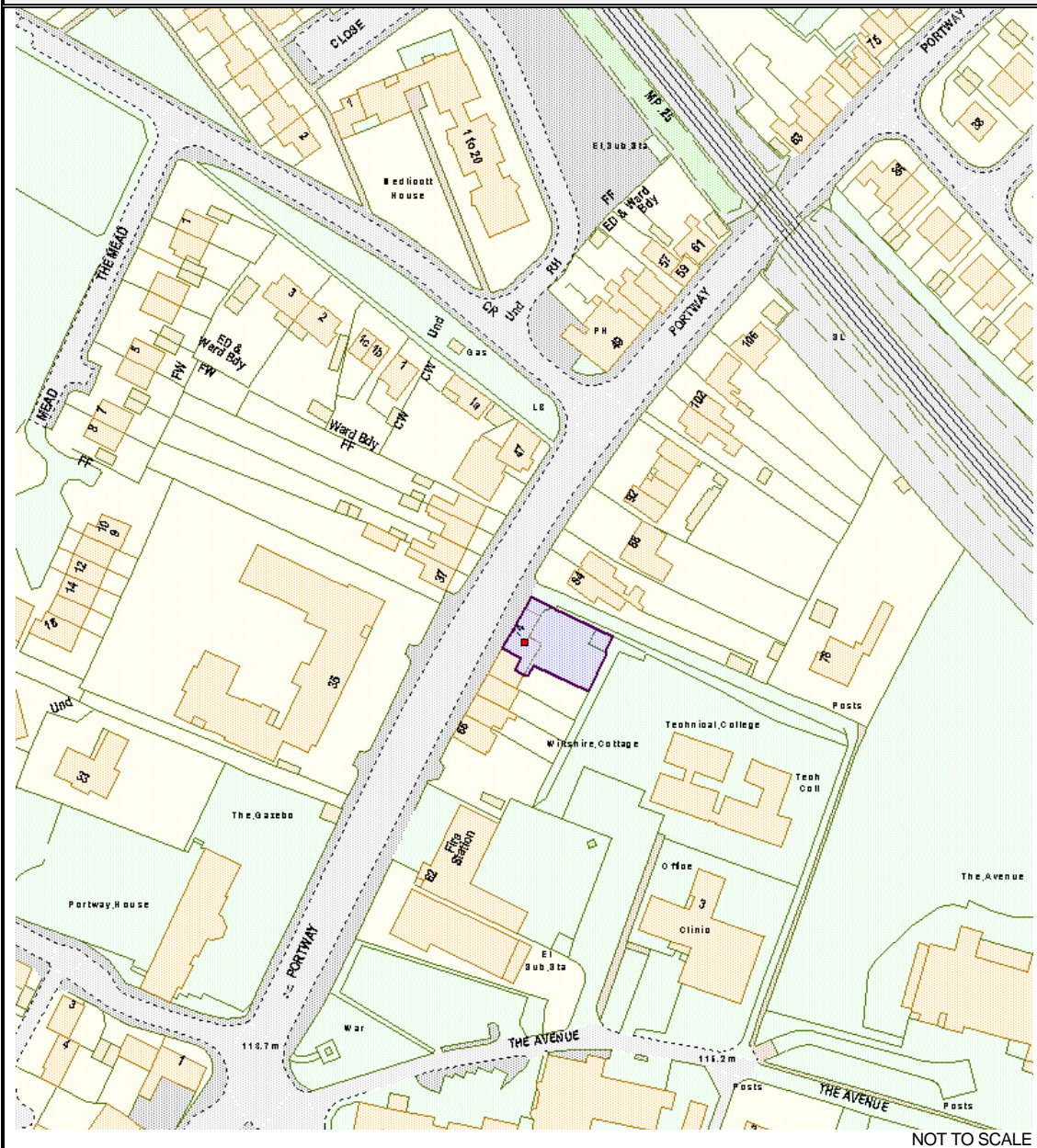
22 March 2007

22 March 2007

ITEM NO: 12

APPLICATION NO: 07/00299/LBC

LOCATION: 74 Portway Warminster Wiltshire BA12 8QE



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SLA: 100022961

12 Application: 07/00299/LBC

Site Address: 74 Portway Warminster Wiltshire BA12 8QE

Parish: Warminster Ward: Warminster East

Grid Reference 387438 145432

Application Type: Listed building

Development: Proposed garden room

Applicant Details: Mr And Mrs Jones
74 Portway Warminster Wiltshire BA12 8QE

Agent Details: Barrie Taylor Associates
39 Silver Street Warminster Wilts BA12 8PT

Case Officer: Mr James Taylor

Date Received: 29.01.2007 Expiry Date: 26.03.2007

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

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a listed building consent application for the erection of an attached garden room to the rear of a Grade II listed building. Further the application includes alterations to the existing fabric to facilitate this, including the creation of 2 new openings, the blocking in of ground floor fenestration and the erection of stud walls.

The proposed garden room would be approximately 5.1 metres by 5.3 metres. It would be constructed from natural stone to match the host building under a lead roof. It would extend approximately 1.5 metres beyond the existing 2-storey extension to the south. It would be glazed to the south and east elevations and would have a solid stone wall with stone copings to the north elevation.

74 Portway is a Grade II listed building that forms the end of a terrace of modest cottages on Portway in Warminster within the Conservation Area. The dwelling has a historic two storey rear extension with projecting gable, and a modern 2-storey side extension that appears as a continuation of the terrace, flush with the front elevation. The building is constructed from a variety of materials but generally natural stone, with red brick. The property benefits from a large and spacious rear garden.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objection. Members felt that the proposal is too modernistic and id nothing to enhance the listed building.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: No objection. The proposal has been designed to respect the scale and form of the host building and would not interrupt the first floor windows. The design is simple and materials are in keeping.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. No comments received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

77/00298/HIS - Extension to dwelling to provide garage and additional bedrooms - Approved 20.05.1977

06/00965/FUL - Erection of sliding entrance gate at existing entrance to garage, and replacement wall section - Approved 04.05.2006

06/00877/LBC - Demolition of 1977 curved wall and erection of sliding timber entrance gates at existing entrance to garage, and replacement wall section and pier - Approved 04.05.2006

07/00298/FUL - Proposed garden room - Parallel planning application - Pending.

KEY PLANNING ISSUES

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

The key issues relating to this application are if the development would cause any harm to the character, appearance, integrity, fabric or setting of the listed building.

PLANNING OFFICER COMMENTS

The Council's heritage development officer has been consulted on this application and has no objection to the proposals considering them to be sympathetic to the listed building. In their comments they highlight that the garden room respects the scale and form of the host building and would not interrupt the first floor fenestration. As such the design would not dominate or detract from the listed building.

The proposal has been sited to the rear of the property, appropriate for such development on a residential dwelling. It would be attached to the rear of a 1970s extension, which has no historic merit or interest and the proposal may therefore be considered to improve the rear elevation by adding interest to the elevation. To the side the proposal would be attached to an attractive historic extension and since it would utilise matching materials to this with a lead roof it can be considered very sympathetic.

The use of full length fenestration to the east elevation with gothic style detail is not ideal, however it does establish the garden room as a separate entity and gives definition between the old and new elements of the building. These details would be single glazed with timber glazing frames and bars, which is appropriate to the historic context.

Therefore the garden room would not cause any harm to the character, appearance or setting of the listed building.

Consideration can now be given to the associated alterations including the new opening and stud walls. One of the proposed openings to the garden room would be through the historic extension. It is noted from site inspection that this area appears to have been altered previously, and contains a metre box. This box be relocated to a modern part of the dwelling and loss of historic fabric would be minimal, further no historic features would be affected.

All other alterations would be to a modern 1970s extension, which is of no historic or architectural merit. This includes blocking in the existing ground floor fenestration, which would then be inside the conservatory, and creating a new doorway. No historic fabric would be affected. The new stud walls would be inside the 1970s extension, and would rationalise the arrangement to the needs of the occupiers. No historic fabric would be affected. As the works are to a modern garage area the integrity of the listed building would not be affected.

CONCLUSION

The character and setting of the listed building would be preserved with a minimal loss of historic fabric or harm to the integrity of the building.