

PLANNING COMMITTEE

19 APRIL 2007

Planning Applications for Determination

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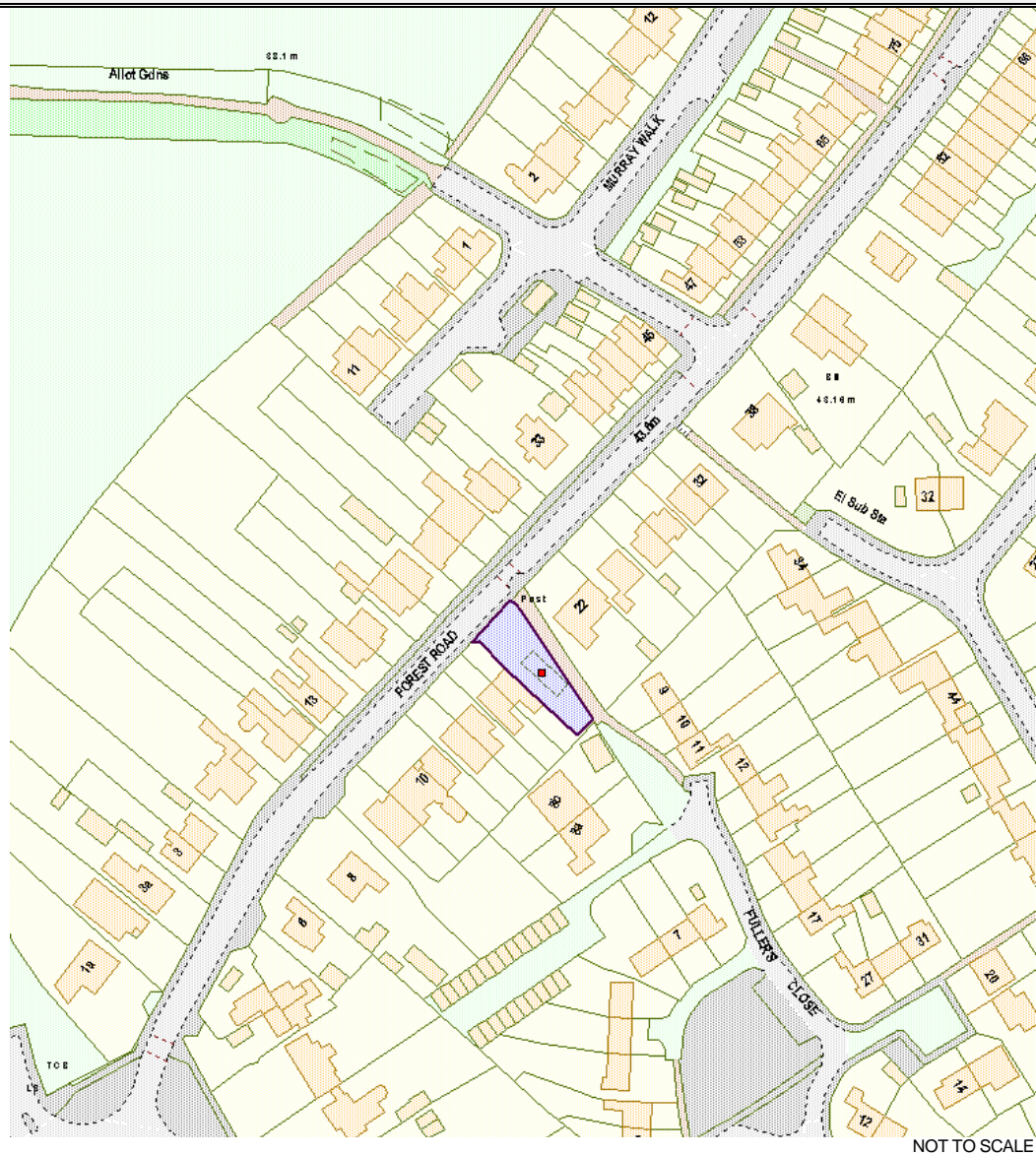
PLANNING COMMITTEE

19 April 2007

ITEM NO: 01

APPLICATION NO: 07/00355/FUL

LOCATION: Land Adjacent 20 Forest Road Melksham Wiltshire



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

SLA: 100022961

01 Application: 07/00355/FUL

Site Address: Land Adjacent 20 Forest Road Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham North
Grid Reference 390957 164385
Application Type: Full Plan
Development: Residential development of three flats
Applicant Details: Mr Graham Collins
KC Property Development Stonebarn Homefields Yatton Keynell
SN14 7BG
Agent Details: FMH Architectural Services
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14
7NY
Case Officer: Mr Mark Reynolds
Date Received: 02.02.2007 Expiry Date: 30.03.2007

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

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

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

- 4 Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.
- REASON: In the interests of highway safety.
- 5 A recessed entrance having a minimum width of 4.5m shall be constructed 4m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees from the site boundary toward the carriageway edge. The access, parking and turning areas 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.
- 6 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.
- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the north east elevation above ground floor level of the development hereby permitted.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 8 The first floor window in the north east elevation shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred from the planning committee of the 29th March 2007 in order to negotiate traditional windows in lieu of full height double doors and Juliet style balconies at first and second floor level. The application has now been revised to include windows in the rear elevation at first and second floor levels in lieu of full height double doors and Juliet balconies.

This application is brought to committee because the Town Council objects contrary to your Officer's recommendation.

This is an application for full planning permission for a residential development of three flats at land adjacent to 20 Forest Road. The proposal is for a three storey development of flats with the third storey accommodated within the roof space. The ground and first floor flats would each have two bedrooms, and the top floor is a one bedroomed flat.

The proposal is for a detached building built from natural Bath stone and render under a clay tiled roof.

The application site is currently occupied by a large garage building and is currently within the residential curtilage of No.20 Forest Road.

The application site is located within a residential street of the settlement of Melksham which is characterised by a mix of detached, semi-detached and terraced dwellings.

There has previously been an outline planning permission granted at the site for three flats planning ref: 06/02700/OUT.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: Councillors reiterated their original objections regarding the above development and made the following points;

- Inadequate parking spaces per unit
- Overdevelopment of the site

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: Raises no objection subject to conditions.
- WESSEX WATER: No objections.

PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours were notified.

Ten letters have been received from 6 neighbours raising the following issues:

- Insufficient parking
- Highway safety concerns
- Loss of privacy for property to the south
- Impact on property value
- Sewage disposal
- Appearance of development is not in keeping
- Loss of privacy for property on other side of the road
- Nuisance from car emissions

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
DP7 - Housing in towns and main settlements
T5 - Parking

West Wiltshire District Plan - 1st Alteration 2004
H1 - Further Housing Development within Towns
H24 - New housing design
C31a - Design
C32 - Landscaping
C38 - Nuisance
T10 - Car parking

PPS 1 - Delivering Sustainable Development
PPS 3 - Housing

Supplementary Planning Guidance - Household Alterations and Extensions
SPD - Residential Design Guide

RELEVANT PLANNING HISTORY

02/01563/FUL - 2 metre high close boarded fence plus gate - Approved - 15.11.02

06/02700/OUT - Residential development of three flats - Approved - 16.10.06

KEY PLANNING ISSUES

The issues to consider in this case are planning history, policy issues, car parking, highway safety and neighbouring amenity.

PLANNING OFFICER COMMENTS

Planning History

Planning application 06/02700/OUT was granted planning permission for the development of the land for three flats. The outline application left all matters reserved, however it did serve to establish the principle of development of the site for three flats. The planning history is therefore a key material planning consideration in this case.

Planning Policy

Planning policy H1 of the West Wiltshire District Plan 1st Alteration 2004 advises that proposals for new housing development within the built up area of Melksham will be permitted subject to specific criteria which include that siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area, and that the development can be adequately serviced and will not create highway problems.

The proposal to create three dwellings would result in a density of approximately 86 dwellings per hectare. This density of development has been approved at the outline application stage. PPS 3 Paragraph 49 advises that intensive development when well designed and built in the right location can enhance the character and quality of an area. In this case the proposal would make an efficient use of land and the application site is located within walking distance of the town centre and is considered to be a sustainable location.

The application site does not at present form an important visual gap or open area that should be retained. The site is currently garden land and contains a large garage. The area is characterised by a mix of detached and semi-detached dwellings and the proposal to create three flats in this location, the exterior appearance of the flats is consistent with the existing built form and would not harm the character of the area or street scene.

The proposed development would be at the same ridge height as No.20 Forest Road. The design incorporates three flats and this prohibits the design of the proposed dwelling from exactly matching the form of development at No.20. The fact that the proposed design does not copy the neighbouring property is not however a reason to object to the proposal. The design of the dwelling must be considered in its own right. The design incorporates a front projecting gable in its design and although the feature does not incorporate a bay, the inclusion of a front projection would be characteristic of the wider street scene.

The development would incorporate ashlar on the front elevation with render on the sides and rear elevation. These design features would respect the character of the area. The proposed dwelling would be characteristic of the main design features of the street but has been designed to appear as an individual building with subtle variations from the surrounding buildings.

Highway Safety

The Highway Authority was consulted on the proposal and issues of highway safety and parking have been raised by neighbours to the site.

The Highway Authority is satisfied with the provision of one parking space per new dwelling. Given that the site is in a sustainable location the provision of one car parking space per dwelling is considered an adequate level of provision.

The existing access would be widened to allow two vehicles to pass. Visibility splays would be formed to allow safe access and egress from the site.

The Highway Authority have raised no objections to the proposal subject to conditions and these views are supported given that they are the experts on matters of highway safety and no objections were raised in this respect.

Neighbouring Amenity

The planning committee deferred this planning application because of concerns regarding the potential for overlooking from the proposed double doors with Juliet balconies at the rear of the proposed flats. The agent has addressed these concerns by removing this element of the proposal. By using more traditional windows this would help to reduce the potential for overlooking. Indeed the windows now proposed would be more characteristic of those witnessed at the rear of existing properties in this section of Forest Road. Overlooking should not therefore be enhanced by this proposal. The amendments to the fenestration at this rear elevation also represents an improvement in design terms and would help the proposal to relate to the surrounding environment.

Concerns have been raised regarding the potential for overlooking resulting from the development. A neighbour at No.27 is concerned in this respect however they are on the opposite side of the road and it is not considered that any overlooking would occur to a level which would suggest refusal of the application. A further concern has been raised by a neighbour to the rear of the site at 8B that increased overlooking may occur. The above amendments to the scheme should help to allay this neighbour's concerns. Whilst there are windows in the rear elevation of the building these would overlook a building and the front garden of this property. It should also be noted that there exists rear windows in the back of No.20 which face this neighbour at present.

Windows in the side elevations of the development must be considered carefully. There are neighbours to the north east of the site however the proposal has been designed in such a way as to ensure that only one bathroom window above ground floor level would be included on the north east elevation which may be obscure glazed. There are windows in the south west elevation which would face the flank wall of No.20. There exists two windows in the side elevation of No.20 one of which is a landing window and the other is an obscure glazed bathroom. No direct overlooking would therefore occur between habitable room windows. The application site has an existing pathway to the north of the site and this gap should help to ensure that this neighbouring property to the north east is not overshadowed to any greater extent from this proposal.

Noise has been raised as a source of complaint. This is however a residential area and it is not considered that three flats and associated traffic would cause any greater problems in terms of noise than surrounding developments.

Other Matters

Drainage has been raised as a point of concern amongst neighbours. Wessex Water were consulted on the application and they have raised no objection to the proposal. There exists public systems which may be connected to in the vicinity of the site. Should the applicant wish to connect to an existing private system then they will need to obtain the consents of the owners.

The Town Council have raised concerns that the proposal may represent overdevelopment. Officer's are of the view that this density of development is acceptable in this location and it should be remembered that the principle has been set for three dwellings to be achieved on the site.

An objection has been received regarding the impact of the proposal on property values. Property values are not however a planning consideration.

CONCLUSION

The proposed amendments to the fenestration at the rear of the proposed flats should make the proposal acceptable. The proposed development would be within policy and would result in a development that makes efficient use of land within a sustainable location.

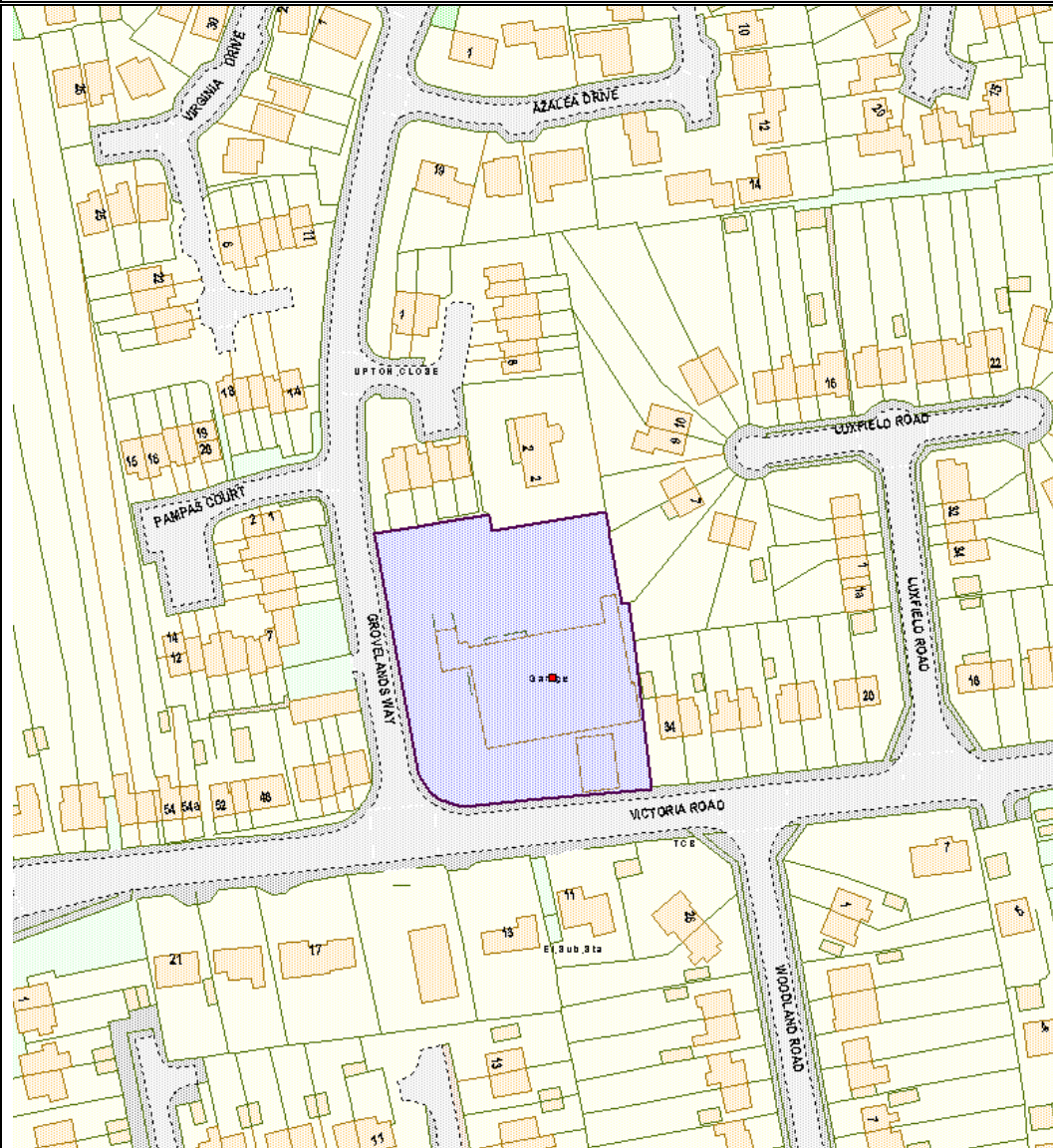
PLANNING COMMITTEE

19 April 2007

ITEM NO: 02

APPLICATION NO: 06/00297/FUL

LOCATION: Victoria Garage 36 Victoria Road Warminster
Wiltshire BA12 8HF



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 06/00297/FUL

Site Address: Victoria Garage 36 Victoria Road Warminster Wiltshire BA12 8HF

Parish:	Warminster	Ward:	Warminster West
Grid Reference	386146 144950		
Application Type:	Full Plan		
Development:	577sqm (gross) of retail units, 24 No. maisonettes/flats with associated access, parking and landscaping		
Applicant Details:	Richendale Ltd 10 Cronin Page 141 Milton Road Weston-Super-Mare BS22 8AA		
Agent Details:	Lewis Foster Lewis 3 The Plain Thornbury South Gloucestershire BS35 2AG		
Case Officer:	Mrs Judith Dale		
Date Received:	25.01.2006	Expiry Date:	26.04.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

Permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement to secure:

- (a) A financial contribution of £20,000 towards improvements in cycle provision with Warminster and £5,000 towards public transport improvements.**
- (b) Payment for the making of Traffic Orders to provide for the bus lane markings and parking restrictions.**
- (c) An index linked and bonded contribution to the County Education Authority of approximately £72,000 towards local education provisions - this contribution will not be required in the event of application 04/02156/OUT being dismissed on appeal.**
- (d) A financial contribution of approximately £17,000 towards the provision of public open space facilities within the town.**

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. This shall include all details of the proposed stairwell, balconies, bin and cycle store areas. Development shall be carried out in accordance with the approved details.

REASON: To ensure the development harmonises with its setting.

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

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

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

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

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

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

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

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

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

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

- 6 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.

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

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

- 8 The parking areas to be provided and shown on the plans hereby approved shall not be sited otherwise than in the positions shown on the approved plans and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of amenity and highway safety.

- 9 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 be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity and highway safety.

- 10 Prior to construction work commencing on the site, the visibility splays shown on the plans hereby approved shall be formed and the area between the nearside carriageway edge and the lines shown on the plans shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of amenity and highway safety.

- 11 Before the development hereby approved is first brought into use the existing vehicular accesses to the site shall have been stopped up and their use permanently abandoned and the footway crossings and dropped kerbs have been reinstated in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority .

REASON: In the interests of amenity and highway safety.

- 12 Notwithstanding the details on Drawing WLTS65/T-00202, additional bollards shall be sited to the west and east of the proposed access into the retail parking area in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before works start on site. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

- 13 No development approved by this permission shall be commenced until:

a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information

b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.

e) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

REASON: To ensure the proposed development will not cause pollution of Controlled Waters.

- 14 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.

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

REASON: To prevent pollution of the water environment.

- 16 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

- 18 The first floor windows in the east elevation of Block 3 and the north facing gable elevations of Blocks 2 & 3 shall be obscurely glazed and thereafter so retained in perpetuity.

REASON: In the interests of residential amenity.

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

- 19 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any Statutory Instrument revoking or re-enacting that Order, Units 2 and 3 shall be used for A2 and A5 uses only and shall not be used for A1 retail purposes.

REASON: To prevent any potentially adverse effect upon the vitality and viability of nearby retail centres.

- 20 The uses hereby permitted in the commercial/retail units 1-3 shall no be open to customers outside the hours of 0700 and 2200 hours on any day.

REASON: In the interests of residential amenity.

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

- 21 Delivery and despatch of goods to and from the site shall be limited to between 0700 hours and 1900 hours on Mondays to Fridays, 0700 hours and 1900 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

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

- 22 In connection with the commercial Units 1-3, no development shall be commenced until a scheme of works for the attenuation of noise and vibration from refrigeration, air conditioning and other similar plant has been submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first used and maintained in effective condition at all times thereafter.

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

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

- 23 With regard to the proposed takeaway development in Unit 3, suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smells 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 fully working order to the satisfaction of the Local Planning Authority prior to the commencement and use.

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

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

Note(s) to Applicant:

- 1 The applicant is advised that, notwithstanding the details shown on the submitted plans, any advertisement matter shall comply with the Control of Advertisements Regulations 1992 and appropriate applications submitted accordingly.
- 2 The applicant is advised to consult with Wessex Water with regard to the offsite mains reinforcement and any required level of contribution towards the costs.
- 3 The applicant is advised to consult with the Environment Agency and the Council's Scientific Officer with regard to potential contamination issues, the storage of oils or chemicals, and the use of a sustainable drainage approach to surface water management.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because of the Town Council's recommendation contrary to that of the planning officer's recommendation.

This detailed proposal is for the redevelopment of the existing, but vacant, 0.4 hectare site comprising a petrol filling station, MOT centre, ancillary offices and convenience store located at the junction of Victoria Road with Grovelands Way. The site is edge of town and suburban in context, but is visually prominent on the main western route into the town from the A36.

The proposed scheme is for a mixed use development, effectively comprising two separate elements:

- The construction of two 'retail' units and a convenience store totalling 577 square metres along the Victoria Road frontage of the site, with 8 no flats at first and second floor level above the larger store; the smaller units are proposed, initially, for an estate agent and a hot food takeaway premises.
- The erection of 12 no flats and 4 no maisonettes in two separate two/two and a half storey blocks to the "rear" of the site.

The two "areas" are separated by a curved access road crossing through the site from Victoria Road to Grovelands Way to provide for rear servicing for the retail units and the majority of car parking for the proposed residential accommodation. An existing vehicular access onto Grovelands Way along the northern boundary is to be retained to provide the remaining residential spaces.

A separate car park for 16 vehicles adjacent to the convenience store is to serve visitors to the retail units.

The proposed development ranges from two to three storeys in height, would be predominantly brick built under both hipped and gabled roofs and combines a fairly traditional Victoria Road elevation with more contemporary design elements within the internal faces of the site.

Off-site highway works include two new pedestrian islands within Victoria Road on either side of the Grovelands Way junction, and the extension to the existing footways opposite the site frontage to improve overall pedestrian access to the proposed retail units.

The application is accompanied by supporting Planning, Design and Highway statements and has been the subject of considerable amendment since its original submission in January 2006.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL:

Original Plans - 'Members were concerned of the proposed three storey building in an area where there are older type houses. This town is a market town of beauty and to allow such a development in that part of Warminster would be totally out of character. Bleaks Building was mentioned as being an old building. The additional access out of Grovelands Way and Victoria Road would have serious highway safety problems. They also hoped that this part of the town would not turn into another East Street with takeaways. It was not known of what nature these shops would be.

The Chairman pointed out that Central Government have ruled that there should be as many houses as possible on 1 hectare of land on a brownfield site. It was also pointed out that should the District Council approve of this application then a financial contribution should be sought from the applicants towards highway safety in that area and that the development should sensitively blend in with the area.'

Revised Plans - 'Considerable discussion took place on this application. All agreed that it is very important to get something special on the entrance to the town. Concern of the see-through walkway at the rear of the development was discussed as was the signage and overlooking of adjoining buildings and consensus of opinion was to wait until we get a proper plan. Voting unanimously in favour of refusal.'

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY

Original Plans - "The principle of the redevelopment of the site is considered acceptable, however, there is concern regarding the scale of development, the parking provision and the means of access".

These concerns were amplified to include the inadequacy of the proposed visibility splays at the Victoria Road entrance; the installation of gates at vehicular entrances; inadequate parking; lack of cycle parking; no submitted details of boundary treatments. In addition, Traffic Orders were requested for additional parking restrictions across the site frontage, and for financial contributions to offsite highway works.

Revised Plans - Recommendation for approval subject to conditions relating to parking, the disposal of surface water, visibility splays, footway crossings and dropped kerbs; a legal agreement for £25,000 for contributions to cycling provision, access kerbs and bus shelters; the provision of additional bollards along the Victoria Street frontage.

- WESSEX WATER: No objection in principle subject to off-site mains reinforcement, requiring a contribution from the developer and a recommendation for the use of SuDS drainage systems.
- ENVIRONMENT AGENCY: No objection in principle, subject to conditions requiring a desk study and site investigation relating to ground and surface water contamination; the discharge of foul, contaminated or trade effluent from the site; the storage of oils or chemicals. A recommendation is included regarding the use of SuDS drainage systems.
- EDUCATION AUTHORITY: We need to secure a developer contribution in respect of the Victoria Garage application for 7 primary school places at £10,372 each. This is because the Local Plan housing on land north of Victoria Road will absorb all the surplus places forecast at Princecroft (the designated area school). As you know, Local Plan housing has first call and so any windfall sites in this area will be asked for contributions. However, at secondary level there is no case.
- COUNTY PLANNING OFFICER: No comment received.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY

Original Comments:

- '1. The evidence set out in the supporting planning statement addresses satisfactorily the employment policy tests set out in the development plan;
2. the planning statement does not address the issue of local need for a substantial increase in local retail floorspace within the area, other than anecdotal comments about the proximity of residential areas to existing stores. The statement does not properly examine the potential to increase the current facilities at the local centre at Thornhill Road. In terms of harm, the applicant does not examine this issue, but seeks to overcome any potential harm through the use of conditions. Whether this is an appropriate mechanism is a matter for the local planning authority to consider;
3. there is a requirement for developments of 10 or more dwellings to provide recreation open space in accordance with the Council's adopted Local Plan standards. The policy statement implies that the Council's planning policies are in some way deficient. The statement is also incorrect in saying that the Council has not undertaken a PPG17 compliant recreation needs assessment. There is a policy requirement for this site to contribute to open space and the statement does not state how this will be achieved.

On the basis of the information submitted to date, the proposals do not satisfactorily address current retail and open space policies.'

Revised Comments:

'Having considered the further information provided regarding applications 06/00297 and 06/01631 I have the following comments to make:

I accept that a full needs assessment would not be appropriate given the scale of the proposed development and in the absence of a local authority produced needs assessment. I acknowledge that many properties in the Grovelands Way - Victoria Road are above the maximum distance for access to local shops as set out in RPG10. In addition, the housing allocation north of Victoria Road will establish a further 190 houses which should have easy access to local shops.

Therefore, on this basis, and bearing in mind the previous convenience store on the site, I am happy to accept the case that there is a local need for new shopping in the area.

Having established that there is a lack of locally accessible shopping in this area, it follows that locating new provision at Thornhill Road would be inappropriate.

In terms of potential harm, and having regard to PPS6 and Circular 11/95, I consider that there is a case for using a condition to prevent change of use from A2 and A5 to A1 to allow the Council to consider any potentially adverse affect upon the vitality and viability of nearby centres at a future date.'

- SCIENTIFIC OFFICER: In view of the site having previously been used for a petrol filling station with sub-surface fuel tanks, along with motor vehicle servicing, recommends an appropriate condition requiring site investigation and risk assessment works.

- ECONOMIC DEVELOPMENT: No comment received.

- ENVIRONMENTAL HEALTH OFFICER: No objection subject to appropriate conditions relating to the proposed commercial units in terms of opening hours, delivery times, a scheme of works for noise attenuation and ventilation and filtration details; also a risk analysis with regard to potential contamination of the site.

- URBAN DESIGN & CONSERVATION OFFICER:

Original Plans: 'Issues previously identified as important to the creation of a successful scheme on this site:

- * Consideration of scale bearing in mind the domestic character and scale of the general locality

- * Previous consultation response made specific reference to dealing with the mass of the main building and creating subservient wings

- * The treatment and location of parking

- * Interaction between the two issues

- * Using an appropriate and limited materials pallet

- * Impact on neighbouring dwellings.'

The response confirmed that while the concept for the proposal could prove successful and there were a number of positive elements, a number of areas still required further attention. These included the impact of parking on residential amenity, a reduction in the bulk of the main building, a more appropriate materials pallet, alterations to fenestration details, more active frontages, a reduction in the scale of the buildings to suit context, more effective landscaping, proximity of the frontage buildings to the street and improvements to the pedestrian environment.

Revised plans: Although the relevant officer had been engaged in negotiations on these aspects, she was on maternity leave and unable to formally comment on the revised plans when submitted.

PUBLICITY RESPONSES

The application was advertised by site notice and in the local press and 33 individual residents were notified by letter.

Original Plans - 8 letters of comment and objection were received on the following grounds:

- General overdevelopment of the site.
- Increase traffic generation.
- General noise pollution and nuisance associated with increased traffic congestion, delivery vehicles, takeaway operations and litter.
- Loss of privacy, overlooking and general loss of amenity for existing residents.

- Design out of keeping with existing properties and general street scene.
- Inadequate provision for delivery vehicles to access site.
- Increased road-side parking in vicinity of site leading to obstruction of driveways and inconvenience to residents.
- "Visibility" problems for vehicles emerging from Grovelands Way.
- Impact on viability of town centre businesses.
- Two and a half/three storey development out of keeping with surrounding area.
- Lack of adherence to established building line along Victoria Road.
- Adverse impact from illuminated signage.

Comments were also incorporated in one letter suggesting a general impropriety in the handling of this application.

A letter from the Warminster Civic Trust supports its development in principle but has a number of reservations on the particulars of the scheme:

- The wider impact on traffic generation in West Street/Vicarage Street.
- Potential anti-social behaviour associated with the sale of alcohol which might be minimised with the installation of CCTV equipment.
- The loss of an established building line along Victoria Road driven by the need for on-site deliveries to the rear of the building.
- The proposed design is more suited to a town centre development rather than an "edge of rural town setting".
- No "place" for the disabled or elderly.

Revised plans - One letter was received from a previous correspondent reiterating earlier objections on the building line of the development; design, appearance and layout; noise, disturbance and smells; mix of housing; and highway safety and traffic.

RELEVANT PLANNING POLICY

RPG10 Regional Planning Guidance for the South West

Wiltshire Structure Plan 2016

- DP1 Priorities for Sustainable Development
- DP3 Development Strategy
- DP5 Town centres, District centres and Employment areas
- DP6 Shopping
- DP9 Reuse of land and buildings

West Wiltshire District Plan - 1st Alteration, 2004

- H1 Further housing development in towns
- H24 Housing design
- C31A Design
- C38 Nuisance
- E5 Loss of employment floorspace
- SP6 Local shopping in towns and villages
- I1 Implementation
- T10 Car parking
- T11 Cycleways
- R4 Open space in new housing developments

Design Guides: Principles

- SPD - Residential Design Guide
- SPG - Open Space Provision

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS6 Planning for Town Centres

RELEVANT PLANNING HISTORY

The site has a considerable planning history relating to its former use as a garage premises but no subsequent applications or proposals for its reuse or redevelopment.

KEY PLANNING ISSUES

The key issues raised by this application are:

- The principle of the development including potential loss of employment land and the impact of additional retail development.
- Highway and access considerations.
- Design considerations.
- Amenity considerations.
- Contributions.

PLANNING OFFICER COMMENTS

Principle of Development

(a) Loss of Employment Land

The site was a former commercial site previously in employment uses with an ancillary retail convenience use. Under Policy E5, redevelopment which involves the loss of employment floorspace must demonstrate that there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses.

While the original planning statement accompanying this application did not fully address this aspect, subsequent information provided by the applicant suggests that:

- In terms of the overall required supply of B1, B2 and B8 land within the district, there is currently a small surplus of allocated employment land.
- There is currently no comprehensive audit of employment land within the district to confirm precise levels of availability.
- The proposed development is anticipated to provide for a similar level of overall jobs as previously accommodated on this site (approximately 12), albeit in the non B1/B2/B8 sectors.

On the basis of this evidence the proposal is considered to satisfactorily address the employment policy test in the Development Plan.

(b) Impact of Retail Development

The proposal involves the replacement of an existing convenience store of 275 square metres with three new retail units totalling 577 square metres. In policy terms, new retail units should be located firstly, within existing centres, and for out of centre proposals, only where suitable justification exists in terms of need, the lack of alternative central sites and no harm to the viability or vitality of the town centre.

Subsequent information submitted by the applicant confirms that, in view of the proposed housing allocation for 190 dwellings to the west of the application site and a previous convenience store on the site, there appears to be a local need for new shopping in the area which would not be appropriately located at the existing local centre at Thornhill Road.

On this basis, the retail impact of the proposal is considered acceptable, although a condition is recommended to subsequently prevent a change of use from the A2 (estate agents) and A5 (takeaway) uses to retail, to prevent any potentially adverse effect on the viability of nearby centres at a further date.

(c) Principle of Residential Development

In view of the above, the site is otherwise suitable for residential development within the framework of Policy H1. While the former PPG3 is no longer extant in terms of specific housing densities, the scheme reflects a nominal density of approximately 60 dwellings per hectare, although this is a somewhat arbitrary figure since the proposal is for a mixed use development. This is clearly higher than surrounding densities, but not inappropriate on this edge of town redundant commercial site, where the Government is encouraging efficient mixed use schemes.

Highway and Access Considerations

While there have been a number of highway difficulties involved in the redevelopment of this site for mixed use, these now appear to have been resolved to the Highway Authority's satisfaction. The requirement of the Highway Authority to provide for on-site rear servicing of the retail units has clearly compromised the ultimate layout of the proposal with an access road through the site to separate the retail development on the front part from the residential development to the rear. In addition, their preference for a one-way route only, with vehicles entering the site from Grovelands Way and exiting onto Victoria Road for highway safety reasons, has proved unacceptable in both urban design and management terms. This has therefore required a degree of compromise in terms of the final layout.

To overcome resultant concerns over highway safety, a number of offsite improvement works are required, including two new pedestrian islands and bollards in Victoria Road, a new section of footpath on the opposite side of Victoria Road, new kerbing around the site, and extended double lines, all to be provided at the expense of the applicant.

Although the car parking reflects a shortfall in that originally requested by the Highway Authority, the scheme now provides for 27 parking spaces to serve the 24 residential units - 19 will flank one side of the central access road and 8 will be accommodated in a separate enclave served by the existing vehicular entrance onto Grovelands Way, which already serves No 2 Upton Close; 16 spaces will be provided in a separate parking area to serve the retail units accessed directly from Victoria Road. Since the residential units are a maximum of two bedrooms, the site is in a comparatively sustainable location and there is some availability of roadside parking in the vicinity, this level of provision is considered reasonable within the framework of Government advice (former PPG3 and PPG13) and appropriately located (PPS3). To offset the shortfall in parking, however, highway contributions of £20,000 towards cycling provision within the town and £5,000 towards improvements towards public transport have been agreed.

The success of the proposed highway arrangement ultimately depends on the proper management of the site. The intention is for delivery vehicles serving the retail units to access the site from Victoria Road, passing through a pair of solid gates to the rear of the retail parking area; these gates are to remain closed at all other times. Short-term deliveries will take place within the proposed delivery bay to the rear of units 2 and 3, the vehicles then emerging onto Grovelands Way. All other vehicles using the site will enter from this 'secondary' entrance.

The purpose of this arrangement is to separate the residential and commercial elements of the site as far as is reasonably possible for both amenity and safety points of view and will operate through the management arrangements within the site.

Design Considerations

While the principle of this mixed retail/residential scheme has remained unaltered, there have been significant changes to the original submission in terms of its overall design. The proposed development in three blocks remains, with the retail units fronting directly onto Victoria Road (Block 1) and the two residential blocks to the rear, but there have been changes to the scale, mix, form and appearance of the development to more closely reflect the context of the site surroundings.

In terms of design, the residential element now provides for a total of 24 units with 16 No. two bedroom flats, 3 No. one bedroom flats, 1 No. three bedroom flat and 4 No. two bed maisonettes. While this is of limited range and does not fully provide the mix of dwelling sizes advised under Policy H24, it more closely reflects the need for the town as a whole which is for two bedroom units. In addition, the mixed use nature of the site does not lend itself to larger and more traditional residential houses and gardens and the revised scheme, exclusively in the form of smaller flats and maisonettes, is considered more appropriate in this context.

This small unit size is reflected in the more domestic scale of the development as a whole. Surrounding development is predominantly two storey in height, brick built and a mixture of recently built modern properties fronting Grovelands Way and more traditional 1950s development fronting Victoria Road. The proposed development is therefore predominantly two storey in height (with some residential accommodation within the roof areas) with the exception of a three storey element above the proposed convenience store in the centre of the site frontage. The design justification for this element is to reflect "the idea of the traditional mill building (an example of which is located within approximately 400 yards of the site)".

While that particular building does not provide an immediate reference point because of the distances involved, the revised design does reflect its general scale and overall appearance and would provide a focal point for the development as a whole. Importantly, the proposed three storey element is located away from immediate neighbouring residential boundaries, where 2 storey buildings are more appropriately related to the existing development pattern. These urban design principles have been considered acceptable as a basic redevelopment framework for the site.

Notwithstanding the mixed nature of the development, the retail elements also reflect a more domestic scale and appearance in keeping with the residential character of the surrounding area. This is reinforced with the use of uniform brick throughout and a compatible architectural theme.

Landscaping issues form an integral part of the scheme, with the two residential blocks set within planted amenity areas "behind" the central access road - these will also function as the amenity space for the proposed residents. Areas of planting are also shown along the Grovelands Way frontage and around the proposed parking areas where they contribute to the public realm.

In terms of amenity provision for those residents above the retail units (Block 1), an elevated rear deck garden is proposed at first floor level, accessed directly by the units at that level; balconies are provided for the second floor residential units in this block.

These details, together, produce a design which is generally considered to meet the criteria outlined in policies H24 and C31A, and the requirement in PPS1 to 'take the opportunities available for improving the character and quality of an area'.

Amenity Considerations

In terms of residential amenity and the impact on existing properties, the main issues are considered to be privacy and the potential for nuisance arising from the commercial elements in the scheme.

With regard to privacy, the design and siting of new buildings have sought to prevent overlooking of existing garden areas or over-dominance of existing properties. Upper floor windows which face onto residential properties have therefore been restricted to bathrooms so that they can be obscurely glazed.

With regard to potential nuisance from the commercial convenience store and takeaway, the Environmental Health Officer has advised appropriate conditions limiting the hours of delivery and restricting the hours of operation. While 2300 hours has been suggested as closing time, the former convenience store on this site only operated until 2200 hours and the applicant is agreeable to this time for both the new store and the proposed takeaway. In view of the proximity of residential properties in this particular instance, it is considered that this earlier time is more reasonable. With regard to delivery hours, deliveries limited to Mondays to Saturdays are considered acceptable.

Although the site has now been vacant for some time, and formerly operated within only limited buildings on the site as a whole, it is inevitable that adjacent properties will experience a change in circumstances. However, these changes must be considered in the light of the former intensive commercial use of this site, which could be resurrected at any time and which included a petrol filling station and convenience store operating in the evenings and at weekends. Against this background, the proposed development, properly regulated and managed, would have no greater impact on amenity levels than this current/former use.

Contributions

(a) Open Space

To address the policy requirements of public open space provision, the particular site limitations make an offsite contribution more appropriate in this case - a financial contribution of approximately £17,000 has been agreed.

(b) Education

A developer contribution of £72,000 has been requested by the County Education Officer to meet the shortfall of 7 primary school places likely to be absorbed by the proposed allocated development for 190 houses to the west of this site (04/02156). Members will be aware that an appeal decision relating to this development is still awaited from the Secretary of State. In the event that this appeal should be dismissed, it is recognised that the education case for a contribution falls and no financial payment will be required. This can be secured in an appropriate clause in a Section 106 Agreement.

(c) Highways

As stated above, the Highway Authority has requested total contributions of £25,000 towards cycle provision and public transport improvements to offset the limitations in parking - this has been agreed by the applicant.

(d) Affordable Housing

The residential part of the development falls below the relevant threshold and no formal contributions are required. However, the proposed one and two bed units are, themselves, generally more 'affordable' at the lower end of the market.

CONCLUSION

The principle of the redevelopment of this site is considered acceptable from both a land use and detailed points of view. The proposed scheme would provide an appropriate form of sustainable development, deliver a more efficient use of a brownfield site, and bring back into use an underused and currently vacant area of land. It is recognised that the scale of development represents a departure from the former land use and building mass, but considerable negotiations have taken place over recent months to secure a detailed scheme which is considered appropriate in its context. It is also recognised that the ideal development for the site has been compromised to some extent by the requirements of the Highway Authority for on site rear delivery facilities, which effectively splits the site into two separate areas and reduces the amount of 'developable' land.

Nonetheless, the development will secure considerable offsite highway improvements, will provide limited, but appropriate retail facilities and although does not provide formal affordable housing, will deliver a large number of smaller, and thus more 'affordable' units to serve local need. On balance, therefore, the scheme is recommended for permission subject to appropriate conditions and the various financial contributions to highway works, open space and education.

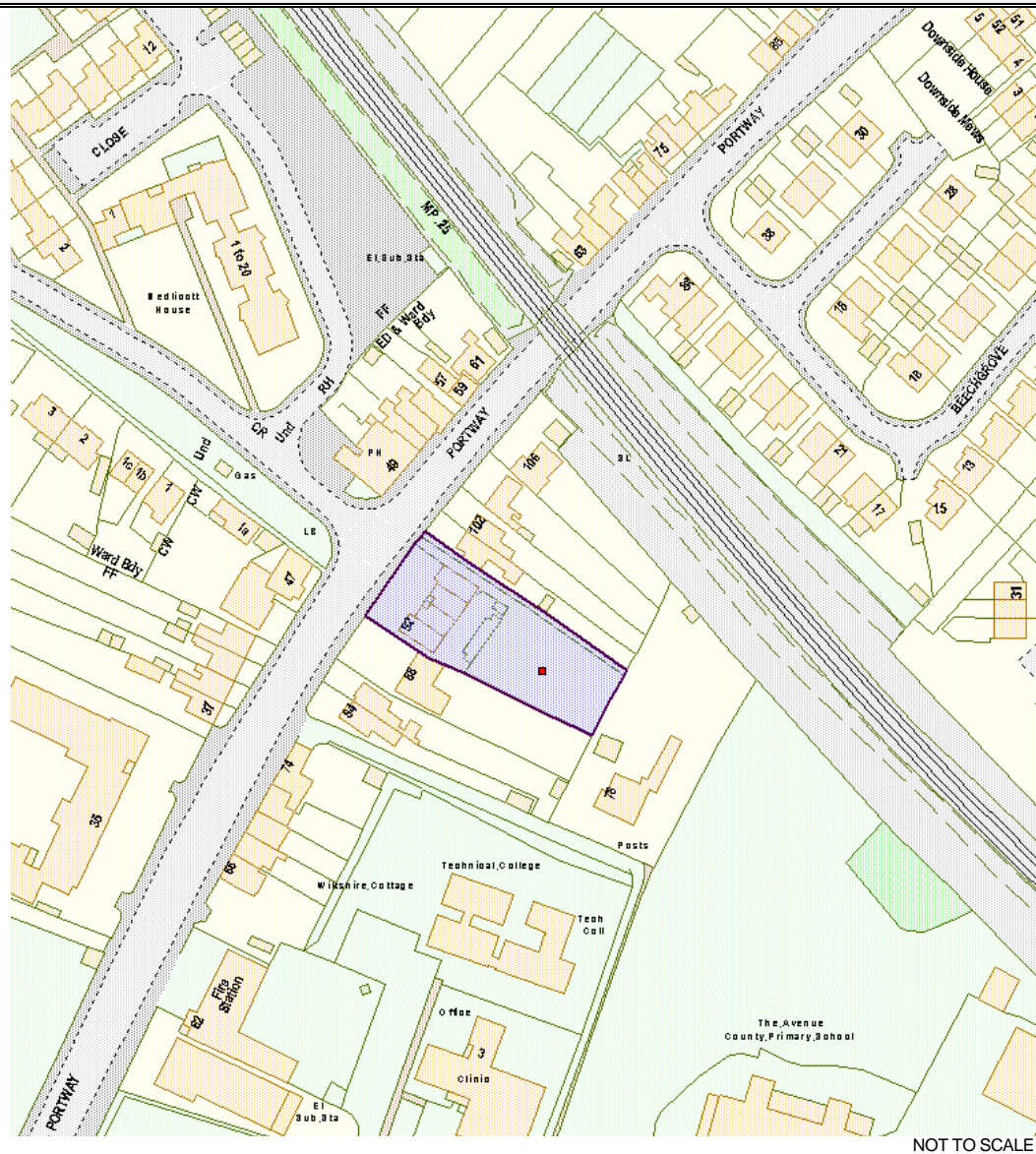
PLANNING COMMITTEE

19 April 2007

ITEM NO: 03

APPLICATION NO: 06/02123/FUL

LOCATION: Land Rear Of 92 To 98 Portway Warminster Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 06/02123/FUL

Site Address: Land Rear Of 92 To 98 Portway Warminster Wiltshire

Parish: Warminster Ward: Warminster East

Grid Reference 387500 145459

Application Type: Full Plan

Development: Construction of 2 storey building, comprising 4 flats and associated works, including provision of additional car parking

Applicant Details: The Trustees Of Warrens Almshouse
C/o Barrie Taylor Associates 39 Silver Street Warminster Wiltshire BA12 8PT

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

Case Officer: Mrs Judith Dale

Date Received: 12.07.2006 Expiry Date: 06.09.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed development, by reason of its proportion, form, massing and scale would have a detrimental impact on adjoining properties in terms of overlooking, loss of privacy and an overdominant presence, resulting in a loss of residential amenity contrary to Policies C31A and C38 of the West Wiltshire District Plan - 1st Alteration, 2004.
- 2 The proposed development, by reason of the modifications to the front boundary wall and the proportion, form, massing, scale and layout of the development to the rear, would be detrimental to the character and appearance of the Conservation Area, contrary to Policies C17, C18, C22 and C31A of the West Wiltshire District Plan - 1st Alteration, 2004.

COMMITTEE REPORT

APPLICATION DETAILS

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

This detailed application proposes the erection of four flats in the rear garden of Nos 92-98 The Portway, a group of terraced dwellings known as Warrens Almshouses. These vacant, one bedroom dwellings are to be upgraded and modernised to form four two-bedroom cottages for sale and "replaced" with purpose-built Almshouses in a separate building to the rear.

In detail, the proposal is for the demolition of an existing Victorian outbuilding at the rear of the Almshouses and the erection of a generally L-shaped building, with maximum dimensions of 17.5m x 15m sited approximately 5m behind their rear elevation. The two storey building, 7m to ridge, would accommodate a one bedroom and a two bedroom flat on each of the two floors, with the upper storey contained predominantly within the roof area. The proposed building is designed to reflect the Victorian style of the existing Almshouses, with the use of a deep, multi-gabled slate roof, over a predominantly red brick structure, a matching eaves line and a ridge height only 1m lower than that of the original building. Pedestrian access only will be via a pathway alongside the existing building.

Externally, building works to the existing Almshouses involve the insertion of two rooflights in the front and side elevations and the construction of four pitched roof slate covered dormers in the rear elevation. This is to make for an efficient use of the existing large roof area, currently unused.

The area between new and existing buildings will provide for small private gardens for each of the converted cottages and a communal garden for the new Almshouses; the area between the front of the existing Almshouses will be converted to a parking area for five vehicles (two disabled spaces) to be accessed via a new central entrance.

The application site is located within the recently approved extension to the Warminster Conservation Area and the existing Almshouses, although not listed, are recognised as a 'building of local interest' and a 'landmark building' in the draft Warminster Conservation Area Character Assessment Document.

The application is accompanied by a detailed Design & Access Statement, subsequently updated as a result of revisions and a reduction in the scale of the proposed development.

STATUTORY CONSULTATIONS:

- WARMINSTER TOWN COUNCIL:

Original Plans - 'Members discussed this application and all were in agreement that the modernisation of the Almshouses are acceptable, not happy with the rear of these buildings, feel there is insufficient parking spaces and in view of the space, more could have been allocated.

Carried for refusal.'

Revised Plans - 'Members felt that this was a very valuable promise of affordable housing for elderly people and that the Trustees had worked hard to reach this positive move. One member voiced his concern about access onto Portway opposite the pub and near a junction.

Voting unanimously in favour of acceptance.'

- HIGHWAY AUTHORITY:

Original Plans - Objection on the basis of no turning space within the development, giving rise to highway safety issues.

Revised Plans - No objection subject to conditions relating to the provision of five parking spaces; the provision and retention of a turning area; satisfactory disposal of surface water; surfacing of the parking and turning areas;

- WESSEX WATER: No objections subject to surface water discharge in light with Environment Agency guidelines; agreement to points of connection to Wessex infrastructure for foul flows and water supply.

INTERNAL WWDC CONSULTATIONS

- URBAN DESIGN & CONSERVATION OFFICER:

Original Plans - As it stands, I would have to recommend refusal with regard to policies C31a, H24 and the adopted Design Guidance, House Alterations and Extensions SPG for the following reasons:

1. The proposal does not respect or enhance the townscape in terms of the quality of architecture and historic layout and spatial characteristics.
2. The proposal fails to minimise the impact of parking.

3. The detailed design both of the alterations to existing buildings and the new building does not complement and would detract from the character of the locality.

- HERITAGE OFFICER:

Revised Plans - 'The site is now within the Conservation Area. The Almshouses group are identified as a landmark building, a building of local interest and the front boundary walls as a significant boundary treatment by the Warminster Town Centre Conservation Area Character Assessment (Consultation Draft January 2007).

Paragraph 6.16 of PPG15 gives the status of buildings listed as being of local interest.

Policy C18 of the West Wiltshire District Plan 1st Alteration 2004 specifically states that new development in Conservation Areas will be permitted provided that the plot layout, scale, form and detailed designs are characteristic of the area and that historically important boundaries and walls are retained.

The front boundary wall is an important feature within the street scene and the wider special character and appearance of the Conservation Area. The features found in this wall such as the half-moon brick capping and the wide piers with decorative stone caps are repeated on other sites further up Portway. This therefore gives a clear architectural link from this site to the wider development of Portway. These details are not just important to the site itself, but to the surrounding properties and street scene.

There are 3No. entrances through the wall to the site. 2No. of which are pedestrian with iron gates intact. The third entrance, in the northern corner of the site, appears to be a later opening and has double gates of more modern design to accommodate a vehicle width. The proposal would widen the existing vehicle entrance from 2m to 3m and would create a further 3m wide opening between the existing pedestrian openings.

The frontage to this site is 24 metres long. The proposed openings added to the existing would double the total length of the openings in the wall - one third of the length of the frontage. This is considered to be quite excessive in terms of the impact this will have on the special character and appearance of the Conservation Area. The proposal would break up the front boundary wall to a degree that would remove much of its character, to the detriment of the Conservation Area.

There is a low single storey linear building to the rear of the Almshouses. The proposed new building would not respect the traditional historic layout of the site as it seeks to create a two storey L shaped building. The new building would be only 0.5 metres lower than the existing building and would be sited only 5 metres from the rear elevation.

The proposed new building would not respect the historic layout of the plot and in addition, this would be exacerbated by the scale and siting of the proposed building. The new building being sited so close and at such a size I feel that the site would take on a cramped nature to the detriment of the character of the Conservation Area.

The Policy also states that views into, out of and within the area which are important to the character of the Conservation Area shall be protected.

There are gaps to each side of the Almshouses between the adjacent properties. Although the gaps to each side are quite small, the gaps do serve to isolate the Almshouses visually in the street scene. This gives the Almshouses the significance and the prominence that the building deserves. The proposed new building at the rear would fill in these gaps when viewed from the Portway and create a continuous built up street scene which would diminish the importance of the Almshouses within the special character and appearance of the Conservation Area.

I also note that there is a footpath approximately 30 metres to south, although to date I have not walked up it. The rear of the site may be visible from this footpath, in which case the above layout and proximity issues would be heightened further.

I have no significant objection to the works now proposed to the existing Almshouses building itself.'

PUBLICITY RESPONSES

The application was advertised by site notice and in the local press and neighbours were notified. Four letters of objection were originally received on the following grounds:

- Lack of parking for the proposed development.
- The development would detract from the "balance and integrity of the existing building".
- Inappropriate use of uPVC fenestration.
- The potential impact on neighbouring properties due to the height of the development.
- The width of the existing access alongside the Almshouses is inadequate to accommodate vehicles.
- Overlooking and loss of privacy for existing properties.
- Increased potential noise levels.
- Reduction in available light to existing properties.

In response to the revised plans, one letter was received from a previous correspondent reiterating objections to the scale, footprint and layout of the development in terms of loss of existing amenities.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

HE7 Conservation areas and listed buildings

West Wiltshire District Plan - 1st Alteration, 2004

H1 Further housing development in towns

H24 Housing design

C17 Conservation areas

C18 New development in conservation areas

C19 Alterations in conservation areas

C22 Demolition in conservation areas

C31A Design

C38 Nuisance

T10 Parking

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

Draft PPS3 - Housing

Supplementary Planning Guidance

Design Guide - House Alterations and Extension

Design Guide - Principles

Draft Warminster Town Centre Conservation Area Character Assessment (Informative document)(Proposed for adoption on 18 April 2007)

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The key issues raised by this application are:

- The impact on the character and appearance of the surrounding conservation area.
- The impact on existing residential amenity.
- Highway and access considerations.

PLANNING OFFICER COMMENTS

Impact on Conservation Area

This issue has been assessed in some detail by the Heritage Officer in his comments detailed above and concludes that both the proposed works to the front boundary wall, and the design and siting of the new building to the rear would have a detrimental impact on the character and appearance of the Conservation Area. There are no further comments to add from a planning perspective other than to support both analysis and conclusion.

Impact on Existing Residential Amenity

Policy C38 of the District Plan states that proposals will not be permitted which would detract from the amenities of neighbouring properties. In this particular case, the proposed flat development will be contained within a two storey building, in excess of 7m in height and 17m in depth, occupying much of the width of the rear garden of the existing Almshouses. Although referred to as "derelict" in the original Design & Access Statement, the existing garden is more accurately described as overgrown, being predominantly laid to grass and former soft fruit growing. Its boundary with the residential property to the north (No 100) is marked by a 1.2m high fence, beyond which the narrow garden to that semi-detached property is visible and open; its boundary with the detached property to the south is marked by a 2m fence and reasonably substantial hedge planting, which effectively screens the garden area from the application site at ground level. Both the adjoining properties are sited less than 1m from their respective site boundaries. The result is an application site which is severely constrained by the physical and visual presence of both properties and gardens, and the need to consider the impact of the development on the amenities of both.

The proposed building has been designed to "read as an extension, joined with garden walls, rather than isolated backland development". As such it would project beyond the rear elevations of both adjoining properties by 15.5m (No 100), and 16.5m (No 88A), have an eaves height of 4m, a maximum ridge height of just over 7m, and would extend to within 2.5m of both side boundaries. First floor windows are predominantly in the form of rooflights, although there are full sized windows proposed in all elevations.

It is your Officer's assessment that this form and scale of development would have a significant and adverse impact on the residential amenities of both adjoining properties.

- The depth of the building would have a dominating and overshadowing impact on existing garden areas, particularly the property to the north - this would be compounded by the respective orientation of that property and the appeal site and its impact on sunlight.
- "Outward facing" first floor windows would overlook directly and obliquely the existing gardens areas, particularly a large landing window in the north elevation and bedroom windows in the rear.
- "Inward facing" first floor windows would obliquely overlook existing windows in the rear elevation of No 88A.
- The erection of the proposed 2 storey building only 5m from the sole ground floor window in the rear elevation of no 98 would be detrimental to future occupants of that dwelling.
- The doubling of the residential accommodation on the overall site from four to eight dwelling units, and consequent loss of approximately half of the garden area, would significantly increase levels of general activity with potential for noise nuisance.

The Design & Access Statement refers to the proposal within the context of a residential "extension" and of a scale which is consistent with adjoining properties. The Council's adopted Supplementary Planning Guidance on residential extensions recognises that two storey extensions at the rear of properties are often likely to have an adverse impact on a neighbouring property, and where terraced properties are involved, advises a maximum depth of 2m. While this proposal relates to detached and semi detached properties, their proximity to site boundaries suggests that an 'extension' to a depth of nearly 16m would have a disproportionately adverse effect and would be unacceptable.

In addition, Members will be aware that under the General Permitted Development Order 1995, ancillary detached outbuildings may generally be built to a maximum height of 4m without the need to obtain planning permission. Notwithstanding that the application site is within a Conservation Area and not eligible for this "allowance", the proposed development would be of a height close to double that of appropriately scaled development within a residential garden.

In the light of the above, the proposed development is considered to conflict with the objectives of Policies C38 and C31A and is therefore considered unacceptable.

With specific regard to the demolition of the existing single storey outbuilding, this, in itself, is an attractive Victorian structure. While its loss is very much to be regretted, it is not visible from the public realm and on balance, it could not reasonably be resisted on Conservation Area grounds.

Highway and Access Considerations

As revised, there are now no highway objections raised to the proposal. The provision of five parking spaces to serve the development in this case is considered acceptable, taking account of the sustainable location, the size of the proposed cottages and the limited parking requirements for residents of the Almshouses. Members will note, however, from the comments of the Heritage Officer, that the adverse impact on the character and appearance of the Conservation Area has been exacerbated by the need to modify the front boundary wall (identified as a significant boundary treatment in the Draft Warminster Town Centre Character Assessment) in order to provide car parking. In doing so, it has addressed the concerns of the Highway Authority, but highlights the direct conflict in this particular case between the heritage and highway objectives.

CONCLUSION

To set the application within its broader context, it is recognised that the existing Almshouses are an attractive group of dwellings, identified in the recent Warminster Town Centre Character Assessment document as a "landmark building" and a "building of local interest". As such, they clearly contribute a great deal to the street scene and the character of this part of Warminster and it is highly desirable that they should be retained.

However, their future retention appears to be compromised by financial circumstances, as outlined in detail in the following letter submitted on behalf of the Almshouses Trustees:

"You will no doubt have visited the premises on several occasions, and you will therefore be aware of their very poor condition. Each of the premises now desperately needs a comprehensive scheme of refurbishment and upgrading, and without this they will have no viable future. Presently all the houses remain vacant and in their existing condition there is no immediate prospect of them being reoccupied without considerable investment. Unfortunately the Trust does not have the financial resources to do this.

Recent estimates of the cost of conversion of each of the properties varies between £30,000 and £40,000. Attached you will find a note from the Trust's present Treasurer confirming that the financial resources of the Trust amount to approximately £24,700. In turn you will also note that the Trust has an annual income of circa £500 at present, whilst expenditure runs at between £3,500 -£4,000 per annum. Quite clearly this position cannot continue for much longer.

The Trust has carefully reviewed its options and has looked to obtain funding from a variety of sources. However all these efforts have been to no avail. In reality the only realistic alternative is now to enter a partnership arrangement with a local developer which would provide for a combination of private accommodation and low cost sheltered retirement housing for local spinsters and widows. This partnership arrangement would enable the existing housing stock to be dramatically improved and brought up to standard, and also at the same time secure the financial future of the Trust itself. If the Application is however declined, then the outlook for the Trust appears extremely bleak, with every prospect that the Trust will be forced to sell off their only asset and/or close.

The Trust views the Application as "an enabling Application" to allow them to continue their work for the benefit of the community of Warminster, long into the future. The Trustees are fully aware of the obligations which they have been passed by those who set the Trust up originally, and therefore view the future with a great deal of concern. In truth, the future of the Trust is in your hands, and those of the Committee. The Trustees have done their very best to try to meet the concerns and requirements of the Planning Authority and other regulatory bodies, and believe that the current Application represents the best way forward. Therefore a refusal of this application can only have extremely serious consequences for the Trust and bring into question their future viability."

Throughout the processing of this application, there have been considerable efforts made by all parties to balance the financial objectives of the Trustees with an acceptable form of development on the site. These have largely been centred around a possible reduction in the overall number of new units and/or a reduction in the scale of the development to single storey only - these compromise suggestions have not proved acceptable to the applicants and a determination is now required on the current proposal which represents the minimum feasible scheme.

Notwithstanding the financial circumstances outlined above, there remain considerable planning concerns over both the conservation and amenity aspects of the development. On the planning merits of the case, therefore, your officer's recommendation must be one of refusal based on Policies C18, C31A and C38 in the District Plan. Members will be aware of guidance in PPS1 (Delivering Sustainable Development) which advises that:

"Where the Development Plan contains relevant policies, applications for planning permission should be determined in line with the Plan, unless material considerations indicate otherwise".

While your Officers consider that there remains an opportunity for a more limited form of development on this site to meet all relevant objectives, it is for Members to consider whether there are any material considerations in this case which would override those planning objections to the development detailed in this report.

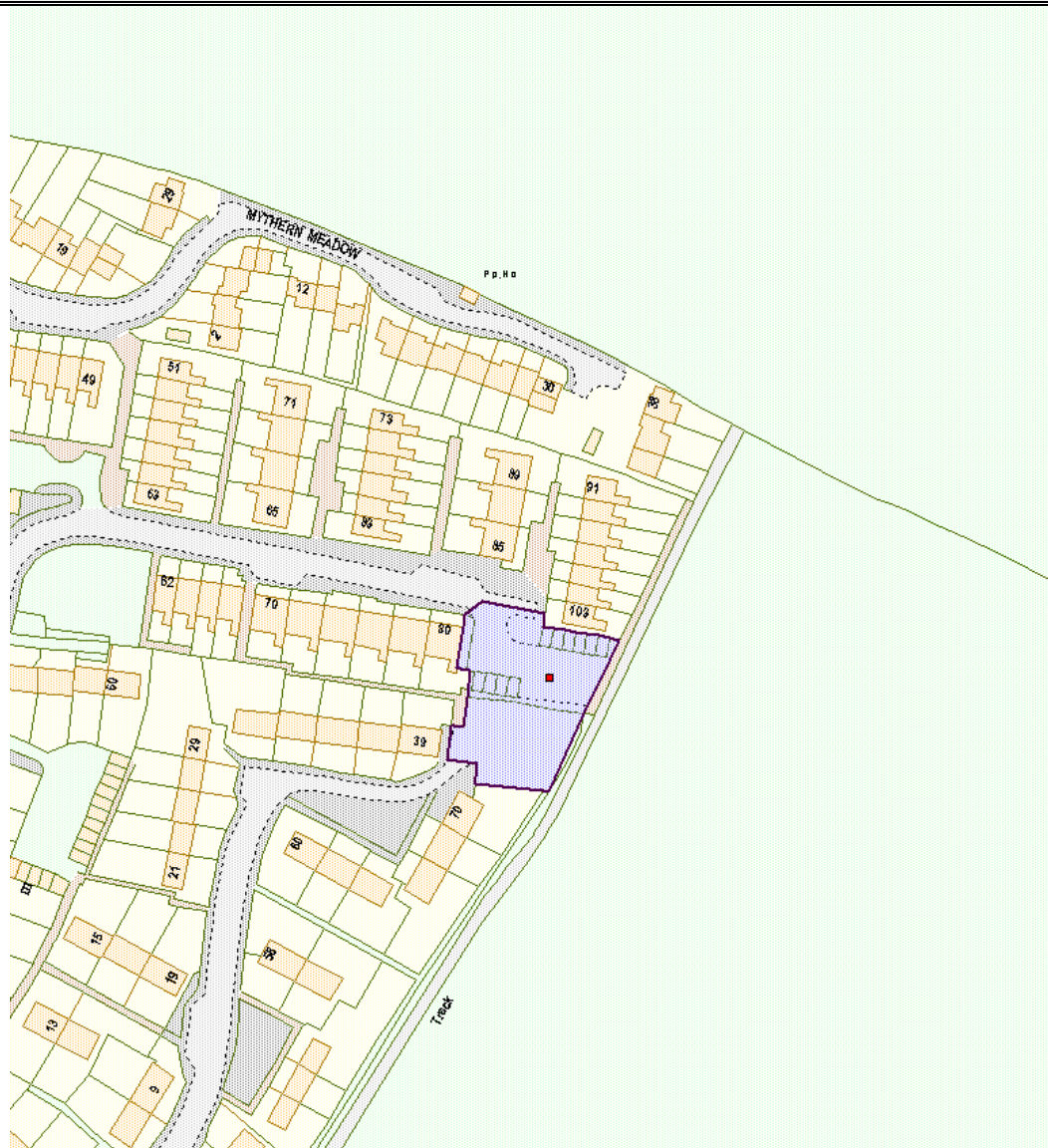
PLANNING COMMITTEE

19 April 2007

ITEM NO: 04

APPLICATION NO: 07/00395/OUT

LOCATION: Garage Block Adjacent To 103 Southville Road
Bradford On Avon Wiltshire



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SLA: 100022961

04 Application: 07/00395/OUT

Site Address: Garage Block Adjacent To 103 Southville Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383585 160235
Application Type: Outline Plan
Development: Residential development (outline) for the erection of four dwellings (resubmission of 06/02724/OUT)
Applicant Details: West Wiltshire Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire SN15 3DB
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Mark Reynolds
Date Received: 05.02.2007 Expiry Date: 02.04.2007

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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 2 Application for approval of the reserved matters (scale, appearance and landscaping) 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 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.

- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 The access and driveway 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: Policy T10 - West Wiltshire District Plan 1st Alteration 2004.
- 7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of highway safety.
- 8 The proposed development shall incorporate six parking spaces for the proposed dwellings in accordance with the details shown on Drawing no.1751/03. The parking spaces shall be provided before the proposed dwellings are occupied and shall subsequently be retained thereafter.
- REASON: To ensure that an adequate area for parking is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10.
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- Note(s) to Applicant:**
- 1 The developer is advised to protect the integrity of Wessex water systems and to agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because the Town Council objects contrary to your Officer's recommendation.

This is an outline planning application for the erection of four dwellings on an existing garage block site adjacent to No.103 Southville Road, Bradford on Avon.

Siting and means of access are currently being sought whilst scale, appearance and landscaping are reserved matters. An indicative layout submitted with the application shows four attached bungalows with gardens to the rear. The proposal provides six car parking spaces for the four dwellings. The application site currently contains two rows of garages (10 in total) and a large area of hardstanding. The site has two vehicular access points, one in the north west corner of the site and the other in the south west corner.

The application site is located within a residential area and the neighbouring properties are primarily terraced dwellings constructed in reconstituted stone with concrete tiled roofs.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

The Town Council recommends refusal until further consultation has taken place and a satisfactory detailed application is submitted. Issues of concern are particularly: Treatment of sewage (present and future as there already appears to be a capacity problem); access for existing house numbers 91-103; resisting of recycling bins.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No objections subject to conditions.

WESSEX WATER

No objections raised

INTERNAL CONSULTEES

PLANNING POLICY

Comment 'satisfied that the issue of development density has been addressed by the applicant. In conclusion I reiterate that this is a thoroughly sustainable proposal that makes good use of previously developed land'.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties and by a site notice. Three letters were received raising the following issues;

- Overdevelopment
- Loss of parking
- Emergency service access
- Insufficient on-street car parking
- Need a disabled parking space provided for resident at No.89 Southville Road

PLANNING POLICY

RPG10/RSS10 - Regional Guidance for the south west

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP7 - New housing in towns and main settlements

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further housing development within towns

H24 - New housing design

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

Supplementary Planning Guidance - Residential Design

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing

RELEVANT PLANNING HISTORY

06/02724/OUT - Three dwellings - Withdrawn 16.1.07

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of policy, highway safety and impact on neighbouring amenity.

PLANNING OFFICER COMMENTS

The application site is located within the town policy limit for Bradford on Avon. Where further residential development will be permitted subject to a number of criteria.

In this case the proposal is for four dwellings. The proposal represents a development density of approximately 33 dwellings per hectare. This density is compliant with PPS 3 guidelines. This density is still lower than surrounding properties however the application is supported by a letter which advises that the Housing Society requires new bungalows to be of a standard size to meet the needs of disabled occupants. This is a resubmission following the withdrawal of a previous application (0602724/OUT) to consider the density of the development. The density of development has been increased in this case to four units where three were previously proposed.

The indicative plans demonstrate a single storey form of development could be achieved on site which would be in keeping with the general format of surrounding dwellings. The proposal would respect the overall grain of development in the area and would help to more efficiently utilise an underused area. The dwellings would be provided with an area of amenity space. The proposal would not result in the loss of an open area or visual gap which is important for amenity reasons and it is considered that the proposal would accord with planning policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

It has been demonstrated that the proposed dwellings could be located in a format that should not harm neighbouring amenity. The proposed units would back onto a field and the existing dwellings to the north should not be harmed because the units could be sited to be broadly in line with the properties to the north.

The proposal raises issues regarding highway safety. The proposal makes provision for six spaces for four dwellings. One of the plans only shows four spaces for the proposed units however another plan shows six spaces and a condition could be placed on any permission to ensure that six spaces are provided. The Highway Authority are content that the proposal is acceptable in highway safety terms and subject to conditions that permission may be granted. Although the proposal involves the removal of existing garaging it is noted that there exists on-street car parking within the vicinity of the application site for additional car parking. The West Wiltshire Housing Society are also investigating the possibility of providing some further parking in the area.

The Town Council have objected on the basis that the application is not sufficiently detailed. This is however an outline application and must be considered as such and the details of the scale, appearance and landscaping would be required in the form of the submission of reserved matters following the granting of outline planning permission. The submitted elevational drawings should be regarded as purely illustrative.

The Town Council have raised concerns regarding sewage disposal and capacity. Wessex Water were consulted on the application and raised no objections to the proposal. This issue may be addressed in more detail at the building regulations submission stage. Concern has also been raised regarding the resiting of recycling bins this will be addressed by the West Wiltshire Housing Society.

Concern has been raised by a neighbour that the proposal represents overdevelopment. This is not however considered to be the case given that government guidance seeks to promote higher density forms of development in sustainable locations and the fact that high density forms of development surround the application site.

Concern has been raised regarding access for emergency services. The proposal envisages the retention of a vehicular route through the site which would be of 5.4m in width which should provide adequate access for emergency service vehicles.

A neighbour has commented regarding the possible provision of a disabled access space this is being addressed by the West Wiltshire Housing Society and the Highway Authority. The Highway Authority have suggested a condition regarding this issue however it is considered that there exists adequate parking in the vicinity.

CONCLUSION

The general principle of the development of four dwellings on a sustainable town centre site would be a desirable, efficient and appropriate use of land in accordance with the Council's adopted policy framework.

PLANNING COMMITTEE

19 April 2007

ITEM NO: 05

APPLICATION NO: 07/00182/FUL

LOCATION: 4 Sycamore Grove Westbury Wiltshire BA13 3NE



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SLA: 100022961

05 Application: 07/00182/FUL

Site Address: 4 Sycamore Grove Westbury Wiltshire BA13 3NE

Parish: Westbury

Ward: Westbury Ham

Grid Reference 386510 151146

Application Type: Full Plan

Development: One and a half storey extension

Applicant Details: Mr P Kirkman And Miss D Horscroft
4 Sycamore Grove Westbury Wiltshire BA13 3NE

Agent Details:

Case Officer: Mr David Cox

Date Received: 18.01.2007

Expiry Date: 15.03.2007

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 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 Notwithstanding the provisions of Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the extension shall not have any windows inserted in the first floor south east (rear) elevation, or any dormer or velux windows on the south east roof slope.

REASON: In the interests of neighbouring amenity of No 49 Queens Road.

POLICY: C38 of the West Wiltshire District Plan 1st Alteration 2004

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Westbury Town Council objects and you Officers recommend permission. This is an application for a two-storey side extension at 4 Sycamore Grove, Westbury.

This is a residential area comprising of a range of dwellings including bungalows, 2-storey semis and 3 storey flats. No 4 is a semi-detached property in a prominent position on the street although is set approximately 11 metres from the main road. The whole of its front and side elevation is visible from the main road.

The proposal is to build a two-storey side extension, which the plans indicate will measure approximately 4.5 metres wide, 4.2 metres deep and 5.2 metres tall sloping to 3.9 metres at eaves. It would be set down approximately 900mm from the ridge of the roof on the host building. The front wall of the extension would protrude approximately 1 metre in front of the main wall of the host building. There is an existing rear conservatory on the property, although this has been omitted from the submitted plans.

CONSULTATION REPLIES:

WESTBURY TOWN COUNCIL

The Committee objected on the grounds of overdevelopment.

STATUTORY CONSULTATIONS:

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Design:

Policy C31a of the Local Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. Supplementary Planning Guidance states that an extension should be a subservient element to the host building and not upset the symmetry of the building as a whole.

The extension would be a subservient addition to the host building and so would be in line with the Supplementary Planning Guidance. The guidance also recommend that front walls of an extension should be set back from the front wall of the host building (which would normally achieve subservience). However the extension would be subservient by the fact that the roof is significantly lower than the main roof. Additionally there is nothing specific in the Guidance about building in front of the main established front wall apart from a general advice that it should respect the host building and its setting in the street scene.

Whilst it would be unusual for a side extension to project forward of the front wall it is considered that because it only comes out by a metre it would not significantly harm the host building or the setting of the street scene. The street scene is characterised by a wide range of building types and sizes with this street alone having bungalows, 2 and 3 storeys properties. Therefore as there is a range of building types and designs this proposal would not lead to a cluttered or unsightly appearance of the host building or the street scene.

On balance although the projection in front is subservient and would not cause sufficient harm in which to justify as a reason for refusal.

Nuisance:

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. The extension would not cause any overshadowing of neighbouring properties because the extension would be to the north of the closest neighbouring garden at No 49 Queens Road. Therefore the shadow that would occur from this extension would cover the applicants own front garden.

The bedroom on the first floor would be served by two velux roof lights on both roof slopes. The one facing No 49 would look out onto its blank side elevation and so would minimise any overlooking. The applicant may have problems in inserting a window at first floor due to the height of the eaves. However in order to protect No 49's privacy a condition shall be made to prevent any further windows being inserted at first floor or on the roof slope without planning permission.

CONCLUSION

On balance although the extension does protrude in front of the main wall of the host building the proposal would not cause sufficient harm in which to justify as a reason for refusal. Therefore the application should be granted planning permission.

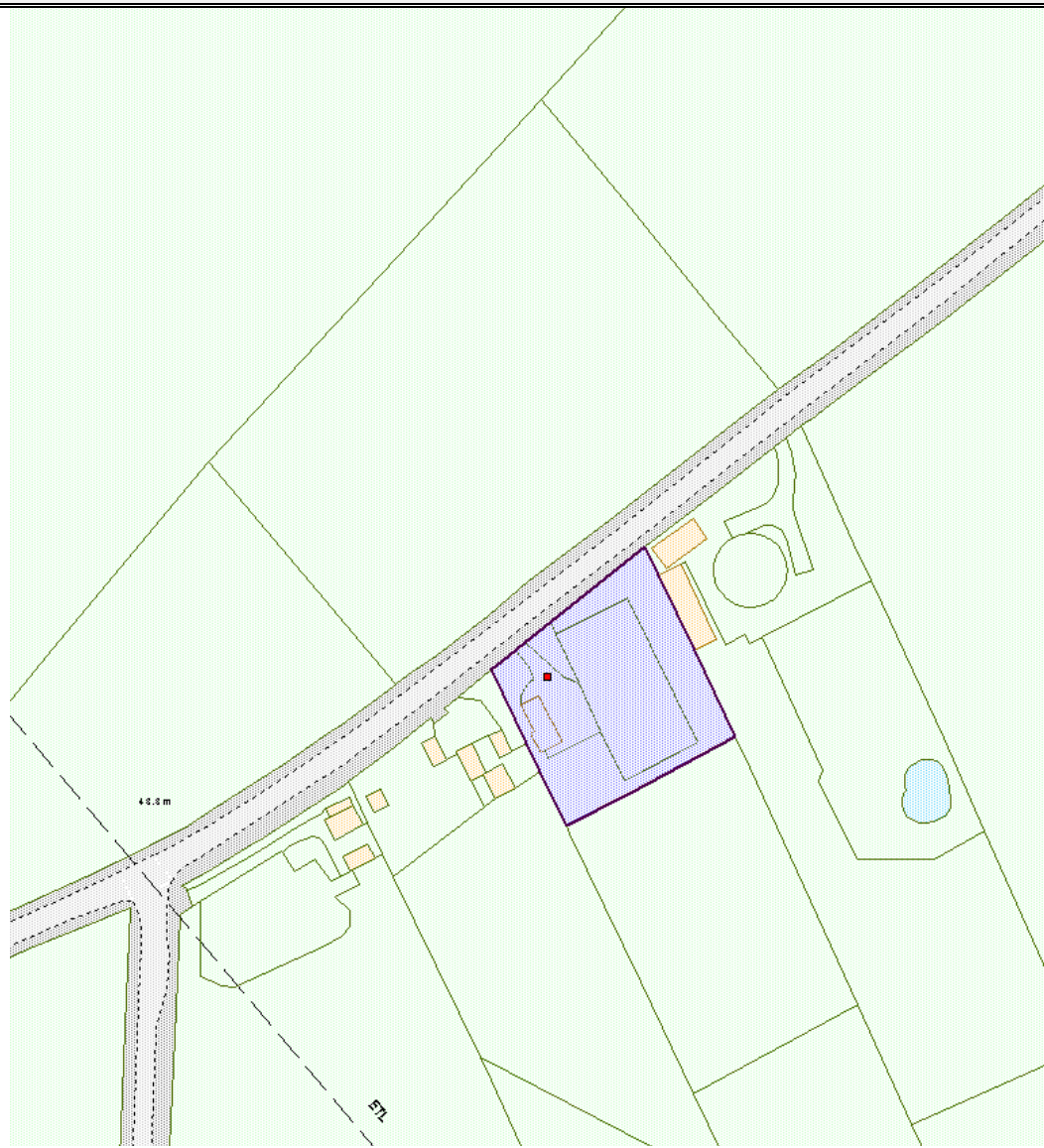
PLANNING COMMITTEE

19 April 2007

ITEM NO: 06

APPLICATION NO: 07/00268/FUL

LOCATION: Land At Lower Woodrow Melksham Wiltshire



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SLA: 100022961

06 Application: 07/00268/FUL

Site Address: Land At Lower Woodrow Melksham Wiltshire

Parish: Melksham Without Ward: Melksham Without

Grid Reference 392335 165601

Application Type: Full Plan

Development: Proposed limited business use with new american barn, conversion and extension of existing loose boxes and improved site entrance etc

Applicant Details: Mr And Mrs J D Ballardie
The Rest Northbrook Market Lavington Devizes Wiltshire

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

Case Officer: Mrs Jane Sanger

Date Received: 24.01.2007 Expiry Date: 21.03.2007

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 The use hereby permitted shall enure for the benefit of the named applicant Claire Lilley only.

REASON: In the interests of highway safety.
- 3 The land within the red line and hereby granted planning permission shall only be used by horses liveried at the premises which are in training by the named applicant, Claire Lilley only.

REASON: In the interests of highway safety.
- 4 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto highway details of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.
- 5 The improvements to the access and provision of the visibility splays hereby approved shall be carried out strictly in accordance with the approved plans and no obstruction to visibility shall be permitted over a height of 600mm within the splay and it shall thereafter be maintained so as not to exceed that height.

REASON: In the interests of highway safety.

- 6 No materials or manure shall be burnt on site.

REASON: In order to minimise nuisance.

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

- 7 No development shall take place until a replacement Hawthorn Hedge has been supplied and planted at a height of no less than 1.8 metres (an instant hedge), along the visibility splay shown on the approved plan (DWG 2392/01 rev A). This hedge must achieve a minimum height of 1.8 metres when planted from ground level and maintained inline with the existing hedgerow on either side. Detailed specifications must be submitted and approved in writing by the Local Planning Authority prior to planting. The approved scheme shall be fully implemented prior to any other development commencing on site. All planting shall be properly maintained for a period of 5 years. Any plants, which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation. The screen shall be retained thereafter.

REASON: In the interests of the amenities of neighbouring properties and the appearance of the locality.

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

- 8 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.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for a change of use of the site to an equestrian business with a new American Barn measuring approximately 15 metres by 9.5 metres.

It would house five internal boxes, a tack room, feed room and open circulation area. The existing three loose boxes would be refurbished and used for hay and straw storage. A new equipment store and workshop would be attached to this existing structure which would be approximately 5.6 metres by 3.7 metres.

The proposal further includes an extension to the existing menage, to a full size of 20 metre by 60-metre dressage training arena.

At the present time the stable yard has three east facing open loose boxes with an attached small tack room and a small covered tool storage area to the rear of the tack room. The yard also has a purpose built 20 metre by 40 metre enclosed menage. An old articulated curtain sided lorry container is currently used for storage of hay.

This application seeks to improve the existing site access by widening it to 4.5 metres with 45 degree visibility splays and moving the gate back into the yard in order to provide a 10 metre deep pull-off from Lower Woodrow Road to accommodate a four wheel drive and horse trailer.

The existing boundary hedgerow would be removed and replaced along the front boundary at a position to the rear of the newly created visibility line which would provide and uninterrupted visibility along Lower Woodrow Road from a point at 4.5 metres back from the highway.

CONSULTATION REPLIES

- MELKSHAM WITHOUT PARISH COUNCIL: The Council welcomes the changes to the access but objects to the proposal to "lift" the entire hedgerow, which has been in situ for many years and the Council wishes to ensure that damage to the hedge is minimised. It is unnecessary to remove the full hedgerow to achieve visibility-taking out a section would be sufficient. Footpath 47 is still not shown on the revised plans and the Council wishes to re-iterate that there should be no diversion. There needs to be adequate space on site both for parking and turning.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: The Highway Authority are now satisfied that the assurances given regarding the commercial uses and the improvements to the access now offered as part of this revised application are such that approval can be recommended, subject to conditions.

WWDC INTERNAL CONSULTEES:

TREE AND LANDSCAPE OFFICER: The re-alignment of the hedgerow along the frontage of this site to satisfy Highway concerns is not desirable. However, as there is no other way of accessing this site a replacement hedging condition is recommended.

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

PUBLICITY RESPONSES

This application was publicised by way of neighbour notification letters and a site notice. No comments have been received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C1 - Countryside protection

C31A - Design

C38 - Nuisance

E10 - Horse related development

RELEVANT PLANNING HISTORY

91/00828/FUL - New access onto Woodrow and closing of existing access - Approved 13.08.91

93/00495/FUL - Implement shed - Approved 27.05.93

97/01034/FUL - Three wooden loose boxes and tack room - Approved 22.09.97

06/02268/FUL - Proposed equestrian business with new American barn, conversion and extension of existing loose boxes - Refused 07.09.06

KEY PLANNING ISSUES

The main considerations relating to this development are its impact on the open countryside, the removal of the hedgerow, the highway and whether it overcomes the previous reason for refusal.

PLANNING OFFICER COMMENTS

Policy E10 of the West Wiltshire District Plan 1st Alteration (2004) states that proposals for equestrian uses will be required to have regard to minimising their effects on the surrounding countryside.

The proposed additional buildings on this site would have shallow pitched roof alignments and their roof heights would be kept to a minimum. Whilst this is a rural location, it is characterised by equestrian and agricultural buildings similar to those proposed by this application. The buildings are not out of keeping with the surrounding area and are relatively low profile. Agricultural and equestrian buildings are a typical feature of the countryside.

The public right of way, which crosses the blue edged area, results in the proposed buildings being visible from the south-east, but this is a common sight in this location. The development would not result in the diversion of this footpath. The additional buildings would not harm the appearance of the countryside in this location and the proposed siting of the units close to similar buildings nearest the highway would be seen to minimise their effect on the countryside.

The proposed use would involve the applicant acquiring a limited number of high quality young animals (a maximum of two animals at any one time), to be bred, trained and sold on. There would be a maximum of six horses stabled on a permanent/long term basis. Visitors would be by appointment only.

The proposed use would be consistent with the adjoining uses, which are mainly for equestrian use. The neighbouring land is owned by Chiptrick Riding School and is believed to have been in this use for at least 15 years.

Proposals for equestrian uses must also have regard to their impacts on the highway. The previous application (06/02268/FUL) was refused on the grounds that the access to the site was not appropriate for the increased use of the premises due to poor visibility from the site out onto a classified road. The proposal was seen to be prejudicial to road safety.

This revised application overcomes the only reason for refusal by improving the site access in accordance with the guidelines given by the Highways Authority. Furthermore, there is space for parking and turning within the site.

The Council's Tree and Landscape Officer finds no arboricultural or landscape reason to refuse this application in relation to the removal of the entire hedgerow. A condition has been recommended to ensure the replanting of the hedgerow in the position indicated on drawing 2392/01 Revision A.

CONCLUSION

This is a use consistent with rural activities and the proposal would be in accordance with the Development Plan.

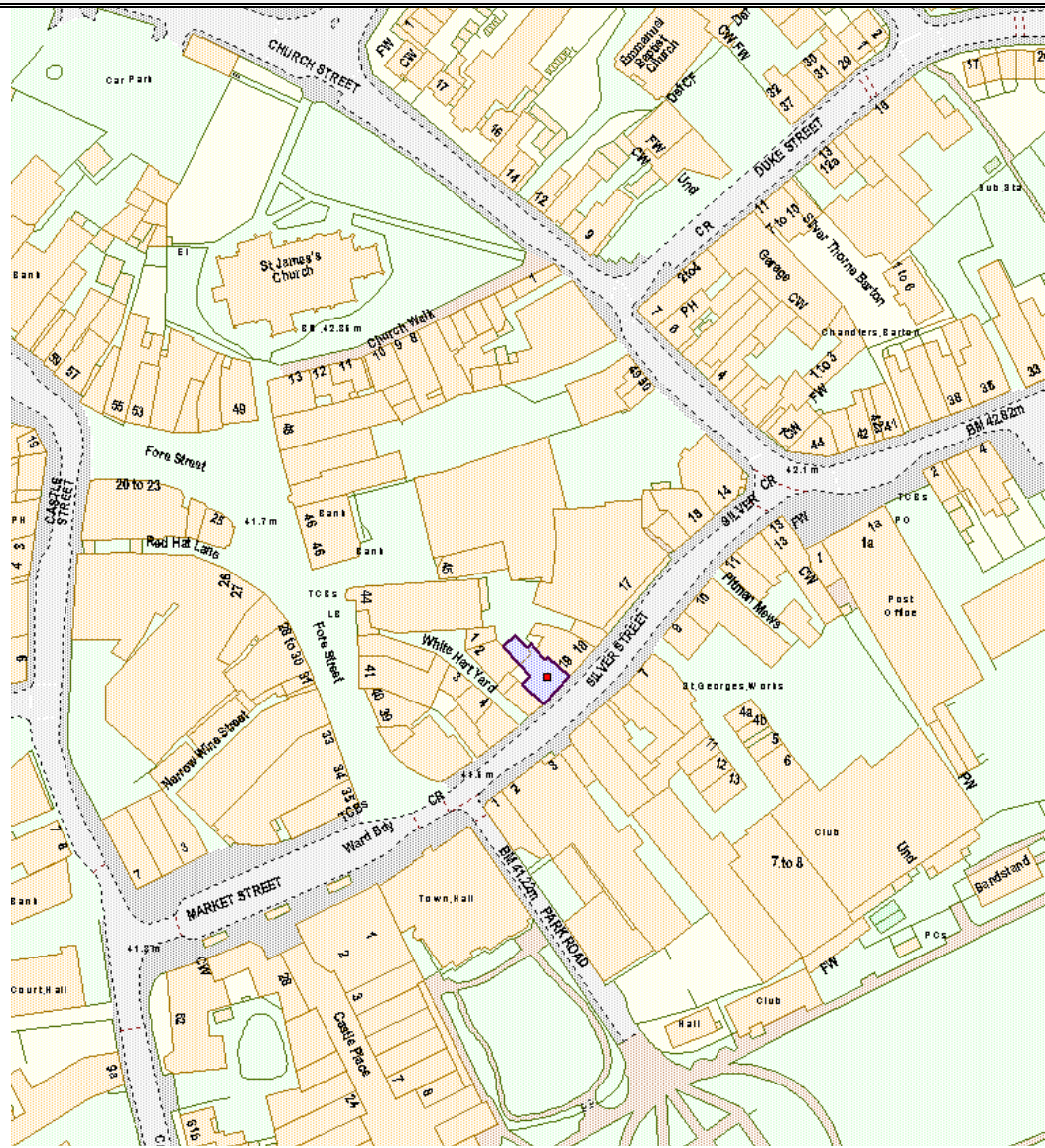
PLANNING COMMITTEE

19 April 2007

ITEM NO: 07

APPLICATION NO: 07/00595/FUL

LOCATION: 20 Silver Street Trowbridge Wiltshire BA14 8AE



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SLA: 100022961

07 Application: 07/00595/FUL

Site Address: 20 Silver Street Trowbridge Wiltshire BA14 8AE

Parish: Trowbridge Ward: Adcroft
Grid Reference 385703 157965
Application Type: Full Plan
Development: Change of use from Class A1 (Retail) to Class A2 (Financial And Professional Services)
Applicant Details: J G Leisure
27/28 New Road Chippenham Wiltshire SN15 1HS
Agent Details: G L Hearn
The Malt House Sydney Buildings Bath BA2 6BZ
Case Officer: Mr Mark Reynolds
Date Received: 19.02.2007 Expiry Date: 16.04.2007

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.

COMMITTEE REPORT

APPLICATION DETAILS

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

The proposal is a change of use from A1 to A2 of a ground floor premises located in the secondary retail frontage of Trowbridge.

The site address is 20 Silver Street and was formerly occupied by 'The Alms House' which has relocated to Roundstone Street which is also located within the commercial area of Trowbridge. The building within which the shop is located is a Grade II listed building. The application site is located within the secondary retail frontage of Trowbridge's commercial area and within a conservation area. There are internal alterations proposed to the building which form part of a separate Listed Building Consent proposal.

There are no alterations proposed to the shopfront and this full planning application should be understood purely as a change of use application.

CONSULTEE REPLIES

- TROWBRIDGE TOWN COUNCIL state: 'the committee object to losing a shop in a prime retail area'.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objections

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified. No comments were however received on the application.

RELEVANT PLANNING HISTORY

07/00813/LBC - Parallel application for listed building consent - Pending

PLANNING POLICY

West Wiltshire District Plan 1st Alteration - 2004

C19 - Alterations in a Conservation Area

C20 - Change of Use in Conservation Areas

C27 - Listed Buildings

C38 - Nuisance

SP1 - Town centre shopping

SP5 - Secondary Retail Frontages

PPS 1 - Delivering Sustainable Development

PPS 6 - Planning for town centres

PPG15 - Planning and the Historic Environment

KEY PLANNING ISSUES

The main issues to consider with this application are the potential impact on the vitality and viability of the town centre together with the impact on the character and appearance of the conservation area. Also this is a Grade II listed building and the impact upon this building of the change of use should be considered. Highway safety is also a relevant consideration.

PLANNING OFFICER'S COMMENTS

The site is located within an area of the town centre defined as a secondary retail frontage and not the primary retail frontage. Policy SP5 of the West Wiltshire District Plan 1st Alteration (2004) Policy SP5 states that a flexible approach should be taken to allow for a diversity of activities important to town centre commercial areas to take place outside the primary retail area and that in secondary retail frontages changes of use from Class A1 to A2 or A3 will be permitted. This proposal to change the use of a shop to an A2 premises would be consistent with the above policy framework. The principle of the change of use should not therefore be resisted and the viability and vitality of Trowbridge's commercial centre should not be harmed. It should be noted that the building has previously been in an A2 use in the past.

There is a variety and broad spread of land uses retained in the locality, including retail and commercial uses. This variety supports the character and appearance of the conservation area. Changes of use of buildings in a conservation area will be permitted provided that the new use will not require any changes in the appearance that would be likely to harm the special character or appearance of the conservation area. Since there would be no alterations or extensions to the property the character and appearance of the conservation area would be preserved.

There would be no nuisance issues relating to this proposal as a change of use from retail to A2 would be unlikely to cause any increase in noise or other nuisance.

The Highway Authority has no objections to this proposal and it is not considered that a change of Use Class would result in an increase in vehicular traffic to the town centre.

The proposed change of use does not involve any external alterations to the building and the internal alterations will be considered in the corresponding listed building consent proposal. This planning application for a change of use should not harm the character of this listed building.

The concerns of the Town Council regarding the loss of an A1 use are noted however the proposal would be policy compliant and the change of use to an A2 premises would retain an active frontage in this location.

CONCLUSION

The proposal is in accordance with Council policy to preserve and enhance the character and appearance of the conservation area and represents a use that would be acceptable within the secondary retail frontage.

PLANNING COMMITTEE

19 April 2007

ITEM NO: 08

APPLICATION NO: 07/00813/LBC

LOCATION: 20 Silver Street Trowbridge Wiltshire BA14 8AE



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SLA: 100022961

08 Application: 07/00813/LBC

Site Address: 20 Silver Street Trowbridge Wiltshire BA14 8AE

Parish: Trowbridge Ward: Adcroft
Grid Reference 385703 157965
Application Type: Listed building
Development: Internal alterations to building in connection with change of use of unit from retail (A1) to financial and professional services (A2)
Applicant Details: J G Leisure
27-28 New Road Chippenham SN15 1HS
Agent Details: G L Hearn
The Malt House Sydney Buildings Bath BA2 6BZ
Case Officer: Mr Mark Reynolds
Date Received: 07.03.2007 Expiry Date: 02.05.2007

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

Condition(s):

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

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

- 2 Details and drawings of all new openings to be created in relation to the installation of the toilets and wash basins shall be provided at a scale of 1:20. Details must be approved in writing by the Local Planning Authority prior to the commencement of any works on site. The works shall only be carried out strictly in accordance with those approved details.

REASON: To ensure that the fabric of the listed building is conserved.

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

- 3 Details of the method of fixing of the wall panelling, counter and internal partitions shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be carried out strictly in accordance with the approved details.

REASON: To ensure that the fabric of the listed building is conserved.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee because the Town Council object to the application contrary to your Officer's recommendation.

This is an application for listed building consent for internal changes to a Grade II listed building.

These works are required in connection with a change of use from Class A1 to Class A2 of the ground floor premises.

20 Silver Street is a Grade II Listed building located in the commercial centre of Trowbridge.

An associated planning application Ref: 07/00032/FUL is also presented to the committee for the change of use of the premises from an A1 to A2 use.

CONSULTATION RESPONSES

- TROWBRIDGE TOWN COUNCIL: Comment as follows;

"The committee felt that the original plan from retail to A1 should be adhered to and objected to the application".

INTERNAL CONSULTEES

- HERITAGE DEVELOPMENT OFFICER: Approve subject to details of works being submitted.

PUBLICITY

The application has been publicised by site notice and press advertisement. No comments were received.

RELEVANT PLANNING HISTORY

07/00595/FUL - Parallel planning application - Pending

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C26 - Maintenance of buildings

C27 - Listed buildings

C28 - Alterations and Extensions to Listed buildings

C31A - Design

PPS 1 - Delivering Sustainable Development

PPG 15 - Planning and the Historic Environment

KEY PLANNING CONSIDERATIONS

The main issue to consider in this application is the impact of the proposed works on the character and integrity of this Grade II listed building.

PLANNING OFFICER'S COMMENTS

Section 16(2) 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 when determining an application for listed building consent.

Policy C27 of the West Wiltshire District Plan 1st Alteration 2004 states that the character of listed buildings will be protected and that planning permission or listed building consent will not be granted for any development that would adversely affect the character or setting of any listed building.

Further Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

The proposal involves the making of internal alterations and refurbishment internally. These works include the installation of a counter and wall panelling. Several internal partitions would be introduced into the building. Laminate flooring will be put down within the building. It was previously proposed to replace the suspended ceiling but this no longer forms part of the application. There would be no major physical alterations to the fabric of the building. The shop has been subject to significant alteration over the years through various shop fit installations.

Overall the proposed internal works would not harm the essential form of the building or the special character of this listed building and would not result in the loss of any historic fabric or harm to features of architectural or historic interest. The Heritage Development Officer has raised no objections to the proposal.

The Town Council have raised concerns regarding the use of the building. These concerns have been addressed in the corresponding application for full planning permission and this proposal can only be considered with regard to the impact of the proposal upon the listed building.

CONCLUSION

The proposal would not harm the character or integrity of this Grade II listed building.

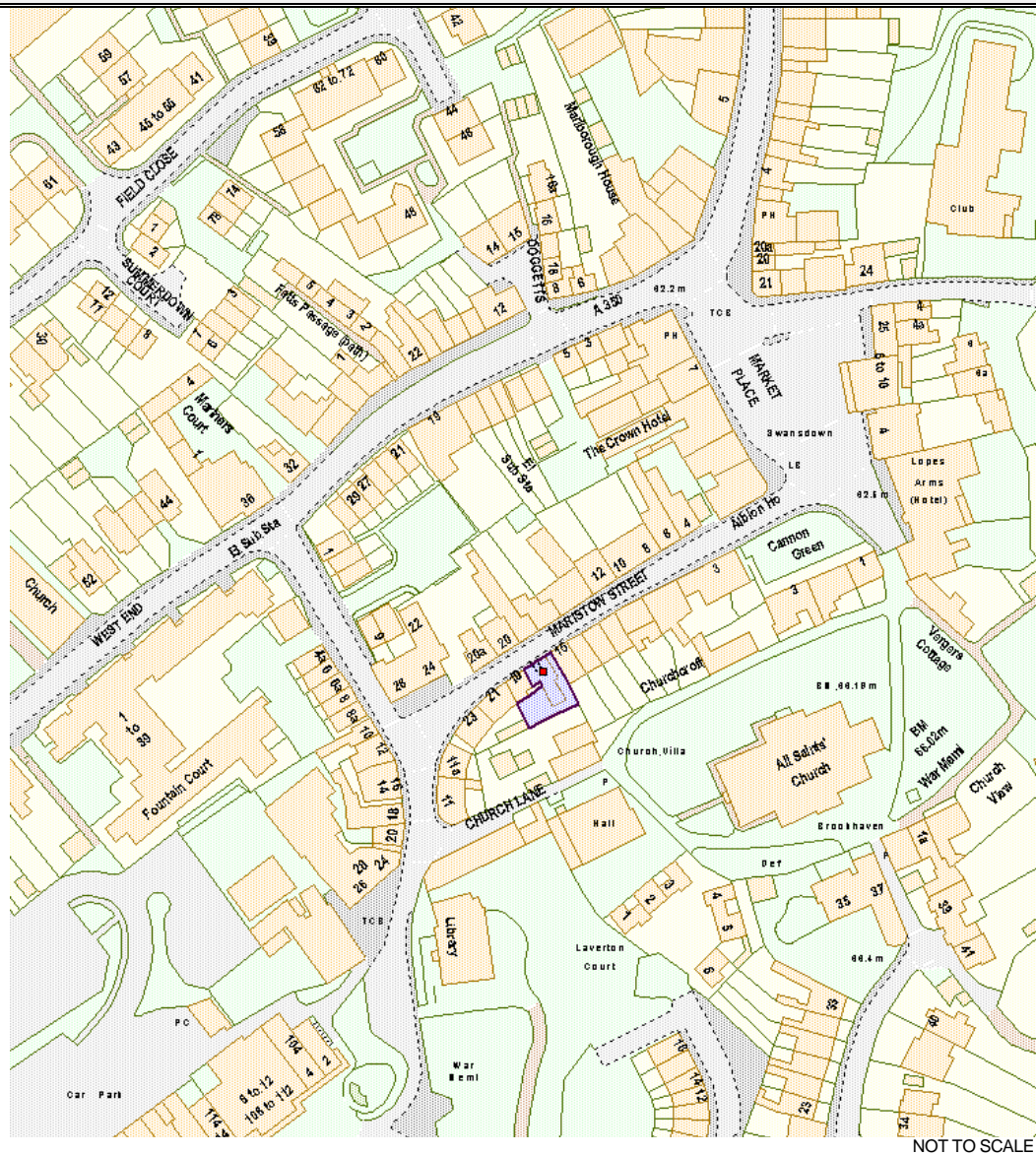
PLANNING COMMITTEE

19 April 2007

ITEM NO: 09

APPLICATION NO: 07/00057/FUL

LOCATION: 17 Maristow Street Westbury Wiltshire BA13 3DN



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SLA: 100022961

09 Application: 07/00057/FUL

Site Address: 17 Maristow Street Westbury Wiltshire BA13 3DN

Parish: Westbury Ward: Westbury Ham
Grid Reference 387312 151452
Application Type: Full Plan
Development: Change of use from shop to dwelling
Applicant Details: Mr S Marshall
Modern Heritage 45 Victory Road West Wilts Trading Estate BA13 4JL
Agent Details: FMH Architectural Services
162A Wyke Road Trowbridge Wiltshire BA14 7NY
Case Officer: Mr David Cox
Date Received: 05.01.2007 Expiry Date: 02.03.2007

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 Details of the two replacement windows, at a scale of not less than 1:20, together with details of the window frames, casements, glazing bars and glazing, at a scale of not less than 1:2, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the dormer window. The works shall be carried out with strict accordance with these plans.

REASON: In the interests of preserving the character of the listed building.

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

- 3 No works shall be commenced on site until further details of the method of fixing the partition walls to the existing walls along with details of any door, or other means of enclosure, architrave and skirtings have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in strict accordance with these details.

REASON: In the interests of preserving the fabric and integrity of the Listed Building

POLICIES: C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

Note(s) to Applicant:

- 1 The applicant is advised that double-glazing is unlikely to be acceptable for the new windows, as this is a Grade II Listed Building.
- 2 The applicant is advised that Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus and according to their records there is a public foul sewer crossing the site. Diversion or protection works may need to be agreed.
- 3 The applicant is advised that Wessex Water requires developers to protect the integrity of Wessex systems and agree in writing prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.
- 4 The applicant is advised to agree connection to Wessex Water systems for the foul flows and surface water flows generated by the proposal.
- 5 The applicant is advised that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

COMMITTEE REPORT**APPLICATION DETAILS**

This application is brought to Committee because Westbury Town Council objects and your Officers recommend permission. This is a full planning application for a change of use from a shop to dwelling at 17 Maristow Street, Westbury. This is a two storey Grade II Listed Building built with red bricks.

The dwelling would occupy the ground floor of the property as the first floor is already in residential use. The property has had a modern two storey rear extension. The property currently has a single large room although divided by steps leading up towards the rear of the property. There is also a rear toilet separated by a partition wall.

The proposal is to remove the partition wall and insert new timber partition walls to create a separated bedroom and bathroom from the kitchen/living room area. The two existing timber windows would be replaced with new windows although no details have been submitted in regards to their size, design and what glazing they would use.

CONSULTATION REPLIES:**WESTBURY TOWN COUNCIL****Objection:**

- Loss of retail unit (important business link to and from the Market Place)
- Change of street scene in conservation area
- No car parking provision realising Maristow Street is restricted parking during the day time with all neighbouring car parks (including the Market Place) being time restricted.

STATUTORY CONSULTATIONS:**HERITAGE OFFICER**

"The two rear windows are not historic and there is no concerns over the replacements provided they are single glazed and details are confirmed by condition.

The shop front is to be retained. The visual alterations of the property from the change of use would be the introduction of more domestic features such as blinds or curtains. However there would be no restriction on a shop using curtains or blinds and this, together with the variety of the existing street in the regard, would not harm the special character or appearance of the conservation area".

HIGHWAY AUTHORITY

No objection:

"I do not wish to raise any objections to this development having come to the view that there would be some saving in that delivery vehicles would not be attracted to the premises which are located on a single carriageway one way road and which is totally blocked when deliveries are made.

I am aware that there is no on-street car parking provision for this property but I have taken the view that it is in the town centre and there are parking restrictions in force to prevent unauthorised car parking and there are a range of alternative modes of transport for the prospective occupiers".

WESSEX WATER

No objection subject to conditions.

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

H1 - Further Housing Development Within Towns
C17 - Conservation Areas
C20 - Change of Use in Conservation Areas
C27 - Listed Buildings
C28 - Alterations and Extensions to Listed Buildings
C31a - Design
C38 - Nuisance
SP1 - Town Centre Shopping
SP5 - Secondary Retail Frontages

PPG 15 - Planning and the Historic Environment.

PPS1 - Delivering Sustainable Development
PPS3 - Housing

RELEVANT PLANNING HISTORY

3 Maristow Street - 00/00464/FUL - Change of use from shop to residential - Refused - 26.04.2000

20 Maristow Street - 02/01940/FUL - Change of use from A1 to residential - Permission - 17.02.2003

20 Maristow Street - 97/00696/FUL - Change of use from A1 to residential - Refused - 17.07.1997
- Appeal dismissed 27.04.1998

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

Planning History of No 20 Maristow Street and the impact on the Secondary Retail Frontage:

The application history at No 20 Maristow Street is an important consideration. The 97/00696/FUL application was refused and dismissed at appeal with the Inspector quoting that "Maristow Street is a secondary shopping frontage compared with the concentrated activity in the High Street but it does nevertheless, perform an important role in the structure and functioning of the town centre by providing a vital connecting element between Market Place - historically the centre of the town and the more recently created principle shopping thoroughfare. The link is essential to retaining the role of the town centre as a focus for commercial activity and any diminution of the retail interest and sense of activity along it is highly undesirable".

However in the 02/01940/FUL application which was permitted in February 2003 the case officer states "Since the Inspector's decision, the draft policy SP5 has been published which is more flexible and allows for other changes subject to the primary commercial function of the centres being maintained. There have been no objections to this policy and should therefore be given due weight".

There has been no further changes to the District Plan since this time and so Policy SP5 and the decision of the approved 02/01940/FUL application should also be given due weight. There will still be a wide range of other businesses in the street including restaurants, shops, financial services, take-aways and a betting shop. It is considered that the primary commercial function of the street and the Westbury town centre will be maintained as required by Policy SP5.

Change of use in Conservation Area:

Policy C20 of the District Plan states that a change of use of a building in a conservation area will be permitted provided that the new use will not require any changes in the appearance or setting of the building which would be detrimental to the special character or appearance of the area. The only alterations to the appearance of the front elevation would be the possible erection of curtains or blinds on the front windows. However as the Heritage Officer comments there are no restrictions on businesses doing the same things and so this would not harm the special character or appearance of the conservation area.

Additionally the Inspector in the 97/00696/FUL appeal for No 20 Maristow Street did not uphold that the change of use proposal was contrary to the character and appearance of the conservation area.

Listed Building:

PPG 15 and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There would be no alterations to the front elevation of the listed building. There would also only be a minor internal change with the removal of a internal wall that lead to a toilet. This is not considered to be a historic wall or a historic room as part of this listed building. The new partition walls would be made from timber and conditions can be made requiring further details as to their fixing to the existing walls.

The two windows at the rear end of the property would also be replaced with timber and can again be subject to further conditions regarding the size of the windows, and on the type of glazing to be used. These windows are located on the previously extended rear section that has a range of window types and designs.

Highway Safety and Car Parking:

The Highway Authority does not have any objection to the proposal, as it would reduce delivery vehicles to the premises. Additionally by being in the town centre alternative transport modes are available to occupants and road restrictions would prevent cars being parked on the road itself. Therefore sustainable alternative modes of transport would be encouraged here.

CONCLUSION

The Town Council's objections cannot be supported as the application complies with Development Plan policy and so the application should be granted planning permission subject to conditions.

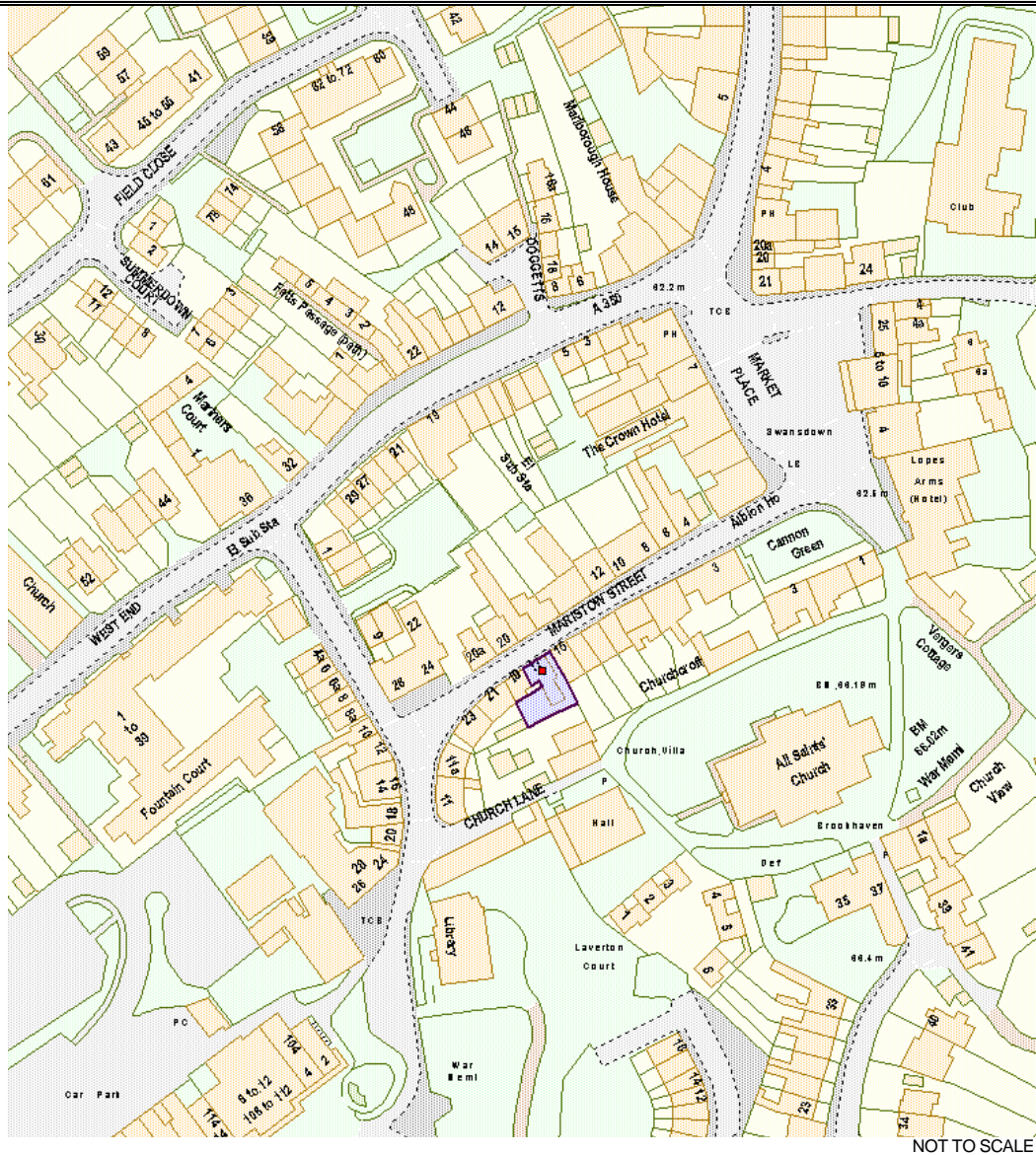
PLANNING COMMITTEE

19 April 2007

ITEM NO: 10

APPLICATION NO: 07/00056/LBC

LOCATION: 17 Maristow Street Westbury Wiltshire BA13 3DN



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SLA: 100022961

10 Application: 07/00056/LBC

Site Address: 17 Maristow Street Westbury Wiltshire BA13 3DN

Parish: Westbury Ward: Westbury Ham

Grid Reference 387312 151452

Application Type: Listed building

Development: Change of use from shop to dwelling - associated internal works and two new windows

Applicant Details: Modern Heritage
FAO Mr S Marshall 45 Victory Road West Wilts Trading Estate
Westbury Wiltshire

Agent Details: FMH Architectural Services
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14
7NY

Case Officer: Mr David Cox

Date Received: 05.01.2007 Expiry Date: 02.03.2007

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 Details of the two replacement windows, at a scale of not less than 1:20, together with details of the window frames, casements, glazing bars and glazing, at a scale of not less than 1:2, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the dormer window. The works shall be carried out with strict accordance with these plans.

REASON: In the interests of preserving the character of the listed building.

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

- 3 No works shall be commenced on site until further details of the method of fixing the partition walls to the existing walls along with details of any door, or other means of enclosure, architrave and skirtings have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in strict accordance with these details.

REASON: In the interests of preserving the fabric and integrity of the Listed Building

POLICIES: C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

Note(s) to Applicant:

- 1 The applicant is advised that double-glazing is unlikely to be acceptable for the new windows, as this is a Grade II Listed Building.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Westbury Town Council objects and your Officers recommend permission. This is a Listed Building application for a change of use from shop to dwelling, associated internal works and alterations to two windows at 17 Maristow Street, Westbury. No 17 is a Grade II Listed Building.

The dwelling would occupy the ground floor of this two-storey property as the first floor is already in residential use. The property currently has a single large room although divided by steps leading up towards the rear of the property. There is also a rear toilet separated by a partition wall.

The proposal is to remove the partition wall and insert new timber partition walls to create a separated bedroom and bathroom from the kitchen/living room area. The two existing timber windows would be replaced with new windows although no details have been submitted in regards to their size, design and what glazing they would use.

CONSULTATION REPLIES:

WESTBURY TOWN COUNCIL

Objection:

- Loss of retail unit (important business link to and from the Market Place)
- Change of street scene in conservation area
- No car parking provision realising Maristow Street is restricted parking during the day time with all neighbouring car parks (including the Market Place) being time restricted.

STATUTORY CONSULTATIONS:

HERITAGE OFFICER

"The two rear windows are not historic and there is no concerns over the replacements provided they are single glazed and details are confirmed by condition.

The shop front is to be retained. The visual alterations of the property from the change of use would be the introduction of more domestic features such as blinds or curtains. However there would be no restriction on a shop using curtains or blinds and this, together with the variety of the existing street in the regard, would not harm the special character or appearance of the conservation area".

PUBLICITY RESPONSES

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

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

07/00057/FUL - Change of use from shop to dwelling - Pending consideration and presented on this agenda

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

PPG 15 and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policies C27 and C28 of the District Plan are also relevant.

There would be no alterations to the front elevation of the listed building. There would also only be a minor internal change with the removal of a internal wall that lead to a toilet. This is not considered to be a historic wall or a historic room as part of this listed building. The new partition walls would be made from timber and conditions can be made requiring further details as to their fixing to the existing walls.

The two windows at the rear end of the property would also be replaced with timber and can again be subject to further conditions regarding their details including the type of glazing to be used.

CONCLUSION

The Town Council's reasons for refusal cannot be supported as they do not relate to Listed Building policies and so for the above reasons the application should be granted listed building consent subject to conditions.

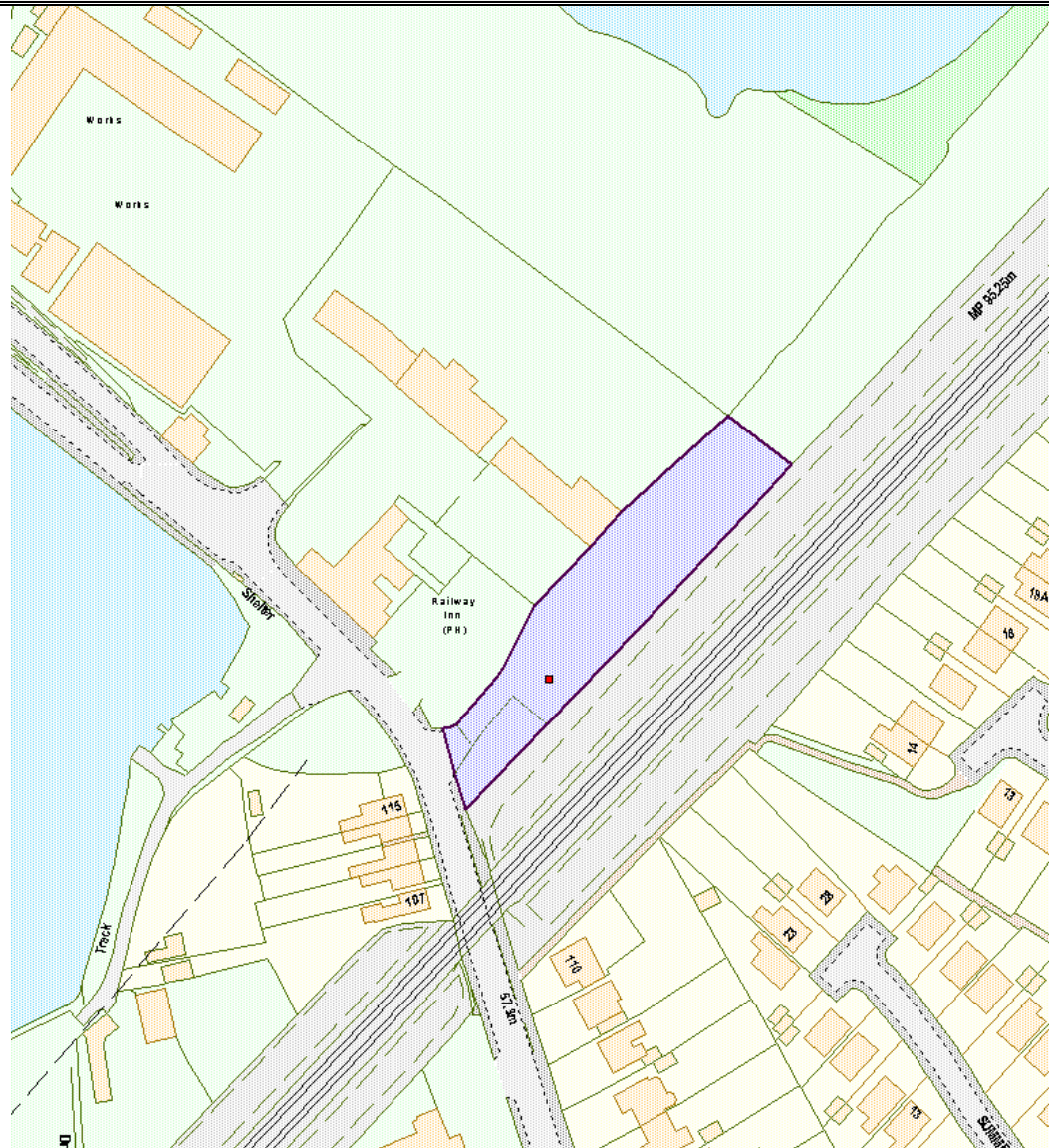
PLANNING COMMITTEE

19 April 2007

ITEM NO: 11

APPLICATION NO: 06/03267/ADV

LOCATION: Land East Of Railway Inn Station Road Westbury
Wiltshire



NOT TO SCALE

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

SLA: 100022961

11 Application: 06/03267/ADV

Site Address: Land East Of Railway Inn Station Road Westbury Wiltshire

Parish: Westbury

Ward: Westbury Ham

Grid Reference 386564 151866

Application Type: Advertisement

Development: External double advertisement board

Applicant Details: ALHCO Limited
114 Station Road Westbury Wiltshire BA13 4HW

Agent Details:

Case Officer: Mrs Jane Sanger

Date Received: 25.10.2006

Expiry Date: 20.12.2006

REASON(S) FOR CONSENT:

The proposed sign would not harm highway safety or visual amenity and there are no objections to it on planning grounds.

RECOMMENDATION: Consent

COMMITTEE REPORT

APPLICATION DETAILS:

This application is brought to Committee because the Town Council objects contrary to your Officer's recommendation.

This is an application for advertisement consent for the erection of a freestanding v-board located to the north-west of the railway bridge crossing Station Road in Westbury. It would be situated on the north-eastern side of the road, on the opposite side to the train station and on the same side as the Railway Inn Public House.

Each of the two boards would be one metre square and would be angled at 30 degrees from each other. The sign would be located 3.5 metres from ground level and would project approximately 0.6 metres above the existing blockwork wall. The sign would not be illuminated.

CONSULTATION REPLIES:

WESTBURY TOWN COUNCIL:

Members objected to this application on the grounds of potential highways concerns, mindful of the size and considerable content which is likely to distract motorists.

STATUTORY CONSULTEES:

HIGHWAYS AUTHORITY:

No highway objection is raised.

NON-STATUTORY CONSULTEES

PUBLICITY RESPONSES:

This application was publicised by way of neighbour notification letters. No comments have been received.

PLANNING POLICY

The West Wiltshire District Plan 1st Alteration (2004)
C24 - Advertisements
C31A - Design

PPG19 - Outdoor Advertisement Control

RELEVANT PLANNING HISTORY:

94/00216/FUL - Alterations to existing vehicular access including boundary wall - Permission - 31.03.94

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".

The sign is located on the north-eastern side of the railway tunnel crossing Station Road and is positioned above the highway. As the road narrows under the bridge, oncoming traffic approaching and passing under the bridge would be travelling at a slower speed.

The Highways Authority has no objections to this application this view is supported.

Although the sign may contain a sizeable amount of information, for the reasons aforementioned, the sign would not be considered to distract, confuse or impede the safe operation of any form of traffic movement.

Furthermore, the sign is relatively small in scale and therefore not considered to be visually intrusive in this location or harmful to public safety/amenity.

As this sign has already been erected and the applicant has confirmed in writing that the sign will not be illuminated, conditions relating to its implementation period and the luminance will not be necessary.

CONCLUSION

There would be no harm to highway safety or visual amenity. The proposal would be in accordance with the Development Plan and PPG19 and is recommended for permission.

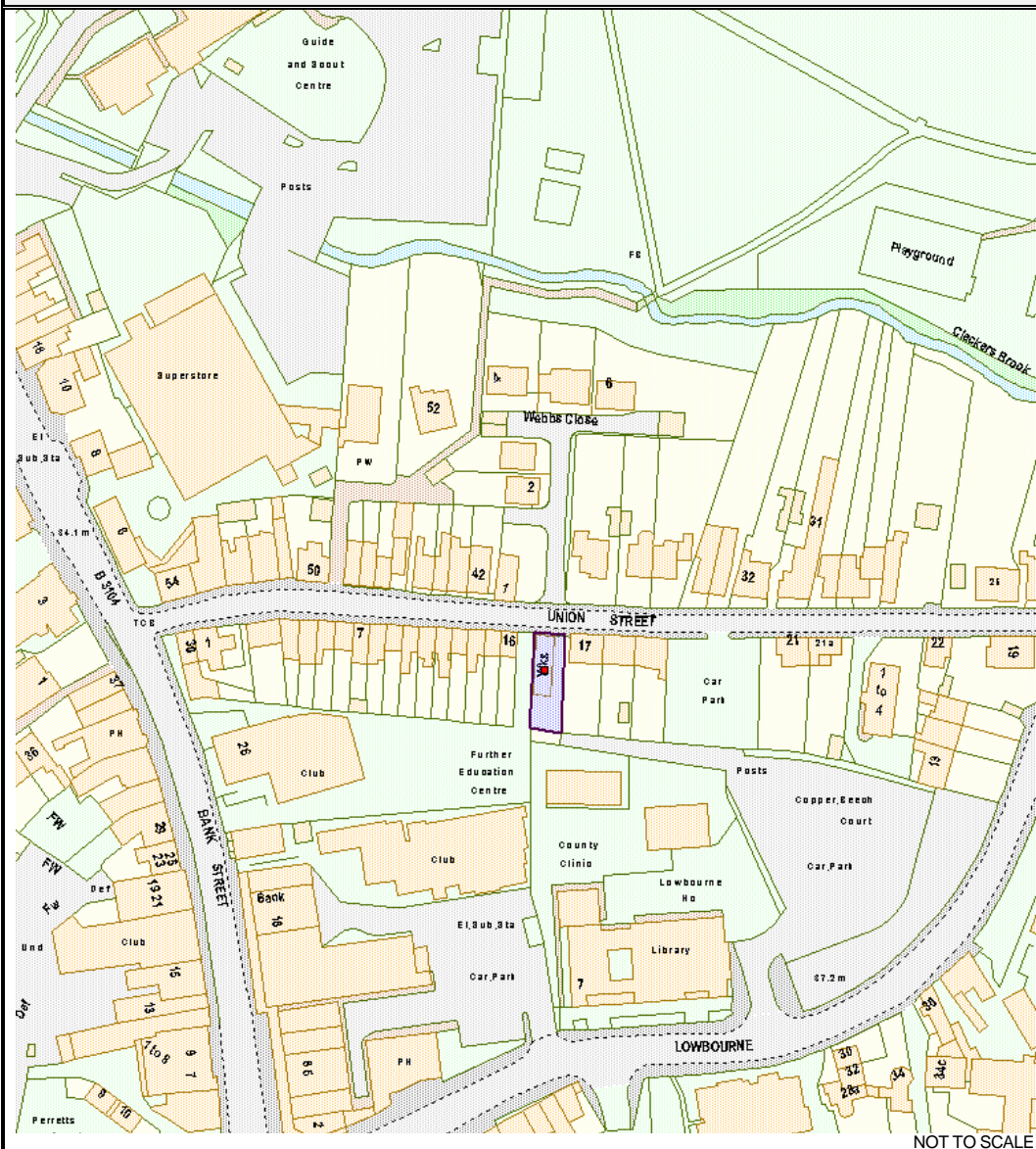
PLANNING COMMITTEE

19 April 2007

ITEM NO: 12

APPLICATION NO: 07/00477/FUL

LOCATION: 16A Union Street Melksham Wiltshire SN12 7PR



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SLA: 100022961

12 Application: 07/00477/FUL

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

Parish: Melksham (Town) Ward: Melksham North

Grid Reference 390567 163973

Application Type: Full Plan

Development: Three dwellings

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

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 09.02.2007 Expiry Date: 06.04.2007

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 or replacement external windows, rooflights and doors shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the appearance of the Conservation Area.

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

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

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

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

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

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

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

Note(s) to Applicant:

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for full planning permission for 3 dwellings at 16a Union Street, Melksham. The proposal arises as a result of the collapse of the derelict coach house on the site for which permission was granted for a change of use from light industrial (B1) use into 3 small dwellings (Application Ref. 06/01795/FUL : 16.11.2006). Where a rebuild of the structure would be required, full planning permission is needed.

The proposal involves the rebuilding of the structure with the same appearance and dimensions of the previously permitted proposals, and to provide three modest dwellings identical to those approved. The interiors would be configured such that a bedroom, hall and bathroom would be located at ground floor level, with an open plan kitchen/lounge in the roof space above. First floor windows would be high-level rooflights. As before, the eaves height of the would be 275mm higher than that of the old building in order to accommodate the upstairs rooms. The street elevation to the building would be rebuilt in ashlar to replicate the original appearance, with the remainder of the building to be finished in stone-coloured render.

A communal amenity space of approximately 40m² would be provided to the rear of the building.

The application site is located to the south of Union Street close to the centre of Melksham, with Bank Street being some 100m distant. It is located within the conservation area.

CONSULTATION

MELKSHAM TOWN COUNCIL

Objection on the grounds of:

"Councillors reiterated their original objections regarding the above development and taking into consideration the fact that this application is for a new build, raised the following points:

- Lack of amenity for residents;
- Concerns regarding emergency access;
- Lack of car parking;
- Out of keeping with general street scene.

These concerns refer to policies T5, T10, H1, C38 and C31a"

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection.

WESSEX WATER

No objection.

INTERNAL WWDC CONSULTATIONS

LOCAL PLAN SECTION

No objection.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 1 Response was received. No objection was made, but the applicant's attention is invited to a neighbour's right of way over the property.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP7 - Housing in Towns and Main Settlements

West Wiltshire District Plan 1st Alteration, 2004

C17 - Character and appearance of conservation areas

C38 - Effects of development on neighbouring properties

C31a - Design

H1 - Housing development in towns

T10 - Parking

PPS 3 - Housing

RELEVANT PLANNING HISTORY

06/01795/FUL: Conversion of a derelict coach house with commercial use into 3 small dwellings:
Permission: 16.11.2006

KEY PLANNING ISSUES

The principle of residential development on this site has been established by virtue of the permission granted under reference 06/01795/FUL. New Government Guidance in the form of Planning Policy Statement 3 (PPS3 Housing) has come into effect since this approval. The primary issues with the application are whether or not the replacement of the building is acceptable, and if there is any material change arising out of PPS3, which indicates that the principle of residential development on the site is still appropriate.

PLANNING OFFICER'S COMMENTS

PPS 3 states (inter alia) that outcomes which the planning system and decisions should deliver are a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

The site is in a highly sustainable location within the town policy limits of Melksham and the highway authority is satisfied that a car-free development is acceptable. Shopping facilities are within easy walking distance, as are the main public transport routes. Whilst the proposed flats would be very modest one-bedroom units they would provide "entry-level" accommodation in close proximity to central Melksham. It is considered that the proposal thus accords with PPS3 guidelines aimed at providing a mix of residential development in appropriate localities.

The proposal would result in the replacement of the collapsed building with a structure of very similar proportions and street elevation. The building was part of the historical fabric of the conservation area and its replacement with a building of an almost identical form would preserve the appearance of the conservation area. Building materials in the area are variable, with stone and render being common. The proposed use of reclaimed ashlar on the street elevation with stone coloured render to other elevations is acceptable in this context.

Fenestration would be as was previously proposed, with no unacceptable issues in relation to loss of neighbouring amenity.

CONCLUSION

Whilst acknowledging that the proposed dwellings would be of a small size, the development would provide three entry-level starter homes in close proximity to the Melksham town centre. This would accord with government guidelines in the form of PPS 3, which encourages a mix of available accommodation types in these localities. The application should be granted permission.

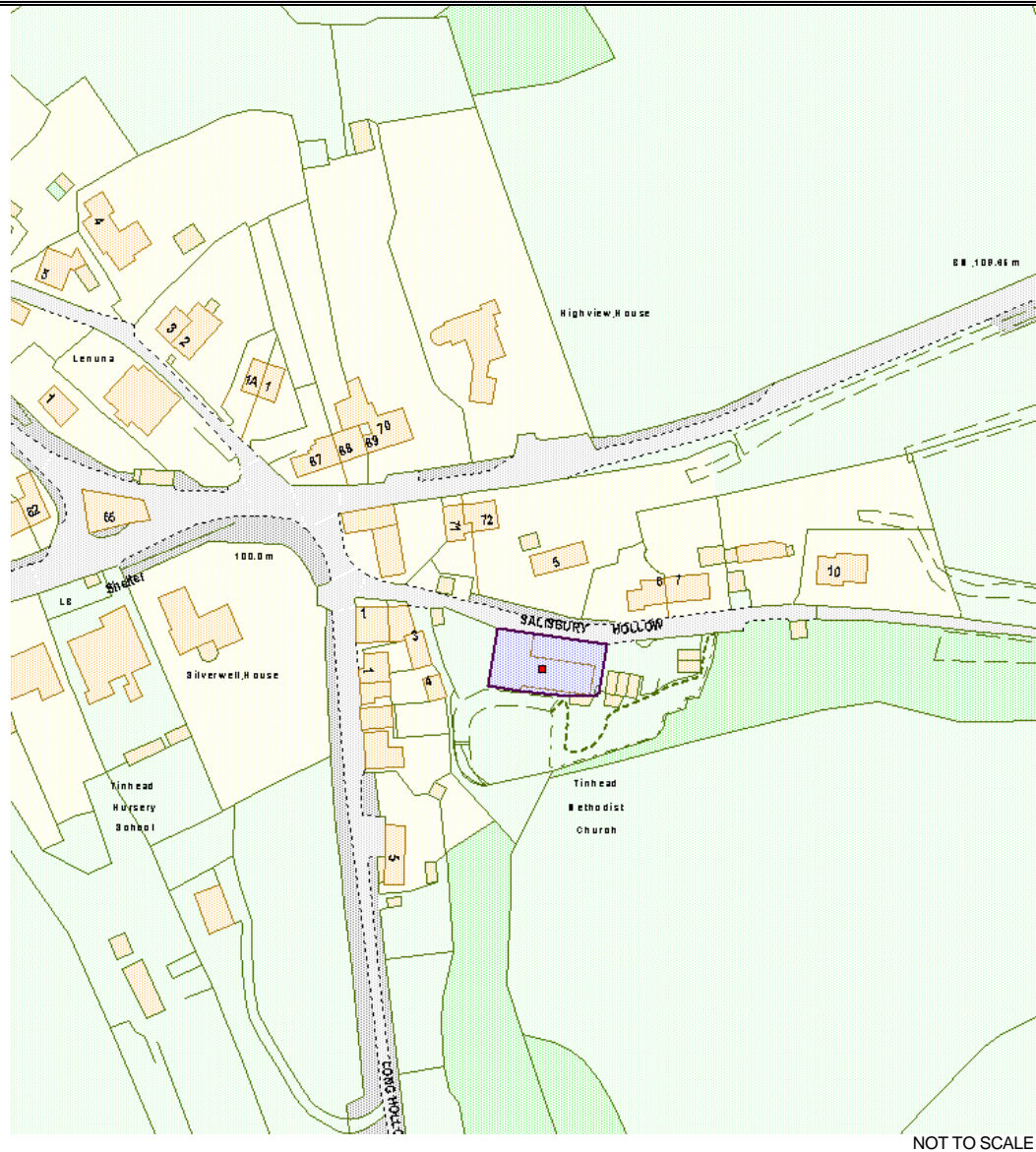
PLANNING COMMITTEE

19 April 2007

ITEM NO: 13

APPLICATION NO: 06/03662/FUL

LOCATION: Tinhead Methodist Church Salisbury Hollow
Edington Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 06/03662/FUL

Site Address: Tinhead Methodist Church Salisbury Hollow Edington Wiltshire

Parish: Edington Ward: Ethandune
Grid Reference 393422 153278
Application Type: Full Plan
Development: Change of use to provide 3 residential units
Applicant Details: Messrs Shaw & Buxton
C/o LPC (Trull) Ltd Trull Tetbury Gloucestershire GL8 8SQ
Agent Details: LPC (Trull) Ltd
Trull Tetbury Gloucestershire GL8 8SQ
Case Officer: Miss Julia Evans
Date Received: 01.12.2006 Expiry Date: 26.01.2007

RECOMMENDATION: Refusal

Condition(s):

- 1 The application fails to meet the requirements of Policy H2 (Housing) of the West Wiltshire District Plan - 1st Alteration, 2004 in that no contribution towards the provision of affordable housing has been included within the application, nor has an open book exercise been undertaken which might justify a reduction of policy requirements.
- 2 The proposal, located remote from services and being unlikely to be well served by public transport, is contrary to Policy H21 of the West Wiltshire District Plan - 1st Alteration, 2004 and the key aims of Planning Policy Guidance Note 13, which seeks to reduce growth in the length and number of motorised journeys.
- 3 Salisbury Hollow, by reason of its restricted width, is considered unsuitable to accommodate the increase in vehicular trips generated by the proposed development and is therefore contrary to Policy H21 of the West Wiltshire District Plan - 1st Alteration, 2004.
- 4 The site has insufficient frontage to enable a parking area to be satisfactorily laid out which is essential in the interests of highway safety and is therefore contrary to Policy H21 of the West Wiltshire District Plan - 1st Alteration, 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought before the Committee at Councillor Swabey's request in the interests of public debate.

This is a full application for the change of use of Tinhead Methodist Church to three residential units. The church lies on the southern side of Salisbury Hollow, Tinhead, Edington, and is a large red brick and clay tiled L-shaped building lying in an elevated position above the level of the lane. To the north and west lie residential properties, whilst to the east lies a parking courtyard and associated garages. Agricultural land lies to the south. To the front of the building lies a sloping area of grass enclosed by a dwarf wall and railings. To the rear of the church is a narrow pathway than a very steeply sloping vegetated hillside. The L-shaped building has a lean-to extension on its eastern side, with corrugated cladding to the roof.

The proposal is to change the use of the building to three residential units. It was originally for live/work units, but was revised during the processing of the application to be three residential units. This would require the installation of internal partitioning and a new floor, which would result in the loss of the existing internal fittings. To the front of the chapel part of the area of grass would be levelled to provide four car parking spaces. This would necessitate the loss of part of the boundary wall and railings. External works to the chapel itself include the removal of the flat-roofed side extension and the addition of rooflights to the western part of the building.

The applicant has provided the following reports and statements with the application:

- Design & Access Statement;
- a Structural Report;
- a Traffic Statement;
- a Protected Species Report; and
- a Marketing Statement.

Dealing with each in turn, the following conclusions have been made by the applicant:

- The Design & Access Statement - the change of use occurs without any additions to the building: its existing appearance will be retained unaltered. It also states that "Parking pressures have been catered for largely within the limits of the application site, however, the enclosed reports also note that within a reasonable walking distance there are opportunities for parking as an overflow provision."

- The Structural Report concludes "The existing building is generally structurally sound. There may be the odd joist or rafter requiring replacement. If works are not carried out to remedy the water ingress and dry rot problems, damage to the finishes could start to affect the structure as well". Other recommended works include gutter clearance, inspection of and possible replacement of floor joists, the installation of a chemical damp proof course, and the installation of insulation.

- The Traffic Statement concludes: "The proposed live/work use is likely to generate significantly less parking demand (some 78%) say in comparison to the chapel use alone: compare say 4 parking spaces for residential (live/work) and some 22 parking spaces for chapel use."

"3.2 From the adopted parking standards, it could be expected by the authorities that the chapel use alone, excluding any ancillary uses, has the potential to generate in the order of some 80 weekly vehicle trips, whereas the proposed 'live/work' use is likely to only generate some 56 vehicle trips per week; this relates to a potential saving in vehicle trips of some 20%.

"3.3 This parking demand of say 4 spaces could be provided off street within the site area. This possible off street parking area would be required to be appropriately surfaced. The area could also be required to be excavated in order to provide for the required engineering stone 'make up'. Some two on street parking spaces to the side would continue to be available. This off street provision would seem to be the most appropriate solution with respect to parking provision.

"3.4 Alternatively, parking demand by the proposed units for say up to four cars can be satisfied by using on street parking in front of the chapel (3 cars). Should on occasion, parking demand increase to 4 to 5 for any period, say by visitors or employees, then the additional space could be located on the street along Long Hollow and at the triangle of grass at the junction of Tinhead Road and Charlton Hall."

- The Protected Species Report - found Brandt's bats present, using the building as a maternity and hibernation roost. The report states the developer is prepared "to retain the loft as existing for the continued use of the bats as a roost site". Various recommendations are also proposed.

- The Marketing Statement states: "In giving consideration to the future use of the Church, the marketing exercise was necessary to comply with the requirements of the Local Planning Authority. Following our inspection of the property, we wrote to Julian Taylor on the 19th May 2004 enclosing two copies of this firm's draft sale particulars for the vendor's approval in the usual way.

"A copy of this firm's sale particulars are enclosed herewith and, in accordance with our recommendations to The Methodist Church, it was suggested that the freehold interest in the property should be offered For Sale quoting a price guide of £100,000.

"During the Summer and Autumn of 2004, the property was advertised in the local press (Wiltshire Gazette and Herald and Wiltshire Times), the property details were included on this firm's Commercial Property Website and a For Sale board was erected outside the Church.

"During this period, a total of only three applicants telephoned this office requesting an appointment to inspect the property and, following these viewings, no further interest was received.

"On the 20th January 2005, the property was re-advertised in the Wiltshire Gazette and Herald, with the same advertisement appearing in the Wiltshire Times on Friday 21st January 2005.

"This latest round of advertisements triggered a renewed level of enquiries, in as much as five applicants expressed some interest in acquiring the building. In view of the nature of this interest and to meet the requirements of The Charities Act we advised the vendors that, in the circumstances, it would be sensible to invite all interested parties to put forward their best and final offer for the freehold interest in the property. Subsequently, four offers were received, all of which were subject to contract and survey, but three of the offers were also conditional upon planning consent being granted for change of use.

"The vendors subsequently chose to accept the offer received from Mr Buxton because it was not conditional upon planning and, fortunately, was also the highest offer received. In addition, the vehicular access leading to the Church, which is situated towards the end of a narrow no-through road, is considered to be inadequate for any significant increase in vehicular traffic movements. The other major shortcoming in the matter of marketing this property related to its structural condition, with particular reference to an extensive infestation of dry rot; which is seen to affect the floors, walls and roof timbers.

The church lies within the Edington (Tinhead) Conservation Area within the Salisbury Plain Special Landscape Area, and on an Area of County Archaeological Interest.

CONSULTATION REPLIES:

- EDINGTON PARISH COUNCIL: state "The Parish Council felt that the proposal was a significant improvement and would support the application." In response to further consultations they state: "Thank you for your letter of 23rd February and I can write to confirm that the suggestion of the proposed development giving rights to an affordable housing requirement is not something that was mentioned in any of the discussions that Representatives of the Council had in seeking to advance a resolution of the planning issues relating to this development. It is clear that the most recent Housing Needs Survey has not thrown up any particular housing need in the village."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY state: "I refer to the amended plan(s) and revised description of this application in respect of the above planning application received on 03 February 2007.

"You will be aware of my previous objections to the proposed live-work units as set out in my letter dated W06.3662.

"Being in a village location, where reliance on the private car is likely to be higher than in a town I would normally advise the parking provision should be two spaces per dwelling (especially for dwellings with two or more bedrooms) however the former use would have required a much higher level of parking to be available therefore I do not feel I can sustain an objection on the grounds of insufficient parking.

"The proposed use of the site as residential would be expected to generate in the order of 168-210 trips per week (8-10 per day). The traffic statement previously submitted estimates the present permitted use generates 80 trips per week, it is likely that many of these trips would be from elsewhere in the village. The residential use would generate more trips than the current use and it is expected that the occupiers would travel further, to access employment and services not available within the village, than those visiting the church.

"Previously an objection was raised to the insufficient frontage available to allow a satisfactory access to be laid out, the parking layout is now further to the east than previously and a greater level of visibility can be achieved. It is still below the normal requirement for a 30mph speed limit however traffic volumes and speeds are low in the vicinity of the site therefore the visibility available would be sufficient in this instance. I am however concerned that the width of Salisbury Hollow will make manoeuvring into and out of the spaces difficult.

"In view of the above I recommend that this application be refused on highway grounds for the following reason(s):-

"The proposal, located remote from services, employment and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

"Salisbury Hollow by reason of its restricted width is considered unsuitable to accommodate the increase in vehicular trips generated by the proposed development.

"The site has insufficient frontage to enable a parking area to be satisfactorily laid out which is essential in the interests of highway safety.

"Whilst two of the above reasons for refusal could be overcome by reducing the number of units proposed, it does not appear a satisfactory parking arrangement can be achieved."

- LIBRARY & HERITAGE: No objection subject to the undertaking of an archaeological watching brief during any groundworks associated with the project in accordance to a brief set out by this office.

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

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

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

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

- WILTSHIRE WILDLIFE TRUST state: Holding Objection - "Further to our recent conversation, and the receipt of the protected species survey, I can confirm that the Wiltshire Wildlife Trust withdraws the holding objection, and has the following comments:

Ecological survey We are pleased that a bat survey has been carried out (Chalkhill Environmental Consultants, June 2006), and agree with all recommendations.

- NATURAL ENGLAND state: "Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal. We endorse the recommendations submitted by Chalkhill Environmental Consultants. However, if any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of Circular 06/2005.

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

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY state: "The proposal seeks to redevelop an existing building used for worship, which is located on the south eastern periphery of Edington, as four live/work units. The building lies within open countryside designated as being within the Salisbury Plain escarpment special landscape area, the Edington village conservation area and an area of higher archaeological potential. The proposal site is immediately adjacent to a SSSI, a site of nature conservation interest and Salisbury Plain Training Area.

"The proposal site was the subject of a similar application under W06/00329. The Planning Policy comments for that application expressed concern over the loss and lack of marketing of the site for community uses, the demand and practicality of the proposed live/work units and the potentially negative impact of the proposal upon the historic fabric of this important (albeit currently unlisted) local building. The Planning Policy comments sought further information to clarify these issues.

"I understand that since initial submission, the scheme has subsequently been revised and now proposes to convert this community building to purely residential use with no employment element.

"Loss of Community Facility. This remains an area of concern. Planning policy (Policy CF2) seeks the re-use of a redundant community buildings for alternative community uses for the benefit of the local community. If no alternative community uses can be found for the building, other uses can be considered but the applicant must demonstrate how these alternative uses will benefit the local community, either in their own right or through the reinvestment of monies gained through the redevelopment of the site.

"I note the marketing information submitted as part of the new proposal. Unfortunately this does not demonstrate the process the applicant went through in establishing the continued need (or otherwise) for a community use of the building. As stated above this policy requirement was made clear to the applicant during the course of the original application.

"In terms of alternative uses for the building; it is unclear how market housing will actively benefit the local community. Policy clearly states that an applicant has to demonstrate potential benefits before we can consider alternative (non-community) uses.

"Rural Conversions. Planning policy (through Policies H21 and E6) promotes the redevelopment and reuse of rural buildings for employment, recreation / leisure and tourist uses. The reuse of rural buildings for housing is very much a final solution position to be taken once the potential reuse for employment, recreation / leisure and tourism uses has been fully explored. The applicant has not presented any information demonstrating these uses have been explored.

"I have spoken with our colleagues in Sustainable Communities who state that there is significant evidence of demand for rural workspace within the district - particularly in the form of converted rural buildings.

"Affordable Housing. I understand that the District Council's Housing Services Team are likely to object to this proposal on the grounds that it neither provides 100% affordable housing on-site, or an appropriate contribution towards delivering provision off-site.

"Design. The proposal site is in a sensitive location. Whilst there are no obvious external alterations, the proposal does seek the substantial internal sub-division of the building. As stated above, although this isn't (currently) a listed building, it is a prominent and important building with local value. The proposed internal sub-division will have a significant and irreparable impact upon the building. There is no substantive evidence to justify this sub-division. It is my view that a more appropriate scale of development would equate to a single use (employment) or a shared single - use such a 50-50 split employment and living space IE a studio / workshop. Fundamentally, a smaller scale / intensity of development would allow the preservation of the large internal space, which is an integral part of this buildings character. I understand that the Conservation Officer has been approached with a view to promoting the building for listing.

"Conclusions: The proposal fails to demonstrate how the redevelopment of this community building for market housing will benefit the local community. It is unclear how market housing, by itself, will contribute to a mix of uses within Edington helping to develop, maintain and enhance this important rural community.

"There is no evidence that other, more appropriate uses (in policy terms) have been fully explored.

"I suspect (having discussed this site with them) that the District Council's Housing Services department will object to the proposal as neither provides on-site provision, nor an off-site contribution towards afford housing.

"Policy Recommendation: Unacceptable in policy terms."

- CONSERVATION OFFICER has not responded.
- HERITAGE DEVELOPMENT OFFICER has not responded.
- ENVIRONMENTAL HEALTH have not responded.
- BUILDING CONTROL have not responded.
- HOUSING SERVICES state: "I can confirm that Edington is regarded as rural and as such the usual AH policy applies - 50% AH provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership. In this case, that will result in one whole unit plus 'half a unit' for which we would take a commuted sum in lieu.

"There are 8 households in priority need in Edington. The needs are supported from the waiting list and the housing needs survey. The WL indicates that 54% of households require 1 beds, 35% of households require 2 beds and 11% of households require 3 beds. The Housing needs Survey confirms that the greatest desire is for 2 beds across all tenures.

"We would be seeking 50% of a commuted sum based on a 2 bed house for the 'half a unit'. In Edington this figure would be in the region of £36,048, however, this is an indicative sum and we would encourage the applicant to contact us to discuss the commuted sum in more detail. Of course, if the applicant is unable to afford to make a contribution due to the viability of the scheme, provision exists for the applicant to enter into an open book appraisal which will test whether the viability of the scheme is prejudiced by the contribution and, if so, enables a reduced contribution towards affordable housing provision to be made.

"However, in the absence of an agreement with the applicant as to the amount of the commuted sum, the application should be refused on the following grounds:- The application fails to meet the requirements of policy H2 Housing in that no contribution towards the provision of affordable housing has been included within the application, nor has an open book exercise been undertaken which might justify a reduction of policy requirements."

PUBLICITY RESPONSES

The application has been advertised with a Public Notice site notice and neighbour notifications have been undertaken. Seven responses have been received making the following comments:

- creates parking, servicing and highway and pedestrian safety issues;
- Salisbury Hollow's restricted width allows no turning;
- poor public transport links;
- work part will be detrimental to neighbouring amenity;
- the chapel never generated much vehicular traffic;
- conversion has a residential and domestic appearance;
- loss of parking for existing residents;
- Salisbury Hollow is not a dead-end, but leads to a byway;
- loss of privacy to neighbouring residents;
- detrimental to character of conservation area;
- there is a covenant on the land around the chapel;
- allegations as regards the applicant bribing councillors; and
- increased car parking will be detrimental to the Special Landscape Area.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP8 Affordable housing
- DP9 Reuse of land and buildings
- DP14 Housing, employment and related development in the open countryside
- T6 Demand management
- C1 Nature conservation
- C3 Nature conservation
- C5 The water environment
- C9 Special Landscape Areas
- HE2 Other sites of archaeological or historic interest
- HE7 Conservation areas and listed buildings

West Wiltshire District Plan - 1st Alteration, 2004

- C1 Countryside protection
- C3 Special Landscape Areas
- C7 Protected species
- C14 Archaeological field evaluation
- C15 Archaeological assessment
- C16 Archaeological investigation and recording
- C17 Conservation areas
- C18 New development in conservation areas
- C19 Alterations in conservation areas
- C20 Change of use in conservation areas
- C23 Street scene
- C27 Listed buildings
- C31A Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- H2 Affordable housing provision in towns and villages
- H21 Conversion of rural buildings
- T10 Car parking
- CF2 Reuse of community facilities
- CF3 Villages and rural areas
- U1 Infrastructure
- U1A Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Area

National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG15 Planning and the Historic Environment
PPG16 Archaeology and Planning

RELEVANT PLANNING HISTORY

06/00329/FUL - Change of use to provide four live/work units - Refused 23.03.06

KEY PLANNING ISSUES

This application raises the following planning matters:

- planning history;
- impact on the conservation area;
- rural conversions;
- highways and parking issues;
- impact on the Special Landscape Area;
- impact on the water environment and public infrastructure;
- impact on protected species;
- archaeological impact;
- neighbouring amenity;
- affordable housing provision;
- neighbour allegations.

PLANNING OFFICER COMMENTS

This is a resubmission of a previously refused application for the change of use and extension of the chapel to provide four live/work units, at Tinhead Methodist Church, Edington. The current scheme now proposes the conversion to three residential units, and seeks to address the previous reasons for refusal. The previous application 06/00329/FUL was refused for the following reasons:

- detrimental impact on the conservation area;
- unsustainable location;
- inadequate parking;
- inadequate access;
- inadequate visibility splays;
- no structural report;
- inadequate marketing for alternative uses;
- no protected survey report;
- no archaeological evaluation; and
- unacceptable impact on amenity.

Dealing with each of these issues in turn, the chapel forms a dominant building in this edge of village location. The proposal involves the demolition of the flat-roofed extension on the eastern elevation, and the conversion of the remaining building into three units. Four parking spaces would be provided, two on the area occupied by the flat-roofed extension and two adjacent to it. An area of walled grass to the front of the chapel would be retained. The change of use of buildings in the conservation area is acceptable provided they do not require any changes that would be detrimental to the special character or appearance of the area. It is considered that the demolition of the existing extension is acceptable as it restores the chapel to its original form, and the location of the parking to the eastern edge of the site allows the retention of some of the existing grassed area along with its retaining wall and railings. Apart from the inclusion of rooflights, no other exterior alterations to the building are proposed. It is felt that as currently proposed, the works would be acceptable as regards the impact on the conservation area.

Conditions could be attached as regards materials, landscaping, surfacing and boundary treatments to retain the conservation area's character.

Policy H21 of the West Wiltshire District Plan - 1st Alteration, 2004 allows the conversion of rural buildings subject to a number of caveats. In addition to retaining the building's original character, the policy requires satisfactory highways arrangements, structural surveys, reuse efforts, and no harm to the natural environment. The impact on the building's character has been addressed above, and conditions could be attached preventing further extensions and alterations. However, the application raises objection from the Highway Authority as regards its unsustainable location, restricted width of Salisbury Hollow, and insufficient frontage for parking. It is not felt that these could be addressed by condition, so these form reasons for refusal.

Policy H21 also requires a structural report to demonstrate that the building can be converted without extensive alterations and rebuilding. This has been provided and although no comment has been received from Building Control, it is not felt that the report proposes any substantial alterations detrimental to the character of the building. Conditions could be attached to control any such changes.

This policy also requires the demonstration of the efforts to secure business, tourism, sport or recreation uses. The Planning Policy Section concludes that the proposal has failed to demonstrate how the redevelopment of this community building for market housing is of benefit to Edington, and states that this is unacceptable in policy terms. The application was originally submitted as live/work units, but was changed due to the impact of the alterations on the conservation area and the highway requirements. Although it is now felt that the former has been addressed, the highways situation still cannot be addressed, even with the removal of the work element of the scheme. In view of these circumstances, it is felt that the change of use of this building will be problematic whatever it is used for, so the reason for refusal suggested by the Policy Section has not been attached.

The conversion of such properties needs to be supported with a protected species report. This has now been provided, and Natural England has raised no objection to the proposed development, subject to conditions concerning mitigation measures.

The site lies within a Special Landscape Area. The proposal is not considered detrimental to the designation in view of its location and surroundings.

Wessex Water have raised no objection, subject to satisfactory connection to their apparatus and protection of their infrastructure. This could be addressed by conditions and informatives.

The site lies over an area of County Archaeological Importance. The County Archaeologist is happy to condition an archaeological investigation to be undertaken in the event of planning permission being granted.

Neighbouring residents are concerned as regards loss of amenity. The proposal now makes no changes to the chapel's existing windows. The chapel currently has green obscure glazed windows, and subject to the retention of this glazing, it is felt that the current scheme is acceptable in terms of amenity.

Housing Services have been consulted with this application, and both they and the Planning Policy Section have objected to the lack of on and off-site affordable housing provision. It is stated that a 50% commuted sum is required, to which the applicant has stated "You will of course appreciate that Section 38 (6) of the Planning and Compulsory Purchase Act 2004 places a statutory duty on your Council to determine all applications in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, where the application site lies outside a defined town or village, your Local Plan is silent on the issue of affordable housing. Policy H2, does not apply to the application in question. I do not believe that there is a lacuna in your plan, as Policy H21 specifically concerns the conversion of rural buildings such as Tinhead Chapel (both in the countryside and in settlements without village policy limits) to residential use..... In this regard there is no stated policy requirement for the provision of affordable housing." Notwithstanding the applicant's view, both Housing Services and Planning Policy area of the opinion that the application should be refused on Policy H2 grounds, so despite the tenuous nature of this policy interpretation, this has been added as a further reason for refusal.

Neighbours have also alleged that corruption may have been occurring as regards the Councillors dealing with this application. Matters of this nature are to be dealt with through the Council's complaints procedures and not through the processing of a planning application.

CONCLUSION

The proposal is considered detrimental to highway safety, and has not provided an appropriate element of affordable housing. It is not felt that conditions could overcome these reasons for refusal.

PLANNING COMMITTEE

19 April 2007

ITEM NO: 14

APPLICATION NO: 07/00600/FUL

LOCATION: 4 Old Broughton Road Melksham Wiltshire SN12 8BX



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SLA: 100022961

14 Application: 07/00600/FUL

Site Address: 4 Old Broughton Road Melksham Wiltshire SN12 8BX

Parish: Melksham (Town) Ward: Manor Vale
Grid Reference 390207 164250
Application Type: Full Plan
Development: Proposed first floor rear dormer window and office
Applicant Details: Mr Peter Bengier
4 Old Broughton Road Melksham Wiltshire SN12 8BX
Agent Details: A Harlow & Son
46 Longford Road Melksham Wiltshire SN12 6AT
Case Officer: Mrs Jane Sanger
Date Received: 22.02.2007 Expiry Date: 19.04.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the size, form, design, height and siting of the proposed dormer window would introduce an unsympathetic and incongruous feature detracting from the character and appearance of the host building and the street scene in which it is located and would adversely affect the character and setting of the adjacent Listed Building, contrary to Policies C27 and C31A of the West Wiltshire District Plan 1st Alteration (2004) and the Supplementary Planning Guidance (House Alterations and Extensions) 2004.

COMMITTEE REPORT

APPLICATION DETAILS:

This application is brought to Committee at the request of the Melksham Town Council.

This is a full planning application for the construction of a dormer window off the rear elevation. It would be 3.8 metres wide, would project from the roof plane by approximately 3 metres, would be 5.389 metres high to eaves from ground level and 6.155 metres to the ridge of the dormer. It would be built under a monopitch roof and would illuminate a bedroom at first floor level.

The host building is a semi-detached property, with a reconstituted stone frontage, a red brick gable end and cream painted bricks to the rear. A footpath abuts the south-western boundary giving access from Old Broughton Road through to residential parking to the rear and onto Weavers Croft, a residential estate to the south-west.

The Baptist Church, which is a Grade II Listed Building, is located adjacent to the north-eastern boundary of the neighbouring dwelling, but is highly visible from the garden of the application site. The playground/yard, within the curtilage of the church, abuts the application site to the north-west.

CONSULTATION REPLIES:

MELKSHAM TOWN COUNCIL:

Councillors raised no objection to this application, but requested that if this plan is recommended for refusal by officers that the application be considered by the District Planning Committee. A comment was made that the roof design is slightly out of keeping with existing roofs.

NON-STATUTORY CONSULTEES

PUBLICITY RESPONSES:

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

PLANNING POLICY

The West Wiltshire District Plan 1st Alteration (2004)
C27 - Listed Buildings
C31A - Design
C38 - Nuisance

The Supplementary Planning Guidance (House Alterations and Extensions) 2004
PPS1 - Delivering Sustainable Development
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY:

07/00600/FUL - Proposed rear first floor extension - Refused - 19.01.07

KEY PLANNING ISSUES:

The main considerations relating to this application are the impact of the development on the host building, the street scene, the setting of the Listed Building and the planning history.

PLANNING OFFICER COMMENTS:

The roof alignment of the host building has a long catslide roof. The dormer window is proposed immediately above the existing kitchen, to provide illumination and additional space to the loft conversion. The shallow pitch of the monopitch roof of the dormer window and its width across the roof plane would give the appearance of a flat roof two-storey extension viewed from the north-west. Flat roof construction, would be wholly inappropriate where it does not reflect the roofline of the main dwellinghouse and would be contrary to the Supplementary Planning Guidance (House Alterations and Extensions) 2004 and the Policy C31A of the West Wiltshire District Plan.

Despite the dormer window being proposed on the rear elevation, it would be highly prominent in the adjoining street scene to the south-west, north-west and north-east. It is not a characteristic of the surrounding area and is of non-traditional design. It would therefore introduce an incongruous design and an unsympathetic addition which would fail to respect the host building and causing significant harm to the street scene.

Furthermore, "the character of buildings listed as being of special architectural or historic interest in the District will be protected". It is considered that due to its prominence and proximity to the Baptist Church, the proposed development would adversely affect the character and setting of this Grade II Listed Building.

This application proposes the same scheme as the previous refusal, 06/03491/FUL. It is acknowledged that the Town Council did not object on the former application, but has noted as part of the comments on the current application that the roof design is slightly out of keeping with existing roof alignments.

CONCLUSION

The proposed unsympathetic dormer window would introduce an incongruous feature that would be harmful to the appearance of the host building, the street scene and setting of the adjacent listed building contrary to the Development Plan and the Supplementary Planning Guidance.

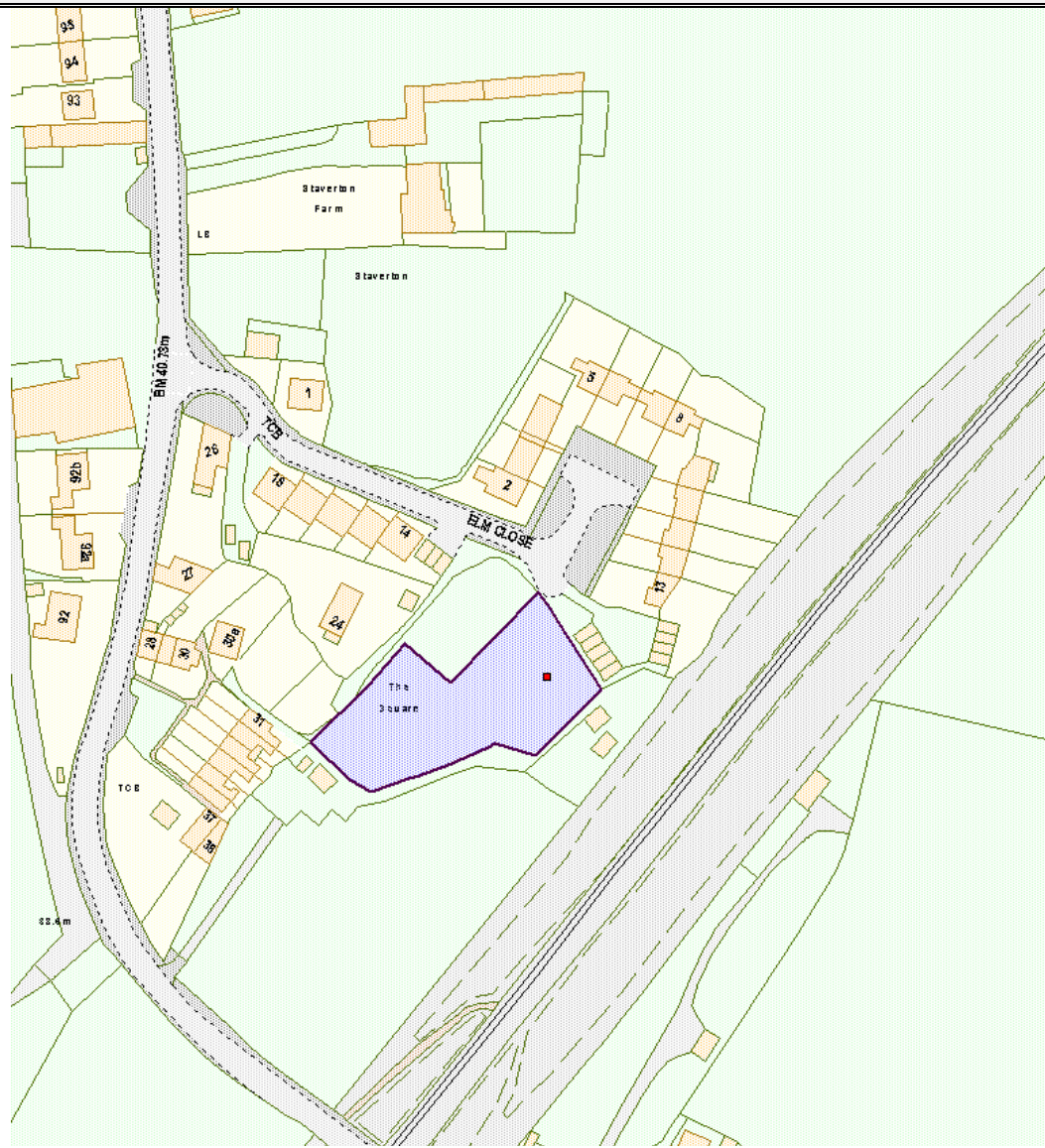
PLANNING COMMITTEE

19 April 2007

ITEM NO: 15

APPLICATION NO: 06/02811/FUL

LOCATION: Land East Of 24 Elm Close Staverton Wiltshire



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SLA: 100022961

15 Application: 06/02811/FUL

Site Address: Land East Of 24 Elm Close Staverton Wiltshire

Parish: Staverton Ward: Paxcroft
Grid Reference 385676 160648
Application Type: Full Plan
Development: Construction of access and gateway to horticultural land
Applicant Details: Food Convertors Limited
Stone Mills Court Street Trowbridge Wiltshire BA14 8BR
Agent Details: Mr Clive A Webb
12 Fleece Cottages Trowbridge Wilts BA14 7ST
Case Officer: Mr Peter Westbury
Date Received: 13.09.2006 Expiry Date: 08.11.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee because Staverton Parish Council object and your Officers recommend permission.

This is an application for full planning permission for the construction of an access road and gateway to horticultural land to the south west of residential development in Elm Close. The application proposal would involve the removal of existing paving stones on one side of the road and the creation of an entrance to the field beyond. The plans indicate that the entrance would be 3m wide.

There are no proposals for any development on the field itself. This proposal is solely for the creation of the access.

A previous application to construct a new road and footpath was refused.

STAVERTON PARISH COUNCIL

Object

"The access into and out of Elm Close is already very difficult with parked vehicles as obstructions. Any additional access will not only generate more traffic but will restrict parking and turning in the cul-de-sac even more. Emergency vehicles and the refuse lorry already experience difficulties in accessing Elm Close and this would be exacerbated by further development of any kind."

HIGHWAY AUTHORITY

No objection

PUBLICITY

Neighbouring properties were consulted and as a result two representations were received both objecting to the application on the following grounds:

- There is already access to this land and no need for a second access.
- Proposal would lead to increased agricultural traffic in Elm Close
- The access would lead to through traffic from the existing access.
- Service vehicles and emergency vehicles also use this area for turning, and a gateway would mean that there would be the potential for obstruction from other vehicles.
- Loss of valuable trees
- Loss of amenity to residents

RELEVANT PLANNING HISTORY

06/01733/FUL - Construction of new road and footpath (Refused - 27/7/06)

PLANNING POLICY

West Wiltshire District Plan 1st Alteration
C31a - Design
C38 - Nuisance
H17 - Village Policy Limits

KEY PLANNING ISSUES

The main issue in the determination of this application is whether the reasons for refusing the earlier application for application 06/01733/FUL have been overcome.

PLANNING OFFICER'S COMMENTS

Application 06/01733/FUL was refused for the following reasons:

"1 Insufficient information and no justification has been submitted to enable the Council to make an informed decision on this application. Therefore the true impact of this proposal along with any future development cannot be assessed.

2 The proposal is located in a settlement without a Village Policy Limit, as defined by policy H17 of the West Wiltshire District Plan 1st Alteration 2004, and is therefore an inappropriate location for such development. The proposal would represent a visible and intrusive development, which would have a harmful sub-urbanising impact on the countryside in this location. The proposal is therefore contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004."

This application proposal is simply for a new field access. It no longer involves any proposal for alterations to be made to the field. Any proposal for any development of any kind would require a further application for planning permission. The field beyond can only be used for agriculture or horticulture. Any other proposal would represent development in the open countryside, outside the village policy limit.

It would no longer be appropriate to refuse this application on the grounds that there is insufficient information or justification to enable the Council to make an informed decision on the true impact of this proposal. It must be considered on its merits as an access into a field.

There is no expert advice to support a refusal of planning permission on highways grounds. Moreover, the Highways Authority has confirmed that there is no need to add conditions to any approval of planning permission.

A refusal on the grounds that the access would represent a visible and intrusive development, which would have a harmful sub-urbanising impact on the countryside in this location can no longer be supported. The proposal is only for an access and while it would result in the loss of some trees which currently form the boundary between the road and the field beyond, these trees are not the subject of a Tree Preservation Order. Refusing the application on the grounds that the proposal is contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004 can therefore no longer be supported.

Neighbouring residents and the Parish Council are concerned that the parking problems already experienced in Elm Close. It is unlikely that this proposal would increase the parking problems as the access onto Elm Close would be gained via an existing turning space associated with the garages behind. A maximum of one car could park in the area which would be lost to facilitate the proposed access, although it is noted that this space is not formally set out as a parking space. The concerns of local residents are supported by the expert advice received from the Highways Authority.

Officers do not support the concerns of residents about the impact on the amenity of the area.

The applicants have provided no evidence on the level of use of the proposed access.

While your officers share the concerns about the future use of the field to the south west of the application site, this application can only be considered as an access into horticultural/agricultural land and any future potential, or otherwise, is not a material consideration at this stage. Refusing this application on the grounds of speculation about the future use of the adjacent field cannot be supported.

CONCLUSION

No objection is raised to the proposed access on highway safety or amenity grounds and accordingly this application can be supported.

PLANNING COMMITTEE

19 April 2007

ITEM NO: 16

APPLICATION NO: 07/00018/FUL

LOCATION: 2 Bank Street Melksham Wiltshire SN12 6LG



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SLA: 100022961

16 Application: 07/00018/FUL

Site Address: 2 Bank Street Melksham Wiltshire SN12 6LG

Parish: Melksham (Town) Ward: Melksham North
Grid Reference 390509 163860
Application Type: Full Plan
Development: Change of use from A1 to A2
Applicant Details: David Hames / Alan Joy
C/o Passford House Kingsdown Corsham Wiltshire SN13 5BG
Agent Details:
Case Officer: Mr David Cox
Date Received: 07.02.2007 Expiry Date: 04.04.2007

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.

Note(s) to Applicant:

- 1 The applicant is advised that signs erected on the property may require express advertisement consent.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Melksham Town Council objects and your Officers recommend permission. This is an application for a change of use application from A1 retail to A2 (estate agent) at 2 Bank Street, Melksham.

The property is located within the Primary Retail frontage area in central Melksham and is also within the Melksham Conservation Area. The property is a part of a 1970's development on a prominent corner plot facing the roundabout that joins the A3012 and the B3112.

The Primary Retail frontage has a wide range of use classes within it. A use class survey of the Primary Retail Frontage found that the units with an A1 use is approximately 63.9%.

Of the 86 units within the Primary Retail Frontage 55 are A1 of which 6 are vacant, 13 are A2, 4 are A3, 3 are A4, 7 are A5, 3 are Sui Generis and 1 is C3.

This proposal if permitted would reduce the amount of A1 uses to 62.7%, but there is no clear dominance of a particular use class in any specific area of the Primary Retail Frontage.

CONSULTATION REPLIES:

MELKSHAM TOWN COUNCIL

Objection: Loss of valuable retail space in a prime town centre location.

STATUTORY CONSULTATIONS:

ECONOMIC DEVELOPMENT

No comments received.

HIGHWAY AUTHORITY

No objection.

POLICY AND CONSERVATION

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

PPS 6 - Planning for Town Centres

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

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, should this application be permitted the percentage of A1 units within the Primary Retail Frontage would be 62.7%, which is an acceptable figure. There is also no dominant use class throughout any specific part of the Primary Retail Frontage and so A1 units would still be located throughout this general area of the Primary Retail Frontage. Therefore it is considered that the application would not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre.

CONCLUSION

The objections of the Town Council cannot be supported as there would be sufficient level of provision of A1 units within, as well as having an even mix throughout the Primary Retail Frontage. The change of use from A1 to A2 (estate agent) would not harm the vitality and viability of the shopping function of the Primary Retail Frontage.

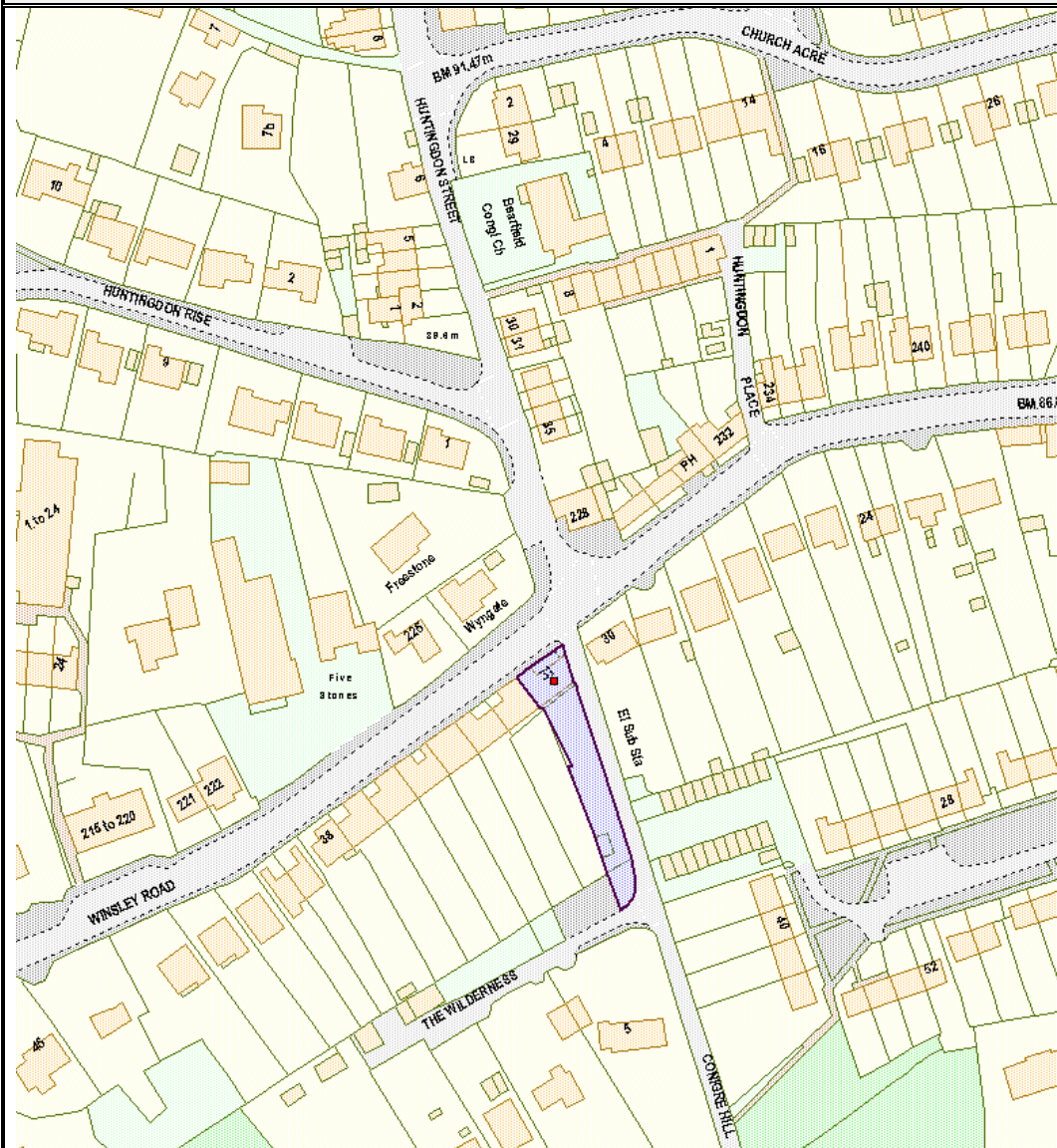
PLANNING COMMITTEE

19 April 2007

ITEM NO: 17

APPLICATION NO: 07/00556/FUL

LOCATION: 31 Winsley Road Bradford On Avon Wiltshire BA15 1QT



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SLA: 100022961

17 Application: 07/00556/FUL

Site Address: 31 Winsley Road Bradford On Avon Wiltshire BA15 1QT

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382390 161292
Application Type: Full Plan
Development: Proposed part two storey and single storey extension to provide extension to kitchen, new entrance and utility, bathroom at first floor and extension to loft bedroom
Applicant Details: Mr And Mrs Cowles
31 Winsley Road Bradford On Avon Wiltshire BA15 1QT
Agent Details: N J Clarke
3 Chelwood Nr Bristol BS39 4NW
Case Officer: Mr David Cox
Date Received: 13.02.2007 Expiry Date: 10.04.2007

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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council objects and your Officers recommend permission at 31 Winsley Road, Bradford on Avon.

This is a residential area on the main Winsley Road leading out from and into Bradford on Avon. No 31 is a 2 storey end of terrace property on a prominent position on the street scene and is highly visible to users of the highway.

This application follows 06/03589/FUL which was refused in January 2007 which was for a two storey front and single storey flat roof front extension. The application was only refused on the proposals flat roof element, which would have caused harm to the host building, street scene and setting of the conservation area, but not the two-storey element of the proposal.

This application is also for a two storey front extension to provide a new lobby/utility and enlarged kitchen, with bathroom at the first floor and extend the third bedroom into the loft. The first floor element now has a lean to roof instead of a flat roof, which will be built, around an existing window. The lean to roof would also have four glass panels located underneath the first floor window. Both extensions would face immediately onto the pavement, which will also replace an existing stone wall that currently defines the garden boundary. Therefore a new front door would face immediately onto the pavement in the same position as an existing gate.

This terrace has had many similar extensions on the front elevations. There is a clear and regular pattern of the extensions however with twin front gables that has been built adjacent to each other. No 31 is the only building that has not had a two storey front extension. The immediate neighbour, No 32 has had a two storey front extension but with a flat roof. The single storey extensions on the front of these properties all have lean to roofs and not flat roofs with inset windows and velux rooflights.

Although the front elevation shows the front gable end extension to be taller than the ridge on the main roof, the side elevation plans confirm that the ridge line is actually set down. This is because of the parapet wall design features of the host building being used on the proposed extension, which gives this impression. The 2-storey extension will therefore be subservient to the host building.

This is not a Listed Building and is not in a Conservation Area although it is in the setting of one. The Conservation Area is approximately 25 metres away where its boundary ends on the front boundaries of properties on Winsely Road to the east and up Huntingdon Street. Therefore the impact of the proposal on the setting of the conservation area is a material consideration.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL

Object: The Town Council regards this second proposal an even less desirable solution than the first. It would completely destroy the original character of the host building. If this building must be extended could it not be done on the back? This building is opposite to Huntingdon Street conservation area and views from the conservation area would be detrimentally affected.

BRADFORD ON AVON PRESERVATION TRUST

The trust supports the views of the Town Council regarding this application. The proposals represent overdevelopment of the site and any additions to the house need to be at the rear. Trust recommends refusal.

STATUTORY CONSULTATIONS:

HIGHWAY AUHTORITY

No objection.

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

C17 - Conservation Areas
C31a - Design
C38 - Nuisance

SPG - House Alterations and Extensions

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

97/00134/FUL - Extension and roof conversion - Permitted - 12.03.1997

06/03589/FUL - Demolish part existing and build two-storey extension to provide new lobby, utility and enlarged kitchen, with bathroom at 1st floor and extend bed 3 in loft - Refused - 18.01.2007

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 and whether the reasons for refusing the earlier application 06/03589/FUL have been overcome.

PLANNING OFFICER COMMENTS

Design:

Policy C31a of the District Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene. It additionally states that flat roofs will be considered inappropriate even on a single storey extension, unless the main building was designed with a flat roof.

The lean to roof on the single storey extension would replace the previous flat roof design in 06/03589/FUL and would be far more appropriate to the host building and the rest of the design of the terrace row. The proposal is therefore compliant with Development Plan policy and advice within the Council's own Supplementary Planning Guidance. Therefore the Town Council's comments cannot be supported.

It is acknowledged that this is a busy main road leading into and from Bradford on Avon and being an end of terrace it is a key focal point in the street scene. As you would be travelling west from the town centre, turning the corner of the road opens the view into this straight stretch of road that the host building has a significant impact upon. However this terrace has had many similar extensions, which has already changed the character and appearance of the terraced row to such an extent already that refusing for this reason would be unreasonable.

The two-storey gable end extension would match the built form of the rest of the street scene. Additionally given its subservience to the host building this would not cause harm to either the host building or its position on the street scene.

Setting of the Conservation Area:

PPG 15 and Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area. Additionally Policy C17 of the District Plan states that the special character or appearance of the designated conservation areas and their settings will be preserved and enhanced. Whilst Policy C18 seeks to protect views into and out from the conservation area.

Considering that the proposal is considered to be an improvement on the previously refused scheme and given the significant alterations to the original terraced row, there would not now be any harm to the setting of or the views into and from the conservation area.

Neighbouring Amenity:

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. Neither the two-storey side nor single storey front extension would cause nuisance to neighbouring amenity because of the existing built form of the neighbouring property No 32.

CONCLUSION

The previous reasons for refusal were based on the design of the single storey flat roof, which would have harmed the host building, street scene and the setting of the conservation area. The revised application now has a lean to roof, which is considered to be a more appropriate design, and complies with Development Plan policy. Therefore the previous reasons for refusal have now been satisfactory overcome and the views of the Town Council in regard to the harm on the host building, street scene and conservation area are not supported. Therefore the application should be granted planning permission.

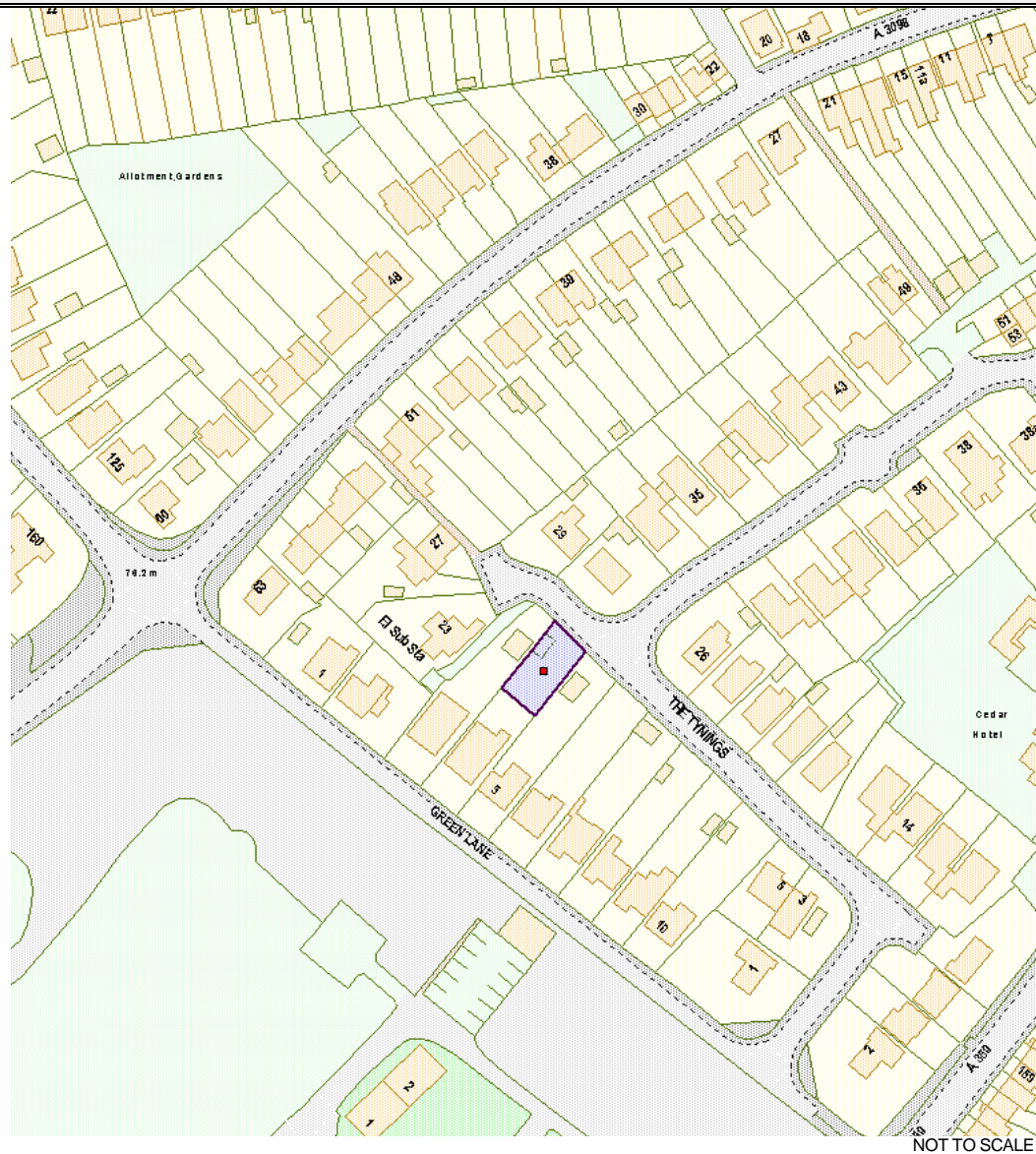
PLANNING COMMITTEE

19 April 2007

ITEM NO: 18

APPLICATION NO: 07/00249/FUL

LOCATION: Land Rear Of 4 Green Lane Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

18 Application: 07/00249/FUL

Site Address: Land Rear Of 4 Green Lane Westbury Wiltshire

Parish: Westbury Ward: Westbury Laverton
Grid Reference 386897 150660
Application Type: Full Plan
Development: Erection of bungalow and provision of parking bays for existing and proposed dwellings
Applicant Details: Mr S Tilling
37 Virginia Drive Warminster Wiltshire BA12 8RP
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr Mark Reynolds
Date Received: 25.01.2007 Expiry Date: 22.03.2007

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 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.

- 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 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those hereby permitted shall be inserted in the roof of the dwelling hereby permitted.
- REASON: In the interests of neighbouring amenity.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C38.
- 7 The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- REASON: In the interests of road safety.
- 8 No entrance gates shall be erected.
- REASON: In the interests of highway safety.
- 9 The first floor window in the south west elevation shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 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.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for a single storey dwelling to be sited at land rear of 4 Green Lane, Westbury. The proposed dwelling would occupy a footprint of 9.2m by 8m with a rear projecting element measuring 4m by 4.3m. It would measure 6.4m in height to ridge level sloping to 2.4m in height to eaves level. Four car parking spaces are proposed in front of the dwelling at the front. Two spaces would be provided for the proposed dwelling and two spaces for the existing dwelling. The parking spaces for the existing dwelling No.4 would be accessed by a pathway down the side of the proposed dwelling running parallel to the proposed dwelling. This is a resubmission following the refusal of a previous application which was for a single dwelling with car parking bay onto Green Lane.

The application site is currently garden land to the rear of a bungalow in the same ownership with converted loft. The application site is located within a residential street in Westbury.

An outline planning permission was granted for one dwelling on this site reference 05/01204/OUT with all matters reserved to erect a bungalow in the rear garden of No.4 Green Lane with access achieved from The Tynings to the rear of the existing garden of No.4 Green Lane.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: Commented as follows 'the committee objected to this planning application on the grounds of overdevelopment, loss of privacy to neighbouring properties and highways issues. See Inspectors appeal decision Ref: APP/F3925/A/04/1158704 re: 10 green lane, Westbury.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No highway objection is raised.
- WESSEX WATER: No objections.

PUBLICITY RESPONSES

Letters of objection were received raising the following issues;

- Conditions relating to rooms and windows in the roof would not be complied with
- Planning condition from the outline would not be complied with
- Traffic problems
- Loss of privacy with rooms in the roof and kitchen window in bungalow
- Precedent
- Overdevelopment
- Overshadowing
- Access for emergency vehicles restricted

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
H1 - Housing development within towns
H24 - New Housing Design
C38 - Effects of development on neighbouring properties
C31A - Design
T10 - Car parking

PPS 1 - Delivering Sustainable Development
The Planning System: General Principles
PPS 3 - Housing

RELEVANT PLANNING HISTORY

05/01024/OUT - Bungalow - Approved 12.8.05

06/00630/FUL - Bungalow - Refusal 1.6.06 (Appeal APP/F3925/A/06/2019140 - Dismissed 30.10.06)

KEY PLANNING ISSUES

The main issues to consider in this application are planning history, the impact of the proposal on the character and appearance of the area, neighbouring amenity issues and highway safety considerations.

PLANNING OFFICER COMMENTS

Planning History

An outline planning permission has been granted at this site which has established the site as an acceptable site in principle for a residential dwelling.

A previous full planning application was refused planning permission for a dwelling and the creation of a parking bay onto Green lane. The application was refused for the following reason 'The proposed vehicular access onto Green Lane by reason of the configuration of the parking bay, site levels and position of retaining walls resulting in poor visibility onto a single track road would be prejudicial to highway safety'. This was successfully defended on appeal with the appeal being dismissed. The current proposal has therefore abandoned the parking bay onto Green Lane and the parking for the development would be achieved accessing onto The Tynings to the rear of Green lane.

The planning committee who determined the previous application did not refuse the application for any further reasons. Likewise the Inspector's report following an appeal being lodged by the applicants noted as follows 'the Council has no objections to this appeal's proposed bungalow or the proposed provision of two car parking spaces for the bungalow with access from The Tynings. I have no reason to disagree'. The Inspector did not therefore raise any objections regarding the bungalow itself.

The only alterations to the proposal from that which was previously refused are the omission of two windows on the south east elevation and the porch design on the north east elevation has been revised to provide a simple canopy structure rather than an enclosed space.

Design and principle of development

The application site is located within the Town Policy Limit for Westbury. This means that the principle of further residential development is acceptable subject to a number of criteria contained in Policy H1 of the West Wiltshire District Plan 1st Alteration 2004. In this case the density of the proposed development would be 43 dwellings per hectare and this would be consistent with the advice offered in PPG 3.

Regarding the proposed bungalow and the effect it would have upon the character and appearance of the area the following is noted. The application site is located in an area which is dominated by bungalows with some two storey dwellings. Most of the streets in the area are bordered by dwellings with modest front gardens. The proposal to site a dwelling in a position closely bordering The Tynings would not in your Officer's opinion appear out of character given that the north side of The Tynings is typified by a similar pattern.

In terms of the design of the dwelling it is noted that it would be similar in terms of roof pitch, design and appearance to the bungalows which border the Tynings. The construction would use facing brickwork and concrete interlocking tiles throughout. These materials would be acceptable in this location subject to a condition requesting sample materials to be submitted.

Neighbouring amenity

The impact upon neighbouring amenity is now considered. There exists a rear bedroom window at first floor level in No.4. A gap would however be retained of 11m between this window and the boundary of the proposed garden for the new dwelling. This would comply with the Council's recommended distance of 10m between the neighbour's garden boundary and any directly overlooking windows. One window would be introduced into the south west elevation which would serve an en-suite and would not result in a loss of privacy.

The proposal would include rooms in the roof and four velux rooflights to supply light into these rooms. Neighbours have made representations regarding the conditions placed upon a planning appeal which was allowed at 10 Green Lane which was for a broadly similar development of one bungalow in the rear garden of No.10. It is considered that these conditions were material in that case. In particular the Inspector sought to restrict the outline permission with two conditions 7 and 8 to ensure that the dwelling was single storey with no rooms in the roof and that no windows were to be inserted into the roof. These conditions were placed upon the allowed appeal to restrict the potential for overlooking of neighbouring properties. This was important because without such conditions it would be possible for the loft space of the allowed bungalow to be converted and roof lights may have been added without requiring planning permission.

In this case this is a full planning application for which all of the details are being applied for rather than an outline application. The agent has demonstrated on plan that the proposed velux rooflights to be located in the side elevations would be placed 1.6m above floor level which would restrict people looking out from the rooflights to look up in the air or directly forward. Overlooking of neighbouring gardens from these rooflights would not therefore occur. Furthermore the introduction of rooms in the roof would not alter the appearance and form of the dwelling to any great extent.

A concern has been raised regarding overlooking also from ground floor windows in the proposed bungalow. A condition requesting details of boundary treatments is therefore proposed and it should be noted that the plot is bounded on either side by garages and therefore the potential for overlooking should be reduced.

The proposed bungalow would be separated by a sufficient distance from the existing dwelling to ensure that it would not overbear or overshadow the existing property. Both properties would retain a reasonable element of amenity space and the proposal to create a dwelling here should not result in overdevelopment, and in any case the principle of development was established by the outline permission.

Highway safety

A number of comments have been received regarding highway safety considerations. The Highway Authority were consulted on the application and they have raised no objections to the proposal. It is proposed that two spaces would be provided for both the existing dwelling and the proposed dwelling accessing out onto The Tynings. A similar position exists at No.10 Green Lane where two spaces per dwelling were achieved accessing onto The Tynings, when an application was granted permission for a dwelling fronting onto The Tynings. Moreover the width of the carriageway at The Tynings, which would serve the appeal proposal, is not unduly narrow and is capable of accommodating the traffic which it serves. Concerns have been raised about access for emergency vehicles the Highway Authority have not raised any concerns on this basis and the road is considered wide enough to accommodate emergency vehicles.

The revised parking arrangement is considered acceptable and closely replicates the arrangement at land to the rear of No.10 Green lane. The previous reason for refusal is considered to have been overcome in this case.

Other issues

The issue of precedence has been raised in neighbour letters. Each application is determined on its individual merits and a precedent would not be set were this proposal approved. The Inspector further noted that even if the proposal were to set a precedent this would not necessarily result in an unacceptable form of development and Officers concur with this view.

Comments have been received that the proposed dwelling would increase the nuisance to neighbours. Whilst these concerns are noted it is not felt that this proposal will harm neighbouring amenity, as the proposed dwelling is sufficiently far from neighbour's houses.

Issues are raised about nuisance caused during construction. Whilst Officers sympathise with these concerns it should be noted that any such nuisance would be transient.

An objection has been received regarding the submitted site plan and block plan not being completely up to date. The Council has its own systems which can be used to check the accuracy of plans and a site visit is also undertaken to enable the Case Officer to carry out a thorough inspection of the site.

Concern is expressed that the proposed house would not be an affordable house. This proposal for one dwelling within the town policy limit of Westbury does not trigger a need for affordable housing.

Finally, concerns have been raised regarding impact of the development on the sewers. This is controlled by other legislation and Wessex Water has been consulted on the proposal and has raised no objections.

CONCLUSION

The principle of development has already been established by the outline permission and the appeal to the Planning Inspectorate following an appeal. The details of the proposal are considered acceptable within Council policy and the previous reason for refusal on 06/00630/FUL has been overcome.