

PLANNING COMMITTEE

14 JULY 2005

Planning Applications for Determination

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01 Application: 05/00626/REM

Site Address: Phase 7B Marina Drive Staverton Wiltshire

Parish: Staverton Ward: Paxcroft
Grid Reference 385501 160021
Application Type: Reserved Matters
Development: Erection of 69 dwellings with associated parking, internal access roads, landscaping and other works
Applicant Details: Persimmon Homes (Wessex) Ltd
Persimmon House Tetbury Hill Malmesbury Wiltshire SN16 9YF
Agent Details: Pegasus Planning Group
6-20 Spitalgate Lane Cirencester Gloucestershire GL7 2DE
Case Officer: Mrs Rosie MacGregor
Date Received: 31.03.2005 Expiry Date: 30.06.2005

RECOMMENDATION: Approval

Note(s) to Applicant:

- 1 This approval is not a planning permission but must be read in conjunction with the outline planning permission 98/00284/OUT and the subsequent variation of condition 05/00582/FUL to extend the period for submission of reserved matters, and any conditions attached thereto. In particular this approval relates only to the matters contained in the application, and the applicant must obtain separate approval of any other matters reserved by the outline permission if he has not already done so.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Parish Council objects and officers recommend approval.

This is a reserved matters application for part of the wider housing development permitted under outline permission 98/00284/OUT in April 2002.

It proposes 69 dwellings, ranging from 5 bedroom detached to 3 bedroomed semi-detached and terraced, and 2 bedroom flats within an apartment block, and 1 bedroom flats above garages. The dwellings vary in height from 2 storey to 2.5 and 3 storeys. The site has an area of approximately 2.2 hectares which equates to a density of 30.3 dwellings per hectare. The density on this phase is within the standards set out in PPG3 of 30 - 50 dwellings per hectare. When combined with the proposed development in Phase 7A, and taking only the net developable area into account, as required by PPG3, the density is still at the lower end of the advised density and is approximately 32 dwellings per hectare.

The houses are arranged around the main road that runs through this phase and the layout connects with three other phases of the wider development. This scheme is separated from existing houses in an earlier phase of the development by an area of public open space. To the north, the new dwellings abut existing properties in School Lane Close. Existing hedgerows adjoining School Lane and the railway embankment are shown as being retained.

The site forms part of the wider Staverton Marina housing development.

A supporting letter has been submitted with the application together with a Planning and Design Statement.

The application has been revised during the planning process in order to ensure that the existing public footpath would now cross public open space and not require a footpath diversion order, and a number of adjustments to the layout to take account of levels, avoid overlooking, provide additional public open space and although there has been a net gain of two dwellings as part of a block of flats, one dwelling has been removed so that it is no longer on the indicative route of the Staverton Diversion.

A previous application for reserved matters was refused by the Council on 28 October 2004 and is currently the subject of an Appeal to the Planning Inspectorate. It was refused on the grounds that the proposals obstructed the aspirational route of the Staverton Diversion. However, the Committee subsequently amended the minutes to take account of its objection to the height and design of the dwellings and potential for overlooking.

STAVERTON PARISH COUNCIL

The Parish Council objects to the application and point out that a similar application was refused.

The proposals in their opinion fail to protect the Staverton diversion, the height and density is inappropriate.

Following the submission of revised plans further comments were received from the Parish Council to the effect that:

A block of 9 flats instead of houses is inappropriate and will be out of keeping and overbearing. The change so that the public footpath crosses public open space is irrelevant, and the gain of public open space is negligible. Generally the revisions appear to favour the developer and increase the number of units on the site. The Parish reiterates the need for the Staverton Diversion to be taken into account, as the highway widths on the plan are not sufficient to take the type and weight of traffic that would use a future diversion.

HIGHWAY AUTHORITY

The revised layout is generally acceptable and no highway objections are raised, although conditions are suggested and attention is drawn to the fact that the developer will need to enter into a S38 Agreement with the Highway Authority.

ENGLISH NATURE

Makes detailed comments to assist the applicants but raises no objections.

WILTSHIRE WILDLIFE TRUST

Badgers have been reported at or near the site.

ENVIRONMENT AGENCY

No objections raised.

WESSEX WATER

No objections raised.

BRITISH WATERWAYS

No comments as the proposal will not affect any waterway.

PUBLICITY

The application was advertised by site notice and in the local press and neighbour notifications have been carried out. Letters of objection have been received from the occupiers of 7 neighbouring dwellings on the following grounds:

- Overlooking of bedroom windows and front gardens on the proposed and existing development at School Lane
- Insufficient space between the reed bed ends and the new development
- The buildings would be too high
- High density will have a negative impact on wildlife
- Increase in the number of dwellings from 67 to 69 whereas the original proposal was for 64
- Increase in traffic and danger to road users

- In view of need for de-allocation of sites there should not be any increase in the number of houses
- This site should be de-allocated
- Impact on infrastructure especially surface water drainage
- Potential for flooding

RELEVANT PLANNING HISTORY

98/00284/OUT - Residential development - Permission 03.04.02
 04/00941/REM - 64 Dwellings - Refused 25.05.04 - Appeal pending.
 05/00582/FUL - Extend period for submission of reserved matters - Permission 23.06.05

PLANNING POLICY

Wiltshire Structure Plan 2011

DP1 Sustainable development
 DP4 Towns and main settlements
 T4 Cycling and walking
 T5 Car parking

West Wiltshire District Plan 1st Alteration

H1 Housing development within towns
 H24 Housing design
 C31A Design
 T10 Car parking
 T11 Cycleways
 T12 Footpaths
 R4 Public open space

PPS1 - Creating Sustainable Development

PPG3 - Housing

PPG13 - Transport

By Design - Document issued in 2000 dealing with urban design in the planning system

PLANNING OFFICER'S COMMENTS

The main issues raised in this application are the principle, Staverton Diversion, density, design, parking and overlooking.

Principle of development

The principle of the residential development of this site has already been established by the granting of outline permission 98/00284/OUT in 2002 and by the subsequent variation of condition 05/00582/FUL granted on 23 June 2005 to extend the period for submission of reserved matters, although the current application was submitted prior to that date.

This application is therefore acceptable in principle - it is the layout, urban design, design and landscaping of this phase that is before members to determine now.

It has been suggested by a neighbour that this site should be de-allocated, but since there is an extant outline permission that would not be possible.

Staverton Diversion/Highways

This Council has long sought to protect the line of the Staverton Diversion, which runs through the middle of this site. However, this scheme is no longer being pursued by the County Council. It was discussed at the Local Plan Inquiry, and the Local Plan Inspector concluded that it was unrealistic to use possible alignments of a future scheme as a material consideration when dealing with planning applications. He felt that it "would not be right that applications for planning permission should be considered in the light of a non-existent route and scheme which is not likely to be constructed in the foreseeable future".

In the newly adopted District Plan, mention is still made (at paragraph 3.4.18) of the Staverton Diversion being identified by the District Council as an important highway improvement for the village of Staverton. The Plan acknowledges that the County Council are no longer pursuing the road, but says that the District Council will continue to seek the development of the scheme as a long-term aspiration. What the Plan does not do is identify a route or seek to safeguard one. It is therefore not possible to use a route identified in an earlier District Plan to refuse this application, and members are strongly advised not to consider doing so.

In any case the developer has redesigned the site layout and moved the dwelling, originally shown on the aspirational route of the by-pass, so that it no longer sited on the line of this aspirational route.

The Highway Authority has no objection subject to the developer entering into a S38 Agreement prior to adoption of the roads and footpaths which would be secured separately.

Density

Government guidance in PPG3 states that all new residential development should be at a density of at least 30 dwellings per hectare, and a higher density should be encouraged in appropriate locations. The density of this phase, either alone, or when combined with the adjoining Phase 7A, and measured as required by PPG3 using the net developable area only, is within the Government's figure. There is a case to say that a higher density should be sought on this site, in order to make the most efficient use of the site. However, given that other parts of the wider development at Staverton Marina have higher densities, this phase will assist in another of the objectives of PPG3 - providing a greater variety of housing. In the circumstances, the proposed density is considered to be acceptable.

The Parish Council and some neighbours have commented that the density is too high. It may be higher than some residential development from the late 20th century, but this in response to a specific and deliberate change in Government policy to move away from these low density, land-hungry developments. There is no justification for saying that the proposed density of this phase is too high.

Design/Urban Design/Overlooking

It is considered that the submitted scheme provides a reasonably attractive and appropriate development in its setting. The majority of the houses face either the roads through the development or the public open space to its south. In addition, care has been taken to close vistas by placing houses at junctions to create focal points.

There is no specific restriction to the height of dwellings in the relevant outline permission. Therefore 3 and 2.5 storey buildings are acceptable, as is the mix of different house types. Higher buildings are necessary if the required density is to be reached and help to give interest in key locations, such as the main crossroads within the site. Whilst neighbours' concerns regarding the height are understandable, it would be hard to argue that they have a material effect on the character and appearance of the area as the storey heights are similar to those approved elsewhere within the development. PPG3 makes it clear that local distinctiveness and character are important but also that this must be viewed over the whole locality, not just in conjunction with some immediately adjoining dwellings of different style. In this case, this phase of development relates to the rest of the Staverton Marina development as much, if not more than it does to School Lane to the north.

Although concerns have been expressed with regard to the amenity of neighbours, the developer has taken care to ensure that any potential for overlooking would be reduced. The housing closest to School Lane has been designed and re-aligned since the last refusal in order to reduce heights to 2 storey and to avoid direct overlooking.

The proposals generally comply with the Council's normal standards for distances between dwellings and it is considered that these distances are sufficient to avoid unacceptable overlooking from occurring.

CONCLUSIONS

This proposal is in line with the outline permission and the density is acceptable when considered as part of the wider development at Staverton Marina.

The Staverton Diversion no longer has a safeguarded route on the adopted District Plan and refusal for any reason associated with preserving this aspirational route would not be a sustainable reason for refusal.

Approval of these reserved matters is recommended. In the absence of full details of the proposed external materials of the houses, and detailed landscaping proposals, the developer will need to discharge the relevant conditions separately.

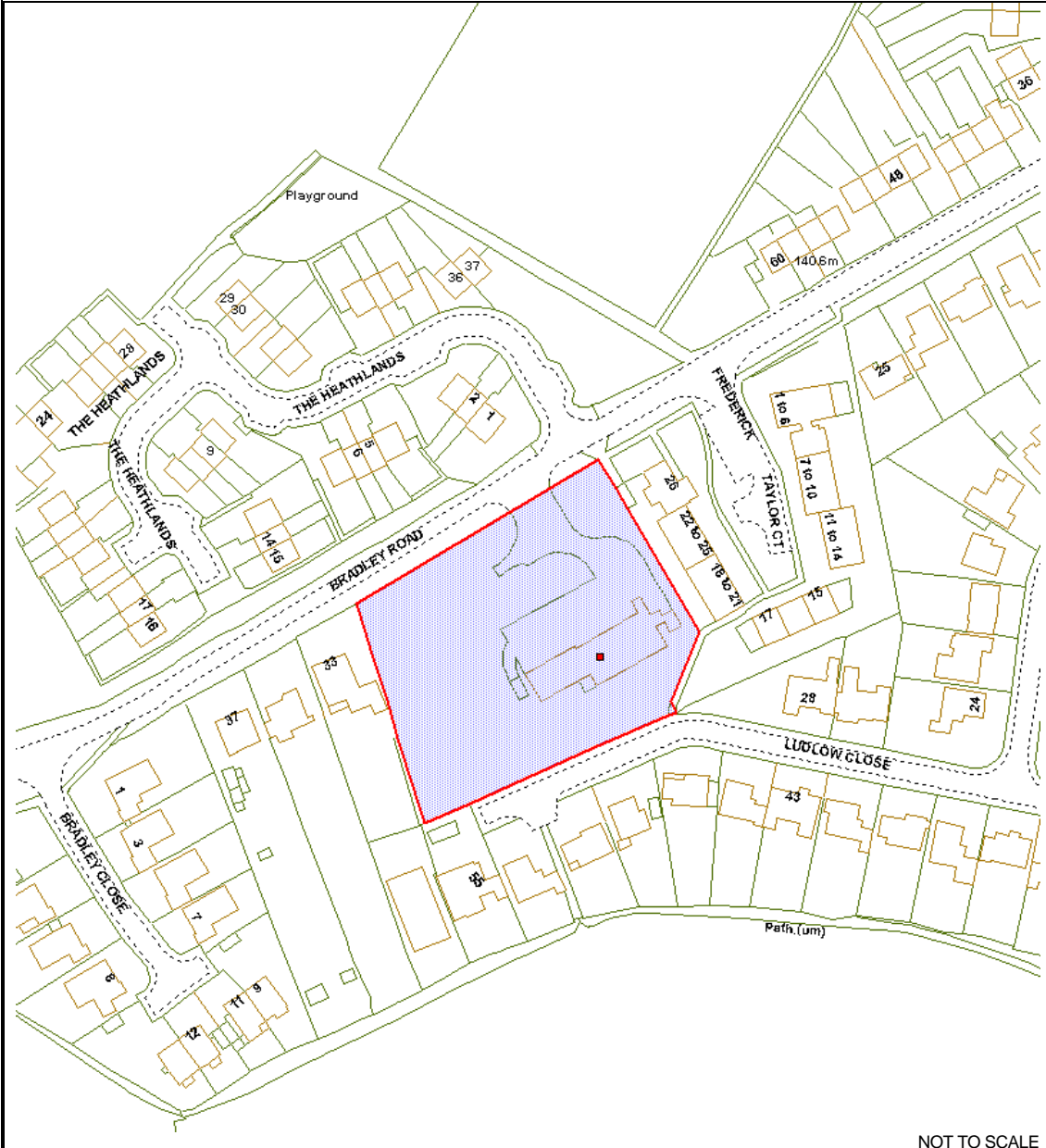
PLANNING COMMITTEE

14 July 2005

ITEM NO: 02

APPLICATION NO: 05/00592/FUL

LOCATION: Ambulance Service 31 Bradley Road Warminster Wiltshire
BA12 8BN



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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

02 Application: 05/00592/FUL

Site Address: Ambulance Service 31 Bradley Road Warminster Wiltshire BA12 8BN

Parish: Warminster Ward: Warminster West
Grid Reference 386608 143943
Application Type: Full Plan
Development: Erection of 25 dwellings
Applicant Details: Hills Property Limited
Ailesbury Court High Street Marlborough Wiltshire SN8 1AA
Agent Details: Peter Kent Architect
Brandon House Brownleaze Lane Potterne Devizes Wiltshire
Case Officer: Mr Matthew Perks
Date Received: 30.03.2005 Expiry Date: 29.06.2005

REASON(S) FOR

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a revised Legal Agreement, to secure a commuted sum of £30,000 towards the provision of public open space in Warminster in addition to a commuted payment for flood relief work.

Condition(s):

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

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 & E2.

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

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

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

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

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

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

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

- 6 The details submitted pursuant to condition 1 of this planning permission shall include provision for a cycle/pedestrian link between Bradley Road and Ludlow Close.

REASON: In the interests of accessibility and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration - Policies T11 & T12.

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

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

POLICY: West Wiltshire District Plan 1st Alteration H24.

- 8 A two metre wide footway across the entire Bradley Road site frontage shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any dwelling.

REASON: In the interests of pedestrian and highway safety.

- 9 No development approved by this permission shall be commenced until a scheme for the provision and the implementation of surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

- 10 The development hereby permitted shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

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

REASON : In the interests of highway safety.

- 12 Works shall take place in accordance with the document "Method Statement for the works required to lay paved footpath under retained TPO tree" submitted with the application, subject to any revision necessary for the protection of the tree that may be deemed necessary by the Local Planning Authority.

REASON: To safeguard the protected tree on the site and to ensure a satisfactory landscaped setting for the development.

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

Note(s) to Applicant:

- 1 Whilst the West Wiltshire Council Environmental Protection department is not aware of the site being impacted by any ground contamination, it is the developer's responsibility to ensure that the final condition of the development and ground conditions are fit for the end use of the site. The developer should be vigilant for any materials in the structure or ground conditions that deviate from those observed to date and is responsible for taking appropriate actions should any latent deleterious materials be encountered.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of 25 dwellings at the old ambulance station, 31 Bradley Road.

The application plans include a site layout, street elevations from Bradley Road, Ludlow Close and from the proposed internal road and floor plans and elevations of the 3 dwelling types that are proposed.

A " Method Statement" for the works that would be required to lay a footpath under the TPO tree to be retained on site is included in the proposal.

The proposed dwellings would be arranged on either side of a centrally located access road off of Bradley Road. The 25 units would be distributed between 3 semi-detached pairs and 4 terraces. The building line would be set back ±14m from the Bradley Road carriageway. This would align with the established building line to the east and west of the property.

The scheme includes 8 x 2 bedroom dwellings, 14 x 3 bedroom dwellings and 3 x 4 bedroom dwellings. The 4-bedroom units would have integral garages and the layout provides for an additional 42 off-street parking spaces.

A rectangular open space of $\pm 25 \times 15$ m would be provided around the tree which is the subject of a Tree Preservation Order. This space would incorporate a portion of a public footpath/cycleway as part of a link between Bradley Road and Ludlow Close and the public walkway beyond. The Method Statement for the works required to protect the tree includes protective fencing, works to soil, root protection and finishes to the pathway.

SITE AND SURROUNDING AREA

The site is situated on the south east side of Bradley Road, Warminster, within a residential area, on the south side of the town. It has an area of approximately 0.48 hectares. There is a Tree Preservation Order on a Horse Chestnut tree centrally located adjacent to the southern boundary of the site.

The site is relatively even, sloping gently from west to east, with a high point towards the south western corner.

The old ambulance station buildings have been demolished and the site largely cleared.

The surrounding area is characterised by a mixture of dwelling types. There are detached dwellings located to the south and west, located on fairly large sites (between 400m² and 900m² in extent). To the east the properties around Frederick Taylor Court are developed to a density of ± 60 units/ha. Across Bradley Road there is a mixed development of semi-detached and terraced double storey properties at a density of ± 31 units/ha.

WARMINSTER TOWN COUNCIL

Objects to the proposal on the following grounds:

- overdevelopment of the site;
- adverse impact on the residents of Bradley Close, Ludlow Close, Frederick Taylor Court and Heathlands;
- Increased traffic generation and highway safety;

Developers should be asked to contribute towards some form of off-site works and the footpath should be joined up to warrant safety of pedestrians.

A Member for Warminster West enquired as to the type of local facility that could be requested of the developers. The condition of Bradley Road is of specific concern and a contribution should be sought.

HIGHWAY AUTHORITY

No objection subject to the imposition of planning conditions.

WESSEX WATER

Water Supply:-

A proportionate cost will be required from the developer to contribute to off-site mains reinforcements.

Storm Sewers:-

No public surface water sewers in the area. Run-off should drain to soakaways. A highway drain exists in Bradley Road and should be used for draining any new road.

Foul sewers:-

2 foul sewers are available for use, both 150mm \varnothing - one in Bradley Road, the other in Ludlow Close.

Adoption of any on-site system can be considered depending on layout.

ENVIRONMENT AGENCY

No objection in principle. Conditions are suggested with regard to foul and surface water drainage and ground contamination.

ENVIRONMENTAL HEALTH

Whilst the department is not aware of previous contaminative use, it is recommended that a note to the applicant regarding responsibilities in this regard be included in any permission.

PUBLICITY

The application was advertised to neighbours and a Public Notice was posted. 10 written responses and a petition with 138 signatures were received, objecting to the application. Grounds for objection included:

- Overdevelopment of the site;
- Not in keeping with surrounding development;
- Sewage problems;
- Increase in traffic;
- Parking;
- The Bell Hill junction is very dangerous.
- Additional strain on local community facilities;
- The impact on the TPO'd horse chestnut.

The Warminster Civic Trust supports the application.

RELEVANT PLANNING HISTORY

99/00857/OUT - Residential development - approved 20.08.01

04/00189/OUT - Residential development - approved 05.11.2004

The site has had outline permission granted for residential development in terms of two previous applications, the most recent being 04/00189/OUT. The outline application was approved with a number of conditions that included a limitation to a maximum of 25 dwellings on the site. Matters that were reserved were siting, design, external appearance, access and landscaping.

Permission was granted on the basis that the applicants first enter into a Legal Agreement to secure a commuted sum of £30 000 towards the provision of open space in addition to a commuted payment for flood relief work. That Agreement was entered into, confirming the Permission.

Thus, while the current application is for full permission, the existing outline permission remains as a fall-back position should the developers wish to pursue that avenue.

PLANNING POLICY

Wiltshire Structure Plan 2011

DP7 Housing in towns and main settlements

West Wiltshire District Plan - First Alteration

H1 Housing development within towns

H24 New housing design

C31A Design

C32 Landscaping

C37 Contaminated land

C40 Trees

T10 Car parking

T11 Cycleways

T12 Footpaths

SPG Open space provision in new housing developments

SPG Affordable housing

SPG Good design (Draft)

PPG1 General policy and principles

PPG3 Housing

PLANNING OFFICER'S COMMENTS

Historical considerations

This is a full planning application and must be treated on its own merits. However, it must also be considered in terms of whether or not there has been some material change of planning circumstances since the outline permission 04/00189/OUT was granted that would lead to a different conclusion in relation to the principle and nature of development of the site (i.e. excluding siting, design, external appearance, access and landscaping). Such a change would need to constitute a revision to the relevant planning policy for the area.

Policy Considerations

The application proposal complies with Development Plan policy.

Application 04/00189/OUT was considered against the West Wiltshire District Plan, First Alteration which was formally adopted at the beginning of June 2004 and which remains in place. There has therefore been no change in policy in terms of the District Plan.

The site is situated within the built up area of Warminster, where planning permission will be granted for new housing developments provided that the siting, layout and design considerations are satisfactory and the proposals are in keeping with the area and do not create highway problems.

Government Planning Policy Guidance 3 (PPG3) addresses the creation and maintenance of sustainable residential environments, and making the best use of land. PPG 3 also advises that Local Authorities should encourage developments that make more efficient use of land, with a guideline of between 30 and 50 units per hectare. Policy H1 of the West Wiltshire District Plan - 1st Alteration guides consideration of housing development in the built up areas of Warminster. The policy states that proposals will be permitted provided that siting layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area. Policy C31a of the West Wiltshire District Plan - 1st Alteration states that proposals for new development will be required to respect or enhance townscape features and views as well as historical layout and spatial characteristics. The principle of development of the site to a maximum of 25 units subject to conditions has been accepted by virtue of the existing permission 04/00189/OUT, albeit that this would give rise to a maximum effective density of 51 units/ha. The development character in the area is highly varied (see site and surrounding area description above) and the scheme density would not be inappropriate in this context.

Objections

The objections received cannot be supported.

The primary focus of objections is the impact of a 25-unit development on site and the surrounding area. The Outline Permission dated 3 November 2004 (04/00189/FUL) however provides for a maximum development of 25 units. Objectors argue for the development of a scheme comprising detached bungalows. This would not be a feasible option given the maximum density permitted in terms of the existing approval, A further consideration is also the requirement for the efficient use of land in terms of PPG3.

Site layout considerations

The layout of the scheme as a whole is such that overshadowing onto neighbouring properties would be limited. Intervisibility between units in the scheme and neighbouring properties has been restricted by the placing and orientation of individual buildings. The buildings fronting onto Bradley Road have gable-end elevations facing the properties to the east and west. The buildings to the south of these are orientated to face the side of the property, but are centrally located on the site at minimum distances of 26m from any neighbouring dwelling. The remaining building in the south western corner of the site does have windows facing out over Ludlow Close but windows to habitable rooms would be at a minimum distance of 19m from the nearest dwelling on the opposite (south) side of the Close. The existing Ludlow Close dwellings in general have open front garden and driveway areas facing onto the street, with private garden spaces to the rear. The 3 bedroom dwellings in the scheme would make use of loft space and dormers to create additional bedroom space. This gives rise to structures that are 9.6m tall. These taller units are generally clustered away from the nearest dwellings in the vicinity, and two storey units at 9 - 9.2m in height would be located at the outer ends of the terraced buildings. In general design terms the buildings are of a contemporary form, and provide a mixture of modest and slightly more substantial dwellings.

CONCLUSION

The outline permission for the scheme has made provision for a maximum of 25 units on the site. There has been no material change to circumstances subsequent to the outline approval.

In terms of siting, design, external appearance, access and landscaping considerations, the current full application has been carefully designed to provide for this maximum, while limiting neighbouring impact in terms of overshadowing and intervisibility. The tallest of the units would be prominent on the site but would not dominate neighbouring properties.

03 Application: 05/00745/ADV

Site Address: 57 Market Place Warminster Wiltshire BA12 9AZ

Parish: Warminster Ward: Warminster East
Grid Reference 387583 145059
Application Type: Advertisement
Development: Shop sign fascia and double sided hanging
Applicant Details: Martin Robert Bradbury
6 Norton Bavant Warminster Wiltshire BA12 7BB
Agent Details:
Case Officer: Mr Mark Reynolds
Date Received: 18.04.2005 Expiry Date: 13.06.2005

REASON(S) FOR

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

RECOMMENDATION: Consent

Note(s) to Applicant:

- 1 The applicant is advised that the formal consent of the Highway Authority is required under the Highways Act for anyone to erect a sign or similar structure which will overhang the highway and this may be obtained from the Area Highway Surveyor who can be contacted on Tel. No. 01225 702649.

COMMITTEE REPORT

APPLICATION DETAILS

This application for advertisement consent is referred to the planning committee because Warminster Town Council object to this application and your officer recommends consent.

This is a retrospective application for advertisement consent for a fascia panel that measures 4.1m in length and 0.645m in height. A projecting hanging sign is also included which measures 0.84m in width and 0.6m in height. This building is in commercial use and it is a grade II listed building dating from circa 1831.

The application site is located within the commercial core of Warminster. In a street which exhibits numerous commercial businesses displaying shop frontages. The application site is also found within a Conservation Area.

WARMINSTER TOWN COUNCIL

The committee cannot support this application. They feel this sign to be inappropriate and detrimental to the building in a conservation area.

HIGHWAY AUTHORITY

No highway objection is raised.

PUBLICITY

The application has been advertised by the display of a public notice and neighbour notifications have been undertaken, no responses have been received.

RELEVANT PLANNING HISTORY

00/00298/LBC - Shop fitting works - CONSENT 3.4.00

03/01686/FUL - Change of use from betting shop to beauty salon - PERMISSION 5.11.03

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C24 - Advertisements

C38 - Effects of development on neighbouring properties

C17 - Conservation Areas

C18 - New development in Conservation Areas

C27 - Listed Buildings

C28 - Alterations and Extensions to Listed Buildings

PPG 1 - General Policies and Principles

PPG 15 - Planning and the Historic Environment

PPG 19 - Outdoor Advertisement Control

PLANNING OFFICER'S COMMENTS

This application raises the following planning matters:

- Impact on public safety
- Impact on amenity
- Impact upon the Conservation Area
- Impact upon the Listed Building

Planning Policy Guidance Note 19 states that outdoor advertisement is essential to commercial activity in a free and diverse economy. Given that the building to which the application relates is in commercial usage the principle of adverts being displayed at this building should not be resisted subject to a number of criteria.

The proposed sign's impact upon amenity may now be considered. In having regard to amenity the impact which the sign has upon the appearance of the building and the locality are material considerations. In this case the sign and bracket would be viewed within the context of a street which exhibits a number of hanging signs and fascias which project from shop frontages. The signs are similar in construction materials to surrounding signs. The size and design of the proposed sign would not in your Officer's opinion dominate the frontage of this grade II listed building and is well proportioned not detracting from the setting of the building. The fascia sign and hanging bracket which have been erected are burgundy in colour which represents an enhancement in visual terms on the previous detailing of the shopfront which included a large bright blue fascia.

Regarding the impact on public safety the following comments are made. The signs which are of a modest size should not distract or confuse passing pedestrians likewise the signs are positioned well above the public highway and the signage should not threaten the safety of passing pedestrians. The signage when viewed by vehicular users would appear as one of a number of signs along this street and should not therefore threaten public safety. The Highway Authority were consulted on the application and they have raised no highway objection to the proposal.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy C24 of the West Wiltshire District Plan 1st Alteration 2004 states that strict controls will be exercised over the design and location of advertisements within Conservation Areas. In this case the signage is similar in form to that found on neighbouring commercial premises and the signage preserves the appearance of this building and preserves the character of the Conservation Area which plays host to a number of signs.

The building upon which the sign would be located is a grade II listed building and this proposal's impact upon the setting of this building should also be considered. The signage is modest and it does not detract from the visual amenity of this listed building or indeed other surrounding listed buildings within the street. The proposal would not result in the loss of any historic fabric and the signage respects the character of the host building.

Warminster Town Council's comments regarding the signage are noted however it is not considered that the sign would detract from the conservation area or the host building.

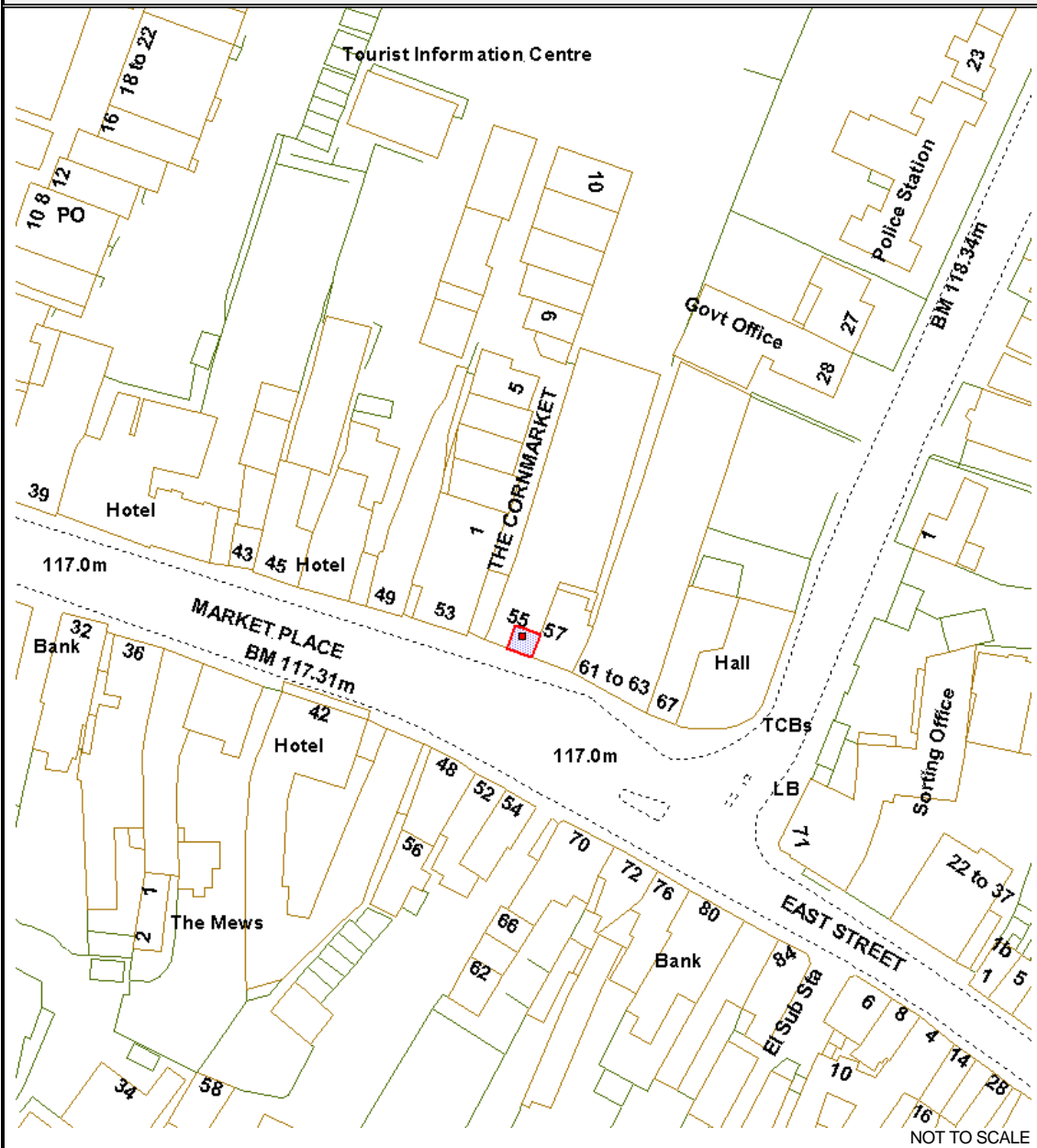
PLANNING COMMITTEE

14 July 2005

ITEM NO: 04

APPLICATION NO: 05/00736/LBC

LOCATION: 57 Market Place Warminster Wiltshire BA12 9AZ



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 05/00736/LBC

Site Address: 57 Market Place Warminster Wiltshire BA12 9AZ

Parish: Warminster Ward: Warminster East
Grid Reference 387584 145058
Application Type: Listed building
Development: Erection of fascia sign and double sided hanging sign
Applicant Details: Martin Robert Bradbury
6 Norton Bavant Wiltshire BA12 7BB
Agent Details:
Case Officer: Mr Mark Reynolds
Date Received: 18.04.2005 Expiry Date: 13.06.2005

REASON(S) FOR

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

RECOMMENDATION: Consent

COMMITTEE REPORT

APPLICATION DETAILS

This application for listed building consent is referred to the planning committee because Warminster Town Council object to this application and your officer recommends consent.

This is a retrospective application for listed building consent for a fascia panel that measures 4.1m in length and 0.645m in height. A projecting hanging sign is also included which measures 0.84m in width and 0.6m in height. This building is in commercial use and it is a Grade II Listed building dating from circa 1831.

The application site is located within the commercial core of Warminster. It is in a street, which exhibits numerous commercial businesses, displaying shop frontages with fascia advertisements and hanging signs. The application site is situated within the Conservation Area.

WARMINSTER TOWN COUNCIL

The committee cannot support this application. They feel this sign to be inappropriate and detrimental to the building in a conservation area.

PUBLICITY

The application has been advertised by the display of a public notice, no responses have been received.

RELEVANT PLANNING HISTORY

00/00298/LBC - Shop fitting works - CONSENT 3.4.00

03/01686/FUL - Change of use from betting shop to beauty salon - PERMISSION 5.11.03

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C27 - Listed Buildings
C28 - Alterations and Extensions to Listed Buildings

PPG 1 - General Policies and Principles
PPG 15 - Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The main issue for consideration in this application is the impact which the signage has upon the character and setting of this Grade II Listed building.

In this case the signs are similar in construction and materials to surrounding signs. The size and design of the proposed sign would not in your Officer's opinion dominate the frontage of this Grade II Listed building. The fascia sign and hanging bracket which have been erected are burgundy in colour which represents an enhancement in visual terms on the previous detailing of the shopfront which included a large bright blue fascia.

The signage is modest and it does not detract from the visual amenity of this listed building or indeed other surrounding listed buildings within the street. The proposal would not result in the loss of any historic fabric and the signage respects the character of the host building.

Warminster Town Council's comments regarding the signage are noted however it is not considered that the sign would detract from the conservation area or the host building.

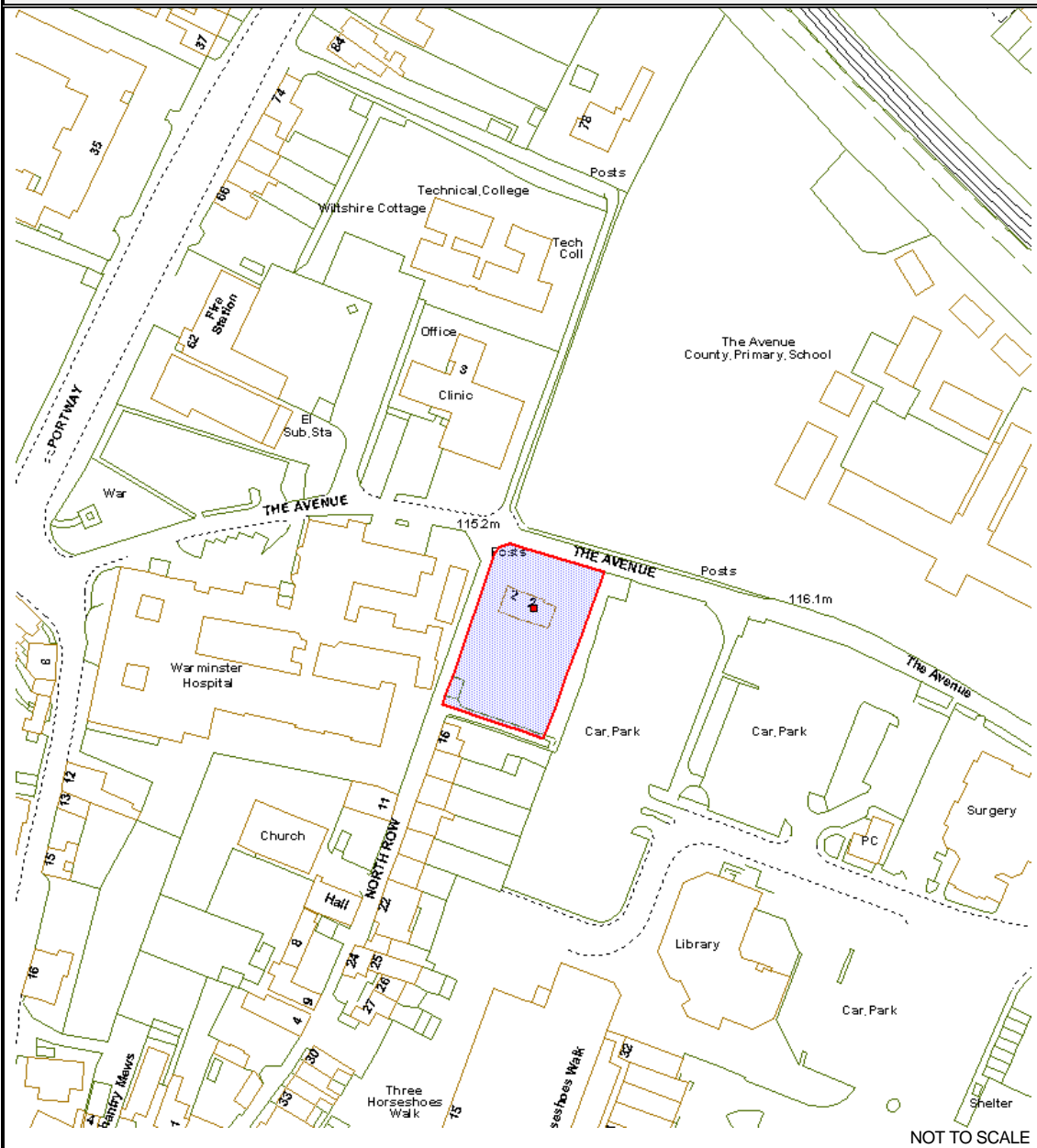
PLANNING COMMITTEE

14 July 2005

ITEM NO: 05

APPLICATION NO: 05/00549/FUL

LOCATION: 2 The Avenue Warminster Wiltshire BA12 9AA



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 05/00549/FUL

Site Address: 2 The Avenue Warminster Wiltshire BA12 9AA

Parish: Warminster Ward: Warminster East
Grid Reference 387503 145302
Application Type: Full Plan
Development: Demolition of existing dwelling and redevelopment of site to provide 9 dwellings
Applicant Details: Mr P Atyeo
2 The Avenue Warminster Wiltshire BA12 9AA
Agent Details: Mr P Withey
The Studio 3 Hill Deverill Warminster Wiltshire BA12 7EF
Case Officer: Mrs Judith Dale
Date Received: 22.03.2005 Expiry Date: 17.05.2005

REASON(S) FOR

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

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.
- 2 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 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 & E2.
- 4 Details, including samples where appropriate of the materials for the surfaces of all 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 the 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 the approved details.

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

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

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

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

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

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

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

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

- 7 Details of the design, external appearance and finish of all new walls, including the proposed stone wall along the southern boundary of the site, the boundary detailing along the western side of the proposed footpath link, and all other fences or means of enclosure within the site shall be submitted to and approved by the Local Planning Authority prior to their construction. The works shall then only be carried out in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 8 The existing boundary walls along the north and western boundary of the site shall be retained and maintained in a satisfactory condition.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 9 No pedestrian access or opening shall be subsequently created in the existing boundary walls along the northern and western boundaries of the application site.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 10 The storage buildings hereby approved shall be retained for ancillary use in connection with the development and shall not be used for any commercial purpose whatsoever.

REASON: To ensure the facilities are retained for use by residents and in the interests of residential amenity.

- 11 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Classes A to E, and Class G and Part 2 Class B of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

- 12 The proposed pedestrian access shall incorporate splays on both its sides to the rear of the carriageway based on co-ordinates of 2.4 metres by 2.4 metres which shall be kept free of obstruction above a height of 600mm in order to provide for pedestrian intervisibility.

REASON: In the interest of highway safety.

- 13 In connection with the above mentioned condition, before any work is commenced, details of the design, form and method of construction of these splays shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a sample wall panel, not less than 1 metre square to be first constructed on site and left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 14 The pedestrian access, for at least the first 5 metres shall be surfaced in a bound material (not loose stone or gravel) in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 15 Any gates to be erected to the pedestrian access shall be set back a minimum distance of 1.7 metres and shall be made to open inwards only, in order to provide adequate room for wheelchairs and pushchairs between the gates and the highway. (See note 1).

REASON: In the interests of highway safety.

- 16 Provision shall be made within the site for the disposal of surface water from the pedestrian access so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 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 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.

- 19 A comprehensive management plan including long-term design objectives, management responsibilities and maintenance schedules for all communal landscape areas, external walls along the boundaries of the site and the footpath along the eastern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The management plan shall be carried out as approved.

REASON: To ensure the adequate maintenance of amenity space and to ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17, C18 and C32.

Note(s) to Applicant:

- 1 With reference to Condition 15, the applicant is advised that details of any proposed gates shall be submitted to and approved in writing by the Local Planning Authority before installation.
- 2 The applicant is advised to contact Wessex Water with regard to the following items: -
 - Agreement to a point of connection onto Wessex Water systems for the satisfactory disposal of foul flows generated by the proposal.

- The provision of 3-metre easement widths on either side of Wessex infrastructure crossing the site for the purpose of maintenance and repair.
 - Agreement to the protection of Wessex Water systems and arrangements for the protection of infrastructure crossing the site.
- 3 The applicant is advised that the Council's Parking Residential Permit Scheme does not guarantee the long-term availability of parking in the adjacent car park and that appropriate marketing strategies are employed to advise future occupants about the non-availability of parking within the development site and adjoining highways.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a detailed application for the demolition of an existing detached dwelling and the erection of 8 "terraced" units and 1 detached dwelling.

The proposal is for an L-shaped layout of 2-storey, cottage style dwellings, inward facing towards the centre of the site which would function as a shared communal garden. In the south-east corner, it is proposed to construct a linear "run" of single storey outbuildings, built of stone and brick with pitched gabled roofs. The dwellings, themselves, are of simple and similar design, stone built under both clay tiles and natural slate roofs.

Access to the development is pedestrian only, through the existing entrance which emerges at the junction of North Row with The Avenue. There is no vehicular access and the scheme is proposed as a car free development aimed "at both first time buyers and retired people who do not necessarily own their car but use public transport".

The application site occupies a corner site, located at the junction of North Row with The Avenue, with these two external boundaries marked by substantial 2.6 metre high stone and brick walls which effectively screen the interior of the site from public view. The site is level, rectangular, has site frontages of 45 metres along North Row and approximately 27 metres along The Avenue, and measures approximately 0.13 hectare. It is currently occupied by a modest 3-bedroomed detached dwelling, located well within the body of the plot.

This town centre site is located at the edge of, but within the Warminster Conservation Area; it also abuts the commercial area boundary along its western side.

The application is accompanied by a Planning Statement.

WARMINSTER TOWN COUNCIL

The Committee welcomed the rear access to these dwellings and that there will be no increase of traffic into North Row and the surrounding junction and will only be used for commercial use. Councillor Davis moved for acceptance, seconded by Councillor Syme. All in favour. Unanimous.

HIGHWAY AUTHORITY

The current proposal seeks the construction of 9 units with no private parking facilities.

It is acknowledged that the development would still generate a need for servicing the properties. The absence of private on-site parking facilities and the restrictive widths of the adjoining carriageways to enable on-street parking would limit the impact on the highway and would be the only acceptable way of redeveloping the site.

There are public parking facilities adjoining the site, and therefore any visitors can be adequately catered for.

Conditions proposed are relating to vision splays at the pedestrian entrance, the surfacing of the access, pedestrian gates, disposal of surface water, and removal of permitted development rights with respect to the formation of hardstandings or vehicular accesses.

WESSEX WATER

No objection subject to approval to a point of connection to Wessex infrastructure; the satisfactory disposal of surface water; the provision of 3-metre easement widths on either side of Wessex apparatus; arrangements of protection of Wessex infrastructure crossing the site.

PUBLICITY

The application was advertised by site notice and in the local press. Neighbours were notified and 12 letters of objection were received on the following grounds: -

- Absence of parking provision which will encourage parking on nearby public land and adjoining highways;
- Over-development of the site;
- The development would not preserve or enhance the Conservation Area in design terms;
- The proposed enclosure of modern houses does not resemble the existing character of North Row;
- 9 dwellings will bring an increase of vehicle movements along The Avenue and North Row;
- Pedestrian safety will be compromised as there are no pavements in the area;
- Loss of privacy;
- Increase in noise disturbance;
- Loss of habitat for birds;
- The site is surrounded by public establishments and is already congested;
- Difficulties for refuse collection;
- Who will maintain responsibility for the boundary wall around the site;
- The demolition of the existing house will obviously effect the character and appearance of the Conservation Area;
- Pressure on existing drainage facilities;
- Loss of trees.

In addition, a letter has been received from the Warminster Civic Trust expressing strong reservations about the proposal on the grounds of lack of parking, and that to develop this site prejudices its potential use as an access way from Portway to the adjoining car park to relieve town centre traffic congestion.

RELEVANT PLANNING HISTORY

04/02040/FUL - Demolition of existing dwelling and redevelopment of site to provide 7 dwellings - Withdrawn 29.12.04

04/02218/CON - Demolition of existing dwelling and redevelopment of site to provide 7 dwellings - Withdrawn 29.12.04

05/00795 - Demolition of existing dwelling - Pending.

PLANNING POLICY

Wiltshire Structure Plan 2011

- DP4 Towns and main settlements
- DP7 Housing in towns and main settlements
- DP9 Reuse of land and buildings
- T5 Parking

West Wiltshire District Plan - 1st Alteration 2004

H1	Further housing development within towns
H24	Design
C17	Conservation Areas
C18	New development in conservation Areas
C22	Demolition in Conservation Areas
C31A	Design
C32	Landscaping
C38	Nuisance
T10	Parking

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The main issues with this application are: -

- The principle of residential development on this site, including density;
- The impact of the development on surrounding Conservation Area;
- Design and amenity issues;
- Access and parking.

Residential Development

The proposal seeks the redevelopment of a single dwelling site located in a sustainable position within the town centre and within the Conservation Area. Planning policy encourages the redevelopment of urban brownfield sites for housing, and the efficient use of land. Subject to appropriate design and highway criteria being met, the principle of residential redevelopment on this site is acceptable.

The site area of 0.13 hectare for a development of 9 units represents an overall density of 69 dwellings per hectare. While this is higher than the standard of 30 to 50 advised in PPG3, its highly sustainable town centre position lends itself to a more urban density. The existing density along North Row is very variable, with those dwellings immediately abutting the southern boundary of the site at a density closer to 50 per hectare, but with pockets of higher density further away. The remaining 3 corner sites at the junction of North Row and The Avenue are in use as a Hospital, a Clinic and a School and within this context, the proposed scale of development would not be inappropriate.

Conservation Area

The site lies at the northern edge of the Conservation Area in what is a very mixed general area. As previously stated, the 3 corresponding corner sites are in varying public uses, with varying frontages onto the highway. The application site, by contrast, is a discreet, enclosed area, contained by high boundary walls and predominantly hidden from public view.

Policy C18 of the District Plan will permit new development in Conservation Areas providing that: -

- The development will preserve or enhance the character and appearance of the area;
- The form and design of the development is characteristic of the area;
- Important boundaries and means of enclosure which contribute to the area's character are retained;
- Open spaces which are important to its character are protected.

The proposed development is designed as 2 linked terraces continuing the pattern of linear terraced development along North Row. The units are cottage-like in style and size, and will be enclosed within the existing walled garden. The existing boundary walls, 2.6 metres high, are an important feature in this part of the Conservation Area, and the proposal has been designed so that they are retained in their entirety. The exception is at the point of the pedestrian access, which is to be widened slightly to incorporate visibility splays for pedestrian safety; there are no other proposed openings in these feature walls.

In order to maintain the illusion of a walled garden development, a new 2-metre high stone wall is to replace the existing timber fence along the southern boundary of the site.

It is clear that the proposed development would create more of a presence along North Row and The Avenue than the existing single dwelling, but the communal garden within the interior of the site would maintain the perception of the existing large contained garden. Although the existing dwelling is partially screened from the highway behind these walls and existing vegetation, the site cannot be realistically described as an "open" space - its development, therefore, would not contribute to the loss of an open area important for amenity reasons.

The development of the site as a car free scheme without the need to accommodate a new vehicular access and parking areas, is again an attempt to retain the appearance and character of the site as an enclosed walled garden. In addition, many of the existing dwellings in North Row do not themselves have in-curtilage provision, which the format of the proposed layout would replicate.

Design and Amenity

This scheme has been designed as an inward-facing, self-contained development, based on an open courtyard arrangement with a shared frontage, but small enclosed private gardens to the rear. As required by Policy H24, the development shows a mix of development sizes and types, although there is a predominance of 2-bedroom cottages to reflect the character of the existing development in North Row and to provide appropriately sized accommodation for the first time buyers and retired market.

The scale, massing and height of this 2-storey development would not dominate visually, and with ridge heights approximately 1 metre higher than adjacent properties in North Row, would not be significantly out of character.

While policy generally encourages developments to face out onto the public realm, the particular features of the site clearly lend it to an inward-facing scheme. Additionally, the height of the boundary wall would obscure the entire ground floor of the proposed dwellings, above which, the particular orientation of the development is not evident.

To accord with Policy C18, materials would be traditional, with walls of natural stone and timber boarding, and quoins and window heads a mixture of brick and stone; roof tiles would be plain clay or natural slate, and doors and windows of timber.

As regards residential amenity, the layout and design of the units would not give rise to overlooking of adjoining gardens or loss of light to existing properties.

Access and Parking

This application is a revision of an earlier scheme for 7 units which was to include vehicular access to the site and ancillary onsite parking. That application was withdrawn, following an objection by the Highway Authority.

The potential for the redevelopment of this site has been considered in the past, and concerns have been consistently raised over the matter of access to the site. The location of the site is at a narrow crossroads, where there is a mixture of vehicular and pedestrian traffic generated by residents in North Row and visitors to the nearby Hospital, the Avenue School, Smallbrook Surgery, the Avenue Early Excellence Centre and Warminster College.

It is acknowledged that the existing situation gives rise to conflict between vehicles and pedestrians and that any redevelopment on this site would have to include a scheme which excludes vehicles accessing the land. It is also recognised that any scheme would generate a need for servicing the site, but the Highway Authority is satisfied that this would have limited impact on the overall current situation.

With regard to parking, Policy T10 of the adopted District Plan states that: -

"The quantity of parking to be provided within new development will be limited to maximum standards. The level of maximum parking provision will reflect the sites relative accessibility by public, or alternative modes of transport and will be accordance with an acceptability framework and criteria. Where parking cannot be provided onsite planning obligations will be sought where appropriate towards improving public transport or walking and cycling provision."

In determining the required quantity of car parking for any development, an objective assessment can be based on the site's accessibility by alternative means of transport. This is determined by applying the County Council's "Parking in Wiltshire Study" accessibility matrix. A highly accessible site can justify a reduction in the normal parking standards, theoretically resulting in a zero parking requirement for a highly accessible site. Applying this test to the application site a significant reduction can be achieved in the required standard.

Since, however, any on-site parking is not acceptable to the Highway Authority, it remains a matter of judgement whether the scheme is acceptable without the benefit of any parking provision. While car free schemes may not always be an appropriate solution on town centre sites, this is considered to be an entirely appropriate solution in this particular case.

- The eastern boundary of the application site physically abuts a large public car park where parking for residents and visitors would be closely available.
- The proposed development incorporates a new footway which would join an existing footpath along the southern wall which already accesses the adjoining car park.
- The scale of the proposed development is aimed at the first times buyers and retired markets where car ownership is likely to be lower.
- The site is in a highly sustainable location, very close to the town centre, with a wide range of facilities within a short walking distance.

Paragraph 60 of PPG3 states that: -

"Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street parking where there is no need, particularly in urban areas where public transport is available or where there is a demand for car free housing."

PPG13 (Transport) advises that the Local Planning Authority should: -

"..... be flexible in the requirements for off-street residential parking spaces and reduce or waive where necessary to provide quality and affordable high density development in areas of good access to other means of transport."

In the light of Government guidance towards greater sustainability and a more pragmatic approach to parking in areas of good accessibility, a refusal of this scheme on these grounds alone would be difficult to support. It is recognised that this view does not seem to be shared by many local residents, and it is a valid point that the proposal does not incorporate any specific solutions to the issues of car ownership and parking. However, on this most sustainable of sites with parking immediately adjacent, a car free development would be an acceptable solution.

CONCLUSION

Both the principle and details of this development are considered acceptable from the both the land use and Conservation Area points of view. The proposed development would provide a number of much needed small residential units, in a form which would generally be in keeping with the character of the area. In line with Government advice, it would result in a more efficient use of an existing urban site and create a highly sustainable pattern of development which meets with both local and national objectives.

While the concerns over parking are valid, it is an important consideration that any development of this site raises conflicting objectives. Irrespective of the views from the Highway Authority on safety grounds, to provide any on-site parking would require the partial demolition of the boundary walls around the site which are a particularly important feature in this part of the Conservation Area and whose loss would not be acceptable; this inevitably prejudices any on-site parking and directs towards a car free scheme. A balanced judgement has therefore to be made between the competing objectives of parking and the character of the Conservation Area, based on the planning merits of the case.

In this particular case, and for the reasons outlined in the this report, this scheme is recommended for permission.

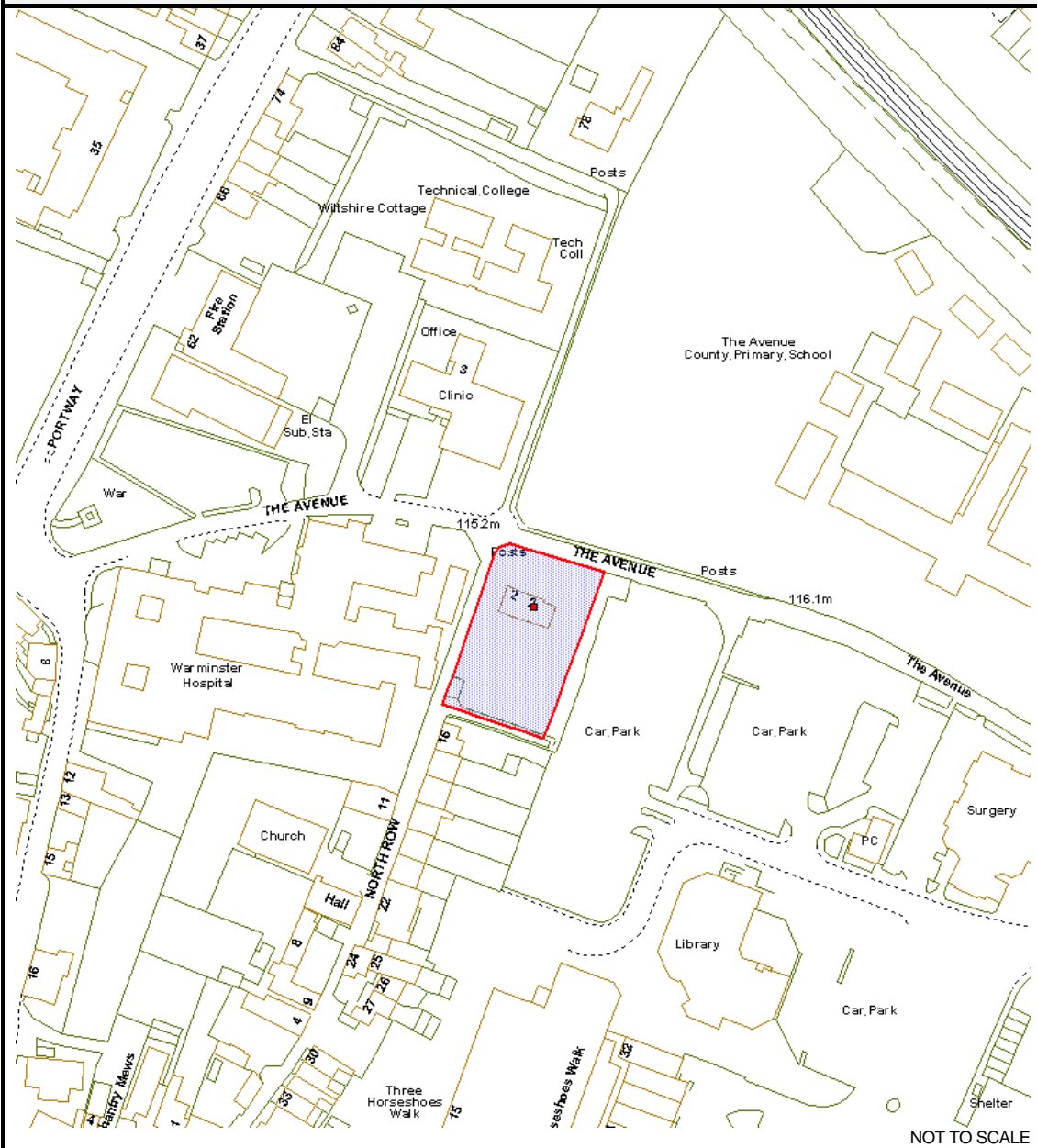
PLANNING COMMITTEE

14 July 2005

ITEM NO: 06

APPLICATION NO: 05/00795/CON

LOCATION: 2 The Avenue Warminster Wiltshire BA12 9AA



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SLA: 100022961

06 Application: 05/00795/CON

Site Address: 2 The Avenue Warminster Wiltshire BA12 9AA

Parish: Warminster Ward: Warminster East
Grid Reference 387503 145302
Application Type: Conservation Area
Development: Demolition of existing dwelling
Applicant Details: Mr P Atyeo
2 The Avenue Warminster Wiltshire BA12 9AA
Agent Details: Mr Peter Withey
3 Hill Deverill Warminster Wilts BA12 7EF
Case Officer: Mrs Judith Dale
Date Received: 22.04.2005 Expiry Date: 17.06.2005

REASON(S) FOR

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

RECOMMENDATION: Consent

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 The building(s) shall not be demolished before a contract for the carrying out of the works of redevelopment of the site has been entered into, and planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the character and appearance of the conservation area is conserved.

Policy: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.

- 3 This consent relates solely to the demolition of the existing dwelling house and detached garage.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

- 4 Before any modification of the external boundary walls to the site is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of Local Planning Authority in writing. The development shall be carried out in accordance with the approved sample.

REASON: To ensure that the development harmonises with its setting and the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

COMMITTEE REPORT

APPLICATION DETAILS

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

This application is for consent to demolish number 2 The Avenue as part of the redevelopment scheme, the subject of application number 05/00549/FUL reported above and therefore supports that application.

The site in question is a level rectangular garden site, measuring approximately 0.13 hectare. It occupies the southeast corner plot at the junction of North Row with The Avenue, with frontages of 45 metres and 27 metres respectively - both these boundaries are marked by 2.6 metre high stone walls.

The site is currently occupied by a 1950's 3-bedroomed detached dwelling which it is proposed to demolish in order to accommodate a redevelopment scheme of nine 2 and 3 bedroomed dwellings.

WARMINSTER TOWN COUNCIL

Due to an error in the description in the area of development the Committee deferred comment on this application "because of insufficient details to make a decision."

Following the correct amendment to the description, the town Council were reconsulted but, as yet, no further comment has been received.

PUBLICITY

The application was advertised by Site Notice and in the local press - no letters of comment or objection in relation to the demolition of the property were specifically received, although a number were submitted in response to the redevelopment aspects of the proposal. (See 05/00549 above).

RELEVANT PLANNING HISTORY

04/02040/FUL - Demolition of existing dwelling and redevelopment of site to provide seven dwellings - Withdrawn 29.12.04

04/02218/CON - Demolition of existing dwelling and redevelopment of site to provide seven dwellings - Withdrawn 29.12.04

05/00549/FUL - Demolition of existing dwelling and redevelopment of site to provide nine dwellings - Pending.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C22 Demolition in conservation areas

PLANNING OFFICER'S COMMENTS

Policy C22 will only permit the demolition of building in conservation areas where the proposed demolition and any replacement development will not adversely affect the character or appearance of that area.

The existing property is a detached dwelling with a flat roofed detached garage located in the southwest corner of the garden. The property itself, is of brick construction with concrete windows surrounds and UPVC windows under a concrete interlocking tiled roof and is typical of late 1950's design.

It is believed to have been built in the walled garden of an existing dwelling which was demolished when the redevelopment of the Three Horseshoes Mall and adjoining car park were constructed. Maps of Warminster dating back to 1840 indicate no other building on the site prior to this.

The demolition of this dwelling is not considered detrimental to the Conservation Area at this point for the following reasons: -

- The existing dwelling, although visible from the The Avenue and North Row, is largely hidden from public view behind the high stone walls surrounding the site and internal vegetation

- The building itself is of no particular historical merit

- The proposal would retain the existing stone boundary walls around the site with only minimal alteration to the existing pedestrian access. The importance of these walls is their contribution to the area as a whole, and not to the existing dwelling house contained within the site.

With regard to the demolition to the existing garage in the southwest corner, this is of no historic interest and raises no Conservation Area concerns.

CONCLUSION

The merits of the redevelopment proposals on this site have been fully outlined in the accompanying application 05/00549/FUL and are, themselves, considered acceptable.

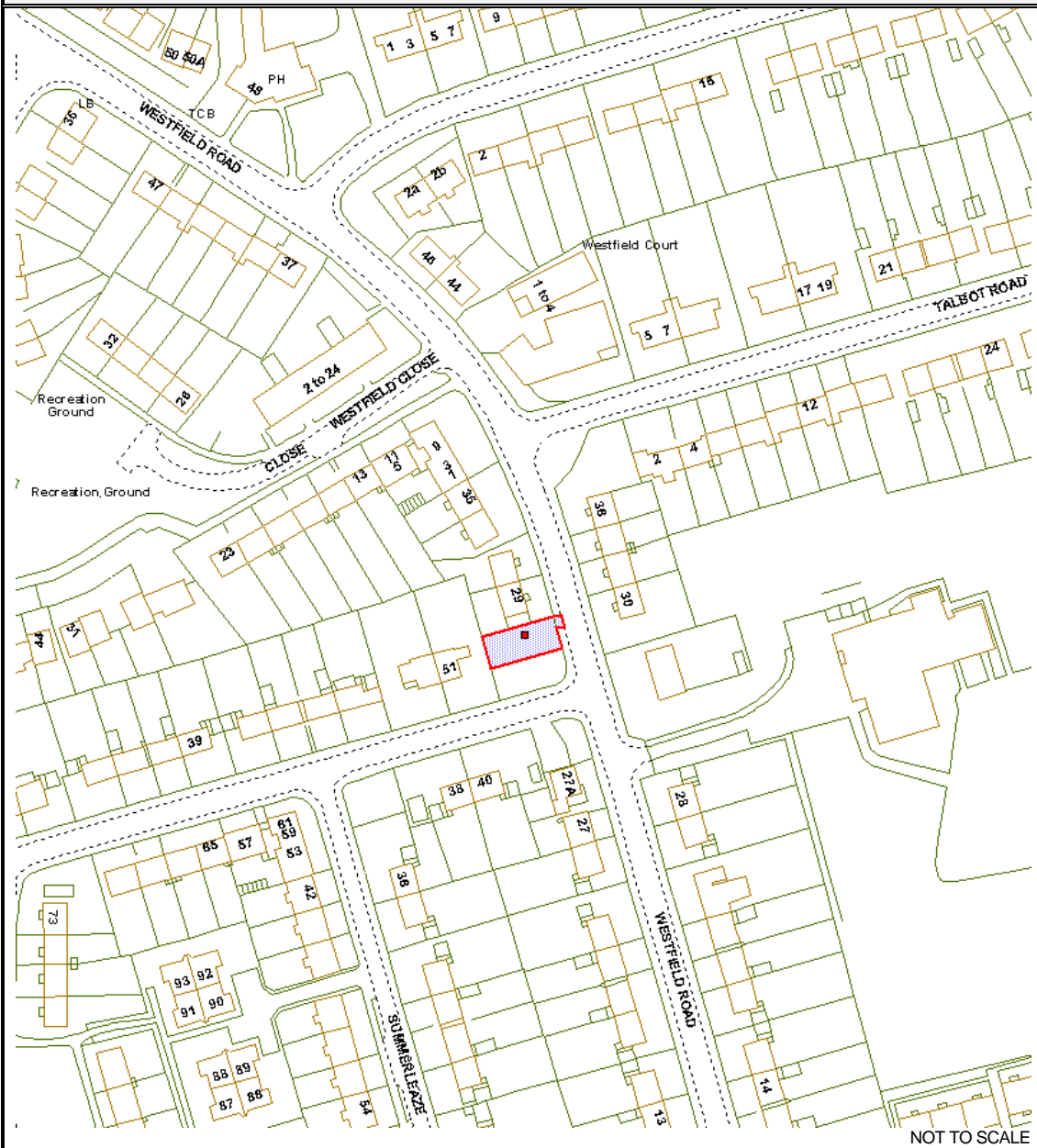
PLANNING COMMITTEE

14 July 2005

ITEM NO: 07

APPLICATION NO: 05/00948/OUT

LOCATION: Land Adjoining 29 Westfield Road Trowbridge Wiltshire



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SLA: 100022961

07 Application: 05/00948/OUT

Site Address: Land Adjoining 29 Westfield Road Trowbridge Wiltshire

Parish: Trowbridge Ward: John Of Gaunt
Grid Reference 384198 156948
Application Type: Outline Plan
Development: One two storey detached dwelling
Applicant Details: Mr & Mrs K P Collier
29 Westfield Road Trowbridge BA14 9JQ
Agent Details:
Case Officer: Miss Nicola Rogers
Date Received: 17.05.2005 Expiry Date: 12.07.2005

REASON(S) FOR

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

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

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

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

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

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

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

8 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.

9 Sufficient space for one garage and one parking space together with vehicular access thereto shall be provided for the dwelling, before it is occupied, in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: in the interests of amenity and road safety

10 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

11 The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4 metres x 2.4 metres and which shall be kept free of obstruction above a height of 600mm

REASON: In the interests of highway safety

Note(s) to Applicant:

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

COMMITTEE REPORT

APPLICATION DETAILS

This application has been put to Committee as Trowbridge Town Council has objected to the application, and your officers recommend permission.

This application is for the renewal of outline planning permission for the creation of a two storey dwelling on land to the side of 29 Westfield Road. The application site is 156 square metres in area and the footprint of the proposed property is approximately 40 square metres, located on the southernmost boundary of the plot. Access to the property would be via Westfield Road, adjacent to the existing access for 29.

The site is within a residential area, which is characterised by semi-detached and terraced dwellings. The plot is positioned on the corner of Westfield Road and Summerleaze, adjacent to an area of amenity space.

TROWBRIDGE TOWN COUNCIL

Object to the application on the grounds that the proposed development represents overdevelopment of a small site, would result in a loss of neighbourhood amenity and would cause slight problems for vehicles exiting from Summerleaze turning right.

HIGHWAY AUTHORITY

No objections subject to three conditions to ensure parking is provided, the driveway is properly consolidated and visibility is retained.

PUBLICITY

No comments received

RELEVANT PLANNING HISTORY

02/00794/FUL - Erection of one two storey detached dwelling (permission 2/7/2002)

PLANNING POLICY

West Wiltshire District Plan 1st Alteration

C31a Design

C38 Nuisance

H1 Further housing within towns

T10 Car parking

PLANNING OFFICER'S COMMENTS

The main issue for this application is whether the principle of a new dwelling on this land is in accordance with the Development Plan policy.

The land is within the identified town policy limits of Trowbridge. Proposals for housing development within the built up area of Trowbridge during the plan period subject to a number of criteria.

The applicant has stated that the present use of the site is as a domestic garden, therefore the application site is considered in planning terms to contribute to the District's pool of previously developed (brownfield) land. Guidance in PPG 3 (Housing) encourages Local Planning Authorities to consider further appropriate infill development within existing urban areas, in order to make the best use of land. The use of this land for a dwelling would not result in the loss of an important gap in the street scene.

In this case the site area of the application site is 0.01 hectares, this equates to a density of 58 dwellings per hectare, as compared to an average of 35 dwellings per hectare of the surrounding properties. A figure of between 30 and 50 dwellings per hectare is encouraged in paragraph 58 of PPG 3, the proposed dwelling would be at a higher density than the surrounding properties and at the higher end of the range recommended in PPG3.

Whilst the proposed dwelling would represent a higher density of development than the surrounding area, the size and position of the plot would result in a building which would not compromise the amenity of the surrounding properties. Number 27a, on the other side of the junction with Summerleaze, is an example of how this can be achieved successfully.

The street scene is characterised by mainly terraced and semi-detached properties in a distinctively plain style. Detached houses are evident in the street scene, number 27a being the closest example. Any new property on this plot should be two storey and in the same style as the other buildings in the vicinity. The scale of the proposal is in keeping with the character of the surrounding properties. The open space at the junction with Summerleaze would not be compromised by the proposal and the open character of the estate would not be lost.

The junction with Summerleaze has large areas of open space on either side, ensuring good visibility for traffic. This would not be compromised by the proposal, as the open space would be retained. The Highway Authority has suggested a number of conditions to ensure highway safety is not compromised.

CONCLUSION

There are no material changes in circumstances since the previous permission was granted; therefore this proposal should also be granted planning permission.

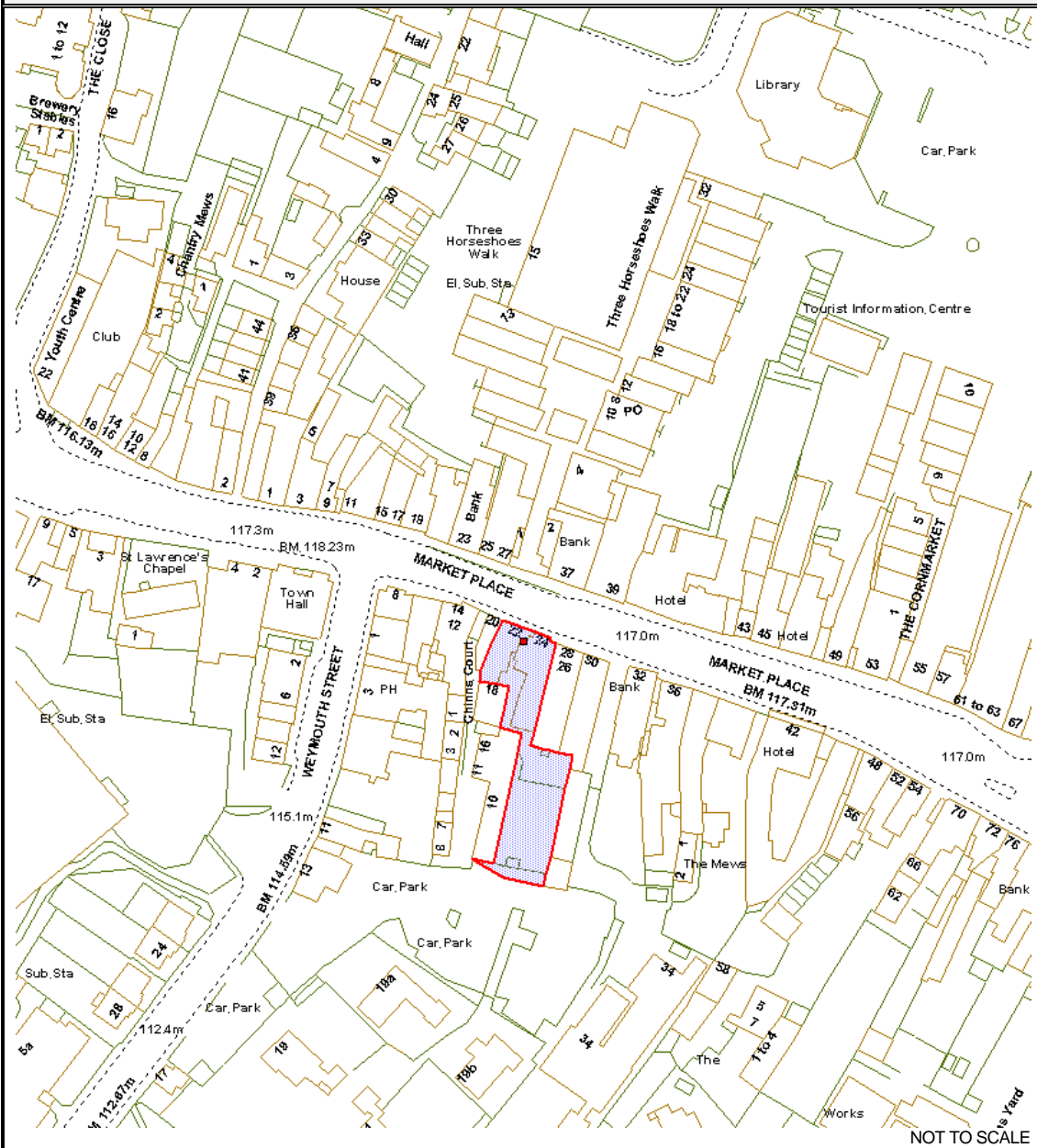
PLANNING COMMITTEE

14 July 2005

ITEM NO: 08

APPLICATION NO: 05/00845/LBC

LOCATION: 22-24 Market Place Warminster Wiltshire



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SLA: 100022961

08 Application: 05/00845/LBC

Site Address: 22-24 Market Place Warminster Wiltshire

Parish: Warminster Ward: Warminster East
Grid Reference 387479 145069
Application Type: Listed building
Development: Alterations and repairs to southern boundary wall and fence
Applicant Details: Mr Foot
The Courtyard 1(B) Downfield Road Clifton Bristol BS8 2TG
Agent Details: Mr Peter Grist
Furlong House East Street Warminster Wilts BA12 9BZ
Case Officer: Mr Matthew Perks
Date Received: 04.05.2005 Expiry Date: 29.06.2005

REASON(S) FOR

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

RECOMMENDATION: Consent

Condition(s):

1 The consent hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The fence shall be stained within 3 months of the date of this approval in a colour approved in writing by the Local Planning Authority.

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

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

Note(s) to Applicant:

1 The applicant is advised that the proposal also requires full planning permission.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for Listed Building Consent for alterations and repairs to the southern boundary wall and fence at 22 to 24 Market Place, Warminster. It is proposed to replace an existing failed section of walling topped by a close-boarded fence with close boarded fencing, and to relocate an existing gate. The existing boundary treatment varies in height between 1.6 and 2.2m in height and would be replaced by a structure of the same height. The lower portion of the wall that remains sound would be retained.

SITE AND SURROUNDING AREA

The wall and fence define the rear boundary of 22 to 24 Market Place, approximately 70m from the rear of the buildings fronting onto Market Place. This boundary is located on the northern edge of the car park area to the east of, and accessed from, Weymouth Street. The Conservation Area boundary also co-incides with the northern edge of the car park. There is visual evidence suggesting the failure of the wall.

There is a centrally located outbuilding occupying 3.3m of the width of the boundary.

WARMINSTER TOWN COUNCIL

Object on the grounds that it would be detrimental to the character of the area to change this to a closed fence.

CONSULTATION

N/A

PUBLICITY

A Public Notice was posted. No comments were received.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

C17 - Character and appearance of conservation areas

C19 - Alterations in Conservation Areas

C27 - Character and setting of Listed Buildings

PLANNING OFFICER'S COMMENTS

The main issues relevant to the application are possible Listed Building setting and Conservation Area impacts.

The existing wall and fencing are in a poor state of repair. The boundary comprises one edge of the parking area that has varying forms of boundary treatments to surrounding properties. The new fence would provide the same degree of visual enclosure to the property. The wall is currently topped by close boarded fencing of the same type as that now proposed. The failing wall structure would be replaced. Provided that an appropriate colour is utilised for the staining/preservation the application, consent should be granted.

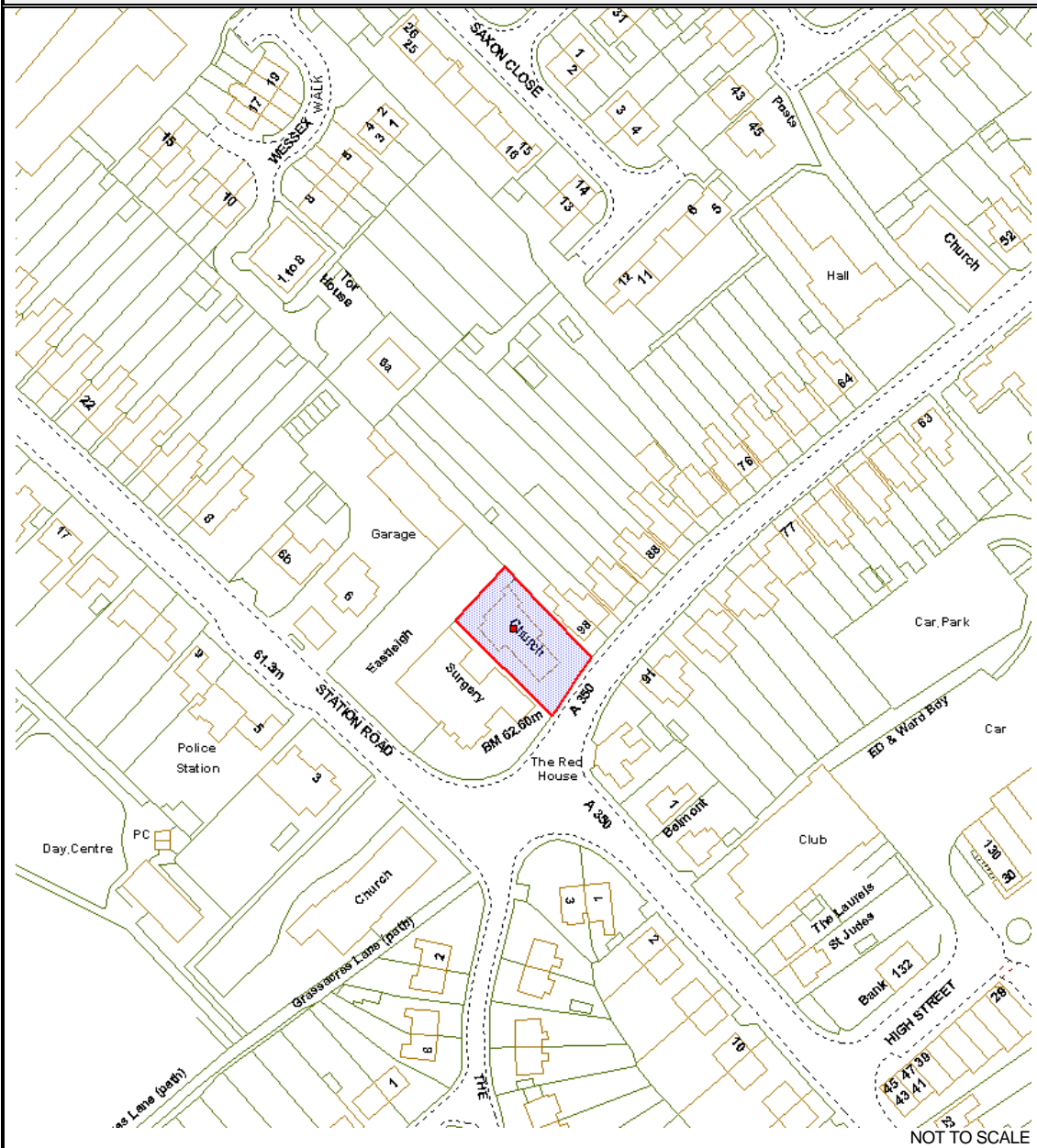
PLANNING COMMITTEE

14 July 2005

ITEM NO: 09

APPLICATION NO: 05/00715/FUL

LOCATION: St Bernadettes Church West End Westbury Wiltshire



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SLA: 100022961

09 Application: 05/00715/FUL

Site Address: St Bernadettes Church West End Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham
Grid Reference 387071 151373
Application Type: Full Plan
Development: Single storey extension
Applicant Details: Clifton Catholic Diocesan Trustees
C/o Canon Liam O'Driscoll 2 Wingfield Road Trowbridge Wiltshire BA14 9EA
Agent Details: T C Hounsome
40 Churchlands North Bradley Trowbridge Wiltshire BA14 0TD
Case Officer: Miss Julia Evans
Date Received: 14.04.2005 Expiry Date: 09.06.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 Policy CF1 of the West Wiltshire District Plan - 1st Alteration 2004 states that community facilities are acceptable provided that their scale, siting, design, access, highways, parking provision, residential amenity and other local environmental considerations are satisfactory. Policy C31A of the West Wiltshire District Plan - 1st Alteration 2004 states that proposals for new development on prominent or sensitive sites should pay particular attention to proportion, composition, form, massing and scale, and utilise high quality materials, finishes and details. The proposed extension by virtue of its location, size, design and detailing is considered detrimental to the visual quality of the building, and consequently contrary to the above referenced policies.
- 2 Policies C36 and C38 of the West Wiltshire District Plan - West Wiltshire District Plan - 1st Alteration 2004 state that proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance, to neighbouring properties and uses. Policy CF1 of the West Wiltshire District Plan - 1st Alteration 2004 states that community facilities are acceptable provided that their scale, siting, design, access, highways, parking provision, residential amenity and other local environmental considerations are satisfactory. The proposed extension, by virtue of its location, size, design and proximity to neighbouring properties is considered detrimental to the amenity of nearby residential properties. Consequently the proposal is considered contrary to the above referenced policies.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been called in for the Planning Committee's consideration by Councillor Mrs Clegg.

This is a full application for a single storey side extension to St Bernadettes Church, West End, Westbury. The extension would be on the eastern side of the church, and would provide a hall, kitchen, store and disabled toilet and could be used separately from the rest of the church. The extension would be constructed of materials to match the existing building.

The church is constructed of brick with attractive detailing. When viewed from the A350 road, the building has a symmetrical façade. To the east lie residential properties, whilst to the west and north is a Doctors Surgery and associated car park. This is shared by the church, which does not have any parking facilities of its own. They have a Legal Agreement with the Surgery allowing shared use of the 40 spaces, and as the services are on Sundays and in the evenings, no conflict with the Surgery has arisen.

The applicant has provided a Supporting Statement with the application, explaining why the extension is needed and how this application overcomes the reasons for refusal with application 04/00174/FUL. The applicant has removed most of the windows from the extension, and will erect a fence on the boundary of the church to mitigate the impact of the proposal on residential neighbours. The width of the extension has been reduced, and architectural detailing has been included in the current proposal. The applicant states that "The proposal seeks to provide additional facilities for existing parishioners. There is only one substandard toilet and no disabled facilities. Under the Disability Discrimination Act these now have to be provided. The access to the upper balcony (which provides the only meeting area) is via a narrow twisting stairway. The proposal seeks to overcome these shortcomings, by providing a small side extension incorporating disabled toilets, a small hall/meeting area and kitchen facilities. The extension will allow the existing stairs to be removed and replaced with ones to Building Regulations standards."

The church lies within Westbury's Town Policy Limits.

WESTBURY TOWN COUNCIL

State: - "Members fully supported this application, and were unconvinced by the reasons given for refusing the previous application. It is not possible to view this building in its entirety from the immediate locality, and any asymmetry would not be obvious. This proposal will be of great benefit to the church and the community by providing much needed facilities."

CONSERVATION OFFICER

No comments received.

ENVIRONMENTAL HEALTH

No comments received.

HIGHWAY AUTHORITY

Raise "No highway objection."

ENVIRONMENT AGENCY

"Does not wish to provide any comment on the planning application."

WESSEX WATER

State: - "The development is located within a sewered area, with foul and surface water sewers available." Surface water disposal will be to existing arrangements, and points of connection onto Wessex Water apparatus need to be agreed.

PUBLICITY

Neighbour notifications have been undertaken. No responses have been received.

RELEVANT PLANNING HISTORY

04/00174/FUL - Extension - Refused 23.04.04.

PLANNING POLICY

Wiltshire Structure Plan 2011

DP1 Priorities for sustainable development
DP5 Town centres, District Councils and employment areas
T5 Parking

West Wiltshire District Plan - 1st Alteration 2004

C31A Design
C321 Landscaping
C36 Noise
C38 Nuisance
T10 Car parking
CF1 Community facilities
I3 Access for everyone

PLANNING OFFICER'S COMMENTS

This application raises the following planning matters: -

- Design
- Neighbouring amenity; and
- Highways and parking issues.

St Bernadettes Church is an attractive brick building off the junction of the A350 with Station Road, Westbury. It is a fine, cruciform-shaped building with a striking degree of architectural merit. It has a symmetrical façade with attractive brickwork. The brickwork detailing around the doors and windows is particularly attractive, and emphasises the symmetrical character of the building. The proposed extension would be on the north-east elevation of the building. This side of the church has already had a small extension to it, which replicates the host building's distinctive brickwork, but is small enough and set far enough back from the front elevation to be visually unobtrusive.

The proposed extension would result in a large addition to the church, creating a lop-sided visual impact which would be completely at odds with the current symmetrical character of the building. It would also obscure the fine arched brickwork on the side of the church, and although the proposal makes some attempt to replicate the church's architectural detailing, the design of the extension pays little heed to either the form of the building or its distinctive brickwork.

Development Plan policy permits community facilities provided "the proposals are acceptable and having regard to scale, siting, design, access, highways, parking provision, residential amenities, and other local environmental considerations." Policy C31A deals with design matters, and states that "proposals for new development on prominent and sensitive sites will be required to:

A. Pay particular attention to proportion, composition, form, massing and scale;

B. Utilise high quality materials, finishes, and details."

Notwithstanding the applicant's justification for the scheme and proposals to mitigate the previous design reasons for refusal, the proposed extension is by reason of its size, location, design and detailing on this fine building, considered contrary to these policies. It is not felt that conditions would overcome these fundamental objections.

Proposals of this type also need to be assessed in terms of their impact on neighbouring properties. With this application the extension has been reduced in width to improve the amenity with the neighbouring residential properties. The extension now ends 2.1 metres away from the church's boundary, and has only one window (for the toilet) in the side elevation overlooking number 98 West End. Rooflights are proposed to illuminate the hall, kitchen and foyer. The applicant has also proposed to remove the existing conifers and erect a 1.8 metre fence on the property boundary. They also suggest that conditions could be attached to further mitigate the impact of the new hall on neighbours. However, the proximity of the proposed extension, its use and design are considered detrimental to neighbouring amenity, in that the proposal could generate a noise nuisance, and this forms a further reason for refusal.

The church has a Legal Agreement with the owners of the Surgery to provide parking. The Highway Authority has raised no objections to the proposal, so the application cannot be refused on highway or parking matters.

CONCLUSION

The proposed extension would be an unsympathetic addition to an attractive building, and would result in a loss of amenity to neighbouring residents. It is not considered that conditions would address either of the reasons for refusal.

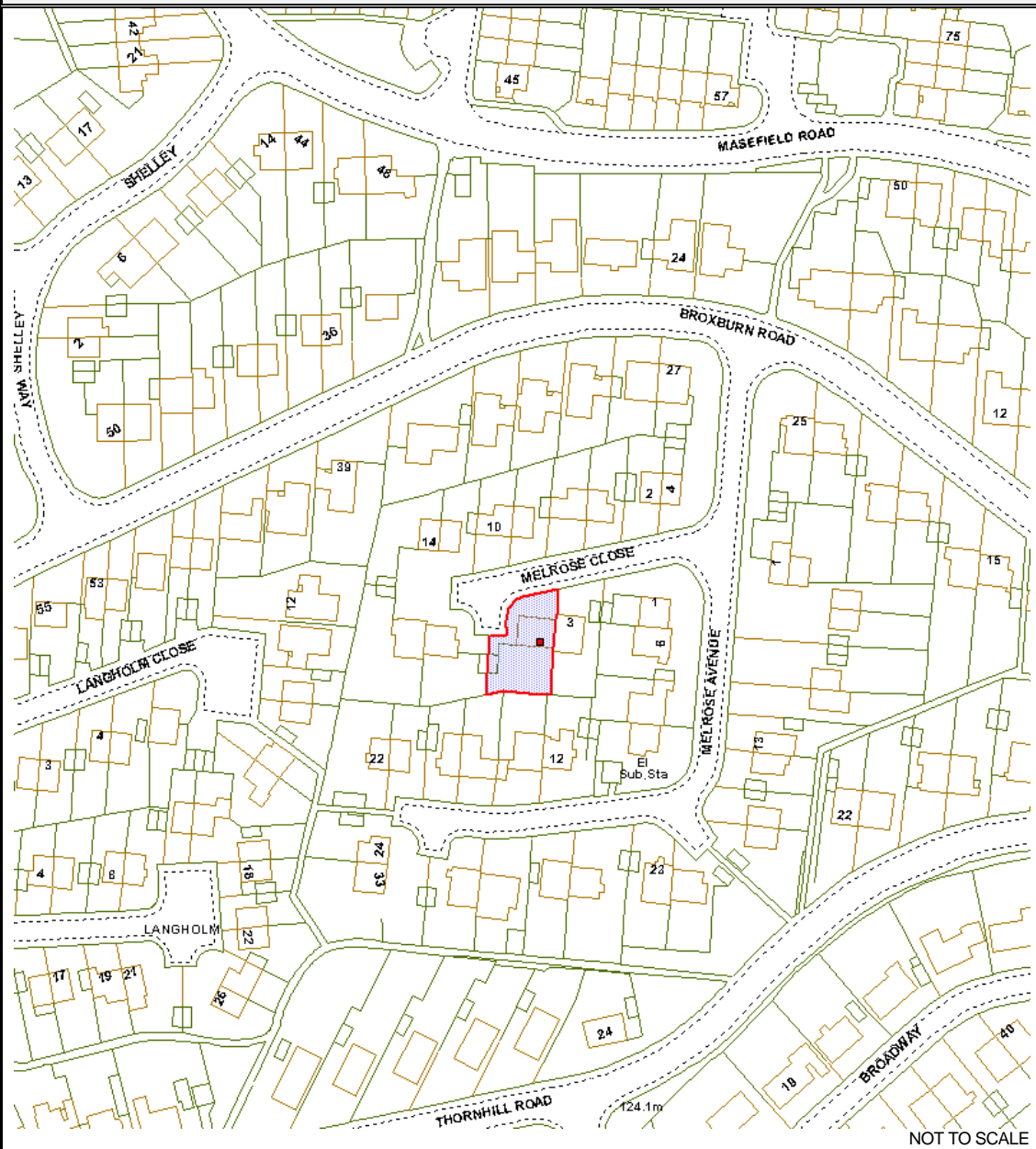
PLANNING COMMITTEE

14 July 2005

ITEM NO: 10

APPLICATION NO: 05/00971/FUL

LOCATION: 5 Melrose Close Warminster Wiltshire BA12 8EQ



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SLA: 100022961

10 Application: 05/00971/FUL

Site Address: 5 Melrose Close Warminster Wiltshire BA12 8EQ

Parish: Warminster Ward: Warminster West
Grid Reference 386122 144574
Application Type: Full Plan
Development: Installation of solar panels on the south facing rear roof
Applicant Details: Mr And Mrs Cross
5 Melrose Close Warminster Wiltshire BA12 8EQ
Agent Details: Simplee Solar Ltd
25B Woolsbridge Industrial Park Three Legged Cross Wimbourne Dorset
BH21 6SP
Case Officer: Mr David Cox
Date Received: 23.05.2005 Expiry Date: 18.07.2005

REASON(S) FOR

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

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the installation of solar panels on the south facing rear roof at 5 Melrose Close. The solar panel would measure 2.1 metres wide by 1 metre deep and it would also project 1 metre higher than the ridge of the roof. The panel would be positioned towards the eastern elevation of the host building, 1 metre from No 3 Melrose Close. No 3 have a projecting rear gable end, which extends approximately 1 metre from the back wall of No 5. A 2 metre tall hedge defines the boundary of the garden with No 3.

Melrose Close is characterised by similar bungalows and a row of chalet bungalows that have large front dormers. No 16 and No 18 Melrose Avenue whose gardens adjoin the application site also have large dormers.

WARMINSTER TOWN COUNCIL

The Town Council recommends that the application be refused:

- The design is not conducive to the skyline.

CONSULTATION

N/A

PUBLICITY

Neighbours were notified of the proposal by letter no representations were received.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C30 - Skylines
C31a - Design
C34 - Renewable Energy
C38 - Nuisance

PLANNING OFFICER COMMENTS

The main issues for this application are the effect of the design on the host building, the street scene and if there would be any adverse effect on neighbouring amenity.

Policy C31a of the Local Plan states that development will be required to respect the quality of architecture of surrounding buildings. Melrose Close and Melrose Avenue have a number of large rear and front dormer windows that set the principle for roof features in the areas. The solar panels would not be out of character with the surrounding area. Although the design of the solar panels is unusual with it extending above the plane of the roof, due to the shallow pitch of the roof the solar panels need to be at a higher angle in order to reach its optimum output. As the solar panels would not be seen from the street of Melrose Close as the panels would not extend higher than the roofline of the host building, it would not therefore, detract from the street scene.

Any visual impact on the next door neighbour No 13 would be mitigated by the protruding gable end and the 2 metre high fence. There would be no adverse impact on amenity enjoyed by neighbours. The proposal therefore complies with policy C38.

CONCLUSION

The proposal complies with development plan policy and there are no material considerations to outweigh this policy consideration.

For the reasons stated above this application is recommended for permission.

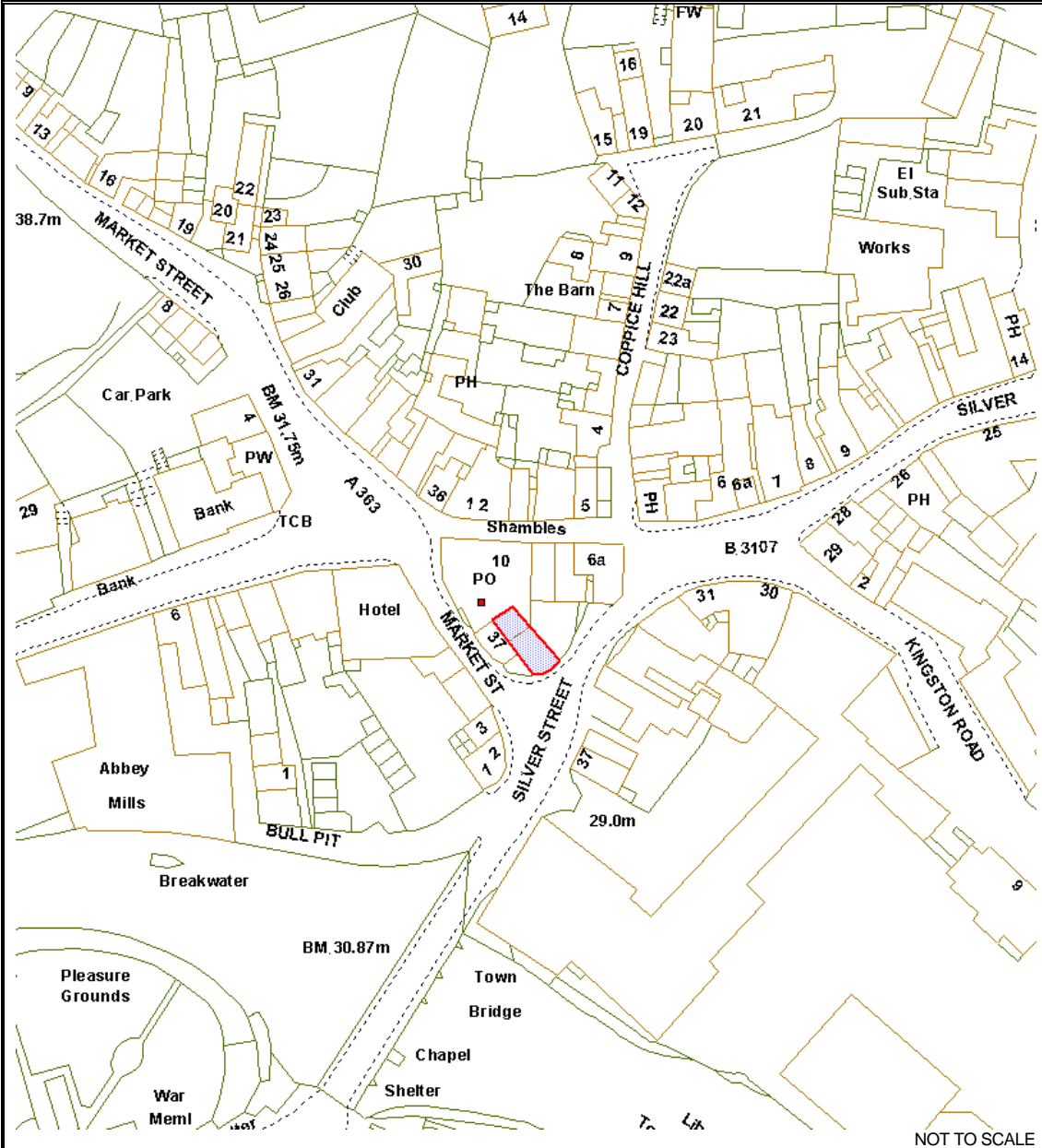
PLANNING COMMITTEE

14 July 2005

ITEM NO: 11

APPLICATION NO: 05/01018/FUL

LOCATION: Le Mange Tout Silver Street Bradford On Avon Wiltshire
BA15 1JX



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SLA: 100022961

11 Application: 05/01018/FUL

Site Address: Le Mange Tout Silver Street Bradford On Avon Wiltshire BA15 1JX

Parish: Bradford On Avon

Ward: Bradford On Avon South

Grid Reference 382632 160987

Application Type: Full Plan

Development: Change of use from highway to ancillary restaurant use

Applicant Details: Mr L Meaden

Olive Grove 90 Bradford Leigh Bradford On Avon Wiltshire BA15 2RP

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 31.05.2005

Expiry Date: 26.07.2005

REASON(S) FOR

The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.

RECOMMENDATION: Permission

Condition(s):

- 1 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

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

- 2 No storage or deposit of stock, waste materials or tables and chairs shall be made within the application site.

REASON: In order to maintain the appearance of the area

POLICY West Wiltshire District Plan 1st Alteration 2004 policy C38

- 3 The tables and chairs shall be removed from the highway at the end of each trading day

REASON; In the interests of highway safety

- 4 The application site shall be used solely for the serving of food and drink only, and not for advertising, promotional activity, the use of loudspeakers, radio, television, audio-visual equipment or any form of lighting.

REASON: In the interests of highway safety

Note(s) to Applicant:

- 1 The applicant is advised that this permission must be accompanied by the appropriate licence, obtained from the Highway Authority, granting permission to place equipment within the public highway. Please contact the Divisional Highway Manager at Melksham on 01225 702649 with regard to agreeing the terms of the licence.

COMMITTEE REPORT**APPLICATION DETAILS**

This application is presented to the planning committee as Bradford on Avon Town Council object to the original plans and your officers recommend permission.

Since these comments were received, the applicant has reduced the area of land included within the application to meet the town council's requirements.

This is a full application to change the use of land to the front of Le Mangetout restaurant to facilitate its use as ancillary to the restaurant. The land is approximately 80 square metres in area located to the front of the premises and contains two trees. The use of the land for additional eating space has been in operation for 4-5 years, with a number of tables, chairs and parasol bases being placed outside on a daily basis.

BRADFORD ON AVON TOWN COUNCIL

Comment that the proposed delineation is too close to the neighbouring commercial businesses.

HIGHWAY AUTHORITY

Comment as follows:

'The principle of the placing of tables and chairs on this highway land has been agreed and if your Council feels that you are able to deal with this application with conditions requiring the applicant to satisfy the requirements of the Highway Authority then there would seem to be no reason why permission could not be granted subject to conditions.'

PUBLICITY

One letter received, supporting the application.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration

- C17 Conservation areas
- C20 Change of use in conservation areas
- C31a Design
- C38 Nuisance
- SP5 Secondary retail frontages

PLANNING OFFICER'S COMMENTS

The main issues in this case is the effect of the use on highway safety and movement, and the effect on the conservation area in which the land is located.

Planning is but one of the mechanisms in place for securing that the current trend of alfresco dining is safe for other users of the highway. In addition to planning permission, a licence will be needed from the Highway Authority under the Highways Act 1980. This licence will ensure that sufficient footway width is retained for pedestrians to move about safely.

A material change of use has occurred therefore it is a matter to be considered under planning legislation, however, the conditions suggested by the Highway Authority are those which are imposed by the above mentioned licence, and are not enforceable by planning. With a licence under the Highways Act 1980 in place, there would be no obstruction of the highway, and no obstruction to the neighbouring commercial premises.

The land subject to this application is located in a prominent position in the heart of the commercial area of Bradford on Avon. A letter from the Bradford on Avon Chamber of Commerce confirms that this land is used for public events and makes Knees Corner " a focal and attractive part of the centre of the town." The use of the area would preserve the character and appearance of the conservation area, and may be considered a positive asset to the conservation area as it enlivens the street.

CONCLUSION

As the proposal preserves the character and appearance of the conservation area there is no reason to refuse planning permission for the change of use. This permission would need to be accompanied by a licence under the Highways Act 1980.

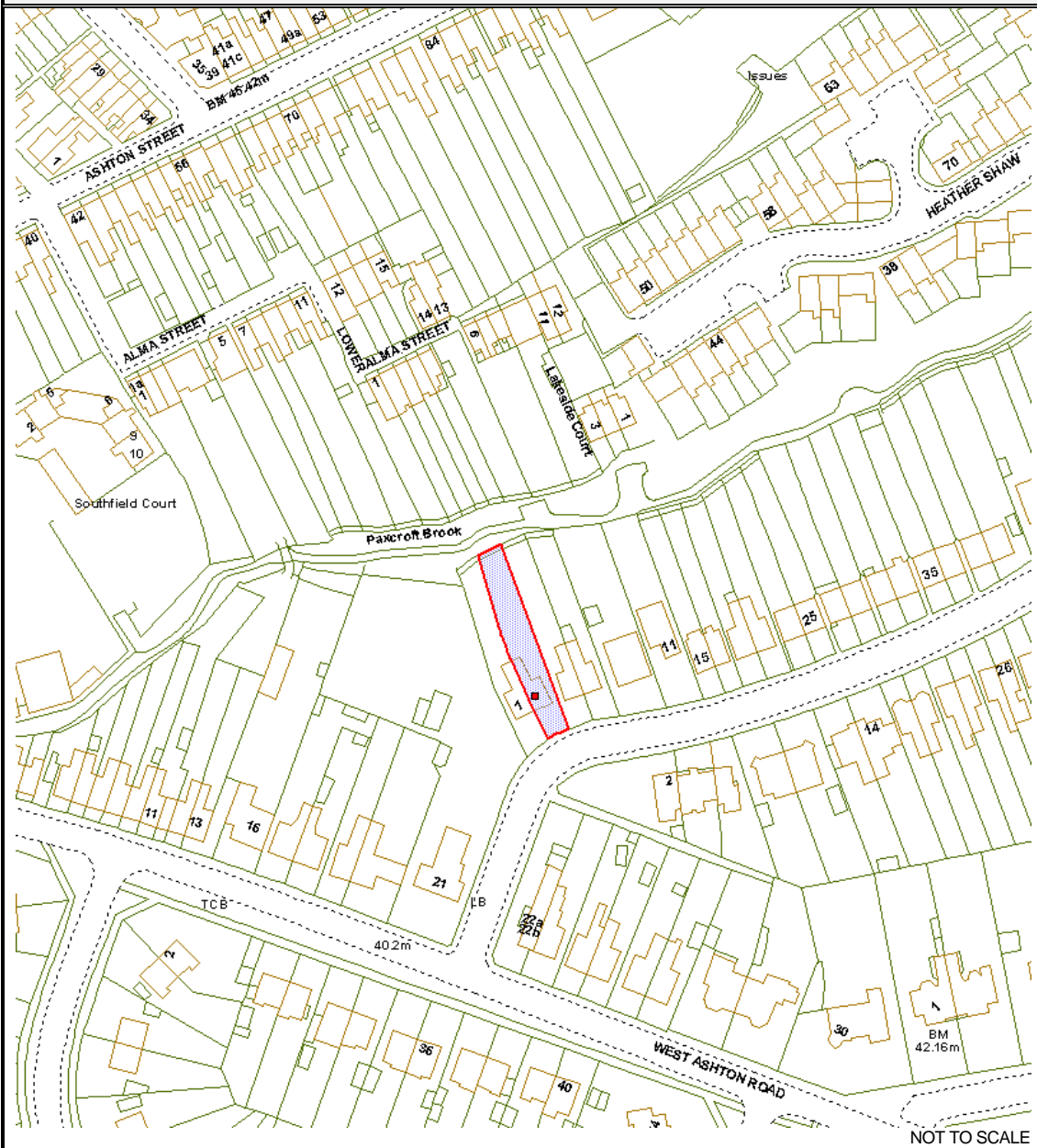
PLANNING COMMITTEE

14 July 2005

ITEM NO: 12

APPLICATION NO: 05/00779/FUL

LOCATION: 3 Clarendon Road Trowbridge Wiltshire BA14 7BR



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SLA: 100022961

12 Application: 05/00779/FUL

Site Address: 3 Clarendon Road Trowbridge Wiltshire BA14 7BR

Parish: Trowbridge Ward: Park
Grid Reference 386263 157800
Application Type: Full Plan
Development: Single storey and two storey extension
Applicant Details: Mr C Cobb
3 Clarendon Road Trowbridge Wiltshire BA14 7BR
Agent Details:
Case Officer: Mr Matthew Perks
Date Received: 22.04.2005 Expiry Date: 17.06.2005

REASON(S) FOR

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

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 & E2.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of an extension to the rear of 3 Clarendon Road, Trowbridge. The proposals include a single storey flat-roofed lobby/dining area and garden room at ground floor level, and an en-suite bedroom to the upper storey.

SITE AND SURROUNDING AREA

The dwelling is one of a symmetrical double storey semi-detached pair of stone under slate. The surrounding neighbourhood is characterised by similar dwellings.

The front of the building retains an original appearance while the rear has been fundamentally altered, in particular the neighbouring dwelling (No. 1).

No. 1 has had a prominent 2 storey flat roofed extension that has been finished in hung tiles above reconstructed stone. The subject dwelling has an existing monopitch extension that has replaced the original scullery.

TROWBRIDGE TOWN COUNCIL

The Town Council objects to the proposal on the grounds that it is detrimental to the quality of the building and out of keeping with the area.

Re-consultation with additional information in the form of revised plans and a design statement - no comment received.

CONSULTATION

N/A

PUBLICITY

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

RELEVANT PLANNING HISTORY

87/00919 : Two storey extension to 1 Clarendon Road : Permission.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

C38 - Effects of development on neighbouring properties
C31a - Design

SPG on house alterations and extensions.

PLANNING OFFICER'S COMMENTS

The main issues relevant to the application relate to design and possible impacts on neighbouring properties.

Seen in isolation of the existing harm that has occurred to the rear elevation of the building, the proposals would not be acceptable in terms of the Supplementary Planning Guidance on house alterations and extensions. The size, roof form and consequent impact on the host building would indicate refusal. This position is reflected in the objections of the Town Council.

The building has however undergone fundamental changes, specifically to the rear, that the agent has attempted to accommodate and improve in the application proposal. The design statement states as follows:-

"No 1 Clarendon Road already has a large 2 storey extension ... which significantly affects the symmetry of the pair of semis. This extension is flat roofed, as this is the most practical way of dealing with existing roof forms. A pitched roof above the extension to 3 Clarendon Road would roughly mirror this block, restoring some symmetry to the semi-detached unit. The extension will, however, be narrower on plan than the adjacent extension, as it stays within the original footprint of the building rather than adding the extra width. The flat roof to this extension is necessary in order to align sympathetically with the neighbouring property, and also to avoid having to penetrate the existing roof and clash with the rooflight."

Although the proposals could be viewed as a repetition of an undesirable extension to No.1, on balance the re-introduction of a sense of balance to the rear elevation of the building can be seen as an improvement.

The double storey component of the extension would be flush with that of no. 1 to the west and would be orientated so that the upper storey windows would face the rear garden space of the subject dwelling. A portion of the single storey element would be 3m in length adjacent to the neighbouring boundary to the east but would not impact on neighbouring amenity space to that side. The remainder of this single storey extension would not have any overshadowing or overbearing potential.

There would be no real impact on the street scene, with the single storey extension being set back 7m from the front of the building and being of a low profile. The extension would be some 29m from the rear of the property and some 70m from the nearest dwelling to the north.

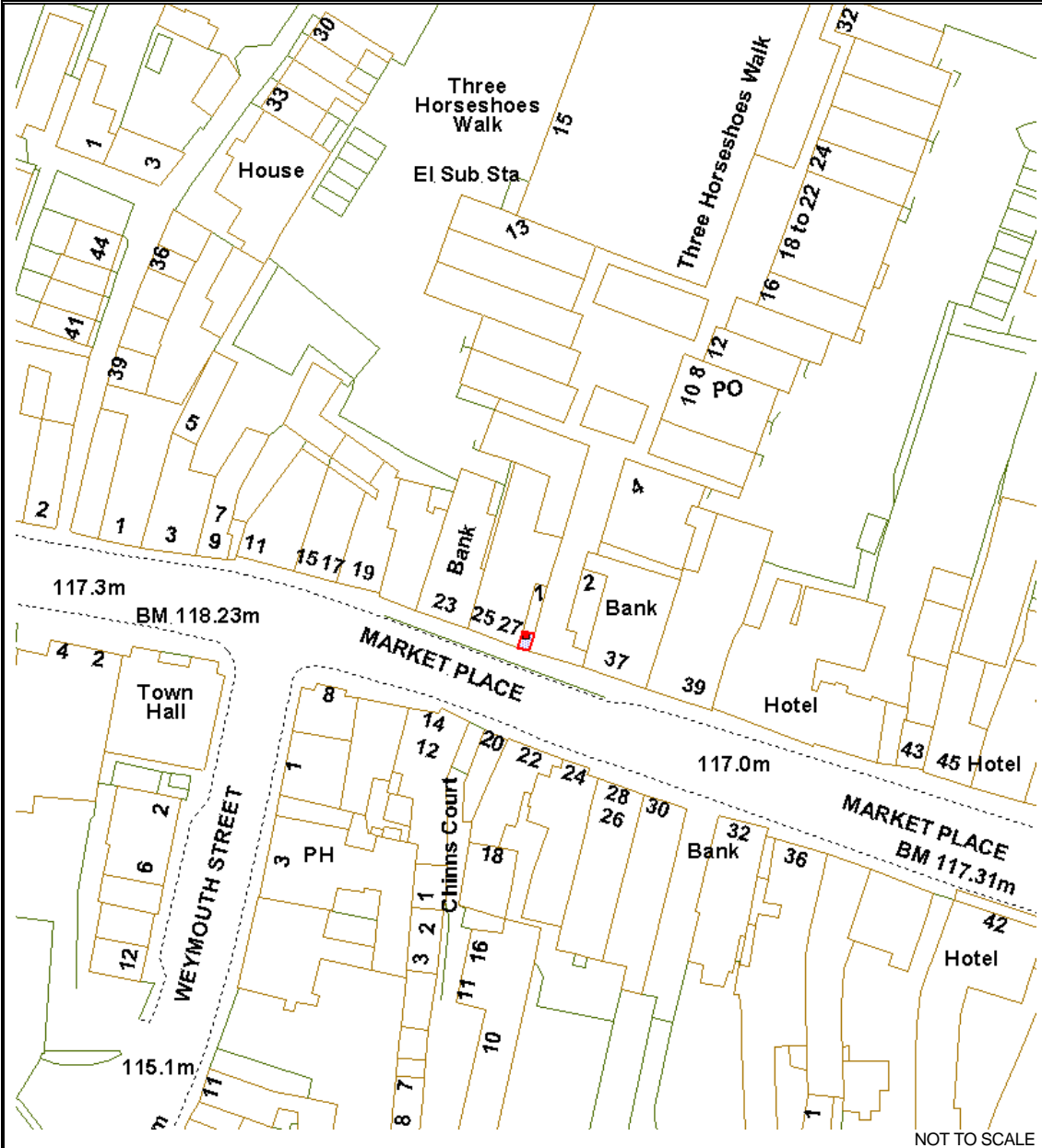
PLANNING COMMITTEE

14 July 2005

ITEM NO: 13

APPLICATION NO: 05/00721/FUL

LOCATION: Kiosk Adjoining No 1 Three Horseshoes Walk Warminster
Wiltshire



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SLA: 100022961

13 Application: 05/00721/FUL

Site Address: Kiosk Adjoining No 1 Three Horseshoes Walk Warminster Wiltshire

Parish: Warminster Ward: Warminster East
Grid Reference 387477 145090
Application Type: Full Plan
Development: Formation of a new kiosk shop unit within shopping centre to replace existing ATM facility
Applicant Details: HYPO Real Estate Bank International
2nd Floor 5 Wigmore Street London W1U 1PB
Agent Details: Mellesh And Harding
6 Dukes Street St James London SW1Y 6BN
Case Officer: Mr Mark Reynolds
Date Received: 11.04.2005 Expiry Date: 06.06.2005

REASON(S) FOR

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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 Details of the shopfront elevations including details of frames, plinth, cills, opening mechanisms and glazing at a scale of not less than 1:20, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the design of the shopfront is sympathetic to the building and to preserve the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17, C18 and C31A.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Warminster Town Council object to this application and Officer's recommend permission.

This is an application for the formation of a new kiosk shop unit within Three Horseshoes Walk Shopping Mall. The proposed kiosk shop unit would replace an existing ATM facility. The proposed Kiosk shop unit would measure 6.4m in depth and 2.4m in width. The application site is located within a Conservation Area and within the primary retail frontage of Warminster.

The application site is located fronting onto Market Place which is the main retail street of Warminster. Three Horseshoes Walk Shopping Mall is characterised by a mix of A1 and A3 uses.

WARMINSTER TOWN COUNCIL

The committee cannot support this application because they have grave concern on the loss of a circulating area and feel this to be totally out of character with the area and restricts pedestrian access.

HIGHWAY AUTHORITY

No Highway objection is raised

PUBLICITY

One letter was received raising the following issues;

- Design should match the jewellers
- The kiosk should not come out to the pillar

RELEVANT PLANNING HISTORY

99/01323/FUL - Provision of ATM within modified kiosk area and provision of new glazed extended shopfront to retail unit - PERMISSION 13.10.1999

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
SP1 - Town Centre Shopping
SP4 - Primary Retail Frontages
C17 - Conservation Areas
C18 - New developments in Conservation Areas
C38 - Effects of development on neighbouring properties
C31A - Design

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

PPG 15 - Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are whether the proposal to create a shop kiosk is an acceptable use in this location and to consider the impact which the scheme would have upon the Conservation Area.

The space in which the proposed shop unit is to be located is currently underused with only an ATM in place. The ATM represents a sui generis use. The application site is located within the primary retail frontage for Warminster and Policy SP4 of the West Wiltshire District Plan 1st Alteration 2004 states that shopping (as defined in class A1) is the primary land use and will be protected. Policy SP4 seeks to ensure that retailing remains the primary function in streets which form the core of the primary shopping areas of the West Wiltshire towns. In this case the existing use of the site for an ATM machine is a sui generis use and installing a shop use which the agents have indicated would likely be a national mobile phone retailer. This would allow a further A1 use to be incorporated within the primary retail frontage which is consistent with the aims of Policy SP4 of the West Wiltshire District Plan 1st Alteration 2004. The proposed shop should therefore enhance the vitality and viability of the Warminster shopping centre.

The proposed shop unit would be glazed with a small stall riser. The proposed unit would include a door out into Three Horseshoes Walk which is the same format as the Jewellers which is located adjacent to the proposed unit. The Jewellers shop curves as it fronts onto the Market Place access, in this case it is not possible to achieve a matching arrangement because the frontage space between the pillar and the adjoining property is smaller than the corresponding gap seen on the other side of the Market Place entrance. However the existing pillars form a strong visual gap through which pedestrian traffic flows, and this proposal would retain this gap. The proposal has been designed also to promote the Market Place entrance to Three Horseshoes Walk.

The comments of Warminster Town Council are noted regarding the closing up of a pedestrian gap. However, a gap of 4.5m would be retained between the two pillars and the Highway Authority have raised no objection to the proposal. The existing use of the site for a cashpoint will also necessarily at times result in a queue forming for the cashpoint thereby restricting movement through the channel which would be infilled by the proposed shop unit. Pedestrian movement should not therefore be restricted by this proposal to any unacceptable extent.

The impact of the shop unit on the character and appearance of the Conservation Area may now be considered. The use of glazing as the predominant construction material of the unit would be in keeping with the character of this section of the Conservation Area, which is marked by numerous glazed shopfronts. The proposed use of the unit as a shop would be an acceptable use within the Conservation Area. The proposal would preserve the character and the appearance of the Conservation Area.

The comments received from Warminster Civic Trust are noted however the positioning and form of the kiosk unit is considered acceptable in this location.

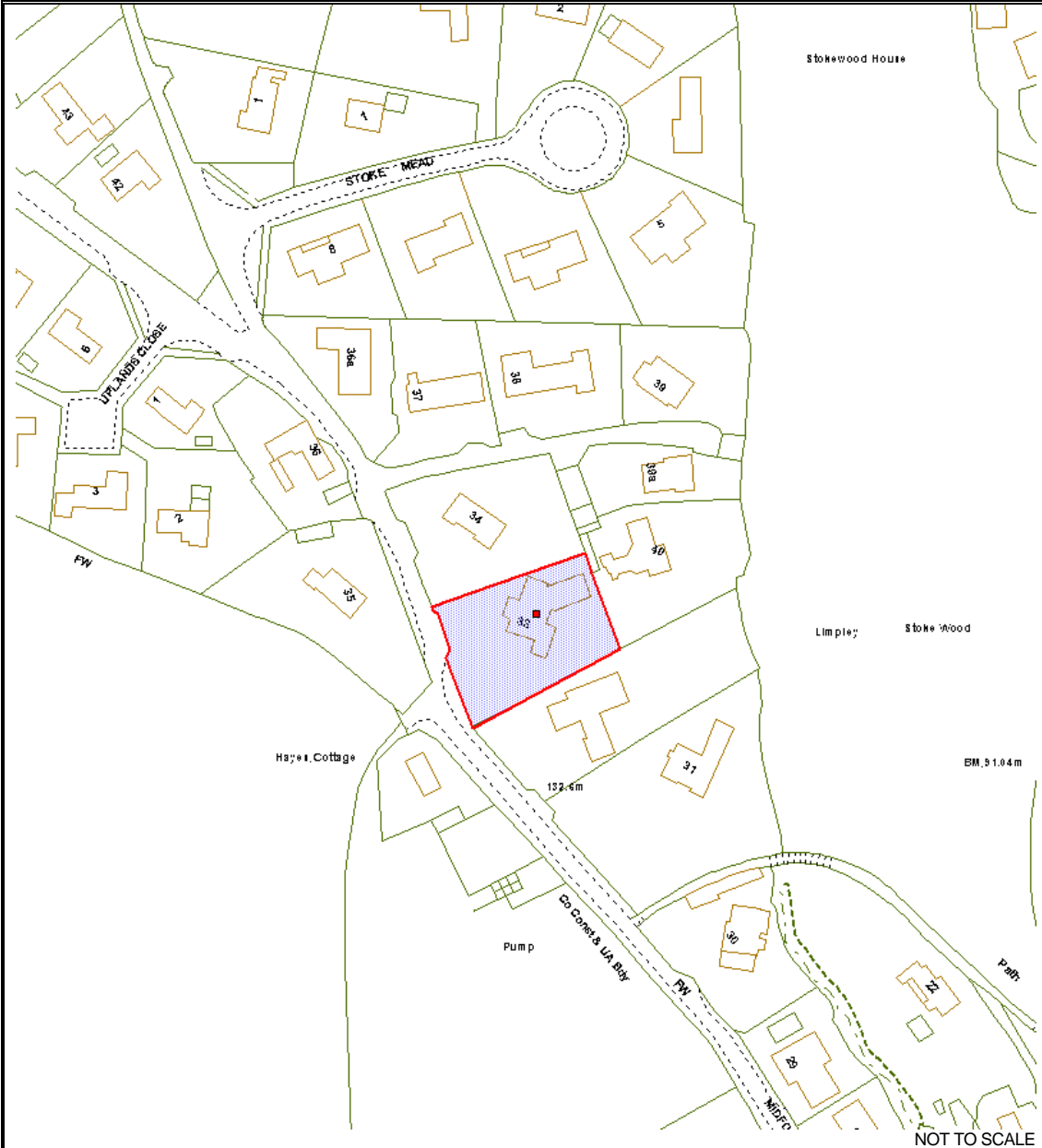
PLANNING COMMITTEE

14 July 2005

ITEM NO: 14

APPLICATION NO: 05/01066/FUL

LOCATION: Springwood 33 Midford Lane Limpley Stoke Wiltshire BA3 7GR



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SLA: 100022961

14 Application: 05/01066/FUL

Site Address: Springwood 33 Midford Lane Limpley Stoke Wiltshire BA3 7GR

Parish: Limpley Stoke Ward: Manor Vale
Grid Reference 377799 160945
Application Type: Full Plan
Development: Conservatory extension to south elevation
Applicant Details: Mr Barber
Springwood 33 Midford Lane Limpley Stoke Wiltshire BA3 7GR
Agent Details: J McDermott
Mesh 33 Pickwick Corsham SN13 OJB
Case Officer: Mr Mark Reynolds
Date Received: 03.06.2005 Expiry Date: 29.07.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the cumulative increase of the extensions on this property in the Western Wiltshire Green Belt, would result in a disproportionate addition over and above the size of the original building, the proposal is by definition harmful to the openness of the Green Belt. The application is accompanied by a justification, however no very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt by reason of inappropriateness. The proposal is contrary to Policy GB2 of West Wiltshire District Plan - 1st Alteration 2004 and PPG2.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Viles in the interests of public debate.

This is a two-storey blockwork detached property. This property is located within the Western Wiltshire Green Belt and is also found within an Area of Outstanding Natural Beauty. This proposal is for a conservatory to be located at the side of the property. The proposed conservatory would be 4.9m in length, 4m in width. The ridge height of the conservatory would be 3.5m in height. This is the third application for a conservatory at this property. Two previous applications have been refused planning permission references: 04/01368/FUL and 04/02421/FUL.

LIMPLEY STOKE PARISH COUNCIL

No comments received as yet but any comments will be reported to the committee

PUBLICITY

Neighbour consultations are ongoing, at the time of writing one letter was received in support of the application requesting that previous letters of support be transferred to this application from five respondents. These letters raised the following points;

- Conservatory not visible
- Proportionate addition
- No adverse impact on the area

RELEVANT PLANNING HISTORY

94/00339/FUL - Annex and first floor extension to rear - PERMISSION
98/01106/FUL - Bay Window Extension - PERMISSION
04/01368/FUL - Conservatory - REFUSED
04/02421/FUL - Conservatory - REFUSED

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C38 - Effects of development on neighbouring properties
C31A - Design
GB1 - Green Belt
GB2 - Green Belt
C2 - Area of Outstanding Natural Beauty

PPG 1 - General Policies and Principles
PPG 2 - Green Belt

SPG - Supplementary Planning Guidance - Household Alterations and Extensions

PLANNING OFFICER'S COMMENTS

The main issue to consider in this application is whether this proposal has overcome the previous reason for refusal in planning ref: 04/01368/FUL and 04/02421/FUL.

The Green Belt issues raised by this application may be addressed by considering Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 and PPG 2. The proposal site has been extended previously and at present extensions account for approximately a further 35% increase over and above the original dwelling's volume. It has been calculated that including the proposed conservatory the volume increase over and above the original dwelling would be an approximate 40% increase. Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 states that the limited extension and/or alteration of existing dwellings will be permitted provided it does not result in disproportionate additions over and above the size of the original building.

Whilst the proposed conservatory is not when considered in isolation a particularly large extension, the cumulative impact of previous extensions must also be recognised and cannot be divorced from consideration. In this instance the application building has already been extended by approximately 35%, the addition of any further extensions would represent disproportionate additions over and above the size of the original building and would be inappropriate development harmful to the openness of the Green Belt.

PPG 2 notes that inappropriate development is, by definition, harmful to the Green Belt and that there is a general presumption against inappropriate development and that such development should not be approved, except in very special circumstances. It is for the applicant to show why permission should be granted. PPG 2 further states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the secretary of state will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

A justification statement has been submitted for the proposal. The main thrust of the justification for the proposal is that the conservatory would provide additional living space primarily for the benefit of an elderly relative, resident in the annexe. Whilst the Council is sympathetic to the needs of the residents of this property and has taken into consideration the justification submitted, it is not felt that very special circumstances that would clearly outweigh the harm by reason of inappropriateness to the Green Belt have been demonstrated.

The justification asserts also that the proposed conservatory would be in proportion to the existing dwelling. It is noted that the property has been extended quite considerably and this further extension would alter the form of the building further and is considered to be a disproportionate addition to the building.

The justification also draws reference to a further case which was refused planning permission by West Wiltshire District Council and then granted planning permission on Appeal for a sizeable volume increase on the original building. This proposal was for a different form of development including a garage, access and extension. Each case must be judged on the basis of its individual merits and it is not accepted that a precedent has been set for this type of development. The consideration of volume increases is just one indicator in determining whether additions are disproportionate the type. Positioning, design and size of developments should also be considered and these will vary from case to case.

Neighbour comments in support of the application have been received and these have been taken into account. However, the proposal remains contrary to Green belt policy.

CONCLUSION

The previous reason for refusal has not been overcome.

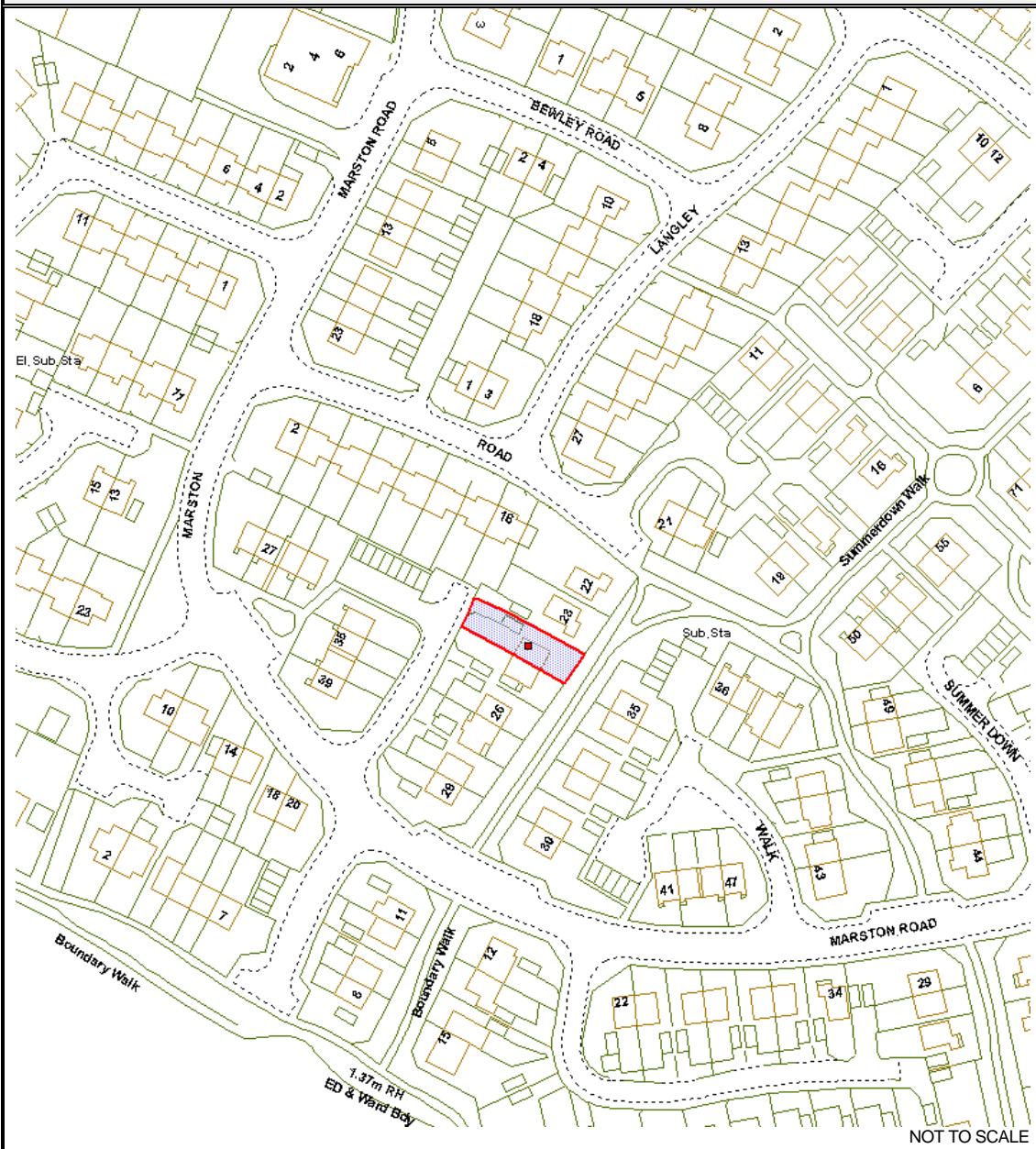
PLANNING COMMITTEE

14 July 2005

ITEM NO: 15

APPLICATION NO: 05/00930/FUL

LOCATION: 24 Summerdown Walk Trowbridge Wiltshire BA14 0LJ



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SLA: 100022961

15 Application: 05/00930/FUL

Site Address: 24 Summerdown Walk Trowbridge Wiltshire BA14 0LJ

Parish: Trowbridge Ward: College
Grid Reference 385074 156004
Application Type: Full Plan
Development: Two storey extension to side
Applicant Details: T Portsmouth
24 Summerdown Walk Trowbridge Wiltshire BA14 0LJ
Agent Details:
Case Officer: Mr Mark Reynolds
Date Received: 16.05.2005 Expiry Date: 11.07.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 This proposal by virtue of its design and form would unbalance this semi-detached pair of houses, detracting from the visual amenity of the street scene and the character of the host building, contrary to the Adopted Supplementary Planning Design Guidance - Household Alterations and Extensions and Policy 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 Content in the interests of public debate.

This is an application for a two-storey side extension to an existing semi-detached two-storey dwelling.

The proposed two-storey side extension to this property would measure 2.3m in width, 7.9m in depth and it would stand 7m in height to ridge level.

This is a resubmission following approval of a previous application reference: 05/00472/FUL. This previous approval was for a similar proposal being a two-storey side extension which measured 2.3m in width, 7.5m in depth and 6.8m in height to ridge level. The only differences between these two applications being that the current proposal does not set the front of the extension back from the host building and that a step down in ridge height from the host building to the extension is not proposed.

The building is situated within a residential street of Trowbridge containing a number of semi-detached properties with a minority of detached properties also present.

TROWBRIDGE TOWN COUNCIL

Object on the basis that the proposed development would;

- Represent overdevelopment
- Is contrary to Government guidelines on this type of development

PUBLICITY

No comments received

RELEVANT PLANNING HISTORY

05/00472/FUL - Two-storey side extension - PERMISSION 4.5.05

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C38 - Effects of development on neighbouring properties
C31A - Design

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

SPG - Supplementary Planning Design Guidance - Household Alterations and Extensions

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are the impact which the scheme would have upon the street scene and the planning history of the site.

This proposal has a complicated planning history. The previously permitted proposal reference: 05/00472/FUL was revised during the application process. The original plans were identical to the current proposal. The proposal was then revised to make the extension subservient to the host building and planning permission was granted.

This proposal has now reverted to the plans as submitted originally with planning application reference: 05/00472/FUL. The proposal would now create an additional 0.4m in length of internal space when compared to the previously approved proposal.

The Adopted Supplementary Planning Design Guidance - Household Alterations and Extensions states that extra care should be given to extending semi-detached dwellings. A pair of semi-detached houses is seen as one building in the street scene. Unsympathetic side extensions can result in an unbalanced and unsymmetrical appearance which can adversely affect the symmetry of the host building. It further states that an extension to a semi-detached house should be a subservient element to the host building and not upset the symmetry of the building as a whole. In this case the proposed extension would not be stepped down at ridge level from the host building and the extension would not be set back from the frontage of the property. The proposal would not therefore be subservient and would act to unbalance this semi-detached pair of currently unextended houses.

The Supplementary Planning Design Guidance - household Alterations and Extensions suggests that one way to provide a visual break is to set the front wall of the extension back which would in turn reduce the ridge height of the extension. This was done in the previously permitted application reference: 05/00472/FUL but has not been proposed in this application. The proposal would unbalance this pair of semi-detached properties harming the street scene and the proposal is considered contrary to the Supplementary Planning Design Guidance - Household Alterations and Extensions and Policy C31A of the West Wiltshire District Plan 1st Alteration 2004 and for this reason the proposal cannot be supported.

The Town Council object on the basis that the proposal represents overdevelopment. Whilst this comment is noted it is not felt that the proposed extension would represent overdevelopment.

CONCLUSION

The proposal is contrary to policy and is therefore recommended for refusal.

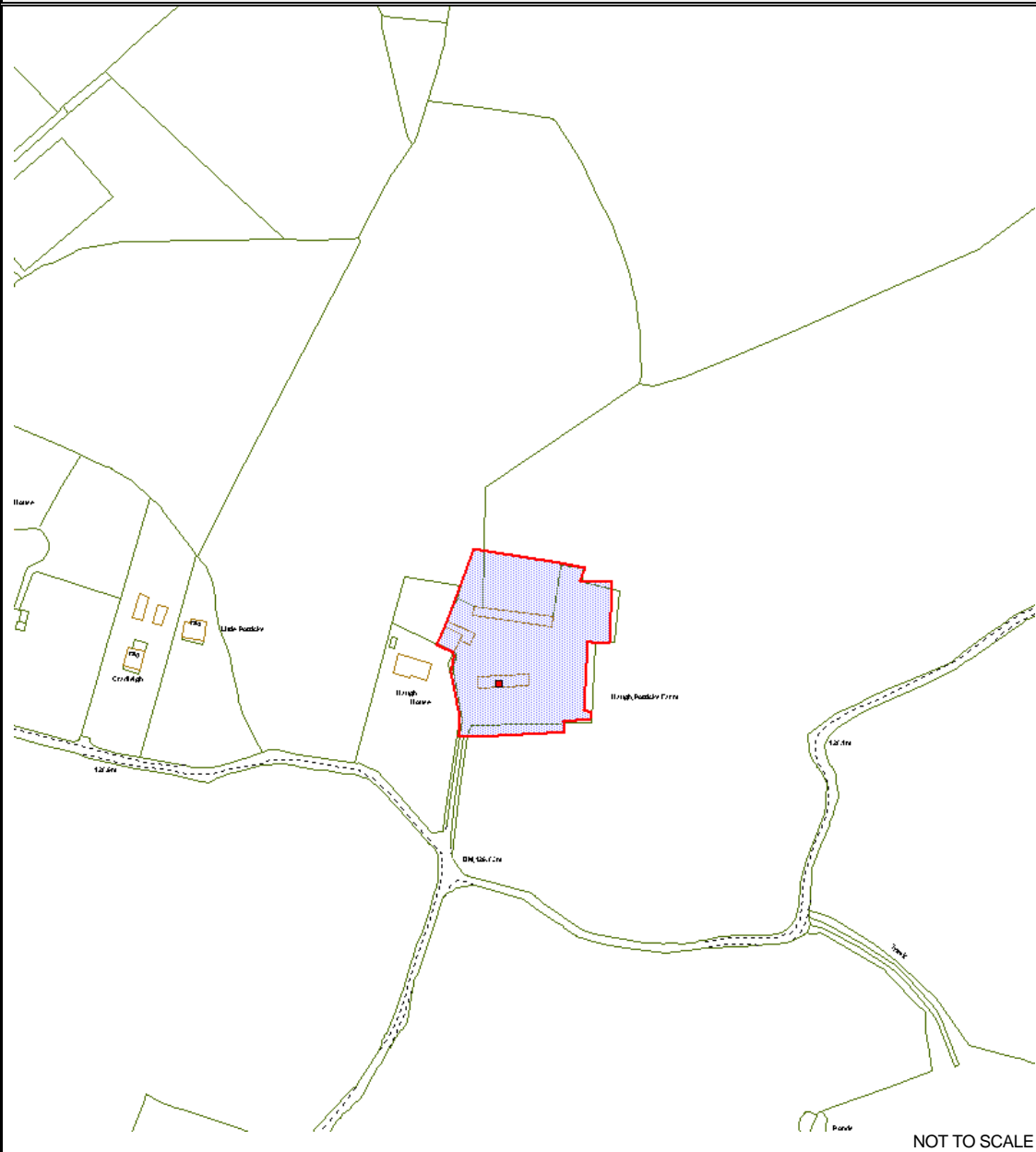
PLANNING COMMITTEE

14 July 2005

ITEM NO: 16

APPLICATION NO: 05/00743/FUL

LOCATION: Potticks Barn Haugh Winsley Wiltshire BA15 2JD



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www.westwiltshire.gov.uk

SLA: 100022961

16 Application: 05/00743/FUL

Site Address: Potticks Barn Haugh Winsley Wiltshire BA15 2JD

Parish: Winsley Ward: Manor Vale
Grid Reference 380571 162373
Application Type: Full Plan
Development: Construction of new implement/cattle shelter
Applicant Details: Mr L Howe
Potticks Barn Haugh Winsley Wiltshire BA15 2JD
Agent Details: Watson Bertram & Fell
5 Gay Street Bath BA1 2PH
Case Officer: Mr Aaron Smith
Date Received: 18.04.2005 Expiry Date: 13.06.2005

REASON(S) FOR

Although the proposal would constitute inappropriate development in Green Belt, very special circumstances are present that clearly outweigh this harm to the Western Wiltshire Green Belt.

RECOMMENDATION:

That the application be referred to the Secretary of State and in the event of it being remitted back to the Council for decision, the Development Control Manager be authorised to grant permission.

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 GB2, C1, C3 and C31a.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought before the Planning Committee as this planning application represents a departure from Council policy.

This is a full planning application for the erection of a new implement / cattle shelter building on agricultural land to the north of Potticks Barn at Haugh, Winsley.

The proposed building would be single storey, with a footprint of 57m2, 2.2m to eaves, 4.4m to ridge, with a rubble stone construction under a double roman tile roof. It would be sited north of the rebuilt former piggery, adjacent to the existing hardstanding field access. The application site includes approximately 16 hectares of agricultural land, which currently is open pasture with cattle grazing.

The application site is located within the Western Wiltshire Green Belt and within a Special Landscape Area covering the southern fringes of the Cotswolds not covered by Area Of Outstanding Natural Beauty designation.

WINSLEY PARISH COUNCIL

No objections

PUBLICITY

This application has been advertised by press advertisement and on site by a public notice, as the development is of public interest and represents a departure from the Development Plan.

No comments received

RELEVANT PLANNING HISTORY

91/00180/FUL - Conversion of the existing stone barns into single dwelling - Permission 02.04.1991

95/01450/FUL - Conversion of existing stone barn to dwelling - Permission 22.02.1996

02/00885/FUL - Conversion to one dwelling - Permission 17.10.1992

02/01821/FUL - Change of use of part agricultural land to domestic curtilage and landscaping including pergola and arbour and bunding - Permission 10.01.2003

02/01943/FUL - Conversion of former piggeries into garaging, stables and ancillary accommodation - Permission 16.03.2003

03/00519/FUL - Reinstatement of building to form extension to dwelling - Permission 08.05.2003

04/00044/FUL - The demolition and rebuilding of piggery to create garaging, stables and ancillary accommodation - Permission 19.02.2004

04/00378/FUL - Create new workshop within existing parking bay, and changes to interior layout resulting in minor alterations to existing windows and doors - Permission 15.04.2004

PLANNING POLICY

Wiltshire Structure Plan 2011
DP12 - Western Wiltshire Green Belt

West Wiltshire District Plan - 1st Alteration 2004
GB2 - Green Belt
C1 - The Countryside
C3 - Special Landscape Area

PPS 1 - Delivering Sustainable Development
PPG 2 - Green Belts
PPS 7 - Sustainable Development in Rural Areas

PLANNING OFFICER'S COMMENTS

The main issue for this planning application are the presumption against inappropriate development in the Western Wiltshire Green Belt and the effect of the development upon the Special Landscape Area designation.

The use of land within Green Belts has a positive role to play in fulfilling the objective to retain land in agricultural, forestry and related uses. Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 states that approval will be given for the construction of new buildings in the Green Belt for the purposes of agriculture or forestry.

However, paragraph 3.4 of PPG 2 states that the construction of new buildings inside a Green Belt for the purposes of agriculture or forestry is appropriate, unless permitted development rights have been withdrawn. In this case, the permitted development rights were withdrawn by condition 1 of planning permission 02/01821/FUL in January 2003, when permission was granted for landscaping / earth works and a change of use of part of the application site to domestic curtilage.

Annex D, paragraph D2 of PPG 2 states that, "if permitted development rights have been withdrawn, very special circumstances would need to be established for a new agricultural building to be permitted".

Paragraph 3.2 of PPG 2 states, "Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development."

The applicant has shown these circumstances, which they consider to be very special circumstances:

- The applicant owns approximately 16 hectares of agricultural land to the north and east of the converted former barn.
- Currently, there are no other buildings to serve the agricultural use. At present, 16 cows and 12 calves graze the adjoining field.
- The applicant borrows tractors and other farm equipment from the neighbouring farmer, as the applicant has no means of housing for the vehicles and equipment.
- The shelter would be suitably located within the existing cluster of buildings and balances the area adjacent to the piggery.
- Historically, approximately 2,700m² of agricultural steel sheds have been taken down within the application site of 02/01821/FUL, and no provisions have yet been made to serve and maintain the agricultural use.

It is reasonable to expect an agricultural unit of 16 hectares to be served by some buildings in connection with its maintenance and to shelter livestock, this is essential to maintain the openness of the agricultural land. The building itself is very modest in relation to the size of the existing agricultural unit. The purpose of including the proposed building within the 02/01821/FUL application site, in close proximity to the domestic curtilage, is to ensure that the existing cluster of buildings does not spread out from the historical Haugh Potticks Farm complex. In addition, by developing the cluster of buildings, this would lessen the need for extensive hardstanding to a more isolated agricultural building on the unit. A clustered approach to planning of this agricultural unit will deter a fragmented form of development which is more likely to harm rural visual amenities and the openness of the Green Belt.

The proposed building itself would be modest in scale, form and design. It would reflect the scale of former agricultural buildings at Haugh Potticks Farm. It would be appropriately located as an extension to the cluster of buildings, not beyond the cluster to the north on the open plateau, maintaining the quality landscape character of the Special Landscape Area designation.

The proposed modest building would be ancillary and essential to the agricultural usage of 16 hectares of land, which would help to maintain the openness of this agricultural land in the Green Belt. It is considered that very special circumstances have been shown to warrant considering granting permission despite the proposed building being inappropriate development within the Green Belt. These facts clearly outweigh the harm by reason of inappropriateness and any other harm to the Green Belt.

CONCLUSION

Very special circumstances exist, in that the proposal would provide essential facilities for the operation and maintenance of agricultural land, which would maintain the openness of the Western Wiltshire Green Belt. In addition, the siting of the building would be a logical position, forming an extension to the existing cluster of former agricultural buildings at Haugh Potticks Farm. This outweighs the fact that due to the removed permitted development rights the implement shed and cattle shelter would be inappropriate development in the Green Belt.

For the reasons stated above this application is recommended for permission, and referred to the Secretary of State under the Town and Country Planning (Development Plans and Consultation) Directions 1999.

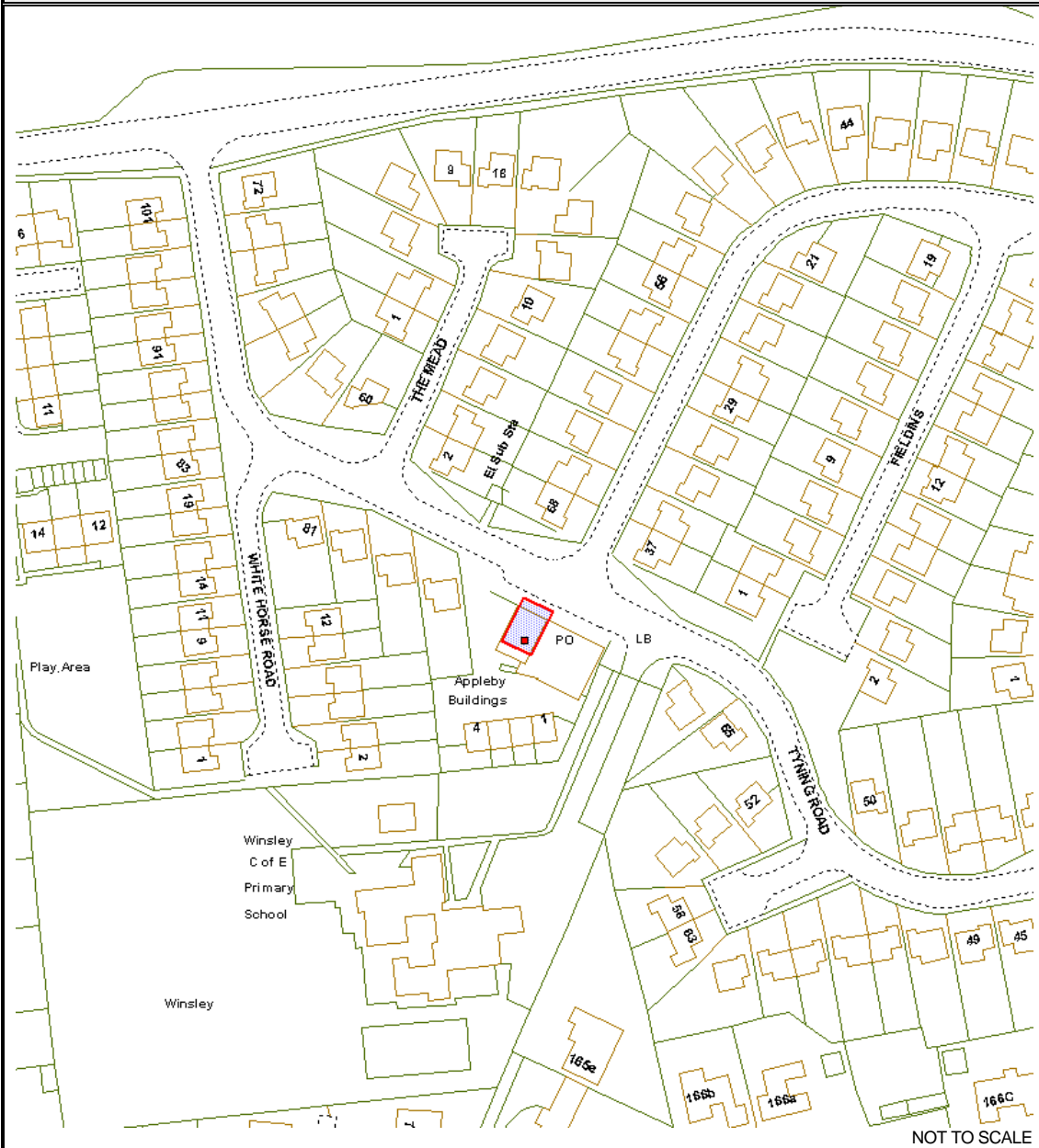
PLANNING COMMITTEE

14 July 2005

ITEM NO: 17

APPLICATION NO: 05/00765/FUL

LOCATION: 73 Tying Road Winsley Wiltshire BA15 2JW



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www.westwiltshire.gov.uk

SLA: 100022961

17 Application: 05/00765/FUL

Site Address: 73 Tynning Road Winsley Wiltshire BA15 2JW

Parish: Winsley Ward: Manor Vale
Grid Reference 380279 161273
Application Type: Full Plan
Development: Change of use from residential back to commercial use as a medical health surgery and dispensary at ground floor level only
Applicant Details: The Partners
Bradford Health Centre Station Approach Bradford On Avon Wiltshire BA15 1DQ
Agent Details: G Carruthers
Saxons Turleigh Bradford On Avon Wiltshire BA15 2LR
Case Officer: Mr Aaron Smith
Date Received: 12.04.2005 Expiry Date: 07.06.2005

REASON(S) FOR

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 be begun before the expiration of five years from the date of this permission.
REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
REASON: To ensure that the development harmonises with its setting.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 3 The two parking spaces shown on the approved plan, shall at all times remain available for the parking of cars in connection with the use hereby permitted.
REASON: To ensure that an adequate area for parking is available in the interests of highway safety.
POLICY: West Wiltshire District Plan - 1st Alteration - Policies CF3 and T10.

COMMITTEE REPORT

APPLICATION DETAILS

This planning application is brought before the Planning Committee at the request of Councillor Cunliffe-Jones as this application raises issues of public debate.

This is a full planning application for the change of use of the ground floor of No.73 Tynning Road in Winsley from its residential use to a medical health surgery and dispensary.

The existing residential use is a ground floor flat, which was permitted in 1996, when a change of use from a shop was granted.

The proposed use would be within a two-storey terrace containing an existing supermarket on the ground floor, with flats above within a residential area. There is off-street parking to the rear, serving the existing uses, and a lay-by to the front.

The proposed medical use would include 3 consulting rooms, a reception / waiting room, medical dispensary and staff office / kitchen. The proposed use would require a change to the northeast, street facing elevation. An entrance to the medical surgery would be formed to the right hand side of the front elevation, with an internal ramp, providing access from the street level.

WINSLEY PARISH COUNCIL

The Parish Council resolved that it wholeheartedly supports this application and would hope that the planning authority and the highway authority will find ways to overcome the foreseeable difficulties which may arise if this application is permitted.

HIGHWAY AUTHORITY

Whilst, the Highway Authority would not normally accept a doctor's surgery without any parking provision, they appreciate that this proposal will serve the community. There are good pedestrian links and some parking in the lay-by. In this location they do not feel that on-street parking will cause a highway problem.

In this case the Highway Authority do not wish to raise any highway objections.

PUBLICITY

1 letter of objection has been received:

- The area is already overcrowded, existing deliveries to the shop cause disturbance to No.75.
- Damage to the fence has occurred from vehicles accessing the rear of the shop.
- Concerns of highway safety, with more cars parking in the area, making it unsafe and noisy and air pollution.
- This is not a suitable location for the proposed use.

RELEVANT PLANNING HISTORY

96/01345/FUL - Change of use of shop and store to ground floor flat - Permission 28.11.1996

PLANNING POLICY

Wiltshire Structure Plan 2011
DP1 - Priorities for Sustainable Development
DP14 - Wiltshire's Villages

West Wiltshire District Plan - 1st Alteration 2004
C31a - Design
C38 - Nuisance
T10 - Car Parking
CF1 - Community Facilities and Services - General
CF3 - Community Facilities and Services - Villages and Rural Areas
I3 - Access for Everyone

PPS 1 - Delivering Sustainable Development
PPS 7 - Sustainable Development in Rural Areas
PPG13 - Transport

PLANNING OFFICER'S COMMENTS

The main issues consideration are design and effect of the alterations to the external appearance of the building, access, highways, parking provision and residential amenities.

The aim of the Council is to meet and enhance the educational, social and other needs of existing and new communities. This is especially pertinent in villages and rural areas, as there has been a marked decline in the number of rural services and facilities important to village and rural life. In general, the Council wishes to maintain and improve the existing range of rural community facilities, this includes health clinics and doctor's surgeries.

Winsley is a relatively large village, with a distinct catchment area of its own as it serves more isolated rural settlements such as Turleigh, Murhill, Haugh, Conkwell, and Little Ashley. Within Winsley there is access to a range of services and facilities, including a village shop (SPAR adjacent to the application site on Tynning Road) which includes a post office, Church, a primary school, village hall, public house and other recreational facilities. Local residents currently have to travel to the main towns for health services. Therefore, the principle of improving the existing range of rural services is to be supported, to raise the quality of life, in the pursuit of creating a thriving, inclusive and sustainable rural community.

Turning to concerns raised, regarding an intensification of parking and its effect on residential amenities. The application site is well accessed from within the village and from its catchment area, by a choice of means of transport other than the private car. Local bus services alight on Tynning Road immediately outside the application site, there are good pedestrian links, and there is limited on street parking available in the lay-by. It is the view of the Highway Authority that any additional on-street parking would not cause a highway safety problem. The two off-street parking spaces allocated to the existing flat would be used for staff use. It is considered that the reuse of these for staff use would address concerns of long term on-street parking on the public highway, also there would be no additional harm to neighbouring residential amenities than as present. Any staff vehicle parking and movements in close proximity to the boundary, will be minimal and would reflect the continuation of the existing residential use.

In respect of the effect of the change of use on the external appearance of the building, these would be minimal and the street facing elevation would reflect the previous ground floor retail use. A condition is recommended to ensure external materials match the host building.

Other objections raised are concerning elements not relevant to this application as they are outside of the application site. These include concerns about the operation of the existing retail use and parking caused by the local school.

Notwithstanding the 1996 permission to a ground floor flat, the previous commercial use of the existing ground floor flat, and the functional intention and design of the building (with commercial below and residential above, surrounded by a residential area) to serve the community, would indicate that this would be a logical and appropriate location for such a change of use to provide medical facilities.

CONCLUSION

The proposal would enhance the range of village and rural facilities, in a location supported by public transport and good pedestrian links, the reuse of this building would meet the needs of the whole community, including disabled users. There would be no adverse harm to the amenities of any neighbouring properties and would not prejudice highway safety.

For the reasons stated above this application is recommended for permission.