

# PLANNING COMMITTEE

20 APRIL 2006

## Planning Applications for Determination

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**01 Application: 05/03013/FUL**

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

Parish: Trowbridge Ward: Drynham

Grid Reference 385965 157528

Application Type: Full Plan

Development: Variation to condition 1 of permission 99/01822 and alteration to car parking

Applicant Details: Tesco Stores Ltd C/o The Development Planning Partnership  
1 Fitzroy Square London W1T 5HE

Agent Details: The Development Planning Partnership  
Marie Nagg 1 Fitzroy Square London W1T 5HE

Case Officer: Mr Peter Westbury

Date Received: 22.12.2005 Expiry Date: 16.02.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 The area used for the sale and display of comparison goods (as defined in the Information Brief 1998/2 published by the Data Consultancy) within the building shall not exceed 30% or no more than 1,925 square metres of the total retail sales floor area. In addition to all areas used for the display and sale of goods, the total retail sales floor area is herewith defined as including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs).

REASON: In order to protect the vitality and viability of Trowbridge Town Centre.

- 3 A schedule of the materials to be used in the construction of the filter lane 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.

- 4 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The Travel Plan shall include details of measures taken by the applicants to encourage the use of alternative means of transport to the private car to access the site and a timetable for implementation of relevant measures. These measures shall be implemented in accordance with the approved Travel Plan.

REASON: In pursuit of sustainable transport objectives.

- 5 The commencement of the 30% comparison trading format will not be operational until all details of the car park access fully approved and implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

- 6 Prior to the commencement of development at the site directional signage to the town centre and maps of the town centre shall be provided on the site to the satisfaction of the Local Planning Authority.

REASON: To provide improved links with Trowbridge town centre.

- 7 Prior to the commencement of development at the site, information stands about the town centre shall be provided within the food store to the satisfaction of the Local Planning Authority.

REASON: To provide improved links with Trowbridge town centre.

- 8 There should be no parking of home delivery vans in the car park other than in the 12 spaces identified on Plan 0503-26.

REASON: In the interests of sustainable transport objectives.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application was deferred at the meeting of the Planning Committee on 16 February 2006 to allow for:

"Further discussions on improvements to parking, including parking for dot.com vans for further information on the impact on the town centre and for a copy of the applicant's Consultant's Retail Assessment to be circulated to all members of the Committee".

Since this meeting a Briefing Note has been circulated by the Applicant which addresses both retail impact and car parking issues at the store. A plan showing the entire car park has been also prepared. These are attached as appendices to this report. The Officer's original report and recommendation to the Planning Committee has not changed. The original report presented on 16 February 2006 is attached as also attached as an Appendix.

Members will recall that since the preparation of the Report presented to Planning Committee a representation has been received from the Applicant following a request from Officers for the following:

- 1) Improvements to the signage at the site and add maps of Trowbridge town centre.
- 2) The inclusion of a maximum floor area for the sale of comparison goods.

The representation confirms that the Applicants are happy to provide directional signage to Trowbridge town centre within the site. There is also agreement that a threshold of 1,925m be included. This is now reflected in the recommended conditions.

In summary, the the Applicants are offering the following:

- 1) A cap on the comparison floor area of the store expressed in floorspace terms
- 2) [A cap on the total sales area of the store, if required]
- 3) A travel plan for the store
- 4) Directional signage to the town centre, the location and design of which is to be agreed and will include maps of the town centre if such can be appropriately and safely located
- 5) Information stands within the store promoting events in the town centre

Petition

The applicants have submitted a petition in support of their application with 1,032 signatures. This will be circulated during the meeting.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Has not been reconsulted on the contents of the Briefing Note as it includes no additional information.

STATUTORY CONSULTATIONS

- No additional comments to add to the original report aside from:

- COUNTY RETAIL EXPERT

Make the following comments on the content of the Briefing Note.

"While the overall purpose of the Briefing Note to inform Members is supported. The content is not perhaps as helpful as it could be and should ideally be redrafted in the interest of clarity and to avoid any misrepresentation of information. The following are detailed comments on the Note."

It is noted that in the first paragraph it states that:

"This information has been approved by...the County Council as appropriate to be sent."

The County Council states that this wording would appear to be a misrepresentation and indicates that the County Council has approved the content of the document. This is not the case. They state that the detail provided in the document is ultimately the responsibility of the applicant.

In respect of planned improvements to Store, the second point states that:

"The store's present range is limited to books, kitchenware, clothing and small electrical goods".

This statement is also misleading and does not necessarily represent the total range of comparison goods sold at the store e.g. CDs and DVDs are also on sale.

In respect of the third point:

"If Tesco is not proposing to extend the range of comparison goods to be sold at the store and this is one of their arguments to justify the proposal then they may be willing to agree to a condition limiting the type of comparison goods sold at the store. This may give some comfort to those concerned about the impact the development could have",

In respect of Retail Impact, the County Council comment on the final point that they are:

"... not sure that we have ever in our correspondence to West Wiltshire District stated that we are satisfied that "this assessment has been undertaken based upon appropriate and robust assessment".

They state that wording along the following lines would better reflect our position:

"The County retail planner has assessed the proposals from a strategic retail point of view and is satisfied that there is no objection to the proposal subject to control over the total amount of sales floorspace available (Ted Eyles letter of 28 September 2005)". They continue:

"However, the County retail planner also considered that there would be a necessity to limit the overall amount of floorspace at the store to the amount put forward in the proposal."

In respect of the "Retail Planning Package" proposed, the County Council comment that in respect of the Second bullet:

Tesco have agreed..."a floorspace cap on the total retail sales area on the store"

The County Council support this position. However, this does not appear to be reflected in the proposed conditions if permission is granted.

..."provision of signs directing customers to Trowbridge town centre in order to encourage even more trips into the town centre"

Question the wording "even more" as no evidence is contained within the supporting material to indicated that this would be the case. However, the statement is reasonable if the words "even more" are deleted.

Trowbridge Centre

Second point:

The Plan does not show that "Trowbridge has developed into a very healthy centre and has continued to improve since Tesco has opened" as stated in (i), it merely shows the current status and does not allow any comparison.

The Plan does not show that "There are no large vacant units available in the primary retail area" - firstly, the primary retail area is not shown on the plan and secondly, what looks to be a large vacant unit on Church Street is shown as well as the "vacant other buildings" on Manvers Street (although there may be a non retail use planned for this building). Perhaps this statement should be qualified.

In iii, the statement "evidence of this is clear within Trowbridge, with a number of vacant units under refurbishment" could be qualified with examples.

Other Considerations

Second point:

"The improvement of the store with improved linkages to the other developments on the southern side of the town centre" (emphasis added) - the "improved linkages" mentioned appear to only relate to new sign posts. The term is misleading and implies that much more is provided. There appears to be nothing else proposed that would facilitate the movement by foot and cycle between Castle Place, St Stephens Place and the planned Leisure scheme.

Conclusion

Third point:

"...spending will go to other largely centres such as Bath and Bristol" - while spending is likely to be lost to other centres, there is no guarantee that it will.

County Retail Expert 16 March 2006"

## INTERNAL WWDC CONSULTATIONS

- No additional comments to add to the original report.

## NON-STATUTORY CONSULTATIONS

Since the preparation of the report the following representation has been received.

- TROWBRIDGE CHAMBER OF COMMERCE:

Support the application

"You may remember that we objected to the original Tesco application in October 2005. We recognised at the time that Tesco could achieve their objective by building a bigger mezzanine floor, which does not require planning permission. If the Committee does reject the application again, Tesco have informed us that this is what they will do.

To protect the retail trade of Trowbridge, we feel that a longer term view has to be taken, and stop the worst case scenario which would be for Tesco to build the larger mezzanine now, and at some time in the future apply again to increase their proportion of comparison goods from 20% to 30%.

To stop the above scenario we would ask you to impose a cap on the total retail space, at 6400 square metres, this has been agreed in principle in Tesco's application.

Subject to this cap being imposed we support the application."

## PUBLICITY RESPONSES

See original report attached.

## RELEVANT PLANNING POLICY

See original report attached.

## RELEVANT PLANNING HISTORY

See original report attached.

## KEY PLANNING ISSUES

The key planning issue remains whether this proposal overcomes the earlier reasons for refusal.

## PLANNING OFFICER COMMENTS

The application was deferred on 16 February 2006 to allow for further discussions on improvements to parking, including parking for dot.com vans.

In this respect additional information has been provided on the exact details of car parking and for further information on the impact on the town centre and for a copy of the applicant's Consultant's Retail Assessment to be circulated to all members of the Committee.

The car parking plan includes the provision of an area of dedicated parking for dot.com vehicles. The Briefing Note indicates that provision will be made for 12 spaces for this purpose. These are to be located to the east of the main supermarket building.

This additional information has been prepared by the Applicants in the form of a Briefing Note and the advice of the County Retail Expert has been sought. Their response is set out above.

It is considered that the provision of dedicated parking for dot.com vehicles will contribute to relieving pressure on the use of the car park. The evidence provided by the applicants indicates that the store currently operates with 9 vans each making 4 trips per day with 10 deliveries per trip this would yield a total daily reduction of 360 vehicles having to visit the store. It is considered that the provision of 12 spaces for these vehicles will assist in reducing the amount of vehicles visiting the store still further in the future.

Trowbridge Chamber of Commerce have now withdrawn their objection to the application proposal.

The advice received remains that the County Council does not object to this application. They do make a number of comments which are set out above. The reference to a condition requiring a retail cap has been incorporated into the recommendation in line with the comments of the Retail Expert.

## CONCLUSION

On the basis of the information provided the reasons for refusal attached to application 05/01841/FUL have been overcome and accordingly planning permission should be granted.

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OFFICER REPORT PRESENTED ON 16 FEBRUARY 2006

## APPLICATION DETAILS

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

This is an application for full planning permission to vary condition 1 attached to planning permission 99/01822 to allow 30% of the total retail sales area to be used for the sale of comparison goods.

Condition 1 attached to 99/01822 states:

"In order to protect the vitality and viability of Trowbridge town centre, the area used for the sale and display of comparison goods (as defined in the Information Brief 1998/2 published by the Data Consultancy) within the building shall not exceed 20% of the total retail sales floor area. In addition to all areas used for the display and sale of goods, the total retail sales floor area is herewith defined as including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and ATMs".

The proposal also includes an amendment to the layout of the car park including a right turn filter for access to the car parking area.

Members will recall that an application to vary this condition was refused on 27 October 2005 for the following two reasons:

1 The sale of comparison goods would have a detrimental impact on the vitality and viability of Trowbridge town centre contrary to Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

2 The proposal would result in an increase in demand for parking at a car park that is close to capacity that would result in queuing of vehicles at the existing junctions to the detriment of highway safety.

This application has been submitted with additional information to overcome these reasons for refusal.

In addition in support of their application the applicants have also indicated that:

"We wish to reiterate that Tesco's position is such that if the current proposal is not permitted, they will implement a larger mezzanine in order to achieve the required improvements at this store. We have highlighted previously that this would not be ideal as it would create a store far larger than is required and clearly would not deliver the package of benefits that is being offered. We would like to liaise with you and the County planners on the matter of a cap on floorspace at the store, linked with this application scheme, in order to provide both authorities with additional comfort over the trading format being proposed.

In addition, please be aware that Tesco has collected a petition of approximately 1,000 of their customers in support of the proposed improvements to the store. A copy of that petition will be forwarded to you very shortly. This provides a clear signal from local residents that the improvements to the store, which are being proposed in recognition of the how busy and congested the store is for customers and staff, would be welcomed."

The application site

The application site at County Way, Trowbridge currently has 4,835 square metres of retail floorspace. Therefore at present 966 square metres is available for the sale of comparison goods. The proposed increase to 30% needs to be seen in the context of improvements to the internal arrangement of the building, including the installation of a mezzanine floor.

The installation of additional floor space within a building does not fall within the definition of development in sub-section 55(2)(a) of the Town and Country Planning Act 1990 and therefore is not development and does not need planning permission.

The total retail floorspace resulting from these improvements will be 6,403 square metres. Therefore a 30% increase in floorspace for comparison goods would mean that 1,920 sq.m of retail floorspace would be available for the sale of comparison goods. This represents an increase in the amount of retail floorspace available for the sale of comparison goods of 954 square metres.

Comparison goods are defined in National Planning Policy Statement on Planning for Town Centres (PPS6) as those items "not obtained on a frequent basis". Included in which are clothing, footwear, household and recreational goods.

The application site comprises the single storey main foodstore, with surface level car parking for 652 customers and a petrol filling station on land to the south of County Way, Trowbridge. PPS6 defines the site as being "out of town".

In support of their application, the applicants have also submitted Retail and Transport Statements.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Object on the grounds of the impact of the proposal on the vitality and viability of Trowbridge Town Centre, and also loss of parking on site.

'Subject to the detrimental impact of additional retail space on Town Traders being considered and that The Trowbridge Chamber of Commerce would have an input.'

STATUTORY CONSULTATIONS

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

- STRATEGIC PLANNING AUTHORITY (RETAIL): No objection subject to control over the total amount of sales floorspace available. Conclude:

1. There is a need for further retail development in Trowbridge that cannot be satisfied in the short term.
2. The proposal will not put at risk the implementation of sequentially preferable sites at a later date.
3. Any retail impact arising from the proposal would be minimal.
4. The proposal does not raise strategic retail issues of scale and accessibility.
5. There is a necessity to limit the overall amount of sales floorspace at the store to the amount put forward in this proposal.

## PUBLICITY RESPONSES

A site notice was posted and properties in Longfield Road and Brown Street were notified. As a result, no representations were received.

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

DP5 - Shopping

West Wiltshire District Plan - 1st Alteration 2004

SP3 - Out of Centre Shopping

PPS1 - Delivering Sustainable Development

PPS6 - Planning for Town Centres

PPG13 - Transport

Trowbridge Urban Design Framework (2003)

## RELEVANT PLANNING HISTORY

99/01822/FUL - Variation of Condition 05 (W98/0345) to allow 20% of the total retail sales floor area to be used for the sale and display of comparison goods - Permission 20.01.00

05/01841/FUL - Variation of Condition 1 of permission ref. 99/01822/FUL to allow 30% of the total retail sales area to be used for the sale of comparison goods - Refused 27.10.05

## KEY PLANNING ISSUES

The main consideration in the determination of this application is whether this proposal overcomes the earlier reasons for refusal.

## PLANNING OFFICER'S COMMENTS

Two questions need to be answered in order to determine whether the earlier reasons for refusal have been overcome.

Reason for Refusal No 1 - Would the proposed increase in the area available for the sale of comparison goods have a detrimental impact on the vitality and viability of Trowbridge town centre?

Your Officer's view remains that the proposal would not have a detrimental impact on the vitality and viability of Trowbridge Town Centre. This is supported by the consultation report received from the County Planning Authority.

The applicants have submitted extra evidence to confirm that the proposal would not have a detrimental impact on the vitality and viability of Trowbridge Town Centre and to demonstrate that the proposal is consistent with Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

This policy states that proposals to vary the range of goods sold from out of centre stores will only be permitted when it can be demonstrated that the proposal would not harm the vitality and viability of the town centre's shopping role. In order to demonstrate this there should be a demonstrable need for the development which cannot be met by other more appropriate sites in the town centre.

## Need

The evidence produced by the applicant has been assessed by the County Retail Expert, who has concluded that based on maintaining Trowbridge's existing market share, there is a quantitative need for new floorspace capable of turning over £19.6 million by 2007 rising to £34.1 million by 2009. It is noted that these figures were accepted by the Secretary of State in his decision letter on the former Ushers site proposals.

An analysis of existing sites around the town, specifically St. Stephen's Place, Castle Place, the Former Ushers site and Castle Street suggests that these sites are unlikely to meet the need in the short-term (by 2007). The application proposal will assist in meeting the need for extra retail development in the town.

## The Sequential Approach

PPS6 requires applicants to apply a sequential approach to selecting appropriate sites for allocation within town centres where identified need is to be met. In this case, the applicants argue that the application proposal is not for additional floorspace but for an increase in the area of the store that can be dedicated to the sale of comparison goods and that Tesco cannot make this provision in an alternative location in Trowbridge. The County Retail Expert does not accept this argument on the grounds that the additional provision is not essential to the operation of the applicant's business model. The provision of comparison goods could therefore theoretically be provided on sequentially preferable sites in Trowbridge.

The applicants have responded to the concerns of County stated that the floorspace involved will be provided as part of the mezzanine scheme that is not subject of this proposal and to split Tesco sales between different stores in the town would be inappropriate.

While it is accepted that the mezzanine floor does not form part of this application, it will have a significant impact on the amount of floorspace that can be used for the sale of comparison goods. Nevertheless, the expert advice received is that the increase of 954 sq.m will not prejudice the implementation of sequentially preferable sites in the town.

Therefore on the basis of identified need, particularly in the short-term and that the scale of the proposal would not prejudice the viability and vitality of sequentially preferable retail sites, it is concluded that the proposal complies with development plan policy SP3.

Reason for Refusal No 2 - Would the proposal result in an increase in demand for parking at a car park that is close to capacity and would it result in queuing of vehicles at the existing junctions to the detriment of highway safety?

On the basis of all the submitted evidence, which has been reviewed by the Highways Authority, the proposed amendments to the car park at the site will overcome this reason for refusal. The proposed filter lane means that the car park will have no detrimental impact on highway safety.

The consultation response recommends that any permission be accompanied by relevant conditions. There is a requirement that a Travel Plan be submitted and approved in writing. This should indicate the measures to be taken by the applicant to encourage alternatives to the use of the private car for visits to the site.

There is also a requirement that the proposed increase to the area for the sale of comparison goods should not take place until the car park layout has been amended. The car parking should be formally laid out and includes spaces measuring 4.8m x 2.4m with 6m turning area behind each space. Plan 0503-26 attached to the application indicates that there is sufficient space to achieve this requirement.

In light of these comments, the applicants have agreed to complete a Travel Plan. They have agreed that rather than restricting the commencement of the 30% comparison trading format until access matters have been fully approved and implemented, the planning condition would better restrict the new trading format from becoming operational until such time that the relevant planning conditions have been discharged. This is because the proposal relates to a mezzanine area that is not subject to this application.

## CONCLUSION

On the basis of the information provided the reasons for refusal attached to application 05/01841/FUL have been overcome and accordingly planning permission should be granted.

**Application to allow an increase in the floor area dedicated to comparison goods sales and alterations to the car park at the front of the store**

**Briefing Note Provided On Behalf of Tesco for Planning Committee on Outstanding Planning Matters**

The Committee has requested further information on retail impact, comparison goods and transport issues to assess Tesco's application for improvements to the County Way store. From the outset it must be noted that County Retail and Highways have raised no strategic objection to the application on the basis of the technical assessments involved and it is against this background that the application must be determined. The following information summarises those technical assessments and has been provided to Councillors to answer the questions raised at the Planning Committee on this application.

***Planned Improvements to the Store***

- The current programme of improvements to the store will provide wider aisles, better space around the display areas and tills, and a less cramped environment overall. This programme has been, to a large extent, led by customer demand. The improvements will also greatly help staff when re-stocking shelves and provide a much better environment for all.
- The Tesco store currently sells a range of 'comparison goods'. This term, used in retailing, means goods purchased for long term use, rather than food items or, in other words, goods which shoppers compare with other similar goods on the basis of price and quality before buying, i.e. comparison. The store's present range is limited and includes books, kitchenware, clothing, CD, DVD, and small electrical goods. The store does not sell large electrical kitchen goods or furniture.
- The range of goods that the store is proposing to provide will **not** be extended. However it will provide more choice amongst the goods it already offers. Practically speaking, this means that if a shopper were looking to buy a kettle, at present there may be only one choice available, but, with the new extended store, they would be able to choose from two or three types of kettle.
- Tesco's comparison items differ from specialist retailers items, and will remain limited, with a narrow range of brands. Tesco also does not offer in-store advice on products which again means they do not compete directly with specialist retailers.
- Tesco's comparison range would be located on the new partial mezzanine floor, located alongside a new improved café. This area will be accessed via a traveller and lift, but will require customers to make a detour to shop in that area. This will limit the number of customers who will shop for these non-food goods, but those that do choose to do so will be provided with a better environment and choice overall.

***Need for Additional Comparison Retailing in Trowbridge***

- Based on an assessment, accepted by the Office of the Deputy Prime Minister and the Secretary of State, into the Ushers site scheme, the amount of **additional** spending in Trowbridge that will need to be provided for will total £19 million in 2007, and this is forecast to increase to at least £29.6 million by 2009. The estimated additional turnover for Tesco store would only be £3 million in 2007.
- The Secretary of State has acknowledged that 60% of comparison spending is already lost from Trowbridge at present, which is high. This means 60% of local people would already rather go out of Trowbridge to buy comparison goods, than buy them in Trowbridge.
- If additional shopping facilities are not built in Trowbridge, more spending will be lost as residents travel to the larger centres to shop. There is already an acknowledgement that a significant amount of spending is already being lost from Trowbridge to centres such as Bath and Bristol.
- The Tesco scheme will help provide for local residents in Trowbridge without prejudicing other development schemes at St Stephen's Place and Castle Place from coming forward. The Tesco scheme, together with those developments, will help further enhance Trowbridge.

***Retail Impact***

- Wiltshire County Council's assessment of the original application that was refused was as follows:

*"[The County] raise no objection to the proposal subject to control over the total amount of sales floorspace available. More specifically, it is concluded that:*

1. *There is a need for further retail development in Trowbridge that cannot be satisfied in the short term;*
  2. *The proposal will not put at risk the implementation of sequentially preferable sites at a later date;*
  3. *any retail impact arising from the proposal would be minimal;*
  4. *the proposal does not raise strategic retail issues of scale and accessibility”*
- The retail impact assessment provided with the current application is more detailed to that which resulted in the above definitive guidance from the County. The new assessment takes into account further: information relating to assumptions accepted by the Secretary of State; the growth in spending that needs to be provided for in the town; the other two developments planned in the town (both of which are assumed to reach completion by 2009); the limited increase in comparison sales that will result from the Tesco proposal; and the health of the centre overall.
  - The assessment is also based on a set of robust data assumptions that go beyond those accepted recently by the Secretary of State. The actual impact of the scheme could therefore in fact be less than that tested here.
  - The assessment shows that:
    - at worst, the impact of scheme on Trowbridge will be less than 3% in 2007;
    - additional growth in spending will quickly compensate for this. It will take just 2 months of forecast spending growth to replace the spending diverted from the centre;
    - the remaining growth in spending will support the other planned schemes for Trowbridge;
    - the Tesco proposal will **not** undermine those proposals; and
    - the remainder of the additional turnover of the Tesco scheme will be drawn from a wide breadth of other centres such that the total amount drawn from any individual centre or shop will be negligible and again will be quickly compensated for by further growth in spending.

### **Trowbridge Centre**

- A detailed "health-check" of Trowbridge has been undertaken addressing all of the requirements of national policy guidance. This has also looked at how the centre has changed over the last 20 years, including more recently before and after Tesco moved from St Stephen's Place to County Way.
- A copy of the latest plan is attached. This shows that:
  - i. Trowbridge is a very healthy centre. The assessment of change within Trowbridge over the last 20 years indeed shows that the town has continued to improve since Tesco opened at County Way. The Plans used for that assessment are with your Planning Officer should you wish to review them;
  - ii. retail shop (unit) vacancies total just 7%, compared with 10% nationally, and are in small units, dotted across the centre. The vacant development sites of St Stephens Place and Manvers Street that are also available are subject to existing proposals which will further strengthen the town centre;
  - iii. vacancies are inevitable as retailers come and go and in healthy centres this enables units to be upgraded and refurbished. Evidence of this is clear within Trowbridge, with a number of vacant units under refurbishment. Examples of this are units at 6 and 7 Wicker Hill that were being refurbished when surveyed.
  - iv. there is also a healthy turn-around of units. Recently Halifax has moved into The Shires and their old unit has been taken up by a specialist sports retailer. Monsoon has taken the former Dixons unit on Fore Street;
  - v. comparison retailing in the centre provides a healthy range of goods including specialist retailers, but there is scope for improvement shown by the level of spending that is already lost from the town;
  - vi. the St Stephens and Castle Place schemes show further commitment and potential to investing in Trowbridge and these will help meet additional retailer requirements. Additional spending capacity, however, will remain, and Tesco is well positioned to help cater for it;
  - vii. St Stephen's Place, Castle Place and the new out-of-centre leisure scheme that has been granted outline planning permission are all located to the south of the existing town centre. These will extend the centre southwards towards the Tesco store and will help further improve links for shoppers, helping to further establish Tesco as an anchor destination on the southern limits of the centre;

- viii. The *Vision for Trowbridge* identifies Tesco as already providing links with the centre and the improvements to the store will further enhance these. Tesco already provides significant charitable and sponsorship contributions within the town and is working further with the Chambers of Commerce to provide practical enhancements to the centre. This is in addition to the improved signage and in-store promotional material that will advertise events in the town and which form part of the current application proposal.

### ***Retail Planning Package***

- The Tesco proposal has satisfied the retail planning tests. However, additional assurances over the future control of the impact of the store and further contributions towards improved linkages with the town centre have been offered as part of the application.
- Tesco have agreed, on approval of the application, to the following:
  - a floorspace cap on the total retail sales area on the store. This means that Tesco will accept a finite sales area that will not be able to be increased without Council approval;
  - a cap on the comparison retail sales area, specified in terms of floorspace rather than as a % of the total retail sales area. This will provide certainty over the extent of the store that can be used for the sale of comparison goods and it would again not be possible to increase that area without Council approval;
  - provision of signs directing customers to Trowbridge town centre in order to encourage more trips into the town centre; and
  - in-store information promoting the town centre and town centre events. The purpose is to also encourage further trips to the town centre.

### ***Alterations to the Car Park***

It is acknowledged that the existing car park is constrained and well used by customers, however, a number of proposals have been prepared to ease the increased demand.

These are shown on the attached plan and comprise:

- A right turn lane is to be constructed adjacent to the main access to the car park and spaces fronting the store, this will maintain the free-flow of traffic entering the site. This will alleviate concerns raised regarding delays to customers waiting to turn right into the spaces that front the store entrance.
- In combination with the right turn proposal, an existing trolley park is to be converted to a recycling centre together with the addition of a lay-by for customer vehicles. The existing recycling centre, located to the rear of the car park, will be converted into parking spaces. A total of 13 spaces will be created in the area currently used as a recycling centre.
- An area of the car park is currently dedicated for the use of DOT COM vehicles. There has been some confusion regarding the precise number of spaces used by the DOT COM vehicles. However, it is now proposed that the arrangement be formalised through the relocation of an existing trolley bay and the use of road markings to restrict the DOT COM use in the car park to the 12 spaces. Tesco are willing to accept a planning condition limiting the use of car parking spaces to 12.
- In addition to the physical changes and improvements proposed, Tesco will implement and manage a Travel Plan at the Trowbridge store. A Travel Plan is a mechanism for managing and promoting alternative modes of transport to members of staff. The Travel Plan will be an on-going commitment for Tesco at the Trowbridge store.

The combination of these measures will increase the existing number of parking spaces thus reducing the overall occupancy of the car park. The invitation to impose a planning condition on the number of spaces occupied by the DOT COM operation will prevent unrestricted growth of the operation and protect the parking spaces for the use of customers. The proposed right turn lane will ensure that traffic entering the site is not restricted by those waiting to turn right, overcoming any potential traffic congestion on County Way.

### ***Conclusion***

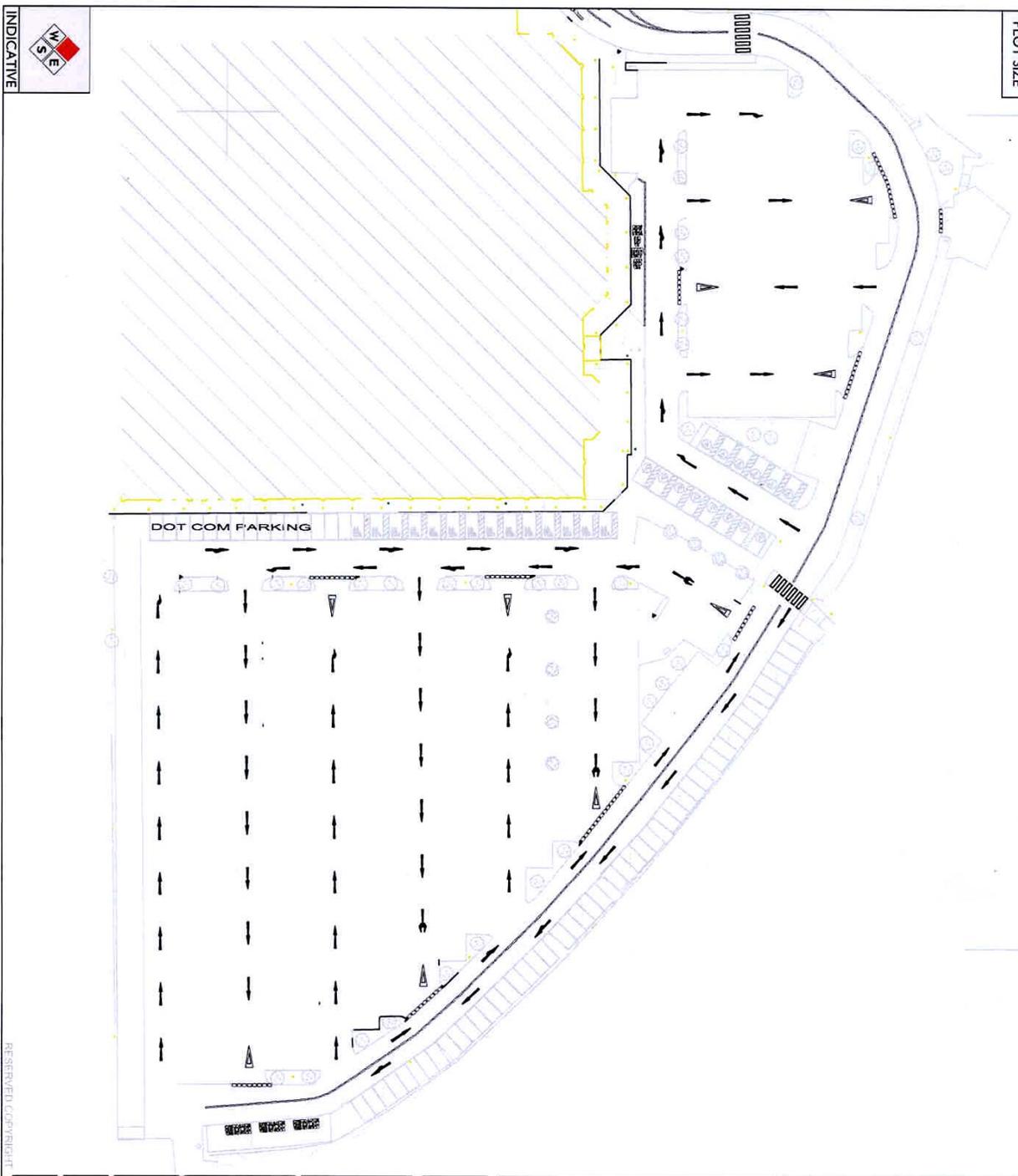
- The purpose of Tesco's application is to create a better store for their customers and staff. The store has outgrown itself as Trowbridge itself has grown and the improvements to the store will ensure that local people receive the quality of services they would expect from Tesco.
- Tesco will not be expanding their range of comparison goods, but will rather be offering customers better choice.
- The application has been driven by customer demand for an improved store, and together with the other development schemes for the town, will help cater better for local people, who to a large extent currently choose to shop for comparison goods elsewhere;

- Tesco's proposal will not prejudice the St Stephens Place or Castle Place schemes.
- The Tesco proposal satisfies the retail planning tests and County Highways.
- Tesco has nonetheless agreed to:
  - a total retail sales floor-space cap and comparison floorspace cap on the store;
  - provide further signage directing customers to the town centre;
  - promote Trowbridge town centre within the store; and
  - restrict the DOT COM use in the car park to the 12 spaces.

**A3**  
ORIGINAL  
PLOT SIZE

UN 157650

UN 157650



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NOTES

Rev	Date	Detail	Drawn	Checked



**Pinnacle**

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Welwyn Garden City  
Hertfordshire  
AL7 1JU

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E welwyn@pdl.co.uk

**TESCO**

**PROJECT:**  
COUNTY WAY  
TROWBRIDGE

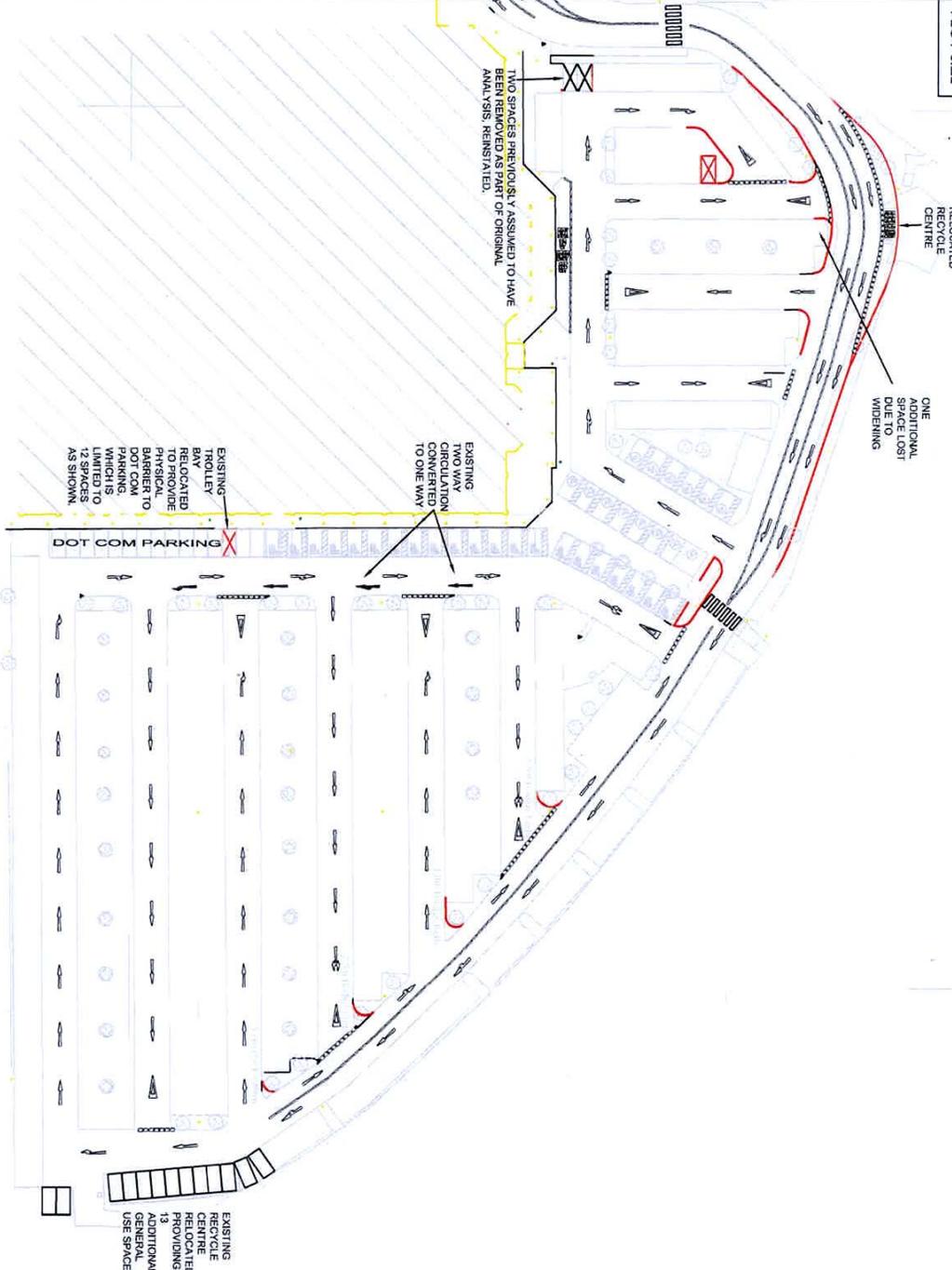
**TITLE:**  
EXISTING CAR PARK  
CIRCULATION

**STATUS:**  
INFORMATION

SCALE	DATE	DRAWN	CHECKED
NTS	02/03/06	NH	-

JOB NO.	DRAWING NO.	REVISION
0503-26	-	-

**A3**  
ORIGINAL  
PLOT SIZE



INDICATIVE

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NOTES:

No.	Date	Drawn	Checked



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PROJECT:  
**COUNTY WAY  
TROWBRIDGE**

TITLE:  
**PROPOSED CAR PARK  
LAYOUT**

STATUS:  
**INFORMATION**

SCALE	DATE	DRAWN	CHECKED
NTS	02/03/06	NH	-
JOB NO.	DRAWING NO.	REVISION	-
0503-26	PL03	-	-

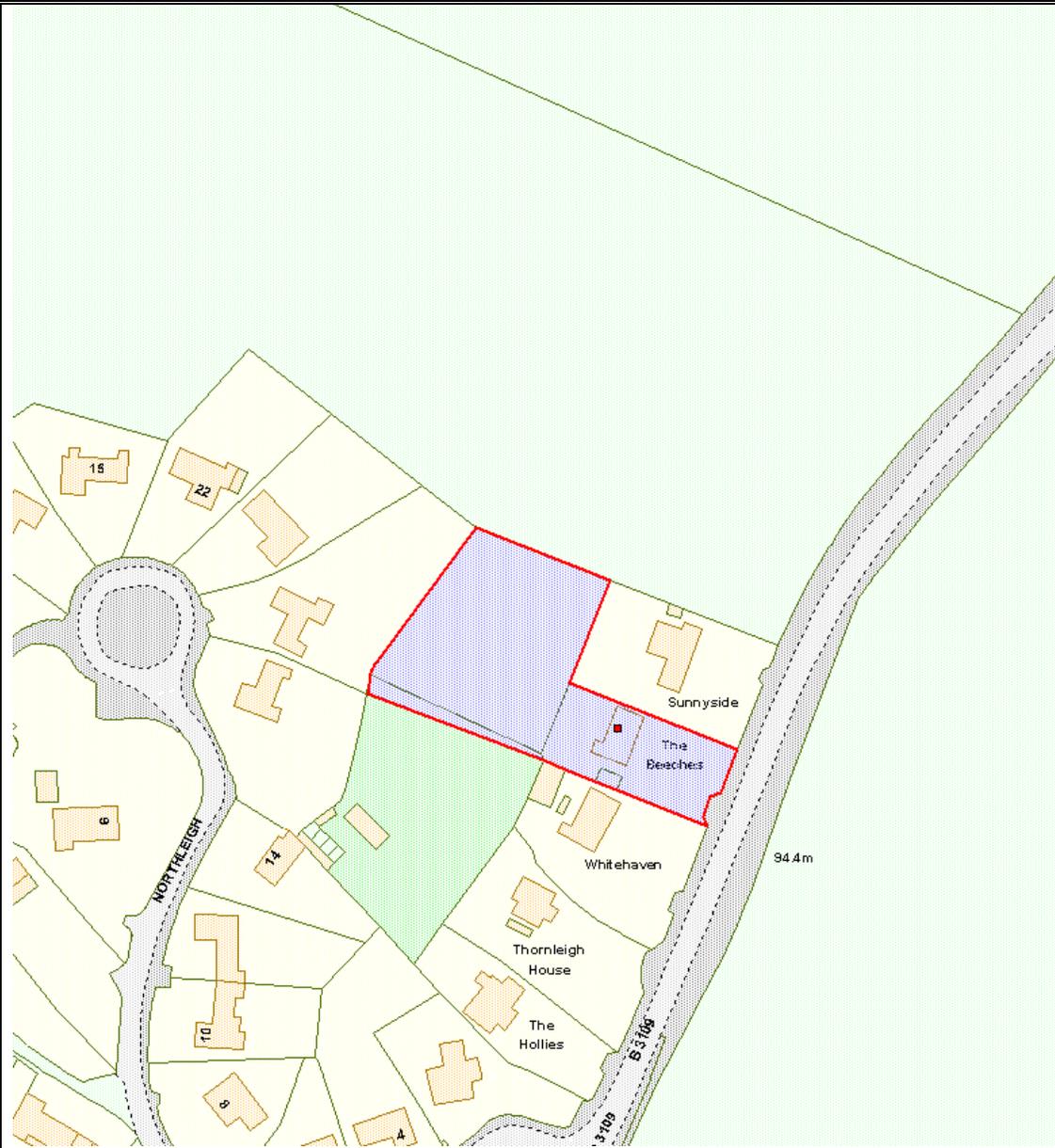
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**ITEM NO: 02**

**APPLICATION NO: 05/02892/FUL**

**LOCATION: The Beeches Leigh Road Bradford On Avon Wiltshire  
BA15 2RQ**



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**02 Application: 05/02892/FUL**

**Site Address: The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ**

Parish: Bradford On Avon Ward: Bradford On Avon North

Grid Reference 383206 162085

Application Type: Full Plan

Development: First and ground floor extensions to dwelling

Applicant Details: Mr Justin Thomson  
The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 09.12.2005 Expiry Date: 03.02.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

- 3 Within 3 months of the commencement of any development on site in connection with this permission, the existing garage as annotated on the approved plan shall be demolished and its former ground area surfaced to provide a hardstanding area for ancillary car parking for the main dwelling and shall be maintained as such thereafter.

REASON: To maintain the openness of the Western Wiltshire Green Belt and to ensure that an adequate area for parking is maintained.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies GB2 & T10.

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added above ground floor level of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Classes C-E and Part 2 Classes A & 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.

**Note(s) to Applicant:**

- 1 With regard to condition 5 of this permission, the applicant is advised that permitted development rights under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2005 are exhausted.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application was deferred from the Planning Committee on 26 January 2006 for clarification of issues between Officers and the applicant. This item is presented to the Planning Committee as the applicant's spouse is a member of the Council's Staff.

This application proposed new ground and first floor extensions to The Beeches, Leigh Road, Bradford on Avon, the individual elements of the proposal are described in detail in the Officer's comments below.

The Beeches is one of six dwellings dating from the 1960s fronting Leigh Road the existing property is a bungalow set some 25 metres back from the highway. There is a detached prefabricated garage to the immediate south of the bungalow and a flat roofed sunroom to the rear. The accommodation is on one floor and comprises a kitchen, dining room, living room, three bedrooms and a bathroom.

Consultation replies

- Bradford on Avon Town Council comments

No objections

- Publicity Responses

No objections

Relevant Planning Policy

Wiltshire Structure Plan 2011

DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan - 1st Alteration 2004

GB2 Western Wiltshire Green Belt

C1 The Countryside

C31a Design

C38 Nuisance

## Supplementary Planning Guidance (House Alterations and Extensions)

### Relevant Planning History

02/00864/FUL - Ground and first floor extensions - Refused 14.11.2002

APP/F3925/A/02/1105797 - Ground and first floor extensions - Dismissed 25.07.2003

04/00423/FUL - Alterations and extensions to existing dwelling - Permission 24.06.2004

04/01934/FUL - Alterations and extension - Permission 9.12.2004

None of the above permissions have been implemented. The most recent application is extant permission on the site, it can be implemented at any time before 24/6/09. The extant permission is for extensions to the rear of the property; the current application differs only in the addition of a dormer window on the rear of the property.

### KEY PLANNING ISSUES

The main issues for this application are the presumption against inappropriate development in the Western Wiltshire Green Belt and the planning history of the application site.

### PLANNING OFFICER COMMENTS

The planning history for the site, and in particular the Inspector's letter dated 25 July 2003 (APP/F3925/A/02/1105797) in respect of application number 02/00864/FUL provide a framework for considering further proposals at the site. The Inspector identifies the following three issues that are central to consideration of these proposals:

- Advice in PPG2 paragraphs 3.4 and 3.6
- If the proposal would be visible from the road
- If the proposal would be more akin to a two storey dwelling than a bungalow

Advice in PPG2 paragraphs 3.4 and 3.6

If a proposal would result in disproportionate additions to the original building then it would represent 'inappropriate development' as defined in PPG2 (Green Belts). There is a strong presumption against inappropriate development within Green Belts. Such development shall not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, which would lead to a loss of openness, the fundamental attribute of Green Belts.

Policy GB2 (iv) of the West Wiltshire District Plan 1st Alteration 2004 states that approval will not be given, except in very special circumstances for development other than the limited extension and/or alteration of existing dwellings provided it does not result in disproportionate additions over and above the size of the original building.

In order to determine whether a proposal would have a detrimental impact on the openness of the Green Belt, there is a requirement to consider all additions to the original house.

Green Belt policy therefore requires the extent of the original building to be established. In this case the approximate volume of the original building has been agreed with the applicant as being 432m<sup>3</sup>. As the garage and sun room are to be removed as part of the application these have not been considered as part of the calculations.

Whilst there is an extant permission on the site the whole scheme must be considered again as all the elements are proposed in this application. This scheme essentially proposes five elements of new extensions to the original dwellinghouse. These elements comprise:

- A porch to the front elevation with a pitched roof being 9.59 cubic metres,
- Two small dormer windows to the front elevation being 0.96 cubic metres
- Extension to the west elevation at ground floor being 122.19 cubic metres
- First floor of extension to west elevation being 39.4 cubic metres, and
- One dormer window to the rear elevation being 4.52 cubic metres.

Original dwelling = 432m<sup>3</sup>

Total of elements described above = 176.66 = 40.89% increase over the size of the original building. (It is Officer's opinion that this volume has been previously agreed with Mr. Thompson)

The five proposed extension elements are themselves individually considered to be limited extensions. However consideration needs to be given to whether these elements combined would result in disproportionate additions in relation to the original building.

The principle of limited extensions to this property had been established by planning applications reference 04/00423/FUL and 04/01934/FUL, granted in 2004.

The Inspector's decision letter of the 2003 Appeal states that in that case a volume increase of 39.7% to the overall volume of the original building would be disproportionate, and dismissed the Appeal. However in that case the Inspector concluded that the increased bulk of the building would be apparent from the road. Also the massing, height increase and bulk would be more akin to a two storey dwelling than a bungalow with accommodation in the roofspace.

With regard to paragraphs to 3.4 and 3.6 of PPG2, this case is finely balanced as it has been accepted that the extant permission covers the current proposal in all respects other than the proposed dormer window on the rear. The extant permission represents an increase of 39.86% over and above the original house, the current proposal would be an increase of 40.89%. Therefore, in this application the difference of 1.03% is essentially being discussed.

This is usually referred to as an incremental increase as it is a small addition to a permitted scheme. A clear direction has been given by the Inspectorate in recent appeal decisions, reported to members separately, and this has an impact on this case.

As the proposed dormer window is located at the rear of the property and would be entirely contained within the roof slope of the dwelling, and meets the additional two tests, as outlined below, the proposal would be an acceptable incremental increase to the extant permission.

If the proposal would be apparent from the road and if the proposal would be more akin to a two storey dwelling than a bungalow.

With regard to the two remaining tests set by the Inspector, the proposals are clearly acceptable as the proposals would not be visible from the road and would maintain the appearance of a single storey dwelling.

Whilst the percentage increase over and above the original dwelling is just one way of determining if an extension is 'limited', in this case it is the deciding factor as the proposals would be located largely on the rear of the property and would not be visible from a public place. On balance the design of the proposal is acceptable as the extension would not overshadow or overlook the neighbouring properties and would not be out of keeping with the host building.

As the extensions to the dwelling are approaching the boundary of what may be termed 'limited' in policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 and PPG2, a condition is recommended to remove all remaining permitted development rights on the property. This is in order to bring all additional increases in volume under the control of the planning system.

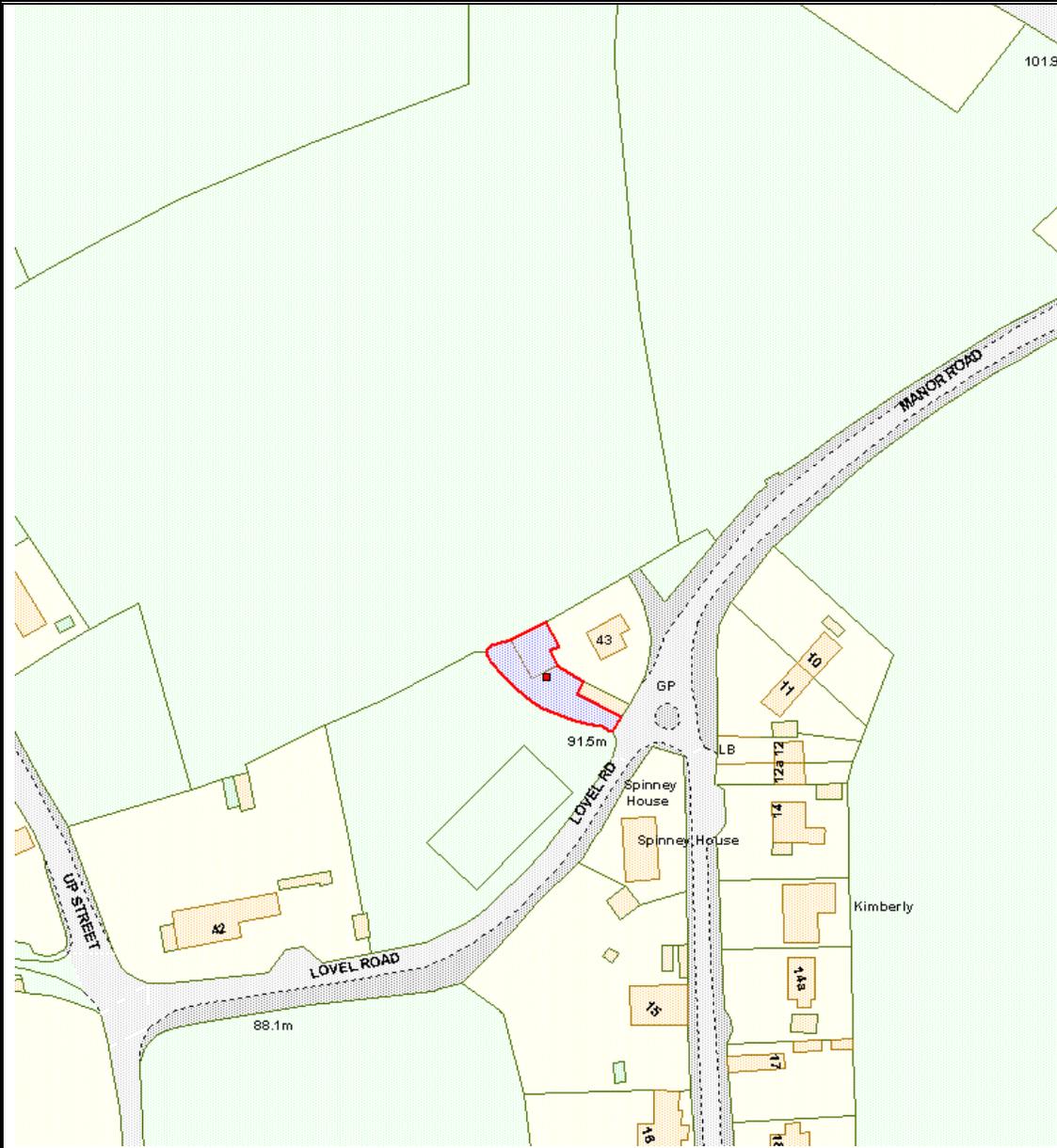
## CONCLUSION

On balance this application is recommended for permission as it is officer's opinion that the proposal would be not represent disproportionate additions over and above the size of the original dwelling.

**ITEM NO: 03**

**APPLICATION NO: 05/00856/FUL**

**LOCATION: The Coach House Level House 42 Level Road Upton  
Lovell Wiltshire**



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SLA: 100022961

**03 Application: 05/00856/FUL**

**Site Address: The Coach House Lovel House 42 Lovel Road Upton Lovell  
Wiltshire**

Parish: Upton Lovell Ward: Mid Wylve Valley

Grid Reference 394557 141039

Application Type: Full Plan

Development: Conversion of Coach House as residential annexe to Lovel House

Applicant Details: Mr And Mrs H Champion  
The Coach House Lovel House 42 Lovel Road Upton Lovell  
Wiltshire

Agent Details: Llewellyn Harker Ltd  
Home Farm East Pennard Shepton Mallet Somerset BA4 6TT

Case Officer: Mr Russell Brown

Date Received: 06.05.2005 Expiry Date: 01.07.2005

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall 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.

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

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 6 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.
- 7 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.
- 8 The development shall only be carried out strictly in accordance with the recommendations and mitigation measures of the approved ecological survey.
- REASON: In the interests of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.
- 9 The occupation of the accommodation hereby permitted shall be as an ancillary annexe to Lovel House and shall not be let or sold as separate accommodation.
- REASON: Because the creation of a separate dwelling unit would be contrary to planning policy in this area.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy H19.
- 10 The first floor store window overlooking the neighbouring garden shall be fitted with an obscure glass panel on the inside face of the window, and the window to the porch/utility shall be obscure glazed. Both windows shall be maintained as such thereafter.
- REASON: In order to protect the privacy of the occupiers of the neighbouring dwelling to the east.

# COMMITTEE REPORT

## APPLICATION DETAILS

This application has been brought to the Planning Committee as the Parish Council object and officers recommend permission. The application was deferred at Planning Committee on 16th February 2006 in order to fully reconsult the Parish Council.

This is an application to convert a Grade II curtilage listed coach house into a 3 bedroom residential annexe. The building is currently used as a garage/stores building.

The coach house is a mixed brick structure with a slate roof and has the appearance of an old agricultural barn. The coach house forms part of the curtilage of Lovell House, a Grade II listed building. The site is separated from the main house by a stone wall to the west and south of the coach house. There is a gate through the wall linking the site to the main house. To the north of the coach house is a large area of agricultural land, forming part of the wider landscape. There is a residential property less than 10 metres to the east.

The site is located within the village of Upton Lovell, the village does not have Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area Of Outstanding Natural Beauty.

The proposals include renovations to the openings and replacing some of the existing windows with new softwood windows and the insertion of rooflights and a stainless steel flue which would be 0.7 metres higher than the ridge height. The revised plans show that the window openings would be reused as existing. No existing window openings would be altered in terms of size or position.

The proposal also includes the construction of a new first floor at a lower level than the existing and the reinforcing of the roof structure.

A bat and barn owl survey has been submitted with the application.

The application has been revised several times in order to try to achieve an acceptable conversion scheme. The Parish Council have been fully reconsulted and the applicant has provided further clarification showing the ownership boundaries of the building.

## CONSULTATION REPLIES

### UPTON LOVELL PARISH COUNCIL

#### Objections

- Does not meet Policy H21 Conversion of Rural Buildings of the West Wiltshire District Plan 1st Alteration 2004
- The proposal is remote from services - PPG13 still applies
- The description has changed to an annexe but there is no justification for an annexe
- The plans have not be substantially altered to address the problems of the appearance of the conversion
- The proposal does not comply with Policy C2 Area Of Outstanding Natural Beauty of the West Wiltshire District Plan 1st Alteration 2004
- Increase in overlooking effect to neighbouring property
- Structural engineer's report is important
- Effect on neighbour's section of the building
- There is a door that exits directly onto a field, not residential land
- The entrance is dangerous and with the increased use of the property the danger would increase causing further difficulties for users of the road - the Highway Authority object

- Why has the applicant classed this as a coach house?
- Why is an annexe necessary?
- The building is co-owned and therefore the applicant cannot submit a planning application to change the building

The Parish Council maintains its objection to revised plans.

## STATUTORY CONSULTEES

### HIGHWAY AUTHORITY

"Previously an application at this site was refused on Highway grounds due to its remote location being contrary to the key aims of Planning Policy Guidance Note 13. The application is to convert the coach house to a residential annexe to Lovel House as accommodation for dependants or employees of the residents, however, it is not a typical annexe. It is not linked or even in close proximity to the main accommodation and vehicular access is not via the entrance to Lovel House, which means controlling the applicant's use of the dwelling would be difficult. By virtue of its size (3 bedrooms) it is more than likely that vehicular movements to and from the site via a sub-standard access would result from the proposed conversion. Visibility is severely restricted to well below the desired minimum by vehicles emerging from the site onto Lovel Road, to the left by the road geometry and vegetation bounding the neighbouring property and to the right by a high boundary wall to the grounds of Lovel House.

...recommend that this application be refused on highways grounds for the following reasons:

The increased use of the existing access, resulting from the proposed development, would be prejudicial to road safety.

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

### WESSEX WATER

No objections subject to Local Planning Authority being satisfied with the drainage arrangements

## INTERNAL WWDC CONSULTATIONS

### URBAN DESIGN AND CONSERVATION ASSISTANT

"It is my view that this building has both a functional working character created by the ground floor layout and the remaining elements from its use as a stables and garage, but also a domestic character created by the style of doorways window designs and external materials used. Therefore, I believe that a residential use in principle could work, the important factors to consider are minimising the amount of changes, using the right materials and methods for repair, replacement or new features and retaining the working character of the building.

The scheme still needs to consider reusing existing openings and matching materials. Other issues relating to construction details and finishes may be dealt with by condition."

The latest revised scheme addresses this point and reuses the existing openings.

## PUBLICITY RESPONSES

Neighbour notifications have been undertaken and the application advertised and a site notice attached to the site. Several letters have been received from a neighbour of the site, making the following points:

- Part of the building is owned by the neighbour
- There is a right of way for the neighbour over the yard to the front of the building
- The plans seem to alter part of the neighbour's section
- There is a shared internal brick wall - with ventilation gaps
- There are two existing windows that will overlook the neighbouring property
- Increased use of site leading to harm to the safety of road users
- Drainage concerns
- Disturbance and damage to the neighbouring section of wall

## RELEVANT PLANNING HISTORY

04/01484/FUL - Conversion of existing coach house into 3 bedroomed dwelling - Refusal  
14.09.2004

04/01712/LBC - Conversion of existing Coach House into 3 bedroomed dwelling - Refusal  
25.10.2004

These applications were refused. They would have resulted in significant and unsympathetic alterations. In addition, they were refused for neighbouring amenity problems, highways reasons due to the unsustainable location and the use of the building as a separate dwelling without complying with Policy H21.

## PLANNING POLICY

Wiltshire Structure Plan 2011  
C8 - Area Of Outstanding Natural Beauty  
HE7 - Listed Buildings

West Wiltshire District Plan 1st Alteration 2004  
C1 - Countryside  
C2 - Area Of Outstanding Natural Beauty  
C27 - Listed Buildings  
C28 - Alterations and Extensions to Listed Buildings  
C31a - Design  
C38 - Nuisance  
H21 - Conversions of Rural Buildings  
U4 - Groundwater Source Protection Area

PPG1 - General Policy and Principles  
PPS7 - Sustainable Development in Rural Areas  
PPG13 - Transport  
PPG15 - Planning and the Historic Environment

## PLANNING OFFICER'S COMMENTS

### KEY PLANNING ISSUES

The key issues in this case are whether the proposal is acceptable in Policy terms and its impact on the listed building, the Area Of Outstanding Natural Beauty, neighbouring amenity, the natural environment, highways matters and planning history.

Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 states that the conversion of rural buildings in the countryside and in settlements without Village Policy Limits to residential use will only be permitted subject to the satisfaction of certain criteria.

These criteria include that the applicant has made every reasonable attempt to secure business, tourism or sport and recreation re-use. The application is supported by a statement of the efforts which have been made. That the building is of substantial, sound and permanent construction and capable of conversion without extensive alteration, rebuilding, and/or extension or otherwise significantly altering its original character. That the proposed conversion safeguards and/or enhances the essential form, structure, character, and important traditional features of the building and the countryside. That it does not create highway problems and that it does not harm the natural environment.

Policy H21 also states that in considering such proposals structural surveys of buildings proposed for conversion will be required.

The applicant has not provided any evidence to show that the an alternative use in accordance with the Policy has been sought. However, due to the unsustainable location of the site and the substandard access this site would be unsuitable for development other than an ancillary residential use. Consequently, the requirement to find an alternative use does not apply to this particular site and building.

A structural report of the building has been submitted as further information for this application. The report indicates that the building is capable of conversion subject to repair works to the roof structure when the proposed new floor is installed. A bat and barn owl survey shows that there are no large bat roosts in the building and provides recommendations for protection measures during conversion to ensure that if any individual roosts or other wildlife are found mitigation measures are put in place. This should be the subject of a condition.

The creation of an ancillary residential annexe in this location as proposed would be in accordance with Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 as the proposed conversion would safeguard the essential form, structure, character, and important traditional features of the building and the countryside. The building is a Grade II curtilage listed building and has the appearance of an agricultural barn. The alterations, including replacing existing windows with new softwood windows, the insertion of conservation rooflights and a stainless steel flue, would not harm the traditional nature of the building in terms of design and materials.

These factors are given greater weight as it is a Grade II curtilage building. Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 seeks to protect the character, setting, form and features of architectural interest of listed buildings and that loss or damage to historic fabric is minimised. Any new details should be designed so as to match or be in keeping with, and respect, the character of the building and materials should match, or be sympathetic to, those of the existing building. This latest proposal utilises the existing openings and retains the existing features and form, for example, the diamond pattern glazing in the windows and reusing the existing slates for the roof.

The separation the boundary wall provides lends a prominence to the site and the coach house. This gives the site an important presence in the street scene as part of the overall rural character of the village. The large area of open agricultural land to the north of the site means that the site and the coach house form part of the agricultural landscape of the area. The conversion of this building to ancillary living accommodation would retain the essential form and character of the building, utilising the existing openings and features. Therefore the conversion would be in keeping with the surrounding agricultural and rural landscape, and consequently the special landscape character of the Area Of Outstanding Natural Beauty would be retained.

There are existing east facing windows which would be retained as window openings. These windows are less than 10 metres from the neighbouring residential property to the east, however due to the rooms they serve there would not be a detrimental overlooking effect. The existing ground floor window would be a porch/utility window and the existing first floor window would be a store/cupboard window. Consequently, it can be seen that these windows would not result in a significant amount of overlooking and as such would not be detrimental to the amenities of the neighbour.

The Highway Authority have recommended refusal on grounds that the location of the site is unsustainable. However, the building would be used as ancillary to the main house and therefore part of the use that already exists in this location. The Highway Authority have also objected on grounds of the increased use of the building leading to harm to highway safety. The building is currently used as a garage with parking and therefore cars can come and go at any frequency. The ancillary use of this building would not necessarily increase the use of this site by vehicles.

The previous applications were for an entirely separate dwelling. These applications were refused. They would have resulted in significant and unsympathetic alterations. In addition, they were refused for neighbouring amenity problems, highways reasons due to the unsustainable location and the use of the building as a separate dwelling without complying with Policy H21.

The current proposals have been designed, as described in the above report, to respect and retain the original and existing character of the coach house and are therefore acceptable. There would no longer be any significant overlooking to the neighbouring property. The site, being used for ancillary residential accommodation, would be retained as part of the overall residential use of the main house. Therefore this existing access is acceptable for its continued use as part of this single residential use. As the building would be used as ancillary to the main residential use of the main house, the location is sustainable as the use is not increased in terms of a separate planning unit - the planning unit will remain as existing. Consequently, H21 no longer applies to the proposal as the building will be retained within the planning unit and used as part of the main residential use of the site.

There seems to be some dispute over the ownership of the building. The applicant has confirmed that this proposed scheme is entirely related to parts of the building within their ownership and have provided additional information to clarify this. Works to a party wall would fall within the remit of the Party Wall Act and these considerations need to be agreed with the relevant owners.

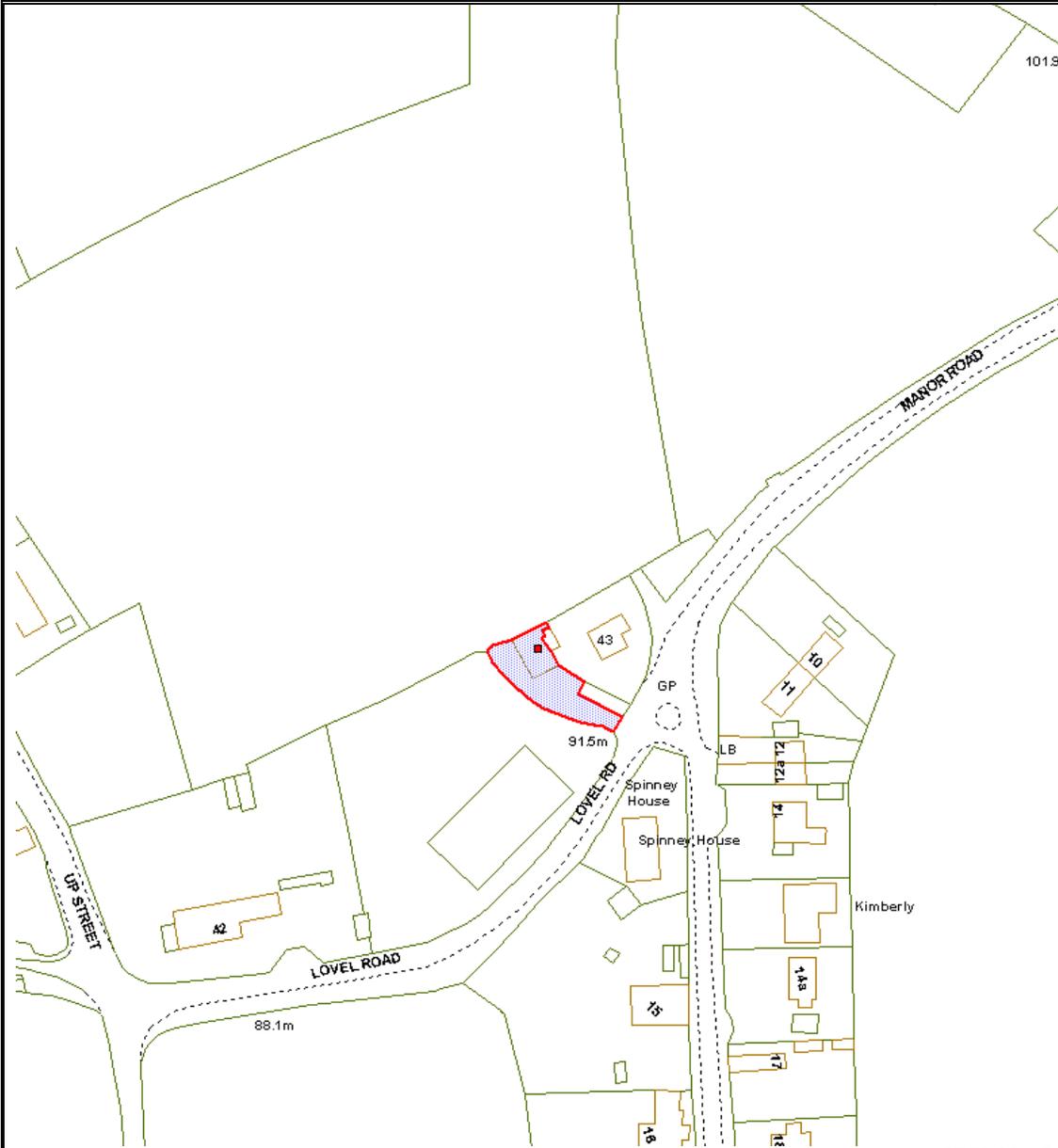
## CONCLUSION

The conversion of this building to a residential annexe is acceptable within Policy and would not harm the special landscape character of the Area Of Outstanding Natural Beauty or the character of the listed building. The conversion would not be detrimental to neighbouring amenities and would not result in a significant increase in harm to highway safety. Therefore, the application is recommended for permission.

**ITEM NO: 04**

**APPLICATION NO: 05/00855/LBC**

**LOCATION: The Coach House Level House 42 Level Road Upton  
Lovell Wiltshire**



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**04 Application: 05/00855/LBC**

**Site Address: The Coach House Lovel House 42 Lovel Road Upton Lovell  
Wiltshire**

Parish: Upton Lovell Ward: Mid Wylve Valley  
Grid Reference 394557 141038  
Application Type: Listed building  
Development: Conversion of Coach House to provide annexe to Lovel House  
Applicant Details: Mr & Mrs H Champion  
The Coach House Lovel House 42 Lovel Road Upton Lovell  
Wiltshire  
Agent Details: Llewellyn Harker Ltd  
Home Farm East Pennard Shepton Mallet Somerset BA4 6TT  
Case Officer: Mr Russell Brown  
Date Received: 06.05.2005 Expiry Date: 01.07.2005

**REASON(S) FOR CONSENT:**

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

**RECOMMENDATION: Consent**

**Condition(s):**

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

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

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

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

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 6 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 7 All existing (roof tiles/bricks/stonework) shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 8 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.
- REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 9 Details of the existing roof structure, and proposals for its reconstruction including the retention where possible of existing members, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 10 Details of the construction of the new first floor shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the interruption of the fabric of the listed building is minimised.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

# COMMITTEE REPORT

## APPLICATION DETAILS

This application has been brought to the Planning Committee as the Parish Council object and officers recommend permission. The application was deferred at Planning Committee on 16th February 2006 in order to fully reconsult the Parish Council.

This is a listed building consent application to convert a Grade II curtilage listed coach house into a 3 bedroom residential annexe. The building is currently used as a garage/stores building.

The coach house is a mixed brick structure with a slate roof and has the appearance of an old agricultural barn. The coach house forms part of the curtilage of Lovell House, a Grade II listed building. The site is separated from the main house by a stone wall to the west and south of the coach house. There is a gate through the wall linking the site to the main house. To the north of the coach house is a large area of agricultural land, forming part of the wider landscape. There is a residential property less than 10 metres to the east.

The site is located within the village of Upton Lovell, the village does not have Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area Of Outstanding Natural Beauty.

The proposals include renovations to the openings and replacing some of the existing windows with new softwood windows and the insertion of rooflights and a stainless steel flue which would be 0.7 metres higher than the ridge height. The revised plans show that the window openings would be reused as existing. No existing window openings would be altered in terms of size or position.

The proposal also includes the construction of a new first floor at a lower level than the existing and the reinforcing of the roof structure.

The application has been revised several times in order to try to achieve an acceptable conversion scheme. The Parish Council have been fully reconsulted and the applicant has provided further clarification showing the ownership boundaries of the building.

## CONSULTATION REPLIES

### UPTON LOVELL PARISH COUNCIL

#### Objections

- Does not meet Policy H21 Conversion of Rural Buildings of the West Wiltshire District Plan 1st Alteration 2004
- The proposal is remote from services - PPG13 still applies
- The description has changed to an annexe but there is no justification for an annexe
- The plans have not be substantially altered to address the problems of the appearance of the conversion
- The proposal does not comply with Policy C2 Area Of Outstanding Natural Beauty of the West Wiltshire District Plan 1st Alteration 2004
- Increase in overlooking effect to neighbouring property
- Structural engineer's report is important
- Effect on neighbour's section of the building
- There is a door that exits directly onto a field, not residential land
- The entrance is dangerous and with the increased use of the property the danger would increase causing further difficulties for users of the road - the Highway Authority object
- Why has the applicant classed this as a coach house?
- Why is an annexe necessary?
- The building is co-owned and therefore the applicant cannot submit a planning application to change the building

The Parish Council maintains its objection to revised plans.

## INTERNAL WWDC CONSULTATIONS

### URBAN DESIGN AND CONSERVATION ASSISTANT

"It is my view that this building has both a functional working character created by the ground floor layout and the remaining elements from its use as a stables and garage, but also a domestic character created by the style of doorways window designs and external materials used. Therefore, I believe that a residential use in principle could work, the important factors to consider are minimising the amount of changes, using the right materials and methods for repair, replacement or new features and retaining the working character of the building.

The scheme still needs to consider reusing existing openings and matching materials. Other issues relating to construction details and finishes may be dealt with by condition."

The latest revised scheme addresses this point and reuses the existing openings.

## PUBLICITY

A site notice has been attached to the site. Several letters have been received from a neighbour of the site, making the following points:

- Part of the building is owned by the neighbour
- There is a right of way for the neighbour over the yard to the front of the building
- The plans seem to alter part of the neighbour's section
- There is a shared internal brick wall - with ventilation gaps
- There are two existing windows that will overlook the neighbouring property
- Increased use of site leading to harm to the safety of road users
- Drainage concerns
- Disturbance and damage to the neighbouring section of wall

## PLANNING POLICY

Wiltshire Structure Plan 2011  
HE7 - Listed Buildings

West Wiltshire District Plan 1st Alteration 2004  
C27 - Listed Buildings  
C28 - Alterations and Extensions to Listed Buildings  
C31a - Design  
H21 - Conversions of Rural Buildings

PPG1 - General Policy and Principles  
PPS7 - Sustainable Development in Rural Areas  
PPG15 - Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

04/01484/FUL - Conversion of existing coach house into 3 bedroomed dwelling - Refusal  
14.09.2004

04/01712/LBC - Conversion of existing Coach House into 3 bedroomed dwelling - Refusal  
25.10.2004

These applications were refused. They would have resulted in significant and unsympathetic alterations. In addition, they were refused for neighbouring amenity problems, highways reasons due to the unsustainable location and the use of the building as a separate dwelling without complying with Policy H21.

## KEY ISSUES

The key issue in this case is whether the proposal is acceptable in terms of the impact on the listed building.

## PLANNING OFFICER'S COMMENTS

The building is a Grade II curtilage listed building and has the appearance of an agricultural barn. The alterations, including replacing existing windows with new softwood windows, the insertion of conservation rooflights and a stainless steel flue, would not detrimentally harm the traditional nature of the building in terms of design and materials.

These factors are given greater weight as it is a Grade II curtilage building. Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 seeks to protect the character, setting, form and features of architectural interest of listed buildings and that loss or damage to historic fabric is minimised. Any new details should be designed so as to match or be in keeping with, and respect, the character of the building and materials should match, or be sympathetic to, those of the existing building. This latest proposal utilises the existing openings and retains the existing features and form, for example, the diamond pattern glazing in the windows and reusing the existing slates for the roof.

A structural report of the building has been submitted as further information for this application. The report indicates that the building is capable of conversion subject to repair works to the roof structure when the proposed new floor is installed.

The existing first floor is in a poor state and is not worthy of retention in itself. This floor is part of the reason the building is in a generally poor state as it is causing the spread of the roof structure. The replacement of this floor would also structurally strengthen the building which would improve the integrity of the structure and ensure the building's longevity.

The previous applications were for an entirely separate dwelling. These applications were refused. They would have resulted in significant and unsympathetic alterations. The current proposals have been designed, as described in the above report, to respect and retain the original and existing character of the coach house and are therefore acceptable.

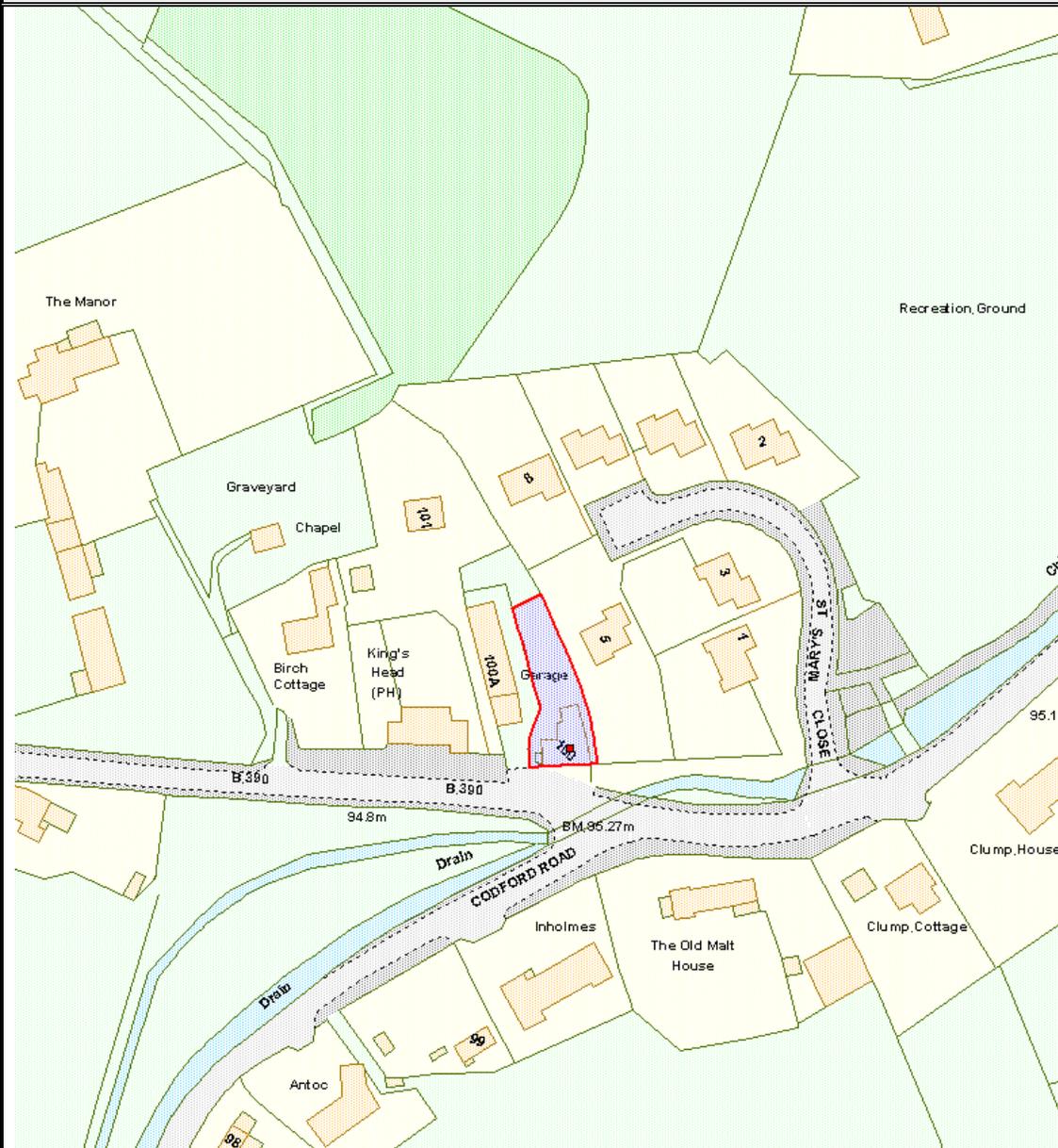
## CONCLUSION

The conversion of this building to a residential annexe would not detrimentally harm the character or fabric of the listed building. Therefore, the application is recommended for consent.

**ITEM NO: 05**

**APPLICATION NO: 05/03001/FUL**

**LOCATION: Bridge Cottage Chitterne Wiltshire BA12 0LJ**



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SLA: 100022961

**05 Application: 05/03001/FUL**

**Site Address: Bridge Cottage Chitterne Wiltshire BA12 0LJ**

Parish: Chitterne Ward: Mid Wylve Valley  
Grid Reference 399033 143842  
Application Type: Full Plan  
Development: New first floor extension over existing single storey  
Applicant Details: Mr And Mrs A Cockburn  
Bridge Cottage Chitterne Wiltshire BA12 0LJ  
Agent Details: Architectural Drawing Services  
The Coach House High Street Chapmanslade Westbury Wiltshire  
Case Officer: Mr Peter Westbury  
Date Received: 21.12.2005 Expiry Date: 15.02.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposal by reason of its size, form, bulk and scale would harm the character and fabric of the Listed building contrary to Policies C27 and C28 of the West Wiltshire District Plan - 1st Alteration 2004.
- 2 The proposal by reason of its size, form, bulk and scale would result in detrimental harm to the special character and appearance of the Conservation Area contrary to Policies C17 and C18 of the West Wiltshire District Plan - 1st Alteration 2004.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This is an application for full planning permission for a first floor extension to a detached dwelling in Chitterne. The property is a Grade II Listed building within a Conservation Area. The house occupies a prominent position on the northern side of Chitterne Road, to the east of the Kings Head Public House. The site is set in a predominantly residential area.

The application proposal is for a first floor extension over an existing single storey rear extension. It would include a pitched roof to a height of approximately 6m, 0.5m below the ridge of the main house. The proposal would incorporate one west facing dormer window.

There is an existing single storey extension to rear of the property which is approximately 7.5m deep by 4.2m wide and has a corrugated metal pitched roof. The applicants have submitted representations indicating that this roof is constructed with asbestos and is in a dilapidated condition.

### **CONSULTATION REPLIES:**

- CHITTERNE PARISH COUNCIL: No comments received.

## PUBLICITY RESPONSES

The application has been publicised by Site Notice and press advertisement.

Neighbouring properties were consulted and as a result one letter in support of the proposal has been received.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- C17 Conservation Areas
- C18 New development in Conservation Areas
- C27 Listed Buildings
- C28 Alterations and extensions to Listed buildings
- C38 Nuisance
- C31A Design

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

## RELEVANT PLANNING HISTORY

05/01284/FUL - First floor rear extension - Refused 17/11/2005. This application was refused for two reasons:

1. The proposal by reason of its size, form, bulk and scale would result in detrimental harm to the character and fabric of the Listed building contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.
2. The proposal by reason of its size, form, bulk and scale would result in detrimental harm to the special character and appearance of the Conservation Area contrary to Policies C17 of the West Wiltshire District Plan 1st Alteration 2004.

05/01285/LBC - First floor rear extension - Refused 17/11/2005.

## KEY PLANNING ISSUES

The key planning issues are whether the earlier reasons for refusing the planning application set out above have been overcome, the impact of the proposals on the character of the Listed building, character and appearance of the Conservation Area and neighbouring amenity.

## PLANNING OFFICER COMMENTS

It is considered that while the proposal has been reduced in size, the reasons for refusal (set out above) have not been overcome.

In order to address the first reason for refusal, the applicants have reduced the size of the proposal and have removed one dormer from the side elevation. The refused application included a proposal for a ridged roof extension set approximately 0.2m below the ridge of the main house. They have also removed one of the proposed dormer windows.

The amendments (reduction of overall height and removal of one dormer) go some way to addressing the first reason. However, your Officers remain of the opinion that the first reason has not been overcome. Even with a single dormer, the size, form, bulk and scale of the proposal is considered to continue to be detrimental to the character and fabric of this Listed building. The proposal would raise the prominence of this section of the building and would remove the simple character of the original. The proposal would continue to create a dominant feature that would detrimentally harm the character of the original. It is noted that a letter of support has been received.

In reaching this conclusion, Officers are mindful that the site is a Listed building within a Conservation Area where the Council have a statutory duty to protect the historic environment.

The neighbouring properties are set back significantly from the road and the application property. The amenities of neighbouring properties would not be harmed as the first floor windows would only overlook the front gardens/driveways of the adjacent properties.

In respect of the second reasons for refusal set out above, the amended proposed extension would continue to interrupt features of historic interest within the main house as it would interrupt the roof structure. A doorway would be required at first floor level to gain access to the extension which would also result in harm to the fabric of the Listed building. The second reason for refusal has therefore not been overcome.

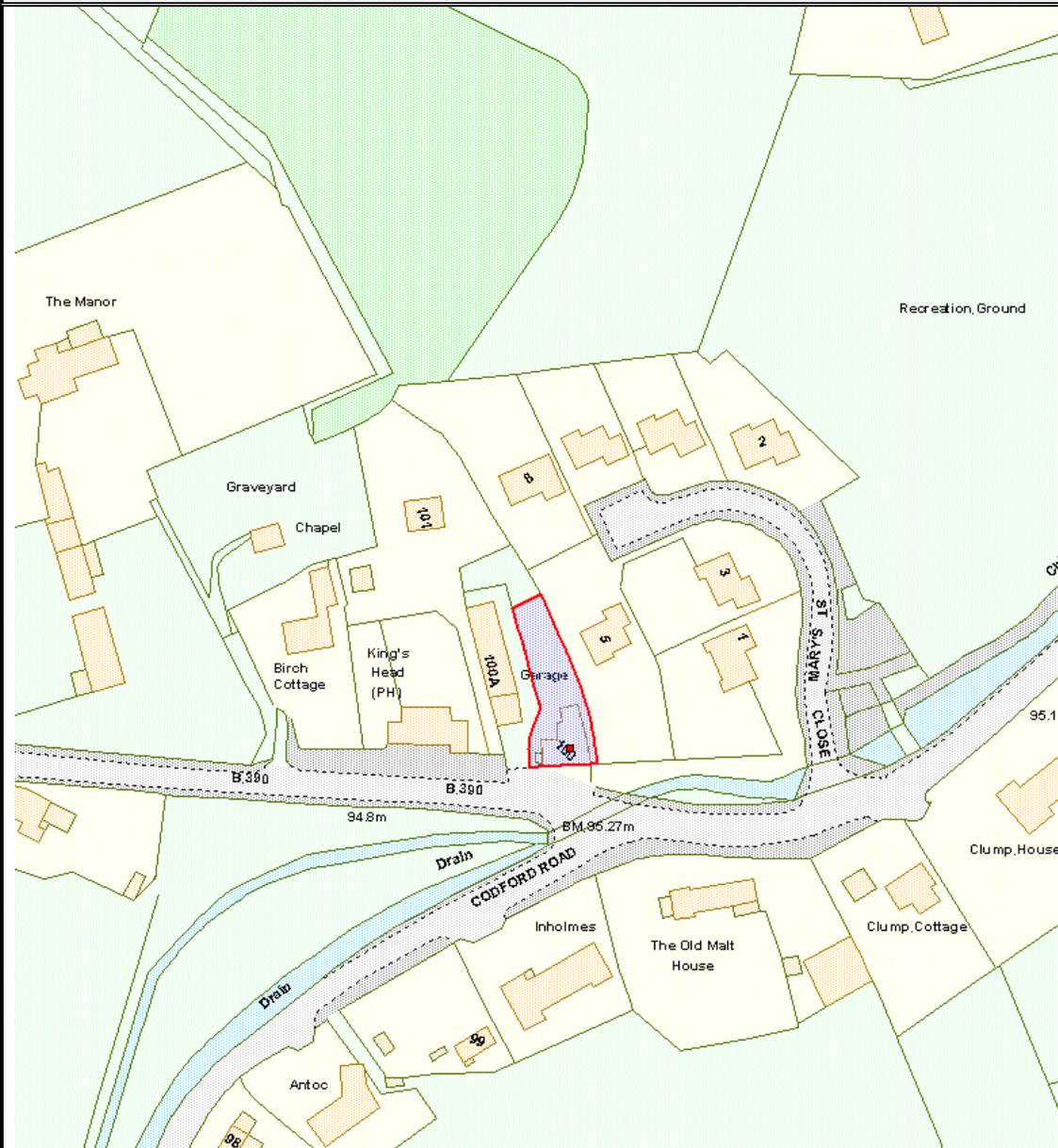
## CONCLUSION

The two reasons for refusal have not been overcome, and it is considered that the application should be refused because of the harm to the character of the Listed building and the special character and appearance of the Conservation Area.

**ITEM NO: 06**

**APPLICATION NO: 05/03009/LBC**

**LOCATION: Bridge Cottage Chitterne Wiltshire BA12 0LJ**



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SLA: 100022961

**06 Application: 05/03009/LBC**

**Site Address: Bridge Cottage Chitterne Wiltshire BA12 0LJ**

Parish: Chitterne Ward: Mid Wylve Valley  
Grid Reference 399033 143842  
Application Type: Listed building  
Development: New first floor extension over existing single storey to provide additional bedroom  
Applicant Details: Mr And Mrs A Cockburn  
Bridge Cottage Chitterne Wiltshire BA12 0LJ  
Agent Details: Architectural Drawing Service  
The Coach House High Street Chapmanslade Westbury Wiltshire  
Case Officer: Mr Peter Westbury  
Date Received: 21.12.2005 Expiry Date: 15.02.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposal by reason of its size, form, bulk and scale would harm the character and fabric of the Listed building contrary to Policies C27 and C28 of the West Wiltshire District Plan - 1st Alteration 2004.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This is an application for Listed building consent a first floor extension to a detached dwelling in Chitterne. The property is a Grade II Listed building within a Conservation Area. The house occupies a prominent position on the northern side of Chitterne Road, to the east of the Kings Head Public House. The site is set in a predominantly residential area.

The application proposal is for a first floor extension over an existing single storey rear extension. It would include a pitched roof to a height of approximately 6m, 0.5m below the ridge of the main house. The proposal would incorporate one west facing dormer window.

There is an existing single storey extension to rear of the property which is approximately 7.5m deep by 4.2m wide and has a corrugated metal pitched roof. The applicants have submitted representations indicating that this roof is constructed with asbestos and is a dilapidated condition.

### **CONSULTATION REPLIES:**

- CHITTERNE PARISH COUNCIL: No comments received.

## PUBLICITY RESPONSES

The application has been publicised by Site Notice and press advertisement.

Neighbouring properties were consulted and as a result one letter in support of the proposal has been received.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- C17 Conservation Areas
- C18 New development in Conservation Areas
- C27 Listed Buildings
- C28 Alterations and extensions to Listed buildings
- C38 Nuisance
- C31A Design

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

## RELEVANT PLANNING HISTORY

05/01284/FUL - First floor rear extension - Refused 17/11/2005

05/01285/LBC - First floor rear extension - Refused 17/11/2005. This application was refused consent for the following reason:

The proposal by reason of its size, form, bulk and scale would result in detrimental harm to the character and fabric of the Listed building contrary to Policies C27 and C28 of the West Wiltshire District Plan - 1st Alteration 2004.

## KEY PLANNING ISSUES

The key planning issues is whether the earlier reasons for refusing the application for Listed building consent has been overcome and the impact of the proposals on the character of the Listed building.

## PLANNING OFFICER COMMENTS

It is considered that while the proposal has been reduced in size, the reason for refusal (set out above) has not been overcome.

The amended proposed extension would continue to interrupt features of historic interest within the main house as it would interrupt the roof structure. A doorway would be required at first floor level to gain access to the extension which would also result in harm to the fabric of the Listed building.

The existing rear extension of the Listed building is not of special historic interest however the proposal would raise the prominence of this section of the building and would remove the simple character of the original building. The proposed extension would create a dominant feature that would detrimentally harm the character of the original building. Therefore the alteration of the existing extension would not be acceptable in terms of the character of the Listed building.

The dormer window would also be features that would not be in keeping with the character of the Listed building and would therefore be harmful.

The materials used would match the original part of the building, however this is not considered an improvement that would override the harm the proposal would cause to the character and fabric of the Listed building.

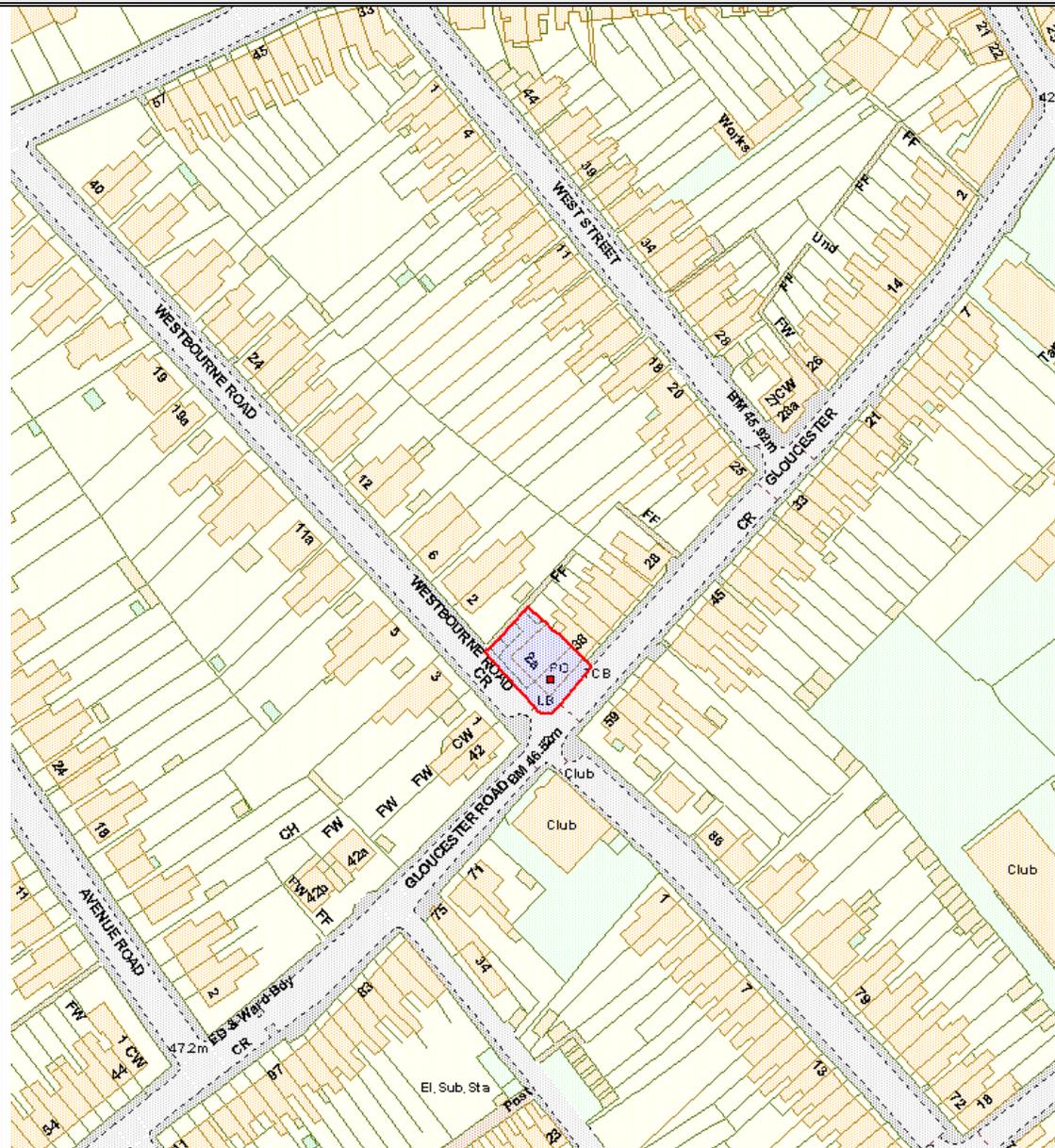
## CONCLUSION

The reason for refusing consent for the earlier application has not been overcome, and it is considered that the application should be refused because of the harm to the character of the Listed building and the special character and appearance of the Conservation Area.

**ITEM NO: 07**

**APPLICATION NO: 05/02769/FUL**

**LOCATION: 40 Gloucester Road Trowbridge Wiltshire BA14 0AB**



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SLA: 100022961

**07 Application: 05/02769/FUL**

**Site Address: 40 Gloucester Road Trowbridge Wiltshire BA14 0AB**

Parish: Trowbridge Ward: College  
Grid Reference 385033 157527  
Application Type: Full Plan  
Development: Conversion into five self contained flats  
Applicant Details: CMC Properties Ltd  
7 Silver Street Warminster Wiltshire BA12 8PS  
Agent Details: Ashley Design Associates  
The Old Ride Bath Road Bradford On Avon Wilts BA15 2PB  
Case Officer: Mr Mark Reynolds  
Date Received: 18.11.2005 Expiry Date: 13.01.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 The materials to be used in the construction of the external wall at the south east elevation 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 parking spaces shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 5 This permission relates to the property on the north corner at the junction of Westbourne Road with Gloucester Road, known as 40 Gloucester Road.

REASON: In order to define the terms of this permission.

**Note(s) to Applicant:**

- 1 The developer is advised to protect the integrity of Wessex systems. The developer should agree in writing with Wessex Water prior to the commencement of works on site, any arrangements for the protection of Wessex infrastructure.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application is brought to planning committee because Trowbridge Town Council object to the application and Officers recommend permission. The application was also called to committee at the request of Councillor Osborn.

This is a full planning application for the conversion of an existing five bed dwelling and former shop area into five flats. The existing building is a large stone built structure under a tiled roof. The building is located within an area which is primarily residential in character and the site occupies the northern corner of the junction between Gloucester Road and Westbourne Road in the Newtown area of Trowbridge. The application site is also located within a Conservation Area.

Of the accommodation proposed four flats would be single bedroom dwellings whilst one would be a two bed dwelling. The application site measures 216sq.m. It is proposed that parking would be to the north west of the existing building and that five car parking spaces would be provided on an open piece of land which previously held a garage. Notwithstanding this, only three of the spaces would be capable of use.

In terms of external alterations to the property the proposal would involve the removal of an existing shop window and the re-opening of a blocked up window on the south east elevation and the partial removal of an extension on the north west elevation.

The application has been supported by a statement from I.M.A Transport Planning which concludes that adequate on-street car parking exists and that the development would not exacerbate the position compared to the existing residential/retail development on the site.

### CONSULTATION REPLIES

#### TROWBRIDGE TOWN COUNCIL

Resolved to support the local residents objections to this development.

#### STATUTORY CONSULTEES

#### HIGHWAY AUTHORITY

No objections subject to conditions

#### WESSEX WATER

No objections

### PUBLICITY RESPONSES

The proposal was advertised by site notice and in the local press and neighbours were notified. Eighteen letters were received raising the following objections:

- Parking issues
- Visibility limited by cars parking
- Increase in traffic congestion harming amenities by noise, pollution, and hygiene and safety
- Publicity poorly carried out
- Double yellow lines restrict parking
- Risk to pedestrians
- Storage of bins, vandalism of bins
- Some neighbours not notified
- Notice put up to late
- Overdevelopment
- Precedent
- Loss of an on-street parking space
- Construction traffic will cause a nuisance
- Out of keeping with the character of the area
- Money making scheme
- Conservation area
- Loss of garden space

Comments of support were received within the above letter noting the following:

- Appearance of building will be enhanced

#### PLANNING POLICY

Wiltshire Structure Plan 2011

DP7 Housing in towns and main settlements

T5 Parking

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further Housing Development within Towns

H16 - Flat conversion

C17 - Conservation Area

C19 - Alterations in Conservation Areas

C21 - Change of use in Conservation Areas

C31a - Design

C32 - Landscaping

C38 - Nuisance

C39 - Environmental enhancements

T10 - Car parking

Wiltshire Local Transport Plan - Annex 11: Parking Plan

PPS 1 - Delivering Sustainable Development

PPG 3 - Housing

PPG 13 - Transport

#### RELEVANT PLANNING HISTORY

89/01558/FUL - Alterations to rear store and kitchen - Permission 03.10.89

05/02771/FUL - Conversion of store to dwelling - Pending

#### KEY PLANNING ISSUES

The issues to consider in this case are policy issues, car parking, design and because the site lies within a Conservation Area a consideration will be given as to whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

## PLANNING OFFICER COMMENTS

### Planning Policy:

Both national and local policy encourages the most efficient use of urban land for new housing. The sub-division and extension of existing dwellings to create flat developments can enhance the range and increase the housing stock. The most recent Housing Needs survey highlighted the requirement for smaller dwelling units in West Wiltshire to meet identified needs, and in principle therefore, there is no general objection to such proposals.

Policy H16 of the adopted District Plan permits the conversion of properties into flats providing that they do not result in the over intensive sub-division of properties, are not detrimental to the appearance of the building or the character of the area, have adequate parking provision and amenity space, and are otherwise not detrimental to the amenity of the neighbouring residents.

With reference to these particular criteria, the following are considered relevant:-

The character of the surrounding area is mostly that of terraced properties forming relatively high density developments. The proposed development for five flats would represent a density of 227 dwellings per hectare. PPG 3 promotes densities which avoid an inefficient use of land of under 30 dwellings per hectare and advises that a greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors should be sought. It also advises that policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided. Whilst the density here of 227 dwellings per hectare is high, given the relatively high density of surrounding developments and the fact that these are flats is located within the town centre in a sustainable location, the proposal would not represent overdevelopment. The agent for the application has provided written confirmation that smaller units than those proposed are available for rent in Trowbridge. The Housing Needs Survey confirms that a demand exists for small residential units in the district and accordingly the density of development is not considered to result in an over-intensive sub-division of the property and that the proposal would accord with Policy H16 in this respect.

Moreover PPG 3 supports the conversion to housing of buildings formerly in other uses and the upper-floor space over shops which can provide an important source of additional housing, particularly in town centres. In this instance the commercial usage of the ground floor of the building ceased in 1993 and has been vacant since this point becoming incorporated within the existing dwelling unit. The creation of further flats would not therefore result in the loss of any employment space.

The proposal would not harm neighbouring amenity.

### Car Parking and highway safety

Policy T10 of the West Wiltshire District Plan 1st Alteration 2004 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'.

Car parking is to be provided in what appears to have previously been a small rear garden space which incorporated a garage. The Highway Authority have stated that only three out of the five spaces shown could be effectively used. The Highway Authority have noted that in recognition of the good public transport links available to the town that three spaces would be acceptable for the six dwellings which are proposed. The figure of six dwellings also includes application reference: 05/02771/FUL which proposes a further dwelling to be created out of the former store area of the building.

The Highway Authority states that it is evident that there is some available on-street parking in the vicinity of the site. The proposed units being one bed units may be attractive to people who do not own cars and given the availability of services and employment opportunities within the locality the proposal to incorporate only three spaces is considered acceptable.

In determining the required quantity of car parking for any development, an objective assessment can be made based on the site's accessibility by alternative means of transport. This may be determined by applying the County Council's Wiltshire Local Transport Plan - Accessibility Matrix. In support of the application an accessibility survey was completed. This survey was extracted from the Wiltshire Local Transport Plan and if an accessibility justification can be shown, a reduction in the normal parking standards can be accepted, theoretically resulting in a zero parking requirement for a highly accessible site. Applying this test to the overall site results in a discount of between 50-100% being made to parking levels. This proposal for three spaces for five dwellings would on this basis be acceptable.

A transport survey was submitted with the application and survey work took place on Tuesday 1st February at 08:00 and 21:00 based on these times reflecting the peak or busiest periods of parking. At 21:00 while demand was high the survey observed 6 spaces on the Westbourne Road, 9 spaces on Gloucester Road. In total the survey observed that when you would expect highest demand for parking that 17 on-street parking spaces available on roads surrounding the site. It was also noted that additional capacity existed during the survey at 08:00.

Furthermore the previous use of the site should be borne in mind when considering this site. Up until the early 1990s the building was operated as a small convenience store and domestic residence served by a single garage. This use of the building would have likely resulted in a greater volume of traffic movements at the site than the proposed residential use here which given the provision of only one space would have necessitated on street parking.

PPG 3 states that 'Local Authorities should...introduce greater flexibility in the application of parking standards, which the Government expects to be significantly lower than at present'.

Paragraph 60 further 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 when there is no need, particularly in urban areas where public transport is available or where there is a demand for car-free housing.'

Concerns have been raised regarding visibility and potential harm to pedestrians however the Highway Authority have raised no objections to the proposal on the grounds of highway safety. Given the expertise of the Highway Authority these views are supported.

## Design

The building which is to be altered involves the removal of an incongruous shop window which would be replaced by an Ashlar stone faced wall. This is not a traditional shopfront and there would be no harm to the character of the conservation area by its removal. An existing blocked up window opening would be reopened. An existing modern 1970s extension would be partially removed to make room for car parking provision. These alterations would enhance the appearance of the host building and the Conservation Area.

## Other matters

Concerns have been raised that increased traffic movements would harm the amenity of the area by increased levels of congestion, noise and pollution. Given the previous use of the site up until the early 1990s it is not considered that this proposal would be unacceptable due to harm to amenity.

The issue of bin storage has been raised as a concern by neighbours to the site. The bins would of course need to put out on bin day and whilst this may cause a slight source of concern and nuisance this would be transient and would be little different from any other residential street of Newtown. In terms of bin storage the existing courtyard could provide space for the stationing of wheelie bins and no objections are raised on this basis.

It has been suggested that this proposal might result in a precedent being set in the area. Officers contend however that each individual case must be judged on its individual merits and do not accept that a precedent would be set.

Construction traffic and related nuisance have been raised as objections to the proposal. It is however noted that the majority of works would be internal with only limited external works taking place and any nuisance would also be transient.

Concern has been raised at the loss of a garden area this area did however previously hold a garage and only therefore had limited use as a garden.

Comments have been received questioning the publicity undertaken for this proposal. In particular concern has been raised that inadequate neighbour consultation took place. Adjoining neighbours were notified of the proposal and a site notice was displayed on the boarded up shop window of the premises on the 2/12/05. These notices were certainly still present on the 12/12/05 when the Case Officer carried out a site visit. The notice was therefore displayed on time contrary to suggestions made from neighbours.

Further neighbours were consulted when concern was raised that certain interested neighbours had not been notified. This consultation was made out of courtesy rather than because the Council was duty bound to do so. It is considered that ample publicity has been undertaken for this application in accordance with Circular 15/92 Publicity for Planning Applications.

Objections have been received on the basis that the proposal has been commenced and the existing garage may have been removed. This would not however require Conservation Area consent. The Case Officer did not notice that any works had been undertaken internally or to the exterior during his visit of the 12th December 2005.

There has been some confusion over the address of this property. A second set of plans was sent to the Town Council to provide clarification of the property to which the application related. The applicants' reasons for submitting the application are not material considerations. The decision can only be judged on the planning merits of the case.

Although it appears as 2A Westbourne Road on the Ordnance Survey, it is known as 40 Gloucester Road, which is confirmed by Land Registry documents as the correct address.

## CONCLUSION

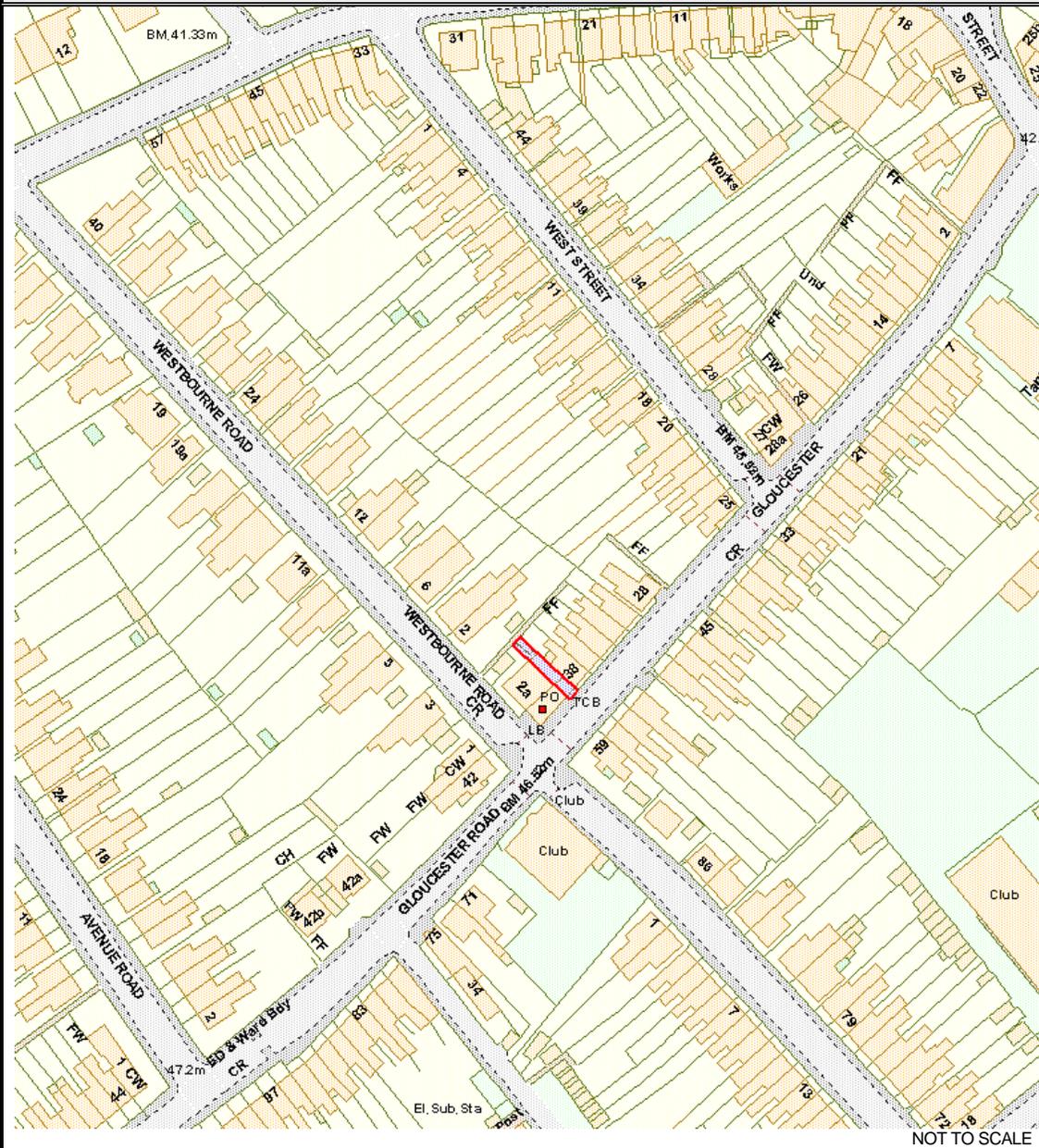
The proposal accords with the development plan and no planning objections are raised.



**ITEM NO: 08**

**APPLICATION NO: 05/02771/FUL**

**LOCATION: 40 Gloucester Road Trowbridge Wiltshire BA14 0AB**



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**08 Application: 05/02771/FUL**

**Site Address: 40 Gloucester Road Trowbridge Wiltshire BA14 0AB**

Parish: Trowbridge Ward: College

Grid Reference 385033 157527

Application Type: Full Plan

Development: Conversion of two storey former store area into a two bedroom dwelling

Applicant Details: CMC Properties Ltd  
7 Silver Street Warminster Wiltshire BA12 8PS

Agent Details: Ashley Design Associates  
The Old Ride Bath Road Bradford On Avon Wilts BA15 2PB

Case Officer: Mr Mark Reynolds

Date Received: 18.11.2005 Expiry Date: 13.01.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 The materials to be used in the construction of the external wall at the south east elevation shall match those used in the existing building.

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

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to planning committee because Trowbridge Town Council object to the application and Officers recommend permission. The application was also called to committee at the request of Councillor Osborn.

This is a full planning application for the conversion of an existing two storey former store area into a two bedroom dwelling. The existing building is a large stone built structure under a tiled roof. The building is located within an area which is primarily residential in character and the site occupies the northern corner of the junction between Gloucester Road and Westbourne Road in the Newtown area of Trowbridge. The application site is also located within a Conservation Area.

The application site measures 61sq.m. The proposed dwelling would not benefit from any off-street parking provision.

In terms of external alterations to the property the proposal would involve the removal of two large double doors and replacing them with a window and a single door on the south east elevation of the building. A new glazed roof over the existing kitchen area at the north west elevation is proposed and an additional window would be added above the kitchen area on the same elevation.

The application has been supported by a statement from I.M.A Transport Planning which concludes that adequate on-street car parking exists and that the development would not exacerbate the position compared to the existing residential/retail development on the site.

## CONSULTATION REPLIES

### TROWBRIDGE TOWN COUNCIL

Resolved to support the local residents objections to this development.

### STATUTORY CONSULTEES

#### HIGHWAY AUTHORITY

No objections subject to conditions

#### WESSEX WATER

No objections

## PUBLICITY RESPONSES

The proposal was advertised by site notice and in the local press and neighbours were notified. Fifteen letters were received raising the following objections:

- Parking issues
- Visibility limited by cars parking
- Increase in traffic congestion harming amenities by noise, pollution, and hygiene and safety
- Publicity poorly carried out
- Double yellow lines restrict parking
- Risk to pedestrians
- Storage of bins, vandalism of bins
- Some neighbours not notified
- Notice put up to late
- Overdevelopment
- Precedent
- Loss of an on-street parking space
- Construction traffic will cause a nuisance
- Out of keeping with the character of the area
- Money making scheme
- Conservation area
- Loss of garden space

Comments of support were received noting the following:

- Appearance of building will be enhanced

## PLANNING POLICY

Wiltshire Structure Plan 2011

DP7 Housing in towns and main settlements

T5 Parking

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further Housing Development within Towns

H16 - Flat conversion

C17 - Conservation Area

C19 - Alterations in Conservation Areas

C21 - Change of use in Conservation Areas

C31a - Design

C32 - Landscaping

C38 - Nuisance

C39 - Environmental enhancements

T10 - Car parking

Wiltshire Local Transport Plan - Annex 11: Parking Plan

PPS 1 - Delivering Sustainable Development

PPG 3 - Housing

PPG 13 - Transport

## RELEVANT PLANNING HISTORY

89/01558/FUL - Alterations to rear store and kitchen - Permission 03.10.89

05/02769 - Conversion to 5 flats - Pending

## KEY PLANNING ISSUES

The issues to consider in this case are policy issues, car parking, design and because the site lies within a Conservation Area a consideration will be given as to whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

## PLANNING OFFICER COMMENTS

Planning Policy:

Both national and local policy is to make the best use of urban land for new housing and the sub-division and extension of existing dwellings to create flat developments can enhance the range and increase the housing stock. The most recent Housing Needs survey highlighted the requirement for smaller dwelling units in West Wiltshire to meet identified needs, and in principle therefore, there is no general objection to such proposals.

Policy H16 of the adopted District Plan permits the conversion of properties into flats providing that they do not result in the over intensive sub-division of properties, are not detrimental to the appearance of the building or the character of the area, have adequate parking provision and amenity space, and are otherwise not detrimental to the amenity of the neighbouring residents.

With reference to these particular criteria, the following are considered relevant:-

The character of the surrounding area is mostly that of terraced properties forming relatively high density developments. The proposed development for one dwelling would represent a density of 163 dwellings per hectare. PPG 3 promotes densities which avoid an inefficient use of land of under 30 dwellings per hectare and advises that a greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors should be sought. It also advises that policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided. Whilst the density here of 163 dwellings per hectare is high, given the relatively high density of surrounding developments and the fact that the site is located within the town in a sustainable location it is not considered that the proposal would represent overdevelopment. The agent for the application has provided written confirmation that smaller units than those proposed are available for rent in Trowbridge. The Housing Needs Survey confirms that a demand exists for small residential units in the district and accordingly the density of development is not considered unacceptable in this context.

Moreover PPG 3 supports the conversion to housing of buildings formerly in other uses and the upper-floor space over shops which can provide an important source of additional housing, particularly in town centres. In this instance the commercial usage of the ground floor of the building ceased in 1993 and has been vacant since this point becoming incorporated within the existing dwelling unit. The creation of a dwelling would not therefore result in the loss of any employment space.

This proposal would not harm neighbouring amenity.

#### Car Parking and highway safety

Policy T10 of the West Wiltshire District Plan 1st Alteration 2004 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'.

Car parking is not provided as part of this development. The Highway Authority have noted that in recognition of the good public transport links available to the town that three spaces would be acceptable for the six dwellings which are proposed between this application and the five proposed flats in planning ref: 05/02769/FUL.

The Highway Authority states that it is evident that there is some available on-street parking in the vicinity of the site. In determining the required quantity of car parking for any development, an objective assessment can be made based on the site's accessibility by alternative means of transport. This may be determined by applying the County Council's Wiltshire Local Transport Plan - Accessibility Matrix. In support of the application an accessibility survey was completed. This survey was extracted from the Wiltshire Local Transport Plan and if an accessibility justification can be shown, a reduction in the normal parking standards can be accepted, theoretically resulting in a zero parking requirement for a highly accessible site. Applying this test to the overall site results in a discount of between 50-100% being made to parking levels. This proposal not to provide parking for the proposed dwelling could therefore be argued to be acceptable.

A transport survey was submitted with the application and survey work took place on Tuesday 1st February at 08:00 and 21:00 based on these times reflecting the peak or busiest periods of parking. At 21:00 while demand was high the survey observed 6 spaces on the Westbourne Road, 9 spaces on Gloucester Road. In total the survey observed that when you would expect highest demand for parking that 17 on-street parking spaces available on roads surrounding the site. It was also noted that additional capacity existed during the survey at 08:00.

Furthermore the previous use of the site should be borne in mind when considering this site. Up until the early 1990s the building was operated as a small convenience store and the domestic residence was served by a single garage. This use of the building would have likely resulted in a greater volume of traffic movements at the site than the proposed residential use here which given the provision of only one space would have necessitated on street parking.

PPG 3 states that 'Local Authorities should...introduce greater flexibility in the application of parking standards, which the Government expects to be significantly lower than at present'.

Paragraph 60 further 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 when there is no need, particularly in urban areas where public transport is available or where there is a demand for car-free housing.'

Concerns have been raised regarding visibility and potential harm to pedestrians however the Highway Authority have raised no objections to the proposal on the grounds of highway safety. Given the expertise of the Highway Authority these views are supported.

### Design

The building which is to be altered involves the removal of a set of double doors on the south east elevation which would be replaced by a doorway and window. These additions would better relate to the host building than the double doors which are currently in situ. The introduction of a new opening at the north west elevation is considered acceptable and the replacement of a section of modern tiled roof for glazing would not detract from the appearance of the building. These alterations would enhance the appearance of the host building and the Conservation Area.

### Other matters

Concerns have been raised that increased traffic movements would harm the amenity of the area by increased levels of congestion, noise and pollution. Given the previous use of the site up until the early 1990s it is not considered that this proposal would be unacceptable due to harm to amenity.

The issue of bin storage has been raised as a concern by neighbours to the site. The bins would of course need to be put out on bin day and whilst this may cause a slight source of concern and nuisance this would be transient and would be little different from any other residential street of Newtown. In terms of bin storage the existing courtyard could provide space for the stationing of wheelie bins and if need be internal space may need to be set aside, and no objections are raised on this basis.

It has been suggested that this proposal might result in a precedent being set in the area. Officers contend however that each individual case must be judged on its individual merits and do not accept that a precedent would be set.

Construction traffic and related nuisance have been raised as objections to the proposal. It is however noted that the majority of works would be internal with only limited external works taking place and any nuisance would also be transient.

Concern has been raised at the loss of a garden area this area did however previously hold a garage and only therefore had limited use as a garden.

Comments have been received questioning the publicity undertaken for this proposal. In particular concern has been raised that inadequate neighbour consultation took place. Adjoining neighbours were notified of the proposal and a site notice was displayed on the boarded up shop window of the premises on the 2/12/05. These notices were certainly still present on the 12/12/05 when the Case Officer carried out a site visit. The notice was therefore displayed on time contrary to suggestions made from neighbours.

Further neighbours were consulted when concern was raised that certain interested neighbours had not been notified. This consultation was made out of courtesy rather than because the Council was duty bound to do so. It is considered that ample publicity has been undertaken for this application in accordance with Circular 15/92 Publicity for Planning Applications.

There has been some confusion over the address of this property. A second set of plans was sent to the Town Council to provide clarification of which property the application related to. The applicants' reasons for submitting the application are not material considerations. The decision can only be judged on the planning merits of the case.

## CONCLUSION

The proposal accords with the development plan and no planning objections are raised.



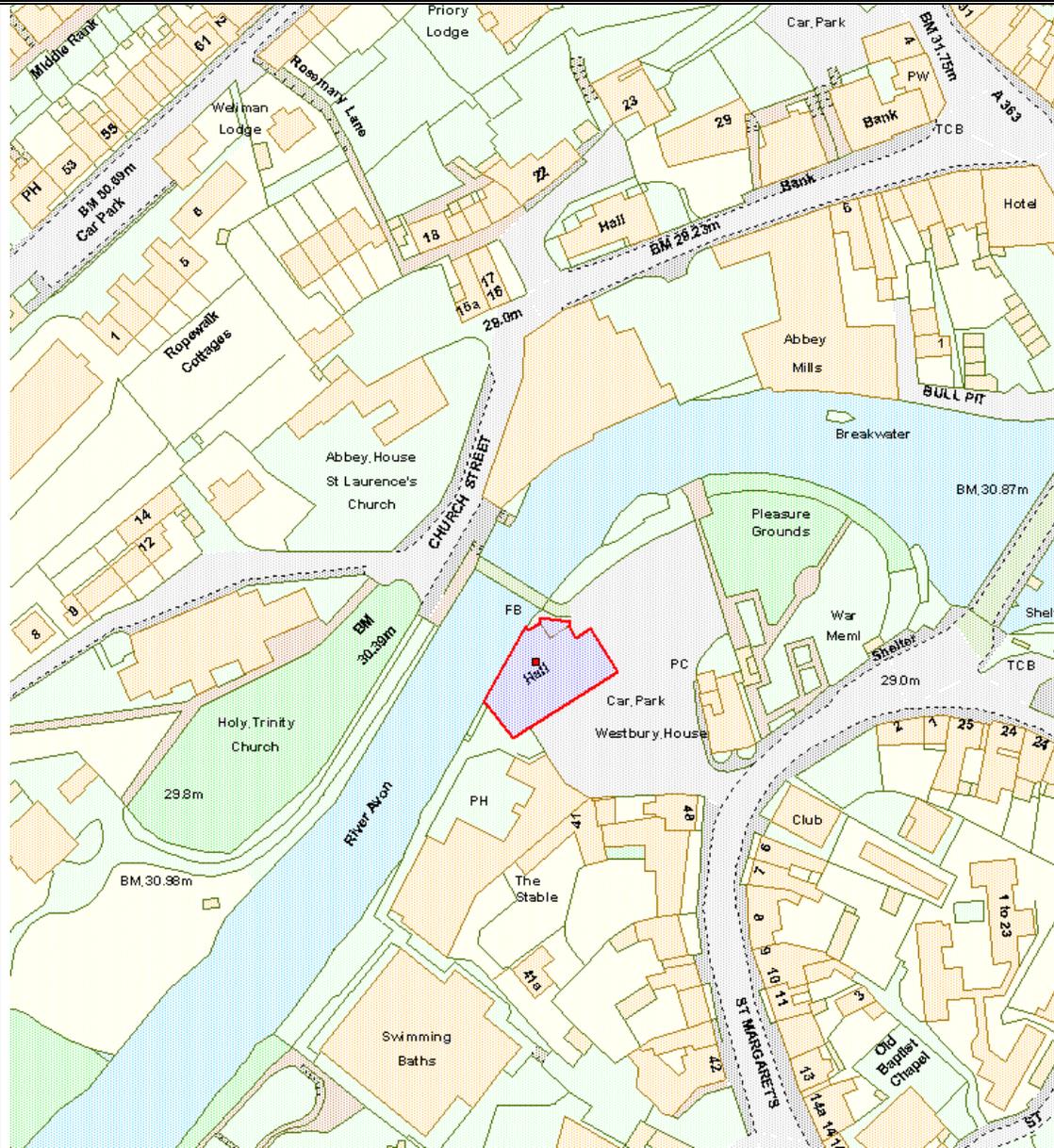
# PLANNING COMMITTEE

20 April 2006

ITEM NO: 09

APPLICATION NO: 06/00421/FUL

LOCATION: St Margarets Hall St Margarets Street Bradford On Avon Wiltshire BA15 1DE



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**09 Application: 06/00421/FUL**

**Site Address: St Margarets Hall St Margarets Street Bradford On Avon  
Wiltshire BA15 1DE**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382492 160873  
Application Type: Full Plan  
Development: Removal of existing ground floor windows on south elevation and  
block up openings with cut bath rubble stone in lime mortar  
Applicant Details: Bradford On Avon Town Council  
Ms Holmes, Town Clerk Bradford On Avon Town Council St  
Margarets Hall St Margarets Street Bradford On Avon  
Agent Details: Hetreed Ross Architects  
Attika Workspace Bath Brewery Toll Bridge Road Bath BA1 7DE  
Case Officer: Mr James Taylor  
Date Received: 06.02.2006 Expiry Date: 03.04.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposals by reason of their deadening impact on the prominent south elevation of the building would be injurious to the host building and as such would not preserve or enhance the character and appearance of the Conservation Area. Contrary to Policy C17, C19 and C31a of the West Wiltshire District Plan 1st Alteration (2004).

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This proposal is brought to the Planning Committee at the request of the Development Control Manager and with the agreement of Bradford on Avon Town Council.

The proposal is to remove the ground floor fenestration and block up with bath rubble stone in lime mortar to match the existing external wall surface. The work relates to the south elevation.

The host building is an unlisted building in the Conservation Area of Bradford on Avon. It is located on the banks of the River Avon and has a short stay car park to the south. Running adjacent to the south elevation of the building is a public walkway along the River Avon. The south elevation faces into the car park and is a prominent site in the locality as a public facility and office to the Town Council.

### **CONSULTATION REPLIES:**

#### **BRADFORD ON AVON TOWN COUNCIL**

This is the Town Council's own application. Therefore the Town Council has made no comment.

## PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press.

5 letters of objection have been received. The concerns raised included:

- the proposals would harm the character of a 'much loved' historic building
- the proposals would harm the character and appearance of the Conservation Area
- the lack of consultation undertaken regarding the approach to the scheme

## RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C17 - Conservation Areas

C19 - Alterations in a Conservation Area

C27 - Listed buildings

C31a Design

C38 Nuisance

PPG15 - Planning and the historic environment.

## RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

The main issues to consider regarding this application are the potential impact on the character and appearance of the Conservation Area, the host building and its setting in the street scene.

## PLANNING OFFICER COMMENTS

The proposed works would be to the ground floor of the south elevation of St. Margaret's Hall. This is a prominent elevation in the street scene, which is in the heart of the Bradford Conservation Area. The Conservation Area has been designated for its historic and architectural interest and although the application site itself is not listed it is an important feature within the Conservation Area and is of some historic and architectural merit.

PPG15 highlights that the local planning authority has a special duty to preserve and enhance the character and appearance of Conservation Areas. This has been reflected in Policy C17 and C19 of the West Wiltshire District Plan 1st Alteration (2004) which requires any development to unlisted buildings in the Conservation Area to preserve or enhance the character and appearance of the area.

The existing fenestration on the ground floor and first floor is in a poor state of repair and needs to be replaced. Currently the ground floor and half the first floor has been blocked from the inside by breeze blocks. From close inspection this is obvious and has some detrimental impact on the building's appearance and as such the Conservation Area. However it is considered that the proposed blocking in of the ground floor fenestration would have a deadening impact on this prominent elevation, under both a close inspection and a wider perspective. It is accepted that good quality matching materials would be utilised; however this is not sufficient to mitigate the harm to the host building. The elevation is very prominent in the Conservation Area; adjacent to a well used car park and a river walk along the banks of the River Avon. Due to the deadening impact and its prominent location it would fail to preserve the character and appearance of the Conservation Area.

The proposals would not cause any significant harm to the setting of the neighbouring listed buildings, beyond that of the existing setting, which is a short stay car park.

It has been presented that the proposed works would be considerably cheaper than replacement glazing, and that it would be easier to maintain against the elements and vandalism. Also as the hall is used as a cinema at times the fenestration would never be in use. These issues have been considered, however they are not of a significant weight and certainly do not outweigh the harm to the appearance of the building and the character and appearance of the Conservation Area, that would be caused by the proposals.

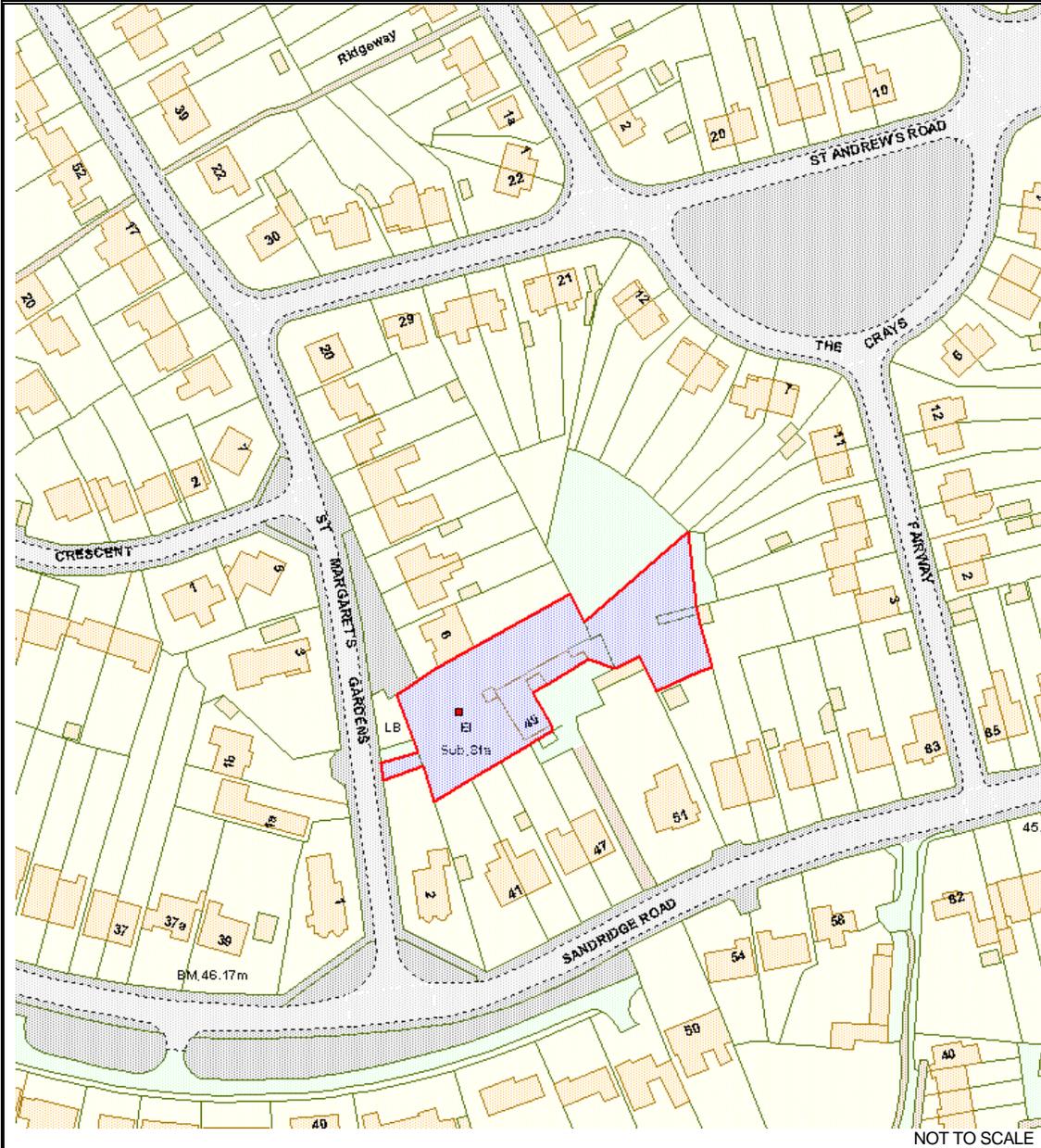
## CONCLUSION

For the above reasons the proposal would be contrary to Policy C17, C19 and C31a of the West Wiltshire District Plan 1st Alteration (2004).

**ITEM NO: 10**

**APPLICATION NO: 06/00335/FUL**

**LOCATION: Land To The Rear Of 49 And 51 Sandridge Road  
Melksham Wiltshire**



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SLA: 100022961

**10 Application: 06/00335/FUL**

**Site Address: Land To The Rear Of 49 And 51 Sandridge Road Melksham  
Wiltshire**

Parish: Melksham (Town) Ward: Melksham North

Grid Reference 391176 164207

Application Type: Full Plan

Development: Demolish existing bungalow, erect two detached houses, one new bungalow and construction of new vehicular access

Applicant Details: Mr L Sawyer & Mr R Hunt  
51 Sandridge Road Melksham Wiltshire SN12 7BJ

Agent Details:

Case Officer: Miss Nicola Rogers

Date Received: 30.01.2006 Expiry Date: 27.03.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

- 3 The window in the south elevation of plot 3 shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

4 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

8 Any gates shall be set back a minimum distance of 4.5 metres from the carriageway edge and the side boundaries splayed at an angle of 45 degrees on each side.

REASON: In the interests of highway safety.

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

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

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

**Note(s) to Applicant:**

1 The Wildlife & Countryside Act 1981 provides protection for birds, general protection for a number of animals, general protection for all wild plants and some habitats. Should any species or habitats covered by the Wildlife & Countryside Act be identified during the course of construction, you are reminded that it is a statutory obligation to consult with English Nature.

2 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 is presented to the Planning Committee as Melksham Town Council object to the application and your Officers recommend permission. Councillor Oakman has also requested that the Planning Committee determine this application.

This is a full planning application for the erection of three dwellings on land to the rear of 52 Sandridge Road. This development would include the removal of the existing dwelling (No. 49) and its associated outbuildings. The access to this development would be via a small strip of land to the rear of number 2 St Margaret's Gardens, currently in the ownership of number 2.

The dwellings proposed are identical to those permitted in 2001 on a previous application. The two dwellings at the front of the site are both two storey houses with four bedrooms. The single storey dwelling at the rear of this site would have 2 bedrooms.

## CONSULTATION REPLIES

### MELKSHAM TOWN COUNCIL:

Two members of the public made objections known at the meeting and are recorded in the minutes of the meeting. These objections were as follows:

- The entrance out onto the pavement will be dangerous due to the lack of visibility leaving the site
- The development is in his back garden, not at the rear of 40 and 51 but to the rears of 45 and 47, which will affect their outlook but not the person who is developing the site
- It is too close to the boundary fence as far as he can see
- The disruption from the project and noise will affect the existing residents
  
- The original plans were for bungalows not two big houses and a bungalow, the bungalow being near the developer's property.
- There was a covenant on the land, which he believed was mislaid by West Wiltshire District Council following an earlier application.
- The covenant sets out certain rights for Mr Atkinson restricting development of the land, which he added he felt, would cause a nuisance to him.

The Town Council objects to this item on the following grounds:

- Loss of amenity (policy H1)
- Height of the buildings out of keeping and overlooking existing properties (policy C38)
- Despite comments from the Highways Department it is felt that there are highway concerns over a lack of splay, which will have a dangerous impact on visibility and also a danger that vehicles will cross the footpath.

The Council also wished to raise the following concerns:

- Concern regarding the possible impact on wildlife and that English Nature should be consulted.
- There will be a loss of trees in the area
- Style of houses will be out of keeping with the existing properties in the area
- Concern regarding the effect of a covenant and how it may affect this application.

## HIGHWAY AUTHORITY

No objections subject to conditions.

## ENGLISH NATURE

No objections subject to conditions to cease work if species are found.

## PUBLICITY RESPONSES

Three letters of objection have been received. The following points are raised:

- Poor visibility at access point
- Plot 3 is not in keeping with the surrounding area and is too cramped

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan  
DP4 Towns and main settlements

West Wiltshire District Plan 1st Alteration 2004  
C31a Design  
C38 Nuisance  
H1 Development within towns

PPS1 Delivering Sustainable Development  
PPG3 Housing

## RELEVANT PLANNING HISTORY

01/01335/FUL - Three dwellings and demolition of No 49 Sandridge Road (permission 20/12/01)

## KEY PLANNING ISSUES

The main issues for this application is whether the principle of two additional dwellings on this land is in accordance with the Development Plan, if the development would be detrimental to highway safety and whether the amenity of the neighbours would be affected by the proposed dwellings.

The key material consideration in this case is the existence of an extant planning permission on the land from 2001, this is almost identical to the proposal currently being considered, the only significant difference being an alteration to the point of access.

## PLANNING OFFICER COMMENTS

The principle of dwellings on this site was established through permission reference 01/01335/FUL, debated by the Planning Committee on 20/12/01. Since that time the policy framework has not been significantly altered and the proposal remains in accordance with policy H1 of the West Wiltshire District Plan 1st Alteration 2004 and PPG3: Housing.

The proposal would make an efficient use of the site, although the proposal would be at a density of 14 dwellings per hectare, which is below standards set out at PPG3. Nevertheless, the principle of development on this site is not disputed as an almost identical scheme was permitted in 2001.

The design of the dwellings have not altered since the previous application, where it was found that "whilst the style of the dwellings is different to nearby properties, this is not unusual in an urban area where development evolves over time" Plots 1 and 3 have changed positions to allow for the alteration of the point of access.

It is plot 3 that has attracted most comment from the neighbours, comments include a lack of turning space, the garage is too small, the house is too large for the plot and is on the boundary line. Plot 3 is smaller than 1 and 2, however, the dwelling still has a garden of 11 metres by 7 metres, which is acceptable for a family home. The amount of turning space has been noted by the Highway Authority, but is easily rectified by a condition. The property would be positioned 0.75 metres from the boundary line, which results in a tight, but usable space, considering that an average door is just 0.8 metres in width.

Residents of St Margaret's Gardens are concerned that the proposal would be detrimental to highway safety as there is a lack of visibility and the entrance is too close to the junction with Sandridge Road. The entrance would be 50 metres from the junction and this is a suitable distance to ensure that there would be no detriment to highway safety. The visibility is also acceptable as the boundary treatment to the access can be controlled by condition.

The proposed dwellings would not overlook any of the surrounding residential properties as the two houses would have no habitable room windows on the side elevations and the single storey dwelling would be surrounded by gardens. The proposed dwellings would not affect the 'outlook' of numbers 45 and 47, as the dwellings would be some 23 metres from these properties.

To address the remainder of the comments by the neighbours and the town council:

- Excepting the land owned by number 2 St Margaret's Gardens, upon whom the correct notice has been served, the development would not be located on any land not owned by the applicant.
- The proposal would not be located on the land claimed by Mr Atkinson, therefore any covenants on this land would have no bearing on this application.
- The town council has not qualified the objection 'loss of amenity' and this has been examined above.
- There is existing planting within the site and replacements can be ensured through the landscaping condition. There is no reason to suggest that there are any protected species on the site as English Nature do not have any records of a protected species being found on the site, however, a Note to Applicant and conditions can be added to ensure the correct procedures are followed.

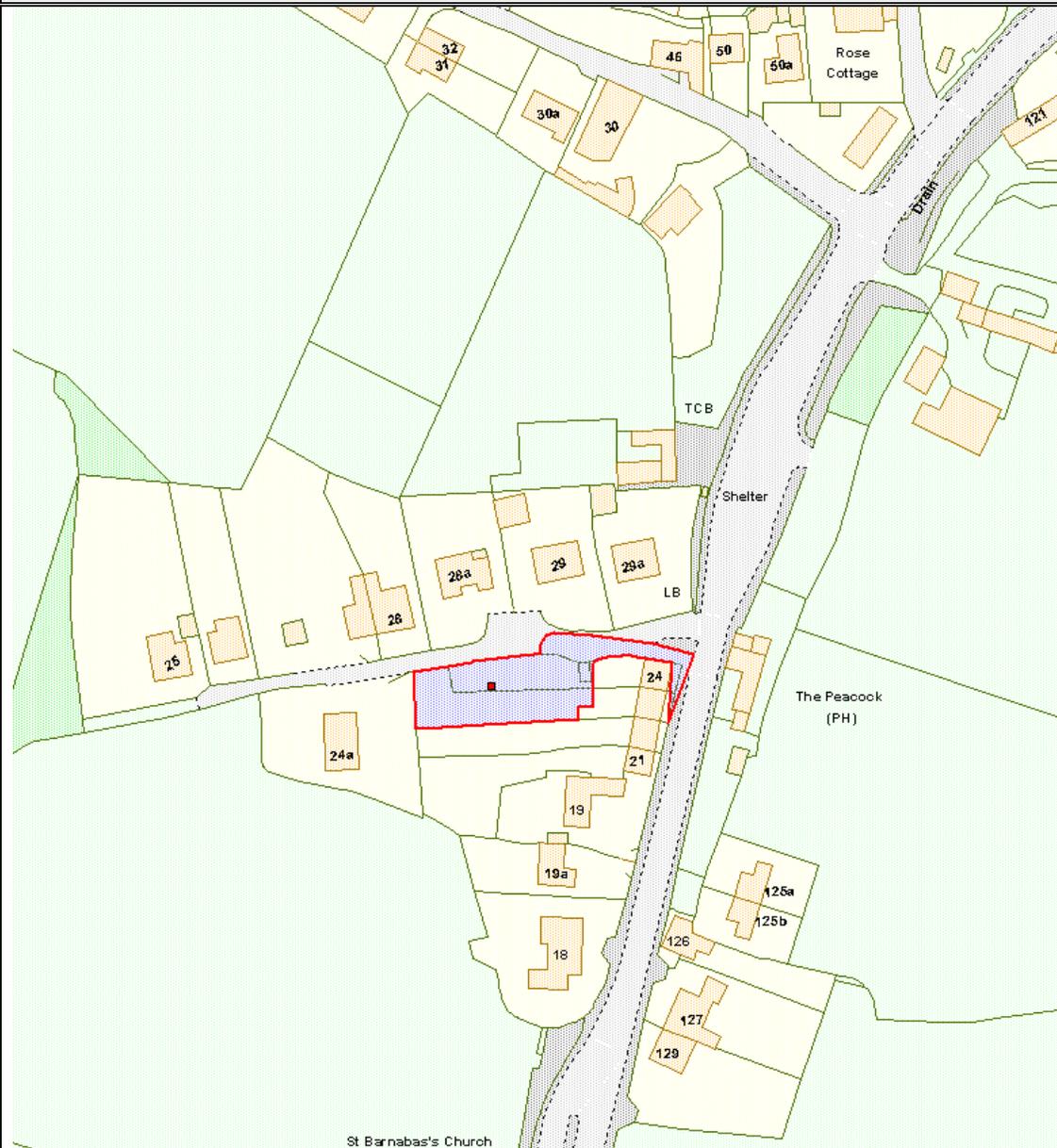
## CONCLUSION

The principle of development and the design of the dwellings have been established under the previous planning permission, and no detriment to highway safety would be caused. The proposals remain acceptable in policy terms and permission should be granted.

**ITEM NO: 11**

**APPLICATION NO: 06/00420/FUL**

**LOCATION: Land To Rear Of 23 - 24 Beanacre Wiltshire**



St Barnabas's Church

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SLA: 100022961

**11 Application: 06/00420/FUL**

**Site Address: Land To Rear Of 23 - 24 Beanacre Wiltshire**

Parish: Melksham Without Ward: Melksham Without  
Grid Reference 390338 166187  
Application Type: Full Plan  
Development: Dwelling and garage  
Applicant Details: N. Keen Esq  
Lower Beanacre Farm Beanacre SN12 7PI  
Agent Details: Mr A Howard  
32 Shurnhold Melksham Wilts SN12 8DG  
Case Officer: Mr Mark Reynolds  
Date Received: 06.02.2006 Expiry Date: 03.04.2006

**REASON(S) FOR PERMISSION:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 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. These details should prevent the discharge of surface water onto the highway.

REASON: To ensure that the development can be adequately drained and in the interests of highway safety.

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

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

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

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

- 8 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.

- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added above ground floor level to the south elevation of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

10 The first floor window on the south elevation hereby permitted shall be glazing with obscure glass prior to the first occupation of the dwelling and shall be maintained as such thereafter.

REASON: In order to protect the amenity of occupiers of neighbouring dwellings to the south.

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

11 The proposed access follows the route of a public footpath (MELW 85) and therefore the proposed driveways shall incorporate splays on both sides to the rear of the existing access lane based on co-ordinates of 2.4 metres by 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 must agree in writing with Wessex Water prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer should also agree a point of connection onto Wessex Water systems.
- 2 You are advised that this permission does not convey any civil consent for works on land that is outside the ownership or control of the applicant.
- 3 The applicant is advised that a public footpath exists within the site. In connection with Condition 11 if any alterations to the footpath are required the applicant should contact the Footpath Diversion Officer at the County Council on telephone number 01225 713000.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Oakman in the interests of wider debate.

This is a full planning application for a detached two storey, four bedroomed dwellinghouse together with a pair of garages on a vacant plot of land which was formerly garden in Beanacre. The site borders a privately owned road leading from the main highway.

The site is located within the village policy limits for Beanacre and has an area of approximately 0.031 Hectares. The principle of residential development at the site is long established with the original permission on this land dating from 1989. There is also an extant permission for a dwelling in outline form granted in August 2004.

The application site fronts onto a private road and access to this private road would be from the A350 which runs to the east of the application site.

It is proposed that the new dwelling would be located to the front of the plot and would be built from a mix of reconstructed stone and render under a concrete tiled roof.

A pair of linked double garages in matching materials are proposed. These would serve the proposed new dwelling and the two existing houses.

Access would be via the existing private driveway and improvements to the visibility where it joins the main highway are proposed.

## CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: "While the Council has no objection per se to the proposed dwelling we would draw your attention to residents' concerns expressed about previous applications re access safety. Please would you ask the County Highways Dept to examine the proposed access very carefully to ensure that proposals would not adversely affect either pedestrian or driver safety."

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: "As you will be aware, an outline planning application for this development was recommended for refusal on highway grounds, due to concerns over the safety of the access (which is also a public footpath). This view was maintained after the applicant indicated improvements to visibility onto the A350 road, together with alterations to the southern kerb line, as the proposed access was still be deemed unsafe.

I continue to maintain the views expressed previously, therefore I recommend that this application be refused on highway grounds for the following reason(s): -

Any increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to road safety.

The proposed development would result in an increase in vehicular traffic along a designated public footpath/public bridleway with consequent loss of amenity and risk of additional hazard and inconvenience to all users of the designated right of way.

However if you are minded to approve this development, the following conditions should be attached to any permission granted: -

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

Reason: In the interests of highway safety.

The proposed access follows the route of a public footpath (MELW 85) and therefore the proposed driveways shall incorporate splays on both sides to the rear of the existing access lane based on co-ordinates of 2.4 metres by 2.4 metres and which shall be kept free of obstruction above a height of 600mm.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety."

- WESSEX WATER: No objection in principle.

## PUBLICITY RESPONSES

The application has been publicised by Site Notice, press advertisement and neighbour notification.

Objections have been received from the occupiers of two neighbouring dwellings on the application, four letters from two addresses raising the following issues;

- Highway safety
- Land ownership

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004  
H17 - Village Policy Limits  
C38 - Effects of development on neighbouring properties  
C31A - Design

PPS1 - Delivering Sustainable Development  
The Planning System: General Principles

PPG3 - Housing

## RELEVANT PLANNING HISTORY

88/01395/OUT - Erection of 3 terraced dwellings and parking area - Refused 22.07.88  
89/01448/OUT - Erection of one detached dwelling and garage - Approved 12.12.89  
92/00974/FUL - Erection of one detached dwelling and garage (renewal) - Approved 15.09.92  
97/00009/OUT - Erection of one detached dwelling and garage - Approved 27.02.97  
98/00538/OUT - Two dwellings - Approved 09.07.98  
98/01390/OUT - One dwelling - Approved 26.11.98  
04/01632/OUT - Dwelling - Approved - 27.08.04  
05/01837/FUL - Dwelling - Withdrawn

## KEY PLANNING ISSUES

The key issues to consider in this application are whether the design of the dwelling in this location is acceptable, amenity of neighbours, highway safety issues and the planning history.

## PLANNING OFFICER COMMENTS

Design, amenity and planning history

The planning history of this site is relevant in this application for a dwelling.

The principle of residential development at this site which is located within the defined Village Policy Limits has already been established and there is a long history of permissions dating back over 17 years and an outline permission for one dwelling was most recently granted in August 2004.

The application plot is approximately 315m<sup>2</sup> in size but it has a relatively narrow depth and wide street frontage onto the private access road. It is important in considering the design of the dwelling and position of the external doors and windows that overlooking of neighbouring gardens and loss of privacy to the occupiers of neighbouring dwellings will need to be given careful consideration.

The Local Planning Authority has considered previously that a dwelling may be achieved at this property which would not result in unacceptable levels of overlooking. The Local Planning Authority continues to support this position.

It is for this reason that the orientation of the dwelling, its interior layout and fenestration have been designed in such a manner as to reduce any harmful impact it might have on the amenity of neighbours. There would be no direct overlooking of neighbouring gardens as a result of the only window on the elevation adjacent to the gardens being an obscure glazed bathroom window. The dwelling is sufficiently far from the rear of the adjoining two dwellings, and from the frontage of houses on the opposite side of the private road, so as to prevent any overlooking or loss of privacy.

The fenestration arrangement has resulted in an unusual design, particularly the rear side elevation, but the proposed dwelling is of a traditional vernacular style, and the frontage elevation that would be viewed when looking to the west is well balanced and overall there would be no harm to the visual amenity.

A condition to remove permitted development rights is recommended with regard to the fenestration and glazing is recommended.

#### Highway safety

Regarding the issue of highway safety this application, and the outline most recently approved differ from previous applications in that the access arrangements have been altered. Previously planning permission has been granted for one dwelling with access involving the removal of an island which splits the road at the access point from the A350. This island of land is not within the ownership of the applicant.

The current proposal would utilise an existing right of access over the southern half of the private road. The applicant has made provision for improving the access by widening the access and reducing the front walls of No. 24 and No. 23 to a height below 900mm thereby increasing the visibility splay at this existing junction. The line of the clear splay would be set back 4.5m from the road. This proposal would also change the existing entrance to achieve a 4.5m kerb radius. The Highway Authority have accepted that these measures would result in some improvement to visibility together with an increased radius at the junction.

Despite the planning history the Highway Authority continues to recommend refusal because of what it considers to be a substandard access onto a public footpath/bridleway. The applicant has no control over the island which bisects this private road and it is for that reason that the access has been shown to one side of the dual access only, the southern half. However, the applicant does have control over the frontage of the two dwellings in his ownership and would be able to achieve a significant improvement to visibility in this area.

The southern half of the lane is currently used by seven dwellings and it is considered that the proposed improvements in safety to the existing access outweigh the harm which may be caused by adding a further dwelling. Furthermore the applicant could submit a reserved matters application on the outline approval where these matters have already been considered.

The highway authority has suggested three conditions which it is recommended should be attached to any permission granted.

This application does not make provision for affordable housing because the outline planning permission was granted in April 2005 and the Council's SPG on Affordable Housing was not adopted until the 31st August 2005. There was not a requirement when the outline permission was passed for affordable housing because the proposal only entailed a net gain of one dwelling in a village. It was considered unreasonable to request affordable housing in this full application given that a submission of reserved matters could be made for an identical scheme which could not consider the issue of affordable housing.

The issue of land ownership has been raised by a neighbour. The applicant has previously been able to confirm that he has a right of access across the private road to gain access to the plot.

## CONCLUSIONS

The principle of residential development and highway access has previously been established, and the current proposals are acceptable with regard to the design details and the effect on the amenity of neighbours.

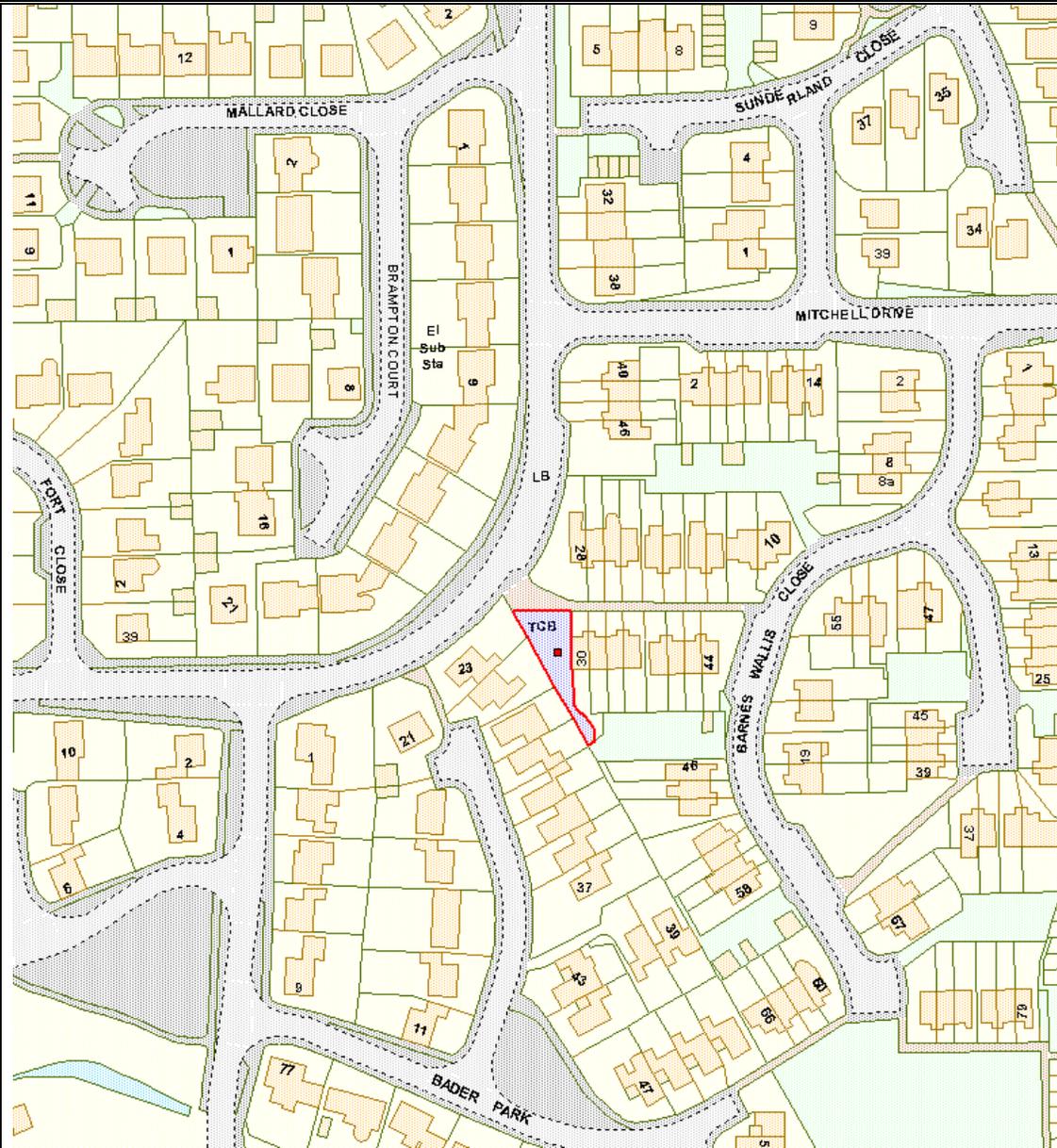
# PLANNING COMMITTEE

20 April 2006

ITEM NO: 12

APPLICATION NO: 06/00427/REM

LOCATION: Land Adjacent 30 Barnes Wallis Close Bowerhill  
Wiltshire



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SLA: 100022961

**12 Application: 06/00427/REM**

**Site Address: Land Adjacent 30 Barnes Wallis Close Bowerhill Wiltshire**

Parish: Melksham Without Ward: Melksham Without  
Grid Reference 391443 161763  
Application Type: Reserved Matters  
Development: Erection of a two bed dwelling  
Applicant Details: Mrs Tina Byfield  
5 Valencia Court Melksham Bowerhill Wilts SN12 6FF  
Agent Details: Mr A Harlow  
46 Longford Road Melksham Wiltshire SN12 6AT  
Case Officer: Mr Mark Reynolds  
Date Received: 09.02.2006 Expiry Date: 06.04.2006

**REASON(S) FOR APPROVAL:**

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

**RECOMMENDATION: Approval**

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought before the Planning Committee as the Parish Council objects to this proposal and Officers recommend permission.

This is a submission of reserved matters for the erection of a dwelling on land adjacent to 30 Barnes Wallis Close in Bowerhill.

The previous outline application left all matters including siting, external appearance, landscaping, design and means of access reserved for future consideration. This submission of reserved matters includes details of siting, external appearance, landscaping, design and means of access.

The proposed dwelling would measure 4.2m in width, 7.9m in depth and it would stand 7m in height to ridge level. A conservatory is also proposed on the side elevation which would measure 2.5m in width by 4m in depth and it would stand 3m in height to ridge level. The materials would match the neighbouring dwellings.

The application site is to the west of 30 Barnes Wallis Close, which is part of a terrace of similar dwellings. The land gently slopes to the west, with proposed allocation of car parking space to the rear of the plot, off the communal car parking area. The front area to Barnes Wallis Close is pedestrianised with an open landscaped street scene.

## CONSULTATION REPLIES

- MELKSHAM WITHOUT PARISH COUNCIL: "The Parish Council objects to this application, as it is overdevelopment of the site, and the size of the site is insufficient for an additional dwelling".

## STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: Recommend that the application be refused for the following reason:-

The proposal would result in the loss of on-site vehicle parking facilities and additional vehicles at the site, and therefore, encourage parking on the highway with consequent risk of additional hazards to all users of the road.

- WESSEX WATER: No objections raised.

- ENVIRONMENT AGENCY: No objections raised.

## PUBLICITY RESPONSES

This application has been publicised by Site Notice and press advertisement and neighbours have been notified.

4 letters of objection to the proposal have been received, these raise the following issues:

- Building to be near to boundary
- Overlooking
- Drainage
- Removal of the conifer trees
- Light pollution from the conservatory
- Precedent
- Overdevelopment
- Highway safety
- Parking
- Owner out to make money

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

H17 - Village Policy Limits

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

PPS1 - Delivering Sustainable Development

PPG3 - Housing

## RELEVANT PLANNING HISTORY

04/00533/OUT - Erection of dwelling - Permission - 3.6.04

05/00612/FUL - Two one bed flats - Withdrawn

05/02929/REM - Erection of dwelling - Withdrawn

## KEY PLANNING ISSUES

The key planning issues in this case are the planning history of the site, design, neighbour nuisance, parking, landscaping and highway safety.

### Principle of Development

The outline planning application for the erection of one dwelling planning reference 04/00533/OUT established the principle of a dwelling at the site. It was noted that the application site is in Bowerhill, which has an identified village policy limit for new housing development and that the density of the proposed scheme was considered acceptable.

This submission of reserved matters gives full details of the dwelling proposed. The proposed dwelling has been designed to closely match the adjoining properties. It would form a continuation of the linear terrace of dwellings. Its width, depth and height would be comparable with these neighbouring dwellings. The fenestration would match adjoining dwellings.

It is however also proposed to add a conservatory at the side elevation of the property. The proposed conservatory would be largely obscured from public viewing by an existing 1.8m high fence located at the front of the property. It is considered that the proposed dwelling has been designed sympathetically and would not harm the street scene.

### Amenity

Objections have been received regarding the potential for overlooking from the proposed dwelling. The proposed dwelling incorporates only one window in the rear elevation. Although as a result of the tapered nature of the plot there may be some limited overlooking of properties in Bader Park this is not considered to be sufficient to recommend refusal. A window is proposed in the first floor side elevation which would serve a bathroom. The proposed conservatory would face out onto an existing conifer hedge boundary treatment

### Overdevelopment

Concern has been raised that the proposed building works would be close to the boundary. However, they would be located over 1m from the boundary which is considered a sufficient distance away from the hedge. Relatedly the retention of the hedge along the boundary has been raised as an issue. This hedge has little amenity value and it could be removed without the need for any form of consent from the planning department. A condition was placed on the outline permission however requesting that details of boundary treatments should be submitted.

Overdevelopment has been raised as an objection. This issue was addressed at the outline stage when it was noted that the site area of the application site was 0.023 hectares. The plot area of adjoining properties is 0.01 hectares. An analysis of the housing density of the application site revealed a density of 42 dwellings per hectare, compared to the density of 98 dwellings per hectare of adjoining sites. A figure of between 30 and 50 dwellings per hectare is encouraged in paragraph 58 of PPG 3. This proposal would not represent overdevelopment but would be an efficient use of land consistent with Government advice.

### Highways

The Highway Authority and a neighbour have objected on the basis that the proposal would result in increased cars parking on the public highway. It is however noted that the Highway Authority did not object to the outline application and recommended no conditions to be attached. The original application included an indicative plan of the same area to be allocated for parking. It would be unreasonable now to object when the red line is the same and the parking is shown in the same position as previously indicated. This also happens to be the only possible position for the location of parking.

Notwithstanding the above it should be recognised that considerable on street car parking in the form of publicly accessible parking bays are found in the area. PPG 3 paragraph 60 guides that 'car parking standards for housing have become increasingly demanding and have been applied too rigidly, often as minimum standards. Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off street parking when there is no need, particularly in urban areas where public transport is available'. In light of this policy advice the level of parking proposed is considered adequate in this instance.

#### Other Matters

Light pollution from the conservatory has been raised as a concern by a neighbour but this is no different from any conservatory and is unlikely to harm amenity of neighbours.

The motives of the owner in seeking permission have been questioned but this is not a material planning consideration.

Drainage has been raised as an objection. Wessex Water were however consulted and they have raised no objections.

It has been suggested that this application may set a precedent but each application must be considered on its individual merits.

#### CONCLUSION

The submission of reserved matters are considered acceptable and approval is recommended.



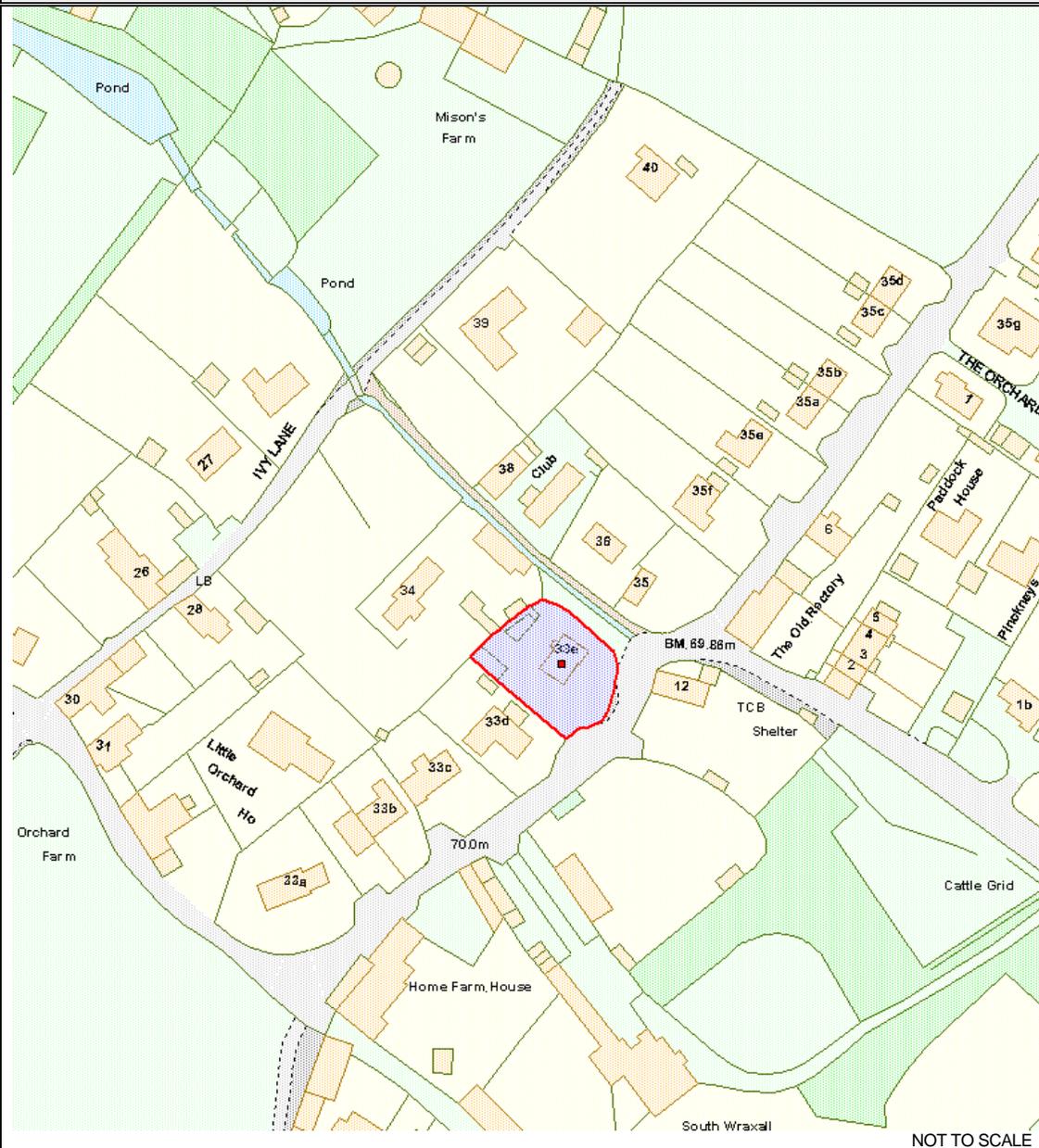
# PLANNING COMMITTEE

20 April 2006

ITEM NO: 13

APPLICATION NO: 05/02999/FUL

LOCATION: 33E Lower Wraxall South Wraxall Wiltshire BA15 2RS



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SLA: 100022961

**13 Application: 05/02999/FUL**

**Site Address: 33E Lower Wraxall South Wraxall Wiltshire BA15 2RS**

Parish: South Wraxall Ward: Manor Vale

Grid Reference 383336 164191

Application Type: Full Plan

Development: Change rear roof line to obviate flat and low pitch areas, fit gates to front and side of property

Applicant Details: Mr And Mrs R Baston  
33E Lower Wraxall South Wraxall Wiltshire BA15 2RS

Agent Details: Peter Rouse Design  
26 Clarence Street Bath BA1 5NS

Case Officer: Mr James Taylor

Date Received: 21.12.2005 Expiry Date: 15.02.2006

**JUSTIFICATION REASON:**

**The proposal represents a Departure from the Development Plan but there are very special circumstances which are that the small increase in volume would result in a design that would significantly enhance the appearance of a building within the Conservation Area that would justify the granting of permission.**

**RECOMMENDATION:**

**The First Secretary of State be informed that the Council is minded to approve the proposals because of the very special circumstances that exist to outweigh any harm to the Green Belt.**

**Condition(s):**

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

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

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development and associated access 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 - Policy C31A.

# COMMITTEE REPORT

## APPLICATION DETAILS

This application is brought to Committee because it represents a Departure from the Development Plan which your officers are recommending for approval.

The proposal is to change the roof form of the rear elevation, which currently include a flat roof, a dormer window and a shallow pitched glazed roof, to one uniform pitched roof. It is also proposed to enclose the existing front porch and widen the existing vehicular access. Matching materials to the host building would be used, and the proposals would not result in any increase to the footprint.

It is proposed to widen the existing access to the dwelling by demolishing a 1 metre length of wall, and repositioning one of the entrance bollards by 1 metre. It is also proposed to increase the height of the bollards by 700mm to 2 metres high.

The host building is a 2-storey detached dwelling built from reconstituted stone under a concrete pantiled roof. It has undergone a number of alterations and extensions including the creation of dormer windows to the front and rear, a conservatory and a detached garage. The dwelling is enclosed by mature landscaping on all sides which obscures the ground floor from public view.

The site is located in the centre of Lower Wraxall village, the Western Wiltshire Green Belt and within the Conservation Area. It forms part of a group of similar circa 1970's dwellings. The application site is enclosed by a stream and public right of way to the north.

## CONSULTATION REPLIES:

- SOUTH WRAXALL PARISH COUNCIL: No objection.

## STATUTORY CONSULTEES:

- HIGHWAY AUTHORITY: No objection.

## PUBLICITY RESPONSES

The application was publicised by Site Notice and press advertisement and neighbours were notified, to which there has been no response.

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004  
GB2 - Control of Development in the Green Belt  
C17 - Conservation Areas  
C19 - Alterations in Conservation Areas  
C31A - Design  
C38 - Nuisance  
U3 - Flooding

PPS1 - Delivering Sustainable Development  
PPG2 - Green Belts  
PPG15 - Planning and the Historic Environment  
PPG25 - Development and Flood Risk

SPG - Planning design guidance

## RELEVANT PLANNING HISTORY

94/01508/FUL - Conservatory extension - Permission - 16/01/1995  
99/01332/FUL - Roof dormer - Permission - 11/10/1999

## KEY PLANNING ISSUES

The main issues to be considered are whether the development would be disproportionate to the host building and as such inappropriate development in the Green Belt. This must be balanced against the need to preserve and enhance the character and appearance of the Conservation Area.

In addition it is important to consider the impact on the host building, the neighbouring amenity and any potential flood risk.

## PLANNING OFFICER COMMENTS

PPG2 and Policy GB2 of the West Wiltshire District Plan 1st Alteration (2004) give guidance on how development in the Green Belt should be assessed. GB2 states that approval will not be given, except in very special circumstances, for development other than limited extension of existing dwellings provided it does not result in disproportionate additions over and above the size of the original building. PPG2 states that the additions to the original building's volume since 1st July 1948 should be considered as additions, and therefore not the original volume of the building.

The existing additions and the volume of the proposals need to be calculated to determine if the extensions currently proposed would be disproportionate to the original building.

The original building is approximately 360 cubic metres in volume, and the existing additions, including a conservatory, a pitched roof and two dormer windows with a combined volume of approximately 152 cubic metres. This equates to an increase in volume of 42% over the size of the original building. The cumulative impact of the existing extensions and those currently proposed would result in a disproportionate additions over and above the original building. This would be inappropriate development as defined in PPG2.

The submitted proposals would remove the flat roof, rear dormer and low pitch to the conservatory room roof, creating a single, pitched roof form on the rear elevation. These works would significantly improve the appearance of the building but would amount to an increase in built volume of approximately 56 cubic metres. Overall this would represent a substantial increase in volume to the original building, approximately 58%, but only 16% over the previous extensions.

The proposals would be disproportionate to the original dwelling but would result in a significant improvement to its form and design. The proposals would not increase the footprint or height of the dwelling and would appear as subservient and sympathetic additions.

The proposal would be located in the South Wraxall Conservation Area. PPG15 and Section 72 of the Planning (Listed building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area.

The existing rear elevation has a flat roofed extension, which is not characteristic of the locality, and a dormer window, which disrupts the rhythm of the rear elevation. Although the rear elevation is not prominent in the street scene, it is visible from areas in the public realm, and would be even more prominent if it were not for some mature vegetation on the northern boundary.

It is proposed to use matching materials and it is considered that the alterations to the rear elevation would enhance the character and appearance of the Conservation Area by creating a more uniform roof form, in keeping with the original building.

The benefit to the character and appearance of the Conservation Area is so significant that it constitutes the very special circumstances that would outweigh the harm to the Green Belt.

The enclosure of the front porch would similarly cause no harm to the Conservation Area, would not create any additional volume and would have no impact on the openness of the Green Belt.

It is considered on balance that any harm to the Green Belt would be outweighed by the substantial benefits to the appearance of a dwelling within the Conservation Area. This would constitute very special circumstances to outweigh Green Belt policy.

#### New Access Arrangements

The Highway Authority has raised no objection to the alteration and the adjacent property and the property opposite have a similar access arrangement. There would be no harm the character and appearance of the Conservation Area.

#### Amenity of neighbours

There are no neighbours in close proximity to the proposal, and since there would be no alteration to the footprint and no significant increase in the height of the dwelling, no harm would be caused. This proposal is consistent with the Supplementary Planning Guidance on design.

#### Flood Risk

The site is within a flood risk area but no increase in the footprint of the dwelling is proposed and therefore there is no flood risk associated with the development.

#### CONCLUSION

The proposals would enhance the character and appearance of the Conservation Area, and would not harm the neighbouring amenity or cause any flood risk.

The proposals represent a significant improvement on the design of the building and this would constitute the very special circumstances necessary to outweigh any harm to the Green Belt.



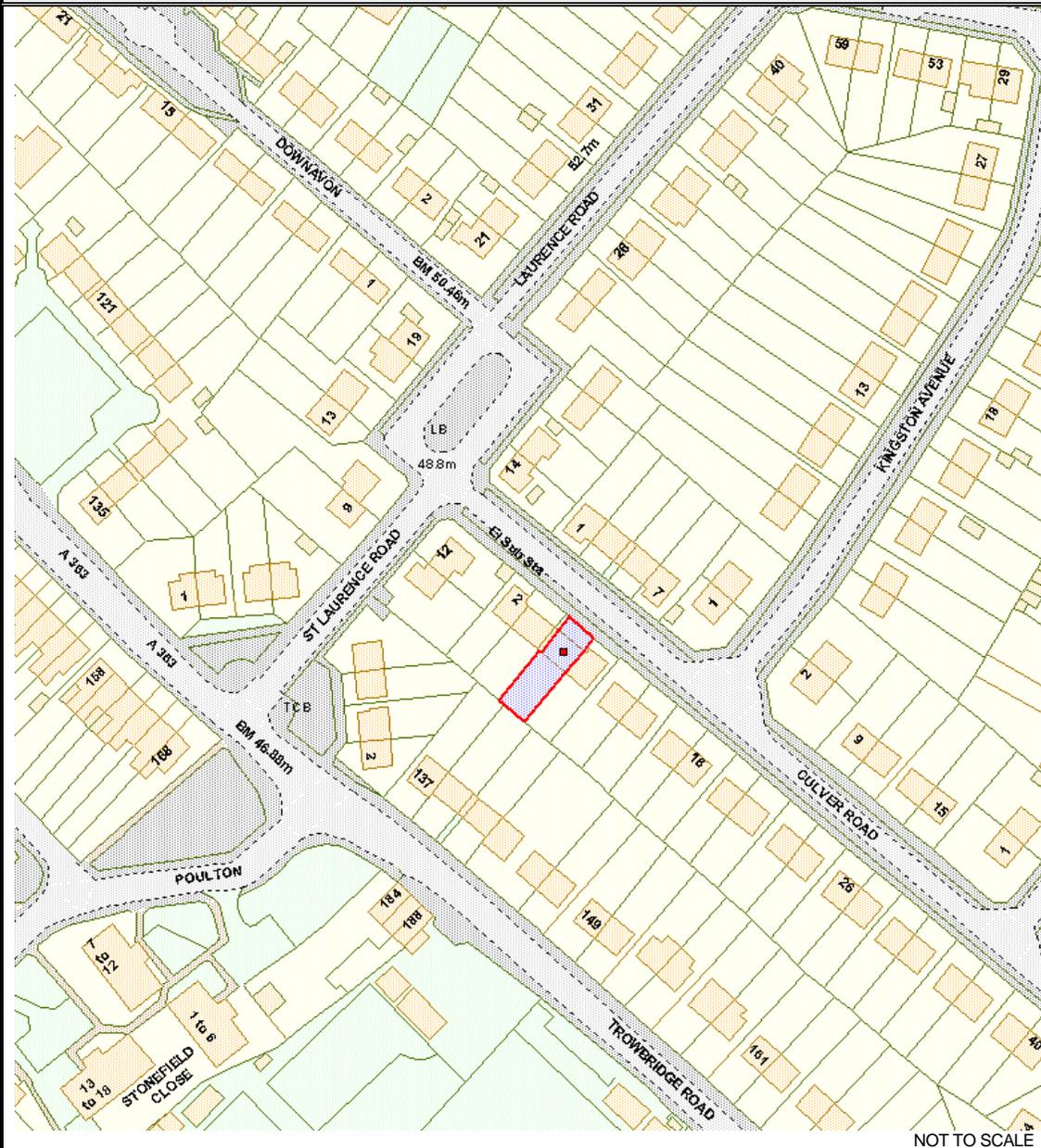
# PLANNING COMMITTEE

20 April 2006

ITEM NO: 14

APPLICATION NO: 06/00353/FUL

LOCATION: 6 Culver Road Bradford On Avon Wiltshire BA15 1HY



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SLA: 100022961

**14 Application: 06/00353/FUL**

**Site Address: 6 Culver Road Bradford On Avon Wiltshire BA15 1HY**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 383109 160221  
Application Type: Full Plan  
Development: Flat roof extension  
Applicant Details: Mr & Mrs Lewis  
6 Culver Road Bradford On Avon Wiltshire BA15 1HY  
Agent Details: Stephen Kingshot  
38A Rowden Hill Chippenham Wiltshire SN15 2AR  
Case Officer: Ms Jane Robinson  
Date Received: 31.01.2006 Expiry Date: 28.03.2006

**REASON(S) FOR PERMISSION:**

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

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

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

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

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Planning Committee because the applicant is a Councillor.

This application proposes a single storey extension to the rear of the host building, in re-constructed stone, under a felt flat roof. The insertion of two velux windows is proposed on either side of the roof.

The proposed extension would be 4 metres in length, 6.9 metres wide and 3 metres in height at the ridge. The two velux windows proposed would project from the top of the roof by 0.35 metres.

The host building is a terraced property constructed from Ashlar stone blocks, under a Clay Double Roman tiled gable end roof. It is located in a residential area, on the outskirts of Bradford on Avon. The property has a 16 metre long rear garden, which is laid in parts to patio, lawn and gravel. The building is enclosed to the rear to the south, east and west by part blockwork cream rendered walls, with a timber latch lap fence up to 2 metres in height.

#### CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: No objections raised subject to:
- Planning Officer's approval, as the Town Council has raised concerns over the proposed use of reconstituted stone and would prefer that Bath Stone is used to match the host building.

#### PUBLICITY RESPONSES

Neighbours have been notified. One letter has been received objecting to this proposal on the grounds that:

- The design of the proposed extension will present a view of a blank wall when viewed from the lounge window of the neighbouring property;
- The view enjoyed would be lost;
- The proposed flat roof construction is not in keeping with the roof alignment of the host building;
- Loss of natural daylight and overshadowing of the neighbouring property/garden;
- Highway safety is an issue, as the applicant has 3 cars, which obstructs the Emergency Services gaining access to properties and until such a time that adequate parking space can be provided, such a proposal should not be allowed.

#### RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004  
C31A - Design  
C38 - Nuisance

Supplementary Planning Guidance (House Alterations and Extensions) 2004

#### RELEVANT PLANNING HISTORY

None.

#### KEY PLANNING ISSUES

The main considerations in this application are design, and the implications on both the host dwelling and the amenity of the occupiers of the neighbouring properties.

#### PLANNING OFFICER COMMENTS

The proposed single storey extension would leave a reasonable size garden of 12 metres and is of a well-proportioned scale to the property and the surrounding estate. It is proposed to use matching materials and set the extension in from the boundaries, therefore respecting the host building.

The amenity of the neighbouring property to the northeast would not be significantly affected as the proposal is single storey, has a flat roof and has been set back from this boundary by 0.2 metres. Furthermore, the existence of the 2 metre high solid enclosure would mitigate the majority of the overlooking affect.

The Supplementary Planning Guidance (House Alterations and Extensions) 2004 provides that where houses are closely related to each other, a single storey extension which exceeds 3 metres in length at or near the boundary is more likely to have an adverse effect on the neighbour. A 45-degree projection line has been taken from the middle of the neighbouring property's window to the northeast, which shows that there would be no loss of amenity of the occupiers to this property. There would be at least 90 degrees of open view in front of this window, should the extension be constructed. Therefore overcoming the objections lodged by the neighbouring property.

It is considered that this proposal will not have a significant impact on the neighbouring property to the west, as there would be 2.6 metres between the extension and the western boundary of the application site.

The other points raised by the neighbour relating to loss of a view, looking at a blank wall and highway safety are not planning grounds on which to consider as part of this application. The proposal does not affect highway safety.

The Supplementary Planning Guidance (House Alterations and Extensions) 2004 further provides that a flat roof extension even on a single storey extension would be considered inappropriate, unless the main building was designed with a flat roof. However, in this case, there is not enough height between the eaves of the proposed extension and the cill of the first floor windows for a monopitch roof. The flat roof would not be visible within the streetscene and would assist in preserving the amenity of neighbours.

The Town Council raised their concerns over the use of reconstituted stone. This is considered to be an acceptable material, providing the colour and texture blends with the existing building. The site is not within a Conservation Area and the Council cannot insist on the use of natural stone.

## CONCLUSION

This proposal is in accordance with the development plan and the supplementary planning guidance on design because it would cause no loss of amenity to neighbouring dwellings and is of a suitable scale and design for the host dwelling and the surrounding area.

# PLANNING COMMITTEE

20 April 2006

ITEM NO: 15

APPLICATION NO: 05/02989/FUL

LOCATION: 65 Berryfield Park Melksham Wiltshire SN12 6EE



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SLA: 100022961

**15 Application: 05/02989/FUL**

**Site Address: 65 Berryfield Park Melksham Wiltshire SN12 6EE**

Parish: Melksham Without Ward: Melksham Without  
Grid Reference 389800 162270  
Application Type: Full Plan  
Development: Alter existing granny annexe to separate dwelling  
Applicant Details: Mr P Alford  
65 Berryfield Park Melksham Wiltshire SN12 6EE  
Agent Details:  
Case Officer: Mr Mark Reynolds  
Date Received: 19.12.2005 Expiry Date: 13.02.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This application is for the conversion of an existing granny annex into a separate dwelling.

65 Berryfield Park is a semi-detached dwelling on the south-western side of Berryfield Park within a group of similar residential properties. Planning permission was previously granted for an annex as ancillary accommodation to the side of the dwelling in 1990.

Currently the annex comprises a room at ground floor level which is used as a shared dining room with the main dwelling. A staircase leads up to first floor level to one bedroom with a separate bathroom and a further staircase leads from the first floor landing to loft storage. There is an interconnecting door between the ground floor room and the original dwelling.

It is proposed that the doorway between the annex and the original dwelling would be blocked up and a new front entrance door would be formed on the front elevation. No further alterations are proposed either to the layout or to the remaining elevations of the property.

The new dwelling would have an area of garden to the front and rear, and the original would similarly retain a garden at the front and rear.

The original dwelling and annex do not have the benefit of their own parking provision. However, there are residents and visitors parking spaces arranged at right angles to the road at the front of these and surrounding properties, and there is ample on-street parking in the area.

#### CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: We researched the planning conditions applied at the time of the planning application and the Council feels it would be unwise to contravene the District Council's planning conditions.

#### STATUTORY CONSULTATIONS

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

#### INTERNAL WWDC CONSULTATIONS

- HOUSING: There is no requirement for affordable housing.

#### PUBLICITY RESPONSES

Neighbours have been notified to which there has been no response.

#### RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- H1 Further housing development within towns
- H2 Affordable housing
- H16 Flat conversions
- T10 Car parking

- PPS1 Delivering Sustainable Development
- PPG3 Housing

#### RELEVANT PLANNING HISTORY

90/01191/FUL - Granny flat extension - Approved 20.11.1990

#### KEY PLANNING ISSUES

The principle of a separate dwelling unit at the site.

#### PLANNING OFFICER COMMENTS

Planning permission has previously been granted for an extension to the dwelling in the form of a residential annex for a dependant relative. This included an interconnecting door between the annex accommodation and the main house and was subject to a planning condition linking the annex extension to the original residential accommodation.

Since 1990 when the annex was originally approved Government Guidance has changed significantly. It is considered that the proposals would now fall within the principles contained within Planning Guidance Note 3 to make more efficient use of land. Furthermore, the proposed dwelling would be smaller than others in the immediate neighbourhood and this would provide a mix of different house types in the locality. Furthermore, the existing annex already generates demand for 1 parking space and the proposal would not result in a significant increase sufficient to justify a refusal.

Although the division of the property would form two entirely separate dwellings, it is not dissimilar in principle from the conversion of houses into flats, which would be on a horizontal rather than on a vertical alignment as currently proposed. Council policy encourages residential conversions into flats and it is considered that the principle of the current proposal is no different to such a conversion.

The outward appearance of the building would be largely maintained, except for the introduction of one doorway, and there is more than sufficient amenity space on both sides of the building for the occupiers of both the original and the proposed dwelling.

Since this part of the building has already been used as an annex and no additional windows are proposed the amenity of neighbours would be unaffected.

Although the proposals would result in a formation of an additional dwelling, the Housing Officer has confirmed that there is no requirement for affordable housing at the site.

The Highway Authority has no objection and although the property does not have a dedicated parking space, there is more than sufficient on-street parking in the locality.

Although the Parish Council sees no reason to change the original condition, there have been significant changes in planning policy and guidance since the time the permission was granted for the original annex. Furthermore, at the time the previous application was considered it was for an annexe without any separate curtilage, whereas the current proposals provide for two entirely separate dwellings each with its own curtilage.

## CONCLUSION

The proposals would make efficient use of land and increase housing opportunities in the area by providing an additional small one-bedroomed dwelling and would not result in any detrimental impact on the area.