

**REPORT TO THE DEVELOPMENT CONTROL  
COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>23 April 2008</b>
<b>Application Number</b>	<b>08/00473FUL</b>
<b>Site Address</b>	<b>Cote House, 24 Rowden Hill, Chippenham</b>
<b>Proposal</b>	<b>Construction of two independent living units to rear garden (revision to 06/3000FUL)</b>
<b>Applicant</b>	<b>Voyage</b>
<b>Town/Parish Council</b>	<b>Chippenham</b>
<b>Grid Ref</b>	<b>397434 173001</b>
<b>Type of application</b>	<b>Full application</b>

**Reason for the application being considered by Committee**

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8<sup>th</sup> April 2002 because 5 letters of objection have been received

**Summary of Report**

Permission is sought for the construction of two independent living units to the rear of Cote House as an amendment to the previously approved scheme 06/03000FUL.

The differences between the approved scheme and the revised scheme comprise:

- Alterations to the design of the building through the removal of the gable feature
- Introduction of a porch to the front elevation (facing Cote House)
- Relocation of door/window to side elevations to more central position

In light of the existing approval and due to the nature of this application, the main issue in determining this application is whether the proposed alterations to the design are detrimental to the residential amenities of adjacent properties or the character and appearance of the area.

**Officer Recommendation**

The applicant be invited to enter an Agreement (to vary the existing Agreement approved under 06/3000FUL to apply to this application) following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission.

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## Proposal and Site Description

Cote House comprises a large care home (Class C2 use – residential institutions) for physically disabled adults with complex medical needs. Cote House set within substantial grounds (1.5 acres) situated off Rowden Hill and accessed via St Teresa's Drive. Parking for Cote House is situated to the front and side of the property and this will not change as part of this proposal.

The applicant is the same as previous but the company is now known as Millbury Voyage under the Voyage group.

The site is surrounded by two storey residential dwellings and the proposed single storey independent living units would be sited to the rear of Cote House adjacent to no. 4 St Teresa's Drive and will involve the removal of two trees which are not protected unlike other trees to the front of Cote House.

St Teresa's Drive runs alongside the rear garden to Cote House and is separated via a low wall. Along the northern side of the drive are a high panel fence and a high hedge some 2.5 metres in height.

Young persons in need of independent care will occupy the proposed living units. Living units provide a bedroom with en-suite bathroom, private living room and kitchen. Rooms serving habitable rooms are in the north, south and east elevations.

The proposed building is modest in terms of its design and appearance and pick up detailing associated with Cote House reflects its ancillary role to the main house. It will have a ridge height of 5.1 metres and eaves height of 2.1 metres.

The design of the unit has changed in part due to the construction requirements. Cote House has no right of access to the rear of the property along the Drive, thus materials will be taken by hand to the rear of the site, through the site and not the Drive.

<b>Planning History</b>		
Application number	Proposal	Decision
08/468FUL	Construction of four supported living units in one block to front with associated staff accommodation.	Pending determination
07/0481FUL	Erection of one three bed care unit (to front of Cote House) Construction of two independent living units to rear garden.	Approved.
06/3000FUL	Construction of two independent living units to rear garden and four independent living units to frontage.	Approved with legal agreement
06/01608FUL	Only those units (3-6) to the front of Cote House were considered to be unacceptable and detrimental to the character and appearance of Cote House and the area and harm to the trees.	Refused.
97/02128COU	Change of use of building from guesthouse to residential home, alterations to building and erection of conservatory.	Approved.
89/02161OL	One dwelling. Refused and dismissed at appeal with the Inspector taking the	Refused/ Dismissed at appeal

88/3649OL	<p>view that that the proposed dwelling would overlook Cote House (10 metres distance and at a lower level) and loss of amenity space for Cote House.</p> <p>One dwelling.</p> <p>Refused on grounds of loss of privacy, amenity and impact on the character of the area.</p>	Refused.
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## Consultations

**Chippenham Town Council** – no objection

**Wiltshire County Council Highways** - no objections subject to conditions

**Wessex Water** – no objection

## Representations

8 letters of objection have been received on the following grounds:

- Loss of privacy and amenity
- Highways impact
- Noise and disturbance from increased traffic and nature of residents
- Out of keeping with the character of the area/lack of materials details
- Loss of trees
- Cumulative impact of development
- Impact of development on vulnerable residents
- Affect on property values
- Poor drainage
- Previous refusals on the site for a dwelling
- Incompatible use within residential area /1990 application refused
- Third party land

## Planning Considerations

It is a material consideration that planning permission has already been granted for the development of two independent living units to the rear of Cote House under 06/3000FUL. This application seeks to make alterations to the design of the building through alterations to the roof, the introduction of a porch and repositioning of a door/window in the side elevations. Minor internal alterations are also proposed.

It was considered that these changes, due to their nature and due to the strength of local objection previously, could not be considered as a minor amendment to the 2006 application and that the changes should be approved formally.

In light of these changes, it is clear that the only issue in the determining this application relate to potential impact on residential amenity and the character and appearance of the area. This is not an opportunity to revisit issues which were resolved under the previous application.

### Impact on residential amenity

The nearest properties to the proposed single storey building are no. 10 Erleigh Drive and the Coach House. The Coach House is separated from the site by a combination of walling, fencing and hedging which prohibits any window to window views.

No. 10 Erleigh Drive is situated at an oblique angle some 22 metres distance from the proposed single storey building. Ground floor windows (notwithstanding the new siting of the door and

associated window more centrally on the side elevations) are obscured via 1.8m fencing and windows at first floor are situated at such an oblique angle as to prevent overlooking.

The units will be occupied by residents of Cote House and it will function as a building ancillary to the main house. Window distances between Cote House and the proposed units are approx. 13 metres. This distance, combined with the nature of the proposed use is considered to be acceptable and not detrimental to the privacy of existing residents.

A substantial area of garden would remain for the use of residents to the rear of the property and for this reason the proposal is not considered to be detrimental to the amenity of residents.

### Character and Appearance of the Area

The proposed building remains ancillary to the main Cote House in terms of its design and function. The proposed amendments to the design are considered to be in keeping with the main house and the character and appearance of the area.

A conifer screen is still shown on the plans and this form of planting is not considered to be acceptable. As with the previous approval, a condition is proposed to be attached to address this matter and seek the provision of a hedge along this boundary.

Materials are to be agreed via a condition and the officer will ensure that materials in keeping with Cote House are used.

### **Recommendation and Proposed Conditions/Informatives**

The applicant be invited to enter an Agreement to vary the existing Agreement approved under 06/3000FUL to apply to this application following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission subject to the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

2 The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3 Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) finished floor levels of all buildings;
- (3) finished levels across the site;
- (4) the means of surface water disposal;

The development shall be carried out in accordance with the details so approved.

Items 1 to 4 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

4 Prior to the commencement of the works for which this consent is hereby granted, samples of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The works shall be carried out in the materials approved.

Reason: In the interests of the listed building.

5 Plans showing a parking area (providing for 12 vehicles) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority and constructed to the satisfaction of the Local Planning Authority before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of amenity and road safety

Informatives

This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution

183/2005-4 and 183/2005-06A dated 27/02/2008

### **Reason for Decision**

The proposed development by reason of its scale, design and location is considered to accord with Policy C3 of the adopted North Wiltshire Local Plan 2011.

**Appendices: 06/3000FUL Approved elevations/floorplans**

**Background Documents Used in the Preparation of this Report: 1.20 2.02 4.02 4.04 5.01**