

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 16 May 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Peter Colmer	Cllr Simon Killane
Cllr Christine Crisp	Cllr Howard Marshall
Cllr Peter Davis	Cllr Mark Packard
Cllr Peter Doyle	Cllr Toby Sturgis
Cllr Alan Hill (Vice Chairman)	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton	

Substitutes:

Cllr Desna Allen	Cllr Bill Douglas
Cllr Chuck Berry	Cllr Mollie Groom
Cllr Paul Darby	Cllr Bill Roberts

AGENDA

Part I

Items to be considered when the meeting is open to the public

1) **Apologies and Changes to Committee Membership**

- 1) To receive any apologies for absence.
- 2) To note any changes to Membership of the Committee following the Annual General Meeting of Council on 15 May 2012.

2) **Minutes of the Previous Meeting (Pages 1 - 4)**

To approve and sign as a correct record the minutes of the meeting held on **25 April 2012**.

3) **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4) **Chairman's Announcements**

To receive any announcements from the Chair.

5) **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person *no later than 5.50pm on the day of the meeting*.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask

questions are required to give notice of any such questions in writing to the officer named on the front of this agenda *no later than 5pm on Wednesday 09 April*. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6) **Planning Appeals (Pages 5 - 6)**

An appeals update report is attached for information.

7) **Planning Applications (Pages 7 - 8)**

To consider and determine planning applications in the attached schedule.

7 a) **12/00732/FUL - Westwood Farm, Rode Hill, Colerne, SN14 8AR**
(Pages 9 - 14)

7 b) **12/00239/FUL - Land at Station Road, Calne, Wiltshire, SN11 0JW**
(Pages 15 - 20)

7 c) **11/02071/S73A - Field 7860, Lower Fosse Farm, Crudwell (Pages**
21 - 30)

7 d) **12/00286/FUL - Brethren Meeting Room, Goldney Avenue,**
Chippenham, Wiltshire, SN15 1ND (Pages 31 - 38)

7 e) **12/00293/FUL - 22 Milbourne Park, Milbourne, Malmesbury,**
Wiltshire, SN16 9JE (Pages 39 - 46)

7 f) **12/00534/FUL - The Old Hall, The Street, Grittleton, Chippenham,**
Wiltshire, SN14 6AP (Pages 47 - 56)

7 g) **12/00599/FUL - The Town Local, 51 Station Road, Royal Wootton**
Bassett, Wiltshire, SN4 7ED (Pages 57 - 66)

8) **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 25 APRIL 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen (Substitute), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane, Cllr Mark Packard, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Dick Tonge

26. Apologies for Absence

Apologies were received from Cllr Howard Marshall.

Cllr Marshall was substituted by Cllr Desna Allen.

27. Minutes of the Previous Meeting

The minutes of the meeting held on **04 April 2012** were presented. It was,

Resolved:

To approve as a true and correct record.

28. Declarations of Interest

There were no declarations.

29. Chairman's Announcements

There were no announcements.

30. Public Participation and Councillors' Questions

The committee noted the rules on public participation.

31. **Planning Appeals**

The Chair drew the Committee's attention to application 10/04575/OUT, which will be going to Public Inquiry on 9th May 2012.

It was,

Resolved:

To note the contents of the update.

32. **Planning Applications**

32 a) 11/04112/S73A - The Barn, Sodom Lane, Dauntsey, Wiltshire, SN15 4JA

Public Participation

Mr Stephen Eggleton spoke in objection to the application.

Mrs Helen Eggleton spoke in objection to the application.

Mr Simon Chambers, agent, spoke in support of the application.

The Planning Officer introduced the report, which recommended permission be granted, and noted the item had been deferred from the meeting on 22 February to seek the views of Highways and to establish the lawful usage of the site and the resulting implications. It was clarified that the proposed extension has already been constructed and is in use.

Members of the Committee then had the opportunity to ask technical questions of the officers. Questions were raised as to the nature of the work within the facility and the extension specifically, the past history of the site prior to office and light industrial use, and the purpose of and extent of use of the proposed generator. It was explained that conditions had been proposed to limit the hours of use of any forklift on site, the request for an acoustic report to assess the noise impact of the generator, and the distance to the nearest properties, which was deemed sufficient.

Members of the Public then had the opportunity to address the Committee as detailed above.

Cllr Toby Sturgis, as Local Member, then spoke in objection to the application.

A debate followed, during which the impact of previous applications on site on the current proposal was raised. It was,

Resolved:

To REFUSE the application for the following reason:

The proposed development, by virtue of its design and extensive size and scale amounts to more than limited expansion or limited new building, to the detriment of its rural setting. The proposal therefore fails to accord with Policy BD5 of the adopted North Wiltshire Local Plan 2011.

32 b) **11/03489/FUL - Ridgefield Farm, Green Road, The Ridge, Corsham, SN13 9PW**

Public Participation

Mr Richard Cosker, agent, spoke in support of the application.

The Planning Officer presented a report which recommended refusal. In an update to the report, the Planning Officer revealed the Parish Council wished the application refused, and that the Council's Principal Ecologist raised no objections. He clarified that the key issues were the principle of new builds in rural locations, and the nature and design of any proposed build.

Members of the Committee then had the opportunity to ask technical questions of the officers. The definition of Serviced Accommodation was raised.

Members of the public then had the opportunity to address the Committee, as detailed above.

A debate followed, during which the likelihood of further rural builds was discussed, as well as the appropriate level of diversification of rural land supported by Council policies.

It was,

Resolved:

That Planning Permission be REFUSED for the following reasons:

The proposed development would be located in a rural area remote from public transport, local services and employment opportunities and would constitute unsustainable development contrary to the aims of policies RLT9 and RLT10 of the Wiltshire and Swindon Structure Plan 2016 and policy C3 of the North Wiltshire Local Plan 2011.

The proposed development by reason of its scale, character and size would be an incongruous feature in this rural area and would not conserve or enhance the rural character of the area contrary to policies C3 and NE15 of the North Wiltshire Local Plan 2011 and policies RLT9 and RLT10 of the Wiltshire and Swindon Structure Plan 2016.

33. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 6.55 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services,
direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council
Northern Area Planning Committee
16th May 2012

Forthcoming Hearings and Public Inquiries between 03/05/2012 and 30/11/2012

Application No	Location	Parish	Proposal	Appeal Type	Date
10/04575/OUT	Ridgeway Farm, Common Platt, Purton, Swindon, Wiltshire SN5 9JT	Purton	Residential Development (Up to 700 Dwellings), 10.6 Hectares of Green Infrastructure Including Public Open Space, Associated Works, Up to 560 Square Metres of D1 (Non-Residential) Floorspace, Primary School and Demolition of Existing Buildings.	Public Inquiry	09/05/2012

Planning Appeals Received between 13/04/2012 and 03/05/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/02602/S73A	Malford Farm, Main Road, Christian Malford, Wiltshire, SN15 4AZ	Christian Malford	Removal of Agricultural Occupancy Condition.	DEL	Refusal	Informal Hearing
11/03576/FUL	Mead Cottage, The Ley, Box, Corsham, Wiltshire, SN13 8EH	Box	Conversion of And Extension to Detached Double Garage to a Detached Single Storey Dwelling	DEL	Refusal	Written Representations
11/03790/FUL	Rose Field, Hullavington, Wilts. SN16 0HW	Hullavington/ St Paul Without	Change of Use to a Caravan Site for Occupation by Six Gypsy and Traveller Families with Associated Works.	DEL	Permission	Informal Hearing
11/04145/FUL	29 Silver Street, Colerne, Wiltshire, SN14 8DY	Colerne	First Floor Extension	DEL	Refusal	Written Representations
12/00209/FUL	54 Brook Drive, Corsham, Wiltshire, SN13 9AU	Corsham	Demolition of Existing Garage & Erection of Dwelling	DEL	Refusal	Written Representations

There have been no Planning Appeals Decided between 13/04/2012 and 03/05/2012

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Agenda Item 7

Northern Area Planning Committee

INDEX OF APPLICATIONS ON 16/05/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7(a)	12/00732/FUL	Westwood Farm, Rode Hill, Colerne, SN14 8AR	Erection of a Greenhouse Ancillary to The Main Residence.	Permission
7(b)	12/00239/FUL	Land at Station Road, Calne, Wiltshire, SN11 0JW	Extension to the Current Skate Bowl/Park	Permission
7(c)	11/02071/S73A	Field 7860, Lower Fosse Farm, Crudwell, Wilts	Retention of Rifle Range, Shooting Shelter, Car Parking Area and Use of Land for Stationing of Portacabin (Retrospective Application)	Permission
7(d)	12/00286/FUL	Brethren Meeting Room, Goldney Avenue, Chippenham, Wiltshire, SN15 1ND	Partial Demolition of an Existing Building and Construction of Five Dwellings and Associated Works.	Delegated to Area Development Manager
7(e)	12/00293/FUL	22 Milbourne Park, Milbourne, Malmesbury, Wiltshire, SN16 9JE	Erection of Detached Dwelling	Delegated to Area Development Manager
7(f)	12/00534/FUL	The Old Hall, The Street, Grittleton, Chippenham, Wiltshire, SN14 6AP	Conversion and Extension of Garage to Annexe (Part Revision of 11/02918/FUL)	Permission
7(g)	12/00599/FUL	The Town Local, 51 Station Road, Royal Wootton Bassett, Wiltshire, SN4 7ED	Change of Use of Ground Floor Public House to Residential Use (Class C3), Conversion of Existing First Floor Self Contained 3 Bedroom Flat to 2 Self Contained 1 Bedroom Flats and Erection of 3 Two-Storey 2 Bedroom Dwellings (Resubmission of 11/02289/FUL)	Delegated to Area Development Manager

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16th May 2012		
Application Number	N/12/00732/FUL		
Site Address	Westwood Farm Rode Hill Colerne SN14 8AR		
Proposal	Erection of a Greenhouse Ancillary to the Main Residence		
Applicant	Mr Mordaunt		
Town/Parish Council	Box/Colerne		
Electoral Division	Box & Colerne	Unitary Member	Sheila Parker
Grid Ref	380332 170064		
Type of application	Full		
Case Officer	Emma Pickard	01249706637	emma.pickard@wiltshire.gov.uk

Reason for the application being considered by Committee:

This application has been referred to the Northern Area Planning Committee at the request of Councillor Parker to consider the bulk, height and general appearance of the development, the impact on the surrounding area and any harm to visual amenity and impact on the openness of the greenbelt.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED, subject to conditions.

Colerne Parish Council support the application.
Box Parish Council object to the application.
Six letters of objection have been received.

2. Main Issues

The main issues in considering the application are:

The principle and visual impact of the development in relation to policies C3 (Development Control Core Policy), NE1 (Western Wiltshire Green Belt), NE4 (Areas of Outstanding Natural Beauty) and H8 (Residential Extensions) of the adopted North Wiltshire Local Plan 2011 and National Planning Policy Framework 2012.

3. Site Description

The dwelling known as Westwood Farm was permitted by committee as a replacement dwelling in 2006 following demolition of an existing farmhouse and associated outbuildings. The reason for decision given at the time was:

'The proposal is contrary to policies H4 and NE1 of the North Wiltshire Local Plan 2011. The council considered, however, that the impact of the existing buildings and the exceptional design of the proposed house were very special circumstances which were material considerations which indicated that permission should, nonetheless, be granted in this instance.'

The site is in a highly prominent position sited to the south west of the village of Colerne and can be clearly seen from Box and the By Brook Valley as well as from Colerne and on the opposite side of the valley at Ashley and Kingsdown. Due to the substantial nature of the replacement dwelling and the openness of the area the entire site is highly visible.

There are extensive formal gardens to the west of the dwelling and a large equipment store/bothy was granted planning permission in 2009 approximately 20metres to the west of the site of the proposed greenhouse.

Landscaping works also included a hedge and hornbeam trees on the west facing boundary of the formal gardens which has yet to become fully established.

There is a public footpath running to the south of the gardens.

4. Relevant Planning History		
Application Number	Proposal	Decision
09/01844	Alterations and formation of private way for agricultural purposes and installation of access	Permission
09/01666	Erection of 1No outbuilding ancillary to main residence with associated landscape works	Permission
06/02554	Demolition of existing farmhouse, annexes and associated agricultural outbuildings. Construction of a two storey & attic private dwelling with one and half storey annexe	Permission

5. Proposal

The proposal is to erect a greenhouse in the kitchen garden to the west of the dwelling. The new greenhouse would allow the under cover cultivation of crops for the consumption of residents of Westwood Farm. It would be sited on an approximate east/west axis.

The greenhouse would be of traditional appearance with decorative finials and ridge detail. The plinth walls will be constructed of natural rubble stone with the framework of powder coated aluminium in Juniper Green. The structure will measure 10.1m deep by 4.5m wide and have a ridge height of 4m. There would be a 0.9m entrance porch from the garden side. Following concerns about the visual impact of the greenhouse, the applicant has agreed that anti-glare horticultural glazing will be used.

6. Consultations

Colerne Parish Council supports the application.

Box Parish Council objects to the scheme on the grounds that it is a new building in the green belt which because of its size and amount of glass would impact on the By-Brook Valley

7. Publicity

The application was advertised in the press and by site notice.

Six letters were received objecting to the development on the grounds that;

- It will have a detrimental effect on the environment and the environment of the green belt and area of outstanding natural beauty;

- Development will add to the already oversized development of Westwood Farm which dominates the Box valley;
- The glass will reflect the sun towards the valley and be an eye-catching distraction from the natural beauty of the valley. No amount of screening will mitigate this;
- The hedging backdrop will take a number of years to mature;
- There is no proposal to screen the southern aspect;
- No reason why the previous reason for refusal should be changed;
- The development does not comply with green belt policy;
- Application would increase the domination of the skyline an intrusive presence of Westwood Farm which already far exceeds the modest footprint of the original farm;
- If the applicant claims it is to grow food, on such a large piece of land 3 small greenhouse can be erected out of sight and serve the same purpose without spoiling the valley; and
- It will have a negative impact on the Bybrook Valley and particularly on the residents of Ashley who face it on the opposite south side of the valley.

8. Planning Considerations

Policy H8 requires that development within a residential curtilage will be permitted provided that it is in keeping with the scale, form, materials and detailing of the host dwelling and, that it maintains the scale and siting of the dwelling in relation to adjoining development, open spaces and the character of the area and the wider landscape.

Green Belt policy, NE1 of the adopted North Wiltshire Local Plan 2011, states that permission will not be granted for construction of new buildings other than the 'limited' extension, alteration or replacement of existing dwellings or existing employment buildings.

The newly issued National Planning Policy Framework (NPPF) states that the extension or alteration of a building in the green belt is not inappropriate development, provided that it does not result in 'disproportionate' additions over and above the size of the original building.

Policy NE4 of the adopted North Wiltshire Local Plan 2011, states that development in an Area of Outstanding Natural Beauty (AONB) should conserve or enhance the natural beauty of the landscape including its open and rural character and is sited so as to minimise its impact on the natural beauty of the area and, where possible, is located close to and in association with existing buildings. The NPPF gives great weight to the conserving landscape and scenic beauty in AONB's.

The scale of the individual greenhouse structure is substantial in itself. However, its purpose and position within the contrived layout of the formal gardens which includes a large equipment building and fountain surrounded by a large amount of hard landscaping, is not considered to be overly obtrusive. Westwood Farm is highly prominent in the landscape setting but it is considered that the greenhouse, in the context of the form and scale of development already present, would not be overly prominent.

In terms of green belt policy, within the context of the existing ancillary structures and substantial dwelling and the formal garden layout. Officers consider the greenhouse would not be a disproportionate addition and would not harm the openness of the Green Belt.

Due to the relative scale of the greenhouse and context, the wider landscape setting of the area of outstanding natural beauty would be conserved.

9. Conclusion

The proposed greenhouse would be, in relative terms, in proportion with the existing development at Westwood Farm and due to its siting within the formal gardens would not be harmful to the openness of the green belt or area of outstanding natural beauty.

10. Recommendation

Planning Permission be GRANTED for the following reason:

In the context of the existing formal garden, water features, terracing and substantial house, the proposed development is no considered to result in an unacceptable impact upon the AONB or Green Belt and as such is in accordance with Policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011 and the guidance contained in the National Planning Policy Framework at the national level.

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of anti-glare glazing to be used on the south and east facing roof and side elevations 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: In the interests of visual amenity and the character and appearance of the area.

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans; BRS.2189_02-1, BRS.2189_04-1, BRS.2189_07, BRS.2189_07-1c, BRS.2189_15-A, GA 001 D, GA 002A, GA 002A all dated 16th March 2012.

REASON: To ensure that the development is implemented as approved.

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16th May 2012		
Application Number	12/00239/FUL		
Site Address	Land at Station Road, Calne, Wiltshire		
Proposal	Extension to the Current Skate Bowl/Park		
Applicant	Wiltshire Council		
Town/Parish Council	Calne		
Electoral Division	Calne Central	Unitary Member	Cllr Howard Marshall
Grid Ref	399724 170729		
Type of application	Full		
Case Officer	Brian Taylor	01249706683	brian.taylor@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been submitted by Wiltshire Council and objections have been received which it has been unable to resolve.

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- The provision of an additional community, leisure and recreational facility
- Impact upon residential amenity
- Impact upon visual amenity of the vicinity

The application has generated support from Calne Town council; and three objections from local residents.

3. Site Description

The site is located on station road, immediately to the rear of the Fire Station. There is a large area of unused land immediately adjacent to the existing bowl where the new bowl is to be located. There are no trees within the site but large trees are immediately on the boundary, but outside the site. The site is largely screened from views from Station Road by the fire station, fences and trees.

There are residential properties on the other side of Station Road, the closest of which are those on Woodland Park.

There is a vehicular access to the area of public open space to the north, but vehicular access to the skate park site is blocked by a locked gate.

4. Relevant Planning History		
Application Number	Proposal	Decision
96/01138/FUL	Construction of a Skate Park and Fun Bmx Track Skate Park/Fun Bmx Track	PERMIT (Temporary)
99/01178/s73a	Renewal Of Temporary Permission N/96/1138/F - Construction Of Skate Park & Fun Bmx Track	PERMIT (Temporary)
06/00540/FUL	Skate/BMX Bowl - Removal of Condition 1 of 99/01178/S73A	PERMIT

5. Proposal

The proposal has been submitted by Wiltshire Council on land within the ownership of Calne Town Council and with the support of the Calne Area Board. The existing bowl was granted planning permission in 1996 and has been on site and in regular use for many years. The proposal is to add a new permanent skate bowl immediately adjacent to the existing bowl.

6. Planning Policy

North Wiltshire Local Plan 2011: Community Facilities Policies CF1; CF2 and general Development Control Policy C3

Wiltshire Core Strategy Pre-Submission Document: Core Policy 1 (designating Calne as a “Market Town”) and Core Policy 8 (Spatial Strategy for Calne Community Area).

The National Planning Policy Framework (hereafter referred to as NPPF): paragraphs 69 – 78 Promoting Healthy Communities

7. Consultations

Calne Town Council:

Members supported this application.

Public Protection:

I recommended the installation of an 2.0m acoustic screen (specification below), in 2004 when asked to assess noise from some improvements to the Skate Bowl at that time: Feather-edged lapped timber fence of 15 kg/m² minimum density, with no holes. I would recommend that the same specification of fence be installed at the boundary of the proposed extension. This will adequately protect residents from unreasonable noise levels from the skating itself.

With regard to any Anti-Social Behaviour issues, I can confirm that whilst the Community Support Team received complaints during 2009, I am informed that there have been no concerns in this regard since that time. I understand that the Town Council are also looking at improved surveillance measures, such as CCTV / lighting to deal with any such issues.

Highways Team:

The objector seems to be identifying a potential road safety issue, stating that children will run or cycle straight into the road. There is no road safety issue at present and no evidence to suggest that the situation will be changed by this proposal. No Objection

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

3 letters of letters of objection received.

Summary of key relevant points raised:

- Concerns regarding the noise and unruly/antisocial behaviour that occurs in the evenings often late into the night.
- Concern that the extension will lead to increased traffic on Station Road.
- Parking problems
- Rubbish being left on the site and vandalism

9. Planning Considerations

Principle of development

The North Wiltshire Local Plan supports the provision of community, leisure and recreation facilities within or adjacent framework boundaries.

Guiding principles set out in paragraph 69 of the NPPF sets out a broad policy context within which to determine this application:

“The planning system can play an important role in facilitating social interaction and creating healthy inclusive communities...”

The site is adjacent to an existing skate bowl and other public open space in an accessible location near the centre of Calne.

Impact upon residential amenity

Three letters of objection have been received which raise concerns about noise and anti social behaviour at the skate park. The Public Protection team have recommended that the installation of acoustic fencing along the boundary of the site will ensure that residents are protected from the noise of the skating itself. However, it appears that this is not the main area for concern it is that youths (who may or may not be using the skate bowl) congregate near the access to the site and cause noise disturbance. Whilst the Community Support Team received complaints during 2009, there have been no concerns in this regard reported since that time. It also understood that the Town Council are also looking at improved surveillance measures, such as CCTV / lighting to deal with any such issues.

Whilst there may be ongoing issues with unruly or anti-social behaviour at this site it is not considered that the introduction of the additional skate bowl is likely to make the situation any worse. Any disturbance or antisocial behaviour can be dealt with under separate legislation.

The highways team do not consider that the proposal will lead to any particular problems (or worsening of any existing perceived problems) and raise no objection to the application.

Impact upon visual amenity of the vicinity

The skate bowl itself is largely below the existing ground level and will have limited impact upon any views into the site. The acoustic fencing that will be required as a noise attenuation measure will be visible, but there is such fencing in close proximity and when seen against the backdrop of the Fire Station will have limited impact.

No lighting is proposed for the skate bowl.

There are a number of mature trees on the boundary of the site which will need to be protected during construction of the bowl.

10. Conclusion

The broad policy guidance within the recently published NPPF certainly regards the promotion of “*healthy communities*” as critical and the role of the planning system in helping to achieve such, as important.

Arguably a planning application for the extension of this existing facility is a tangible and practical example of support for the health of a local community and the Council (in its role as the Local Planning Authority considering the principles of such an application) should, from the outset, rightly adopt an enabling and supportive posture.

Consideration of the application against more generalised development control criteria based policy in the adopted North Wiltshire Local Plan 2011, reveals that the proposal would not have a detrimental impact upon the amenities of surrounding residents, highway safety, or the feel and visual character of the locality.

The proposed extension of this existing skate park facility is to be applauded and, in the context of the above, it is recommended that planning permission should be granted subject to the imposition of relevant and necessary planning conditions.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed extension to the existing skate park will ensure the continued use of a well supported local recreation facility which accords with the Policy C3 and CF2 of the North Wiltshire Local Plan and the aims of the National Planning Policy Framework 2012.

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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Prior to the first use of the proposed skate bowl a 2.0 m high feather-edged lapped timber fence of 15 kg/m² minimum density, with no holes shall be erected on the boundary of the site in a position to be first agreed in writing with the local planning authority. The fence as erected shall be maintained in a good condition thereafter.

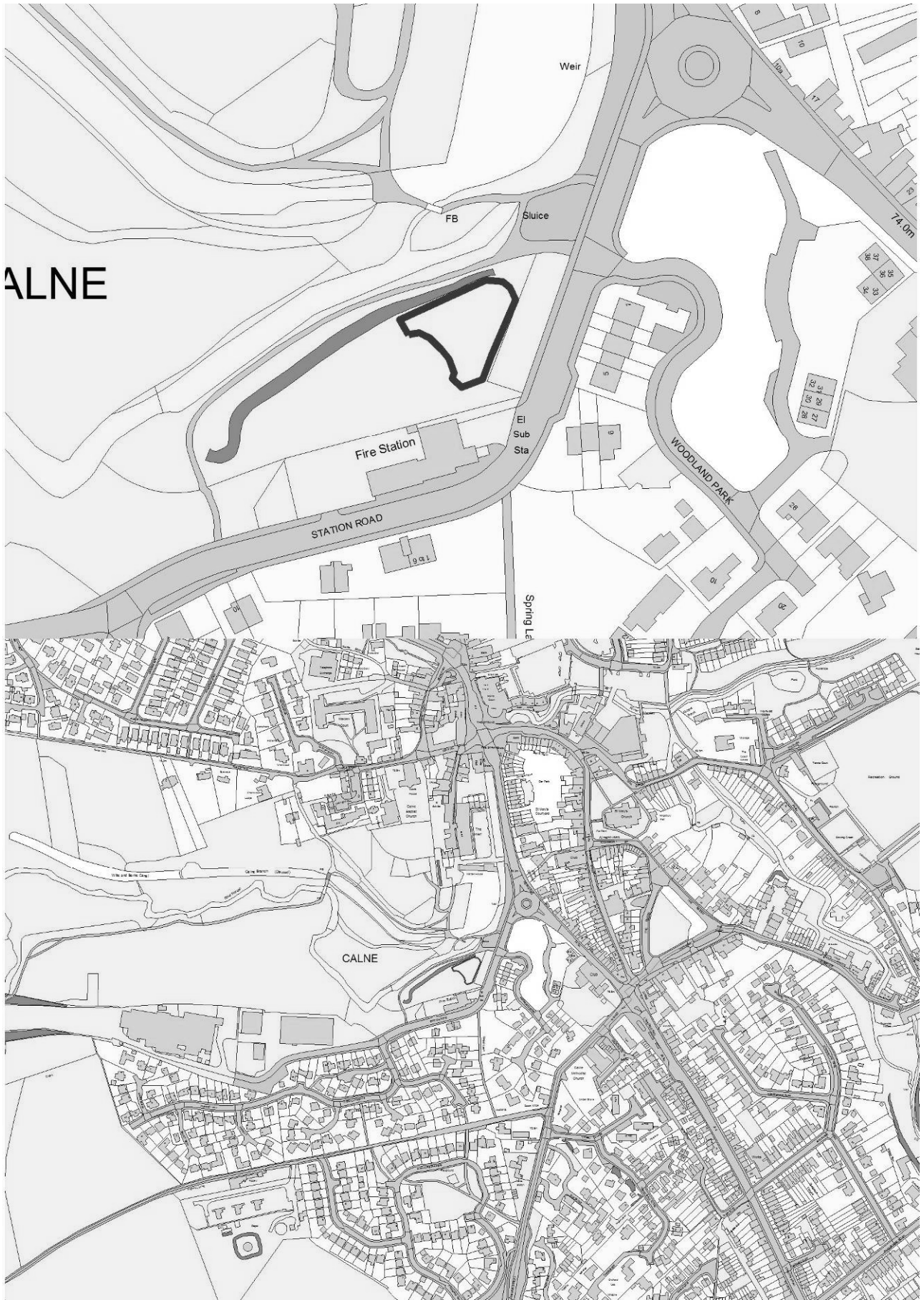
REASON: the fence is necessary as a noise attenuation measure to protect the amenity of local residents from the noise generated by use of the skate bowl and to comply with policy C3.

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

Site Location Plan (17/02/12), Sections (17/02/12), Dimensions/Block Plan (17/02/12), Computer Generated Visual (17/02/12), Typical Construction Details (5182-4-1 and 5182-4-2) (27/01/12)

REASON: To ensure that the development is implemented as approved.



ALNE

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16th May 2012		
Application Number	11/02071/S73A		
Site Address	Field 7860, Lower Fosse Farm, Crudwell		
Proposal	Retention of Rifle Range, Shooting Shelter, Car Parking Area and Use of Land for Stationing of Portacabin (Retrospective Application)		
Applicant	Mr Hill, Corinium Rifle Range		
Town/Parish Council	Crudwell		
Electoral Division	Minety	Unitary Member	Cllr Carole Soden
Grid Ref	394612 194578		
Type of application	Retrospective		
Case Officer	Lydia Lewis	01249 706643	lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Soden has submitted a request for the planning application to be considered by the committee to assess the safety and environmental issue.

1. Report Summary

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- Noise and Impact on Public Right of Way;
- Range safety;
- Visual Amenity; and
- Highways.

The application has generated an objection from Crudwell Parish Council as well as 7 letters of objection.

3. Site Description

The application relates to a former quarry situated within open countryside approximately 3 kilometres north west of Crudwell. The site is situated approximately half a kilometre from the boundary with Cotswold District Council. The Fosse Way byway runs parallel to the range at a distance of approximately half a kilometre and a bridleway runs across the bottom of the range from south east to north west at a distance of approximately 400 metres.

A mature hedge runs along the south east of the range and a further hedge has been recently planted to the south west of the range.

4. Relevant Planning History		
Application Number	Proposal	Decision
None		

5. Proposal

The range is available for shooting (by appointment only) from 09:00 to 16:00, seven days per week. The range is 100 metres and has 4 lanes meaning it can accommodate 4 shooters at a time. The rifle range slopes down slightly with low level banking to both sides and a bullet catcher beyond a row of targets. The bullet catcher comprises an earth bank maintained by retaining wire with a sand bullet catcher maintained at an angle of 34 degrees.

A shooting shelter has been erected on site, this measures 9.1 metres wide, 4.05 metres deep and 2.5 metres high and is constructed of horizontal wooden cladding to three elevations with a corrugated metal roof.

There is a current portacabin on site providing a meeting point and office. This measures 6.1 x 3.1 metres. Permission is sought for the stationing of a 12.2 x 3.1 metre portacabin. The proposed portacabin would be dark green and clad with profiled metal sheeting.

A hardcore parking area approximately 17.5 x 20 metres in area has been constructed. The facility is accessed via an existing filed gate onto Turners Lane, to the north east of the range.

The facility is used for leisure and training purposes including training for the police, Forestry Commission staff and zoo staff.

Works were undertaken in February and March 2010 with the facility opening in June 2010.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy
 NE15 – The Landscape Character of the Countryside
 NE18 – Noise and Pollution

7. Consultations

Wiltshire Police (Firearms Licensing Department) – Have visited the site on a number of occasions. The range was completed towards the end of 2010 and is categorised as a 'no danger area' range. The range is registered with the Wiltshire Police and it is stated that the intention is to utilise the range for the testing, zeroing, demonstration and repair of firearms in conjunction with the business.

Due to the complexities of firearms legislation, difficulties were encountered with firearm owners attending the range to test and zero their weapons. Firearm certificates are conditioned for specific use (such as vermin or deer control) and certificate holders often found that the strict conditions did not allow them to shoot at the range.

In view of this, the applicant decided to set up a shooting club, thus allowing more flexibility for certificate holders to shoot at the range as members. He applied to the Home Office for their approval in August 2010. The required checks were carried out by Wiltshire Police Firearm Licensing Department and recommendation was made to the Home Office for the club to be

approved. Account was taken of the provision of a safe shooting environment, the written constitution of the club, experience and qualifications of the applicant and Mr Blant as range officer. The Home Office granted approval shortly after.

The applicant has taken account of recommendations made in respect of the installation of additional warning signs and flags at and around the area of the range. Whilst the range is on private land, it is possible that persons in the area hearing shooting would be curious and attempt to approach the area of the range. Red flags and warning signs would now clearly indicate that live firing was taking place and would warn of the dangers of approach.

Wiltshire Police are not aware of any specific complaints being made in respect of the club activities at the range and there have been no reported issues in respect of the use of the range.

A condition of the applicants dealers certificate is that no weapons or ammunition is to be stored at the range when it is not in use.

Cotswold District Council – No observations.

Environmental Protection – Neither Wiltshire Council, nor Cotswold Council have received noise complaints thus far, but this does not mean that complaints could not be received in the future. The activity may intensify and lead to an adverse impact, despite its remoteness.

It is recommended that the proposal on page 16 of the noise report be accepted, to limit the use of un-moderated firearms to no more than 28 days per year by way of a condition.

A temporary permission of two years, initially is recommended. It is further recommended that the number of days shooting in that year is submitted to the Council at the end of that period.

This does not mean that if a complaint is received, then this will jeopardise any permanent consent, as any complaint will need to be substantiated.

Equally, if there are no complaints in the temporary period and then residents are concerned that a permanent permission will lead to a 'carte blanche' operation, then the Council still has powers to investigate and act under its noise nuisance legislation (Environmental Protection Act 1990).

Crudwell Parish Council – In summary:

- It is stated that the range has gained the necessary Home Office and police approvals. There is no objective evidence to justify these claims;
- There is no evidence presented that a robust Safety Risk Assessment has been conducted on this firing range by a qualified Risk Practitioner with specific experience;
- There is no evidence presented that the range construction specification is a specification recognised by any National Authority and that this firing range has been constructed to this specification;
- There is no evidence presented that the firing range proprietor is a National Authority qualified Range Conducting Officer as claimed. There is no statement on how firing will be conducted when the Proprietor is not available;
- There are totally inadequate warning signs around the perimeter of the firing range to warn the Public that they may be entering a firing range and when firing is in progress;
- The warning flag that is claimed is always in position on the stop butt of the range when firing is in progress is not visible from all approaches to the firing range;
- It is claimed that the Range Conducting Officer monitors any pedestrian movement on adjacent rights of way when firing is in progress and ceases any firing when pedestrians are in the locality. This is not possible with total confidence due to screening with trees and the land contours;
- It is not specified what type of weapons or ammunition will be used on the range;
- It is not stated how damaged and misfired ammunition will be disposed of;

- There is no indication of how unauthorised shooting will be prevented when the Firing Range is closed;
- The application form does not include a statement for foul sewage and nor does it address hygiene facilities or hazardous substances;
- It is claimed that a night event with 150 personnel in attendance has taken place. Night firing should be considered to be extremely hazardous;
- The requested operation times are 09:00 – 16:00 seven days a week with apparently no exclusions for Bank Holidays;
- There is public perception that the operation of the firing range precludes the enjoyment of the adjacent rights of way for pedestrians, children, dog walkers and horse riders who are startled and nervous at unexpected gun shots aimed in their direction; and
- There is no statement that Public Liability Insurance is established.

County Archaeologist – No comments or observations in relation to the proposals.

County Highways – On the basis that officers are satisfied that this proposal satisfies policy in the Local Plan relating to farm diversity and leisure uses in rural areas no concern is raised (in relation to PPS7 considerations).

Wiltshire Bridleways Association – This is a small agricultural area surrounded on three sides by a lane, a byway and a bridleway, used by walkers riders and carriage drivers in the peaceful enjoyment of the countryside and is totally unsuitable for a firing range. Horses particularly are easily startled, and the sound of nearby gunshots could easily cause a horse to bolt or handlers to lose control with disastrous results.

Public Rights of Way Team – The Rights of Way Warden has not received any complaints regarding the use of the site as a shooting range. However the Rights of Way section objects because the proposed use impacts on the use and enjoyment of the bridleway (HA 1980 s130), but would consider if some form of mitigation were in place to reduce the impact of sudden and unexpected firing. It is suggested that a flag is flown when the range is in use. The use of the range should be such that firing is away from the bridleway.

The British Horse Society – Object to this application on the following grounds: the ‘range’ is sited in fields adjacent to a bridleway and byway; the actual range is firing directly towards the bridleway; no consideration or assurances have been given in the application to the equine users of the Rights of Way; it is not clear from the application the level or type of noise that will be generated from the firearm discharge, and there is no assessment of noise levels reaching the RoW. Although the discharge is not immediately next to the RoW equine hearing is very sensitive; no proper safeguards or conditions are currently proposed for development to protect equine and other users of the RoW, both in terms of noise and physical safety; and it is likely that further development may be considered on the site that could affect the RoW.

8. Publicity

The application was advertised by site notice and press advert.

7 letters of objection have been received in response to the application publicity. In summary, the key concerns raised are:

- Safety – to those using the public right of way that crosses behind the range (target end), particularly for walkers, runners, horse riders and dog walkers;
- Increased traffic – the access lane is a small quiet lane. An increase in traffic would not be sustainable as there are few places to pass. The junction at the Kemble end is very tight, hidden from a distance and on a slight blind bend. Increased use of the roads would compromise safety; and
- Noise nuisance.

1 comment has been received in response to the application publicity. This states that until Crudwell Parish Council raised this in the community newspaper they were unaware of the existence of the rifle range. No objections are raised to the continuance of the range and its events but of more concern is the excessive speed of traffic along local country lanes.

9. Planning Considerations

Noise and Impact on Public Right of Way

Paragraph 111 of Circular 11/95: The Use of Conditions in Planning Permission considers that where an application is made for permanent permission of a use which may be 'potentially detrimental' to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.

Policy NE18 of the Local Plan states that development will only be permitted where it would not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.

Shooting, especially on outdoor ranges, present particular locational issues, meaning that shooting facilities may be better located in the open countryside away from populated areas and no objection in principle is therefore raised to a countryside location for the proposed development.

The range is available for shooting (by appointment) from 09:00 to 16:00, seven days a week. There may be days when there are several appointments and then several days where there is no shooting.

Most shooters visit the site to practice or gain extra tuition shooting around 20 shots per session which usually lasts one hour. All firing takes place inside the shelter which the planning statement advises has been designed to absorb sound.

A Noise Report, prepared by Acoustic Consultants Ltd has been submitted in support of the application. This details that there are two main types of weapon in terms of noise emission. The moderated (with a 'silencer') and the unmoderated. Most modern firearms are fitted with sound moderators to lessen recoil, sound and muzzle blast.

The report states that in 2011 the range was operational for a total of 179 days with a total of 333 people visiting, out of these 333, only 17 used a rifle without a sound moderator.

The report considers the effects of the range on the potentially most noise sensitive dwellings, the Rectory approximately 1,500 metres to the south and the Farmhouse approximately 650 metres to the north, and the bridleway approximately 400 metres to the south.

The relevant clay target shooting criteria was set by the Chartered Institute of Environmental Health; (CIEH) Clay Target Shooting entitled 'Guidance on the Control of Noise', published in January 2003. The noise report identifies this to be the most relevant guidance for the proposed site operations, though the site does not use clay targets.

Chapter 6 provides criteria on noise measurement and assessment and in summary states:

'The BRE research suggests that there is no fixed shooting noise level at which annoyance starts to occur. Annoyance is less likely to occur at a mean shooting noise level (mean SNL) below 55 dB(A), and highly likely to occur at a mean shooting noise level (mean SNL) above 65 dB(A).'

'The SNL is defined as the logarithmic average of the 25 highest shot levels, from the shoot in question, over the 30 minute measurement period. The shot levels will have been obtained from recorded levels corrected where necessary for residual noise.'

Shots were fired at the range using two moderated rifles and one unmoderated rifle and measurements taken at the three noise sensitive locations identified above. The CIEH guidance calls for noise level of the 25 loudest shots over a 30 minute period to be averaged. This is based on clay pigeon shooting where there could be scores of shots taking place in this time. However, on the rifle range, a total of 13 shots were fired during the 30 minute period. Of these a total of 11 were measurable.

The survey was carried out in fairly still wind conditions and it is acknowledged that wind strength and direction will impact upon noise levels. Although wind direction will vary from day to day depending on weather conditions, the prevailing wind is south westerly and greater noise effects would therefore be felt to the north east. The bridleway is situated roughly to the south west of the range.

The noise report further identifies that the mode of firing differs to clay target sites as the line of fire is always in the same direction and angled slightly downwards whereas clay target firing is upwards inclined and in numerous directions.

The table below has been taken from the noise report and summarises the results of the noise measurements undertaken:

Location	223 (5.56) Moderated Rifle SNL (dB)	308 (7.62x51) Moderated Rifle SNL (dB)	308 (7.62x51) Unmoderated Rifle SNL (dB)
Bridleway	45	51	63
Rectory	Inaudible	Inaudible	47
Farm House	Inaudible	Inaudible	53

It can be seen from the table above that moderated rifles are inaudible from both of the nearest residential properties. Unmoderated rifles are audible but do not exceed the SNL recommended by the CIEH guidance in relation to clay pigeon shooting. In relation to the bridleway, the noise generated by moderated rifles is within the CIEH guidelines but not for unmoderated rifles. A bolting horse poses a danger to its rider and other bridleway users as well as itself and it is noted that even if the risks could be eliminated, the range could reduce the pleasure of using the bridleway particularly by inexperienced riders or nervous horses.

As previously stated, in 2011 unmoderated rifles were used on 17 days of the year and it must be remembered that permitted development rights allow use of the site for moderated or unmoderated rifles on 28 days in any calendar year and this has to be taken into account. The noise report concludes that the use of unmoderated firearms could, be limited to no more than 28 days per annum.

The Council's Environmental Protection team have advised that consent be granted on a temporary 2 year basis in order to test any noise impact. It is recommended that details of the timing, location and arrangements for the future monitoring of the ranges noise impact be submitted within three months of the date of this permission. Given the results of the noise assessment already submitted, it is recommended that this is on the basis of the bridleway only.

On the basis of a temporary 2 year consent as outlined above and a further condition restricting the use of unmoderated firearms to no more than 28 days per calendar year it is not considered that a refusal on the basis of noise could be substantiated. A further condition relating to hours of use is recommended to restrict hours to 09:00 – 18:00 Monday to Saturday and 09:00 – 16:00 on Sundays with no firing on Bank Holidays.

Although it is recommended that the use of unmoderated rifles be restricted to within the permitted development rights of 28 days per year, it would be helpful if horse riders could know when shooting of unmoderated rifles was to take place i.e. if it were restricted to certain days of the week to allow alternative routes to be used. The applicant has been asked to consider this and has advised that this could lead to operational difficulties owing to the nature of the business which often involves resolving problems that people have with their rifles which can include firing a few shots with the silencer removed.

Range Safety

The Home office circular 031/2006 'Firearms' makes it clear that range safety is primarily the responsibility of range owners and operators. Paragraph 11 states that it is anticipated that most ranges will use The National Small-bore Rifle Association and the National Rifle Association scheme. However, it is for each range owner / operator to decide what steps to take to ensure their range is safe.

The applicant has submitted the following in support of the application:

- Home Office certification;
- National Rifle Association certification; and
- Lantra (land and training skills organisation) certification.

All rifle owners must make an appointment to shoot and are supervised at all times. There is no unattended use of firearms at the site. Experienced shooters are required to bring their firearms certificate with them before they are permitted to use the range and the applicant is duty bound to report unlicensed or inappropriate behaviour to the police. No guns are stored at the facility.

The planning statement identifies that prior to shooting, red flags are placed upon the highest point on the bullet catcher to alert walkers and equestrians that shooting is imminent. The applicant is always in attendance during shooting practice and monitors the bridleway requiring shooters to hold from firing while a walker or horse rider is on the bridleway.

Although range safety is primarily the responsibility of range owners and operators, appropriately worded conditions can reinforce it, for example to ensure that appropriate range certificates are obtained and range records are kept.

Visual Amenity

Policy NE15 of the Local Plan states that the landscape of North Wiltshire and its locally distinctive characteristics shall be conserved and enhanced, development will be permitted if it does not adversely affect the character of an area and features that contribute to local distinctiveness.

The range itself is situated within a former quarry and both the shooting shelter and proposed portacabin are of a limited scale and constructed of materials that would blend in with the character of the surrounding area. The range is largely screened by an existing mature hedgerow ensuring that views are restricted from the wider public realm with views limited to close quarters. The rifle range is not considered detrimental to the visual amenity of the local area.

Highways

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

The applicant has provided a breakdown of the numbers of people, cars and shooting days at the rifle range extracted from the range log over a 14 month period from June 2010 to July 2011 inclusive. The range log records individual private shooters and shooters on training courses. Open days are not recorded in the log.

During the 14 month period outlined above, the range hosted shooting on 183 days, including a training course in July with 8 attendees. With regards the number of open days which can be held at the site, the applicant is limited to 12 per year under Home Office approval regulations, to date there have been three, the most recent of which was held in June 2011 when around 25 people attended, arriving in approximately 20 cars.

The highways team have reviewed the application and have raised no objection. Conditions are recommended to ensure the parking area remains for such purposes and that there shall be no more than 3 events / open days, lasting no more than 2 days, per calendar year.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The rifle range is not detrimental to the visual amenity of the surrounding area and does not result in material harm to highway safety. The development therefore complies with policies C3 and NE15 of the North Wiltshire Local Plan 2011. The safety of the range is primarily the responsibility of range owners and operators but conditions are recommended to reinforce this. A temporary 2 year consent is recommended in order to further test the noise impact of the rifle range on the bridleway and to ensure its compliance with policy NE18 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The Portacabin hereby permitted shall be begun not later than three years from the date of this decision.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No external lighting shall be installed or used at the site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Those details shall include the number, type, technical specification and luminescence of each light source, as well as of any shielding proposed. Development shall be carried out in accordance with the approved details and shall be retained thereafter.

REASON: To minimise light pollution and in the interests of the amenities of the area in accordance with policies C3 and NE15 of the North Wiltshire Local Plan 2011.

3. Shooting shall not take place on the site other than between the hours of 09:00 and 18:00 Monday to Saturday and 09:00 to 16:00 on Sundays. There shall be no shooting on Bank or Public Holidays. On Remembrance Sunday, normal shooting hours will be permitted with the exception that the two minute silence shall be observed at 11:00 hours.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance with policy NE18 of the North Wiltshire Local Plan 2011.

4. The area allocated for parking set out on drawing number KCC 3 (block plan) shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

5. Unless otherwise agreed in writing beforehand by the Local Planning Authority, no more than 3 events / open days, lasting no more than 2 days shall be held on the site per calendar year.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance with policy NE18 of the North Wiltshire Local Plan 2011.

6. The use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority to include a timetable for restoration. Within three months from the date of this permission, the timing, location and arrangements for the future monitoring of the ranges noise impact on the bridleway to the south west during the temporary period shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: The use may be potentially detrimental to users of the bridleway, but there is insufficient evidence to enable the authority to be sure of its character or effect.

7. Appropriate safety certificates for the range hereby permitted obtained from the National Small-bore Rifle Association and / or the National Rifle Association shall be renewed at an interval of not less than three years and shall be made available for inspection by the Local Planning Authority within 48 hours of any written request to this effect.

REASON: To ensure that the range operates within the guidelines set out in Home Office Circular 031/2006.

8. Records shall be kept of the use of the range hereby permitted, including the type and number of firearms used, the number of rounds fired and the hours used. These records shall be kept for a period of not less than ten years and shall be made available for inspection by the Local Planning Authority within 48 hours of any written request to this effect.

REASON: To ensure that the range operates within the guidelines set out in Home Office Circular 031/2006 and to ensure compliance with condition 9 of this consent.

9. Shooting of unmoderated firearms shall be used on no more than 28 days in any calendar year.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area in accordance with policy NE18 of the North Wiltshire Local Plan 2011.

10. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

- KCC 1 – Site location plan
- KCC2 – Location plan
- KCC3 – Block plan
- KCC4 – Elevations, floor and roof plan – shooting shelter
- KCC5 – Elevation – proposed portacabin
- Sk/Cir/001 – 100 metre limited danger area range

All date stamped 10th June 2011

REASON: To ensure that the development is implemented as approved.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16th May 2012		
Application Number	12/00286/FUL		
Site Address	Brethren Meeting Room, Goldney Avenue, Chippenham, Wilts		
Proposal	Partial Demolition of Existing Meeting Room and Construction of 5 Dwellings and Associated Works		
Applicant	The Down Chapel Trust		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden and Rowden	Unitary Member	Cllr Judy Rooke
Grid Ref	391442 173491		
Type of application	Full		
Case Officer	Kate Backhouse	01249 706684	kate.backhouse@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to committee by Cllr Judy Rooke to consider the visual impact, relationship to adjoining properties and the design.

1. Purpose of Report

To consider the above application and to recommend that authority be DELEGATED to the Area Development Manager to grant permission subject to conditions and the signing of a Section 106 Legal Agreement.

The Town Council raise no objections subject to discussions between planning officer and developer in respect of neighbour concerns.

2. Main Issues

- Principle of development Policies C3, CF3 and H3 of the adopted North Wiltshire Local Plan 2011 and the National Planning Policy Framework
- Affect on the privacy and amenity of existing neighbours and potential occupants

3. Site Description

The application site is located at the Brethren Meeting Room on Goldney Avenue. The immediate locality has been subject to fairly extensive residential development, most recently 10 affordable houses, on the adjacent plot, (10/04508/FUL) refers.

4. Relevant Planning History

None

5. Proposal

The proposal consists of the partial demolition of the religious meeting hall. (A new meeting hall has been permitted in Kington Langley on the A350, (08/00631/FUL) refers. Plans show a row of 3 and 4 bed terraced houses to the west of the plot with a detached dwelling and garage to the east. Centrally, a new car parking area is to be created with 14 No spaces serving the remaining part of the religious meeting place.

6. Consultations

Drainage Engineer

No objection subject to conditions.

Public Open Space.

The current North Wiltshire Hub Open Space provision requirements for this development in accordance with policy CF3 of the North Wiltshire Local Plan 2011 are as follows:

North Wiltshire Open Space Calculator

The North Wiltshire Open Space Calculator has been used to determine the following levels of Open Space provision requirements:

2 × 3 Bed dwellings generate a need for 0.0132 Ha of Open Space
3 × 4+ Bed dwellings generate a need for 0.0252
0.0384 Ha equates to an Offsite Contribution of £33,800

Conclusion: This development generates a need for £33,800 in offsite Open Space Contribution to be used to upgrade facilities at John Coles Park

Highways

Having addressed the submitted information I am satisfied that the proposed development would not raise any highway concerns.

The parking standards are not quite up to current standards (the 4 bed should have 3 spaces each) but each property is afforded an allocation of 2 spaces (with plot 5 having a possible 4 spaces to itself). I am happy to allow vehicles to reverse on and off the highway at this location.

There appears to be adequate parking for the downsized Meeting Room.

In summary based on the submitted plans I wish to raise no highway objection subject to the following condition:

(WD20) No part of the development hereby approved shall be first occupied until the parking areas shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

Parish Council

No objections subject to discussions between planning officer and developer in respect of neighbour concerns.

Landscape Officer

No objections subject to conditions

7. Publicity

The application was advertised by site notice and neighbour consultation.

4 letters of objection have been received.

Summary of key relevant points raised:

- Proximity of development to boundary
- Overlooking
- Size, scale and design
- Removal of hedge.
- 1st Floor side window
- Highway concerns due to retention of religious hall

8. Planning Considerations

Principle of development

Policy H3 of the Local Plan states that proposals for residential development, within the Framework Boundaries as defined on the proposals map, will be permitted, provided that amongst other things priority is given to the re-use of previously developed land and buildings. The National Planning Policy Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

Impact on privacy and amenities of existing and future occupiers.

The 4 terraced houses raise no objection in terms of design or amenity issues given the distance between the rear windows and those of the terraces at Lowden Avenue. Parking arrangements show the kerb being dropped and 8No spaces being provided directly off the road. Adjacent to the meeting hall a car park with 14 spaces is shown to serve the hall. The detached 4 bed dwelling is set at an angle within the triangular plot with the end gable facing onto the gardens of Lowden Avenue. Plans originally showed a 1st floor window to this elevation however the agent has agreed to remove this in the interests of neighbourly development. The agent has confirmed that the hedge can be retained along the northern boundary of Plot 5 which would help to alleviate concerns regarding overlooking.

Concerns have been raised in respect of the impact the dwelling will have on the residents of the bungalows on Lowden Avenue. The proposed dwelling is over 18 metres away from the rear wall

of 24d Lowden Avenue with the other bungalows being sited a greater distance away. It is noted that the houses backing onto the development are bungalows (A site visit was carried out to view the development site from two of the neighbouring properties.) and that the proposed dwelling is 2 storey dwelling however this does not make the proposal unacceptable in planning terms. Indeed, when viewed from Goldney Avenue a 2 storey dwelling is much more in keeping with the street-scene. Objectors have commented that they would not object to a single storey dwelling however a two storey dwelling does not raise any issues that would justify a reason to refuse planning permission. The dwelling is oriented in such a way as to not create any issues of overlooking with distances of 23 and 34 metres to 24c and 24b Lowden Avenue respectively.

9. Conclusion

It is considered that the proposal complies with the policies of the North Wiltshire Local Plan in that it is sited within the framework settlement boundary for Chippenham and will not impact unduly on the privacy and amenities enjoyed by neighbouring residents. The proposal has adequate amenity and parking spaces and is considered an appropriate addition to the locality.

10. Recommendation

To recommend that authority be DELEGATED to the Area Development Manager to grant permission for the following reason subject to conditions set out below and signing of a Section 106 Legal Agreement.

The proposed residential development is considered to be of an acceptable scale, design and layout that would be appropriate in the context of surrounding residential development. The proposal would not have a significant impact upon the amenities of surrounding residential properties and would deliver an appropriate contribution towards the provision of public open space. The proposal would comply with the provisions of Policies C2, C3, CF3 and H3 of the adopted North Wiltshire Local Plan 2011.

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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

11-1445-L(0)03 B date stamped 29.02.12 (Additional)

11-1445-L(0)07 A date stamped 31.01.12

11-1445-L(0)08 A date stamped 31.01.12

11-1445-L(0)06 A date stamped 31.01.12

11-1445-L(0)03 A date stamped 31.01.12

11-1445-L(0)02 A date stamped 31.01.12

11-1445-L(0)09 A date stamped 31.01.12

11-1445-L(0)01 A date stamped 31.01.12

11-1445-L(0)11 A date stamped 31.01.12

11-1445-L(0)04 A date stamped 31.01.12

11-1445-L(0)05 A date stamped 31.01.12

11-1445-L(0)10 A date stamped 31.01.12

Design and access statement date stamped 31.01.12

REASON: To ensure that the development is implemented as approved.

3. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) a detailed planting specification including all species, planting sizes and planting densities and canopy spread of all trees and hedgerows;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (j) Four trees of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. Notwithstanding the details shown on the submitted plans, there shall be no window inserted in the first floor side elevation of plot 5.

REASON: In the interests of residential amenity and privacy.

9. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

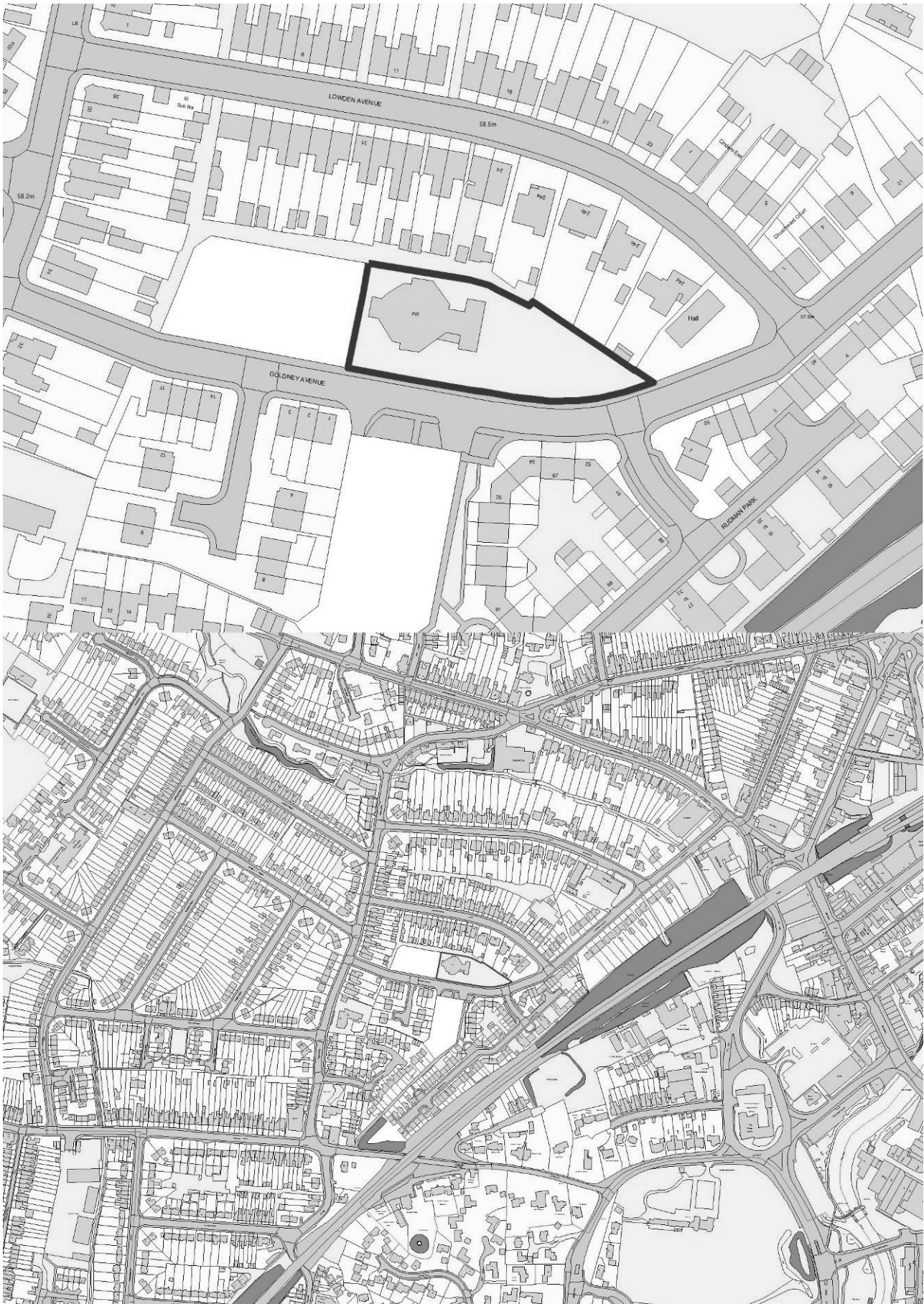
10. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Where possible, this should include SuDs methods to attenuate surface water thereby allowing for runoff volumes. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

Informatives

1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

2. The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated 16th February 2012.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16th May 2012		
Application Number	12/00293/FUL		
Site Address	22 Milbourne Park, Milbourne, Malmesbury		
Proposal	Erection of detached dwelling		
Applicant	Mr G Lambert-Jones		
Town/Parish Council	St Paul Malmesbury Without		
Electoral Division	Sherston	Unitary Member	Cllr John Thomson
Grid Ref	394292 187618		
Type of application	Full		
Case Officer	Kate Backhouse	01249 706684	kate.backhouse@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Thompson has requested that the application be considered by committee in order to assess the acceptability of the scheme

1. Purpose of Report

To consider the above application and recommend that authority be DELEGATED to the Area Development Manager to GRANT Planning Permission subject to an acceptable legal agreement and the conditions set out below:

The Parish Council object to the application on the grounds that it is overdevelopment of the plot in terms of size and scale contrary to policy C3 of the North Wiltshire Local Plan 2011 and that the plot is a Greenfield site in the open countryside.

2. Main Issues

- Principle of development Policies C3, H6 and H3 of the adopted North Wiltshire Local Plan 2011 and the National Planning Policy Framework
- Impact on the character and appearance of the area
- Affect on the privacy and amenity of existing neighbours and potential occupants

3. Site Description

The site is located on Milbourne Lane in the rear garden of 22 Milbourne Park. 22 Milbourne Park is a detached bungalow within a small housing estate within the framework settlement boundary for Milbourne. Milbourne Park is a 1960s housing estate of detached bungalows. The estate as a whole consists of large plots with bungalows sited towards the front of all the plots. The estate is open plan with many of the properties having been extended. 20 Milbourne Park has divided its plot and there is now a new bungalow built in the rear garden.

4. Relevant Planning History

None

5. Proposal

The proposal consists of the erection of a new dwelling in the rear garden of 22 Milbourne Park. The plot is sited at the end of a cul-de-sac with the rear garden backing onto Milbourne Lane. There is an existing vehicular access from Milbourne Lane. The submitted information show a modern, flat roof single storey detached dwelling to be sited in the rear garden. The plot is to be broadly divided in two with the existing dwelling retaining an average size garden, not dissimilar in size from the adjacent property, 21 Milbourne Park.

The applicant entered into pre-application discussions prior to the submission of this application. At this stage concerns were raised in respect of the size of the new dwelling and its relationship with the existing dwelling and also satisfactory parking arrangements.

The original 'L' shaped dwelling proposed at pre-application stage has been replaced with a simple, rectangular building, set at an angle to provide garden land to the rear of the property and to maintain satisfactory distances between existing dwellings and the proposed new build. Revised plans have been provided as per Highway Officer request illustrating parking arrangements for two cars.

6. Consultations

Public Open Space.

'The development site is outside of the distance thresholds for spending open space contributions as set out in the North Wilts Open Spaces Study.' No POS contribution is therefore requested.

Affordable Housing

At pre-application stage the Affordable Housing Officer confirmed that there would be a £26,000 contribution as this falls within Policy H6. The applicant has agreed to enter into a legal agreement in respect of this.

Highways

Expressed initial concerns however the applicant has submitted revised plans overcoming the objection subject to conditions.

Archaeology

No objections.

Parish Council

Objection, due to overdevelopment of site and development on Greenfield site.

Malmesbury and St Paul Without Residents Association

Objection, due to overdevelopment of site and development on Greenfield site.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

15 letters of objection have been received.

Summary of key relevant points raised:

- Felling of tree and impact on wildlife
- Noise during construction works
- Overdevelopment of plot
- Amenity space too small
- Overbearing impact on neighbours
- Out of keeping with remainder of estate
- Garden grabbing

5 letters of support have been received

Summary of key relevant points raised:

- Sustainable building
- Low level design won't impact on neighbours
- Introduces new character to the area

8. Planning Considerations

Principle of development

Policy H3 of the Local Plan states that proposals for residential development, within the Framework Boundaries as defined on the proposals map, will be permitted, provided that amongst other things priority is given to the re-use of previously developed land and buildings.

The National Planning Policy Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This includes: land in built up areas such as private residential gardens.

The site is situated within the Settlement Framework Boundary for Milbourne where residential development is considered acceptable in principle in accordance with policy H3 of the North Wiltshire Local Plan 2011. Objection has been raised that the proposal is 'garden-grabbing' and overdevelopment of the site. Part 53 of the NPPF states that '*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*'. Within the Adopted North Wiltshire Local Plan 2011, no specific reference is made to development in residential gardens. The Wiltshire Core Strategy, due to be adopted later this year will supersede the North Wiltshire Local Plan 2011 however again in this document, there is no specific reference made to garden grabbing.

As noted above, the NPPF refers to inappropriate development of residential gardens where there would be harm to the local area. Within the NPPF there is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.' The site is located within a framework settlement boundary where it is considered that there are suitable and sufficient services and facilities to accommodate further development.

Impact on character and appearance of area.

The proposed dwelling has been reduced substantially in size from that shown at pre-application and given its low height and positioning in the plot, it is considered that the development would not cause harm to the local area as the property would be largely hidden from view from Milbourne Park. It is acknowledged that the property is not in keeping with the design of the properties on Milbourne Park, however given the orientation of the property and its access for pedestrians and vehicles from Milbourne Lane, it is considered that the development would be read in connection with Milbourne Lane rather than Milbourne Park and a modern design is therefore considered entirely acceptable.

Impact on privacy and amenities of existing and future occupiers.

It is considered that there is adequate amenity space for both existing and proposed dwellings to accommodate a new dwelling given the reduction in size from the initial proposal. The mature hedge to the rear of the site together with the proposed fencing will ensure adequate levels of privacy given the single storey nature of the proposal. It is worth noting that the applicant would be entitled to erect a building for ancillary use, just 40 centimetres lower in height than the proposed dwelling, without being required to submit a planning application.

9. Conclusion

It is considered that the proposal complies with policies C3 and H6 of the North Wiltshire Local Plan in that it is sited within the framework settlement boundary for Milbourne and will not impact unduly on the privacy and amenities enjoyed by neighbouring residents. The dwelling has adequate amenity and parking spaces and meets the Government's overarching aim for achieving sustainable development.

10. Recommendation

That authority be DELEGATED to the Area Development Manager to GRANT Planning Permission for the following reason subject to an acceptable legal agreement and the conditions set out below:

It is considered that the high quality bespoke design of the proposed new dwelling will be a striking addition to the settlement whilst not impacting negatively on the character and appearance of the established residential estate. The local planning authority has therefore determined that the development is considered to be acceptable on its planning merits as the proposal is compatible and complimentary to policies C3 and H3 of the North Wiltshire Local Plan 2011 and meets the Government's overarching aim for achieving sustainable development. Having regard to all other matters raised, planning permission is granted subject to the following conditions.

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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3 of the North Wiltshire Local Plan 2011.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional structures.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) hard surfacing materials.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

8. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Block plan - date stamped 22.03.12 (Revised plans)

Floor plan - date stamped 30.01.12

South and east elevations - date stamped 30.01.12

North and west elevations - date stamped 30.01.12

REASON: To ensure that the development is implemented as approved.

9. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

Informatives

1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16 th May 2012		
Application Number	N/12/00534/FUL		
Site Address	The Old Hall, The Street, Grittleton		
Proposal	Conversion and Enlarged Extension to Garage to Form Granny Annexe (Part Revision of N/11/02918/FUL)		
Applicant	Mr N Ridler & Miss L Pierce		
Town/Parish Council	Grittleton		
Electoral Division	ByBrook	Unitary Member	Jane Scott
Grid Ref	386194 180212		
Type of application	FULL		
Case Officer	Mandy Fyfe	01249 706638	mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been referred to the Northern Area Planning Committee at the request of Councillor Scott as the Parish Council have some concerns regarding the application

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

1 letter of objection

2. Main Issues

The main issues in considering the application are:

- Principle of development on Policies C3, NE4, NE14, HE1, HE4 and H8 of the adopted North Wiltshire Local Plan 2011
- Provision of on site parking
- Visual amenity, character and appearance of the Conservation Area
- Impact on adjoining residential properties
- Impact upon neighbouring Listed Building

3. Site Description

The Old Hall is a detached two storey dwelling that was built in the 1990's following the demolition of the old Village Hall. It is constructed of natural dressed stone, stone quoins and with natural stone slates and white painted timber joinery. It has two distinctive gables with plain barge boards and decorative barge board for the centred front entrance. In the front and to the east side of the dwelling is a detached stone garage which is accessed by a driveway between two stone pillars. Part of the driveway provides a right of way to several properties including School Lane Cottage and Webbs Cottage.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/02918/FUL	Conversion and extension to garage to annexe, erection of two single storey extensions to dwelling. Planning permission was granted last year by the Northern Area Planning Committee for the erection of two single storey side extensions to form additional storage space to be attached to the dwelling. Permission was also granted to extend and convert the existing garage into a granny annexe. Parking and turning would be between the house and garage. The separate right of way leading to School Lane would remain unaffected by the development.	Permitted
91/01649/FUL	Erection of a detached dwelling with detached garage	Permitted
90/01589/OL	Outline – erection of 2 semi-detached houses and formation of vehicular access Amendment to previous permission	Permitted
88/01617/OL	Outline for two semi-detached dwellings and formation of new vehicular access	Permitted

5. Proposal

The proposal as originally submitted was for firstly; the erection of a wide single storey extension to the east of the dwelling to form a hallway and two storerooms with a roof that formed a monopitch attached to the existing roofline. This would have involved enlarging the applicant's property by purchasing some of the adjoining neighbour's garden and erecting a boundary wall between the two as specified within the original DAS. The single storey extension on the west side of the dwelling would not be changed and this already has permission under the previous scheme.

Revised plans were then submitted on 21st March and these show that the large monopitched roof on the eastern side of the dwelling closest to Wych Elm has now been deleted along with the enlarged storerooms. As a result the reference to the permitted single storey extensions to either side of the dwelling have now been omitted from the description as these already have planning permission and can be implemented in their own right.

The second part of the scheme is again for the conversion of the double garage to a one-bedroomed granny annexe as permitted. This building is constructed in the same materials as the dwelling and has a floor area of 30m². It has an eaves height of 2.3m and a ridge of 5.3m. The front timber doors of the garage face to the west facing the driveway and right of way to several properties behind the house. The previous permission granted a 2m addition to the southern elevation of the garage to provide a kitchen with a bathroom in the roof space. The original plans of this current application still proposed the southern two storey addition as before, but with the proposed additional garden, this would have given space for a further 2m addition to the lounge and bedroom above.

However with the submission of the revised plans on 21st March, the eastern two storey extension has now been omitted as the additional garden area land is no longer part of the scheme. Instead, the proposal is to retain the southern 2m deep extension and now to have an additional 1m deep extension to the north adding a further 10,4m² in floor area. The new floor area would provide an enlarged lounge area with a pedestrian door and window at ground floor facing north and an

additional bedroom area which would now have a double casement in the new gable end also facing the applicant's front elevation. The ridge line of the proposal would match the existing ridge line, so giving the garage an footprint of an elongated cross. As before the timber entrance doors on the west elevation of the garage would be removed and replacement glazing would be inserted including a triangular shaped glazed window in the gable end. No windows or rooflights are proposed on the east elevation. In addition the south facing elevation facing the highway would now have three windows: two at ground floor for the kitchen and one in the gable end shower room, instead of the two previously proposed. No separate amenity area has been designated for this annexe and the two trees in front of the building to the south would be retained.

6. Consultations

Grittleton Parish Council: *Original Comments:* We are not able to support the application for the following reasons:

- The Parish Council consider that the line of the driveway over which a right of access to properties in School Lane exists is misrepresented on the submitted plans;
- The presented extensions to the garage will further reduce space for parking at The Old Hall potentially having implications for the right of access;
- The proposed store room will potentially impede the right of access to School Lane;
- The Design & Access Statement is inaccurate.

Further comments:

- The Design and Access Statement which accompanied the initial set of revised plans; referred to the purchase of additional land by the applicant - the Parish Council understand that this is no longer the case and therefore the DAS may be inaccurate;
- The initial set of revised plans (February 2012) did not show the second extension to the garage. The Parish Council had understood that the area on which this extension will be sited was designated as one of the three car parking spaces. Need clarification and confirmation from Highways that they have taken account of this change.
- Need clarification regarding the rights of way over adjoining properties and the status that they enjoy when an application is submitted.

Highways: *Original comments:* They are happy in principle that the proposed conversion of the garage into a granny annexe and that the site appears to be able to accommodate adequate parking within the site boundary. No highway objection subject to conditions.

Revised Comments: They are happy that even if the garage conversion encroaches on an "identified" parking space that the driveway area is still able to accommodate three spaces that the house requires with the annexe being linked to the main dwelling and not requiring any additional parking for itself. Access over a shared driveway is a private right between the joint owners, it is a private matter and there is little that the (Council) can do except for trying not to allow something which could lead to neighbour conflict.

Archaeology: No comments or objections to scheme.

Conservation Officer: The application seems to be same as the previous one but with an extended former garage. My comments are the same as before. I am still of the opinion that the alterations and extension to the garage are unsympathetic to the parent building, adjacent listed buildings and surrounding conservation area. By increasing the size of the converted garage to a small house the detrimental impact on this development on the adjacent listed buildings and conservation area will be exacerbated. The development will be contrary to the National Planning Policy Framework 2012 section 12. The comments regarding the scale of the design of the garage that is to become a granny annexe remain as before and the recommendation is one of refusal.

Tree & Landscape Officer: No objections in principle to the proposed development as the distance from the garage to the Sycamore and Ash trees remains the same. Recommend condition.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation and following the submission of revised plans, the application was re-started again.

1 letter of letter of objection received:

- Concern is related to possible changes to the access drive which is shared by the Old Hall, Webbs Cottage and School Lane Cottage and is used for vehicular access and deliveries;
- The DAS accompanying the application includes the wording that "...access to the properties to the rear will be maintained". Wish that the DAS includes our property names;
- Access Route appears to be a different position on submitted plans than exists on site;
- Seek a condition on any permission that shared access drive should be maintained to allow for larger vehicles to use it;
- New storeroom will be very close to the access drive and would like confirmation that this will be unaffected.

8. Planning Considerations

Planning Policies

- North Wiltshire Local Plan 2011 Policies C3, NE4, NE14, HE1, HE4 and H8 apply here

Principle of development

The proposed development needs to be considered against Policies C3, NE4, HE1, HE4 and H8 of the North Wiltshire Local Plan 2011.

With the submission of the revised plans, the scheme is now only for a further enlargement of the garage to the north, that already has permission for conversion as a granny annexe and the insertion of additional fenestration in the permitted and proposed additional elevations. The materials are exactly as was permitted under the previous scheme to match the existing dwelling.

A revised DAS has now been submitted by the agent (dated 25th April) with the following items highlighted:

- The proposal is for an extension to the existing garage which already has permission to be converted into a granny annexe
- The only change is to extend it by 1m to ensure that the existing car parking arrangements are maintained
- There are no alterations to the access road to the properties at the rear
- The applicant has not purchased any additional land so the only addition is for the 1m extension to the north of the garage

Provision of onsite parking

The highway authority is satisfied that three car parking spaces can still be achieved on the existing drive as well as taking into account the private right of way that leads to several other properties. The proposed plan still shows that the space between the main house and the annexe would be down to hardstanding.

Visual Amenity, Character and Appearance of the Conservation Area

In relation to the Local Plan Policies, the proposal is considered to respect the local character and distinctiveness of the area with regard to its design, size, scale, massing, materials and siting. It would retain its satisfactory means of access and turning along with the right of way.

The conservation and enhancement of the natural beauty of the area would be protected by this development as there would be limited change to the external appearance of the garage which has already been permitted to be altered and extended. In addition the conversion works would use matching materials to the existing dwelling.

The Old Hall is within the Grittleton Conservation Area. All development will only be permitted where it will preserve or enhance the character or appearance of the area. Open spaces, gaps between buildings that provide attractive views and vistas will be protected from development that would fail to preserve or enhance the character or appearance of the Conservation Area.

With regard to NE14 which deals with trees, the two mature trees in the front of the garage are indicated to be retained. There is no arboricultural objection to the proposal, but the trees should be retained as there could be pressure on them to be crown raised or even removed in the future due to the three windows now proposed in the south elevation, hence the proposed condition.

It is acknowledged that both neighbours either side of the property would see the enlarged building, but with the retention of the mature trees in front of the building and the fact that it is set back from the road anyway, the small 1m deep addition on the north elevation is not considered to be harmful to the conservation area and as such would preserve the character and appearance of it.

Impact on the adjoining residential properties

It is considered that the new first floor gable end window that would face towards the house itself would also result in some new overlooking into the private rear garden of Wych Elm. As this first floor bedroom window already has a large gable window, it is considered that an obscurely glazed window with top light opening only is appropriate here. This would overcome any loss of amenity to Wych Elm and would be conditioned accordingly. The new window on the south (facing the road) side would not affect the neighbour's amenities.

Like the previous scheme, the actual design of the converted garage building to the annexe is not sufficiently clear in terms of the relationship between the new stonework and the inserted glazed areas. Hence the reason why a condition requiring the submission of full details of the glazing will be required.

Impact on the adjoining listed dwellings

To the west of The Old Hall is Mere-Stead and Nos 4 & 5 School Lane. These are all Grade II listed buildings being part of the historic estate village connected with Grittleton House. It is considered that the proposed small addition, in addition to the extension permitted to the garage building, would have a limited impact on the setting of these listed buildings especially as the garage is on the east side of the driveway.

9. Conclusion

The revised scheme to slightly enlarge the north side of the permitted granny annexe is considered acceptable in policy terms in the Local Plan, emerging Core Strategy and the National Planning Policy Framework. Subject to the use of appropriately worded planning conditions the proposal is considered acceptable in terms of design and use of materials.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed small addition to the north elevation of the permitted granny annexe conversion of the existing garage is considered an appropriate form of development which would preserve this part of the Grittleton Conservation Area and the adjoining listed buildings to the west and north.

Subject to the imposition of appropriately worded planning conditions the proposal is considered to comply with Policies C3, NE4, NE14, HE1, HE4 and H8 of the North Wiltshire Local Plan 2011.

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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3, NE4, HE1, HE4, H8

3. No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3, NE4, HE1, HE4, H8

4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3, NE4, HE1, HE4, H8

5. No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use / occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3, NE4, HE1, HE4, H8

6. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(a) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(b) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all

retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY: C3, NE14

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: C3, NE4, HE1, HE4, H8

8. Before the development hereby permitted is first occupied, the first floor gable end window on the north elevation shall be glazed with obscure glass only and the window permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: C3 and H8

9. The granny annexe hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as The Old Hall, The Street Grittleton Wiltshire.

REASON: The additional accommodation is sited in a position where the Local Planning Authority having regard to reasonable standards of residential amenity, access and planning policies pertaining to this area would not permit a wholly separate dwelling.

POLICY: C3 NE4, HE1, HE4 H8

10. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

DJR/NG/100, 101, 102, 103, 104, 105/B, 106, 107 and 108/A all dated 21st March 2012

REASON: To ensure that the development is implemented as approved

Informatives

1. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

2. The Building Regulations are applicable to this proposal. Unless you have already properly deposited a Building Regulations application, and a written notice of commencement has been given by your builder, you should not start work on site.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	16th May 2012		
Application Number	12/00599/FUL		
Site Address	The Town Local, 51 Station Road, Royal Wootton Bassett, SN4 7ED		
Proposal	Change of Use of Ground Floor Public House to Residential Use (Class C3), Conversion of Existing First Floor Self Contained 3 Bedroom Flat to 2 Self Contained 1 Bedroom Flats and Erection of 3 Two Storey 2 Bedroom Dwellings (Resubmission of 11/02289/FUL)		
Applicant	Lion Assets Ltd		
Town/Parish Council	Royal Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Cllr Peter Doyle
Grid Ref	407019 182169		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to committee by Cllr Doyle to consider the scale of development; its relationship to adjoining properties; and under policy R6 what impact the abandonment of a public house use at this location would have on the availability of facilities and services within walking distance of substantial completed and proposed new residential developments in the immediate vicinity.

1. Report Summary

To consider the above application and to recommend that authority be DELEGATED to the Area Development Manager to grant permission subject to conditions and the approval of the submitted Unilateral Undertaking in respect of the provision of a financial contribution towards public open space.

2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- The principle of development;
- The design and appearance;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety; and
- Provision of public open space.

The application has generated an objection from Royal Wootton Bassett Town Council as well as 6 letters of objection.

3. Site Description

The site extends to approximately 0.4 hectares and currently comprises "The Town Local", a vacant public house on the west side of Station Road at its junction with Noremarsch Road. A large

area of hardstanding, previously used as a car park exists to the rear of the site. The site is situated within the defined Settlement Framework Boundary.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/02289/FUL	Change of use of ground floor public house to residential use (class C3), conversion of existing first floor self contained 3 bedroom flat to 2 self contained 1 bedroom flats and erection of 3 two storey 2 bedroom dwellings	This application was withdrawn following concerns expressed by the case officer
00/1694/FUL	Stationing of railway carriage and use as ancillary dining area	Refused and dismissed at appeal

5. Proposal

The applicant seeks consent to convert the existing public house to one 4 bedroom flat at ground floor level and two 1 bedroom flats at first floor level. A paved and bound amenity space would be provided to the rear and each of the first floor flats would have access to a private terrace area. Three, 2 bedroom dwellings are proposed to the rear of the site. 14 parking spaces are proposed.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy

NE14 – Trees, Site Features and the Control of New Development

H3 – Residential Development within Framework Boundaries

R6 – Existing Local Shops and Services

CF3 – Provision of Open Space

7. Consultations

Thames Water – With regard to water infrastructure, no objection is raised. An informative relating to water pressure is recommended.

Highways – The issues raised on the previous application have now been address. There is no highway objection subject to a condition relating to the provision of the access, turning area and parking spaces.

Principal Ecologist – No objection in relation to ecology.

Royal Wootton Bassett Town Council – Object along the same lines submitted when the original application was made:

- 1) Evidence of a full and proper investigation into the viability of keeping the business as a public house has not been seen by the Planning Committee. This, as well as evidence that every reasonable attempt to market the premises has been made, is needed before a

- change of use can be permitted, under the NWLP. To the knowledge of the Planning Committee, this work has not been undertaken;
- 2) Change of use can only be permitted where development would result in the provision of alternative services of equivalent or greater community benefit. This would not be the case if the Town Local were to be converted into residential flats; and
 - 3) Under Section II R6 of the NWLP, there must be alternative facilities within walking distance before a change of use can be permitted. It was felt that this was not the case in this instance. Members strongly believe that there is a social need for a Public House in that area of the Town.

The Committee does not agree with the change of use to a long standing Public House in a historic part of the town.

Amenity and Fleet Team – It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required. This development generates a need for £19,576 in offsite Open Space Contribution to be used to upgrade facilities at Old Court Local Park.

Environmental Protection – Recommend a condition relating to contamination be attached to any planning consent.

8. Publicity

6 letters of objection have been received in response to the application publicity. The concerns raised are summarised below:

- Development will be a traffic hazard due to the number of vehicles entering and leaving directly onto the roundabout;
- The road is already recognised by the Council and Wiltshire Police as having traffic exceeding the speed limit;
- Houses along Station Road to the north of the development have always used the pub car park for off street parking;
- When turning out of Honeyhill into Station Road it is not possible to see pedestrians or vehicles northbound up Station Road as the view is restricted by the parked cars;
- Size and height of the building as there is currently a gap in the present layout, which allows for light and a better aspect;
- Privacy and peace;
- Would spoil view and outlook;
- Adverse affect on natural wildlife and environment;
- The previous owners did not provide sufficient investment in order to sustain it as a business and the site is becomingly increasingly viable for a pub; and
- The site is the closest pub premises to a large and growing part of the town.

9. Planning Considerations

Principle of development

The site is situated within the Settlement Framework Boundary and policy H3 of the adopted Local Plan is therefore relevant. This policy considers that proposals for residential development within the Framework Boundaries will be permitted, provided that: priority is given to the re-use of previously developed land and buildings; the proposal is for small scale or limited development in all villages; and the most efficient use of land is achieved compatible with the site's location, its accessibility and its surroundings.

Policy R6 of the Local Plan states that the change of use of existing local shops and services (Use Class A), in local centres will be permitted subject to:

- i) The business no longer being viable and every reasonable attempt to market the premises has been made.
- ii) Development would result in the provision of alternative services of equivalent or greater community benefit.
- iii) There are alternative facilities, within walking distance, available in the locality.

Paragraph 11.15 of the reasoned justification to this policy states that “the Council acknowledges that it would be unreasonable to resist a change of use where local patronage is such that a business (e.g. a public house) is no longer viable. In these circumstances, applicants will need to demonstrate that the existing use is not well supported and is not capable of being viably operated, or that there are satisfactory alternative facilities available within a convenient walking distance”.

A marketing report prepared by Whitmarsh Lockhart has been submitted in support of the application. This confirms that the property had been marketed by Maggs and Allen for about 6 weeks prior to be entered into their property auction. The property had a guide price of £240,000, kept at a level designed to stimulate interest. The auction took place on the 30th June 2010 and failed to sell. Following the auction, the property was marketed by Melrose Commercial Property with a quoted price of £300,000. It is understood that both agents received early enquiries and conditional offers which were rejected as the vendor simply wished to exit the property and was not interested in trying to generate enhanced value from the site.

The following marketing activities were undertaken:

- A marketing board was erected on site in September 2010;
- In house agency particulars were produced in September 2010;
- Initial mailing of property details via the Estate Agents Clearing House to all commercial agents along the M4 corridor was undertaken in September 2010;
- In October 2010 mailing of property details via the Perfect Information Property service was undertaken. This is a mail clearing house dedicated to dealing with property professionals. The property details were sent to all agents active in the South West of England;;
- The agency details were re-circulated in August 2011;
- The details have been listed on the Whitmarsh Lockhart website on the estates gazette website.

Various parties were interested in the property but these were not taken further for the following reasons:

- Poor access;
- Cost of refurbishment to bring the property back to full repair;
- Distance from the main retail and leisure area of Royal Wootton Bassett High Street; and
- Restrictions on the use imposed by highways / planning.

Further to the marketing undertaken above, the applicants have drawn attention to a planning application submitted in 2000 (ref: 00/01694/FUL). This sought permission for the stationing of a railway carriage and use as ancillary dining area and was refused and dismissed at appeal for the following reason:

‘Any increased use made of the existing substandard access generated by the proposed development would be prejudicial to road safety.’

The Inspectors report stated:

‘The 53 sqm floor area of the railway carriage represents a significant overall increase in the floor area of the public house. While I accept that the proposed dining area would help to ease congestion, particularly in the winter when the outside tables are not available for use, there are a significant number of additional tables and it is probable that trade would increase. At present

during the summer a marquee is erected outside the public house to increase capacity, and the railway carriage would replace this. No information regarding the size or capacity of this marquee has been provided. Nevertheless, whether or not these are equivalent in size, I do not consider that the occasional use of a marquee in the summer months would justify a permanent structure, and the increase in traffic that would be generated throughout the year, particularly as the use of the existing outside area and marquee would increase activity in the summer months.'

A number of alternative public houses exist within the High Street at a distance of approximately half a mile including 'The Cross Keys', 'The Angel' and 'The Crown'.

It is considered that the submitted marketing report, together with the planning history of the site, demonstrate that the business is no longer viable and every reasonable attempt to market the premises has been made. No objection is therefore raised, to the loss of the public house on this occasion.

Design and appearance

Policy C3 of the adopted Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

The surrounding area is characterised predominantly by residential properties of a mixture of architectural styles and designs. The existing public house is situated in a prominent position and is in a state of disrepair with little architectural merit. The proposed development includes alterations and improvements to the public house, including in summary the removal of the existing parapet, insertion of a door on the front elevation and rendering of the whole building which is a mixture of materials at present.

The design of the proposed dwellings to the rear has been amended and simplified following pre-application discussions. These dwellings, which would be two storey in height would adopt a form and design appropriate to the context of the surrounding area. They would be constructed of render under a natural blue slate roof and conditions requiring sample roof materials and a sample render panel are recommended to ensure the quality is sufficient.

The scale, massing and layout of the proposed dwelling would be acceptable and in accordance with policy C3 of the Local Plan.

Amenity

Policy C3 of the Local Plan states that new development will be permitted subject to inter alia: avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development.

An acceptable separation distance of approximately 33 metres would exist between the converted public house and the dwellings proposed to the rear. No habitable room windows are proposed in the south elevation of the converted public house or in the north or south elevations of the proposed dwellings. The proposal would not therefore have a detrimental impact on the amenity of neighbouring occupiers. It is not considered necessary to attach a condition restricting any further windows in this elevation as flats do not benefit from permitted development rights. The proposed dwellings to the rear would not result in any material overshadowing of neighbouring properties.

A first floor terrace area currently exists to the rear of the pub providing private amenity space for the existing 3 bedroom flat above the public house. This would be retained but split between the two proposed first floor flats. Given that this terrace currently exists, it is not considered that the

proposed development would result in any overlooking of neighbouring properties materially greater than currently exists.

It is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers in terms of overlooking, overshadowing or noise and disturbance.

Parking and Highway Safety

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

The car parking guidelines have been revised and require a minimum of one space for one bedroom properties, two spaces for two and three bedroom properties and three spaces for four + bedroom properties. A further 0.2 spaces per dwelling are required for visitors. This equates to a requirement for 14 spaces and 14 have been provided.

Highway improvements have been made to the scheme following pre-application discussions. The access would be located in a similar position to the existing access with no reduction in visibility splay in the north-west direction. The access width of the private drive has been increased to 5 metres allowing two vehicles to pass. A footway priority is proposed across the site frontage.

Following pre-application discussions the Council's highways team are now satisfied, subject to the imposition of an appropriately worded condition, that the proposed development would not be detrimental to highway safety in this location.

Planning Contribution

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly, the Council will accept financial payments to remedy deficiencies in the quantity or quality of that space. The reasoning accompanying the policy emphasises that all residential developments, regardless of scale, have the potential to contribute to an increased need for open space.

The proposal would generate a need for £19,576 in offsite Open Space Contribution to be used to upgrade facilities at Old Court.

A Unilateral Undertaking has been submitted in support of the application under the terms outlined above and subject to this being acceptable the proposal would be appropriate in this respect.

10. Recommendation

That authority be DELEGATED to the Area Development Manager to GRANT Planning Permission for the following reason subject to an acceptable legal agreement to secure contributions to Public Open Space and the conditions set out below:

The Council are satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made. The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway or pedestrian safety. In this way the proposed development is considered to comply with the provisions of policies C3, H3, R6 and CF3 of the adopted North Wiltshire Local Plan 2011.

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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external roofs 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3 of the North Wiltshire Local Plan 2011.

3. No development shall commence on site until a sample panel of the render to be used on the external walls has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3 of the North Wiltshire Local Plan 2011.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional structures.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas; and
- (h) hard surfacing materials.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

8. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

9. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:

- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
- b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease all work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
- c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority, in accordance with policy NE17 of the North Wiltshire Local Plan 2011.

10. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without

the prior approval of the local planning authority. Amendments may require the submission of a further application.

- 2011-05-1 – Site plan and existing site survey
- 2011-05-6 – Existing ground and first floor layout plan
- 2011-05-7 – Existing elevations
- 2011-05-8 – Proposed elevations
- 2011-05-10 – Proposed layout plans
- 2011-05-11A – Proposed elevations
- 2011-05-12A – Site layout plan
- 2011-05-13A – Proposed ground and first floor layout plan

All date stamped 28th February 2012

REASON: To ensure that the development is implemented as approved.

Informatives

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2. The Building Regulations are applicable to this proposal. Unless you have already properly deposited a Building Regulations application, and a written notice of commencement has been given by your builder, you should not start work on site.

