

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 12 March 2014
Time: 6.00 pm

Please direct any enquiries on this Agenda to Eleanor Slack, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718255 or email eleanor.slack@wiltshire.gov.uk

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

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Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Simon Killane	

Substitutes:

Cllr Desna Allen	Cllr Dennis Drewett
Cllr Glenis Ansell	Cllr Howard Greenman
Cllr Mary Champion	Cllr Jacqui Lay
Cllr Terry Chivers	Cllr Howard Marshall
Cllr Ernie Clark	Cllr Nick Watts

AGENDA

Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on **29 January 2014**.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

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 5th March 2014**. 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

An appeals update report is attached for information.

7 Planning Applications (*Pages 11 - 12*)

To consider and determine planning applications in the attached schedule.

7a **13/05724/OUT - Land South of Bradford Road, Rudloe, SN13 0**
(*Pages 13 - 32*)

7b **13/05388/FUL - 30 Stone Lane, Lydiard Millicent, Swindon** (*Pages 33 - 38*)

7c **N/13/00958/S73A - Oaksey Park, Lowfield Farm, Oaksey.** (*Pages 39 - 56*)

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 29 JANUARY 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Chuck Berry (Substitute), Cllr Chris Hurst, Cllr Simon Killane, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman), Cllr Nick Watts (Substitute) and Cllr Philip Whalley

8 Apologies

Apologies were received from Cllr Crisp, Cllr Douglas, Cllr Packard and Cllr Groom.

Cllr Douglas was substituted by Cllr Watts and Cllr Groom was substituted by Cllr Berry.

9 Minutes of the previous Meeting

The minutes of the meeting held on Wednesday 8 January 2014 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

10 Declarations of Interest

There were no declarations of interest.

11 Chairman's Announcements

There were no Chairman's announcements.

12 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

13 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of application 13/05325/FUL as listed in the agenda pack.

14 **13/05325/FUL - Whites Farm, Grittenham, Chippenham, Wiltshire, SN15 4JW**

Public Participation

Roger Pounder, Graham Small, George Threlfall and Cllr Owen Gibbs spoke in objection to the application.

Simon Chambers spoke in support of the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions.

He explained that planning permission had previously been granted, but was subsequently extinguished due to non-compliance with a condition. He drew attention to the late observations which contained an alternative condition to be considered by the Committee. The application for planning permission was initially prompted by engineering works carried out at the site to create jumps suitable for competitive motocross racing. He confirmed that Highways had not raised any objections.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that although the use of a public address system was controlled through conditions, a reasonable and expedient approach would be taken towards its use in times of emergency. It was also confirmed the conditions applied equally to rescheduled meetings. Practising and racing would be treated in the same manner and would both count towards the annual event quota.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Toby Sturgis then addressed the Committee. He noted that if the Committee refused permission, and the site reverted to agricultural land it could continue to host up to 14 days of motocross racing a year through its permitted development rights. In light of this possibility, he encouraged the Committee to grant planning permission, which would control such motocross racing through conditions producing a better solution for local residents.

In the debate that followed the Committee discussed the possibility of extending the schedule notice period contained within the conditions. It was also confirmed that the issue of holding events on a consecutive weekends was a critical matter for Environmental Health.

Resolved:

**That planning permission is GRANTED, subject to the following conditions:
Condition**

- 1) Within 3 months of the date on which the land subject to this permission has not been used for the purposes approved for a period of 6 months, the use/activity hereby permitted shall cease, all equipment and materials brought onto the land for the purposes of such use shall be removed, the engineering works shall be reversed and the land restored to its former agricultural condition.**

REASON: To ensure the reversibility of the development in the interests of visual and residential amenities.

- 2) The land subject of this permission shall be used for the racing and/or practice of motocross motorcycles up to a maximum of 14 days in any one calendar year.**

REASON: In the interests of residential amenity.

- 3) The development hereby permitted shall not be first brought into use in any calendar year until a full schedule of events for that year has been submitted to and approved in writing by the Local Planning Authority not later than the date 28 days prior to the first event of that year. Alterations to the approved schedule shall pertain solely to scheduled events that must be postponed due to unforeseen circumstances and shall be notified to the Local Planning Authority no less than 7 days prior to that event.**

REASON: In the interests of residential amenity and to enable the Local Planning Authority to monitor the distribution of events.

- 4) Events shall not take place on consecutive weekends. No more than 2 Events shall take place in any 5-week period. For the avoidance of doubt and the purposes of this condition, an 'Event' is defined as a single day or two days of racing/practicing within the period Saturday to Monday inclusive.**

REASON: In the interests of securing an environment free from intrusive levels of noise disturbance

- 5) The use hereby permitted shall not take place on the days of Tuesday to Friday inclusive. No testing, practicing or racing of motorcycles shall take place on the site on any day other than Saturday, Sunday or Monday.

REASON: In the interests of visual amenity, highway safety and to secure an environment free from intrusive levels of noise disturbance.

- 6) No sound-amplifying equipment, loudspeaker, public address system shall be operated in association with the development hereby permitted.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 7) The development hereby permitted shall be implemented and the site operated in full accordance with the submitted Event Management Plan (LPC, December 2013), in perpetuity.

REASON: In the interests of residential amenity and highway safety.

- 8) The mobile toilet block indicated on the site location plan shall be completely removed from the site no later than the date 6 weeks after the most recent event. At such time it shall be removed completely from the site and shall not be reinstalled on the site until the recommencement of events on the site thereafter.

REASON: To ensure the removal of a temporary structure when the site is not in use, in the interests of visual amenity.

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan
LPC/2798/2 - Site Layout Plan
LPC/2798/3 - Sections 1
Received 24 October 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

- 1) It is the view of the Local Planning Authority that the development hereby approved represents a change of use of the land to sui generis, as set out in the Planning (Use Classes) Order 1987 (as

amended). As such, all permitted development rights set out under Class B of Schedule 2, Part 4 of the Planning (General Permitted Development) Order 1995 (as amended), are effectively rescinded. Use of the land subject of this application for such purposes will therefore require a separate planning application.

- 2) 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.

15 **13/04291/FUL -The Old Granary, Nettleton, Chippenham, SN14 7NY**

Public Participation

Fiona Copland and Paul Copland spoke in objection to the application.

David Pearce and Cllr David Kerr spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused.

He explained that the application related to a change of use from agricultural land to private amenity space. The site had a long planning history, and a range of unauthorised works had taken place including the removal of a historic boundary wall, not all of which were to be addressed through the application. The site was in an area of Outstanding Natural Beauty and it was located near a number of public footpaths.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that the application concerned the whole area in red indicated on the plan contained within the agenda. It was also confirmed that permission to re-erect the historic boundary wall had been given in a previous application. Although the Old Granary enjoyed a reasonable amount of garden space, there was no indication to suggest that application had been lodged as a means to further develop the site.

Members of the public then addressed the Committee as detailed above.

Cllr Toby Sturgis addressed the Committee on behalf of the local member, Cllr Jane Scott and it was confirmed that the application had been called in to Committee at the request of Nettleton Parish Council.

In the debate that followed potential harm to the adjacent listed buildings and to the area of outstanding natural beauty was noted. Conditioning for the removal

of garden paraphernalia such as sheds was discussed. The Committee noted the benefits of re-erecting the historic boundary wall.

A motion to delegate to the Area Development Manager to grant planning permission subject to conditions was moved, seconded, voted on and lost.

Resolved:

That the application be refused for the following reasons:-

1. The proposed development results in substantive change to and does not preserve the character and appearance of the landscape and defined Area of Outstanding Natural Beauty which is harmful and not justified by any overriding material considerations. The proposals are in conflict with policies C3(ii) NE 4 and NE15 of the North Wiltshire Local Plan 2011 and paragraph 17 and Section 11 of the National Planning Policy Framework.

2. The proposed development results in harm to the historic fabric, character and setting of the heritage assets at the site including Listed boundary wall and curtilage listed building known as the old Granary which is not justified by any overriding material considerations or identified public interest. The proposals are in conflict with policies C3(ii) and HE4 of the North Wiltshire Local Plan 2011 and paragraphs 17, 131, 132 & 134 and Section 12 of the National Planning Policy Framework and PPS5 Historic Environment Planning Practice Guide paragraphs 79, 85, 87, 114 & 116 and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

16 **13/02911/FUL - 6A Park Place AK, Ashton Keynes, Swindon, SN6 6NT**

Public Participation

Mr A Rees spoke in support of the application.

The officer introduced the report which recommended that planning permission be delegated to the Area Development Manager to grant permission subject to the signing of a section 106 agreement and conditions.

The application concerned the demolition of a bungalow and erection of two houses. The dwellings were of a similar design to other properties in the area. The proposal would see most of the ditch area surrounding the site retained. There were no opening windows overlooking the neighbouring property

The Committee then had the opportunity to ask technical questions of officers. It was confirmed that details of entry such as the type of gravel used were yet to be approved.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Chuck Berry then addressed the Committee and spoke in support of the application.

Resolved:

That authority be DELEGATED to the Area development manager to grant planning permission subject to the signing of a section 106 agreement in respect of affordable housing and public open space financial contributions; and conditions

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 carried out in accordance with the following approved plans: Drawing No. 1328/1 Rev L, 1328/2 Rev C stamped on 26.11.13**

REASON:

For the avoidance of doubt and in the interests of proper planning.

- 3) No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.**

REASON:

In the interests of the character and appearance of the area and neighbouring amenities.

- 4) No development shall commence on site until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.**

REASON:

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

- 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 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 occupied .**

REASON:

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

- 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. location and current canopy spread of all existing trees and hedgerows on the land;**
 - b. full details of any to be retained, together with measures for their protection in the course of development;**
 - c. means of enclosure;**
 - d. all hard and soft surfacing materials;**
 - e. proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**
 - f. retained historic landscape features and proposed restoration, where relevant.**

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

- 7) The development hereby permitted shall not be first brought into use until full details of the access construction specification including the piping of the drainage ditch has been submitted and approved in writing by the LPA. The access shall be maintained as such thereafter.**

REASON:

In the interests of highway safety.

- 8) 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 and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

INFORMATIVES TO APPLICANT:

- 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) Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.**

17 Urgent Items

There were no urgent items.

(Duration of meeting: 6.00 - 8.00 pm)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail eleanor.slack@wiltshire.gov.uk

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

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Wiltshire Council

Northern Area Planning Committee

12 March 2014

INDEX OF APPLICATIONS ON 12/03/2014

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	13.05724 .OUT	Land south of Bradford Road, Rudloe	Up to 88 dwellings, including affordable housing, 1.2 hectares of B1 employment and landscaping	Delegated to Area Development Manager
7b	13.05388.FUL	30 Stone Lane, Lydiard Millicent, Swindon, Wiltshire SN5 3LD	Conversion & Adaptation of Existing Barn to Provide Self-Contained New Dwelling	Refusal
7c	13.00958.S73A	Oaksey Park, Lowfield Farm, Oaksey	Removal of Conditions 8, 9 and 10 imposed on application reference 10/03612/S73A which varied condition No 7 of 02/01841/FUL and appeal APP/J3910/A/04/1145607, allowing the unrestricted residential occupancy of units 12 to 19 (8 in total)	Delegated to Area Development Manager

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**REPORT TO THE NORTHERN AREA HUB
PLANNING COMMITTEE**

Report No.

Date of Meeting	12 March 2014		
Application Number	13/05724/OUT		
Site Address	Land South of Bradford Road Rudloe SN13 0		
Proposal	Up to 88 dwellings, including affordable housing, 1.2 hectares of B1 employment and landscaping		
Applicant	Mr Conor Lee		
Town/Parish Council	BOX		
Electoral Division	Corsham Without and Box Hill	Unitary Member	Cllr Richard Tonge
Grid Ref	385528 170302		
Type of application	Outline		
Case Officer	Chris Marsh		

Reason for the application being considered by Committee

The application has been called in by Cllr Richard Tonge, in order to consider the various issues identified by consultation respondents.

1. Purpose of Report

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

2. Report Summary

The main issues in considering the application are:

- Principle of development;
- Landscape and visual impact;
- Design and layout;
- Employment;
- Access; and
- S106 contributions

Box Parish Council has raised no objection to the application, subject to adequate highways arrangements being provided. Corsham Town Council has expressed support for the application.

63 letters of objection have been received from local residents, together with a further objection from Corsham Civic Society. CPRE has submitted a comment relating to affordable housing and traffic management.

3. Site Description

The application site comprises approximately 5.0ha of agricultural land situated to the immediate South of the B3109 Bradford Road at Rudloe, West of Corsham. The land is divided into two separate fields – northeast and southwest – which are fairly regular in shape, but for the inward projection of the adjacent commercial estate and the single residential property at around the midpoint of the northwest side.

Having previously been used on a limited scale as grazing land, the fields have most recently been used for the cultivation of a bio-fuel crop of fast-growing miscanthus grass. At present, the only vehicular access onto the land is via an agricultural gate set back from the highway on the northwest site boundary. With the exception of this entrance, the site is bounded from Bradford Road by mature trees and hedgerow interspersed with post-and-wire fencing, with a steep bank down to the highway in places.

Neighbouring the site to the immediate southwest are several business units comprising part of the Fiveways Trading Estate, further beyond which lies Westwells Road, from which large proportions of the local MoD estate are accessed. The MoD-owned Skynet Drive, a bridleway, cycleway and footpath link between Bradford Road and Park Lane, forms the northeast border of the site. Extant permissions exist for the expansion of neighbouring premises into the residual undeveloped land to the immediate South, fronting onto Park Lane, to serve as predominantly light industrial space in conjunction with the adjacent businesses.

The village of Rudloe extends away to the North and West of the site on the opposite side of the Bradford Road, as far as the A4 Bath Road and junction between Leafy Lane and Westwells Road. Corsham town begins around 700m to the East at the furthest reaches of the Stone Close and Katherine Park developments, where recent residential development has been targeted given the restrictions imposed by Corsham Manor on any significant eastward expansion of the town. Directly opposite the existing site entrance stand the entrance gates to the Corsham Primary School campus at Rudloe.

The site as a whole is situated outside of the development framework boundary, as identified in the adopted Local Plan, which encompasses the very clear physical limits of Rudloe. It is currently proposed that this settlement boundary is retained unchanged under the emerging Wiltshire Core Strategy, within which Rudloe is defined as a 'large village'.

4. Planning History

- N/11/03816/FUL Erection of New Business Premises Annex, With Associated Car & Cycle Parking, Landscaping & Associated Works & Creation of New Access
- N/13/01556/SCR Screening Opinion as to Whether an Environmental Impact Assessment Is Required In Relation To A Proposed Mixed Use Development Consisting of Erection of 70 Dwellings & Associated Works and 1.21 Hectares Business Use.
- N/13/05269/FUL 2 no Employment Buildings to Provide an Additional 2,315sqm of Class B1 Floorspace, a Covered Pedestrian Link, New Site Access, 70 New Car Park Spaces, Cycle Parking, Circulation & Servicing Areas, Landscaping & Associated Works Including Plant

For the avoidance of doubt, applications N/11/03816/FUL and N/13/05269/FUL relate to extant permissions relating to the parcel of land immediately South of the proposed employment area.

5. The Proposal

Outline permission is sought in respect of the erection of up to 88no. dwellings and 1.2ha of employment space. All matters, with the exception of access, are reserved for later consideration.

The submitted indicative layout plan demonstrates the separation of the residential and the employment floorspace via a landscaping buffer, such that the commercial element is accessed exclusively from Park Lane via the permitted employment site to be developed to the South. Conversely, it is proposed that the residential portion will take its access from around the midpoint of its boundary with the Bradford Road, to the northwest.

The indicative layout shows a medium-density layout of housing in a variety of forms, each with associated parking areas and outside amenity space, lending a generally suburban character. Toward the northeast edge of the site a central square incorporating play provision is indicated, acting as a focal point for the scheme as a whole. The main residential area also incorporates soft landscaping on some prominent street edges and corners, as well as substantial buffers along the northeast and northwest site boundaries. These areas will also incorporate attenuation ponds to address on-site drainage and pedestrian links to the adjacent Skynet Drive.

Adopting a similar approach to landscaping, with a soft buffer to both northwest and northeast, the employment element is indicatively to comprise 12no. small incubation units and two slightly larger blocks, together with associated parking. Due to the type of business anticipated, the need for large storage yards and delivery bays is limited, such that the areas of hard standing can be interspersed with tree planting. As previously described, access is to be obtained as an extension of the link road at the adjacent Bath ASU/Paradigm site to the South, continuing the accompanying landscaping theme.

6. Planning Policy

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. As the site lies outside of the development framework boundary, the relevant policies are as follows:

- C1 (Sustainability Core Policy)
- C2 (Community Infrastructure Core Policy)
- C3 (Development Control Core Policy)
- C4 (Business Development Core Policy)
- H4 (Residential Development in the Open Countryside)
- BD4 (Business Development Within, or on the Edge of Villages)

Policies NE1 (Western Wiltshire Green Belt), NE4 (Areas of Outstanding Natural Beauty) and NE15 (The Landscape Character of the Countryside) are also of relevance due to the site's location and setting. Policy NE3 (Local Rural Buffers), identified on the proposals map as including the land immediately East of Skynet Drive, was not saved and is therefore not a relevant consideration in policy terms.

Policy CF3 of the NWLP is also relevant in relation to the provision of on and off-site public open space.

Turning to the emerging Core Strategy, which due to its advanced status will be a substantial material consideration in the determination of the application, the following policies are relevant:

- CP1 (Settlement Strategy)
- CP2 (Delivery strategy)
- CP11 (Spatial strategy: Corsham Community Area)
- CP34 (Additional employment land)
- CP35 (Existing Employment Sites)
- CP43 (Providing affordable homes)
- CP45 (Meeting Wiltshire's housing needs)

Policy CP35 (Existing employment sites) relates to the intensification and renewal of the Fiveways Trading Estate, which is defined to the immediate West of the indicative employment portion of the site.

Regard should also be paid to the content of the National Planning Policy Framework, and the overarching objectives of Paragraph 14, which sets out the presumption in favour of sustainable development.

7. Consultations

Box Parish Council – *“No objections in principle particularly as this supports the need show in the Rudloe Housing Survey and the Box Community Plan.*

There are still concerns about the increased traffic on this road. The Parish Council must be consulted on amended plans and reservations.”

Corsham Town Council – *“Resolved: that the application be supported as it was felt that the additional employment land provided would benefit the immediate community and that the broad and thorough consultation with both the Council and the public had led to positive amendments to the proposal.”*

Spatial Plans – support (as discussed at ‘Principle of development’ below)

Highways – no objection, subject to conditions

Landscape – no objection, subject to conditions

Economic Development - support

Housing – recommendations on affordable housing profile

Public Open Space – recommendations on on-site provision and off-site contributions

Education – recommendations on local contributions

Public Art – recommendations on local contributions

Environment Agency – no objection, subject to conditions

Wessex Water – no objection

Ministry of Defence – no objections

8. Publicity

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

63 letters of objection were received from local residents.

Summary of key points raised:

- Principle of development and land supply (55 referenced)
- Impact on site character and appearance (31)
- Impact on highway safety (40)
- Adequacy of local services and infrastructure (39)
- Level of local office demand and supply (16)
- Loss of agricultural land (6)
- Impact on ecology (6)

Other relevant points raised included impact on the nearby AONB, local drainage, potential amenity impacts of commercial noise and the potential impact upon neighbouring MoD satellite communications.

9. Planning Considerations

Principle of development

Having regard to the relevant policy H4 of the adopted North Wiltshire Local Plan 2011 (Residential Development in the Open Countryside), the housing element of the proposal is

not supported by current planning policy. The adopted policy excepts only wholly affordable housing schemes and agricultural/forestry dwellings from the presumption that residential development is kept within the settlement framework boundary.

In principle, major residential development outside the framework/settlement boundary as defined in the emerging Core Strategy should likewise be permitted only on an exceptional basis, either as a wholly affordable housing scheme or as identified through a neighbourhood plan or site allocations Development Plan Document (DPD).

At present, neither Corsham nor Box areas have an adopted or draft neighbourhood plan, although it is understood that it is the intention of Corsham Town Council to lead the preparation of such a document in the medium term. Likewise, a suitable DPD may be prepared in future but is too distant to inform reliably at the present time. In the immediacy, therefore, it is necessary to take a reasonable view on the individual merits of the scheme in lieu of a neighbourhood plan or DPD, in order to address housing need in the near future.

Core Policy 2, the key housing delivery strategy of the emerging Wiltshire Core Strategy, states as follows:

“Within the limits of development, as defined within the proposals maps, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This development must be adjacent or well related to the limits of development.”

As a matter of fact, Rudloe is identified as a Large Village under the emerging Core Strategy. It would be difficult to argue that the application site is not ‘adjacent’ or ‘well related’ to the physical limits of Rudloe, the settlement boundary of which is to be retained under the emerging policy framework. The site is separated only by an ordinary B-road and in close proximity to the immediate facilities; the primary school, post office and now defunct community centre.

At the time of writing, and as explained above, there is no adopted or emerging neighbourhood plan or site allocations development plan document (DPD) in respect of the Corsham Town or Box Parish areas. In lieu of such a document, it is reasonable to consider otherwise the representations of the Town and Parish Councils respectively, and to ascribe to these a degree of weight in directing new development. Although not proactively identified through a neighbourhood strategy, the acceptance of the proposal by elected local representatives is a significant material consideration in this instance.

It is also noted that the scheme has come forward through a robust process of community engagement, including public events and liaison with the nearby primary school, in order to identify and, where possible, address concerns. This has manifested itself in revisions to the indicative masterplan, including to landscaping and access, as well as proposed off-site

measures including a proposed pedestrian crossing and reduction in speed limit along the Bradford Road.

It is relevant to note that Rudloe differs from most other large villages, as identified in the emerging Core Strategy, in that it hosts a substantial amount of employment; most significantly related to the MOD, but also several other high-tech companies in both related industries and those entirely separate. As such, the area is one of the few in Wiltshire that experiences a diurnal in-migration. The adjacent site to the immediate South benefits from a pair of extant planning permissions for new commercial floorspace associated with the well-established neighbouring businesses at Bath ASU and Paradigm Services and the area also has good links to the Leafield Industrial Estate via Neston. As such, notwithstanding the relative paucity of services in the immediate locality, the settlement cannot be regarded as entirely remote, certainly in respect of employment.

Prior to the Core Strategy Inspector's 10th procedural letter of 2 December 2013, an immediate housing shortfall of around 150 dwellings (taking into account the contribution of the Copenacre site in this regard) within the Corsham Community Area (CCA). This figure will almost certainly not decrease in light of the content of that letter and agreed response by the Council. The CCA is also to provide up to 6ha of employment land in excess of that already committed, with no strategic allocation in either regard. The development proposal subject of this application makes a substantial contribution in both respects, and is considered sustainable by virtue of this duality, as well as its location and dwelling mix, among other factors.

It is acknowledged that previously-developed land in the vicinity, most significantly the RAF Rudloe No.2 site, remains undeveloped and could help to meet housing demand in the area. Whilst the NWLP placed a certain degree of emphasis on this point, consistent with the then PPG3 (Housing), the draft Core Strategy imposes no such sequential approach in line with the advice of the NPPF. Therefore, policy-compliant housing schemes should be approved without delay as set out at NPPF Paragraph 14, with a general presumption in favour of redeveloping available brownfield land running in tandem.

In summary, whilst it is acknowledged that the site has not been brought forward strictly in accordance with the provisions of the emerging Wiltshire Core Strategy, it is considered that the planning merits of the scheme – including but not limited to the degree of compliance with the criteria of Para 5.59 of the CCA, physical conditions of the site, level of affordable housing provision, contribution to meeting an identified need for housing and local reception – tip the balance of considerations in favour of the development.

Landscape and visual impact

Despite its relatively open aspect to the southeast, the land in question makes only a limited contribution to the wider landscape, being enclosed by trees to its northeast and northwest boundaries and otherwise read in conjunction with residential Rudloe and the neighbouring commercial uses from most public vantage points. Nonetheless, the impact of the development on the character and appearance of the site itself is acknowledged to be substantial. The site is typical in landscape character of the 'rolling settled lowland type' and

is included within 'Landscape Character Area 10 – Corsham Rolling Lowland' of the North Wiltshire Landscape Character Assessment 2004.

The Cotswolds Area of Outstanding Natural Beauty extends to within around half a mile of the northern and western limits of the site, sharing a defined boundary along Leafy Lane with the furthest extent of the Western Wiltshire Green Belt. Although this landscape designation is clearly a significant consideration, visibility and views across the site to the north towards The North Corsham Special Landscape Area and the Cotswolds AONB are restricted by tall perimeter tree line vegetation growing along the northern site edge, largely within highway verge, and by existing intervening built development, wooded blocks and strips. Views to the south and east are more open with varying degrees of existing built form and urban influence visible within the foreground and middle distance of these wider panoramas. This consideration also encompasses the extant consent for three new employment buildings to the South, which it is expected will come forward in the next year.

Mature trees and areas of blocks and strips of mature tree planting and woodland are characteristic of the area, with a requirement for substantial new tree planting included within extant and recently implemented planning consents in this area. A strong native tree and wooded landscape framework are considered to be important for new development in this area to help break up the existing and proposed urban massing effects viewed from the wider rural context and protect the wider countryside character from harsh urban edges. The North Wiltshire Landscape Character Assessment for this area has highlighted that Corsham and Rudloe's settlement edge transitions with countryside are sprawling and need to be better screened and integrated with countryside.

Although Policy NE3 (Local Rural Buffers) was not saved and cannot be afforded any significant material weight, it is considered that the intention of the policy – namely to prevent the coalescence of the built areas of Corsham and Rudloe/Westwells/Neston – remains a relevant consideration. It is worthy of note, therefore, that the application site has not previously been considered integral to this distinction. That is, of course, not to say that it should necessarily be considered an appropriate site for development for this reason alone, as most urban fringe land would fall into this category.

There is no supporting landscape strategy submitted to support this development proposal, which would be the logical next step leading on from an iterative LVIA process. On the basis of the recommendations concluded within the submitted LVIA, illustrative layout, site visits and local knowledge of the area but also considering the most relevant Landscape Character Assessments, it is the view of the Council's Landscape Officer that further structured landscaping elements will be necessary to support development of this nature at this site in order to help better visually fragment and break up urban massing effects and better integrate proposed urban development into the wider landscape context. This should be achievable through the use of appropriate landscaping measures, particularly throughout the northwest, northeast and southeast fringes of the site, as reserved matters.

Design and layout

Whilst layout remains at the outline stage, the density of development clearly lends itself to a

well-landscaped scheme utilising the rights of way available in the vicinity of the site. The approach to open space is particularly commendable, making use of the proposed landscaped areas to the northeast and northwest to provide Sustainable Urban Drainage Systems (SUDS) as well as enhancing the environment of future occupants and serving as a buffer, particularly in respect of the open land to the East. The central park offers opportunity for a high-quality and extremely visible public space where high-quality design and materials may be employed in lieu of a public art contribution.

In terms of the distribution of housing, this adopts a navigable pattern with the central square acting as a focal point. In general, indicative parking provision has been arranged so as to sit away from prominent frontages, contributing to a more engaging street scene. It is likely that a variation in surfacing will also serve to 'soften' the appearance of the development, as well as offering opportunities for shared surfaces and further SUDS benefits through the use of porous materials.

The scale and type of employment buildings proposed at this stage presents no real obstacle to securing a reasonable quality of design, although this element is unlikely to be as imposing on the wider landscape than some of its neighbours in any case. Although fairly enclosed, it would be expected that quality design and materials would be used as part of the offer to the specialist companies the scheme seeks to attract. Having secured a good standard of landscaping through the adjacent employment scheme, a similar strategy would be pursued at the reserved matters stage in respect of this commercial setting.

Employment

It is not disputed that neither the employment nor residential element is contingent upon the delivery of the other; therefore to an extent these may be considered independently of one another. Nonetheless, the scale and nature of the commercial floorspace proposed is consistent with highly-skilled employment likely to attract homebuyers to the area. Taken with Rudloe/Westwells/Neston's net in-migration during working hours, this factor is worthy of note when considering the application as a whole, particularly in relation to its sustainable credentials and individual circumstances of the village.

The specialist industries identified as end users for the employment space proposed are specifically identified at Paragraph 5.59 of the Corsham Community Area Strategy, as set out in the emerging Core Strategy. Having already seen growth in the biotechnology/life science sector locally, attracting further businesses to create a clustering effect will further benefit local companies already resident, such as Bath ASU; a Wiltshire 100 company capable of providing over 100 jobs following expansion. It is noted that other highly-skilled posts are anticipated for delivery in substantial number at nearby Spring Park and neighbouring Paradigm Services in particular.

Whilst it is appreciated that other commercial space available in the wider Corsham area, it is worthy of recognition that much of this will be unsuitable for the specialist industries seeking such accommodation in the locality. Due to restrictions on access, it is unlikely that additional employment land will come forward at Leafield Industrial Estate and therefore the Rudloe/Westwells area will be critical to the delivery of new commercial space. The scheme

is compliant with the identified intensification of employment areas, as set out at Core Policies 34 and 35 of the emerging Core Strategy, and also Policy BD4 of the adopted North Wiltshire Local Plan (Business Development Within, or on the Edge of, Villages).

It is considered that the specialist nature of occupiers anticipated and the proposed use, namely B1 (light industrial), is complimentary to the residential element of the scheme. B1 industries are typically described as those compatible with operation in a residential area, due to their minimal noise, smell and pollutant emissions and limited reliance on the movement of large deliver vehicles. Again, it is worthy of emphasis that access to this element will be entirely separate from the housing component, averting conflict between road users and protecting residential amenity. The new commercial space will therefore act as something of a 'buffer' between the mixed industries of the existing Fiveways Trading Estate and new housing proposed, should the application be permitted and development proceed in tandem.

Access

The principal vehicular access to the site is to be taken from the adjacent Bradford Road, at around the mid-point of the housing element of the scheme, and this is to serve the totality of the residential accommodation. Having been initially advised by the Council Highways Officer that a mini-roundabout represents an over-engineered solution, relative to anticipated demand, it is now proposed that a simple right-turn lane will provide adequate traffic management at the new junction. This approach is agreed by the Council Highways Officer and it is noted that this also represents a significantly reduced maintenance responsibility to the Local Highway Authority.

Through a co-ordinated approach with the neighbouring landowner, it is proposed that the commercial element of the proposal is to take separate access through the land to the South, which already benefits from separate extant permissions for three commercial buildings, together with associated infrastructure. This approach will improve the residential amenity and safety of residents of any residential component, removing the transient traffic of a commercial site, as well as reducing pressure on the proposed new junction with the Bradford Road. This is further aided by the recent upgrade to the Westwells Road/Park Lane junction with the introduction of a roundabout to attenuate traffic flow between these roads and MoD Rudloe Manor site directly opposite.

The Council's Highways Officer has confirmed that in outline no objection is raised in respect of the proposal.

Notwithstanding the above, it is the Officer's view that certain local improvements will be warranted by the development, and for this reason the following is sought:

1. The construction of the right turning lane on Bradford Road including street lighting, a pedestrian refuge, and resurfacing of the whole width of Bradford Road over the length of the right turning lane.
2. A contribution of £100,000 index linked to sustainable walking and cycling

improvements in the locality.

3. Submission of a full residential travel plan and its implementation including appointment of a travel plan coordinator.
4. Waiting restrictions as may be required at the site access junction including consultation, advertisement and implementation costs.

Subject to the above, it is considered that the highways impacts of the development insofar as they relate to congestion and safety are acceptable in planning terms and in conjunction with a proposed speed limit reduction to 40mph from the current 50mph on the Bradford Road, will reduce the risk of accidents.

Whilst not detailed at this outline stage, it is understood that allocated and visitor parking on site is to be provided in line with the adopted countywide standards, and the density and layout would appear to accommodate this provision comfortably. Additional on-site parking has been suggested as a means of alleviating problems around the entrance to the primary school opposite, with the provision of a pedestrian crossing to provide safe access on foot across the Bradford Road. In principle this would be supported, although of course not an essential requirement of any future development.

S106 contributions

Consistent with the Council's emerging approach to new residential development, as set out at CP43 of the draft Core Strategy, a proportion of 40% affordable housing is proposed under the current scheme.

At the present time, given the outline nature of the scheme, the following Heads of Terms have been agreed in respect of the proposal:

- 40% affordable housing (35 units), comprising:
 - 10no. 1-bed flats (550 sq. ft)
 - 2no. 2-bed flats (750 sq. ft)
 - 9no. 2-bed houses (800 sq. ft)
 - 7no. 3-bed houses (900 sq. ft)
 - 3no. 4-bed houses (1200 sq. ft)
 - 4no. 4-bed houses (1210 sq. ft)

to be delivered as 50% affordable rent / 50% shared ownership/intermediate rent, and provided on site in groupings of no more than 15 units;

- On-site provision of 6168m² of adoptable open space, of which 588m² allocated as specific play provision, to be subject to a commuted fee to cover maintenance;
- Off-site financial contribution of £38,460 toward the upgrading of multipurpose hall and sports hall facilities at Springfield Leisure Centre;

- Off-site financial contribution of £279,686 as provision of 22no. primary school places (cost multiplier of £12,713); and
- Off-site financial contribution of £306,480 as provision of 16no. secondary school places (cost multiplier of £19,155)

The above contributions have been agreed in principle, and comply with the relevant CIL regulations. Due to the restriction of the regulations, it has been decided not to pursue contributions in respect of public art and fire infrastructure. However it is anticipated that the objectives of the former can still be pursued through high-quality design at the reserved matters stage.

Other issues

It is acknowledged that the local services - specifically shops and healthcare - are underprovided in this location, particularly given the size of Rudloe. Paragraph 5.60 of the Core Strategy anticipates that by 2026 *'Development within the community area will have helped to improve the level of services and facilities in the area and have met local housing need.'* In the Officer's view, these two threads are inseparable and the reinforcing of housing stock actively supports the provision of enhanced local facilities. Given Rudloe's not inconsiderable current size, together with the prospective delivery of the Rudloe no.2 site, and extant permissions at HMS Royal Arthur, Spring Park and Copenacre, it is highly likely that the village will rapidly reach the 'critical mass' required to support services such as a local convenience store and healthcare service, to the wider local gain.

The current proposal supports this approach, pursuant to the objectives outlined in the Corsham Community Area Strategy in the emerging Core Strategy. On reviewing the 'Issues and Considerations' set out at Paragraph 5.59 of the Core Strategy, it is apparent that the scheme responds to almost all of the points and does not conflict with any.

The provision of 40% on-site affordable housing is a significant material consideration that adds weight to the strength of the application. There is a pronounced shortfall of such provision in the Corsham Community Area that is exacerbated by above-average market property values. A supplementary 35 units delivered to a profile suited to local needs would be a substantial boost in this respect.

10. Conclusion

The proposed development is sustainable and, on the balance of factors, acceptable in principle, supporting the long-term objectives of the Corsham Community Area and Rudloe/Westwells in particular. As well as assisting in meeting the established need for housing in the area, the site, which is considered physically suitable and immediately deliverable, will foster local industries and realise further specialist employment opportunity. With proper mitigation, the proposal will not result in significant harm to the natural or built environment or otherwise adversely affect highway safety or residential amenity. The

proposal is therefore compliant in policy terms with the emerging Wiltshire Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

**To delegate to the Area Development Manager to GRANT planning permission ,
Subject to all parties entering into an agreement under S106 of The Act (as amended)
in relation to the following matters:**

- **Delivery of affordable housing;**
- **Delivery and maintenance of on-site play provision and public open space;**
- **Provision of a contribution in respect of local leisure provision**
- **Delivery of site access works and other off-site highways works;**
- **Provision of costs associated with the requisite Travel Plan;**
- **Provision of a contribution in respect of strategic highways works;**
- **Provision of contributions in respect of local primary and secondary education;**

Subject to the following conditions:

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

REASON: To comply with the provisions of Section 92 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 the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country

Planning Act 1990.

- 4 No development shall commence on site until a suitable landscaping strategy has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- a) Retention and successful integration of important existing site trees, hedgerows and landscape features, wherever possible;
 - b) Strong Green Infrastructure linkages into the wider GI network.
 - c) Reinforcement of the northern perimeter hedge line/tree belt along Bradford Road (within the site) by introducing an additional wooded belt of tree planting in order to reinforce and extend wooded skyline backdrop for new urban development viewed from lower local vantage points from the south, west and east and also from longer southern countryside vantage points;
 - d) Introduction of a structured landscape buffer separation and transition with countryside along the eastern boundary (Skynet Drive) of the proposed residential area;
 - e) Additional structural tree planting areas (i.e. wooded belts, space for larger species tree planting within and bordering the residential development block areas) that in combination with landform should aim to better integrate the introduction of new urban development massing on this sloping site over the longer term;
 - f) Incorporation of a multifunctional SUD System for functional attenuation, aesthetic/amenity & ecological value and benefit purposes;
 - g) High quality design of centrally located and easily accessible and overlooked equipped areas of useable open space, which reinforces appropriate local character and a 'sense of place';
 - h) Legible, direct and clear footpath and cycleway linkages with adjoining built development and PRow network;
 - i) Incorporation of the use of natural stone within boundary treatments and dwellings where they would offer the greatest public amenity function and design value; and
 - j) Sustainable landscape maintenance and management arrangements.

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

- 5 No development shall commence on site until provision has been made for open space, amenity areas and play areas in accordance with the submitted details. The plans shall define the boundaries and shall include details of the intended future uses of each area, in particular the user age groups of play areas together with the features and items of play equipment it is proposed to install.

REASON: To ensure a satisfactory provision of open space throughout the development in the interests of the amenity of future residents.

- 6 Prior to first occupation of any dwelling hereby permitted a 2 metre wide footway shall be constructed and made permanently available for public use, along the frontage of the site between the site access and the bus stop located north-east of Skynet Drive, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing safe and convenient pedestrian link to serve the development.

7 The details of the residential development submitted for reserved matters approval shall include a 2 metre wide footway link to the south-eastern boundary of the site.

REASON: In the interests of providing permeable pedestrian links and direct access to the primary school and Skynet Drive.

8 The details of the residential development submitted for reserved matters approval shall include a 2.5 metre wide cycleway / footway link from the residential part of the site to the employment area.

REASON: In the interests of providing permeable pedestrian links and enabling the employment units to have good access to public transport.

9 The employment units hereby approved in outline shall not be first brought into use until separate vehicle access to Park Lane for those units has been provided and made available for use, in perpetuity.

REASON: In the interests of providing safe and convenient access to the employment units.

10 No part of the development hereby permitted shall obstruct a visibility splay at the junction of Skynet Drive with Bradford Road such that nothing exceeds a height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre-line of Skynet Drive from the carriageway edge to a point on the nearside carriageway edge 120 metres to the southwest.

REASON: In the interests of highway safety.

11 Prior to occupation of the 20th dwelling hereby permitted, the parking laybys situated either side of the access road and extending a distance of 60m into the site from its junction with Bradford Road, as indicated in outline on Indicative Masterplan drawing number 13/052/100 shall be provided and made permanently available for public use.

REASON: In the interests of avoiding excessive school parking on nearby roads.

12 No development shall commence on site until a surface water drainage scheme for the site based on sustainable drainage principles (SUDS) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to completion of the development. The scheme shall also include details of how the scheme is to be managed after completion.

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

13 The development hereby permitted shall be carried out in accordance with the following approved plans:

Figure 1 – Site Location Plan
13.052.100 – Indicative Masterplan
13.052.101 – Site Boundary Plan
13.052.200 rev A – Land Uses Plan
101 rev B – Proposed Site Access Right Turn Lane

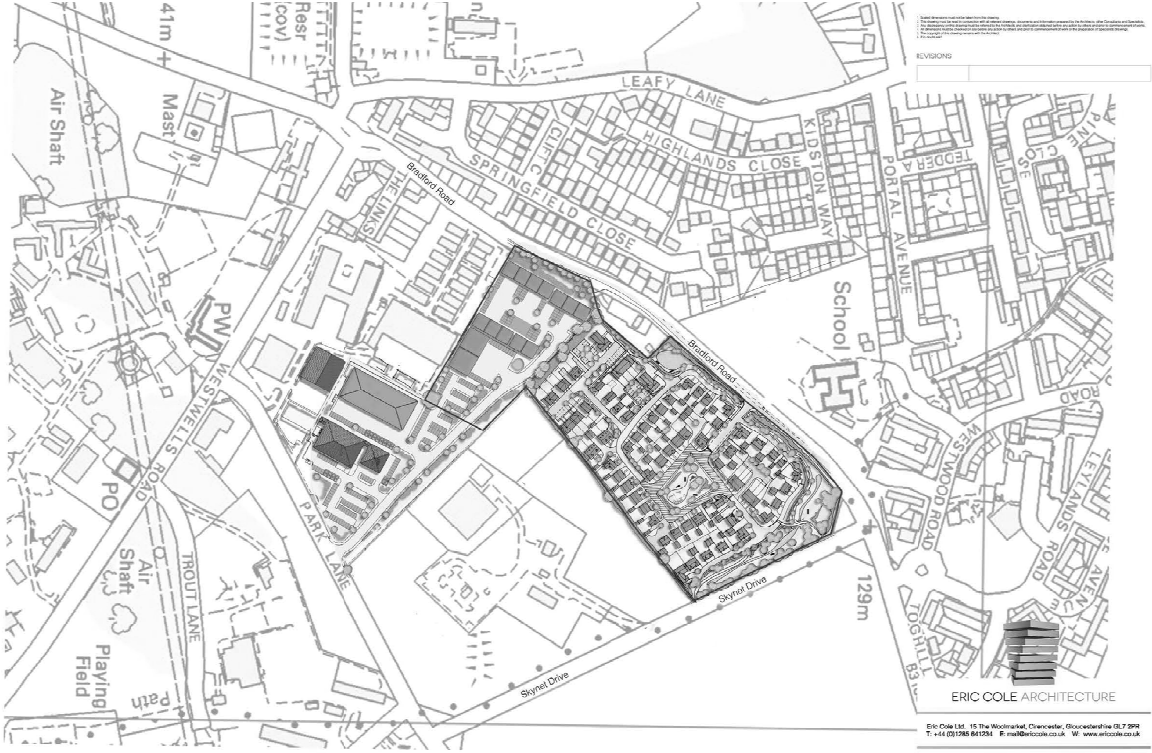
Untitled indicative open space/pedestrian links/cycleway overlay plan

Received 6 November 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

- 14 INFORMATIVE TO APPLICANT:
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 15 INFORMATIVE TO APPLICANT:
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
- 16 INFORMATIVE TO APPLICANT:
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.



REVISIONS

NO.	DESCRIPTION	DATE

ERIC COLE ARCHITECTURE
 Eric Cole Ltd, 15 The Woodstock, Clarendon, Gloucestershire GL7 2PR
 T +44 (0)1286 661284 F mail@ericcole.co.uk W www.ericcole.co.uk

PROJECT:	LAND AT BRADFORD ROAD, RUDLOE		
DWG TITLE:	SITE BOUNDARY PLAN		
SCALE:	1:2500000	DRAWN BY:	MJA
DATE:	13.05.2011	CHECKED BY:	

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1. Scaled dimensions must not be taken from this drawing.
2. This drawing must be read in conjunction with all relevant drawings, documents and information prepared by the Architects, other Consultants and Specialists.
3. Any discrepancy on this drawing must be referred to the Architects and confirmation obtained before any action is taken by others and prior to commencement of works.
4. All dimensions must be checked on site before any action by others and prior to commencement of work or the preparation of Specialist drawings.
5. The copyright of this drawing remains with the Architects.
6. If in doubt ask!

REVISIONS

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ERIC COLE ARCHITECTURE

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 T: +44 (0)1285 641234 E: mail@ericcole.co.uk W: www.ericcole.co.uk

PROJECT:	LAND AT BRADFORD ROAD, RUDLOE		
DWG TITLE:	SITE BOUNDARY PLAN		
SCALE:	1:2500@A3	DRAWN:	MJA
DWG NO:	13.052.101	REV:	-
		CHECKED:	
		DATE:	OCT 13



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Report No.

**REPORT TO THE NORTHERN AREA
HUB PLANNING COMMITTEE**

Date of Meeting	12 th March 2014		
Application Number	13/05388/FUL		
Site Address	30 Stone Lane Lydiard Millicent Swindon Wiltshire SN5 3LD		
Proposal	Conversion & Adaptation of Existing Barn to Provide Self-Contained New Dwelling		
Applicant	Mr S Burley		
Town/Parish Council	LYDIARD MILLICENT		
Electoral Division	Royal Wootton Bassett East	Unitary Member	Cllr Mollie Groom
Grid Ref	410047 186350		
Type of application	Full Planning		
Case Officer	Bob Mason		

Reason for the application being considered by Committee

The application was called in at the request of Councillor Mollie Groom.

1. Purpose of Report

To discuss the planning issues involved in this case.

2. Report Summary

The proposed development involves the conversion of a recently constructed stable building in the side garden of a house in the countryside into a self contained dwelling. It is considered that the application conflicts with Paragraphs 29 and 55 of the National Planning Policy Framework and Policies C3 and NE15 of the North Wiltshire Local Plan.

3. Site Description

The site consists of a mature semi detached house with extensive grounds and to the side a garage with occupied ancillary accommodation and the building in question. Built as private stables, this building was constructed in brick with upper walls in render and a shallow pitched tile roof. It has a separate vehicular access to the lane.

The site is located in open countryside between Lydiard Millicent and Common Platt on the western edge of Swindon amongst scattered development.

4. Planning History

N/05/00485/FUL	Erection of Extension to Rear.
N/05/01201/FUL	Creation of 2nd Vehicular Access
N/08/01882/FUL	Erection Of Stable Barn & Associated Sand School and Change of Use of Land for the Keeping of Horses
N/09/01776/S73A	Erection of Stable Barn and Associated Sand School and Change of Use of Land for the Keeping of Horses (Resubmission of 08/01882/FUL
N/09/01775/S73A	Retention of Replacement Boundary Wall (Retrospective)

5. The Proposal

The application involves the conversion of an existing building to provide a self contained dwelling with 4 bedrooms and a downstairs guest suite. Externally, alterations would include in particular large central windows on the front and rear elevations and small windows in the gable ends.

The block plan suggests that an existing garage and ancillary accommodation would form part of the development however on the location plan the application site boundary omits the building from the application site.

Regarding the Planning History, the agent states that the stable barn was approved in 2008 for use as a stable, including the storage of lorry. The agent goes on to explain that after the applicant's wife fell off a horse and the daughter became no longer interested in horses, this use lapsed. Up until the submission of this current application, no further planning application was submitted to change the use of the building.

The agent makes the following points in support of the application:

- The proposed development involves minimal alterations due to the quality of initial build.
- The use as a house would ultimately improve the site's setting
- There is a Housing Land Shortage in North Wiltshire identified by the Planning Inspector for the Core Strategy
- The NPPF supports the re use of existing buildings in the countryside and does not mention the planning history or alternative use of the building as relevant considerations.
- The site is located within an established residential area although it is outside the settlement of Lydiard Millicent
- A hedge would be planted around the proposed garden

6. Planning Policy

North Wiltshire Local Plan (2011):

C3 - Development Control Policy

National Planning Policy Framework, Paragraph 29 states:

‘The transport system needs to be balanced in favour of sustainable transport mode’ and ‘different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.’

Paragraph 55 states:

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’

‘Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting’*

7. Consultations

Parish Council – if allowed, the building should be an ancillary dwelling, but there would be an increase in traffic, and the application should be called in to full committee.

Highways - Object on Sustainability grounds, unless LPA wish to approve then attach conditions.

8. Publicity

A Notice was placed on site on 8th November 2013.

9. Planning Considerations

Principle

It is accepted that NPPF Paragraph 55 outweighs the Local Plan Policy BD6 in terms of the weight accorded to each policy, and therefore a sequential appraisal of alternative uses in such applications, as would ordinarily be required by Policy BD6, is not justified.

In respect of the re-use of redundant buildings, paragraph 55, *inter alia*, states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;”

However, it is not accepted that the building is necessarily redundant and unsuitable for any other beneficial ancillary use in the near future. Indeed, neither is there any evidence forwarded to suggest that the re-use of the building would “*lead to an enhancement to the immediate setting*”, as required by Paragraph 55.

Accordingly, it is considered that the application conflicts with NPPF Paragraph 55.

With regard to the recent Core Strategy Inspector Procedural letters, the Council has indeed accepted that the overall housing requirement for Wiltshire should increase in line with the Inspectors suggestions in his letter of 2nd December (ie. an increase to 42,000) which will require the housing requirements for each housing market area to be reviewed. While the Core Strategy Inspector states that the evidence suggests that a 5 year (together with a 5% buffer) could be achieved in Wiltshire at this higher level, work is currently being undertaken to determine how the increased housing supply will be distributed at the housing market area level and how supply will be met against the proposed new figures. This assessment will include re-examining the land supply taking account of the revised housing requirement and the significant number of large planning applications granted in the last year.

In the above context, it is considered that there is no strong presumption in favour of development in this case. Indeed, one dwelling would make a negligible contribution to housing supply in this location and there remains unacceptable site specific reasons that would prohibit the grant of a planning permission.

Design

It is considered that the original design is somewhat awkward in terms of the shallow roof pitch and the width of the building, and that this would be exaggerated by the proposed windows and residential use in that poor design is less acceptable for dwellings than for agricultural buildings.

Impact on Residential Amenity

It is considered that future occupiers would lack privacy due to the close proximity of the ancillary accommodation/garage in the yard to the front of the building and which would still be attached to the original semi detached house. The garden of the original semi detached house would also extend around the rear of the proposed dwelling, and it is considered that this would lead to privacy issues for both parties.

Impact on the Wider Landscape.

It is considered that the proposed development would lead to a reduction in visual amenity to the setting particularly due to the likelihood of further residential paraphernalia and ancillary buildings in the future. In addition, it is considered that the applicant has not made significant proposals for the improvement of the setting of the building as required by Paragraph 55.

Access/Sustainability

Whilst there is no objection in regard to access, the proposal is located remote from services and employment opportunities, and is unlikely to be well served by public transport. Hence the application site is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys contained in the NPPF Paragraph 29.

10. Conclusion

It is considered that the proposed development conflicts with the principles in the National Planning Policy Framework Paragraphs 29 and 55, would not contribute significantly to reducing the Housing Land shortage, would have a poor design, would have an unacceptable impact on residential amenity and would have an adverse impact on the wider landscape. Accordingly, it is considered that the application conflicts with National Planning Policy Framework Paragraphs 29 and 55 and Policy C3 - Development Control Policy and NE15 – The Landscape Character of the Countryside.

RECOMMENDATION

That Planning Permission be refused for the following reasons:

By reason of the proposal's poor design and cramped, close relationship with the dwelling it was originally intended to serve, the development would have an unacceptable impact on residential amenity and would not present an enhancement of the immediate setting. Accordingly, it is considered that the proposed development conflicts with the principles in the National Planning Policy Framework relating to the re-use of redundant buildings and Policy C3 of the adopted North Wiltshire Local Plan 2011.



Report No.

**REPORT TO THE NORTH AREA HUB
PLANNING COMMITTEE**

Date of Meeting	12 th March 2014		
Application Number	N/13/00958/S73A		
Site Address	Oaksey Park Lowfield farm Oaksey Wiltshire		
Proposal	Removal of Conditions 8, 9 and 10 imposed on application reference 10/03612/S73A which varied condition No 7 of 02/01841/FUL and appeal APP/J3910/A/04/1145607, allowing the unrestricted residential occupancy of units 12 to 19 (8 in total)		
Applicant	Oaksey Park Ltd		
Town/Parish Council	OAKSEY		
Electoral Division	Minety	Unitary Division	Cllr Chuck Berry
Grid Ref	399464 194156		
Type of application	Full Planning		
Case Officer	Lee Burman		

Reason for the application being considered by Committee

The application has been called in for Committee consideration by Councillor Chuck Berry to allow assessment of the principle and sustainability of the development and implication for other similar proposals and facilities.

1. Purpose of Report

To recommend that authority be delegated to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement.

2. Report Summary

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

the viability of the existing units of accommodation with the currently attached conditions restricting the scope and nature of the residential use and occupancy i.e. as Holiday let accommodation linked to the adjacent Golf Course;

And whether or not the properties have been marketed appropriately and at valuations reflecting the restrictive occupancy conditions;

The principles of the development proposal.

3. Site Description

The site is located within the open countryside to the east of the village of Oaksey. The application relates to a development of 25 semi detached and detached structures located adjacent a 9 hole golf course and its supporting clubhouse facility. The structures are modern in design two storey buildings built utilising render and timber with substantive glazing elements. The structures are surrounded by shared amenity spaces with new planting separating the properties from the golf course. The structures are residential in character but occupancy is restricted to holiday lets. Similarly there is established mature planting to the northern boundary separating the site and its access road from adjoin open countryside. The properties have ancillary group parking areas and the access road to the site runs from Wick Road, adjacent the golf course itself though the golf course car park and past the clubhouse facility. The land rises to the west and in the direction of the villages and adjacent unmaintained scrub land is situated against the western boundary of the site, albeit this land benefits from an extant consent for a final phase of the development which is as yet unbuilt.

4. Planning History

89/03470/F	Change of Use to residential holiday and staff accommodation of agricultural buildings. Reconstruction of Guest Lounge. Alts To Access and Driveway. Approved
02/01841/FUL	Erection Of 18 No 2 & 3 Bed Holiday Lodges And 1 No Bunkhouse With Covered Parking (1 No Space/Lodge) And Implement Shed, Workshop, Office And Reception Area And Associated Access Approved
03/02072/S73A	Variation of conditions attached to 89/03470/F (Condition 5) and 02/01841/FUL (Condition 7) Appeal allowed conditions varied
10/03612/S73A	Variation of Condition 7 of 02/01841/FUL & 1 of APP/J3910/A/04/1145607 - Relating to Residential Occupancy Relates to units: 3, 5, 6, 8 and 10 - 19 inclusive. Approved
11/02036	Variation of Condition 1 of APP/J3910/A/04/1145607 - Relating to Residential Occupancy (Original Variation of Condition 7 of 02/01841/FUL) Relates to unit 2. Approved
12/00034	Variation of Condition 1 of APP/J3910/A/04/1145607 - Relating to Residential Occupancy (Original Variation of Condition 7 of 02/01841/FUL).Relates to unit 4. Approved.
12/00050	Variation of Condition 1 of APP/J3910/A/04/1145607 -

The above is a summary list of the historic applications at the site that are relevant and pertinent to the current proposals. It is not intended to be a definitive list of every single application at this site as this site history is very extensive and a great many of the applications are of no direct relevance. The applications and decisions referred to above are discussed in further detail below.

5. The Proposal

The application proposes the removal of conditions 8, 9 & 10 of Planning permission 10/03612/S73A and variation of condition 7 of 02/01841/FUL and Condition 1 attached to appeal decision APP/J3910/A04/1145607 – Relating to residential occupancy. The conditions are as follows:-

10/03612/S73A

8 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the building(s) hereby permitted shall be used for holiday accommodation only and for no other purpose.

REASON :- This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY: C3 of the adopted North Wiltshire Local Plan 2011, RLT9 of the Wiltshire and Swindon Structure Plan 2016 and the Good Practice Guide on Planning for Tourism

9 The building(s) hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON:- This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY: C3 of the adopted North Wiltshire Local Plan 2011, RLT9 of the Wiltshire and Swindon Structure Plan 2016 and the Good Practice Guide on Planning for Tourism

10 The owners / operators of the site shall maintain an up-to-date register of the names of all owners / occupiers of individual units identified in red upon drawing No. JC/001/2 and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

REASON:- This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY: C3 of the adopted North Wiltshire Local Plan 2011, RLT9 of the Wiltshire and Swindon Structure Plan 2016 and the Good Practice Guide on Planning for Tourism

02/01841/FUL

7. The development shall be used only as holiday accommodation and no person shall be in occupation for more than 42 days in any calendar year.

Reason: To ensure that the development is not used as permanent accommodation or as dwellings.

APP/J3910/A04/1145607

1. The buildings shall not be occupied other than for holiday accommodation, and shall not be occupied from 6 January to 5 February inclusive in any year, and shall at no time be used for permanent residential accommodation.

The proposal in the original application related to the 20 remaining units of the site that had not already been sold to private ownership with the relevant restrictive conditions attached. This application and the description of development was varied by the applicant as follows:-

Removal of Conditions 8, 9 and 10 imposed on application reference 10/03612/S73A which varied condition No 7 of 02/01841/FUL and appeal APP/J3910/A/04/1145607, allowing the unrestricted residential occupancy of units 12 to 19 (8 in total)

It is this revised proposal – removal of the restrictive conditions on 8 units that is now before the Council.

6. Planning Policy

National Planning Policy Framework

North Wiltshire Local Plan 2016

C2 Community Infrastructure

C3 Development Control

CF3 Provision of Open Space

Wiltshire Core Strategy Submission Draft

It should be noted that there are no specific policies in any adopted planning policy document that directly address the variation or removal of planning conditions restricting residential occupancy to holiday accommodation use to allow unfettered residential use.

7. Consultations

The Council instructed a firm of Chartered Surveyors to assess the Market Viability Report submitted with the application. This process and the response received is referred to in greater detail below.

The Council extended the consultation period to allow for representations to be submitted following the receipt by the Council of the independent assessment of the viability report. Whilst the report was not published the conclusions were referenced by

the case officer in discussions with consultees such as the Parish Council.

Highways Officers raised no objections to the proposals.

Education Officers have identified a requirement for secondary school place provision arising from the development.

Environment Services (Open Spaces) has identified a requirement for children's playspace provision arising from the development.

Waste Team has identified a requirement for provision of waste collection facilities.

Oaksey Parish Council has objected to the application in respect of:

- The site is an inappropriate location for residential use, poor access, in the open countryside outside the defined village
- The development is out of scale with the landscape
- There is no evidence of housing need in the village
- The proposal makes no provision for "development gain" to contribute to the local community
- Issues of business viability are the result of other factors than the local property market including the business operator and the financing of the development
- A different operator is likely to succeed and transform the business potential
- The property market at the time of the review has been distorted by the recession and the business being in receivership
- The implementation of the existing holiday let conditions has poor suggesting lack of compliance – Wiltshire council has started enforcement proceedings
- A Neighbourhood Plan for Oaksey is under preparation consent for residential would render proposals for housing in the village redundant

Subsequent to the revision of the description of development a further 21 day period of consultation was undertaken. All parties were notified of the revised application.

Education officers have confirmed that the revised proposals generate a requirement for Secondary School places and a financial contribution is sought in this regard.

Environmental Services (Open Spaces) identified that the 8 units alone did not generate an open space requirement that could be met through on site provision and that given the site location off site financial contributions to enhanced provisions for children's play space elsewhere could not be justified. However should the remaining 12 units also be the subject of proposals to remove restrictive occupancy conditions the on-site playspace provision requirement would be justified.

8. Publicity

The application has been advertised by press advert, site notice and through neighbour notification.

29 letters of objection have been received from local residents raising concerns in respect of:

- The Holiday Let units are a viable business operation under the right management;
- The Holiday Let units were permitted designed and constructed in relation to

- standards inappropriate to permanent residential accommodation;
- The original property purchase was not conducted on a sound basis
- The Oaksey Park facility only has two competitors (Windrush Lakes and Spring Lake, these facilities are run successfully and are viable
- The locality has a greater range of offer for tourism than referenced in the submitted reports
- The current facility is poorly maintained and the lack of finance available for full maintenance should not be a sound reason for removing the holiday let restrictions
- The marketing of the properties and demand has been affected by the poor quality maintenance at the site
- Inadequate parking provision and traffic generation
- Inadequate design
- Inadequate services for the residential use of the site e.g. waste, schools
- Inadequate consultation with existing owners at the site
- All properties at the site should be included in the decision/application
- Inconsistencies within the submitted supporting financial information
- The site is an inappropriate location for residential use, poor access, in the open countryside outside the defined village
- The development is out of scale with the landscape
- There is no evidence of housing need in the village
- Housing need in the village is for affordable housing
- The independent report commissioned by the Council should be made publicly available
- Sets a precedent across Wiltshire

Following the revision to the description of development a further 21 day period of consultation was undertaken including press notices, neighbour notifications and notifications to all parties having made representations on the original application proposals. Since that time four representations have been received raising objections to the proposed removal of the conditions. Separate correspondence has also been forward to the case officer from a further interested party. The representations identify that:-

- The revised proposals are not supported additional supporting documentation to explain and justify the revised scheme proposals
- Consultations with interested parties including the owners of the 5 properties already sold at the site have been inadequate
- If the restrictive conditions are removed on these properties that should also apply to the 5 properties already sold to private ownership
- The Council has commissioned its own assessment of the submitted viability report and this assessment should be made available to interested parties for review and comment
- Parking demand at the site is increasing indicating increased occupancy periods
- The submitted viability assessment is inadequate and does not demonstrate that the properties are unviable as holiday let units
- The site is a unsustainable location contrary to adopted policies for unrestricted residential development and the properties should remain as holiday lets as originally permitted

9. Planning Considerations

Background

The following assessment of the application is on the basis of the removal of restrictive conditions relating to 8 properties at the site. This position has arisen as consequence of confusion in the independent assessment of the marketing and viability of original scheme proposals commissioned by the Council. The original instruction issued related to the 20 units however following liaison with the applicant, site meetings and provision of marketing and financial information by the applicant the independent surveyors understood that the proposal related to 8 units only. Their report was provided on that basis. Officers identified this confusion when preparing a report to Committee on the original scheme proposals. Further consultation with the independent surveyors assessing the proposals was undertaken and a revised report relating to the whole 20 units was prepared and submitted. This report concluded that the business as a going concern i.e. sold as a single entity was unviable. The assessment however also concluded that insufficient marketing for the whole 20 units had been undertaken and further marketing was therefore required to demonstrate that there was no viable demand for all 20 units with the restrictive conditions as separate individual properties.

As is discussed in more detail below the earlier version of the report relating to 8 units also concluded that the that the business as going concern/single entity was not viable; also that the 8 individual units had been adequately marketed at reduced market valuations reflective of the restrictive conditions and that there was no proceedable interest in these properties.

The applicant was made aware of the findings of the independent assessor of both reports and subsequently revised the scheme proposals to relate to the relevant 8 properties only. The independent assessor has subsequently resubmitted this original report in respect of the revised scheme proposals.

Principle

The principle of residential development in this location is not available for consideration as part of this application. The proposal is merely a variation and removal of conditions restricting occupancy of 8 holiday let accommodation units that are already built. The proposal is not for the erection of new residential development and as such the principle of a residential development in this location and the sustainability of such a development proposal is not available for consideration. The issue for assessment is specific to this site and this development in that the application asserts that the development is not a viable concern, that it has been marketed at reasonable valuation and there is no interest in it as a going concern. Further that the individual properties have been marketed at reduced valuations to reflect the restrictive occupancy conditions attached and that no proceedable interest has been identified. These matters are discussed in detail below but the relevant issue here is that these are material circumstances that are specific to this site only. These types of financial considerations are solely material to each individual site and the form and type of development that has been constructed and the circumstances relevant to the locality will inform such matters and will vary from site to site. As such they do not define any standard or establish any form of precedent that must be adhered to and which would restrict the determination of other such proposals on other sites. Other such holiday let facilities in other locations would need to be assessed on their own individual merits and site circumstances. It is also important to note in this context that the current financial climate is a relevant material factor. This is referenced further below but it should be noted that the economy has worsened considerably since the initial permissions were granted and development took place. These are changed material

circumstances in this instance which may not always be prevalent during the future. This is specifically relevant here in respect of the availability of financing from banks for purchase of such restrictive occupancy properties and the viability of fairly small scale holiday let accommodation facilities.

Furthermore the Council in determining any application is duty bound to act reasonably and determine the applications that are submitted on the basis of relevant material considerations and circumstances. As such it is not appropriate or acceptable for any Local Planning Authority to determine an application on the basis of what may possibly happen in the future or what their position may have been with respect to a theoretical situation i.e. a wholly new proposal for residential development. The Council's decision must be defensible and justifiable in the event of an appeal. Refusal on the grounds that a new residential development would be unsustainable in this location would not meet this test.

In terms of the residential conditions that would result from an unrestricted residential occupancy arrangement it is considered that the site layout affords a reasonable level of residential amenity. It is certainly not considered to be the case that the arrangement is so sub-standard in terms of the amenities of future occupants that all other material considerations are overridden and consent should be refused. It will however be necessary to remove certain permitted development rights by condition to ensure control over this situation.

The Parish Council has previously objected that work taking place on the Neighbourhood Plan for Oaksey in respect of housing will be rendered redundant by approval of this application. This application is not a proposal for new residential development and cannot be assessed in those terms. The Wiltshire Core Strategy and the strategy for housing policies in Neighbourhood Plans (Policy CP2 is relevant) are framed as approximate requirements and clearly envisage that Neighbourhood Plans have the scope to propose additional housing over the minimum requirements identified. The Core Strategy Examination Inspector has also published an initial letter to the Council dated 2/12/13 which sets out his assessment that the housing requirement should be increased. As such the position is subject to amendment and work is ongoing. The preparation and evolution of Neighbourhood Plans is a part of that process. The Parish Council also refers to Wiltshire Council Enforcement Action in respect of breaches of the Holiday Let conditions. There are two investigations underway and no formal action taken. One relates to the use of units 1 and 9 both of which have been sold separately and are not the subject of this application. The second investigation relates to the failure to maintain a guest register. It is not considered that this matter is so significant as to affect the consideration of this application in and of itself. Indeed it has yet to be demonstrated that this is in fact the case.

History & Conditions

In this instance the site history demonstrates that the Council has sought to ensure as far as it was able that the development would not lead to an unfettered residential development in this location, whilst also being supportive of a business venture that also provided leisure facilities within the local community. To this end permissions were issued but with restrictive conditions in place e.g.

N.89.3470.F

5 Each holiday unit (numbered 1-6 on the plans hereby approved) shall only be occupied by any single party for a period not exceeding 3 calendar months in any one

period of 12 calendar months.

Reason: To restrict the use of the units to holiday accommodation. The site lies in an area where new dwellings are not normally permitted.

N/02/01841/FUL

7 The development shall only be used as holiday accommodation and no person shall be in occupation for more than 42 days in any calendar year.

Reason: To ensure that the development is not used as permanent accommodation or as dwellings.

These conditions were the subject of a subsequent application for variation to reduce the level of restriction and extend the period of use which was also refused by the Council. This decision was appealed and that appeal was allowed resulting in the following condition be applied:-

The buildings shall not be occupied other than for holiday accommodation, and shall not be occupied from 6 January to 5 February inclusive in any year, and shall at no time be used for permanent residential accommodation.

This condition was then also subject of four separate applications for variation of the terms as it related to separate units at the site all of which were approved. The applications also sought to vary condition 7 attached to 02/01841/FUL.

These resulted in conditions 8, 9 and 10 as referenced in section 5 above. Condition 8 is of specific relevance in this regard as restricts the use to holiday accommodation but places no time limit in this regard.

Whilst this approach to the site could be viewed as an attempt to progressively remove restrictions it could also be argued that both parties have sought to achieve a balanced approach to the occupation of the site and to apply conditions that maximise the possibility for the facility to be used as originally intended – holiday accommodation. The ongoing change to the terms of the restriction being evidence of the need to have greater flexibility in the terms of the holiday use to maximise the desirability of the location and broaden the market sector. Effectively representing an effort by the applicants and owner of the site to maintain a viable business. The fact is that the original conditions applied were deemed to be unreasonably restrictive by an Inspector considering the matter and the appeal against that restrictive approach was allowed. The Council has subsequently sought to maintain its support for the holiday accommodation business. That earlier appeal decision remains a material planning consideration and is of increasing relevance given the changed economic circumstances and the submitted market viability appraisal.

It is also important to note that the applicant has discharged several of the other conditions relevant to the site and that should consent be granted these could not be reimposed.

Market Viability Appraisal

The applicant has submitted a Market Viability Report prepared by Strutt and Parker Chartered Surveyors. The report was prepared in behalf of administrators Price Waterhouse Cooper after Oaksey Park Limited was forced into administration. The

purpose of the report as per the Instruction to Strutt and Parker was to assess the viability of and market for the Holiday Accommodation and the market for and viability of an alternative unfettered residential use for the site. In respect of the Holiday Accommodation the report concludes that:-

- Trading at a loss for the last three years
- Hosesasons have pulled out as commercially unviable.
- Price Waterhouse Cooper state that holiday use is also unviable with no foreseeable prospect of future growth.
- Strong competition, particularly from Cotswold Water Park

On this basis it concludes that the use is commercially unviable.

With respect to a use as unfettered residential accommodation the report identifies that this is a good long term investment with steady demand and that it would be commercially viable.

The Council sought independent assessment of this submitted Market Viability report. This report has not been published as it contains commercially sensitive and personal financial information. This approach has been disputed by several interested parties and local residents. A great deal of such information and assessments submitted with a wide range of planning applications throughout the country are treated in this manner. This is not unusual and is indeed a quite common occurrence, examples include the change of use of public houses to residential and their related viability reports and assessments. The submitted market viability report of the applicant has been made publicly available for review and comment however and a number of objectors have made their submissions in that regard as summarised above and in further detail below.

Initially the Case Officer sought the input of the Council's Estates Department but it was identified that the issues at hand, including valuations of and the market for Holiday let accommodation, were areas of specialist knowledge and expertise which was not available within the Council. As the case officer sought independent specialist assessment on behalf of the Council and instructed a private firm of Chartered Surveyors – Chesterton Humberts. The instruction was specifically to assess the applicant's submitted market viability report and to consider whether or not this was reasonable and sound in respect of the removal of conditions for the 20 units. As noted above subsequent discussions between the applicants surveyors' and Chesterton Humberts resulted in some confusion and a partial assessment relating the marketing of individual units (8 in total was completed). In so doing Chesterton Humberts considered both the viability of disposal of the 20 units as a going concern; also the viability of the sale of 8 individual units with the relevant restrictive conditions in place. This assessment also considered the marketing that took place and the valuations placed on the 8 units.

In undertaking the initial assessment Chesterton Humberts sought and received additional detailed information as to the marketing process and results that had taken place from the applicant.

The resubmitted independent assessment undertaken on behalf of the Council concludes that:-

- the marketing was reasonable and appropriate in relation to the 8 properties that

- are the subject of the current application;
- the valuations placed on the units individually was reasonable and appropriate (subject to caveat discussed below);
- the development as a whole going concern is unviable given the offer available and competition in the locality;
- the 8 units cannot be sold individually with the restrictive conditions in place as finance is not available from the banks.

With respect to the operation as whole no offers were identified in the recent marketing process. With respect to the sale of individual units offers were initially received however when these were investigated for progression it became apparent that the individuals making the offers could not obtain financing from their banks and as such were not “proceedable”.

Chesterton Humberts in their report do identify that with respect to the marketing and viability appraisal of the facility as a whole going concern the associated costs were significant. Indeed these incorporated the management and running costs associated with financing the purchase of the facility. The assessment was therefore undertaken on the basis of a reduction in these administrative costs with a significant discounting of the initial purchase prices. The report identifies that even with this discounting in place and with a reasonable level of overheads attached to the business acceptable levels of profitability were not available and as such the business as a whole going concern could not be considered as viable. Chesterton Humberts have stated that should the properties be offered to third parties at nil or close to nil value i.e. very heavily discounted/subsidised then a viable operation may be achievable. This has been a suggestion of some of the Third party objectors. However it is considered wholly unreasonable to require any landowner or business to dispose of assets at nil value merely to seek to maintain an established land use, which then may or may not prove to be viable in the longer term for a different operator/owner. It is not considered that such an approach, refusal of the application on this basis, would be defensible and justifiable in an appeal situation.

It should also be noted that a third party (a local resident who has previously investigated purchase of the facility) made representations to the Council regarding viability and available financial information. They have made submissions of their own in this regard and these were forwarded to Chesterton Humberts for review and consideration. Specifically Chesterton Humberts were asked to consider whether the further information affected their assessment in any way and altered their submitted assessment. Chesterton Humberts clearly stated that the information did not change or alter their assessment.

It must be made absolutely clear that Chesterton Humberts are a firm of Chartered Surveyors and as such they were instructed to examine the marketing information and viability matters only. Chesterton Humberts were not instructed to consider wider issues such as the principles of residential development in this location or indeed comment on the determination of the application in any way. This is the responsibility of the case officer and as noted the merits or otherwise of residential development in this location are not available for consideration as part of this application in any event.

S106

The application proposal would result in unrestricted residential use of the site and in all likelihood the sale of properties individually and thereby creating a new permanent

residential community in this location. The current ly revised application relates to 8 units only but there is a potential for 12 further units to be similarly considered should the applicant choose to market those properties and propose the removal of conditions afterward. Certainly the evidence before the Council (the terms of the original application) indicates that this is the intention of the applicant. As such consideration of the impact of the new residential community on existing services and infrastructure in the context of the Council's adopted policies C2 and CF3 of the NWLP in a two phase approach has been undertaken. As identified in the Consultations section above Open Space, Education and Waste Collection requirements have been identified as necessary requirement arising from this development. In making the assessment of need consideration has been given to the Council's adopted policies supporting assessment information and the location of the site outside a defined settlement. On this basis the following requirements are considered to be necessary and justifiable:-

Education

In relation to the 8 units that are the subject of the current application 2 secondary school places are generated that cannot be accommodated within existing facilities. 2 primary school places are generated but can be accommodated within existing infrastructure. Existing secondary school capacity can be enhanced and so a financial contribution of £38,310 for secondary infrastructure is required based on current school place cost multipliers.

Open Spaces

The site lies adjacent a golf course and is within the open countryside but is not well related to major centres of population and existing public open space provision. Given the site circumstances and scale of residential accommodation that would result it is considered that on site provision of a children's Local Equipped Area for Play (LAP) is necessary and justifiable in relation to the 20 units originally proposed but no provision either on site or in terms of financial contributions could be justified in relation solely to the 8 units. This position can be addressed by the inclusion of a trigger for on site provision of play space (in a specific location and form to be agreed with the Council) should the second phase of 12 units ever be subject of a planning permission for removal of the restrictive occupancy conditions. Officers recommend that this would be most effectively maintained through a private management company arrangement and again this can be achieved by covenants for agreement of terms in a S106 agreement.

Waste Facilities

Officers identified a requirement for waste collection facilities (wheelie bins) and seek a financial contribution for provision for each of the twenty dwellings equating to £2,420. The applicant has however identified that there is already existing provision of such facilities at the site. As such it is agreed that further financial contributions are not justifiable in this respect.

These requirements have been identified and discussed with the applicant who has agreed to address matters through the preparation of a Section 106 agreement, in this instance a Unilateral Undertaking is proposed. A draft has been submitted for agreement but this has only just been received at the time of writing the report and legal review of the terms and conditions is required. As such the recommendation is to delegate authority to the Area Development Manager to grant consent subject to the finalisation of this agreement.

Phase 4 of the Development/Extant Permission

It should be noted that a final phase of development of holiday let units at the site remains unimplemented and is not covered by the current application proposals to remove restrictive occupancy conditions. The consent remains extant given the implementation of earlier phases and related works. An application to discharge conditions relevant conditions has been submitted. Officers were concerned that this indicated some level of intent on the part of the applicant which would therefore undermine the assertions as to viability and demand for the existing units that are the subject of this application. Officer sought Legal advice as to what if any action could be taken with respect to the consideration of the discharge of conditions and possibility of voiding the permission of the final phase of development. The advice received is that if the details are acceptable it would be unreasonable to withhold formal discharge of conditions and such an approach would not be justifiable or defensible..

With regard to the invalidation of the original permission with respect to the phase 4 development legal advice is that once a planning permission is granted it will continue in force. Where partially implemented it remains extant. In certain circumstances the grant of subsequent applications may make it impossible to complete implementation of the original consent, for example where the uses permitted are incompatible or there are physical constraints to the implementation of the two different permissions. Given the facts of this case in terms of the form and layout of the site and the remaining consented phase of development and given the compatible nature of the uses that would be permitted (holiday lets and residential units) the Legal team do not consider that there is an issue of incompatibility that would invalidate the phase 4 consent.

Should the phase 4 consent be implemented and then an application to vary or remove conditions be submitted on the grounds of viability the site history and in particular the position with regard to the current application and any future second phase application relating to the 12 units not covered herewith would be material considerations. It is officers' opinion that it would be impossible to justify the erection of the phase 4 units and then apply shortly thereafter for removal of conditions on the grounds of viability. It would be apparent to all parties that the investment should not have taken place because the units were known to be unviable.

The applicant has verbally commented that there is no intent to proceed with implementation of this phase 4 and that the purpose of discharging conditions relates to the valuation of the property as whole in relation to current financing arrangements.

10. Conclusion

It is considered that it has been satisfactorily demonstrates that the existing development of 20 holiday let units is not viable as a going concern and that adequate marketing of the facility at a reasonable valuation has been undertaken. Similarly it is considered that following appropriate and acceptable marketing there is no evidence of proceedable interest in 8 of the individual units with the restrictive conditions applied. There is verifiable evidence that the current business is operating at a loss and even taking into account significant level of discounting that a reasonable and appropriate level of profit cannot be achieved. The Council has sought and received independent assessment of this position. Consequently it is considered that the case has been made to justify removal of the restrictive occupancy conditions subject to the necessary consequent service and infrastructure requirements being addressed though a S106 agreement.

RECOMMENDATION

That authority be delegated to the Area Development Manager to grant Planning Permission subject to the conditions listed below and the completion of a section 106 agreement to address education and open space service infrastructure requirements.

Appendices:

Background Documents Used in the Preparation of this Report:

Application Documentation including Strutt and Parker Market Viability Report and Additional Supporting Information

Chesterton Humberts Assessment of the Market Viability Report

Conditions

1 The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, previously and subsequently approved pursuant to this decision (including details contained within letters dated 16th January 2004, 13th February 2004 and 22nd February 2004 from Nick Stickland Architect and their enclosures and a letter dated 16th February 2004 from Rationel Windows and Doors and its enclosure relating to hard and soft landscaping, external stonework and materials, external lighting and foul drainage), unless otherwise approved in writing by the local planning authority. Site Location Plan, Site Access Plan, Site Plan 09/04/2013. site layout plan Ref 958/10 date stamped 01/08/2013

REASON: To ensure that the development is implemented in accordance with this decision in the interests of public amenity.

2 The approved landscaping scheme (details set out in a letter dated 13th February 2004 from Nick Stickland Architect plus enclosures) shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

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

3 Notwithstanding the provision of the Town and Country Planning General Development Order no fences, walls or other means of enclosure other than those shown on the approved plans shall be erected anywhere on site.

REASON: To ensure that the open areas of the site remain in communal use.

4 The area between the nearside carriageway edge and lines drawn between a point 2.4 metres back from the carriageway edge along the centre line of the access and points on the carriageway edge 160m back from and on both sides of the centre line of the access

shall be kept clear of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and maintained free of obstruction at all times.

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

5 The development hereby permitted shall be served solely from the access shown in drawing c310/1.

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

6 The workshop / estate yard shall be used only for purposes ancillary to the golf course.

REASON: To prevent an inappropriate independent use.

7. The development hereby permitted relates solely to units 12 – 19 Inclusive as shown on site layout plan Ref 958/10 date stamped 01/08/2013.

8. 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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

9. 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.

11. 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 and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

INFORMATIVES:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

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.



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Client
Oaksey Park Ltd
Page 55

Project
**Application to Vary
 Occupancy Restrictions**

Drawing Title
Location Plan

Figure No
JC/001/RG

Date: September 2010
 Drawn By: MM
 Checked By: RG
 Scale: NTS
 File Ref: 1042/Ooakse/Figures/Fig2.ai

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