

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 29 November 2017
Time: 3.00 pm

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Howard Greenman	Cllr Ashley O'Neill
Cllr Gavin Grant	

Substitutes:

Cllr Ben Anderson	Cllr Bob Jones MBE
Cllr Bill Douglas	Cllr Jacqui Lay
Cllr Ross Henning	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Philip Whalley

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 1 November 2017.

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 Chair.

5 **Public Participation**

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 by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. 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.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

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 22 November 2017** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 24 November 2017**. 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 and Updates** (*Pages 17 - 18*)

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17/09119/FUL- Land adjacent Ashley, Common Road, Malmesbury**
(*Pages 19 - 32*)

7b **17/09431/FUL - Land adjacent Benson House, Market Place, Box**
(*Pages 33 - 46*)

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

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

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 1 NOVEMBER 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Ashley O'Neill

Also Present:

Cllr Ian Thorn

105 **Apologies**

There were no apologies.

106 **Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday 4 October 2017 were presented.

Resolved:

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

107 **Declarations of Interest**

There were no declarations of interest.

108 **Chairman's Announcements**

There were no Chairman's announcements.

109 **Public Participation**

The Committee noted the rules on public participation.

110 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

111 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications 7a- 17/03035/REM - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, SN11 9NQ and 7b- 17/07485/FUL- Flats 49 to 60, Woodroffe Square, Calne, SN11 8PW, as listed in the agenda pack.

111a 17/03035/REM - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, SN11 9NQ

Member of the public Richard Fitter spoke against the application. Cllr Keith Robbins from Calne Without Parish Council spoke in favour of the application.

The Senior Planning Officer introduced the application for the erection of 53 dwellings with public open space and associated infrastructure, approval of reserved matters (scale, layout, external appearance and landscaping) to be in conjunction with outline application 15/10457/OUT. It was identified that the application had been reported to the NAPC Meeting of the 06/09/2017 and had been deferred to seek alterations to the scheme's design and layout. Officers identified that these matters had, to a large extent, been addressed by the applicant and that further consultation had taken place in this respect. A presentation was delivered, which displayed a site location plan, photographs of the existing site and the proposed plans. The Officer also gave an overview of the planning history relating to the site. Attention was drawn to the Late Observations, in particular the Officer repeated the comments of the highway Officer that the proposal currently proposes no footway and no street lighting, if members were to approve the layout the Wiltshire Council would be unable to adopt any highways within the development.

Councillors were invited to ask technical questions and in response Officers confirmed that issues relating to the proposed positioning of the toucan crossing had been reviewed by external highways experts, along with Wiltshire Council's Highways Officers, and that this planning application could not dictate the specific location of a pedestrian crossing.

Members of the public spoke as detailed above.

Cllr Christine Crisp spoke as Local Member in favour of the application. She highlighted that the applicant had listened to residents concerns, and that the design was now acceptable to the Parish Council, and that it would be perverse to refuse the application.

In the debate that followed Cllr Crisp proposed the Officer's recommendation of approval, with the additional conditions contained in the Late Observations. This was seconded by Cllr Grant and approved unanimously.

Resolved:

To GRANT planning permission subject to planning 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

**2550-5-2-DR-0001 P7 Received 19/07/2017
2550-5-2-DR-0002 P7 Received 10/08/2017
2550-5-2-DR-0003 P7 Received 10/08/2017
2550-5-2-DR-0004 P7 Received 19/07/2017
2550-5-2-DR-0005 P6 Received 19/06/2017
2550-5-2-DR-0006 P2 Received 22/03/2017
2550-5-2-DR-0007 P1 Received 01/02/2017
2550-5-2-DR-0008 P1 Received 01/02/2017
2550-5-2-DR-0009 P1 Received 01/02/2017
2550-5-2-DR-0010 P2 Received 13/07/2017
2550-5-4-LM-T4-S3 P1 Received 01/02/2017**

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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)INSERT) roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other

than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

6 No more than 40 units shall be occupied until the unallocated parking shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for the use of parking motor vehicles at all times thereafter.

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

7 No development shall commence on site until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

8 No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of vehicles in accordance with the Parking Schedule and Planning Layout together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

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

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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.

INFORMATIVE TO APPLICANT:

Your attention is also drawn to the conditions imposed on the outline planning Permission

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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.

111b 17/07485/FUL- Flats 49 to 60, Woodroffe Square, Calne, SN11 8PW

Members of the public Luke Jackson and Alan Downes spoke against the application. The applicant Derek Clarke and his agent Meghan Rossiter spoke against the application. Cllr Glenis Ansell from Calne Town Council spoke against the application.

The Senior Planning Officer introduced the application for the demolition of Demolition of 12 Flats Over Garages and 36 garages at nos. 49 to 60 Woodroffe Square and replacement with 24 dwellings, car parking and landscaping. A presentation was delivered, which displayed a site location plan, photographs of the existing site and the proposed plans. Attention was drawn towards the Late Observations. It was explained that the proposed parking provisions exceeded requirements under Wiltshire Council's current car parking standards and met the existing parking allocations. It was also highlighted that despite a loss of open space on site, there was a large amount of good quality open public space in the nearby area and that the loss of open space must be considered in the planning balance.

Councillors were invited to ask technical questions and in response it was clarified that it was difficult to assess actual difference between existing and proposed parking spaces, as although more parking spaces were being provided, some on- street parking would be lost.

Members of the public spoke as detailed above.

Cllr Ian Thorn spoke as Local Member against the application. He highlighted that the application had been objected to twice by Calne Town Council. He maintained that there had not been significant public consultation and that the

proposed over-development would have a negative impact on current and future residents. He urged members to seek deferment of the application.

Cllr Tony Trotman declared that as a member of Calne Town Council he would not participate in the voting on the application.

In the debate that followed, Councillors acknowledged the need for regeneration and development in this area but some expressed a view that the proposal would lead to greater density, over-development and loss of amenity and parking in the area. However, it was also acknowledged that the development would provide a significant provision of affordable housing to the area. Cllr Peter Hutton proposed the Officer's recommendation to delegate authority to the Head of Development Management to enter into a s.106 agreement and approve the application subject to conditions, as amended by the late observations. This was seconded by Cllr Toby Sturgis and approved by the majority.

Resolved:

To DELEGATE authority to the Head of Development Management to GRANT planning permission, subject to conditions and completion of a S106 legal agreement within three months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the originally defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing is therefore contrary to Policies CP3 and CP43 of the Wiltshire Core Strategy Adopted January 2015.

Conditions:

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

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

2 No part of the development shall be occupied 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.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those specified on the approved plans and application form.

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

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

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

5 The tree protective fencing shall be erected in accordance with the details set out on Pg 16 and Appendix 5 (dwg BHA_052_04) of Arboricultural Survey, Impact Assessment, Protection Plan and Method Statement.. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

REASON: To ensure the protection of trees and in the interests of the amenity of the area.

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

REASON: In the interests of highway safety.

7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

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

REASON: In the interests of highway safety.

9 No dwelling shall be occupied until details of the Stopping up of the public highway/ re-allocation of car parking provision, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details prior to the first occupation of any dwelling within the development.

REASON: In the interests of highway safety.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 any roofslope of the development hereby permitted.

REASON: In the interests of residential amenity/privacy and to ensure that there is sufficient off-street parking.

11 No development, other than demolition and site clearance, shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first

brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

12 No development, other than demolition and site clearance, shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

P_WR SITLOC	A	Site Location Plan
P_WR 001	A	Existing Site Plan
P_WR 100	C	Site Layout Plan
P_WR 101	B	Site Layout Block Plan (COLOUR)
P_WR 230		Proposed Street Elevations
P_WR 231		Proposed Street Elevations
P_CY 130	A	Ground Floor Plan
P_CY 200	A	Elevations
P_CY 201		Elevations
P_EN(R) 125A		GF & FF Block Plan _ Plt 7-8
P_EN(R) 126A		GF & FF Block Plan _ Plt 10-11
P_EN(R) 200A		Elevations _ Plt 7-8
P_EN(R) 201A		Elevations _ Plt 7-8
P_EN(R) 202A		Elevations _ Plt 7-8
P_EN(R) 203A		Elevations _ Plt 10-11
P_EN(R) 204A		Elevations _ Plt 10-11
P_EN(R) 205A		Elevations _ Plt 10-11
P_CE(R) 125		GF & FF Block Plan _ Plt 1-6
P_CE(R) 126		GF & FF Block Plan _ Plt 12-15
P_CE(R) 200		Elevations _ Plt 1-6
P_CE(R) 201		Elevations _ Plt 1-6
P_CE(R) 202		Elevations _ Plt 1-6

P_CE(R) 203		Elevations _ Plt 12-15
P_CE(R) 204		Elevations _ Plt 12-15
P_CE(R) 205		Elevations _ Plt 12-15
P_FL 125	B.	GF & FF Block Plan _ Plt 16-24
P_FL 200	A	Elevations _ Plt 16-24
P_FL 201	B.	Elevations _ Plt 16-24
P_BD 130		Boundary Treatments
P_BN 130		Bin Store Plans and Elevations
5622:P01	B	Proposed Level and Drainage Strategy
5622:P02	B	Existing Services Layout with Adoptable Drainage Overlay
5622:P10		Typical Sections Through Site
5622:P90	B	Large Refuse Vehicle Swept Path Analysis
5622:P91	B	Fire Tender Vehicle Swept Path Analysis
5622:500	A	Section 247 Highway Stopping Up Layout
GRE21048-11	C	Landscape Proposals
		Topographic Survey

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

14 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) hours of construction, including deliveries; has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

15 Prior to the first occupation of unit 9 an Electric Vehicle Charging point shall be installed in accordance with the details shown on plan numbers 16-018_P_CY130A, 16-018_P_CY200A, 16-018_P_WR100C and thereafter retained.

REASON: For the avoidance of doubt, in the interests of proper planning and to ensure compliance with the Council's policies on local air quality and climate change.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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.

112 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.30 pm)

The Officer who has produced these minutes is Edmund Blick of Democratic Services, direct line 01225 718059, e-mail edmund.blick@wiltshire.gov.uk

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

**Wiltshire Council
Northern Area Planning Committee
29th November 2017**

Planning Appeals Received between 23/10/2017 and 17/11/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/00752/OUT	Land at London Lane Minety, Malmesbury, Wiltshire	MINETY	Erection of up to Two Dwellings and Associated Parking, Gardens and Other Infrastructure	DEL	Written Representations	Refuse	24/10/2017	No
17/05204/FUL	Land Adj 12 St Giles Close, Lea, Wiltshire, SN16 9PQ	LEA AND CLEVERTON	Proposed new dwelling.	DEL	Written Representations	Refuse	24/10/2017	No

Planning Appeals Decided between 23/10/2017 and 17/11/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/02427/FUL	Holly House 21 Gosditch, Latton, Wiltshire, SN6 6DP	LATTON	Single Storey Extensions & Erection of Garage.	DEL	House Holder Appeal	Refuse	Allowed with Conditions	27/10/2017	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	29 November 2017
Application Number	17/09119/FUL
Site Address	Land adjacent Ashley, Common Road, Malmesbury, SN16 0HN
Proposal	Erection of a single dwelling (resubmission of 15/10659/FUL)
Applicant	Mr & Mrs C Beardsmore
Town/Parish Council	St Paul Malmesbury Without
Electoral Division	Sherston – Cllr Thomson
Grid Ref	392348 186804
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr John Thomson who would like the Committee to consider the impact of the proposal on the local area. In particular he would like consideration of the development's visual impact, design and parking arrangement.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to recommend the **GRANT** of planning permission, subject to conditions.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Parking provision
- Impact on residential amenity

Malmesbury Without Parish Council object to the proposed development. 11 letters have been received objecting to the proposed development and 0 letters of support were received

3. Site Description

Ashley is located off of Common Road within the defined settlement framework boundary of Malmesbury. The existing dwelling is a detached 3-bedroom bungalow with an integral single width garage. The property is located within a sizeable plot, with further parking provided on hardstanding to the front of the property, and a garden located to the rear and front. The application site has previously been sub-divided to allow the construction of a bungalow to the rear of Ashley, called The Birches. Ashley and the Birches share a driveway off of Common Road.

4. Planning History

N/94/02033/OUT	Outline - two bedroom bungalow- APPLICATION APPROVED
N/95/00561/FUL	Erection of dwelling- APPLICATION APPROVED
15/10659/FUL	Proposed Erection of Two Detached Dwellings & Associated Landscaping, Following the Demolition of the Existing Dwelling- REFUSED & DISMISSED AT APPEAL
15/01966/FUL	Erection of Two Detached Dwellings with Integral Garages & Associated Landscaping following the Demolition of the Existing Dwelling- APPLICATION WITHDRAWN
16/06955/CLP	Single storey side and rear extensions, front porch, loft conversion with rear dormer extension and roof lights to front roof slope- CERTIFICATE REFUSED
16/09256/CLP	Certificate of Lawfulness for Proposed Single storey rear and side extensions, front porch, loft conversion with rear dormer extension and roof lights to front roof slope- CERTIFICATE REFUSED
16/11360/CLP	Certificate of Lawfulness for Proposed Use - Single story rear and side extensions, front porch, loft conversion with rear dormer extension and roof lights to front roof slope- CERTIFICATE APPROVED

5. The Proposal

The application seeks planning permission for the construction of a detached, two storey dwelling to the front of the site with associated landscaping and car parking. Unlike the previous application the proposal seeks to retain the existing dwelling on site and will see a change in orientation of the proposed dwelling so that the proposed dwelling is now fronting the street.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 3- Infrastructure Requirements
Core Policy 13- Spatial Strategy for the Malmesbury Community Area
Core Policy 45- Meeting Wiltshire's housing needs
Core Policy 50- Biodiversity and Geodiversity
Core Policy 51- Landscape
Core Policy 57- Ensuring high quality design and place shaping
Core Policy 62- Development impacts on the transport network
Core Policy 67- Flood Risk
Appendix D
Appendix E
Appendix G

Saved Policies of the North Wiltshire Local Plan:
NE18- Noise and Pollution

National Planning Policy Framework 2012:
Paras 2, 11 & 196 - development in accordance with the Development Plan
Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)
Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64) Chapter 8 - Promoting healthy communities (Paragraph 75)

7. Summary of consultation responses

Housing- No comments

Highways- No objection subject to conditions

Public Protection- It is likely that there will be some effect on the amenity during the construction phase through noise and potentially dust. To protect the neighbours during this period it is appropriate to prohibit any burning and restrict hours of construction.

Malmesbury Without Parish Council- The Parish Council strongly objects to this application on four points:

1. The plot currently consists of 'The Birches' which takes up the whole width of the rear of the property and in front of it 'Ashley'. The proposal to build in front of 'Ashley' will result in a cramped and overdeveloped site out of keeping with the character and appearance of its setting. Other developments in the area have benefited from starting with plots clear of any existing houses and have been accordingly well planned. This is not the case with this application as the site already has two properties on it. The proposed house will be nearer the road than other properties in the neighbourhood and being in an elevated position will intrude on the privacy of the houses on the other side of the road. The applicants said in a submission on appeal of the decision to refuse a previous application for this site (15/10659/FUL): 'The prevailing character on this side of the road is clearly for large family-sized plots in well-designed cul-de-sacs of three, four and five houses.' It is quite obvious that this piecemeal addition, lacking a plan for the site as a whole, does not fit this description.
2. The new property will not have a garage and the two parking spaces in the plans are so small that it is difficult to believe that the car doors will be able to open. There is a considerable risk that one or more cars belonging to occupiers of the building will park on Common Road. As such the exit views for cars leaving neighbouring properties will be blocked and there will be an additional hazard for other road users. It is clear that cars using both Ashley and the property proposed will have to reverse out onto the road as there is no space for them to turn creating another hazard. Any visitors, including delivery vans will have to park on the road.
3. We question the street elevation depiction in the application. It shows 'Ashley' just above the proposed building with 'The Birches' visible to the rear. In fact at the moment the 'The Birches' is not visible from the street other than its garage which is not masked by the property in front. The depiction is possibly trying to hide the fact that the new building would be unacceptably intrusive in relation to 'Ashley' with its upper windows clearly invading the privacy of that dwelling.
4. The design statement claims that houses in the road are predominately rendered. This is not only incorrect (23% of the houses are rendered) but contradicts a statement made by the applicant in a submission in relation to their previous application for this site. (15/10659/FUL). Furthermore, we note that there is no information on the proposed roofing material other than it will be grey. This is unsatisfactory as people should be able to comment on the proposed material.

(Note: the roofing material was an issue raised by some objectors to the previous application)

8. Publicity

The application was advertised by neighbour letter and site notice.

The application has generated 10 letters of objection and 0 letters of support. A summary of these comments is set out below:

- Over development of the site
- Out of character with the area
- No garage for the new house
- Insufficient car parking for the proposed and existing dwelling
- Poor design
- Proposed materials unacceptable and out of character with the area
- Adverse impact on neighbours amenity (privacy of 7,8 & 9 Common Road)
- Drainage within the site remains unresolved
- Adverse impact on nesting birds and protected species
- Represents a cramped form of development
- New access unsafe
- Plot 1 orientation has change since the inspector determined that the design and impact on local residents was acceptable
- Built development on this plot is far greater
- Proximity of property and its windows to the road has decreased
- Change in orientation of plot one increases the prominence of the shallow pitch roof
- No details of the roofing materials
- Overbearing & oppressive impact on Ashley
- NPPF seeks to secure high quality design. This is not high quality

Malmesbury & St Paul Without Residents' Association: Considers that the application conflicts with Core Policy 57(iii) in respect to the proposal being required to respond positively to the existing townscape and landscape features of Common Road. The proposal if approved will lead to a contrived and cramped form of development out of keeping with the character and appearance of its setting and other developments in the area.

The Association has always been concerned about the highway aspects of development on this site. The Association supports the many local people who are implacably opposed to this proposal and hence urge you to refuse it.

9. Planning Considerations

Principle of development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reflected in paras 2, 11 & 196 of the NPPF. In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Calne Community Area.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight. Furthermore, the appeal decision relating to application 15/10659/FUL is also a material consideration and must be taken into consideration in the determination of this application.

The site is located within the urban area of Malmesbury therefore the principle of residential development is acceptable subject to the suitability of the highways matters, layout, landscaping, appearance and scale of the development.

Planning Application 15/10659/FUL Appeal Decision

As set out earlier in the report (section 4), planning application 15/10659/FUL was refused planning permission by the Council and subsequently dismissed at appeal. The application was refused for two reasons:

1. *The proposed development, by reason of its siting, scale and design, would result in a contrived and cramped form of development out of keeping with the character and appearance of its setting. The proposal therefore conflicts with Core Policy 57(iii) and (vi) of the adopted Wiltshire Core Strategy and Paragraphs 17 and 64 of the National Planning Policy Framework.*
2. *The position of the property by virtue of its close proximity to the neighbouring properties, have an overbearing impact upon and result in loss of amenity of neighbouring properties. The proposed development would therefore result in unacceptable levels of amenity for future and existing occupiers contrary to the requirements of with Core Policy 57(vii) of the adopted Wiltshire Core Strategy and Paragraphs 17 of the National Planning Policy Framework.*

The Inspector's consideration of reason for refusal 1 is set out in paragraphs 5-8 of the decision notice, with the Inspector concluding at paragraph 8:

I therefore find on the first main issue that the proposed development would not harm the character and appearance of the area. It would accord in this way with Core Policy 57 (iii) and (vi) of the Wiltshire Core Strategy (adopted January 2015) (CS) which seek, amongst other things, to ensure that development responds positively to the existing townscape and relates effectively to the immediate setting and wider character of the area. It would conform to the requirements of paragraphs 17 and 64 the National Planning Policy Framework (the Framework) related to good design.

The Inspector's consideration of reason for refusal 2 is set out in paragraphs 9-16. In Paragraph 12 the Inspector concludes that the development would not harm the amenity of other properties within the street and would only result in harm to the Birches, which lies immediately to the rear of Ashley:

There would be no harm though as regards other neighbouring properties given that these generally have their side elevations only facing in the direction of the appeal site, or else are not in a comparable position to The Birches. As such, the outlook from main habitable rooms and gardens of other neighbouring properties would not be harmfully affected.

At paragraph 16 of the decision notice the Inspector concluded:

In respect of the second main issue, the proposal would have a harmful effect on the living conditions of the occupants of The Birches, with particular regard to outlook. It would conflict in this way with the underlying aims of Core Policy 57 (vii) of the CS relating to the protection of residential amenity. It would be contrary also to the Framework's aims of seeking a good standard of amenity for occupants of land and buildings, as contained in paragraph 17.

The Council is not bound to follow the Inspector's reasoning and conclusion on the previous planning appeal as each application must be determined on its merits. However, the

inspector's decision is a material planning consideration and significant weight should be afforded to the inspector's decision and conclusions, particularly with regards to design and principle of development. To disagree with any of the conclusions contained within the appeal decision notice will require clear and methodical justification to be provided. This matter and assessment as to impact on residential amenities is addressed in further detail below.

Highway Matters

The Highway Officer's initial comments on the application were:

While not objecting in principle to the erection of a dwelling within the development framework for Malmesbury and with an existing adequate access I am concerned about the demonstration of on-site parking for the existing dwelling, Ashley, and the proposed 3 bedroom dwelling.

New plans have been submitted showing a revised parking layout to overcome the concerns and points of clarification raised by Highways Officers. The revised plans show a revised parking layout and swept path analysis for both Ashley and the proposed unit. The revised plans now show that vehicles parked at both properties can enter and leave in a forward gear and demonstrate that the proposed development will provide off street parking for both properties which accords with the Council's adopted parking standards in terms of minimum space size and total number of parking spaces.

Concerns have been expressed by local residents regarding the lack of garaging for the proposed dwelling. There is no requirement within local or national planning policy for each new dwelling to have a garage. The requirement under the Council's policies is for the provision of adequate off street parking against adopted standards, which, as set out above, is achieved.

Concerns have also been raised with regards to the safety of the access and surrounding accesses due to the proximity of the new dwelling to the public highway and it interfering with existing visibility splays. The set back from the public highway is significant and the submitted plans demonstrate that adequate visibility can be provided from the site access. The development therefore accords with both local and national planning policies.

Drainage

Subject to conditions officers are satisfied that the development will not have an adverse impact on drainage within the locality and is therefore in accordance with the NPPF and CP67 of the Core Strategy.

Impact on Residential Amenity

The submitted layout demonstrates that the separation between the existing property and the proposal will be between 13.8m and 9.6m, this is comparable to the separation distance on the previously submitted application.

Concerns have been raised by the Parish Council and local residents with regards to the proposed site levels and the impact of the proposed development on the amenities of surrounding properties. Taking into consideration the levels shown on the submitted section plan, separation between Ashley and the proposal and the offset angle of Ashley, it is considered that the proposal will not have an overbearing impact on Ashley. Should planning permission be granted the finished floor level of the propose dwelling will be conditioned to ensure that the proposed dwelling will not be higher than that shown on the submitted plans.

It is acknowledged that the orientation of the proposed dwelling has changed from the previously refused application and there will now be mutual overlooking between windows of

the proposed dwelling and Ashley, however, it is considered that the proposed relationship is acceptable and will not result in a significant adverse impact on the residential amenities for existing or future occupants of these properties. The conclusion is largely down to a few factors.

Ashley's garden and majority of primary habitable rooms are located to the rear of the property and will not be impacted or over looked by the proposed development. Furthermore, the separation between the dwellings, levels within the site and the orientation of Ashley will ensure that there is no direct overlooking of the proposed garden for the new unit. Moreover, the only windows at first floor on the rear elevation of the proposed dwelling serve none habitable rooms and will be installed with obscure glazing, which will be controlled by planning condition, thus no overlooking.

In this context it is also relevant to note that the Inspector's decision at Paragraph 12 confirmed:

There would be no harm though as regards other neighbouring properties given that these generally have their side elevations only facing in the direction of the appeal site, or else are not in a comparable position to The Birches. As such, the outlook from main habitable rooms and gardens of other neighbouring properties would not be harmfully affected.

Material circumstances relating to the impact on neighbouring properties have not changed sufficiently to disagree with the inspector's conclusion on the impact of other properties in the street. There is therefore no harm to the residential amenities of dwellings to the North, East and West of the site.

Taking into consideration the above it is considered that the proposed development would have no significant adverse impact on the residential amenities of the surrounding properties and would secure an adequate level of residential amenity for future occupants of the proposed dwelling and thereby accords with CP57 of the CS and para 17 of the NPPF.

Character and Appearance of the Area

As identified within the previous appeal decision some recent development has taken place nearby, which took advantage of the large plot sizes along Common Road and has seen multiple dwellings constructed on one plot. The effect is of a varied street scene, including dwellings with far smaller plots than that of the current dwelling on the appeal site.

As with the previous application, the proposed dwelling would be of a slightly more contemporary design than other properties along Common Road, but they would draw on design characteristics seen in the locality including the rendered finish and shallow pitch roof. It is important to acknowledge that the property design is not dissimilar to the design of property previously considered to be acceptable by the planning inspector. With the inspector concluding:

Both would be of a slightly more contemporary design than other properties along Common Road, featuring fairly large areas of glazing to their road-facing elevations. However, they would draw on design characteristics seen in the locality including in their rendered finish..... As such, and given the significant variation in property styles in the immediate area, the proposed dwellings would not appear visually discordant.

It is accepted that the proposed dwelling would be more prominent within the street scene than the previous appeal due to the dwelling's change in orientation. However, the previous application and appeal were considered against the same national and local planning framework and the harm would not be so significant as to warrant a refusal. As set out

above, the site is located in an area where that is characterised by dwellings of varying design, style and use of materials. The proposed development would not harm the character and appearance of the area. It would accord in this way with Core Policy 57 (iii) and (vi) of the CS.

Ecology

The concerns raised by a local resident on this matter are noted, but when considering the previous application there was no objection to the redevelopment of the site and officers are still satisfied that harm, which would warrant a refusal of the application does not exist. There is no evidence that would suggest a conflict with CP57 or CP50 of the CS or Para 109 of the NPPF.

Amenity Space

Concerns have been raised by local residents with regards to the level of private amenity space provided for the existing and proposed dwelling. The Council does not have a policy specifying a minimum size of residential gardens and the acceptability of private amenity space is a matter of planning judgement.

Taking into consideration the rear garden size of existing properties in this part of the street scene it is considered that the proposal is acceptable and will afford future occupiers with a good level of usable outdoor space that one would expect from properties of this size. The fact that there is no national or local requirement for minimum garden sizes and taking into consideration the existing circumstances within the street it is considered that the proposal is acceptable and in accordance with CP57 of the CS.

10. Conclusion

The application site is located within the settlement boundary of Malmesbury and sustainably located in relation to its facilities, local services and employment opportunities. Furthermore, the previous appeal decision determined that the development plan supported development in principle and that a modern design and palette materials was appropriate, this is a matter that weighs in favour of the proposal.

Taken in the context of the presumption in favour of sustainable development and the fact that this is not a designated or important landscape as defined by the NPPF and CS and in terms of the planning balance, however, these considerations are outweighed by the benefits of development, which include improvements to surface water drainage, the delivery of housing. All other matters have been sufficiently addressed, with technical details capable of resolution by planning condition. On balance, therefore, it is considered that the proposal is acceptable in planning terms and in accordance with the Core Strategy and NPPF.

RECOMMENDATION

GRANT planning permission, subject to conditions.

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

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

- 2 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 3 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

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

REASON: In the interests of highway safety.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 development hereby permitted.

REASON: In the interests of residential amenity and privacy and to ensure that should accommodation be provided within the roof space the property has sufficient off street parking to accord with the Council's parking standards.

7 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and] the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

8 The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

9 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;

- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 10 Before the development hereby permitted is first occupied all windows at first floor in the Northern elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

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

Site Location Plan

P010.H

P011.A

P020.C

P030.C

P060.A

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

- 12 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating

sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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.



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	29 November 2017
Application Number	17/09431/FUL
Site Address	Land Adjacent Benson House, Market Place, Box, Corsham, Wiltshire, SN13 8PA
Proposal	New dwelling
Applicant	Mr Paul Keller
Town/Parish Council	BOX
Electoral Division	BOX AND COLERNE – Cllr Brian Matthew
Grid Ref	382673 168590
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by Cllr Matthew in order to consider the scale of development, its visual impact, impact on adjoining properties, environmental/highway impact, car parking and potential flooding impacts.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

2. Report Summary

The key issues in the consideration of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the site and its setting;
- Impact on the Box Conservation Area and listed buildings;
- Impact on the Cotswolds AONB;
- Impact on residential amenity;
- Highways impacts;
- Impact on protected trees;
- Impact on local flooding; and
- Planning contributions

3. Site Description

The application relates to a modest parcel of land situated in the lower part of the Market Place, in central Box. At present, the site accommodates a single-storey, three-bay detached garage block and associated informal parking space associated until fairly recently with the Manor Garage located nearby on the High Street. Since the closure of that business, the site has ceased to be used as overflow parking and is typically observed free of vehicles. The site is covered by hard standing and enclosed on its northeast boundary with the Grade II-listed Old Dairy by a traditional stone wall. Close to this boundary, two very large trees provide a significant amount of canopy and there is also a large single-storey outbuilding within the grounds of The Old Dairy whose lawful use is now as a café. A similar stone wall extends partially across the site frontage.

The garage block is of typical mid-to-late-C20th design and is constructed in reconstituted Bath stone beneath a shallow mono-pitch mineral felt roof. It is located toward the rear of the site, which backs on to the linear rear garden of no.9 Market Place, whose boundary a short distance from the rear of the garage block is demarcated by a close board timber fence. It is understood that there is a right of access across the northeast side of the site to the rear of no.9 as indicated by a domestic timber gate at the boundary and, beyond it, to Coleridge House. The adjacent property to the south, Benson House, is operated as a pair of holiday let flats, and notably has two ground floor windows facing directly onto the application site.

The site is located within the saved development framework boundary for Box, identified as a 'Large Village' in the Core Strategy settlement hierarchy. It is also located within the Box Conservation Area and in close proximity of a number of Grade II-listed buildings including The Old Dairy, Coleridge House, the former Chequers Inn and nos. 3-7 Market Place, which together surround the site. Box itself falls within the Western Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

4. Planning History

N/10/01437/FUL	Proposed Conversion of Existing Garage To Form New Coffee Shop; Including Conversion of Outbuilding To Form W.C. - approved
N/11/03912/S73A	Variation of Condition 04 to Planning Permission 10/01437/FUL to Allow for Other Complimentary Uses. Variation of Condition 05 to Planning Permission 10/01437/FUL to Allow those Complimentary Uses to Take Place Outside Permitted Hours of Operation. - approved
14/09347/TCA	Take Back Lawson Cypress to Boundary Wall
17/01507/FUL	New Dwelling – withdrawn

5. The Proposal

Following the withdrawal of an earlier proposal for a more traditionally-proportioned new dwelling on the site, planning permission is sought in respect of the conversion and extension of the existing garage block to create a single, two-bedroom dwelling together with associate parking and amenity space. The existing roof is to be reconstructed as a hipped structure and the northernmost of the three garage bays extended upwards to provide a full two-storey 'turret' element accommodating a second bedroom. The ground floor accommodation is otherwise to comprise of a single open-plan kitchen/living/dining area with separate bedroom and bathroom.

Externally, the building is to be clad in vertical timber strips, with both the lower hipped roof and shallow-pitched turret roof finished in natural Spanish slate. The southern pair of garage bay openings, one of which is to provide front access, is to be predominantly glazed, while additional fenestration to the rear of the kitchen and to the West elevation of the 'turret' element is to be added. A single small window is to serve the stairwell to the rear of the first floor bedroom and an additional door to provide rear access alongside the boundary fence of no.9.

An area of private amenity space is to be laid out to the front of the dwelling and is to be enclosed from the Market Place by reconfiguring the existing eastern stone boundary wall in matching materials whilst incorporating a suitable splay for vehicle access/visibility. This element is to be set along the southern side of the site and comprises of an initial paved section with drainage channel leading from the Market Place onto two tandem allocated parking spaces positioned directly alongside Benson House. Incidentally, a foul sewer runs beneath this area. The details currently indicate the installation of inward-opening timber gates securing this area.

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 11 (Area strategy; Corsham Community Area)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 58 (Ensuring the conservation of the historic environment)

Core Policy 61 (Transport and development)

Core Policy 64 (Demand management)

Core Policy 67 (Flood risk)

North Wiltshire Local Plan 2011

Saved Policy NE14 (Trees, site features and the control of new development)

National Planning Policy Framework

Paragraphs 14 & 17

Section 4 (Promoting sustainable transport)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

Section 9 (Protecting Green Belt land)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

7. Summary of consultation responses

Box Parish Council – “*Objections. This is in an historic part of Box in the Conservation area and the design is out of keeping and is not aesthetically suitable. There would be loss of light and amenity of neighbouring properties and there are concerns about its close proximity to the neighbouring fence. The Parish Council is very concerned about*

the protection of the Sequoia tree and this must not be damaged as it is a prominent local feature. The right of access must remain and there are still concerns about the issues with parking. There are also concerns as this area was flooded recently.”

Highways – no objection

Conservation – objections, citing the two-storey element’s obstruction of important views through the Conservation Area

Trees – support, subject to conditions

Drainage – no objection, subject to conditions

8. Publicity

The application was advertised by site notice and neighbour notification.

Nine letters of objection were received, one signed by several neighbours, whose key points can be summarised as follows:

- Scheme will impact adversely on the residential amenity of neighbours by way of overlooking, overshadowing and overbearing;
- Design is unsympathetic to the site, the Conservation Area and/or nearby listed buildings;
- Development will exacerbate flooding issues in the Market Place;
- Development will impact on root protection areas around adjacent trees.

Concerns over obstruction of a private right of access are a civil matter and not a material planning consideration. Nonetheless, the scheme does appear to make physical alternative provision for the existing arrangement.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

The site is located within the saved settlement framework boundary for Box, within which new residential development is both considered acceptable in principle in accordance with Core Policies 2 and 11 and also made clear to be an exception from the presumption against new buildings in the Green Belt. The site is located centrally within the village, providing good access to local services and public transport compliant with the purpose of Core Policy 60 and Paragraph 34 of the Framework. The quantum of development will contribute to the provision of smaller, affordable accommodation

within the village, promoting balanced communities and a proportionate approach to development relative to the size of the settlement.

Impact on the character and appearance of the site and its setting

At present, the site contributes very little in aesthetic terms, although marginally improved by the recent absence of parked vehicles whose continual presence previously rather dominated this sensitive location. The garage block in its present form has minimal design merit, the concessionary use of Bath stone-coloured blockwork being the only real practical measure to reduce harm. Notwithstanding its recessed position, the currently fairly open site frontage means that, together with the café building adjacent, there is something of a drop in quality at this point of the experiential 'loop' through the Market Place. In short, there is no objection in principle to the building's modification or removal.

The proposal will undoubtedly change the character and appearance of the host building, introducing a less utilitarian form of an increased scale. Whilst it is appreciated that style and detail may inform subjective conclusions as to whether a high standard of design is achieved it is considered in this case that an improvement would be realised in this regard; unattractive doors would be replaced with either glazing or cladding, the latter being extensively used, and the existing low-quality roof upgraded with the use of natural slates. Notwithstanding that Welsh slate is likely to be prohibitively expensive, the colour and cut of Spanish slate is considered more compatible with the timber cladding specified. The varied form of the proposed extended building is considered to offer considerably greater visual interest and the 'turret' component makes oblique reference to the derelict Chequers outbuilding directly opposite the site.

Impact on the Box Conservation Area and listed buildings

The Box Conservation Area is characterised by a diverse mixture of building styles but a nonetheless legible pattern of development and predominant use of Bath stone that acts as a uniting influence. As indicated above, the site currently contributes very little to this character and the use of reconstituted Bath stone, as in almost all cases, is fooling nobody. Independently, despite their increased scale, it is considered that the proposals will enhance the appearance of this part of the Conservation Area through the use of contrasting, but complimentary materials and more traditional (although not historically typical) roof forms. The concerns of the Conservation Officer are noted in respect of the introduction of two-storey fabric through a currently open break affording views through the Conservation Area however this effect will be minimal. The 'turret' element is grouped with a large tree that blocks a substantial amount of this view outside of the winter months and the overall effect will remain appreciable from the corner of the Market Place following development. In context, the converted and extended dwelling will appear as an honest, modern infill intervention rather than aping the authentic historic fabric surrounding. To this end, mindful of the pre-existence of the rather lacklustre café building adjacent, the development will also preserve the settings of nearby listed buildings and, subject to an appropriate finish, will complement the general high standard of design. S66(1) and 72(1) of the Act are considered to be met.

The reconfiguration of outside areas will also offer an enhancement to the Conservation Area. Open frontages are not typical of this part of the Conservation Area, or indeed surrounding areas within Box, whose historic buildings are typified either by a pavement-fronting elevation or, in the case of higher-status buildings, natural stone walls. The proposals would reconfigure such a feature to provide a more consistent experience with The Old Dairy and the former Chequers upon heading southwest into the Market Place from the High Street. The removal of hard standing would also better

reflect the mixed surfacing of this part of the Conservation Area, which does contain a notable component of grass along with several private 'courtyard' gardens.

Impact on the Cotswolds AONB

Owing to the enclosed nature of the site, it is not anticipated that the development would have any significant impact whatsoever on the character, appearance or openness of the Cotswolds AONB, whose designation sweeps over the village of Box. The site is tightly contained within the urban built fabric of the village, and in its immediate context the dwelling will sit lower and less bulky than the adjacent dwellings.

Impact on residential amenity

Turning to the matter of residential amenity, it is noted that several representations – not least the neighbour concerned – make reference to the impact of the development and particularly that of the 'turret' extension on the residential amenity of no.9 Market Place. Dealing first with the suggestion of overlooking, whilst the single first floor window would be set some considerable way above the adjacent stepped standing surface, this can be conditioned to require the installation of obscure glazing, thus resolving any real or perceived potential privacy issue. In terms of overbearing and/or overshadowing, it is noted that the element concerned is set as far from the rear elevation and initial amenity space of no.9 as practicable, limiting its immediate impact considerably. Owing to its easterly position, the 'turret' may have some limited overshadowing effect although this is likely to be very limited. In terms of the perception of overbearing, it is noted that both no.9 and the neighbouring Coleridge House are likely to experience this to some extent already due to their sitting some way below the High Street and the adjacent Works and whilst this is a subjective matter, it is not considered that the development will have such demonstrable impacts in this respect as to warrant refusal. It is not considered that the residual hipped roof section will have any discernible effect on residential amenity.

It is also worthwhile to consider the impact of the development on the neighbouring Benson House, which has two ground floor windows directly overlooking the southern side of the side, and vice-versa. Whilst it is considered that the use of the building as a holiday let would usually dictate that a lower standard of amenity for incidental facilities such as kitchens (unlikely to be a priority for holidaymakers) would prove acceptable, it is noted that the use of Benson House is not restricted and that it could revert to use as a dwelling at any time and without the need for permission, and therefore should be considered as such. This considered, however, it has long been an established situation that vehicles are parked directly alongside Benson House; whilst undoubtedly having an adverse impact in terms of shading, and to some extent, privacy, this represents the status quo and to that end the development would not result in any additional harm. This arrangement also protects to a large extent against a more harmful inter-visibility between private amenity spaces.

Highways impacts

The Council's Highways Officer has reviewed the proposals and is satisfied that the proposed arrangement is satisfactory for the purposes of the amount of development proposed. The provision of two allocated off-street parking spaces meets the adopted countywide standard for a two-bed dwelling and exceeds typical provision in this area where many properties rely entirely on on-street provision. Any existing shortfall is not material, however and furthermore, the historic use of the site clearly resulted in a considerably greater volume of parked vehicles and associated traffic within the Market Place, in the context of which the proposals represent a reduction in demand.

Due to the limited amount of development, one-way traffic flow, reasonable visibility and typically low volume of vehicle movements in this area it is not considered necessary that the site arrangement provides dedicated on-site turning provision. Subject to the new boundary wall's being kept to a suitable height, vehicles would be afforded adequate opportunity to manoeuvre safely into and out of the site. Planning conditions can be used to ensure that the site is laid out and maintained appropriately in this regard.

Impact on protected trees

Concern over the previous new-build proposal's impact on root structures of the important trees adjacent to the site was, amongst other factors, a reason for the officer's not supporting the scheme. By contrast, the current scheme relies fundamentally on the existing building to provide the new dwelling, obviating any need for intervention to foundations or services below ground that may cause harm to trees. On this basis, the Council's Trees Officer has provided guidance on an appropriate condition to give reassurance and oversight in this respect, such that no objection is raised in relation to trees. The trees' Conservation Area setting provides adequate future protection of these important specimens, requiring that further notice is given prior to undertaking any lopping/reduction works that may be sought by future occupiers.

Impact on local flooding

The site lies within Flood Risk Zone 1, within which no Flood Risk Assessment is required as part of the planning application. Although anecdotally there are a number of reports of localised flooding in the Market Place during extreme weather events, it is altogether unclear how this would be exacerbated by the proposed development. Instead, the provision of a part-permeable surface in place of the existing hard standing would create greater attenuation and permeation capacity on site, reducing pressure on the existing drainage systems to which the development would connect.

Planning contributions

In accordance with Core Policies 3 and 43, the quantum of development falls short of the threshold at which contributions to affordable housing or other infrastructure would be required. Nonetheless, the development may be liable for contributions under the Council's Community Infrastructure Levy (CIL) Charging Schedule.

Conclusions

The proposed development is acceptable in principle and considered to offer, on balance, a marginal improvement to the character and appearance of the site and its setting in the context of the Box Conservation Area and the setting of listed buildings. The development will have no wider implications for the Green Belt or AONB and subjective interpretation of design approach is not independently grounds for refusal. Subject to suitable conditions to manage the visual and practical impacts of the scheme, the proposal is considered acceptable in planning terms.

RECOMMENDATION

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

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

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

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

VL.2017/28/01 - Site Plan + Block Plans
VL.2017/28/03 - Site Layout Proposed
VL.2017/28/04 - Proposed House (first floor plan and elevations)

Received 27 September 2017

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls, including fascia boards, etc, and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 No external stonework shall be constructed on site, until details of the reconfigured stone boundary wall, 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 development shall not be first occupied until the wall has been constructed in full accordance with the approved details.

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

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing or ground protection in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing and ground protection shall be erected in accordance with the approved details. The protective fencing and ground protection shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained

tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

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

- 7 Notwithstanding the approved plans, no gates shall be installed as part of the development hereby approved.

REASON: In the interests of highway safety, in order to provide safe and convenient vehicular access at all times.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

- 9 The first floor window in the West elevation of the development hereby approved shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 10 No development shall commence on site until a scheme for the discharge of surface

water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11 Notwithstanding the approved details, no foundation works, underpinning or other groundworks shall be undertaken in associated with the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON: In the interests of protected trees.

- 12 **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.

- 13 **INFORMATIVE TO APPLICANT:**
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 14 **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.

- 15 **INFORMATIVE TO APPLICANT:**
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 16 **INFORMATIVE TO APPLICANT:**
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement

Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure
levy.

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17/09431/FUL
Land Adjacent Benson House
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