

## AGENDA

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**Meeting:** NORTHERN AREA PLANNING COMMITTEE  
**Place:** Wiltshire Council, Monkton Park, Chippenham  
**Committee Room:** Council Chamber  
**Date:** Wednesday 3 February 2010  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, Monkton Park, Chippenham, direct line (01225) 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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### Membership

Cllr Peter Colmer  
Cllr Christine Crisp  
Cllr Peter Davis  
Cllr Bill Douglas  
Cllr Peter Doyle

Cllr Alan Hill  
Cllr Peter Hutton  
Cllr Howard Marshall  
Cllr Toby Sturgis  
Cllr Tony Trotman

### Substitutes

Cllr Chuck Berry  
Cllr Paul Darby  
Cllr Mollie Groom

Cllr Simon Killane  
Cllr Mark Packard  
Cllr Bill Roberts

## **PART I**

### **Items to be considered while the meeting is open to the public**

1. **Apologies for Absence**

2. **Minutes**

To approve and sign as a correct record the minutes of the meeting held on 14 December 2009. (copy attached)

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

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

6. **Planning Applications**

To consider and determine planning applications in the attached schedule.

7. **Urgent Items**

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

**PART II**

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

**None**

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## NORTHERN AREA PLANNING COMMITTEE

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MINUTES of a MEETING of the NORTHERN AREA PLANNING COMMITTEE held at MONKTON PARK, CHIPPENHAM on MONDAY 14 DECEMBER 2009.

PRESENT:

Cllr Alan Hill (Vice-Chairman in the Chair), Cllr Chuck Berry, Cllr Peter Colmer, Cllr Peter Davis, Cllr Bill Douglas, Cllr Peter Hutton, Cllr Simon Killane and Cllr Toby Sturgis.

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70. **Apologies** Apologies for absence were received from Cllr Christine Crisp (who was substituted by Cllr Chuck Berry), Cllr Peter Doyle, Cllr Howard Marshall (who was substituted by Cllr Simon Killane), and Cllr Tony Trotman.

71. **Minutes of Previous Meeting**

**Resolved:** To confirm and sign the minutes of the Committee meeting held on 25 November 2009.

72. **Cricklade: Erection of 1 Two Storey Dwelling, Land off Calcutt Street (Application No. N.09.01829/FUL)** The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received a statement from Mrs G Chapman representing Cricklade Town Council expressing the Council's views against the proposal to which the Chairman responded.

The Committee then considered the detail of a report by the Case Officer.

After discussion,

**Resolved:** To refuse planning permission for the following reasons:-

- (1) The proposed development by reason of its size, scale, design and layout will have an adverse impact on the character and appearance of the area and will fail to preserve or enhance the Cricklade Conservation Area. The application fails to comply with Policies C3 (i)&(ii) and HE1 of the North Wiltshire Local Plan 2011.
- (2) The proposed development makes limited provision for parking and no provision for turning within the site. This will result in increased on-street parking and additional pressure for existing limited parking provision in the vicinity as well as vehicles reversing out on to the highway. This will have an adverse impact on the highway and pedestrian safety, the free flow of traffic and the amenity of the area contrary to Policy C3 (vii) and (viii) of the North Wiltshire Local Plan 2011.
- (3) The proposed development does not make provision for the satisfactory disposal of surface water from the site leading to an unacceptable burden on the local drainage network contrary to Policy C3 of the North Wiltshire Local Plan 2011 and advice given in PPS25.
- (4) The application fails to make any provision for or contribution towards public open space as required by Policy CF3 of the North Wiltshire Local Plan 2011.

#### **Informatives**

This decision relates to documents/plans submitted with the application, listed below.

**2941/02B, 2941/03A dated 24th November 2009 and 2940/01 dated 8th October 2009**

73. **Cricklade: Erection of Two Storey Dwelling with Flat over and A1 (Travel Agents) Use on Ground Floor, Land off Calcutt Street (Application No. N.09.01830/FUL)** The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received a statement from Mrs G Chapman representing Cricklade Town Council expressing the Council's views against the proposal to which the Chairman responded.

The Committee then considered the detail of a report by the Case Officer.

After discussion,

**Resolved:** To refuse planning permission for the following reasons:-

- (1) The proposed development by reason of its size, scale, design and layout will have an adverse impact on the character and appearance of the area and will fail to preserve or enhance the Cricklade Conservation Area. The application fails to comply with Policies C3 (i)&(ii) and HE1 of the North Wiltshire Local Plan 2011.
- (2) The proposed development makes limited provision for parking and no provision for turning within the site. This will result in increased on-street parking and additional pressure for existing limited parking provision in the vicinity as well as vehicles reversing out on to the highway. This will have an adverse impact on the highway and pedestrian safety, the free flow of traffic and the amenity of the area contrary to Policy C3 (vii) and (viii) of the North Wiltshire Local Plan 2011.
- (3) The proposed development does not make provision for the satisfactory disposal of surface water from the site leading to an unacceptable burden on the local drainage network contrary to Policy C3 of the North Wiltshire Local Plan 2011 and advice given in PPS25.
- (4) The application fails to make any provision for or contribution towards public open space as required by Policy CF3 of the North Wiltshire Local Plan 2011.

#### **Informatives**

This decision relates to documents/plans submitted with the application, listed below.

2940/01, 2940/02 dated 8th October 2009 and 2940/03A dated 24th November 2009.

74. **Malmesbury: Conversion of Barn to Dwelling at Coombe Green Farm, Lea (Application No. N.09.01884/FUL)** On report from the Chairman,

**Resolved:** To note that the application had been withdrawn.

(Duration of meeting: 6.00pm – 6.25pm)

The Officer who has produced these minutes is Roger Bishton, Democratic & Members' Services, direct line (01225) 713035 or e-mail

[roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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



# Agenda Item 6

## INDEX OF APPLICATIONS ON 03/02/2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	09/01102/FUL	Highfield Farm, Foxley, Malmesbury, Wiltshire, SN16 0JJ	Erection of Annex Extension to Existing Farmhouse (Revised Application)	Refusal
02	08/02686/FUL	The Hawthornes, Old Alexander Road, Malmesbury, Wiltshire, SN16 0DT	Five No. Residential Units	Delegated to Area Development Manager
03	09/01300/FUL	18-19 Dianmer Close, Hook, SN4 8EB	Erection of 3no. 4 Bedroom Houses and Garages with Associated Drive	Delegated to Area Development Manager
04	09/01892/CAC	Land at Delmont, Holloway Hill, Malmesbury, Wiltshire, SN16 9HX	Demolition of Outbuildings	Delegated to Area Development Manager
05	09/01893/FUL	Land at Delmont, Holloway Hill, Malmesbury, Wiltshire, SN16 9HX	Erection of Dwelling following Demolition of Outbuildings	Delegated to Area Development Manager
06	09/01727/S73A	The Gallons, Chelworth Road, Chelworth, Cricklade, SN6 6HJ	Retention of Replacement Dwelling, Extension of Domestic Curtilage, Changing the use of Previous Paddock Land. (Variation of 05/01534/FUL) - Retrospective.	Permission
07	09/01963/FUL	13 Dover Street, Chippenham, Wiltshire, SN14 0EE	Two Storey Rear Extension	Refusal
08	09/00006/FUL	Pound Mead, Corsham, Wiltshire.	Erection of 43 Dwellings Together With Access, Landscaping and Screening.	Delegated to Area Development Manager
09	09/02052/FUL	Land adjacent to 9 Ruxley Close, Wootton Bassett, Swindon, SN4 7LB	Erection of Building to Provide Two Flats	Delegated to Area Development Manager
10	09/02103/FUL	Unit 1 Bagbury Park, Bagbury Lane, Lydiard Green, Swindon, SN5 3LW	Construction of Access Road to Serve Existing Industrial Unit	Permission
11	09/02054/FUL	23 Common Hill, Cricklade, Wiltshire SN6 6EZ	2 Dwellings	Delegated to Area Development Manager
12	09/01352/FUL	The Angel Inn, 47 High Street, Wootton Bassett, Wiltshire, SN4 7AQ	Change of Use From Pub (A4) To Hotel (C1), External Alterations to Main Building Plus Alterations and Extensions to Outbuilding to Form 15 Bedroom Annexe	Refusal
13	09/02148/FUL	Trucklebridge, Foxley Road, Malmesbury, Wiltshire, SN16 0JQ	Demolition of Existing Single Storey Annexe, Modifications to Vehicular/Pedestrian Access, Together with Construction of 2 Single Storey Extensions (Revision of 09/01208/FUL)	Refusal

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.6(1)

Date of Meeting	13th January 2010		
Application Number	N09/01102/FUL		
Site Address	Highfield Farm, Foxley, Malmesbury, Wiltshire, SN16 0JJ		
Proposal	Annex to existing agricultural workers dwelling.		
Applicant	H J Irvine & Son		
Town/Parish Council	Norton & Foxley		
Electoral Division	Sherston	Unitary Member	John Thomson
Grid Ref	390135 185587		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706686	christine.moorfield@wiltshire.gov.uk

## Reason for the application being considered by Committee

This application has been submitted to the committee for decision at the request of Councillor John Thomson to assess the acceptability of this annex.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

### 2. Main Issues

An application for a detached dwelling on this site was considered by committee on the 23.09.09. Committee members resolution was as follows-

‘DEFER to negotiate a revised scheme for the provision of a residential annex to the property. In the event of a revision the application to be re advertised and consulted and dealt with by Officers under the scheme of delegation. If necessary, members will be able to call any revised application to committee.’

Amended plans were submitted on the 20.10.09.

The main policy issues are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H8 and Planning Policy Guidance note 7 “Sustainable development in rural areas”

### 3. Site Description

The site forms part of the side garden of the existing agricultural workers dwelling on the unit. The existing house is located at the end of a long drive. To the east is Cowage Grove Wood. The applicant owns 39ha and with leased and jointly owned land, the total holding covers an area of 450ha.

A public footpath runs adjacent to the access track and then follows the boundary of the adjacent woodland.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
09/00402	Erection of detached agricultural workers dwelling and associated works	Withdrawn
84/00719	Erection of dwelling.	Permission
80/00591	Erection of dwelling	Permission

#### 5. Proposal

The proposed annex will be attached to the east side of the existing house. The accommodation includes a joint lobby area which is single storey and provides the link between the two elements. In this lobby is a toilet and front and rear doors. On the ground floor of the annex is a living area with kitchenette with a bedroom, bathroom and office at first floor. The first floor cannot be accessed via the main house other than via the lobby.

The annex has a footprint of 36m<sup>2</sup>. The shared lobby area has a footprint of 15m<sup>2</sup>. This equates to the agricultural workers dwelling having some 236sqm gross internal floor area.

#### 6. Consultations

Consultation with the Councils agricultural advisor resulted in there not being a justification for a second dwelling on this site for use in association with the operations of the farm.

#### 7. Publicity

The application was re advertised by site notice and neighbour consultation.

One letter of support has been received on the basis that the function of this farm requires accommodation for Mrs Irvine and David Irvine and his partner.

#### 8. Planning Considerations

##### Principle of Development

The construction of an annex to this property is to be considered in relation to policy H8 (residential extensions) of the local plan as well as Annex A of PPS7 (the size and scale of an agricultural workers dwelling).

When the application for a detached house was previously submitted the applicants supporting statement was considered fully.

The existing operations of the unit have been considered and no substantial changes to the operations are proposed. In this instance the holding is made up of land which is freehold owner occupied, along with land held under a company arrangement and land held on full agricultural tenancy. Any consent granted for such a proposal would have to ensure the holding is kept together thus avoiding fragmentation and the ability to sell the house on with or without land. In this instance the ability to secure a unilateral undertaking on land that is held on either a tenancy and/or under a farming agreement would be very difficult and it is this land that makes up the majority of the holding. There is a functional need for a dwelling on this site but it is met by the existing dwelling. Thus an annex is now proposed.

However, Annex A of PPS7 states at paragraph 9: *“Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long term, should not be permitted. It is the requirements of the*

*enterprise rather than those of the owner or occupier that are relevant in determining the size of the dwelling appropriate to a holding.”*

It is acknowledged that the Council has no specific guidance in relation to floorspace for agricultural workers dwellings and instead rely on Annex A of PPS7. Nearby authorities have policies which limit floorspace to 140 150 sqm GIA.

It is considered that the size of the annex as an extension to the agricultural workers dwelling is not commensurate with the needs of the unit. Consequently, it is considered that the resultant size of the dwelling would limit its affordability to agricultural workers and thus increase in pressure in the future for the removal of the condition limiting occupancy.

As an extension to the existing house the proposal must be appropriate in terms of its mass bulk and design. It must not have a detrimental impact on neighbours it must respect its context and result in the loss of valuable vegetation.

The design of the annex has sought to reflect the character of the host house. Materials and fenestration could be conditioned to ensure that the annex respects the appearance of the existing dwelling in terms of these details.

However, prior to amended plans being submitted the agent was advised that the annex was too large in its appearance and that the scheme should be a little more modest if it was to be seen to respect the host house. However the scheme was not amended in accordance with officers’ advice to reduce its appearance and impact on the main house. It is this matter which is considered inappropriate and to conflict with the requirements of policy H8 of the Local Plan 2011.

## **9. Conclusion**

It is considered that the scale of the annex is too big and will detract from the appearance of the main house. The scheme does not therefore comply with policy H8 of the North Wiltshire Local Plan 2011 or paragraph 9 of Annex A of PPS7.

## **10. Recommendation**

Planning Permission be Refused for the following reason:

1. The annex is of a scale which is too large in relation to the host house and will detract from its character and appearance thereby conflicting with policy H8 of the North Wiltshire Local Plan 2011. Furthermore, due to its scale it would result in an agricultural workers dwelling not commensurate with the functional need of the holding contrary to paragraph 9, Annex A of PPS7.

### **Informatives:**

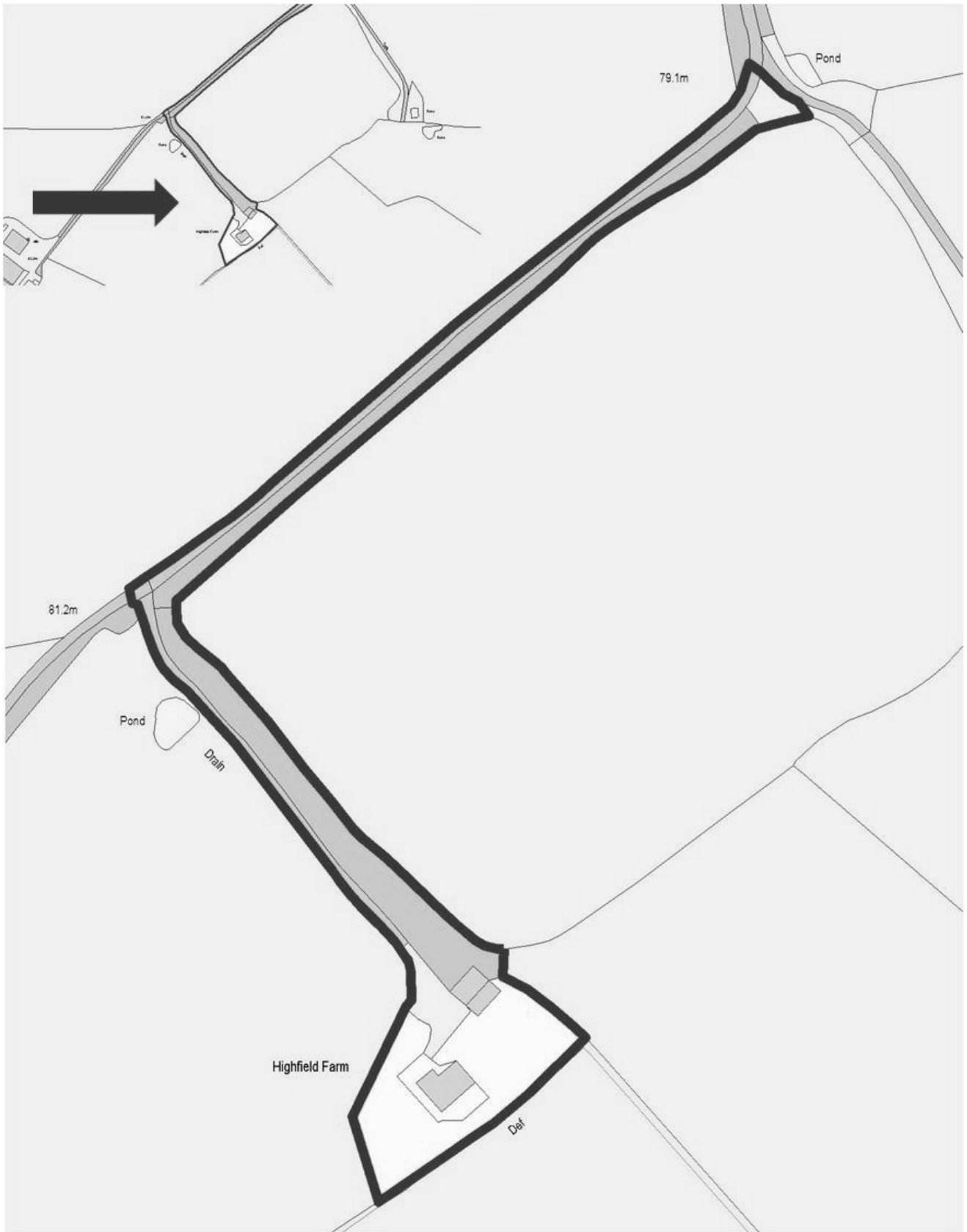
1. This decision relates to documents/plans submitted with the application, listed below.

Plan References

2009/02/01,02,03, all date stamped 20/10/09.

<b>Appendices:</b>	<b>None</b>
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<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 4.03, 4.04, 4.09, 5.01, 5.05, 6.02</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No.6(2)

Date of Meeting	13th January 2010		
Application Number	N/08/02686/FUL		
Site Address	The Hawthornes, Old Alexander Road, Malmesbury, SN16 0DT		
Proposal	Erection of five no. residential units		
Applicant	HSBC Trust Company (UK) Ltd		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Councillor Simon Killane
Grid Ref	392657 187787		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706 686	christine.moorfield@wiltshire.gov.uk

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

This application has been submitted to the committee for decision at the request of Councillor Simon Killane to assess the impact of the development in terms of scale visual impact relationship to adjacent properties design car parking and traffic implications in the area.

At the meeting of the Committee on 25 November 2009, the application was DEFERRED for two cycles to enable a site meeting and/or discussions between members and highways officers to take place. Additional amendments were sought in relation to the garaging to be replaced with car ports.

At the time of preparing this report, no such meeting has taken place and such a meeting is required to take place at the end of the school day. Such a meeting is anticipated to take place after the commencement of the school term in January.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be DEFERRED.

**2. Main Issues**

This application is for the erection of a terrace of two/two and a half storey dwellings on an existing residential plot. The site at present is occupied by a bungalow which sits in a fairly large plot. There is a dilapidated garage located adjacent to the western boundary. The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H3

It is considered that Policy CF3 (Provision of Open Space) is applicable and a draft 106 has been issued to the applicant.

### 3. Site Description

The site at present is occupied by a bungalow which sits in a fairly large plot. There is a dilapidated garage located adjacent to the western boundary.

There is a large tree in the North Eastern corner which is now the subject of a TPO.

There is fairly substantial hedging along the Northern boundary. The area is predominantly residential. To the north of the site are two storey detached properties.

### 4. Relevant Planning History

Application Number	Proposal	Decision
	There is no planning history relevant to this application	

### 5. Proposal

The terrace comprises 3 no. two storey units with two plots (3 and 4) being two and a half storeys high. The parking is to the front of the terrace and there are five garages arranged in two blocks which sit perpendicular to the road.

### 6. Consultations

**Town Council:** Objects to the proposal for the following reasons: contrary to C3 i, iii, iv, vii.

**Highway Officers:** No objection subject to conditions in relation to the provision of and layout of the parking and entrance.

### 7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. The original application was amended and neighbours were renotified to allow them to add further comments in relation to this scheme.

8 letters of objection have been received.

- Traffic safety
- Manoeuvring vehicles
- School near by
- Hedge blocks view
- Impact on amenity of adjacent residents in terms over overbearing loss of light

### 8. Planning Considerations

#### Principle of development.

The site is within the settlement boundary for Malmesbury where in principle residential development is considered appropriate. Policy H3 of the Local Plan 2011.

#### Impact on the character and appearance of the locality

The terrace sits across the width of the site as seen from the street. The terrace has been stepped to reflect the adjacent development.



The area has a mixed character in terms of design. Most of the surrounding properties are two storeys in height although there are some new two and a half storey dwellings on the opposite side of the road. The design of these dwellings are considered acceptable in this location and it is considered that the materials to be used should be subject to a condition. The modelling of the terrace and the difference in roof height breaks up the mass and bulk of the building thereby improving its visual impact as seen from the street.

It is not considered therefore that this development would detract from the street scene or the character of the area. Therefore the proposal is considered to comply with policy C3 of the local plan.

#### Impact on the amenity of neighbours

The properties to the rear of the site have relatively small gardens. Therefore they are located quite close to the proposed dwellings. The smallest gardens for the new dwellings are 13m. The properties along Park Close have a minimal garden length of 12m this brings the two closest buildings to 25m apart. The two dwellings with bedrooms in the roof have windows that look out to the south. The rear window serves the en-suite and subject to these being non opening and glazed with obscure glass there is not considered to be a loss of privacy to the residents to the north that would warrant refusal.

The scheme is considered to comply with policy C3 of the Local Plan 2011.

#### Impact on Highway safety.

The existing property is in a residential area and within the locality there are schools which residents have raised as causing a lot of pedestrian and vehicular traffic at peak times. The Highway Engineer has looked at this matter but have concluded that subject to a condition in respect of visibility no objection be raised to the proposal. The scheme has been amended to include the highway engineers comments and this amended plan is still awaited.

Based on the above, the proposal is considered to be in accordance with Policy C3 (vii) of the North Wiltshire Local Plan (2011).

#### Impact on TPO

The applicant is proposing to submit an arboriculturalists report which will show that the scheme can be implemented without harm being caused to the beech tree (subject to a TPO) in the North East corner of the site.

#### Other Issues

The drainage engineer has commented that whilst there are drainage systems in the locality that can be linked into, he would wish to see some agreement from Wessex Water to such a link being constructed.

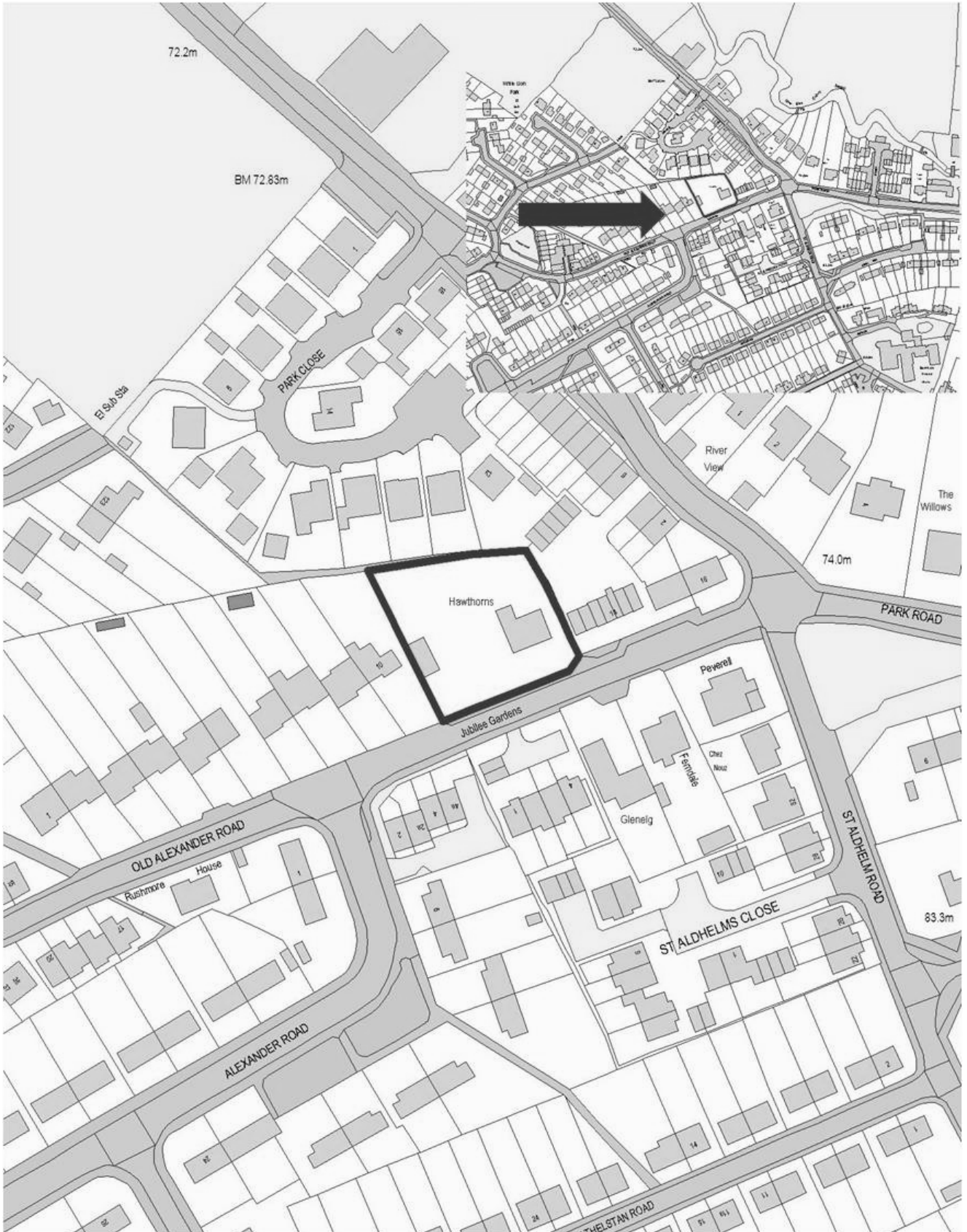
### **9. Conclusion**

It is considered that the proposed erection of a detached dwelling on this site would not detract from the amenities of neighbouring properties to such an extent as to warrant refusal of the application. It will not detract unduly from the character and appearance of the locality and would not give rise to traffic safety issues. As such, the proposal is in accordance with Policies C3 and H3 of the North Wiltshire Local Plan (2011).

### **10. Recommendation**

DEFER to until such time as a site meeting between members and highways officers has taken place.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>4.02, 4.03, 4.04, 2.02, 1.21</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No.6(3)

<b>Date of Meeting</b>	<b>13<sup>th</sup> January 2010</b>		
<b>Application Number</b>	<b>09/01300/REM</b>		
<b>Site Address</b>	<b>18-19 Dianmer Close, Hook, SN4 8EB</b>		
<b>Proposal</b>	<b>Erection of 4 bedroom houses and garages with associated drive</b>		
<b>Applicant</b>	<b>Dr H Aslam</b>		
<b>Town/Parish Council</b>	<b>Lydiard Tregoz</b>		
<b>Electoral Division</b>	<b>Wootton Bassett East</b>	<b>Unitary Member</b>	<b>Mollie Groom</b>
<b>Grid Ref</b>	<b>407694 184462</b>		
<b>Type of application</b>	<b>Reserved Matters</b>		
<b>Case Officer</b>	<b>Simon T Smith</b>	<b>01249 706633</b>	<b>simon.smith@wiltshire.gov.uk</b>

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

Requested that the application be considered by Wiltshire County Councillor Groom to enable the consideration of the scale of development, its visual impact upon the surrounding area, relationship to adjoining properties, its design and its environmental/highway impact.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be delegated to the Area Development Manager.

**2. Main Issues**

This is the submission of reserved matters for the erection of 3 detached dwellings, pursuant to a 2003 outline permission for same. As such the main issues to consider are as follows:

1. Principle of development and meaning of outline permission
2. Scale, form and layout of development
3. Impact upon residential amenity
4. Drainage

**3. Site Description**

The 0.38Ha application site comprises the residential garden areas to No.18 and 19 Dianmer Close, which is a small grouping of detached, semi-detached and terraced properties largely dating from the mid – late C20th. The entire site is within the defined Settlement Framework Boundary to Hook.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
06/01488/OUT	Erection of 3 detached dwellings and associated works (outline) – means of access not reserved	Permission 02/05/06

## **5. Proposal**

This is a proposal for the erection of 3 four-bedroom detached dwellings. The proposal is in the form of reserved matters submitted pursuant to the grant of outline planning permission. With the exception of means of access, all matters were reserved for consideration under this application, namely: appearance, landscaping, layout and scale.

## **6. Consultations**

**Lydiard Tregoz Parish Council:** Strong objection on the following grounds:

- “1. This application does not comply with NE21 North Wilts Local Plan 20011 or NE 22 22 6.59. Also C2 Environmental Protection and Enhancement is comprised.
2. Because of recent development in the village, (5 newly built detached houses and 5 proposed in Bollingbroke Close) extended properties, large areas of paving and climate change since the outline permission was granted there is now a great risk of flooding. The outline planning permission has expired.
3. Dianmer Close, as its name implies, is a cul-de-sac which ends at the M4 Motorway. Before the motorway was built it was the road from Purton to Wootton Bassett. Off Dianmer Close is another cul-de-sac, The Meadows which is between Dianmber Close and the embankment leading to the bridge over the M4, This area is the lowest part of the village and after heavy rain it is subject to flash flooding caused by surface water. The Meadows also suffer with foul water coming up through the ground floor toilets at these times. Danny Everett of Wiltshire Council is aware of these problems and investigation into them started in April but has come to an abrupt end with no conclusion as yet. Three extra houses with the large amount of block paving shown on the plan will only exacerbate the problem further. There are no details on the plans for foul water or surface water drainage.
4. A Four bedroom detached property seems rather grand for an “Affordable House” especially as we have affordable houses in the village which are difficult to sell.”

In respect of additional and revised plans: Objection on the same grounds as original application. We should point out the concern of the applicants from Bolingbroke Close who have been asked for contributions for extension of pumping station, affordable homes and community facilities, “would the same conditions apply to the Dianmer Close development”.

**Highway Engineer:** No objections.

Council Land Drainage Engineer: Final comments awaited in response to additional drainage layout scheme submitted.

**Wessex Water:** There are issues with storm water run-off from fields and flooding road, this surface water flow enters our sewers illegally. Under normal operation conditions in dry weather the addition of foul flow only from 3 new properties should not be an issue. Storm flows from the properties will not be allowed to be connected to the foul sewer as there are already issues with land/road flooding this could be an issue for the highways and land drainage authority as they will need to comment further.

**Housing Officer:** Comments awaited in respect of scale of units proposed and whether condition 05 to outline permission 06/01488/OUT be addressed through on site provision of affordable housing or via a financial contribution.

## **7. Publicity**

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

Five (5) letters of objection received. Summary of key relevant points raised:

- Development will encroach into countryside
- Impact upon neighbours amenity from scale of development – particularly upon No.20
- Access to the site is unsuitable and dangerous
- Destruction of hedgerows and ecological value of site
- Increased risk of surface water flooding from increased built development
- Old sewer pumping station in Dainmer Close cannot cope with additional houses

## **8. Planning Considerations**

### Principle of development and meaning of outline permission

The application site is wholly contained within the Settlement Framework Boundary to Hook, where new residential development is generally considered to be appropriate. Furthermore, it is also the subject of an extant outline planning permission for three new dwellings to the rear of the two existing dwellings on the site (ie. Nos. 18 and 19). Therefore, the principle of building 3 new dwellings is established. Further debate as to whether new development is suitable is neither possible or relevant to the consideration of this application.

This application therefore takes the form of the submission of the details of development pertaining to the appearance of development, its landscaping, layout and scale. Access to the site is to be via a new point of access, central to the site frontage. This arrangement was determined under the previous outline permission and requires no further debate.

The outline permission includes a planning condition relating to the preparation, submission and implementation of a scheme for the provision of affordable housing as a result of development. The condition does not make it clear as to whether the scheme should take the form of a financial contribution or the transfer of one or more of the new dwellings over to, for example, a RSL (registered Social Landlord). The condition requires such a scheme to be prepared and submitted for approval prior to the commencement of development and therefore does not directly affect the consideration of the Reserved Matters application.

### Scale, layout, appearance and landscaping of development

In a similar manner to that illustrative scheme submitted at the time of the outline application, the proposed development takes the form of three detached dwellings, each with their own garage, positioned to the rear of the two existing units on the site. Again, as before, there is a new single point of access to all five units.

The five units are evenly spaced across the site on alternate sides of the central access road, though No.18 and 19 do retain a significant proportion of the garden space. The site area is considered to be sufficient to accommodate development in the layout proposed.

The three new units are of homogeneous design, being of four-bedrooms and conventional “gable-at-either-end” arrangement. Design features such as short-stack external chimney, brick headers and quoins, and simple porch canopy are welcomed and do add some quality to an otherwise typical modern house design. Materials of brick, render, concrete tiles and uPVC windows are considered to be appropriate to the context of surrounding modern development.

At 8.8m and 5.0m to ridge and eaves respectively, the proposed dwellings are on the taller side, but cannot be described as excessive and would not be out of character with the locality.

Proposed landscaping is, as would be expected for domestic gardens, minimal. The majority of boundary treatments are to be left unaltered with judicious additional native planting at the rear to replace existing hedging.

#### Impact upon residential amenity

The western boundary of the site is to open field, with the neighbouring No.17 being positioned some way forward toward the highway. The truncated curtilage to No.17 means that the garage to the closest new dwelling (unit 1) would be some 25.0m distant from the boundary.

The positioning close to the common boundary of the neighbouring property to the east (No.20 Dainmer Close) does allow for a much closer relationship between existing and new dwellings. Although it is evident that existing properties No.19 and No.20 are currently much closer than that now proposed, this is an existing situation and it is important to ensure that new development does not infringe upon living conditions to any greater extent.

In this particular instance unit 2 is set away from the common boundary by some 6.0m (the detached garage by some 5.5m), which whilst some oblique views of the development would be possible from No.20, such a distance would be sufficient to mitigate against a perception of "oppressiveness" or a "crowding" of the occupiers amenity. Similarly, windows in the side gable of unit 2 is limited to a first floor shower room, which can be fitted with obscure glazing, so as to avoid overlooking.

Although clearly as the applicants, the occupiers of Nos.18 and 19 will have recognised and accepted the reduction in garden space as a result of development, the planning system must also ensure the absolute level of future resident's amenity is suitably secured. In this particular instance distances between properties and intervening position of garages are considered sufficient to mitigate against any unacceptable impact.

#### Drainage

A drainage layout scheme has been submitted with the application, which demonstrates a connection with mains sewer at Dainmer Close. Wessex Water have raised no immediate objection to the proposal, although they do acknowledge historic drainage issues in the locality.

Because of the local concern regarding surface and foul water drainage matters, the Council's Drainage Engineer has been asked to comment upon the proposed scheme. These comments will be reported to the Committee separately, when received.

Unfortunately, whilst it is acknowledged that other recent planning permissions in the locality have provided a contribution towards the upgrading of the local pumping station, it will not be possible to request such a contribution as part of a Reserved Matters proposal. The appropriate time would have been to address such an issue under the Outline approval.

### **9. Conclusion**

The proposed development is for the erection of three new dwellings of a scale, design and appearance that is appropriate to the context of Dainmer Close. The layout of development on this site of significant size is such that it would allow for development to avoid a detrimental impact upon the amenities of existing occupiers.

### **10. Recommendation**

Subject to no new and substantive issues being raised by the Council's Drainage Engineer:

The application be delegated to the Area Development Manager for Permission subject to conditions including:

1. 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.

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

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

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

3. No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

4. Before the development hereby permitted is first occupied all first floor bathroom, toilet and shower room windows shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.



5. No development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

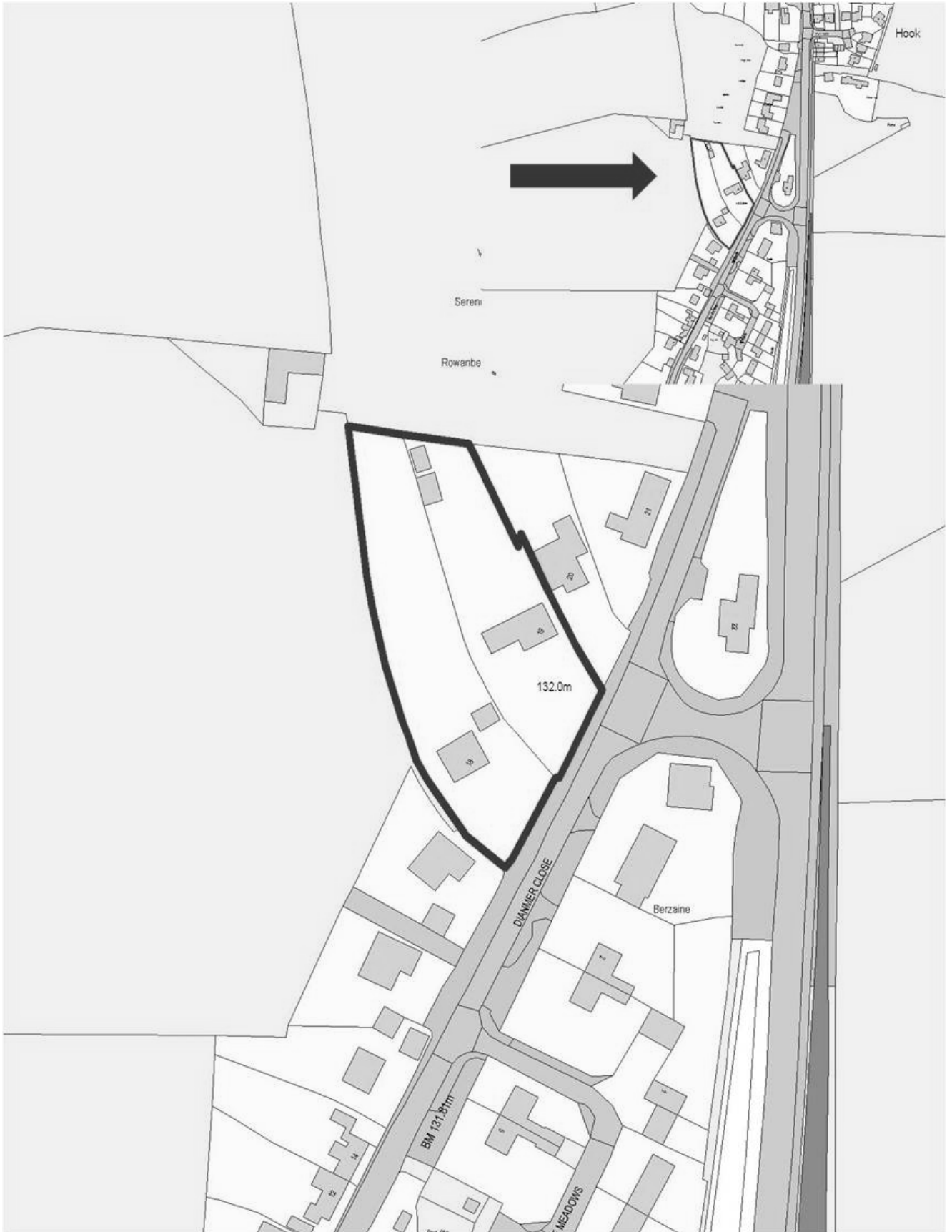
**Informatives:**

1. This approval of matters reserved discharges condition 01 of outline planning permission 06/01488/OUT dated 02/08/2006, but does not by itself constitute a planning permission.

**Reason for Decision**

The proposed development is for the erection of three new dwellings of a scale, design and appearance that is appropriate to the context of Dainmer Close. The layout of development on this site of significant size is such that it would allow for development to avoid a detrimental impact upon the amenities of existing occupiers. Accordingly, the proposal is considered to comply with the provision of Policy C3 and H3 of the adopted North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 4.03; 4.04; 5.02</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No.6(4 & 5)

<b>Date of Meeting</b>	13 <sup>th</sup> January 2010		
<b>Application Number</b>	09/01892/CAC and 09/001893/FUL		
<b>Site Address</b>	Land at Delmont, Holloway Hill, Malmesbury		
<b>Proposal</b>	Demolition of Outbuildings and Erection of Dwelling Following Demolition of Outbuildings		
<b>Applicant</b>	Mr M Sharpe		
<b>Town/Parish Council</b>	Malmesbury		
<b>Electoral Division</b>	Malmesbury	<b>Unitary Member</b>	Simon Killane
<b>Grid Ref</b>	393620 187372		
<b>Type of application</b>	FULL and CAC		
<b>Case Officer</b>	Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

**Reason for the applications being considered by Committee;**

This application has been submitted to Committee at the request of Councillor Killane to consider the scale, visual impact, design, bulk, height and general appearance, environmental/highway impact and parking issues of the development.

**1. Purpose of Report**

To consider the above application and to delegate to the Area Development Manager to await consideration of the Protected Species Survey and to recommend Refusal.

**2. Main Issues**

The application is for the erection of a dwelling following demolition of outbuildings. The key points to consider are as follows:

- Implications on DC Core Policy C3 and policy H4.
- Design and scale of development.
- Demolition of existing building within the Malmesbury conservation area, policy HE2.
- Impact of the erection of a new dwelling on the setting of the nearby Listed Building and Scheduled Ancient Monument, policies HE4 and HE5.

**3. Site Description**

**4. Relevant Planning History**

<b>Application number</b>	<b>Proposal</b>	<b>Decision</b>
	None	

## **5. Proposal**

Conservation area consent is sought for the demolition of existing redundant industrial buildings and planning permission is sought for the erection of a new dwelling.

## **6. Consultations**

The Town Council supports both applications.

Highways have no objection subject to condition.

The Environment Agency has no objection subject to condition.

Malmesbury and St Paul Without Resident's Association supports the applications.

The County Archaeologist has no objection subject to condition.

A public open space contribution of £4232.81 and an affordable housing contribution of £26,000 is requested.

County Ecologist recommends a daytime inspection for the presence/potential of bats, prior to a decision being made on the application.

## **7. Publicity**

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

## **8. Planning Considerations**

Delmont is located on south east side of Holloway, Malmesbury. It is a modern dwelling set in large grounds. It is bounded on two sides by a branch of the Tetbury Avon and is surrounded by countryside. The buildings in question are of varying age and construction and lie on the south west side of Delmont. There is a redbrick smithy with a corrugated roof, a large breeze block building and various smaller structures. The dwelling and outbuildings lie outside of the residential curtilage of this property and are situated outside of the framework boundary of Malmesbury and just beyond what remains of the East Gate. The East Gate is a Scheduled Ancient Monument and Listed Building. The site is also within the Malmesbury Conservation Area.

Policy H4 is relevant to the consideration of this application. This states that new dwellings in the countryside outside the framework boundaries as defined on the proposals maps will be permitted provided that it is for the essential needs of agriculture or forestry, or it is a replacement dwelling. The proposal at Delmont does not meet these criteria. The policy is very restrictive of the construction of new dwellings in the countryside and echoes the well established planning guidance within PPS 7 (Sustainable Development in Rural Areas).

The applicants have said that although they believe the buildings would be capable of conversion, replacement would provide an environmental enhancement. They have submitted a viability appraisal for the development with information as to the suitability of the site for alternative uses and conclude that an employment use or community use would not be acceptable because of the financial costs involved in the conversion or replacement of the buildings, traffic generation and car parking. Policy BD6 allows, in certain circumstances, the conversion of rural buildings to alternative uses and the assessment of the buildings suitability for employment or community use should be under this policy, not policy H4. This application should not be considered under BD6 as it is for the construction of a new building, not conversion. It is considered that although alternative uses may not be viable under policy BD6 it does not then follow that a new residential use is a logical conclusion for the site and should be accepted.

It is stated that the removal of the existing buildings would be a visual improvement to the area. NWDC produced the Malmesbury Conservation Area Appraisal (MCAA) in April 2007 and this site (Delmont and the associated outbuildings) was identified as spoiling the approach to Malmesbury. However, it is not clear whether or not this refers to all or parts of the site and/or their state of repair. The current draft Conservation Area Management Plan (Sept.09) should be read in conjunction with the previous appraisal and makes no mention of Delmont or the adjacent site.

This council's conservation section was consulted on the application, their response was:

“within the structure of the old smithy there are remains of older stone structures and a circular stone pier. Whilst the initial impression is of an unsightly structure, the brick elements, which appear to be C19th, are a simple design and could possibly be converted to an alternative use. I would not object to removal of the breeze block section but cannot see the justification to demolish the other elements. I believe that the proposals are contrary to policy and it has not been demonstrated that these building cannot be restored in order to continue as a light industrial use. The utilitarian buildings are interesting and demonstrate the social and economic development of the area. They are located win a hugely prominent site just below the entrance to the town walls. To replace them with a dwelling will be detrimental to the conservation area, adjacent listed structures and scheduled ancient monument.”

It is considered that, in line with their comments, although the site has elements that are visually unattractive, in particular the large breeze block section, there is little justification in conservation terms for the removal of the entire complex, and no justification for their replacement with a new dwelling, contrary to policy HE2.

The site lies close to the listed building and scheduled ancient monument that was once the east gate of the Malmesbury Town Walls. The MCAA states that this site is likely to be archaeologically interesting being just outside the town walls and is likely to have always been a commercial/industrial site. It is considered that the proposal in unacceptable with regard to policies HE4 and HE5 in that the removal of the buildings on this historic industrial site and replacement with a dwelling would be detrimental to the setting of the listed building and scheduled ancient monument.

The new building has been designed to be a very similar in design and scale to the existing buildings on site, although the overall volume will be less. There would be no adverse impact on residential amenity. Materials proposed are a mixture of brick, natural stone and stone tiles. There is no objection to the specific design of the building, although it is considered unacceptable within the context of its location.

A protected species survey is to be undertaken and its results will be reported to committee.

Overall, it is considered that there are insufficient material considerations to outweigh policy H4 of the North Wiltshire Local Plan 2011.

## **9. Recommendation:**

### **In respect of 09/01982/CAC**

Delegated to the Area Development Manager to:

1. Await consideration of protected species survey
2. Refuse for the following reason:

1. The proposal includes demolition of buildings that are within Malmesbury Conservation Area and part of the historical small industrial development which evolved just beyond the ancient town walls of Malmesbury. Whilst the buildings are functional and utilitarian in appearance they make a

positive contribution, and are an important reminder of the social and economic development of the area, contrary to policy HE2 of the North Wiltshire Local Plan 2011.

**In respect of 09/01893/FUL**

Delegated to the Area Development Manager to:

1. Await consideration of protected species survey
2. Refuse for the following reason:

1. The proposal is for a new dwelling in the open countryside. No special justification has been forwarded for this development and it is therefore considered to be contrary to the provisions of Policy H4 of the adopted North Wiltshire Local Plan 2011 and well established planning guidance at the national level within PPS7: Sustainable Development in Rural Areas.

2. The proposed dwelling would conflict with the historic character of the Malmesbury Conservation Area and would be detrimental to the setting of the nearby town walls, contrary to policy C3, HE1, HE4 and HE5 of the North Wiltshire Local Plan 2011.

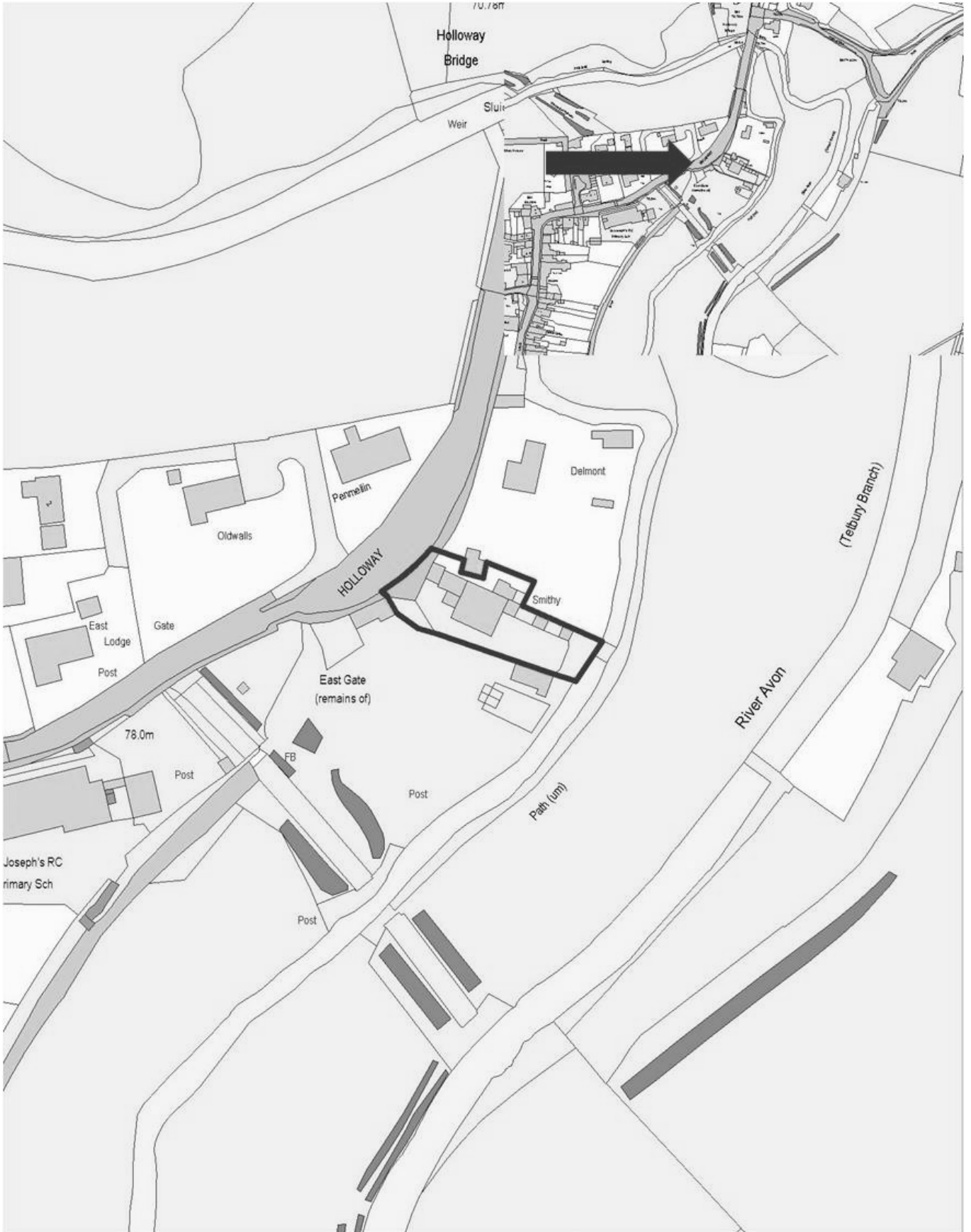
**Informative;**

1. This decision relates to documents/plans submitted with the application, listed below.

Plan References

Site plan 1:1250, drawing 828/2101, 828/2207, 2 x proposed elevations 1:100, 2 x floor plans 1:50, all dated 21<sup>st</sup> October 2009.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 2.02, 2.07, 2.25, 4.02, 4.03, 4.05, Malmesbury Conservation Area Appraisal and Malmesbury Conservation Area Management Plan.</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No.6(6)

<b>Date of Meeting</b>	13 <sup>th</sup> January 2010		
<b>Application Number</b>	09/01727/S73A		
<b>Site Address</b>	The Gallons, Chelworth Road, Chelworth, SN6 6HJ		
<b>Proposal</b>	Retention of replacement dwelling, extension of domestic curtilage, changing of use of previous paddock land (variation of 05/01534/FUL) - retrospective		
<b>Applicant</b>	Mr D Blane		
<b>Town/Parish Council</b>	Cricklade		
<b>Electoral Division</b>	Cricklade and Latton	Unitary Member	Peter Colmer
<b>Grid Ref</b>	408617 192321		
<b>Type of application</b>	Retrospective		
<b>Case Officer</b>	S T Smith	01249 706633	simon.smith@wiltshire.gov.uk

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

Requested that the application be considered by Wiltshire County Councillor Colmer to enable the consideration of the scale of development, its visual impact upon the surrounding area, relationship to adjoining land and development, its design and its environmental/highway impact.

**1. Purpose of Report**

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

**2. Main Issues**

This is a retrospective application seeking to rectify the unlawful development of a replacement dwelling in the open countryside. The starting point for consideration is the existence of a 2005 planning permission for similar, which positioned a new dwelling of different design in a different position following demolition of the previous bungalow. As such the main issues to consider are as follows:

5. Existing permission 05/01534/FUL
6. Principle of development
7. Size, scale and appearance of development
8. Siting and residential curtilage
9. Enforcement issues

**3. Site Description**

The 0.3Ha application site comprises a mixture of the previous domestic curtilage which served the former bungalow together with a significant part of agricultural land to the east (described as "paddock land" by the applicant). A dwelling of brick, reconstituted stone and natural slate tiles has been substantially completed on the site.



Whilst the parameters of the application are such that the application site (as defined by the red-line) is proposed to become residential curtilage serving the new dwelling, it is evident that the actual use of the application site is currently for the storage of a variety of cars, lorries, and other vehicles and items (and possible working thereon).

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
05/01534/FUL	Replacement dwelling	Permission 20/07/05
09/00876/FUL	Replacement of existing workshop and workshop and office	Refused 23/07/09

#### **5. Proposal**

Is a retrospective application for the replacement of a dwelling in the open countryside, to be positioned on land comprising the residential curtilage to the former dwelling together with a significant section of agricultural land to the east of the dwelling (described as “paddock land” within the application).

The application seeks permission for the unlawful dwelling together with boundary walls and consequent change of use of agricultural land to garden. The means of access from Chelworth Road has not been altered.

#### **6. Consultations**

**Cricklade Town Council:** Object to this application for the following reason:

The development is outside the Cricklade Town framework boundary and an intrusion into open countryside. Contrary to policies H4 (i) and (ii); NE15 NWDC Local Plan 2011.

Additional if the Planning Authority decides not to order demolition then the increase to the domestic curtilage should be reduced to the boundary of the property and a condition of no further construction be applied. A Section 106 should also be applied as this is now a new build rather than a replacement dwelling.

#### **7. Publicity**

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

Five (5) letters of objection received. Summary of key relevant points raised:

- New dwelling in the open countryside
- Development will encroach into countryside
- Unauthorised development and storage of cars, lorries and other items

#### **8. Planning Considerations**

Existing permission 05/01534/FUL

This application is a retrospective application seeking to regularise the unauthorised construction of a new dwelling in the open countryside. Although a dwelling now removed, did exist on part of the application site for many years, adopted Local Plan policy (which is outlined below) requires that for its replacement with a new dwelling to be considered acceptable, the new dwelling must be positioned within the same residential curtilage. This is not the case with the current proposal, and therefore the proposal must be considered to be a new dwelling in the open countryside. In normal circumstances, new dwellings in the open countryside without special justification, would be resisted.

However, in this particular instance a 2005 planning permission was granted for a replacement dwelling of similar appearance. That 2005 permission clearly considered the proposal to comply with the replacement dwelling policy in force at that time. In this context, and notwithstanding the limitations of the replacement dwelling policy, the existence of that previous planning permission must be seen as a significant material planning consideration when determining this retrospective application.

#### Principle of development

Policy H4 of the adopted North Wiltshire Development Plan 2011 sets out the circumstances in which new residential development would be acceptable in the open countryside. The policy does allow for the replacement of existing dwellings, provided that the new dwelling is of a similar size and scale to the existing dwelling and is positioned within the same curtilage.

Whilst acknowledging the limitations of directly applying Policy H4 to the circumstances surrounding this site, as would be required by more general policy C3 of the adopted Local Plan, size, scale, appearance and position of the new dwelling is debated below.

#### Size, scale, appearance of development

The proposed dwelling is of a particular design and scale that is not ordinarily suited to its rural location. Indeed, aside from the chosen pitch of the roof, the dwelling is lacking in the simple rural vernacular and more modest proportions that its isolated countryside location, perhaps, demands.

Notwithstanding the above, to a very large extent any judgement on the size, scale and appearance of the dwelling must be defined through the existing 2005 permission. Critically, since the 2005 permission has already allowed for the construction of a dwelling of largely similar appearance and scale (albeit in a different position on the site), it would be held to be entirely unreasonable to conclude that the current proposal is now unacceptable in these respects. Changes to the layout and footprint of the dwelling – particularly the addition of the garden and breakfast room to the rear – is not thought to significantly alter the close comparison.

The creation of rather grand brick boundary walls and entrance piers is not thought to aid the integration of the dwelling into its rural context. They did not form part of the original 2005 permission. However, at between 1.7m and 2.3m in height it would be possible to erect walls of similar appearance and height under permitted development rights (ie. without the need for express planning permission. Furthermore, given the style chosen for the house, which is after all, substantially consented, the style of the walls is actually commensurate.

#### Siting and residential curtilage

When viewed from the road, the dwelling constructed on the site is positioned approximately 10.0m back and to the left (south and east) relative to that permitted under 05/01534/FUL. The repositioning has two effects: firstly, to reduce to perceived impact on the dwelling when viewed from the road, and secondly the dwelling now creeps outside of the previous residential curtilage into to open fields to the east. The applicant has simply straightened the previously angled boundary creating a 90 degree relationship with the road.

Whilst policy H4 of the adopted Local Plan does make it clear that a replacement dwelling should be positioned within the same curtilage (which this is not), the actual effect upon the wider landscape is in actuality quite minor. The loss of a relatively small section of agricultural land is unlikely to be highly conspicuous in the wider countryside, with the only impact being from the boundary treatment itself, which of course would simply be a repositioning of a domestic boundary treatment that would have existed in any event. As such the proposal is not thought to conflict with the requirements of Policy NE15 of the adopted Local Plan, which seeks to protect the character of the countryside.

### Enforcement issues

By far the most harmful aspects of the activities and development taking place on the site and surrounding land owned by the applicant do not form part of this application – such as the storage/working of various vehicles and the laying out of an access track. It is therefore necessary to separate out that development which is the subject of the retrospective application, and other unauthorised development which would need to be the subject of separate enforcement action.

## **9. Conclusion**

The 2005 planning permission must be seen as a significant material planning consideration when determining this application. Comparison with the 2005 permission reveals that the size, scale and appearance of the dwelling is largely similar and that its repositioning outside of the former residential curtilage would not result in demonstrable harm to the wider countryside.

All other potential enforcement matters across the site and other land under the control of the applicant must be pursued separately.

## **10. Recommendation**

Planning Permission be Granted for the following reason:

The 2005 planning permission must be seen as a significant material planning consideration when determining this application. Comparison with the 2005 permission reveals that the size, scale and appearance of the dwelling is largely similar and that its repositioning outside of the former residential curtilage would not result in demonstrable harm to the wider countryside. Accordingly, the proposal is considered to comply with the provision of Policy C3 and HNE15 of the adopted North Wiltshire Local Plan 2011.

### **Subject to the following conditions:**

1. Within one month of the date of this permission a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

(k) retained historic landscape features and proposed restoration, where relevant.

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

2. 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.

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

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

4. The garage and domestic curtilage defined by the submitted plans shall be used purely for domestic purposes which are ancillary to the use of the house hereby permitted as a single domestic dwellinghouse.

REASON: For the avoidance of doubt to ensure the development is used as a domestic dwellinghouse.

5. The development hereby approved shall not be occupied until 2 parking spaces have been provided within the curtilage of the site.

REASON: In the interests of Highway Safety.

6. The first 5m of the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety.

7. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

REASON: In the interests of Highway Safety.

8. The dwelling hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the local planning authority. Such turning space shall be kept clear of obstructions at all times.

REASON: In the interests of highway safety.

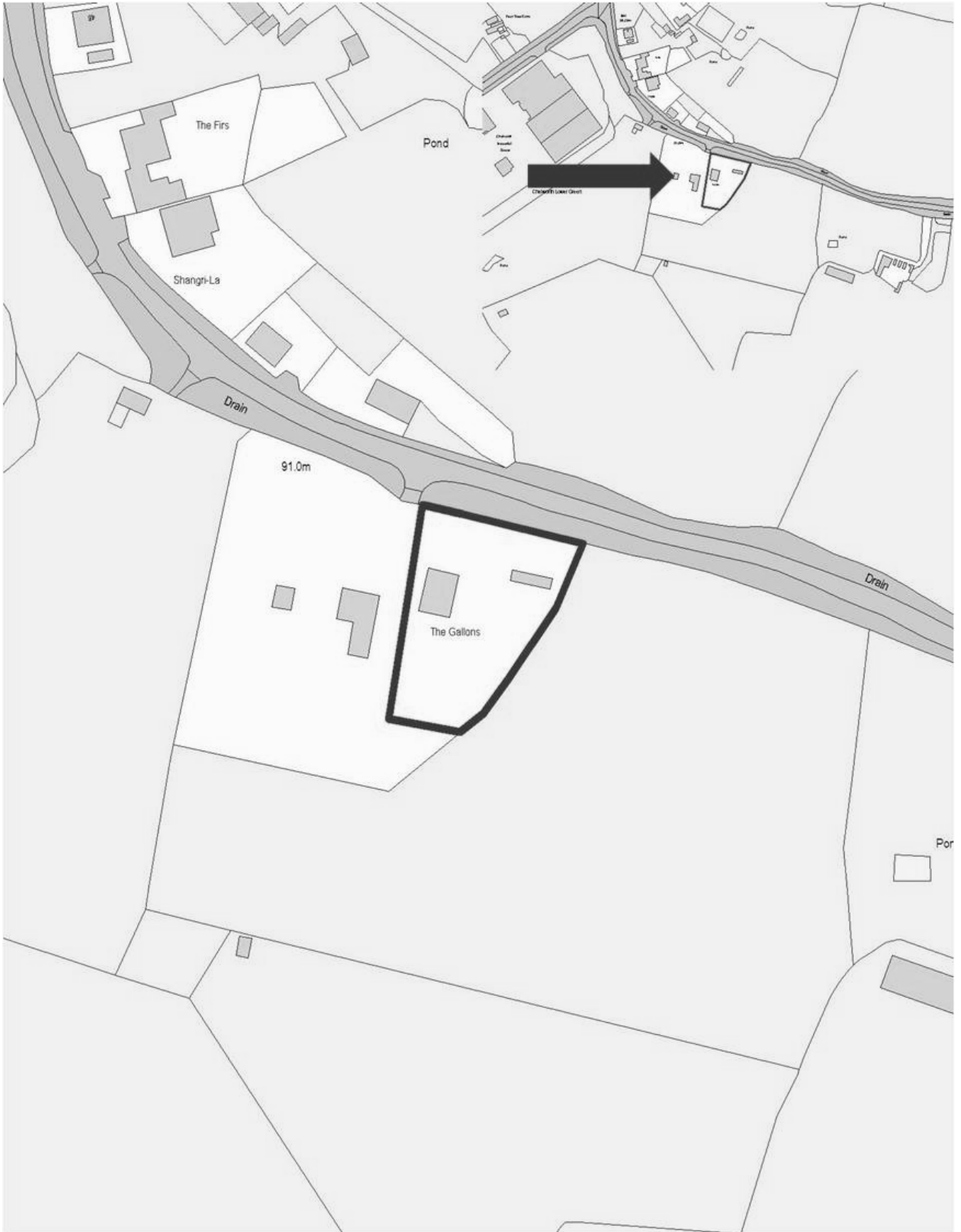
9. Within 28 days of the first occupation of the dwelling hereby approved the existing bungalow shall be completely demolished.

REASON: the dwelling approved is only acceptable as a replacement.

10. Within 28 days of first occupation of the dwelling hereby approved the land within the red line on the approved plan shall be used only as residential curtilage and any previous commercial use shall permanently cease.

REASON: The permission has been granted on the basis of the removal of commercial buildings and uses and to ensure a satisfactory residential environment.

<b>Appendices:</b>	<b>NONE</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 4.03; 4.04; 5.02</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No.6(7)

<b>Date of Meeting</b>	13 <sup>th</sup> January 2010		
<b>Application Number</b>	09/01963/FUL		
<b>Site Address</b>	13 Dover Street, Chippenham		
<b>Proposal</b>	Two Storey Rear Extension		
<b>Applicant</b>	Mrs Oatley		
<b>Town/Parish Council</b>	Chippenham		
<b>Electoral Division</b>	Chippenham Lowden and Rowden	<b>Unitary Member</b>	Judy Rooke
<b>Grid Ref</b>	391199 173496		
<b>Type of application</b>	FULL		
<b>Case Officer</b>	Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

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

This application has been submitted to the Committee at the request of Councillor Rooke to consider the reduction in the size of the extension since the previous application.

**1. Purpose of Report**

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

**2. Main Issues**

The application is for a two-storey extension to a semi-detached property. The key points to consider are as follows:

- Implications on DC Core Policy C3 and H8
- Scale and size of development
- Impact on neighbour

**3. Site Description**

The property is semi-detached within a street of similar properties. At present, there is a conservatory with a low roofline erected to the rear of the property. It measures approx. 4.2 metre in depth, although this tapers in from the boundary after about approx. 3.1 metres.

<b>4. Relevant Planning History</b>		
<b>Application number</b> 09/00012/FUL	<b>Proposal</b> Two storey extension	<b>Decision</b> Refused 12/02/09  Appeal dismissed 17/07/09

#### **5. Proposal**

The extension is proposed at two storeys to the rear of the dwelling and also extends one metre to the side of the property. The application was originally submitted showing an extension of 3.2 metres in depth at first floor and 4 metres at ground floor. Officers expressed concern at the size of the extension and requested the proposal be reduced in size. Plans were then revised showing the extension measuring larger, at 3.5 metres depth at first floor and 4.5 metres depth at ground floor.

#### **6. Consultations**

The Town/Parish Council – no objection.

#### **7. Publicity**

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

#### **8. Planning Considerations**

Under the previous application no. 09.00012, a similar, but larger, extension measuring a depth 5.2 at ground floor and 3.5 at second floor with a gable roof at the rear, was refused and subsequently dismissed at appeal. The appeal Inspector concluded that in addition to the extension harming the character and appearance of the dwelling and the locality, the construction of a wall about 5 metres in height would have an unneighbourly affect on the living conditions of the attached neighbour in terms of loss of light and outlook particularly on the ground floor overlooking the garden. He also stated that more precisely, the extension would be within a 45 degree line taken from the centre of the ground floor window of the adjoining dwelling which is often used as a measure to determine affects on light and outlook.

No.13 Dover Street is located to the south of the adjoining property and as such the extension will have a considerable effect on the loss of light to the neighbour. In addition, it is considered that the imposing size of the structure would dominate, and adversely affect the outlook and residential amenity, of the occupiers of no. 15 Dover Street.

The applicant had entered into discussion prior to the current application being submitted. Following the recent appeal dismissal, it was suggested by officers that a maximum depth of 3 metres at first floor and 3.5 metres at ground floor would be acceptable. This is beyond the Inspectors suggested 45 degrees but has been assessed to be the maximum allowable having assessed the individual circumstances of the site.

The previous application had a gable roof at the rear. This has been amended to a hip with a matching pitch, which is considered to be acceptable.

In conclusion, it is considered that the proposed extension would be harmful to residential amenity contrary to policies C3 and H8 of the North Wiltshire Local Plan 2011.

#### **9. Recommendation:**



Planning Permission be REFUSED for the following reason:

1. The proposed extension, by reason of its size and proximity to the neighbouring attached property no.15 Dover Street, would result in a development that would be overbearing and harmful to the residential amenity of the occupiers of this property. The proposal fails to comply with Policies C3 & H8 of the North Wiltshire Local Plan 2011.

**Informatives**

1. This decision relates to documents/plans submitted with the application, listed below.

Plan References

Drawing nos. 834 sheet 1 and 834 sheet 2, dated 15<sup>th</sup> December 2009.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 4.02, 4.03, 5.01, 5.04.</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No. 6(8)

<b>Date of Meeting</b>	<b>3<sup>rd</sup> February 2010</b>		
<b>Application Number</b>	<b>09/0006/FUL</b>		
<b>Site Address</b>	<b>Pound Mead, Corsham</b>		
<b>Proposal</b>	<b>Erection of 43 dwellings together with access, landscaping and screening</b>		
<b>Applicant</b>	<b>Westlea Housing Association</b>		
<b>Town/Parish Council</b>	<b>Corsham</b>		
<b>Electoral Division</b>	<b>Corsham Town</b>	<b>Unitary Member</b>	<b>Councillor Peter Davis</b>
<b>Grid Ref</b>	<b>386719 169664</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>S T Smith</b>	<b>01249 706 633</b>	<b>Simon.smith @wiltshire.gov.uk</b>

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

Councillor Davis has requested it be called to committee to consider the visual effect of development and in particular the adequacy and effect of the retaining wall structure.

**1. Purpose of Report**

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

**2. Main Issues**

The application is for residential development within the settlement framework boundary of Corsham. The site is allocated within the adopted North Wiltshire Local plan for residential development. Therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Principle of development
- Context of previous appeal decision
- Density, layout and design of development
- Effect upon residential amenity of existing properties
- Access and highway safety
- Community infrastructure (Policy C2)
- Stability of bank

**3. Site Description**

The application relates to a 0.93Ha site at Pound mead, Corsham previously used for commercial purposes. The site is now cleared of the previous factory buildings and remains vacant. The site has been allocated for residential development within the adopted North Wiltshire Local plan 2011, with an indicative 40 units being estimated.

The application site is entirely within the Settlement Framework Boundary of Corsham. To the north the site is bounded by other residential properties. The southern boundary is defined by Pound mead itself and the railway cutting beyond.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>08/00522/FUL</b>	Erection of 24 houses and 35 flats	Refused 29/02/08  Appeal dismissed 02/07/09

#### **5. Proposal**

This proposal is for the creation of 43 dwellings – split as 37 houses and 6 flats over garage blocks, all two storey in height. As is required by local planning policy, there is to be a mix of private housing for sale and affordable housing for rent/shared-ownership. Vehicular access is to be via Pound mead / Station Road / Furzehill junction. No vehicular access is proposed via Valley Hill, although pedestrian access is to be retained.

This application is submitted pursuant to an earlier refusal for 59 dwellings on the same site. Vehicular access remains as previously proposed.

#### **6. Consultations**

**The Town Council** - object on the following grounds:

*“Resolved: to refuse for the following reasons: over development of the site. Building levels too high. Not sufficient evidence that the retaining walls will be substantial enough. Access would be a problem due to there being only one way in and out of the development. Lack of amenities.”*

**Housing Enabling Officer** - 30% affordable housing in line with Policy H5 of the Local Plan 2011 required. See full comments of Housing Enabling Team, dated March 2009, appended to this report.

**Wiltshire County Council Highways** – No objections subject to conditions.

**Environmental Health Officer** – No adverse comments.

**Environment Agency** – No objections subject to conditions

#### **7. Publicity**

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

30 separate letters of letters of objection received, plus petition containing 700 signatures.  
Summary of key relevant points raised:

- Petition is in favour of limiting development to 40 houses only
- Ground level has been artificially raised
- Previous appeal decision was correct – nothing has altered
- Very little space between properties and neighbours – too high density of development
- Overlooking / oppressiveness due to height and raised ground level of new properties proposed
- Appearance of development is poor and out of character
- Open space proposed is inadequate
- Lack of parking
- Lack of access for service vehicles
- Highway safety – Pound Mead and its junction inadequate to deal with additional traffic
- Surface water drainage arrangements
- Stability of bank and foundations of properties at Oathills, Hitherspring and Wastfield

## 8. Planning Considerations

### Principle of development

The site lies inside the defined settlement framework of Corsham and is in fact allocated by Policy H2 of the adopted Local Plan for residential development. The principle of residential on this site therefore complies with emerging policy H3 of the draft Local Plan 2011. Nevertheless, the acceptability of the proposed development also needs to be assessed in detail against other policies within the adopted Local Plan, together with supporting national planning guidance.

As the site is specifically allocated for residential development, a judgement over the loss of an existing employment site is superfluous. Although Policy H2 estimates 40 units for the site, any proposal for development exceeding this figure should not be immediately discounted, needing be assessed on its own merits. The 40 units is an estimate for statistical purposes and not an upper limit.

### Context of previous appeal decision

A previous proposal for 59 units on this site has been previously refuse planning permission and was ultimately dismissed at appeal on 2<sup>nd</sup> July 2009. As the most significant material planning consideration available, the current proposal for development must always be in the context of the Inspectors decision letter. For the Council to diverge from the Inspectors conclusions could be held to constitute unreasonable behaviour with consequent risk of a significant award of costs at appeal.

In her decision letter, the Inspector concludes *inter alia* that : (a) density of development is not necessarily harmful, but that particular instance it did result in a poor form of development as seen from the public realm (particularly along Pound Mead itself); (b) three storey development proposed was both excessively high and would be of an inappropriate urban character in this location; (c) the proposed development would unacceptably harm the amenities and living conditions of Nos. 25 and 27 Hither Spring specifically, but also specifically not other existing properties; and (d) the stability of the bank as a result of development is a private matter between land owners.

The current application before the Development Control Committee is so amended and therefore seeks to address the harmful effects of development previously identified by the Inspector.

### Density, layout and design

This revised proposal reduces the number of units to 43. Of which, 37 are houses, with 6 being flats over garage blocks. There is to be a mix of 1, 2, 3 and 4 bedroom dwellings. All are two storey, with all three storey buildings now omitted.

The development of 43 units on a site of 0.93Ha in area results in a density of approximately 46.24 dwellings p/Ha. This figure continues to sit comfortably above the indicative minimum specified by PPS3 of 30 dwellings per hectare. There is no maximum density limitation in PPS3. The reduced density now proposed is not considered to be inappropriate due to its location adjacent to existing residential development and railway cutting. It is also now closer to the density considered to be appropriate by local residents. As before, the fact that the proposed number of units exceeds that estimated by Policy H2 (40), is not a reason to refuse planning permission.

The number of units proposed translates into an arrangement of distinct two storey blocks fronting onto the Pound Mead and Valley Road. Twin vehicular accesses from Pound Mead lead to a series of parking courts and a limited area of public amenity space to the rear of the central block. Dedicated parking spaces have been provided for all units (80 in total), as has refuse storage space and bicycle parking. Internal plot division is largely defined by close boarded fencing, although the more visible public boundaries to Pound Mead and Valley Road consist of walling, railings or the direct fronting of plots.

Much the same as before, blocks of units frame the accesses from Pound Mead and the south-west corner of the site adjacent to Valley Road. Elevations are broken by projecting gables, Juliette balconies, roof height articulation, together with a combination of reconstituted stone, facing brick and rendered finish, with its frontage to Pound Mead defined by railings. Such features are welcomed as a way of introducing some architectural interest into an otherwise neutral public elevation – which to some extent is necessary to allow a particular constructional method so as to reduce noise disturbance from the passing railway.

Other house units across the site are again of neutral appearance (two storey but with some dormer windows to allow for accommodation in the roofspace), and being typical of modern house type design. Materials are again to be a suitable mixture of brick and render, thus being reflective of the wider residential area.

### Impact upon residential amenity

The previous appeal Inspector expressly identified those properties which were, in her view, adversely affected by the proposed development. Equally, she specifically identified others that she considered were not affected. Those conclusions are the starting point for reaching a judgement on the current proposal.

The reduction in development density and storey height will presumably further allay residual local concerns over impact upon residential amenity. More specifically, however, the reduction in unit numbers has allowed for the movement of new development further away from existing properties No.25 and 27 Hither Spring (ie. that relationship specifically identified by the appeal Inspector as being problematic). This allows for a distance of 15.0m+ between main elevations - previously being 10.0m. Only a landing window is proposed for the first floor in the side elevation of the nearest plot, this eliminating unacceptable levels of overlooking.

In an effort to achieve a neighbourly form of development, it has been requested that the scheme be amended in respect of proposed units closest to 17, 19 and 20 Hither Spring, so as to improve their relationship and minimise overlooking. It is expected that any such changes agreed will be before the Planning Committee.

### Access and highway safety

Highway matters are considered to be largely similar to the situation considered under the previous application. Then as now, concerns have been raised by local residents with regard to the adequacy of Pound Mead and its junction with Station Road/Furzehill to deal with additional traffic. In particular, the width of Pound Mead has been suggested as a limitation to effective use for two-way traffic. Again, as before, the application continues to include provision to widen Pound Mead to a minimum of 4.5m carriageway (wider in places) and 2.0m footway. WCC Highways have not raised any objection on this basis.

Highway matters were not considered by the previous appeal Inspector to be prejudicial to the development of this site for residential purposes and it is therefore not reasonable to diverge from that view, particularly in the absence of any expert view to the contrary.

### Community infrastructure (Policy C2)

During consideration of the previous application on this site, and in accordance with the resolution of the Development Control Committee meeting (25/06/08), agreement was reached with the applicants to provide a contribution of £45k towards public open space and £80k towards education facilities. A unilateral undertaking (under Section 106 of The Act) was duly prepared. The wording of the agreements have been agreed at County and District level and a signed and dated copy is now in the receipt of the District Council.

This proposal of reduced unit numbers has necessitated a new legal agreement that reduces the contributions on a pro-rata basis. A draft Unilateral Undertaking has been prepared for contributions of £33,560 towards open space and £59,650 towards education.

### Stability of bank

The main body of the site is reasonably flat, but the northern boundary of the site forms part of a significant 4-5m+ bank elevating up to the properties at Oathills and Hither Spring. The bank appears to transcend the ownership of the applicant and it is evident that retaining structures will be required. Local residents at the top of this bank have raised concerns about the ability of the development to ensure long terms stability of their properties.

Importantly, in considering this issue further, the starting point must be the comments of the previous appeal Inspector. In coming to a view on the representations made to him on this subject, she unequivocally stated the following (para.21):

*“The question of the stability of the bank is understandably of concern to some householders along the boundary. This is a private matter between the land owners and is not before me in this appeal, but I am satisfied that a satisfactory solution in planning terms could be secured by an appropriate condition, as suggested by the Council.”*

Nevertheless, in order to further allay local concern, the proposal now includes full details of a retaining structure across the entire northern boundary. The submitted structural calculations and retaining structure details have been prepared by acknowledged and experienced structural engineers. However, the submitted details are nevertheless being reviewed by the Council’s own Building Control Officer, with final comments being expected prior to the scheduled Committee meeting.

In light of the Inspectors firm conclusion, the external validation of the structural calculations are superfluous to the consideration of this planning application. Planning considerations should in reality be limited to the visual effect of the retaining structure. In this particular case the external appearance of the structure would take the form of a 1.5m-2.0m wall faced with masonry (which would be tied to the sheet piled retaining structure behind). Within the context of a new housing development, a structure of such appearance would be appropriate.

A condition to fully implement and maintain thereafter the retaining structure as proposed, as well as the final external finish, would be appropriate.

## 9. Conclusion

This is a revised proposal which allows for a reduction in development density, the omission of three storey buildings and movement away from neighbouring properties – all of which were identified as shortcomings by the previous appeal Inspector. This revised proposal is therefore considered to be in accordance with Policies C3, H2, H3 and H5 of the adopted North Wiltshire Local Plan 2011

## 10. Recommendation

- Subject to no new and substantive issues being raised by the expected additional information relating to the structural stability of the bank to the northern boundary of the site and any alterations agreed in respect of the layout closest to 17, 19 and 20 Hither Spring

AND

- Subject to a legal agreement under s106 of The Act being entered into in respect of the provisions of affordable housing and education contribution, then:

The Area Development Manager be authorised to GRANT Planning Permission for the following reason:

This is a revised proposal which allows for a reduction in development density, the omission of three storey buildings and movement away from neighbouring properties. As such the proposal is now considered to be in accordance with Policies C3, H2, H3 and H5 of the adopted North Wiltshire Local Plan 2011.

And subject to the following conditions:

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

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

2. Prior to the commencement of the development hereby permitted, details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory layout in the interests of the amenity of the area.

3. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.



Reason: In the interests of amenity.

4. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority.

Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

5. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

7. Other than those garden structures detailed within the plans hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

8. Other than those means of enclosure shown on the submitted plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting 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 placed or erected forward of any wall of a building (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

Reason: In the interests of the open plan layout of the area.

9. Prior to the commencement of development details of the constructional methods to be employed to the facades of the units facing the railway cutting in order to mitigate noise disturbance (in accordance with the conclusions and recommendations of the submitted acoustic report dated September 2006 and prepared by RPS), shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of minimising disturbance from the passing rail line.

10. Development and all necessary survey work shall be carried out in complete accordance with the conclusions and recommendations contained within the ecological assessment carried out by Chalkhill

Environmental Consultants dated 3<sup>rd</sup> March 2008.

Reason: In the interests of nearby areas of ecological importance.

11. Prior to the use or occupation of the development hereby permitted, the car parking areas shown on the approved plan(s) shall be provided and shall thereafter be kept available for the parking of vehicles at all times.

Reason: In the interests of road safety.

12. Prior to the use or occupation of any part of the development hereby permitted, the cycle parking facilities shall be provided in accordance with the details shown in the approved plans and thereafter retained.

Reason: In the interests of encouraging cycling as a means of transport to and from the site.

13. Prior to the commencement of development, details of all means of enclosure shown on the approved plans shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of visual amenity.

14. Prior to the commencement of any development on the site constructional and layout details of all proposed pedestrian site accesses shall have been submitted to and approved in writing by the Local planning Authority. Development shall be carried out in accordance with details approved.

Reason: In the interests of securing satisfactory pedestrian access to the site, particularly onto the footpath on Valley Road, which lay outside of the site boundary.

15. The stability of the bank along the northern boundary of the site shall be secured in complete accordance with the conclusions and recommendations contained within the submitted reports and the details shown on the submitted constructional drawings of the new retaining wall, and retained thereafter.

Reason: For the avoidance of doubt and in the interests of securing a retaining structure of appropriate appearance.

16. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the local planning authority:

1) A desk study identifying:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination of the site.

2) A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4) A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for

maintenance, further monitoring and reporting.

Reason: To prevent pollution of the environment.

<b>Appendices:</b>	<b>Full comments of Housing Enabling team</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 4.04; 4.02; 5.01</b>

Revised Housing Comments  
26/03/09

## HOUSING SERVICE – PLANNING CONSULTATION RESPONSE

### Planning Application – 09/00006 – Pound Mead, Corsham

I write in response to the above Planning Application and in regard to the affordable housing planning obligation. This response replaces all previous responses made by Housing Services.

There are a number of key affordable housing outputs required in order to satisfy the NWDC Local Plan and other affordable housing policies, which need to be secured through the planning system. The details are set out below.

#### Affordable Housing Policy

The applicant proposes 44 dwellings on the application land, with a minimum of 30% for affordable housing. The NWDC Local Plan policy H5 sets out the affordable housing planning contribution obligation in settlements above 3000 inhabitants:

*“...that on all housing developments of either 15 or more dwellings or 0.5 hectare or more in size.... will be on the basis of “about” 30% of the dwellings permitted being subsidised.....”*

and

*“....should be provided on site, dispersed throughout the development or in any event in clusters of no more than 15 units so as to contribute towards mixed and inclusive communities;”*

Therefore Housing Services will seek about 30% affordable housing, dispersed throughout the development in clusters of no more than 15 units, to reflect NWDC's Local Plan affordable housing policy. Whilst Housing Service support the application in principle, the location, size, mix and tenure split is yet to be resolved.

As the applicant is a Registered Social Landlord, there is a strong possibility that the affordable housing provision on the application land will be increased on or after scheme completion and could potentially result in a 100% social housing development. Housing Services wish to make the Local Planning Authority aware of this possibility in the event that the LPA is minded to grant planning permission. Although there is a demonstrated affordable housing need in Corsham, the creation of a mono tenure development contradicts the national and local agenda that underpins sustainable cohesive communities and mixed tenure development.

PPS1 talks about creating sustainable communities and avoiding pockets of deprivation; PPS3 talks about achieving a mix of housing ‘particular in terms of tenure and price’; the North Wiltshire Local Plan sets out (policy H5) that ‘affordable housing should be .....dispersed throughout the site in clusters of no more than 15 dwellings as to contribute toward mixed and inclusive communities’.

The NWDC Local Plan 9.16 and the ‘Revised Affordable Housing Supplementary Planning Document April 2008’ set out that “about “30% affordable housing shall be provided without the need for public subsidy or grant.

The applicant has indicated that they can not achieve the 30% affordable housing policy requirement without the aid of additional subsidy; which is referred to as grant funding made by a public body; for example, The Homes and Community Agency or Local Authority Affordable Housing grant.

The 'Revised Affordable Housing Supplementary Planning Document April 08' paragraph 5.7 and 'PPS3 paragraph 29' acknowledge that some schemes may not be able to achieve the policy requirement. In this case, the applicant is required to submit a full economic viability assessment. Housing Services will test the submission and determine, in the first instance, what percentage of affordable housing can be achieved without the aid of grant; followed by a further calculation to ascertain the level of public grant funding required to achieve about 30% affordable housing to support the demonstrated housing need in Corsham. The financial appraisal will also ensure that the grant delivers additional benefits and does not artificially inflate the land price.

To date no such viability justification in support of the above application has been submitted; therefore Housing Services will assume that the 30% affordable housing is delivered free of grant.

#### **Housing Need**

There is a demonstrated housing need within Corsham and surrounding villages. In January 2009 the Housing Register showed that 127 households had been registered on the Housing Waiting List as being in housing need in Corsham alone. This need is further supported by a Housing Needs Survey for Corsham which identified 128 households as being in housing need.

#### **Affordable Housing Units**

The applicant, Westlea Housing Association is a Registered Social Landlord who is regulated by the Homes and Community Agency. All affordable housing units will be owned and managed by Westlea; therefore the rent levels will be subject to target rents for social housing, whilst management standards will reflect the Homes and Community Agency's required standards at a minimum.

The required standards for affordable housing are set out in NWDC's "Revised Affordable Housing Supplementary Planning Document April 2008". Please note that all affordable housing must be designed and constructed to satisfy the "Code for Sustainable Homes Level 3" at a minimum and must comply with the Homes and Communities (previously known as the Housing Corporation) "Housing Quality Indicators (Version 4)".

The Council's "Revised Affordable Housing Supplementary Planning Document April 2008" sets out the tenure split for the affordable housing provision in paragraph 5.3 as 80% to be for social rent and 20% to be for Intermediate affordable housing (HomeBuy).

Housing Services therefore seek a tenure split of 80% as social rent and 20% New Build HomeBuy.

Social Rent:

80% of the total affordable housing contribution provided on the application land shall be for social rent. The RSL shall charge target rents which are regulated by the Homes and Community Agency to ensure affordability for the end user. All units shall be secured in perpetuity through a Section 106 Agreement with the exception of tenants wishing to exercise their 'right to acquire' either through 'social homebuy' or outright sale. In this case any net capital released, including any capital gain made by the RSL, shall be ring fenced for re-investment into new affordable housing within the North Wiltshire District.

New Build HomeBuy

20% of the total affordable homes provided on the application land shall be New Build HomeBuy (shared ownership) and must be for those households that are in housing need; who can raise and sustain mortgage payments but do not have a household income that allows them to compete on the open market. The affordability criteria are set out in the NWDC's "Revised Affordable Housing Supplementary Planning Document April 2008" and shall reflect PPS3 and its associated "Strategic Housing Market Assessment Guidance August 2007".

It is normal practice that within a Section 106 Agreement individual affordable housing units are secured in perpetuity. However, shared owners can buy additional shares in the property until they have reached full ownership in which case the restrictions no longer apply. In this case, any released net capital, including any capital gain made by the RSL on their share of the equity, shall be ring fenced for re-investment into new affordable homes in the North Wiltshire District. This approach will ensure perpetuity in the affordable housing provision rather the individual unit.

Housing Mix

80% Social Rent	20% New Build HomeBuy
1bed = 30%	1bed = 0%
2bed = 50%	2bed = 65%
3bed = 25%	3bed = 30%
4+bed = 5%	4+bed = 5%

**Sustainable Mixed Communities**

The development must be tenure blind and the affordable housing units must be dispersed throughout the scheme in clusters of no more than 15 units to ensure an inclusive mixed development and a sustainable community. This approach will bring together the economic, social and physical aspect of new development and will result in:

- High quality homes and opportunities for all.
- Narrowing the gap between the most disadvantaged areas and the rest.
- De-concentration of deprivation, and prevention of social and economic segregation in new areas of development.

The location, size and mix is jet to be agreed by Housing Services and shall be set out in the Section 106 Agreement .

## Service Charges

Service charges shall be limited to a reasonable level that will maintain affordability for households that are in need of affordable housing. Service charges must be completely transparent as directed by the Homes and Community Agency and the CLG.

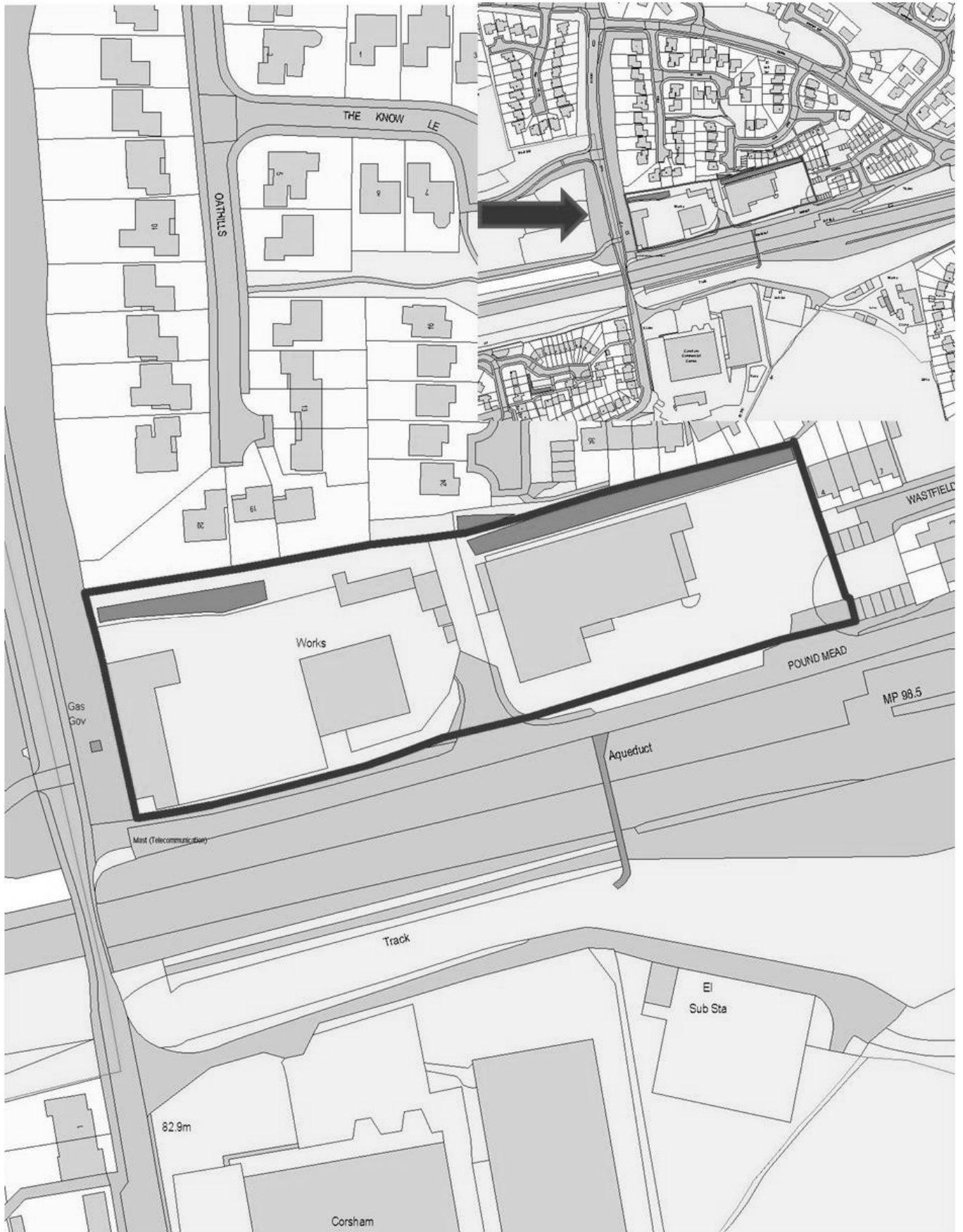
## Summary

In conclusion, Housing Services seek that about 30% affordable housing are secured through a Section 106 Agreement and propose that the following obligations are included in the Agreement, should the Local Council Planning Authority be minded to grant planning permission in favour of planning application 09/00006.

- About 30% affordable housing with a tenure split of 80% social rent and 20 %New Build HomeBuy;
- Location, size and mix to be set out in the S106 Agreement;
- The affordable homes to be free of any public subsidy or grant funding (subject to economic viability assessment);
- Cascade arrangement (subject to public subsidy requirement);
- The affordable homes to be constructed to Sustainable Homes Code Level 3 and HQI standards at a minimum as set out in the NWDC 'Revised Affordable Housing Supplementary Planning Document April 08';
- The affordable homes must be tenure blind and dispersed throughout the development in clusters of no more than 15 units;
- The affordable homes to remain in Westlea's ownership or to be transferred to one of the Council's preferred RSL partners to ensure affordability and appropriate management standards;
- A Mortgagee in Possession Clause to be entered into the Section 106 Agreement in favour of the RSL;
- The affordability of the New Build HomeBuy units to reflect the criteria as set out in the Council's ' Revised Affordable Housing Supplementary Planning Document April 2008' and as defined in PPS3 and its associated Strategic Housing Market Assessment Guidance August 2007;
- Any net receipts which may incur, should a tenant exercises the 'Right to Acquire', to be re-invested into new affordable housing in the North Wiltshire area;
- Any net stair-casing receipts to be re-invested into new affordable housing within the North Wiltshire District;
- Timing and Trigger points for transfer of affordable housing;
- A nomination agreement to be in place that sets out nomination details in favour of North Wiltshire DC; details of occupancy restrictions and cascade clauses;
- Service charges to reflect Homes and Community guidelines in regard to affordability.

Mischi Wilk  
Interim Enabling  
Housing Services  
Tel: 01249 706423  
E-mail: [mwilk@northwiltsdc.gov.uk](mailto:mwilk@northwiltsdc.gov.uk)

Date: 26 March 2009





**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No. 6(9)

<b>Date of Meeting</b>	<b>3<sup>rd</sup> February 2010</b>		
<b>Application Number</b>	<b>09/2052/FUL</b>		
<b>Site Address</b>	<b>Land Adjoining 9 Ruxley Close, Wootton Bassett</b>		
<b>Proposal</b>	<b>Erection of Building to Provide Two Flats</b>		
<b>Applicant</b>	<b>Mr T. Marks</b>		
<b>Town/Parish Council</b>	<b>Wootton Bassett</b>		
<b>Electoral Division</b>	<b>Wootton Bassett South</b>	<b>Unitary Member</b>	<b>Peter Doyle</b>
<b>Grid Ref</b>	<b>406749 182033N</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Sue Hillier</b>	<b>01249 706685</b>	<b>sue.hillier@wiltshire.co.uk</b>

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

This application has been submitted to Committee for decision at the request of Councillor Doyle in order to assess the impact of the development in terms of design, impact on amenity and parking issues.

**1. Purpose of Report**

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

**2. Main Issues**

This application is for the erection of a building to provide two flats on land adjoining 9 Ruxley Close in Wootton Bassett. This is a revision of a scheme which was allowed on appeal. The site lies within the settlement boundary of Wootton Bassett.

The key points to consider are as follows:

- Implications on Local Plan Core Policy C3
- Implications on Local Plan Policy H3 (Residential Development within Framework Boundaries).
- Policy CF3 relating to public open space provision.

**3. Site Description**

The development site is on land to the side of 9 Ruxley Close, Wootton Bassett. The site falls within the framework boundary of Wootton Bassett and is located in a predominantly residential area of the town.

The application site is between 7.5m and 4.5m wide and approximately 23m long. The site borders Morestone Road to the south, the side elevation of 9 Ruxley Close to the west, the rear garden of 8 Richards Close to the north and a public footpath to the east.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
08/02706/FUL	Erection of Building to Provide 2 Flats	Allowed at Appeal
08/01461/FUL	Erection of Detached Dwelling	Granted
07/01409/F	Erection of Detached Dwelling	Granted

## **5. Proposal**

Planning permission (Ref.08/01461/FUL) for the erection of a detached dwelling was granted by Committee Members in September 2008. A subsequent application (Planning Ref.08/02706/FUL) for the building to accommodate two flats rather than being a three bedroom house, was allowed on appeal.

The building proposed for this site, since the first permission (07/01409/FUL), has always been proposed to be slightly in front of the front elevation of No. 9 Ruxley Close by around 1.0m. When the footings were constructed to implement the approved scheme an error was made and the proposed porch was incorporated into the building footprint. The front elevation now projects 1.5m in front of No. 9 Ruxley Close and the overall length of the proposal has been extended by 0.5m.

The application also includes a porch projection, an additional door on the rear elevation, an additional window on the side elevation and two rooflights on the front elevation (to allow for accommodation in the roof and a bedroom for the first floor flat).

## **6. Consultations**

**The Town Council** return similar objections to those previously made, which were that the proposed development does not respect the character and distinctiveness of the area with regards to design, size, scale density and massing, in accordance with policy C3 (i, iii and vii) of the North Wiltshire Local Plan. However, further comments will be made following a site visit.

**Highways** consider that the proposed changes are unlikely to have a significant effect on the proposed parking area and recommend that no highway objection be raised, subject to conditions being attached to any permission granted.

When consulted on the previous applications submitted, **Thames Water** raised no objections to the development with regards to sewerage and water infrastructure.

## **7. Publicity**

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

2 letters of letters of objection have been received and a petition from local residents.

Summary of key relevant points raised:

- Over-development
- Traffic and parking/pedestrian problems
- Loss of privacy
- Overlooking
- Out of keeping

- Health and Safety issues during construction

## **8. Planning Considerations**

The application site lies within the defined framework boundary for Wootton Bassett thus there is a principal in favour of development subject to the relevant criteria outlined in Policies C3 and H3 being satisfied.

In terms of impact on residential amenities, this application remains as previously approved, apart from the slight increase in footprint, the porch projection, an additional door and window and two rooflights.

The changes to the approved plans are considered to be relatively minor and acceptable in terms of protecting the amenities currently enjoyed by the local residents.

The current proposal does alter the external appearance of the approved building. But it may be difficult to argue that the proposal would have an adverse impact on the character and appearance of the building or the wider streetscene.

The building will sit snugly into the site, but the area is characterised by small properties on small plots and therefore this proposal is not considered to be out of keeping with surrounding patterns of development.

Residents are concerned that the development will have an impact on vehicle movement and parking in Morestone Road. The proposal does allow for one off-street car parking space to the front of the dwelling for each of the proposed flats (as did earlier approved schemes). County Highways take the view that in this particular location, the provision of one off-street car parking space for each of the one-bed flats proposed is acceptable, subject to conditions.

With regards to the right of way running to the east of the site, local residents are concerned that the development, in terms of scaffolding etc, may restrict access to the public footpath. Again in this respect the proposal is no different to earlier approved schemes. An informative will be attached to any permission granted making the applicant aware that consent from landowners is required should the development require access to land outside his ownership.

## **9. Conclusion**

The proposed alterations to the approved plans (08/2706/FUL) are considered acceptable additions to the host building, in terms of scale and design and are in character with the area in general. The changes will have limited if any adverse impact on the residential amenities of adjacent residents or the appearance of the new dwelling.

## **10. Recommendation**

The applicant be invited to enter an Agreement in respect of the following matter:

- (i) Public Open Space contribution

Following completion of which the Area Development Manager be authorised to GRANT Planning Permission for the following reason:

The proposed development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the streetscene, will not be detrimental to the amenities of adjoining occupiers and acceptable in terms of highway safety. On that basis, the proposal accords with Policies C3 and H3 of the North Wiltshire Local Plan (2011).

And subject to the following conditions:

1. The window to the bathroom on the north elevation of the first floor flat shall be unopenable and obscurely glazed; and once inserted in accordance with the approved details, it shall not be altered, removed or replaced without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

Policy: C3

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no additional windows shall be inserted and no external alterations shall be made in the building hereby permitted.

Reason: In the interests of residential amenity.

Policy: C3

3. The materials to be used on the walls and roof of the building hereby permitted shall match those of 9 Ruxley Close in terms of their type, colour, size and finish.

Reason: To safeguard the character and appearance of the building.

Policy: C3

4. The parking area shall not be used for any purpose other than the parking of vehicles used in conjunction with the development hereby permitted.

Reason: In the interests of highway safety.

Policy: C3

Informatives:

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

Plan References

Site Location plan, Block Plan, drawing number 01/021109 Sheet 1 and 01/021109 Sheet 2 received by the local planning authority on the 13<sup>th</sup> November 2009.

2. The applicant's attention is drawn to the content of the letter from Wessex Water dated 18<sup>th</sup> June 2007.

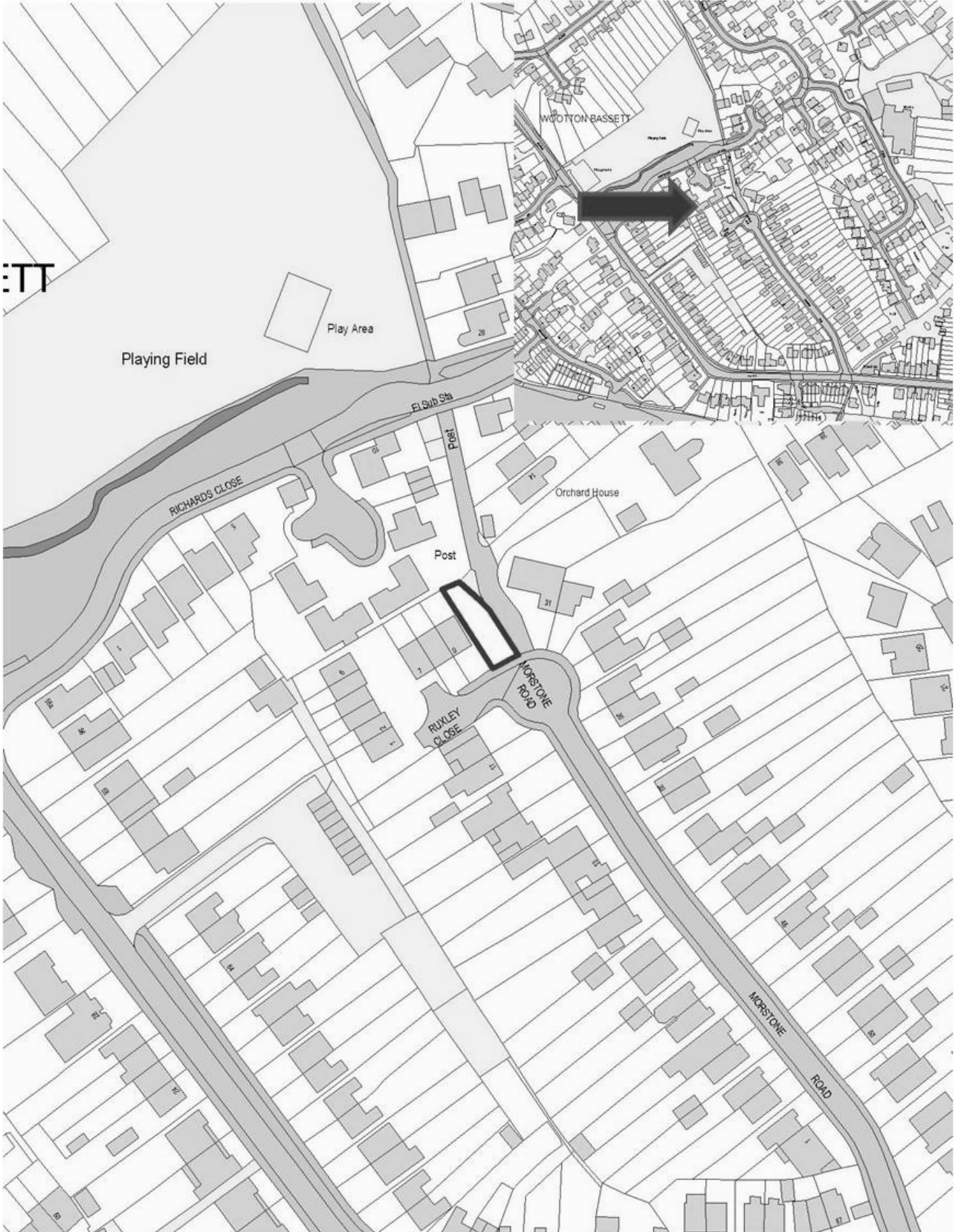
3. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

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

4. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Wiltshire Council, County Hall, Trowbridge, Wilts, BA14 8JD.

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

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 2.24; 4.02; 4.04; 4.07; 5.01; 5.03</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No. 6(10)

<b>Date of Meeting</b>	3 <sup>rd</sup> February 2010		
<b>Application Number</b>	09/02103/Ful		
<b>Site Address</b>	Unit 1, Bagbury Park, Bagbury Lane, Lydiard Green, Swindon SN5 3LW		
<b>Proposal</b>	Construction of Access Road to Serve Existing Industrial Unit		
<b>Applicant</b>	Mr B Griffin		
<b>Town/Parish Council</b>	Lydiard Millicent		
<b>Electoral Division</b>	Wootton Bassett East	Unitary Member	Mollie Groom
<b>Grid Ref</b>	408556 186057		
<b>Type of application</b>	Full		
<b>Case Officer</b>	Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

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

This application has been submitted to the Committee, at the request of Councillor Mollie Groom, to consider the highway implications of the development.

**1. Purpose of Report**

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

**2. Main Issues**

The application is for the creation of a new vehicular access. The key points to consider are as follows:

- Impact on highway safety
- Implications on DC Core Policy C3 and NE15, (The Landscape Character of the Countryside).

**3. Site Description**

Bagbury Park is an established employment location within Lydiard Green. The Park is located north of the main road between Lydiard Green and Lydiard Millicent; outside of the Conservation Area.

The property which is the subject of this application is the second unit on the eastern side of the site. The single story unit is sited adjacent to the boundary with Bagbury Lane, from which it is separated via a substantial hedge.

**4. Relevant Planning History**

None		
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**5. Proposal**

The proposal is to remove a 6 metre section of a mature boundary hedge along Bagbury Lane to create a new vehicular access for the owners of unit 1 Bagbury Park.

## 6. Consultations

The **Parish Council** objects to the application and their comments are summarised as follows;

- The area has been the scene of two recent serious vehicular accidents.
- Traffic travels too fast for safety along this road.
- One of the reasons for the Inspectors recent appeal decision (08/02282) at Lydiard Green related to the unsuitability of further site entrances in this countryside location.
- Bagbury Lane is a narrow single width country lane with drainage on both sides of the road in some stretches and is not suitable for commercial traffic.
- The road width is not suitable for the reversing of such commercial vehicles despite the proposed entrance splays.
- The entrance splays to Bagbury Lane from the C28 have already been illegally widened by traffic flattening the verges on both corners.
- This application is unnecessary as the access to this site has been adequate since its creation more than 10 years ago.

## Highways

This proposal has been the subject of lengthy discussions with the applicant. Whilst the site is not unduly congested I understand the individual unit leases are drawn up in such a way that there is no common user area between the units. This means that parking/open storage for units can sometimes restrict access to unit 1.

Visibility at the proposed access point on Bagbury Lane is in excess of the required standard due to the wide verge at this location. Further, the access is a short distance from the junction with Lydiard Green.

Whilst my preference would be for vehicles to reverse into, rather than out of, the site I acknowledge that there is no way of ensuring that this takes place.

On balance, I consider that provision of the new access will not cause unacceptable highway conditions provided that access is restricted to unit 1 only as shown on the submitted plans.

## 7. Publicity

The application was advertised by site notice and press advert.

6 letters of letters of objection have been received.

Key relevant points raised are:

- The gate should remain locked with any other access restricted. It is clear that this is not about emergency access but a dispute between two tenants. Suggest the landlord tries to resolve this dispute in another way.
- Would not like to see further risk introduced. There have been serious accidents recently in the area.
- The turning into Bagbury Lane has already widened by approx. 1.2m and any new use would further hasten the decline.
- It is unnecessary to create a new access.
- The lane is not wide enough and there are no passing places.
- Unnecessary destruction of a hedge that buffers the sound and view of the units.
- A new access would be dangerous to those that live and walk along Bagbury Lane.
- The road surface would be damaged.

## 8. Planning Considerations



It is understood that there is an issue on this site regarding the lack of a right of way for occupiers of unit 1 over land adjacent to the unit to the north. This means that when the parking bays adjacent to unit are occupied, there is no access to the goods entrance.

It is proposed that the new entrance to the east would provide access to delivery vehicles and to the goods entrance only.

County highways are happy with the entrance arrangement as shown on the submitted plans and recognise that it would help to ensure the future viability of this particular unit.

A section of mature hedgerow will be removed. However, given that the hedgerow is adjacent to the industrial site and that only a relatively small section would be lost, it is considered that this would not unduly affect the character of the area.

A recent appeal decision on land almost opposite the existing entrance to Bagbury Park has been cited. In this case the proposal was for 2 dwellings. The Inspector dismissed this appeal on a number of counts including that he considered, as it would be difficult to turn on the driveway of the dwellings, it would result in vehicles reversing onto the main road thereby compromising highway safety. It is considered that this decision is not wholly relevant in determining the current application because the entrance was onto the main road and not Bagbury Lane.

## **9. Recommendation:**

Planning Permission is GRANTED for the following reason:

The proposed new access would be acceptable in terms of the affect on the character of the countryside and highway safety.

Subject to the following conditions:

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

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

2 No development shall commence until visibility splays have been provided in accordance with the details shown on the approved Drawing No. 003. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

3 Prior to the first use of the access hereby approved, details of the boundary fencing within the site shall be submitted to, and approved in writing by, the local planning authority. The fencing shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety.

4 The development hereby permitted shall not be first brought into use until the surface of the access and turning area has been consolidated and surfaced (not loose stone or gravel). The access and turning area shall be maintained as such thereafter.

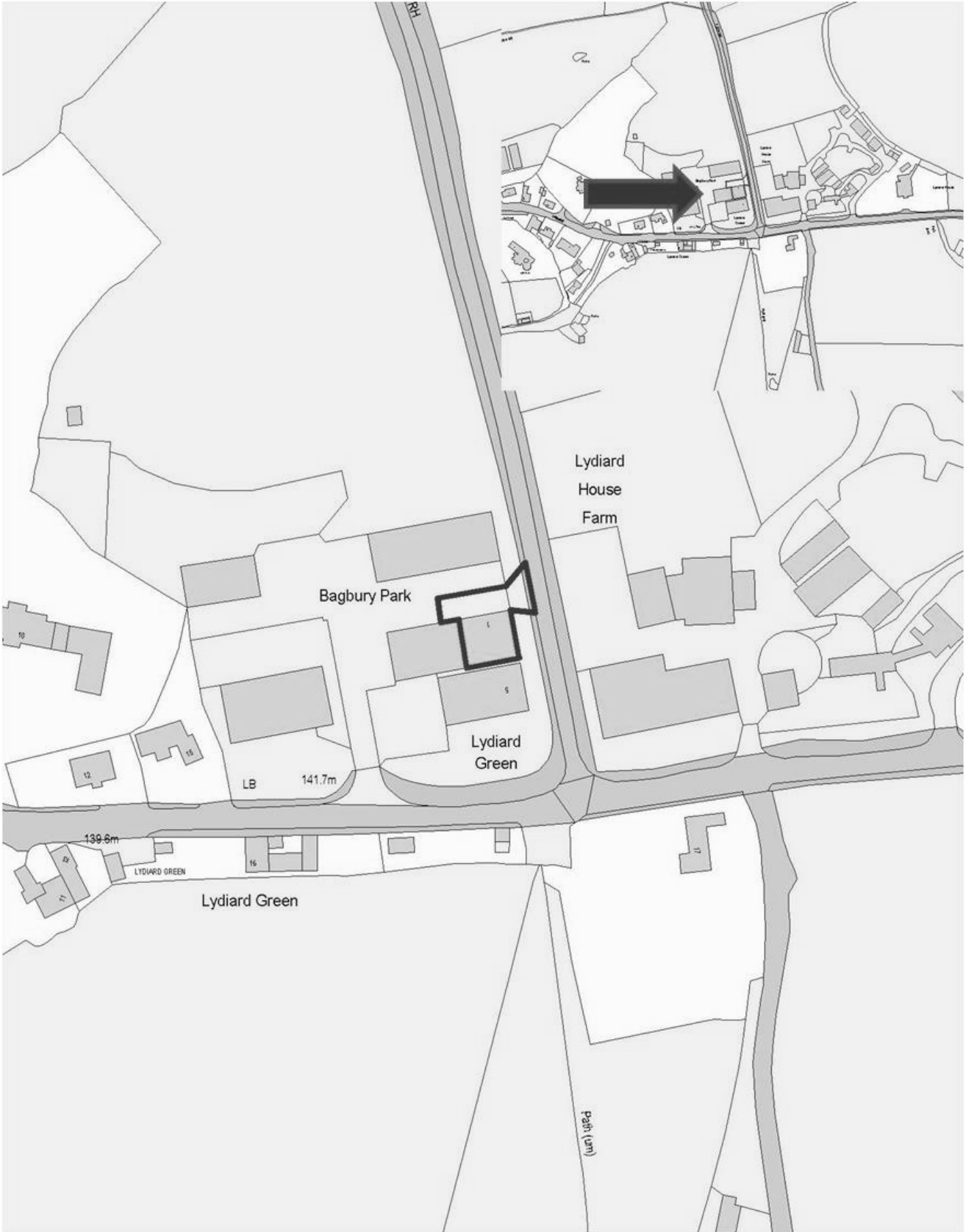
Reason: In the interests of highway safety.

**Informative:**

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

Plan Ref.Dwg no: 001, 002 and 003 dated 20<sup>th</sup> November 2009.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 2.02, 4.02, 4.03, 4.04.</b>



**REPORT TO THE DEVELOPMENT CONTROL COMMITTEE**

Report No. 6(11)

<b>Date of Meeting</b>	<b>3<sup>rd</sup> February 2009</b>
<b>Application Number</b>	<b>09/02054/FUL</b>
<b>Site Address</b>	<b>23 Common Hill, Cricklade, SN6 6EZ</b>
<b>Proposal</b>	<b>2 Dwellings</b>
<b>Applicant</b>	<b>Mr L. Robinson</b>
<b>Town/Parish Council</b>	<b>Cricklade</b>
<b>Grid Ref</b>	<b>409184 193536</b>
<b>Type of application</b>	<b>FULL</b>

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

This application has been submitted to the Committee for at the request of Councillor Colmer to assess whether the new application addresses the reason for refusal given for the earlier application (08/02207/FUL).

**Summary of Report**

This application proposes to build the plot approved under application 09/0282/FUL, but omitting the garage. A second plot is proposed in place of the garage but this is to be a bungalow as opposed to a two storey dwelling as per the appeal case (08/02207/FUL). The site lies within the Cricklade Framework Boundary. The issues are:

- Does plot 2, as a bungalow, overcome the reason that 08/02077/FUL was dismissed?
- Do the proposals now accord with policy C3 and H3 of North Wiltshire Local Plan 2011?
- Impact on amenity and highways

**Officer Recommendation**

Subject to satisfactory response from the Council's engineer and amended plans showing the ground floor windows of 23 Common Hill blocked up, the applicant be invited to enter an Agreement in respect of the following matters:

- (i) Contribution to Public Open Space

following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission subject to conditions:

<b>Contact Officer</b> <b>Charmian Burkey</b>	01249 706667		Charmian.burkey@wiltshire.gov.uk
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## Proposal and Site Description

The application proposes two detached properties on the site – one dwelling (as per approval 09/00282/FUL) and a bungalow in place of the garage approved under 09/00282/FUL. The site is a rather underutilised garden area set behind a low, 'gappy' hedge. The site lies below the level of the road (as does most of the land and houses on this side of the road.) with land rising beyond the framework boundary. The site has a well and a drainage ditch on it, and residents have raised some concerns relating to flooding and drainage problems in the vicinity).

Common Hill is characterised on the northern side by red brick semi detached properties which have similar (if not uniform) characteristics and appearance. However, the southern side is characterised by a mix of properties of differing styles, size and orientation including traditional cottages, bungalows and more modern additions.

## Planning History

Application number	Proposal	Decision
07/01101/OUT	Erection of new dwelling and Access (outline)	Permit
08/01244/FUL	Erection of 2 dwellings	Refused
08/02207/FUL	2 dwellings	Appeal Dismissed
09/00282/REM	Reserved matters – 1 dwelling	Permission

## Consultations

**Cricklade Town Council** objects on the following grounds:

- The application is undesirable for the same reasons as the previous refusal.
- Adverse effect on character and appearance of the surrounding area.
- Reducing the height to a bungalow will not significantly affect the impact the proposal will have on the area and does not address the Inspector's concerns at para 5.
- 2 entrances will be required on this busy road, which is identified as being the worst place for speeding traffic. This is contrary to policies C3 (i) and (iii), H4 and NE2.
- The Framework Boundary is not shown on the plan so it is difficult to assess any breach – an aerial photo is attached to show the boundary. This shows the loss of hedge and the area protected from development.
- Flooding – although the inspector felt this was not an issue, in the locality it is a real concern. Several properties below the proposed site are known to flood and SUDs do not work due to the clay. Thames Water have also said that the system at The Fiddle/Forty is at capacity and no further development should take place.

**Wiltshire County Council Highways** have no objections, subject to conditions.

**District Council Engineer:** Comments on revised proposals awaited

## Representations

6 letters of objection have been received.

Summary of key points raised:

Inadequate room for parking which will encourage cars to park on the road which will have an adverse impact upon highway safety.

Two dwellings is too many for the site

Dwellings out of character

Will overburden services and add to surface water run-off

Drainage and flooding is an issue, the site has a piped ditch to the rear.

Soakaways will not work  
The build is over a sewer  
Access onto Common Hill is dangerous  
Dominance and overlooking to and from neighbouring dwellings.

## **Planning Considerations**

### Principle of development

The principle of residential development on this site has been established by applications in outline and then reserved matters for a single dwelling and garage (07/01101/OUT and 09/00282/REM) but a proposal for two dwellings was refused at Committee and dismissed at appeal (08/02207/FUL).

### Impact on amenity

The Inspector stated in dismissing the appeal (08/02207/FUL) that there would only be a relatively small gap between the 2 houses and the blank gable wall of one of the houses would be relatively close to the facing elevation of 23. He considered that the lack of space between the 2 dwellings and from 23 emphasised by the position of that house facing directly across one of the new dwellings, would be out of keeping with the pattern of development along this side of Common Hill and that views to the countryside would be restricted and the development would appear cramped.

The proposed additional plot is to take the place of the garage approved as part of 09/00282/REM and is of a similar height. The views out to the countryside will therefore be similar to that allowed should the approved garage be built. The proposed bungalow measures approx. 2m wider but it is considered that since the road is higher in this location, that views to the countryside would be maintained and that the additional 2m is insufficient to justify a refusal.

The Inspector also highlighted the distance between the proposed dwelling and 23. The distance is approx 6.5m, but the outlook from 23 would now be at the side elevation with the roof slope away from it, rather than the blank gable originally proposed. The agent has also stated that it is possible to block up some of the windows in the facing (west) elevation of 23 and therefore the outlook from this dwelling would only be compromised at first floor level which would look out over the top of the proposed bungalow.

Bungalows are not un-characteristic of this side of Common Hill and the relationship of the 2 proposed dwellings to each other and to the properties to the west are considered to be acceptable. Provided that amended plans showing the ground floor windows in 23 being blocked up are submitted and conditioned, on balance, it is considered that the proposed bungalow has satisfactorily overcome the Inspector's issues with the previous scheme

Concern has been raised that the development encroaches on the countryside (i.e. is not wholly within the framework boundary). The proposed houses are within the area defined by the framework boundary, although the garden areas extend beyond it, as do most of the garden areas of existing properties.

### Highways and Access

Despite concerns from local residents WCC highways have raised no objections subject to conditions. The application proposes no garages to reduce the amount of built form on the site. However, parking space is adequate and there is no reason to assume that this will encourage parking on the roadside.

### Section 106 Contribution

A contribution to public open space should be secured via a legal agreement.

### Drainage

Local residents have raised concerns (as with the previous application) regarding flooding of the site and the impact of additional surface water run-off generated by the site. Comments from the Councils Engineer are awaited and will be reported via the additional information pages.

A public sewer crosses the site and will be built over should the permission be granted.

### **Conclusion**

This is a finely balanced recommendation. The key issue to be considered is whether the effective replacement of an approved garage with a bungalow will have a significant impact upon the views from Common Hill to the countryside beyond. On balance the officers have considered that the impact will be acceptable.

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

Subject to the further comments of the Councils Engineer and receiving satisfactory amended plans showing the ground floor windows of 23 Common Hill blocked up, the applicant be invited to enter an Agreement in respect of the following matters:

(i) Contribution to Public Open Space

following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission subject to the following conditions:

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

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

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

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

3. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.

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

Items 1 to 6 shall be completed prior to the use or occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

4. The development hereby permitted shall not be commenced until details of the landscaping of the site, including the replanting of a hedge along the road frontage of the site, have been submitted to, and

approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

5. No development shall commence until details/samples of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

8. The two entrance points shall both have a minimum width of 3m and shall be constructed 4.5m back from the carriageway edge (full extent of the highway) and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge or have a suitable radius (3m). The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

9. The gradient of the access for the first 4.5m should not exceed 1 in 15.

Reason: In the interests of highway safety.

10. Before the dwelling hereby permitted is first brought into use the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 1m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

11. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

Reason: In the interests of highway safety.



12. The area allocated for parking (two spaces per dwelling) on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

13. The access shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved by the local planning authority.

Reason: In the interests of highway safety.

14. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

16. The street lighting column if in very close proximity to the access shall be relocated to a position to be agreed by the local planning authority and to be fully implemented to the satisfaction of the local planning authority. The column may need to be re-located outside the 2.4m visibility splay.

Reason: In the interests of highway safety.

#### Informative

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

#### Plan References

Site location plan, block plan (TD11678/2), elevations (11678/1) dated 16h November 2009 and 11588/1/1 dated 1<sup>st</sup> December 2009.

#### Reason for Decision

The proposed dwellings are considered to have an acceptable impact on the appearance and amenity of the area and will comply with Policies C3 and H3 of the North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>Inspectors Decision Letter (08/02207/FUL)</b>
<b>Background</b>	

<b>Documents Used in the Preparation of this Report:</b>	<b>1:20; 2:02; 2:25; 3:04; 4:02; 4:04; 4:07; 4:08; 5:01</b>
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## Appeal Decision

Site visit made on 18 August 2009

by **R J Eagle BA**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

**Decision date:**  
**21 August 2009**

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### **Appeal Ref: APP/Y3940/A/09/2105498** **23 Common Hill, Cricklade, Swindon SN6 6EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr L Robinson against the decision of Wiltshire Council.
- The application, Ref. 08/02207/FUL dated 17 September 2008, was refused by notice dated 28 January 2009.
- The development proposed is erection of two dwellings.

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#### **Decision**

1. I dismiss the appeal.

#### **Main issues**

2. The main issues are (1) the effect of the proposal on the character and appearance of the surrounding area and (2) whether the proposed dwellings would be at significant risk of flooding or increase flood risk elsewhere.

#### **Reasons**

##### *Character and appearance*

3. The appeal site is the overgrown side garden to 23 Common Hill, a cottage style house set side on to the road and whose front elevation looks across the site. The settlement ends a short distance along Common Hill and there is open countryside to the rear of the site. Dwellings along this side of Common Hill are a mixture of traditional cottages, bungalows and modern houses. The properties are generally well spaced with views between to the countryside to the rear. On the opposite side of the road are predominantly semi-detached houses set on relatively large and wide plots. The area surrounding the site therefore has a relatively open and semi rural character.
4. The proposal is shown on Drawings 11588/1 and 11588/2 submitted in December 2008. The ground level would be raised to that of the road and the dwellings would be higher than No. 23. There would only be a relatively small gap between the two houses and the blank gable wall of one of the houses would be relatively close to the facing front elevation of No. 23.
5. I consider that the lack of space between the two dwellings and from No. 23, emphasised by the position of that house facing directly across to one of the new dwellings, would be out of keeping with the pattern of development along this side of Common Hill. The development would significantly restrict views to the countryside to the rear and would appear cramped on this site.

6. Planning permission has been granted for one dwelling and a detached garage on the site but this differs significantly from this proposal in relation to the extent of development across the width of the site and distance from No. 23.
7. Government advice in Planning Policy Statement 3: Housing (PPS3) supports the more effective use of previously developed land and the site meets that description. However, PPS3 also makes clear that proposals should not compromise the quality of the local environment.
8. I therefore conclude on the first issue that the proposal would harm the character and appearance of the surrounding area and would not comply with Policy C3(i) of the 2006 North Wiltshire Local Plan.

*Flooding issues*

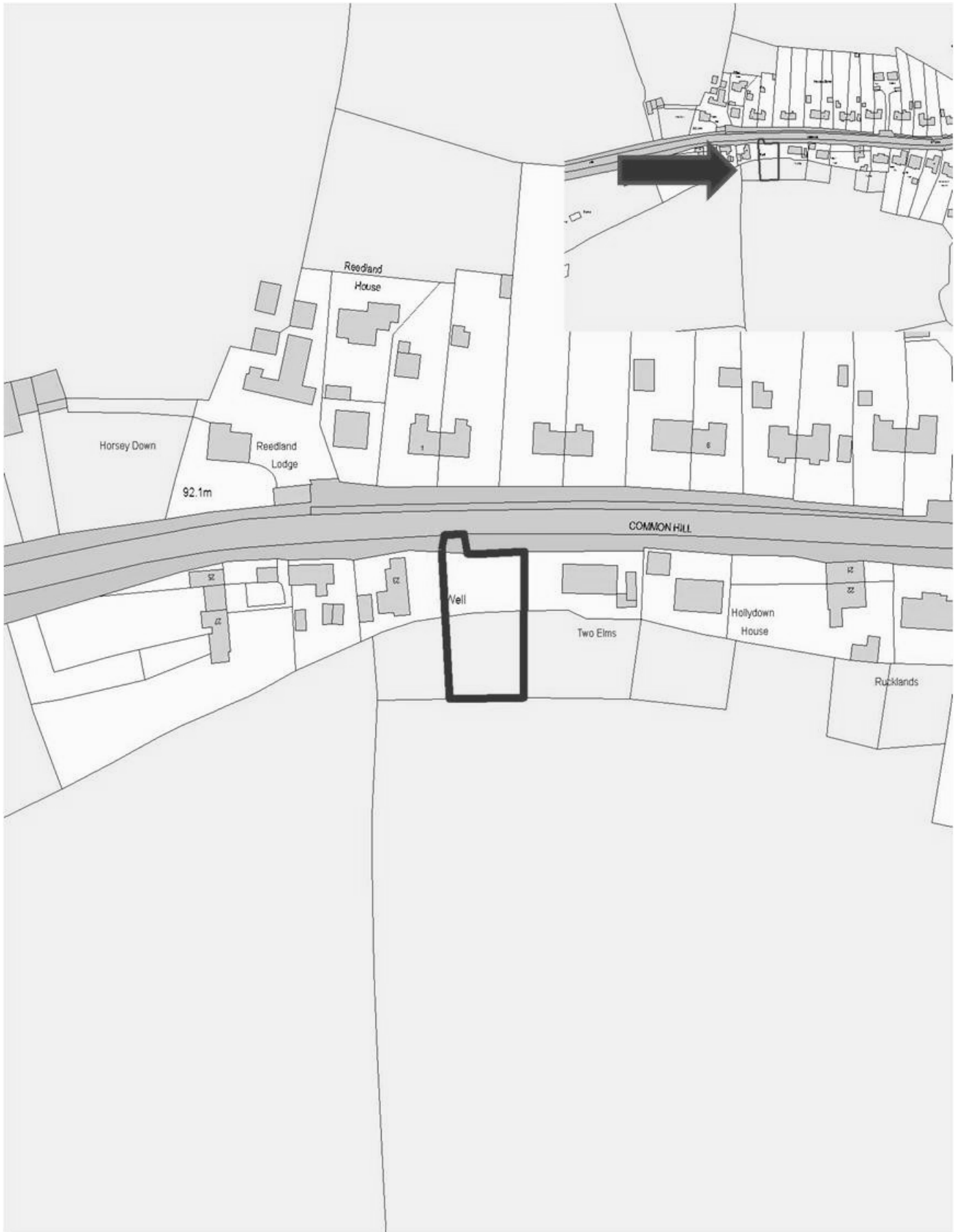
9. The appeal site is known to flood in extreme weather conditions. The appellant has submitted proposals to deal with surface water on the site and to prevent water flowing across the site to the garden of the neighbouring bungalow. In his report to the Development Control Committee, the Council's Engineer says that these proposals would be acceptable subject to minor amendments.
10. Whilst acknowledging the concerns of local residents I therefore consider that, subject to a condition requiring submission and approval of details, the proposed dwellings would not be at significant risk of flooding or increase flood risk elsewhere. Accordingly, the proposal would comply with Local Plan Policy NE22.

*Other matters and conclusion*

11. The Town Council refer to the development overshadowing the cottage at No. 23. The windows in the front elevation of No. 23 would be around 7m from the gable wall of the nearest house. Whilst I note that the Council consider this relationship would not be unacceptable, in my view this gable wall would dominate the outlook from No. 23 to an extent that would harm the living condition of its occupiers. Accordingly, this adds weight to my view that the proposal is unacceptable.
12. The Council say that a contribution to public open space is required under Local Plan Policy CF3 and this could be met by an appropriate undertaking. The appellant accepts this but at the date of the site visit no signed undertaking had been submitted. However, I have no details of the requirements of Policy CF3 in relation to this proposal and therefore am unable to form a view on this matter.
13. I conclude that the appeal should not succeed.

*Roger Eagle*

INSPECTOR



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No. 6(12)

<b>Date of Meeting</b>	<b>3 February 2010</b>		
<b>Application Number</b>	<b>09/01352/FUL</b>		
<b>Site Address</b>	<b>The Angel Inn, 47 High Street, Wootton Bassett</b>		
<b>Proposal</b>	<b>Change of Use From Pub (A4) To Hotel (C1), External Alterations to Main Building Plus Alterations and Extensions to Outbuilding to Form 15 Bedroom Annexe.</b>		
<b>Applicant</b>	<b>Mr Carl Goodman</b>		
<b>Town/Parish Council</b>	<b>Wootton Bassett</b>		
<b>Electoral Division</b>	<b>Wootton Bassett South</b>	<b>Unitary Member</b>	<b>Peter Doyle</b>
<b>Grid Ref</b>	<b>406790 182655</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>Caroline Ridgwell</b>	<b>01249 706639</b>	<b>caroline.ridgwell@wiltshire.gov.uk</b>

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

This application has been submitted to the Committee at the request of Councillor Doyle to assess the importance of the site to the long term health of the local economy (C1(1)).

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED.

**2. Main Issues**

The building is Listed Grade II and it is situated in the middle of the high street that runs through the centre of Wootton Bassett. The proposal is to change the use of the building from a pub to a hotel. The applicant suggests that the change of use will require additional floor space to provide bedroom accommodation in order to make the project financially viable. However, no evidence to substantiate this has been forthcoming. The proposals therefore also include replacement of the existing single storey outbuildings at the rear of the site with a two storey unit containing 15 bedrooms with 15 bathrooms. The key points to consider are as follows:

- Impact on the listed building
- Impact on the conservation area
- Impact on highways
- Principle of change of use

Implications on DC Core Policies C3, HE1, HE4, R2, and T3

**3. Site Description**

47 High Street Wootton Bassett is a Grade II listed building dating from the C18.

<b>4. Relevant Planning History</b>		
<b>Application number</b>	<b>Proposal</b>	<b>Decision</b>
09.00383.COU	Change of use from pub to hotel plus extensions and alterations	Withdrawn
09.00382.LBC	Internal and external alterations and extensions	Withdrawn

## **5. Proposal**

The proposal is to make internal and external alterations to the main building and to build a detached two storey accommodation block in place of the single storey garages and stores at the rear of the site. It is proposed that the rear wall of the existing outbuilding will remain but the rest will be replaced, although this is not clear on the drawings.

Internal alterations will be made to the ground floor of the main building to relocate the kitchens, lavatories and bars. On the first floor some alterations will be made to room partitions in order that the number of letting rooms can be increased from 3 to 5. The basement/cellar will be used for 'wet' storage. A recently submitted plan indicates that part of the cellar has now been allocated for 'dry' storage. However, there are no details of any treatment being proposed for the room in order to ensure that it is kept dry. The bin store has been allocated to a position outside the kitchen in the rear courtyard, underneath the fire escape.

Externally, the garage doors on the rear elevation will be replaced with timber panels and high level windows to serve the new kitchen and the double width fire escape in the courtyard will be replaced with a single with fire escape. Also on the rear elevation, a single door will become a window and the double doors to the bar will be replaced.

Alterations to the outbuilding will result in a two storey unit providing fifteen bedrooms each with an attached bathroom. The upper floor will be accessed by an external staircase and open gallery corridor, giving a motel-style appearance.

The new accommodation block will be deeper than the existing main historic building, curtilage listed outbuilding and outbuildings nearby and will also have a larger footprint than the outbuildings have historically always had. The new structure will extend towards the parent building to include what is currently the timber decking area. Whilst the height has been reduced to try to keep the ridge height in line with other outbuildings, the height, the depth, footprint and design are nevertheless very different from similarly located outbuildings in this part of the High Street and will dominate the listed building. In addition, it will be alien to the character and appearance of the conservation area.

## **6. Consultation**

Wootton Bassett Town Council: No objection.

**Highways:** No objection

**Environmental Health:** No objection

## **7. Publicity**

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

No letters of objection/support received.

## **8. Planning Considerations**

### Impact on the listed building

The proposals will result in a new structure of uncharacteristically large proportions. The dimensions considerably exceed those typical of local historic outbuildings. It would be situated very close to the main listed building and would also invert the balance between the principal and curtilage buildings. The scale, design and materials do not relate to the character and appearance of the parent building, resulting in an awkward relationship that is detrimental to the architectural and historic interest of the listed building.

The proposed rebuilding and extension of the outbuilding is therefore of an unacceptable scale and detail which would be detrimental to the character and appearance of the curtilage listed buildings, as well as the setting of the listed building and are contrary to advice contained within Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Guidance Note (PPG) 15 and policies C3 and HE4 of the North Wiltshire Local Plan 2011. They are not supported.

### Impact on the conservation area

The existing outbuildings are unobtrusive and built off historic walls. Their footprint follows historic proportions and it sits well within the conservation area. The proposed scale and design for the new accommodation building will mean that the structure, which will be far larger than other outbuildings in a similar location and will be detailed unlike other buildings in the town, will be very dominant when looking either through from Wootton Bassett High Street or back towards the listed building. This proposal fails to enhance or preserve the conservation area and is contrary to policies C3 and HE1 of the North Wiltshire Local Plan 2011.

### Impact on Highways

There is very limited parking space within the courtyard at the rear of the pub, allowing for less than a handful of cars. The site is located in the centre of Wootton Bassett, which has public parking spaces on the High Street and in open car parks nearby, so the application is acceptable in terms of the impact upon the highway.

### Principle of the change of use

The change of use is acceptable in principle as it will not have a detrimental impact on the vitality of Wootton Bassett High Street.

### Issue relating to Listed Building only

There are some issues which relate solely to the accompanying listed building application. The internal alterations referred to above (under "Proposals") do not need planning permission. These proposals are considered to be harmful to the architectural and historic integrity of the building. The listed building application will be dealt with under delegated powers, taking into account the decision made by Committee on this application.

## **9. Recommendation:**

Planning Permission be REFUSED for the following reason:

1. The rebuilding and extension of the outbuildings will result in the erection of a large accommodation block that will be of an inappropriate scale and detail for the proposed location.



This would be detrimental to the character, appearance and setting of the listed building and visual amenity. These proposals do not enhance or preserve the character and appearance of the conservation area and are therefore contrary to advice contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Guidance Note (PPG) 15 and to policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.

**Informative**

1. This decision relates to documents/plans submitted with the application, listed below.

- Drawing No. 09/038/01 rev B
- Drawing No. 09/038/02 rev B
- Drawing No. 09/038/03 rev B
- Drawing No. 09/038/04 rev C
- Drawing No. 09/038/05 rev C
- Drawing No. 09/038/06 rev B
- Drawing No. 09/038/07 rev C
- Drawing No. 09/038/08 rev C
- Drawing No. 09/038/09 rev B
- Drawing of the cellar (date stamped 21.12.09)

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>North Wiltshire Local Plan 2011</b> <b>PPG 15</b>



**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No. 6(13)

<b>Date of Meeting</b>	<b>3<sup>rd</sup> February 2010</b>		
<b>Application Number</b>	<b>09/02148/FUL</b>		
<b>Site Address</b>	<b>Trucklebridge, Foxley Road, Malmesbury, SN16 0JQ</b>		
<b>Proposal</b>	<b>Demolition of existing single storey annexe, modification to vehicular/pedestrian access, together with construction of 2 single storey extensions (Revision of 09.01208/FUL)</b>		
<b>Applicant</b>	<b>Mr &amp; Mrs Richard Jefferson</b>		
<b>Town/Parish Council</b>	<b>St Paul Malmesbury Without</b>		
<b>Electoral Division</b>	<b>Sherston</b>	<b>Unitary Member</b>	<b>John Thomson</b>
<b>Grid Ref</b>	<b>392806 187204</b>		
<b>Type of application</b>	<b>Full application</b>		
<b>Case Officer</b>	<b>Mandy Fyfe</b>	<b>01249 706638</b>	<b>mandy.fyfe@wiltshire.gov.uk</b>

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

This application has been submitted to the Committee for decision under the scheme of delegation under the discretion of the Area Development Manager North.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED

**2. Main Issues**

The key points to consider are implications of:

- (a) Development Control Core Policy C3
- (b) Development in Conservation Areas Policy HE1
- (c) Areas of Outstanding Natural Beauty Policy NE4
- (d) Residential Extensions Policy H8
- (e) Re-use of Rural Buildings Policy BD6

**3. Site Description**

Trucklebridge is sited on the west side of Foxley Road just to the south of Westport Bridge. There are three buildings on the site which are constructed from Cotswold rubble stone with plain tiled roofs. Although the doors are timber, the rest of the joinery is dark stained uPVC joinery. It was a former farmyard and in 1988 permission was granted to convert it into one dwelling unit with the main house being in the barn that is set back from the road. The barn built into the south side of Foxley Lane was converted into a double garage/store with habitable accommodation above reached by tallet steps to the west side. There is also a detached single storey building of 2 guest rooms that has its side wall built into the east facing boundary wall and which faces into the courtyard. To the north, the property backs onto the Sherston branch of the River Avon, whilst to the west beyond the garden is a paddock also owned by the applicant. To the south is a small garden behind the curved boundary wall leading to Foxley. There is an existing vehicular access into the site.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
86.02594/F	Conversion and extension of barns to form dwelling	Refused Appeal Dismissed
88.00634/F	Conversion of barns to form one dwelling with detached garage/bed sitting room and new vehicular access	Permitted
94.01350/F	Erection of conservatory	Refused Appeal Dismissed
97.01242/F	Extension	Permitted
02.00747/F	Erection of single storey extension for tourist accommodation	Refused
09.00377/F	Demolition of existing single storey annexe, modifications to vehicular/pedestrian access together with construction of single storey extension to link house and barn	Withdrawn
09.00467/CAC	Demolition of existing single storey annexe etc	Withdrawn
09.01208/F	Demolition of existing single storey annexe, modifications to vehicular/pedestrian access together with construction of single storey extensions (Revision of 09.00377/F)	Permitted
09.01209/CAC	Demolition of existing single storey annexe etc	Consent Granted

## **5. Proposal**

It is important to understand what has already been permitted at this site, before the current proposal can be considered. Under 09.00377/F, the applicant proposed to demolish the guest bedroom block on the road side of the property and erect an offset extension to link the main house barn to the garage barn. Although there was no objection to the demolition of the guest room block, there was an 'in principle' objection to the size, design, scale, layout and materials for the proposed link structure and garage block. Prior to this application being refused, it was withdrawn.

Following negotiations, the applicant submitted a revised scheme (09/01208/F). The previously proposed link building between the house barn and garage barn was omitted. Instead a small extension was proposed to add a WC and porch to an existing single storey wing. On the other side of the house barn facing towards Westport Bridge, a 'L' shaped single storey extension was permitted. This was considered in proportion to the existing barn. The dimensions of the extension permitted a link block of 4.4m deep and 4m wide to house the entrance hall, the utility/dogs room

and the WC. Linked to that was the bedroom and sitting room wing. This had a width of 5.1m and a depth of 10.2m giving an overall additional floor area of 70 square metres.

The ground floor accommodation of the house barn which currently provides a sitting room, dining room and hall would be gutted and an open plan kitchen/family room made of the entire ground floor. A new staircase would be fitted to the first floor to provide one bedroom, a nursery and bathroom.

No changes were proposed to the existing hay barn's garage accommodation, but the existing store was to change to a garden room. The upstairs games room would be modernized with the removal of the kitchen and bathroom to form a store and new bathroom in the games room.

It was also proposed to alter the elevations of the buildings too as the Permitted Development rights were removed for extensions and external alterations when the original permission was granted. The existing elevations of the house barn have a domestic appearance when viewed from Foxley Road with the dark stained uPVC casements. The applicants intended to replace all the windows with timber versions as well as infilling the former front doorway and window with new stonework. Instead of the 2No three casement windows on the front elevation, it was proposed to insert a floor to ceiling window for the southern end window and a modern double casement for the northern end window. The double casement for the proposed music room and two first floor dormers would be replaced but unchanged in design. On the west elevation facing the field, both the patio and French doors, plus the small narrow lights of the existing kitchen to be music room would be changed to 3No floor to ceiling windows. The new music room window would be 2 lights. Attached to the new kitchen window would be a weathered oak louvered panel for ventilation.

Oak cladding and louvres and projecting metal framed windows are proposed for the new sitting room and bedroom wing. On the river side elevation, a floating glazed balcony was permitted in front of 2No large scale floor to ceiling windows. It was also proposed to provide a new front door and porch to this wing to replace the one filled in on the original house barn front elevation.

Other works were proposed to the garage barn in the form of new rooflights to be sited further up the roofslope with double casement below to open up the games room. It was also proposed to remove the guest annexe and 1.5m of the existing boundary wall facing the footway, the cypresses hedge alongside the river side part of the yard to create a modified access way into the site. Overall the changes were considered acceptable and many of the proposals improved the appearance of the dwelling. Planning permission was granted on 4<sup>th</sup> September.

#### Current proposal

The current proposal is still to remove the existing guest annexe as before (no separate application has been submitted to demolish this building, as Conservation Area consent was granted under 09.01209/CAC). In addition, it is proposed to build what was granted in September plus the addition of a fourth bedroom to be attached to the approved living room and another single storey wing onto the south of the house barn and music room for a plant room as the applicant is keen to embrace sustainable technologies in the form of solar panels to be attached to the west roof slope of the eastern wing along with an air source heat pump, so the plant room would house the equipment to control these technologies. It is also intended to harvest the rainwater and grey water would be used in the garden.

As stated above the floor area of the permitted north wing area is 70m<sup>2</sup>. The small addition to the proposed music room on the south elevation added a further 7.3m<sup>2</sup> under 09.01208/F. The new plant room would add a further 14.7m<sup>2</sup> to the WC and music room. It should be noted that all the changes to the elevations as proposed on the previous scheme are also part of this scheme too. The new additions as proposed would add a further 23.4m<sup>2</sup> to the north wing.

## 6. Consultations

**St Paul Malmesbury Without Parish Council:** Having carefully reviewed this application we have concerns about the re-emergence in this proposal of a development on the riverside of the property which the original withdrawn application contained. In essence we would not support any further development toward the river and hence wish to object to the application.

**Malmesbury Town Council:** Not yet received

**Highway Engineer:** No highway objection subject to conditions

**Environment Agency:** No objection subject to a condition and informatives

## 7. Publicity

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

No representations have been received

## 8. Planning Considerations

### Impact of development on DC Core Policy C3

The size, scale and siting of the proposed extensions would not respect the local character and distinctiveness of the area due to the fact that this original barn conversion was permitted as three separate small buildings. It should be noted that the house barn has a low ridge line and eaves height as a result of the original conversion. By adding the substantial wing to the north and the enlarged wing to the south, the original house barn would become almost ancillary to the extensions. Furthermore, due to the height of the house barn being only 7m to the ridge line, the new ridge height of 5m would not provide sufficient contrast between the two storeys.

The original house barn has a 10m wide frontage, however the new north wing would be over 14m wide facing towards the river and the proposed south addition would add a further 4.7m wide frontage onto the original kitchen extension of 4.5m. Cumulatively the scheme fundamentally alters the character of the house barn and garage barn to form a large amorphous and sprawling dwelling. Whilst policy does not preclude the development of converted agricultural buildings, it does seek to ensure that development respects the character and distinctiveness of the area and extensions are kept to a minimum. This shift in scale and character is harmful to the character of the existing buildings and their rural setting and would result in a conspicuous addition to the house barn.

### Implications of development on DC Policy HE1

There is a requirement in Conservation Areas that proposals for development will only be permitted where the proposal will preserve or enhance the character or appearance of the area. The policy stresses that open spaces, gaps between buildings and gardens that provide attractive views and vistas to, from and within public areas will be protected from development that would fail to preserve or enhance the character or appearance of a Conservation Area.

The sub-text goes on to say that the loss of just one site to development in environmentally sensitive areas can make it extremely difficult to resist further development in an area, resulting in the loss of an attractive setting and can erode the rural and open character of an area. Care needs to be taken to ensure that views such as river valleys remain unspoilt.

The original farm yard comprised of small buildings around a small yard area close to the Foxley Road. The Inspector who considered the appeal (86.02594/F) for the original barn conversion noted the following:

*“Although this is not an isolated site in the open countryside, it is important to protect the appearance of both the river valley and the setting of Malmesbury by preventing the spread of new building so close to the edge of town”.*

The proposed enlargement to that already permitted is considered to be harmful to the character of this part of the conservation area by virtue of its scale in relation to the existing house barn. The enlargement of this northern wing right up to the altered vehicular access and the addition of the plant room would result in the further loss of the open farmyard appearance that this characteristic of this dwelling. Instead this will be a courtyard type of dwelling which would result in a material loss of open space between the house barn and the road. The proposal is considered not to preserve or enhance this part of the Conservation Area.

#### Implications under DC Policy NE4

There is a priority in Areas of Outstanding Natural Beauty to conserve and enhance the natural beauty of the landscape and therefore development will be restricted to that which is appropriate to the enjoyment of its amenities, provided that the proposal conserves or enhances the natural beauty of the landscape, any riverside or water features and is sited or designed to minimise its impact on the natural beauty of the area.

The Inspector who considered the appeal for the conservatory in 1994 (94.01350/F) took the view that the main issue in considering the proposed rear conservatory should be the effect of the proposed development on the character, appearance and natural beauty of the area. Although the conservatory was to be attached to the west elevation of the house barn, it was considered that the proposal would represent a significant visual intrusion on its pleasant open semi-rural surroundings and that it would cause serious harm to the character and appearance of the area hereby failing to preserve the natural beauty of the landscape of this part of the Cotswold Area of Outstanding Natural Beauty.

It is considered that these enlarged extensions to both the north and south wings of the house barn would result in an equally significant visual intrusion on its pleasant open semi-rural surroundings by Westport Bridge, thus resulting in serious harm to the natural beauty of this part of the AONB by increasing the built-up area at the entrance to the town.

#### Implications upon DC Policy H8

There is a requirement that residential extensions should be in keeping with the host building in terms of scale, form, materials and detailing and that it should maintain the scale and siting of the dwelling in relation to the adjoining development, open spaces and character of the area and the wider landscape.

The view is taken that the permitted north wing extension was at the limit of acceptability in relation to the scale and form, as well as being in scale with the existing dwelling. However the additional floor space for both wings is clearly out of scale compared to the permitted scheme and would result in a dwelling which has a materially different scale to the original buildings. In particular, the additional bedroom for the northern wing brings the whole development within 7.2m of the Foxley Road, whereas the previous scheme retained a distance of 11.7m which related better to the house barn which is some 16m back from the road.

With regard to the south wing addition, the existing kitchen was an addition to the original farm building and therefore this plant room is an addition onto an existing extension. This proposed extension would also change the scale of the house barn as it would elongate the building further thus clearly changing the original footprint of the two detached buildings of the former farmyard. Although the guest room annexe replaced an older farm building, it is suggested that the plant room be relocated into this building as there is no objection to the retention of this building as it forms an attractive feature when viewed from Foxley Road and helps retain the farmyard appearance of the site.

Implications on DC Policy BD6

Although this building was converted prior to the adoption of the current Local Plan, some reference to Policy BD6 is considered relevant here as this Policy re-iterates previous policies on re-use of buildings in the open countryside. There is a general requirement that the proposed uses should be contained within the building and that large-scale alterations, extensions and re-buildings are not acceptable. The Council has already accepted a reasonably large extension onto this property, but barn conversions are not dwelling houses in the traditional sense and therefore large and out of scale extensions onto small barns cannot be considered acceptable in policy terms. This approach has been supported by Inspectors at earlier appeals.

**9. Conclusion**

It is considered that the proposed two extensions are out of scale with the existing barn conversion and will result in development that neither preserves or enhances this part of the Malmesbury Conservation Area and does not conserve or enhances the natural beauty of the landscape.

**10. Recommendation**

Planning Permission be REFUSED for the following reason:

1. The proposed two extensions are considered out of scale and character with the existing barn conversion and will result in additional development that neither preserves or enhances this part of the Malmesbury Conservation Area, nor conserves or enhances the natural beauty of this part of the Cotswolds Area of Outstanding Natural Beauty. As such the proposal does not accord with Policies C3, HE1, NE4, H8 and BD6 of the North Wiltshire Local Plan 2011.

Informatives

1. This decision relates to documents / plans submitted with the application, listed below:

Dwg Nos: 08021/60, 61, 62, 63, 64, 65, 66, 67 and 68 received 27<sup>th</sup> November 2009

<b>Appendices:</b>	<b>None</b>



<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.19, 2.02, 2.25, 4.02, 4.07, 5.01, 5.04</b>
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