

AGENDA

Meeting: NORTHERN AREA PLANNING COMMITTEE
Place: Council Chamber, Wiltshire Council Offices, Monkton Park,
Chippenham
Date: Wednesday 24 February 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713035 or email roger.bishton@wiltshire.gov.uk

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

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

Membership:

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

Cllr Alan Hill
Cllr Peter Hutton
Cllr Howard Marshall
Cllr T Sturgis
Cllr Anthony 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 when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes** *(Pages 1 - 18)*

To approve and sign as a correct record the minutes of the meeting held on 3 February 2010. (copy herewith).

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** *(Pages 19 - 34)*

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

MINUTES of a MEETING of the NORTHERN AREA PLANNING
COMMITTEE held at MONKTON PARK, CHIPPENHAM on WEDNESDAY 3
FEBRUARY 2010.

PRESENT:

Cllr Tony Trotman (Chairman), Cllr Peter Colmer, Cllr Christine Crisp, Cllr
Peter Davis, Cllr Bill Douglas, Cllr Peter Doyle, Cllr Alan Hill, Cllr Peter Hutton,
Cllr Howard Marshall and Cllr Toby Sturgis.

ALSO PRESENT:

Cllr Mollie Groom, Cllr Howard Greenman, Cllr Simon Killane and Cllr Judy
Rooke.

1. **Apologies for Absence**

There were no apologies for absence.

2. **Minutes of Previous Meeting**

**Resolved: To confirm and sign the minutes of the Committee
meeting held on 14 December 2009.**

3. **Declarations of Interest**

There were none.

4. **Chairman's Announcements**

The Chairman announced that the Planning Inspector had issued his
decision to allow an outline planning application appeal for the building
of up to 350 dwellings at land known as The Marsh off Sandpit Road,
Calne, which had been designated in the Local Plan as being part of
the countryside and outside the framework boundary. Copies of the

Inspector's findings were available from the Development Control Office at Monkton Park, Chippenham.

5. **09/01102/FUL – Highfield Farm, Foxley, Malmesbury – Erection of Annex Extension to Existing Farmhouse (Revised Application)**

Public Participation

1. Mrs Irvine, the applicant, spoke in favour of the application.
2. Mr Donald Ryan, a local resident, spoke in favour of the application.
3. An additional letter in support of the application was reported as a late item.

Resolved:

To delegate to the Area Development Manager to grant planning permission, subject to:-

- (a) **the completion of a legal agreement linking the dwelling to the agricultural land within the applicants' ownership, and**
- (b) **appropriate conditions.**

Reason

The Council considers that the proposed annexe is of an appropriate size for the established functional requirement of the agricultural unit and that the proposal is in accordance with Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

6. **08/02686/FUL – The Hawthornes, Old Alexander Road, Malmesbury – Five No. Residential Units**

Public Participation

1. Ms Rosemary Cosie, a local resident, spoke objecting to the application.
2. Mr Roger Budgen, Chairman of the local Residents' Association, spoke objecting to the application.
3. Cllr Catherine Doody, Mayor of Malmesbury, spoke objecting to the application.
4. Cllr Simon Killane, the local Member, spoke objecting to the application and requesting an independent survey of the site.
5. six additional letters of objection raising similar issues to those already raised were reported as late items.

Resolved:

To delegate to the Area Development Manager to grant planning permission, subject to:-

- (a) full consideration of the survey submitted and officers being satisfied that the development will not have a detrimental impact on the TPO'ed tree, in particular the root protection zone, the canopy and crown.**
- (b) the submission of amended plans which indicate car ports at the front of the site as opposed to garages to ensure space is retained on site for the parking of vehicles as required by condition no. 15.**
- (c) the signing of a legal agreement to secure a contribution to public open space.**
- (d) the following conditions:-**
 - (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

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

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

POLICY: C3

- (3) Before the dwellings hereby permitted are 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 visibility at and above a height of 0.6m above the nearside carriageway level and thereafter maintained free of obstruction at all times.**

REASON: In the interests of highway safety.

POLICY: C3

- (4) 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.
POLICY: C3**

- (5) The existing vehicular access shall be stopped up and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use.

**REASON: In the interests of highway safety.
POLICY: C3**

- (6) Sufficient space for one car port and one car parking space shall be provided for each dwelling, before it is occupied in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

**REASON: In the interests of highway safety.
POLICY: C3**

- (7) Before the access hereby approved is first brought into use the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times.

**REASON: IN the interests of highway safety.
POLICY: C3**

- (8) An entrance having a minimum width of 5m shall be constructed. The width of the access shall be maintained for the first 4.5m. The sides of the access shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The access 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.

POLICY: C3

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

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

POLICY: C3

- (10) No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).**

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

- (11) (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.

POLICY: C3

- (12) Prior to the commencement of the development hereby permitted a copy of an agreement with the water authority to link into existing drainage services within the locality must be submitted to the Local Planning Authority.

REASON: In the interests of ensuring the drainage scheme for this site is acceptable.

- (13) Prior to the commencement of the development hereby approved a copy of the agreement between the developer and the water authority shall be submitted to the Local Planning Authority. This

agreement to show that the scheme may link into the existing drainage system.

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

- (14) No part of the development hereby permitted shall be first occupied until the footway fronting the site has been widened in accordance with the details shown on the approved plans.

REASON: In the interests of highway safe

- (15) Notwithstanding the plans as submitted amended plans which indicate car ports at the front of the site shall be submitted to and approved by the Local Planning Authority. Thereafter the car ports shall be constructed and retained as such in accordance with the approved drawings.

REASON: In the interests of highway safety.

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.

Design and Access Statement received by the local planning authority 28/11/09, amended layout plan to be received prior to committee, 08/10/08/20944, 08.050.02A /03A

2. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the works hereby granted consent do not override the statutory protection afforded to these species or any other species protected by legislation and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

3. Please advise the applicant that the works in the highway will require a section 278 for the works in the highway / dedication agreement for the footway to be adopted.

Reason

The proposal accords with Policies C3, H3 of the North Wiltshire Local Plan (2011) in that it is of an appropriate design, size, scale, mass and bulk and should not give rise to additional traffic safety issues. It will not have a detrimental impact on neighbours that would warrant refusal and is therefore is an acceptable form of development.

7. **09/01300/FUL – 18-19 Dianmer Close, Hook, Lydiard Tregoze – Erection of Three No. 4 Bedroom Houses and Garages with Associated Drive**

Resolved:

To defer consideration of this application for one cycle to allow for the submission of further details relating to the drainage issues on this site.

8. **09/01892/CAC and 09/01893/FUL – Land at Delmont, Holloway Hill, Malmesbury – Demolition of Outbuildings and Erection of Dwelling following Demolition of Outbuildings**

Public Participation

Mr Guy Wakefield, the agent for the applicant, spoke in favour of the application.

Cllr Catherine Doody, Mayor of Malmesbury, spoke in favour of the application.

Cllr Simon Killane, the local Member, spoke in favour of the application.

Resolved:

In respect of 09/01982/CAC

To delegate to the Area Development Manager to:

- (1) Await consideration of protected species survey
- (2) Refuse for the following reason:

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

To delegate to the Area Development Manager to:

- (1) Await consideration of protected species survey
- (2) Refuse for the following reasons:
 - (i) 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.
 - (ii) 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

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 October 2009.

9. **09/01727/S73A – The Gallons, Chelworth Road, Chelworth, Cricklade – Retention of Replacement Dwelling, Extension of Domestic Curtilage, Changing the Use Previous Paddock Land (Variation of 05/01534/FUL) - Retrospective**

Public Participation

Mr Simon Chambers, the agent for the applicant, spoke in favour of the application.

Cllr Gina Chapman, representing Cricklade Town Council, spoke objecting to the application.

Resolved:

To refuse planning permission for the following reason:-

The revised position of the dwelling lies partly outside the original residential curtilage and encroaches upon the open countryside. Had an application been submitted for a replacement dwelling in this location prior to construction commencing permission would have been refused or revisions sought. As such the application fails to satisfy Policy H4 criteria (ii) of the North Wiltshire Local Plan 2011 in that the replacement dwelling is not positioned within the same curtilage. There has been insufficient justification for the revised position of the dwelling.

10. **09/01963/FUL – 13 Dover Street, Chippenham – Two Storey Rear Extension**

Public Participation

Mrs Katharine Oatley, the applicant, spoke in support of the application.

Cllr Judy Rooke, the local Member, spoke in favour of the application.

Resolved:

To refuse planning permission for the following reason:-

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.

Informative

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 December 2009.

11. **09/0006/FUL – Pound Mead, Corsham – Erection of 43 Dwellings together with Access, Landscaping and Screening**

Public Participation

Ms Sylvia Armstrong, a local resident, spoke objecting to the application.

Ms Jo Curson of Westleigh Housing Association, the applicant, spoke in support of the application.

Mr Jerry Thornton of Thornton Associates Surveyors Ltd, spoke in support of the application.

Mr Chris Corrish of In House Building Design, the agent for the applicant, spoke in support of the application.

One additional letter of objection was reported as a late item.

Resolved:

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) 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 retain 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 3rd 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.

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.

At the request of Cllr Peter Davis the Committee agreed to a recorded vote, which was as follows:-

For the Motion

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Peter Doyle, Cllr Alan Hill, Cllr Peter Hutton, Cllr Toby Sturgis and Cllr Tony Trotman.

Against the Motion

Cllr Peter Colmer, Cllr Peter Davis and Cllr Howard Marshall.

12. 09/2052/FUL – Land Adjoining 9 Ruxley Close, Wootton Bassett – Erection of Building to Provide Two Flats

Public Participation

Ms Josie Lewis, a local resident, spoke objecting to the application. Cllr Owen Gibbs, Chairman of Wootton Bassett Town Council's Planning Committee, spoke against the application.

Resolved:

To refuse planning permission for the following reason:-

The alterations to the front and rear of the dwelling and the increase in the dwellings footprint , in particular the increase by 0.5 metre to the front of the dwelling (representing a 50% increase in the projection in front of No 9 Ruxley Close), will have an adverse impact upon the amenity of the area and neighbouring dwellings. The works are contrary to Policy C3 (iii) of the North Wiltshire Local Plan 2011.

13. **09/02103/FUL – Unit 1 Bagbury Park, Bagbury Lane, Lydiard Green, Lydiard Millicent – Construction of Access Road to Serve Existing Industrial Unit**

Public Participation

Mr Kevin Ayrton, the applicant's agent, spoke in support of the application.

Mr Thomas Pepperall, Chairman of Lydiard Millicent Parish Council, spoke objecting to the application.

Cllr Mollie Groom, the Local Member, spoke objecting to the application.

Resolved:

To refuse planning permission for the following reason:-

The lack of turning space on site and the increased use of Bagbury Lane by commercial vehicles would be likely to have an adverse impact upon highways safety in the vicinity. Insufficient information was submitted with the application, particularly in terms of the number and size of vehicles using the access, to adequately demonstrate that the proposed additional access would meet the requirements of Policy C3 (vii). The application is therefore contrary to Policy C3 of the North Wiltshire Local Plan 2011.

14. **09/02054/FUL – 23 Common Hill, Cricklade – Two Dwellings**

Public Participation

Mrs Linda Silver, a local resident, spoke objecting to the application.

Mr Mark Willis, the applicant's agent, spoke in support of the application.

Cllr Gina Chapman, representing Cricklade Town Council, spoke objecting to the application.

Resolved:

To refuse planning permission for the following reason:-

The proposed units would create a cramped form of development in this semi rural location which fails to respect the local character and distinctiveness with regard to design, size, scale, siting and layout. The proposed development conflicts with policy C3 (i) of the North Wiltshire Local Plan 2011.

15. **09/01352/FUL – The Angel Inn, 47 High Street, Wootton Bassett – 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**

Public Participation

Mr Graham Warren, the applicant's agent, spoke in support of the application.

Cllr Owen Gibbs, Chairman of Wootton Bassett Town Council's Planning Committee, spoke in support of the application.

Resolved:

To delegate to the Area Development Manager to grant planning permission and listed building consent, subject to appropriate conditions.

Reason

The application proposals would enhance the character, appearance and setting of the listed building and visual amenity. The proposals enhance and preserve the character and appearance of the conservation area and are therefore comply with advice contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Guidance Note 15 (Planning and the Historic Environment) and policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.

16. **09/02148/FUL – Trucklebridge, Foxley Road, Malmesbury – Demolition of Existing Single Storey Annexe, Modifications to Vehicular/ Pedestrian Access, Together with Construction of Two Single Storey Extensions (Revision of 09/01208/FUL)**

Public Participation

Mr Edward Seymour, the applicant's agent, spoke in support of the application.

Mr Richard Jefferson, the applicant, spoke in support of the application.

Resolved:

To delegate to the Area Development Manager to grant planning permission, subject to appropriate conditions.

Reason

The proposed two extensions are considered appropriate to the scale and character with the existing barn conversion and will preserve this part of the Malmesbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty. As such the proposal complies with Policies C3, HE1, NE4, H8 and BD6 of the North Wiltshire Local Plan 2011.

(Duration of meeting: 6.00pm – 10.35pm)

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

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

Agenda Item 6

INDEX OF APPLICATIONS ON 24/02/2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	09/01805/FUL	Strathmore, Bristol Road, Allington, Chippenham, SN14 6NA	Conversion of Existing 5 Bedroom House to 6 Self Contained Flats Together with Parking and 2 Balcony Areas	Permission
02	09/02155/FUL	2 Hartham Lane, Biddestone, Chippenham, SN14 7EA	Two Storey Side Extension & Demolition of Single Storey Detached Garage to Rear of Property	Permission

**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 6 (1)

Date of Meeting	24 th February 2010		
Application Number	09/01805/FUL		
Site Address	Strathmore, Bristol Road, Allington		
Proposal	Conversion of existing 5 bedroom house to 6 self-contained flats together with parking and two balcony areas		
Applicant	Mr S Andrews		
Town/Parish Council	Chippenham Without		
Electoral Division	Kington	Unitary Member	Howard Greenman
Grid Ref	389011 174571		
Type of application	Full		
Case Officer	Simon T. Smith	01249 706633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Greenman has requested it be called to committee to so as to assess the scale of development and the environmental/highway impact from 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 conversion of an existing house into 6 self-contained flats. The key points to consider are as follows:

- Implications on DC Core Policies C1 and C3
- Principle of development
- Physical alterations and access
- Sustainability
- Other matters

3. Site Description

“Strathmore” is a large detached residential property positioned in the open countryside, to the rear of an operating petrol filling station. The property has its own residential curtilage and shares a wide apron type vehicular access from A420 with the petrol filling station.

4. Relevant Planning History		
Application Number	Proposal	Decision
05/00167/OUT	Affordable residential development	<p>Refused 22/03/05</p> <p>Appeal allowed 17/05/06</p> <p>High Court Challenge Failed 13/03/07</p>

5. Proposal

Proposal is for the sub-division of an existing brick built detached residential property into 6 self-contained flats. On site parking, amenity space and bin storage is to be provided. Vehicular access would remain as existing from A420, via shared entrance/exit arrangements with adjoining petrol filling station.

6. Consultations

Chippenham Without Parish Council - objects on the following grounds:

- Building not suitable for large scale use. House in countryside where trees have been removed and is now within perimeter of petrol station.
- Access is shared with petrol station.
- Believe that there is a facility at petrol station for refuelling cars with gas. Could cause serious fire risk.
- Access to property via A420 which is a dangerous stretch of road with no pavement and 60mph limit.
- Fuel tankers filling pumps within feet of residents parking area which would be surrounded by wooden fence.
- The Design and Access Statement states that current septic tank foul drainage will be incorporated into plan. There is evidence of flooding onto nearby land and surface water has been known to flood.
- Wheelie bins full of rubbish will presumably be placed at roadside which would cause traffic hazard in high winds.
- Site plan incorrect and warrants visit by DC Committee.

Highways

Raises concerns about the remote location of development and the likelihood of an increased reliance on private car by future residents to access services and employment opportunities.

Raises no objections in respect of highway safety matters subject to the imposition of planning conditions in respect of surfacing of the access and laying out of proposed parking area prior to first occupation.

Environmental Health

No adverse comments.

Health and Safety Executive

No objections raised. Notes that the development is close to an existing LPG gas storage tank and dispenser. Advises that the safety requirements given in UKLPG Code of Practice 20 "Automotive LPG Refuelling Facilities" (November 2001) are not compromised by this development.

Fire Officer

Comments awaited.

7. Publicity

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

4 letters of letters of support received. Summary of key relevant points raised:

- House has stood empty for some time and is suitable for such a conversion
- Proposal would not affect petrol filling station business
- House already provide 4 bedrooms, and annexe each with separate bath/shower rooms
- Access to the site is perfectly safe
- Property would be tidied up

8. Planning Considerations

Principle of development

"Strathmore" is an existing residential property. Albeit of significant proportions with 5 bedrooms, 4 bedrooms and including a self contained annexe, it is currently only a single residence. It is a building which, in planning terms is located within the open countryside.

Being in the same use class as the existing, the proposed development does not fall to be considered against any specific Local Plan Policy that refers to such development. As such, the proposal must simply be viewed as a sub-division of an existing residential use class to form a more intensive form of residential occupation.

There is no policy objection to the principle of such development. Instead the proposal must be principally considered on the merits of the physical alterations, the adequacy of access arrangements to cope with additional traffic movements and the desirability of having an increased number of residents living in the open countryside.

Physical alterations

Configuration of the existing property is such that required alterations are relatively minor. Primarily involving internal blocking of doors and openings to allow for the sub-division. Addition kitchens and bathrooms would be created. External alterations are largely confined to changes to fenestration, openings and windows. More significantly two first floor balcony areas are created serving two of the first floor flats. Their creation involves the localised alteration to roof profiles.

In totality the proposed physical alterations do not fundamentally alter the character or appearance of the building, as is required by Policy C3 of the adopted Local Plan. Similarly, due to the scale of curtilage and distance from the nearest neighbouring residential property ("Fielding" some 50.0m to the rear/south), no additional or unacceptable levels of overlooking area created as a result of the alterations.

Access

Proposed vehicular access to the site is to remain as existing – via the shared apron type access also serving the existing petrol filling station fronting A420. Although a heavily used and fast stretch of road, visibility is good in both directions. Furthermore, in the context of existing number of vehicles accessing the petrol filling station, the additional traffic associated with the proposed development is unlikely to constitute an identifiable highway safety hazard in itself. On this basis WC Highways have raised no highway safety objections to the proposal and in the absence of any compelling argument to the contrary, there is no justifiable reason to diverge from this view.

Separate communal bin storage and cycle storage facilities have been provided within the site. On site parking would be provided for 11 cars.

Sustainability

This proposal will inevitably result in more independent people living in the open countryside. It is reasonable to assume that despite the size of the existing property as an existing single dwelling, more people are likely to be residing in a series of 6 self-contained flats. Equally, although limited bus services are available along A420, it is also reasonable to assume that most journeys to access shops, services, places of work would need to be undertaken by private car.

In the above context, WC Highways have raised concerns about the proposal constituting a more intensive form of residential development in the open countryside, that would be unsustainable – more particularly being in conflict with the aims of national policy in PPG13 that seeks to limit the growth in length and number of motorised journeys.

Nevertheless, this proposal is seeking to make optimal use of an existing building. In itself such a proposal would be a sustainable use of an existing building, given that it provides accommodation that would otherwise have to be provided by building new dwellings – albeit that planning policy ordinarily would require such new dwellings to be built in established settlement such as Chippenham.

Fortunately the matter of how sustainable the application site is for new residential development has been commented upon before by the appeal Inspector for 05/00167/OUT. In paragraphs 10-18 of his decision letter the Inspector, *inter alia*, considers the distance of the site from the boundaries of Chippenham, the number of buses that pass the site and the attractiveness of the route between the site and Chippenham for cycling and walking opportunities. In paragraph 16 he concludes:

“It is clear from all the information I have been provided with that the site is not in a highly sustainable location. However, in my view, there would be opportunities for residents living on the site to walk, cycle or use public transport for some of their journeys.”

Ultimately, the Inspector granted outline planning permission for residential development on this site. A subsequent challenge to the High Court over that decision failed. The fact that the planning permission related to affordable housing is not a material difference that would inhibit comparison.

In light of the earlier appeal decision, it is not thought reasonable to refuse planning permission for residential development on this site on sustainability grounds alone.

Other matters

Concerns have been raised about the safety of future residents from the operation of the adjoining petrol filling station. However, even if considered to be so, this is already a latent “risk” to existing residents.

Clearly there will be health and safety rules and regulations that the owner/operator of the petrol filling station will need to continue to adhere to. This would not change as a result of development and is controlled through legislation separate to planning legislation. It is the responsibility of the applicant (who is also the owner of the adjoining petrol filling station) to ensure compliance.

Provided the Environmental Health Officer is satisfied that the proposed development will not present an additional risk to occupiers as is required by PPS23: Planning and Pollution Control, there would be no reason to refuse planning permission.

The observations of the Health and Safety Executive can form an informative on any planning permission granted.

9. Recommendation:

Planning Permission be GRANTED for the following reason:

The proposed development for the sub-division of an existing residential property into 6 self-contained flats is considered to be a reasonable intensification of an established use without detrimental impact upon surrounding amenities, highway safety or the wider countryside. As such the proposal is considered to comply with the provisions of Policies C1 and C3 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

POLICY- C3

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

- (a) 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.

POLICY- C3

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

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

POLICY- C3

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

REASON: In the interests of highway safety.

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

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

7. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY- C3

8. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

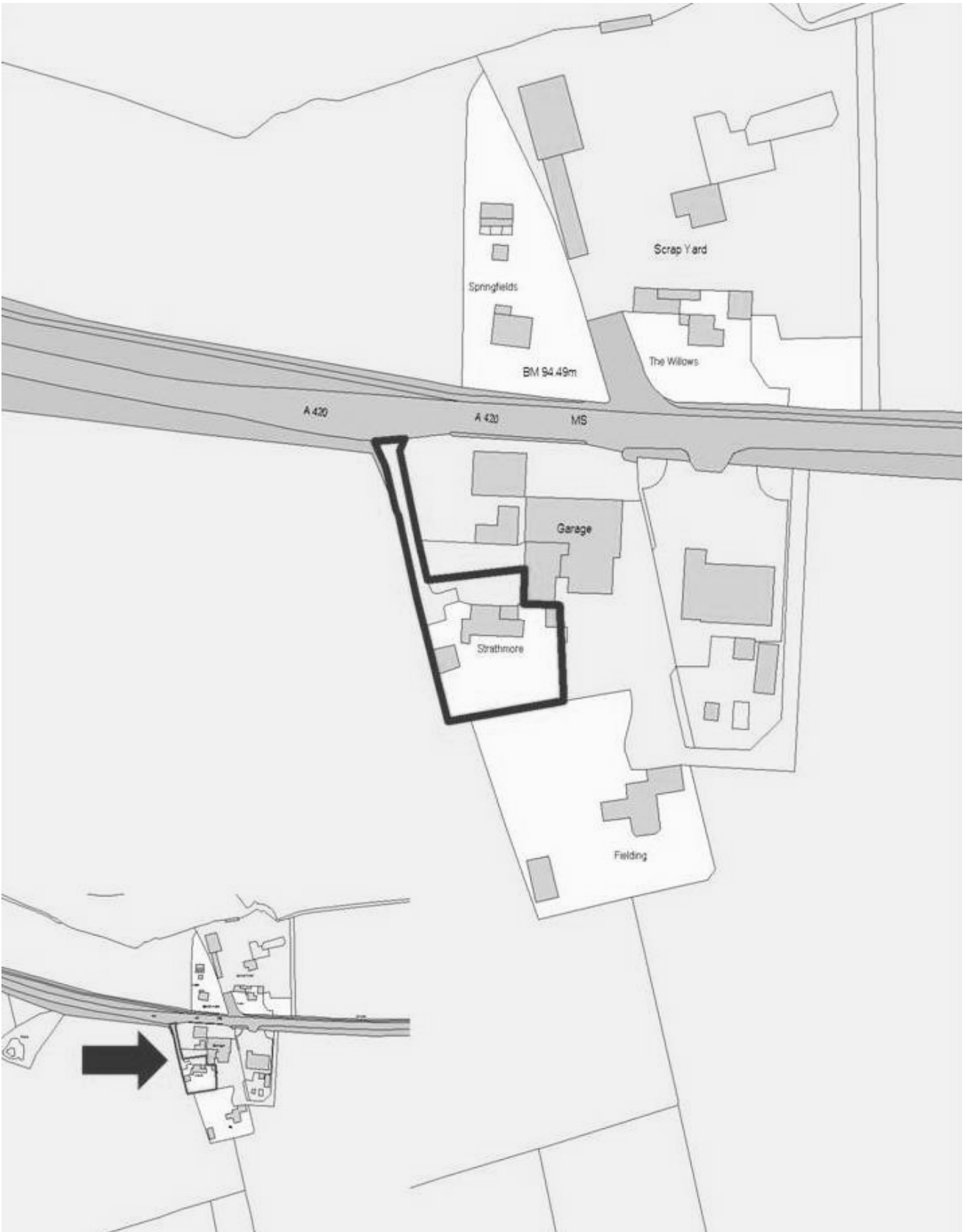
POLICY – C3

9. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

POLICY- C3

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 3.03; 3.04; 4.02; 4.03; 4.07; 5.04



**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 6 (2)

Date of Meeting	24 th February 2010		
Application Number	09/02155/FUL		
Site Address	2 Hartham Lane, Biddestone, Chippenham		
Proposal	Two Storey Extension & Demolition of Single Storey Detached Garage		
Applicant	Miss L Myles		
Town/Parish Council	Biddestone Parish Council		
Electoral Division	By Brook	Unitary Member	Jane Scott
Grid Ref	385946 173296		
Type of application	FUL		
Case Officer	Sue Hillier	01249 706685	sue.hillier@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 Jane Scott to assess the size and scale of the proposed extension and the impact upon other properties within the area.

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 two storey extension and demolition of a single storey detached garage, to the rear of the property. The site lies within the framework boundary of Biddestone and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Residential Extensions H8
- Affect of the residential amenity of existing properties
- Design and scale of the development

3. Site Description

The dwelling is semi detached and constructed of stone walls exposed at ground level and rendered in a lime render at the first floor. The existing garage is located to the rear of the dwelling and set off to one side. (This is to be demolished prior to construction of any extension). The property is also situated within the Cotswold AONB.

4. Relevant Planning History		
Application Number	Proposal	Decision
05.0495.FUL	Single Storey Extension	Granted

5. Proposal

Permission is sought for a two storey side extension, following demolition of the detached garage at the rear of the property. The proposed extension has a gable on the front elevation and follows through to a gable on the rear elevation and the proposed roofline is lower than that of the host dwelling. The proposal incorporates an integral garage within the extension. The application also includes fenestration and door alterations on the rear elevation. The extension will provide a kitchen and garage on the ground floor and two bedrooms on the first floor. The plans have been revised following objections from local residents.

6. Consultations

Biddestone Parish Council considers that:-

- The extension is an overdevelopment of the site; in particular the roofhang will be on the boundary with 3 Hartham Lane.
- Lack of external access from the front to the rear of the property.
- Reduction in symmetry of the frontage of a pair of Victorian cottages, including increasing the number of first floor windows from one to three.
- No guarantee that the garage will be used for a car, thus exacerbating parking and turning just off a busy road.
- The plot is not large enough, particularly at the rear to accommodate an extension.

County Highways has no objections and state that *this garage extension would not create a significant issue with regard to lack of turning. The neighbouring property No.3 has had an extension with no turning area. In any case with regard to the proposal it is currently not a huge area for turning and it appears that vehicles currently parking at the property may already turn in the carriageway in any case.*

7. Publicity

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

11 letters of letters of support have been received.

9 letters of objection have been received.

Summary of key relevant points raised:

- Detrimental to village
- Generate More traffic

- Deprive village of affordable housing
- Destroy symmetry of cottages
- Extension should be at the rear
- Impact on the amenity of the neighbouring property
- Overshadowing of neighbouring property
- Detract from the appearance of Hartham Lane
- Visual impact
- Parking Implications
- No side access

8. Planning Considerations

The planning application site lies within the defined framework boundary of Biddestone thus any development should satisfy the Policies outlined in C3 and H8 of the North Wiltshire Local Plan 2011.

The original plans submitted showed the extension right up to the boundary with 3 Hartham Lane and the garage element forward of the host dwelling by 1.2 metres. It was considered, due to the orientation of the houses that the front elevation could be oppressive to the neighbouring property and the agent was asked to amend the plans. Revised plans have been received showing the front extension 100mm behind the existing front elevation of the house, (a reduction of 1.3m) and the extension has also been pulled away from the boundary, squaring up the front section which now looks more in proportion than being on the boundary line. The revised plans are considered acceptable and the amenities of adjoining neighbours would not be unacceptably harmed by the proposals and it would be difficult to argue that the changes would have an adverse impact on the character and appearance of the streetscene.

Concerns have been raised that the development will have an impact on vehicle movements and parking within Hartham Lane. The Highway Authority takes the view that in this particular location the proposal would not create a significant issue.

9. Conclusion

The proposal is considered an acceptable addition to the host building, in terms of scale and design and is considered in character with the host building and the area in general.

10. Recommendation

Planning Permission be GRANTED 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 H8 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

POLICY: C3 and H8

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 Ref: 034/100, 034/101/A, 034/110, 034/111, 034/112, 034/120, 034/121, 034/122 received by the Local Planning Authority on the 30th November 2009 and 034/115/A, 034/116/A 034/125/A, 034/126/A, 034/127/A received by the Local Planning Authority on the 5th January 2010

2. 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.

Appendices:	
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.02; 4.07



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