

AGENDA

Meeting: NORTHERN AREA PLANNING COMMITTEE
Place: Council Chamber, Wiltshire Council Offices, Monkton Park,
Chippenham
Date: Wednesday 17 March 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 Anthony Trotman
Cllr Toby Sturgis
Cllr Howard Marshall
Cllr Peter Hutton
Cllr Peter Colmer

Cllr Alan Hill
Cllr Christine Crisp
Cllr Peter Davis
Cllr Bill Douglas
Cllr Peter Doyle

Substitutes:

Cllr Chuck Berry
Cllr Bill Roberts
Cllr Simon Killane

Cllr Mark Packard
Cllr Paul Darby
Cllr Mollie Groom

PART I

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

1. **Apologies for Absence**

2. **Minutes** *(Pages 1 - 8)*

To approve and sign as a correct record the minutes of the meeting held on 24 February 2010 (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. **Marston Maisey, Proposed Diversion of Footpath 10 (Part)** *(Pages 9 - 26)*

A report by the Corporate Director, Transport, Environment & Leisure is attached.

7. **Planning Applications** *(Pages 27 - 60)*

To consider and determine planning applications in the attached schedule.

8. **Planning Appeals** *(Pages 61 - 62)*

An update report is attached for information.

9. **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 THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 FEBRUARY 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

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

Also Present:

Cllr Jane Scott

17. **Apologies for Absence**

Apologies for absence were received from Cllr Bill Douglas and Cllr Peter Doyle.

18. **Minutes**

Resolved:

To confirm and sign the minutes of the Committee meeting held on 3 February 2010.

19. **Declarations of Interest**

There were none.

20. **Chairman's Announcements**

There were none.

21. **Public Participation**

Members of the public addressed the Committee as set out in Minute No. 11 below.

22. Planning Applications

(1) 09/01805/FUL – Strathmore, Bristol Road, Allington, Chippenham – Conversion of Existing 5 Bedroom House to 6 Self Contained Flats together with Parking and 2 Balcony Areas

Public Participation

Ms Doris Lendon, a local resident, spoke objecting to the application.

Mr Andrew Jennings, a local businessman, spoke in support of the application.

Cllr Paul Reynolds, Chairman of the Chippenham Without Parish Council, spoke objecting to the application.

Resolved:

To delegate to the Area Development Manager 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 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

(10) Notwithstanding the positioning of the bin containment area shown on the revised layout plan hereby approved, full details of the positioning and appearance of the bin containment area, which shall be relocated elsewhere on the application site, shall have been submitted to and approved in writing by the Local Planning

**Authority prior to the commencement of development.
Development shall be carried out in complete accordance with the details so approved prior to the first occupation of the flats hereby granted planning permission.**

Reason: In the interests of highway safety and visual amenity.

(11) Prior to the commencement of development a detailed scheme for the creation of an access to the site from the public highway shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be laid out in complete accordance with those details so approved and shall remain free from obstruction for use as an access to the site at all times thereafter.

Reason: In the interests of highway safety

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.

- (2) 09/02155/FUL – 2, Hartham Lane, Biddestone, Chippenham – Two Storey Side Extension & Demolition of Single Storey Detached Garage to Rear of Property**

Public Participation

Mr John Marrinan, a local resident, spoke objecting to the application.

Mr John Tilley, the architect, spoke in support of the application.

Mr Gordon Stanley, on behalf of the applicant, spoke in favour of the application.

Cllr Tim Smith, representing Biddestone Parish Council, spoke objecting to the application.

Cllr Jane Scott, the local Member, reported that, despite efforts to encourage discussions between the parties in order to try and achieve a compromise, she had been unsuccessful and in these circumstances felt unable to support the present application.

Resolved:

To delegate to the Area Development Manager 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 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

(2) The wall materials to be used on the side elevation shall match those proposed on the front elevation (i.e. exposed random stone (cavity) wall construction to the ground floor and a lime rendered finish to the first floor including stone quoin details).

REASON: In the interests of the appearance of the host dwelling and the character and appearance of the area.

Policy C3 H8

WE15 use of Garage

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, H8 and NE4 of the North Wiltshire Local Plan 2011.

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.

23. Urgent Items

There were no items of urgent business.

(Duration of meeting: 6.00pm – 7.30pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line (01225) 713035, e-mail roger.bishton@wiltshire.gov.uk

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

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WILTSHIRE COUNCIL

NORTHERN AREA PLANNING COMMITTEE 17 MARCH 2010

PROPOSED DIVERSION OF MARSTON MEYSEY FOOTPATH 10 (PART) AT ROUNDHOUSE FARM

Purpose of Report

1. To:
 - (i) Consider and comment on the objections received to an Order proposing the diversion of sections of Marston Meysey Footpath 10 (MM10) under Section 257 of the Town and Country Planning Act 1990.
 - (ii) Recommend that the Order be submitted to the Secretary of State for the Environment, Food and Rural Affairs and be confirmed as made.

The proposed diversions are shown on the plan attached at **Appendix A**.

Background

2. In April 2008, David Jarvis Associates applied on behalf of M C Cullimore (Gravels) Ltd to divert a section of MM10 on to an alternative route around areas permitted for mineral extractions. The proposed route ran in a general southerly direction around Wetstone Cottage then alongside Marston Meysey Brook to the River Thames. The path then continued along the northern bank of the Thames before turning north east to rejoin the original route of MM10 near the Second Chance Touring Caravan Site. The route is shown on the plan attached at **Appendix B**.
3. Planning Permission to extract sand and gravel from this site and restore to reed beds was approved on 3 July 2003.
4. An informal consultation was undertaken with statutory consultees and interested persons and groups. The following comments were received.
 - (i) Mr Derek Richards of Wetstone Cottage:

"I strongly object to the proposed diverted/rerouted MM10 being the only access to the planned "Nature Reserve" on the following grounds:

 - (a) *The current route of MM10 through the driveway and garden of Wetstone Cottage is suitable for the occasional fit/able pedestrian. It is totally unsuited as "Nature Reserve" access by large numbers of pedestrians.*
 - (b) *It is unsuited for access by disabled people.*
 - (c) *Line of site vision on the C116 near Wetstone Cottage is at best 60 metres on a 60 mph plus HGV route.*

- (d) *The planned route of the diverted MM10 is along the banks of the Marston Meysey Brook and along the Thames. The planned route is alongside what I believe is planned to be a natural wildlife habitat. As a consequence of rerouting this habitat would be continually disturbed by pedestrians, dogs etc.*
- (e) *The planned route would result in a footpath on both banks of the Thames (the Thames Long Distance Footpath runs along the other bank) and this would mean that the Thames would no longer provide a natural wildlife habitat due to disturbances caused by use of both paths.*
- (f) *The current MM9 + MM10 or MM6 + MM10 provide routes between Marston Meysey and Castle Eaton. The planned diversion of MM10 more than doubles the distance that must be walked to get to Castle Eaton”.*

Mr Richards suggested a new path be created along the banks of the old canal.

- (ii) Mr K Stimson, on behalf of the Ramblers Association, also objected to the proposal stating in an email dated 18 June 2008:

“We consider the proposed alternative to be substantially less convenient to walkers. In particular users travelling south from Marston Meysey along footpath 6 will cross the east-west road, reach the vicinity of the Roundhouse and will be unable to proceed any further in either an easterly direction towards Castle Eaton or in a westerly direction towards Wetstone Cottage. Under the proposal any alternative route for users of footpath 6 would involve walking along this narrow road which is subject to fast-moving traffic. The proposed diversion A to D is considerably longer than the existing Right of Way and, being close to water courses may be more liable to flooding”.

- (iii) Sally Francis, Chairman of Marston Meysey Parish Meeting stated in a letter dated 17 June 2008.

“We noted that you refer to the proposed diversion as a permanent diversion; we are completely opposed to this proposal being considered as permanent and formally object. In our view MM10, or a path following the line of the old canal, should be reinstated at the first opportunity following diversion.

Considering the application, and assuming it to be temporary to facilitate work on site, we offer the following comments:

- (a) *The C116 crossing at Wetstone Cottage is considered dangerous by Wiltshire Police, it would be much safer to use the crossing adjacent to the Roundhouse (MM footpath 6) and then continue with a new section of temporary footpath parallel to the C116 and then around Wetstone to join up with the temporary diversion shown on your map. We have marked up your map to show how this might work.*
- (b) *If the proposed diversion became permanent you would have a footpath on either side of the Thames as the long distance path is on the southern bank of the Thames.*

- (c) *The proposed route along the Thames to the South of the site is subject to flooding and would be impassable at times during the winter.*
 - (d) *If in the long term, as has been envisaged, the site reverts to a nature reserve the increased number of visitors would be better, and safely, served by the MM footpath 6 crossing”.*
5. The views received were brought to the attention of M C Cullimore (Gravels) Ltd’s agents and a revised plan taking into account the Marston Meysey Parish Meeting’s suggestion was submitted. This is taken into account in the Diversion Order as made.
 6. A further consultation was carried out on the revised proposal.
 7. On behalf of Marston Meysey Parish Meeting Mr Skellern made the following comments in a letter dated 10 April 2009:
 - (i) *“We are objecting to the proposed diversion in that it does not afford what was once a cross country route, the first part merely following the C116 road until the junction with MM6.*
 - (ii) *We are objecting to the proposal for the path to terminate at the C117 forcing walkers to take the track to the caravan park in order to access the remainder of MM10.*

Using your map as reference our comments are as follows:

In general we consider MM6 and MM10 as the traditional means of travelling between the villages of Marston Meysey and Castle Eaton. This has been possible, up to now, by traversing across country and not by walking on a road until one exits by the footbridge onto the C117 near Castle Eaton.

This proposal, with the line of path following the C117 from Wetstone Cottage until it joins MM6 at the Roundhouse is not acceptable to us, and we suggest the following;

We would prefer a route that either follows the drainage ditch south from Wetstone until the disused canal is reached, or follows the Marston Meysey Brook south to the canal then along the canal until the Roundhouse is reached. The path then follows round the Northern Boundary of Roundhouse and on to the route as set out in your map: but instead of exiting on the C117 as shown, we propose that the path turns south, around block 3A on your map, until the existing crossing of the access track to the Second Chance Caravan Park is reached and thus onto the unchanged section of MM10 to the new footbridge. If walkers wished to continue to Castle Eaton as proposed, they would be forced to access the final part of MM10 via the Second Chance Caravan Site track which is a private road”.

8. Mr Ken Stimson, on behalf of the Ramblers Association, stated in an email dated 17 April 2009:

“The proposed section of the diversion from Wetstone Bridge to the Roundhouse travels in part alongside a road (C116). The existing route has a rural cross country aspect and the amenity value would be reduced by the longer and less attractive proposed route for this section”.

9. Copies of the consultation documents were passed to the landowner's agents for comments. The agent made the following comments in a letter dated 29 April 2009:

"Further to my email to you dated 9 April 2009 I have discussed the suggested alternative routing put forward by Mr Skellern with my client and I enclose a copy of a revised proposed diversion plan, reference 1771/FPD/1C for consideration.

My client's wish is to incorporate the proposed diversion routing shown on the attached plan. This incorporates the suggested alternative route much as described by Mr Skellern between points E to F (Plant site to Second Chance Caravan Park). We have specific concerns in respect of the suggested routing between points A and B (Wetstone Cottage to the Roundhouse) for the following reasons:

- (1) The route via the Meysey Brook is less direct (approximately 230 metres longer).*
- (2) The route will cross a haul route during the works whereas our alternative adopts a secure undisturbed route.*
- (3) The Cotswold Water Park biodiversity officer has previously expressed a preference for less potential disturbance affecting the proposed habitat restoration. The suggested route would bring the public further into the site.*
- (4) There is a slightly increased chance of flood events on land to the south of Wetstone Cottage (which was one of the reasons the parish meeting originally objected to the southern diversion route).*

Nevertheless we appreciate the point made regarding the possible canal restoration. Our suggestion is that the alternative route via the brook will be incorporated as the permanent diversion by our client only if the canal route within and beyond the site is restored and following completion of the site restoration. This is indicated on the plan and I suggested represents a suitable and practical compromise.

The proposed timetable of the works is as follows. To establish the proposed footpath diversion route between points A-B and rope off the existing footpath MM10 (effectively extending the existing protected length) during April 2009.

Section C-D would be installed at a later date prior to the working of Phase 4. Section E-F would be constructed prior to working Phase 3".

10. With respect to the comments supplied by the Ramblers Association the landowner's agent replied as follows:

- (1) "The revised diversion route between points E to F should meet the Association requirement for a more direct route terminating at the continuation point (F),*
- (2) The proposed routing between Wetstone Cottage and the Roundhouse is set well back from the Eastern Spine Road (C116) and follows this route for a short length (260 metres) only before turning south into the site. It will be located behind established hedgerow and new screen planting. I consider any adverse affects on the amenity*

value will be very low in level and countered by the proposed restoration.

(3) *The proposals for the rights of way in the vicinity of the Roundhouse (points B to C) retain the existing route and characteristics so there will be no significant effects on users”.*

11. The sand and gravel extraction site at Roundhouse Farm is bisected west to east by the disused Thames and Severn Canal which can be identified on plans at **Appendix B**.
12. The Area to the south of the canal is at a lower level and lies within the floodplain of the River Thames (which forms the southern boundary of the sand and gravel extraction site). It is therefore prone to flooding during the winter months.
13. Since acquiring the site and commencing extraction in 2006, M C Cullimore (Gravel) Ltd. has experienced severe flooding on several occasions, disrupting extraction. A revised planning application was submitted to overcome the risk of flooding disrupting production levels and market supply of material from the site. The revised application sought to amend the phasing and restoration operations at the site. The revised phasing and restoration scheme are shown at **Appendix D**.
14. The original application required the site being worked in a broadly anti-clockwise direction starting to the north of the disused canal.
15. The revised sequence of working the site would enable the landowner to continue to extract minerals from the site during flooding events by moving from the southern phases to a 'drier' phase held in reserve, north of the line of the canal. Mineral extraction would then recommence in the southern phases closest to the River Thames when the flood waters subside. A plan of the original application is attached at **Appendix C**.
16. A Flood Risk Assessment of the site has been carried out in accordance with Planning Policy Statement 25 Development and Flood Risk (PPS25) which requires that where there is potential for flooding, then flood risk is taken into account. The risk is to be appraised, managed and reduced where possible. The Flood Risk Assessment confirms that much of the Roundhouse Farm site is specified as Flood Zone 3 with areas at the north of the site within the lower risk Flood Zone 2. The likelihood of a flood event occurring on the Roundhouse site is 'significant' rather than 'moderate' or 'low'.
17. The first proposal submitted by the landowners and their agent did run the alternative path along the brook and River Thames. Adverse comments were received from the Ramblers Association, owner of Wetstone Cottage and the Marston Meysey Parish Meeting. The Parish Meeting suggested the path from Wetstone Cottage ran east, parallel with the C116 road as the proposed route. Taking into consideration the known flooding problems on the site (highlighted in the previous paragraph) and the ecological factors, officers supported making an Order in accordance with the revised application.
18. On 15 December 2009 an Order was made under Section 257 and paragraph 1 of Schedule 14 of the Town and Country Planning Act 1980.

19. An objection to the making of the Order was received from Mr Tony Skellern, who is the footpath representative on Marston Meysey Parish Meeting. He has made representations on this issue in the past on behalf of the parish meeting. Mr Skellern made it clear in his objection letter that his objection is entirely on his own behalf and is not associated in any way with the parish meeting. In his letter dated 21 January 2010 he stated:

- (i) *“My objection is to the section of the diversion, starting at Wetstone Cottage and running parallel to the C116 until it reaches the hedge line adjacent to the Roundhouse drive, where it turns south to run parallel to the drive until the exit from this section across the drive is reached.*
- (ii) *The first section from Wetstone; parallel to the C116, will not inspire future walkers compared to the original line across a rural landscape; it will be no better than walking along the side of the road.*
- (iii) *The next section running parallel to the Roundhouse drive duplicates MM footpath 6, a section of which actually runs down the Roundhouse drive some two metres away.*
- (iv) *If this proposal, as set out in the Diversion Order, could be deemed as a temporary arrangement while work was in hand on site, there would be no need for an objection, but we have been informed that this is not possible under present legislation.*
- (v) *Earlier proposals put forward by Marston Meysey Parish Meeting for the path to follow the Marston Meysey Brook south until the line of the old canal is reached and then to follow the canal to the Roundhouse, after which the non contentious part of the Diversion is reached, is my favoured route for this path. Alternatively, if the drainage ditch were to be retained, the path could follow alongside until the canal is reached.*
- (vi) *It is worth mentioning, in support of my suggestion for the alternative Marston Meysey Brook route, that although this route has been dismissed by the site owner on the grounds of health and safety, because it would cross a haul road, the western section of the diversion endorsed by the owner also crosses the haul road!*
- (vii) *It has also been said that this alternative route is longer than the old route, this may be so, but surely this is a purely technical objection, as most people who walk as a leisure activity would not object”.*

20. An objection has also been made by Mr Anthony Murison, Woodmancote, Gloucestershire. In his undated letter Mr Murison stated:

“I wish to object to the permanent diversion route in the Order caused by the permitted development because most stretches of it are substantially less convenient and substantially less enjoyable than the existing route it intends to replace. Alternative routes are available which are adequately convenient, adequately enjoyable and which enable the existing planning permission whose details have only recently been made available to be carried out in an efficient manner and which would not prove difficult for the Council or the landowner to manage”.

21. Mr Derek Richards of Wetstone Cottage, Marston Meysey wrote on 16 January 2010 objecting to the Order:

“While I recognise the need to extract gravel over the areas marked Phase 8, 9B and Phase 9A, the proposed permanent diversion of MM10 does not provide a sensible route for walkers.

It provides a route up against the roadside hedge alongside the C116/C124 and against the hedge of the access lane to The Roundhouse from the C116/C124 (thereby almost duplicating footpath MM6 along the driveway to the Roundhouse).

The proposed route would seem to be less convenient than just walking along the C116/C124 and then along the MM6.

Alternative routes which should be considered are either:

- *For MM10 to be diverted alongside the drainage ditch between 8 and 9A and between 9B and 9A and then alongside the canal to join MM6.*
- *For MM10 to be diverted from point A alongside Marston Meysey Brook and then alongside the canal to join MM6.*

The diversion near the caravan site provides a rather lengthy diversion in order to reconnect with MM10 on adjoining land. MM10 should more closely follow the existing route near the caravan site and walkers should not be required to follow such a lengthy detour to reconnect with MM10 on adjoining land.

The proposed diversion is needed in order to enable gravel to be extracted from the Roundhouse Farm site and to achieve restoration to a wildlife habitat. The amenity value of this wildlife habitat is likely to attract heavy usage of MM9 and MM10. These paths can only be accessed by crossing the C116/C124 at a bend by my cottage. The Council’s Police Safety Officer has previously condemned the access to these footpaths as completely unsafe.

The road crossing point from MM9 and MM10 should be moved to near the junction of “The Street” (Marston Meysey) and the C116/C124”.

Main Considerations for the Council

22. Wiltshire Council has the power to make an Order under Section 257 of the Town and Country Planning Act 1990 to authorise the stopping up or diversion of any footpath or bridleway or restricted byway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
23. Planning permission for the extraction of sand and gravel for the Roundhouse Farm site was approved on 3 July 2003.
24. An Order may be made to temporarily divert a footpath under Sections 257 and 261 for the purpose of allowing minerals to be worked by surface working, and if the Council can be satisfied that the path can be restored after cessation of working to a condition not substantially less convenient to the public.

25. In order to carry out the granted development, it is necessary to divert lengths of footpath MM10 crossing the Roundhouse Farm site. It is not possible to temporarily divert the path, as on the restoration of the site, the land over which the line of MM10 crosses over the site will be reed beds.
26. Marston Meysey Parish Meeting suggested the footpath could be diverted parallel to the C116 road from Wetstone Cottage, now proposed on the Order. The landowner and Council officers believe this is the more direct alternative route for the path.
27. The route via the Meysey Brook and River Thames is substantially longer. It is not possible to define for the purposes of an Order under Section 257 a route along the disused canal. Its restoration is aspirational, not yet finalised, and its route, should the project succeed, may not be exactly the same as the historic original canal.
28. As has previously been pointed out by Mr Richards of Wetstone Cottage and the agents for the landowner there are concerns of potential disturbance to wildlife and wildlife habitat by pedestrians and dogs.
29. The increased chance of flood events on land to the south of the disused canal makes a more northerly alternative for the path more practicable and enjoyable. The land on which the proposed alternative path runs between Wetstone Cottage and MM6 to the east runs 0.5 metres higher than the land south of the canal.

Environmental Impact of the Recommendation

30. There is no environmental impact in submitting the Order to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed.

Risk Assessment

31. There are no risks arising from the recommendation set out within this report.

Financial Implications

32. The administrative costs for making the Order to date will be paid by the owner of the land over which the footpath crosses. If the Council decides to send the Order to the Secretary of State for determination, it is likely a Public Inquiry would ensue for which budgetary provision is made.

Options Considered

33. That the Order be abandoned. It would be unsafe to do this as this option would put the Council in danger of being judicially reviewed, given that the grounds for making the Order are soundly made.

Reasons for Recommendation

34. The proposed diversions satisfy the test contained in Section 257 of the Town and Country Planning Act 1990.

Recommendation

35. That the Order proposing to divert sections of Marston Meysey footpath 10 as shown on **Appendix A** to this report be submitted to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

GEORGE BATTEN

Corporate Director for Transport, Environment & Leisure

Report Author

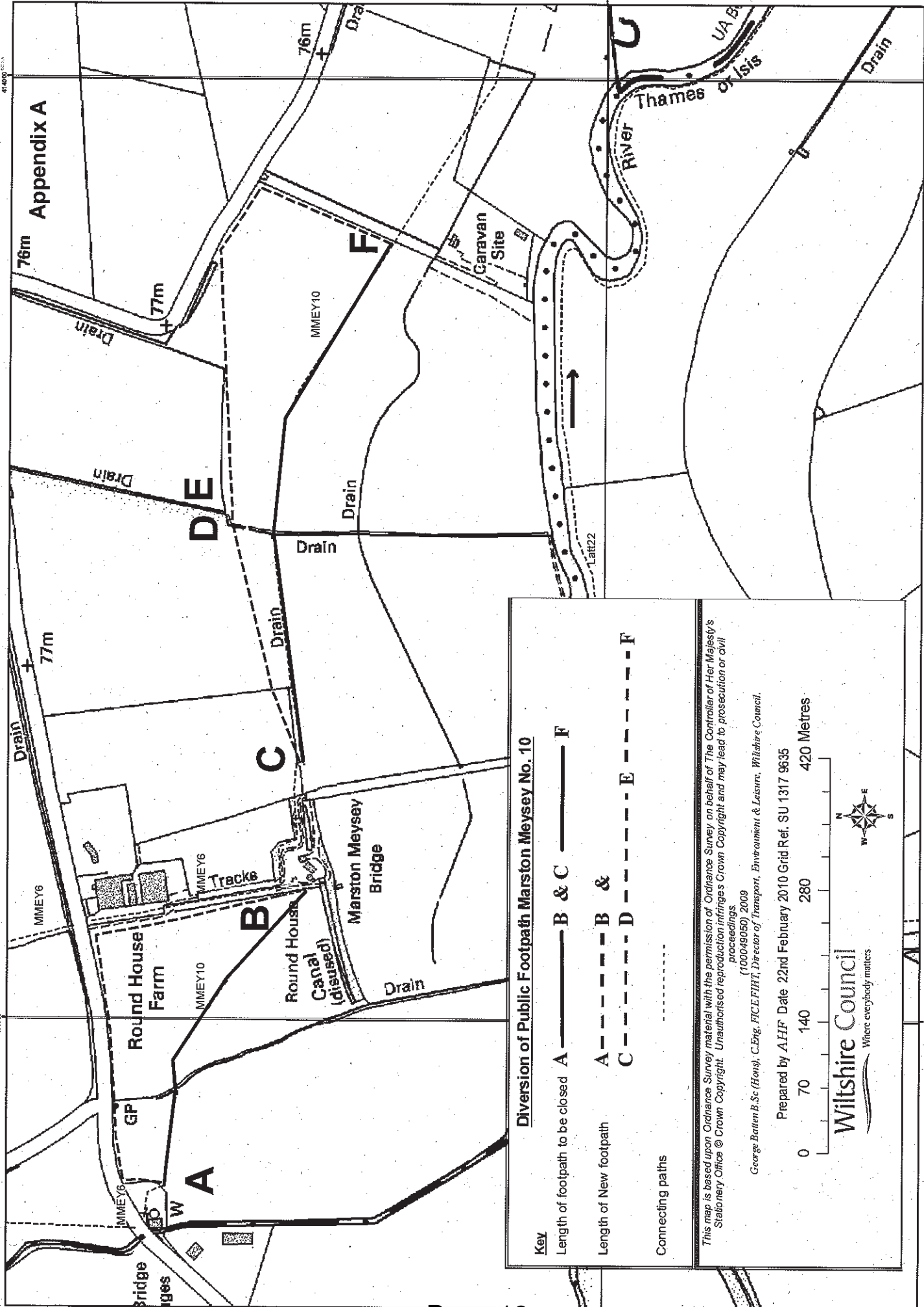
BARBARA BURKE

Senior Rights of Way Officer

The following unpublished documents have been relied on in the preparation of this Report:

None.

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Division of Public Footpath Marston Meysey No. 10

- Key**
- Length of footpath to be closed A ——— B & C ——— F ———
 - Length of New footpath A - - - - - B & C - - - - - D - - - - - E - - - - - F - - - - -
 - Connecting paths - - - - -

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George Bartram B.Sc (Hons), C.Eng. FICE, FIHT, Director of Transport, Environment & Leisure, Wiltshire Council.
(100049050) 2009

Prepared by AHF Date 22nd February 2010 Grid Ref. SU 1317 9635

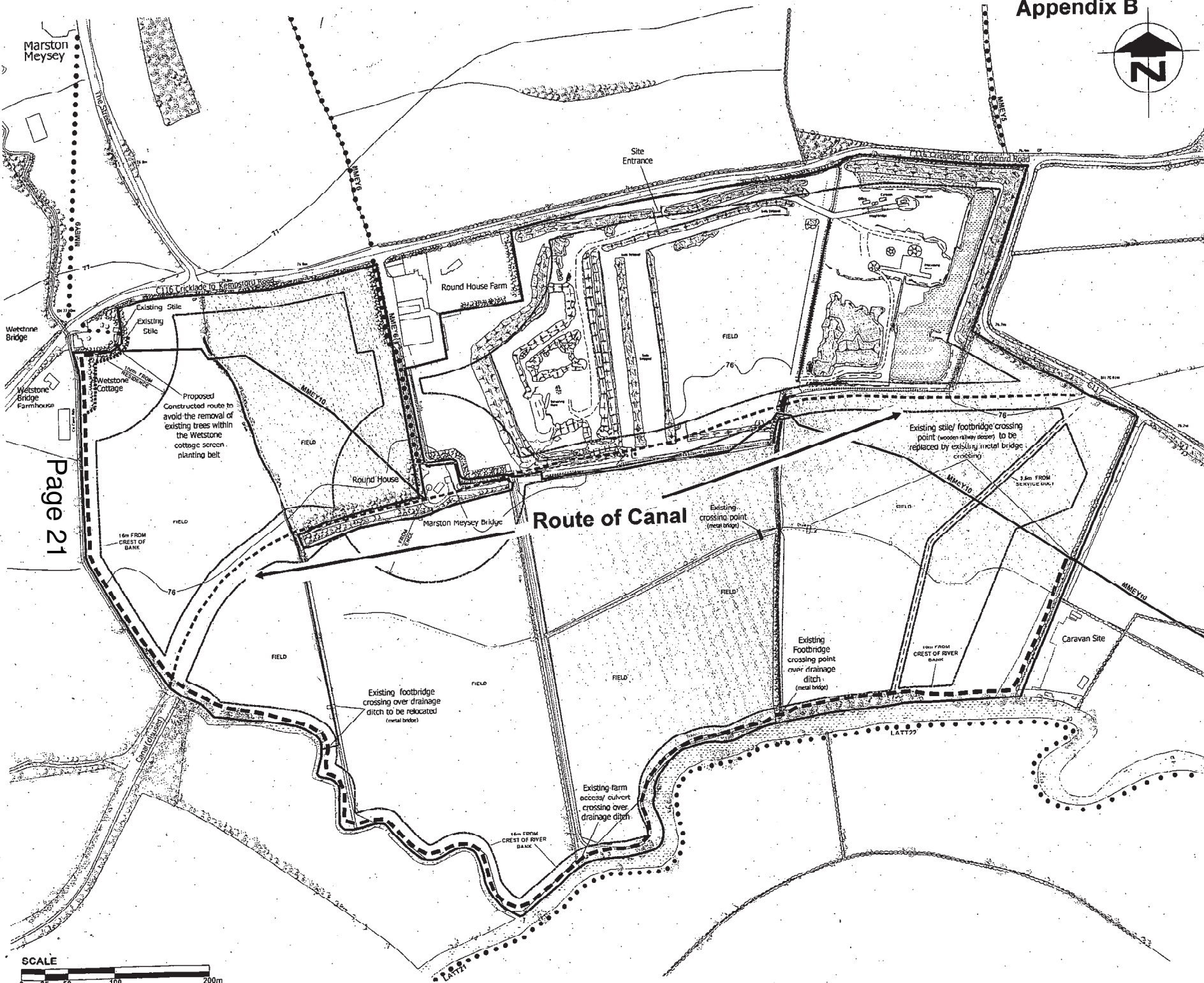
0 70 140 280 420 Metres

Wiltshire Council
Where everybody matters

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KEY	
	BOUNDARY: APPLICATION SITE
	BOUNDARY: CONSENTED LIMIT OF EXTRACTION
	EXISTING AREAS OF AGRICULTURE
	EXISTING CONTOUR
	EXISTING VEGETATION
	TOPSOIL STORE (2.5m High Max)
	CONSENTED MINERAL STOCKPILE
	ROUTE OF INFILLED CANAL
	OIL PIPELINE
	EXISTING FOOTPATH
	EXISTING RR/DRIVEWAY
	EXISTING FOOTPATH TO BE DIVERTED
	FOOTPATH: CONSENTED PERMANENT DIVERSION ROUTE
	FOOTPATH: PROPOSED CONSTRUCTED ROUTE



- NOTES**
- Plan based on GYP Consultants Site Plan, drawing ref. ROUND0708B, dated Aug 2007.
 - Definitive routes of Public rights of way based on information supplied by Wiltshire County Council dated Jan 2008.
 - Route of infilled canal based on Alliance Environmental and Planning Ltd drawing ref. CU2759A02, dated 29.08.07

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 planning development landscape environment
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Client: **MORETON C CULLIMORE (GRAVELS) LTD**
 Project: **ROUNDHOUSE FARM**

Drawing Title: **CONSENTED FOOTPATH DIVERSION**
 Scale: **1:2500 at A2** Date: **MARCH 2008**
 Drawing No: **1771/FPD/1**



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- KEY**
- APPLICATION BOUNDARY
 - EXTRACTION BOUNDARY
 - PROPOSED PHASE BOUNDARY
 - EXISTING CONTOURS AT 1.0m INTERVALS
 - EXISTING SPOT HEIGHTS (METRES AOD)
 - PROPOSED CONTOURS AT 1.0m INTERVALS
 - ROUTE OF OLD CANAL
 - FOOTPATH
 - BRIDLEWAY
 - PROPOSED GRASSED SCREEN BUND
 - EXISTING TREES
 - EXISTING HEDGES
 - PROPOSED TREE AND SHRUB PLANTING

Brett
Brett Aggregates Limited
 Ltd Group Planning and Development
 Robert Brett Drive,
 Milton Abinger Farm, Ashburton Road,
 Cannabury, KARS, CTA 7PP Tel: 01227 82000

DAVID JARVIS ASSOCIATES
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 SWINDON Wiltshire SN1 5DT
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 Email: david.jarvis@jarvis-associates.co.uk

Project
ROUNDHOUSE FARM

Drawing Title
**PHASE 1
 AND SETTING OUT**
 Scale 1:2500 AT A1 | Date
 1:5000 AT A2 | **APRIL 2009**
 Drawn: *ME* Plan No: **4a**

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KEY

	APPLICATION SITE BOUNDARY
	BOUNDARY CONVERTED LIMIT OF EXTRACTION
	BOUNDARY
	PROPOSED MINERAL EXTRACTION PHASING
	EXISTING ASSETS OF AGRICULTURE
	EXISTING CONTOUR
	EXISTING VEGETATION
	PROPOSED TREES
	PROPOSED PLANTING
	PROPOSED REED BEDS
	PROPOSED SCRUB
	PROPOSED LOW VALLEY/GRASS Hk
	TOPICAL FFLORE (2.5m High Max)
	SHRUB OVERSTOREY STORE (4.5m High Max)
	HAIL ROUTE
	ROUTE OF FILLED CANAL
	OIL PIPELINE
	WATER PIPELINE (approx location)
	EXISTING FOOTPATH (based on the definitive map)
	EXISTING ASSET BOUNDARY (based on the definitive map)
	PROPOSED PERMANENT FOOTPATH

NOTES

- 1. Plan based on OSN Contours (Site Plan) covering of 001/001/000, dated Aug 2007. Definitive contours of fields (gr 01/01/000) County Council dated Jan 2008.
- 2. Points of rainfall based on Met Office data for 1991-2000.
- 3. Proposed permanent footpath based on OSN of 1994.
- 4. Proposed permanent footpath based on OSN of 1994.
- 5. Proposed permanent footpath based on OSN of 1994.
- 6. Proposed permanent footpath based on OSN of 1994.
- 7. Proposed permanent footpath based on OSN of 1994.
- 8. Proposed permanent footpath based on OSN of 1994.
- 9. Proposed permanent footpath based on OSN of 1994.

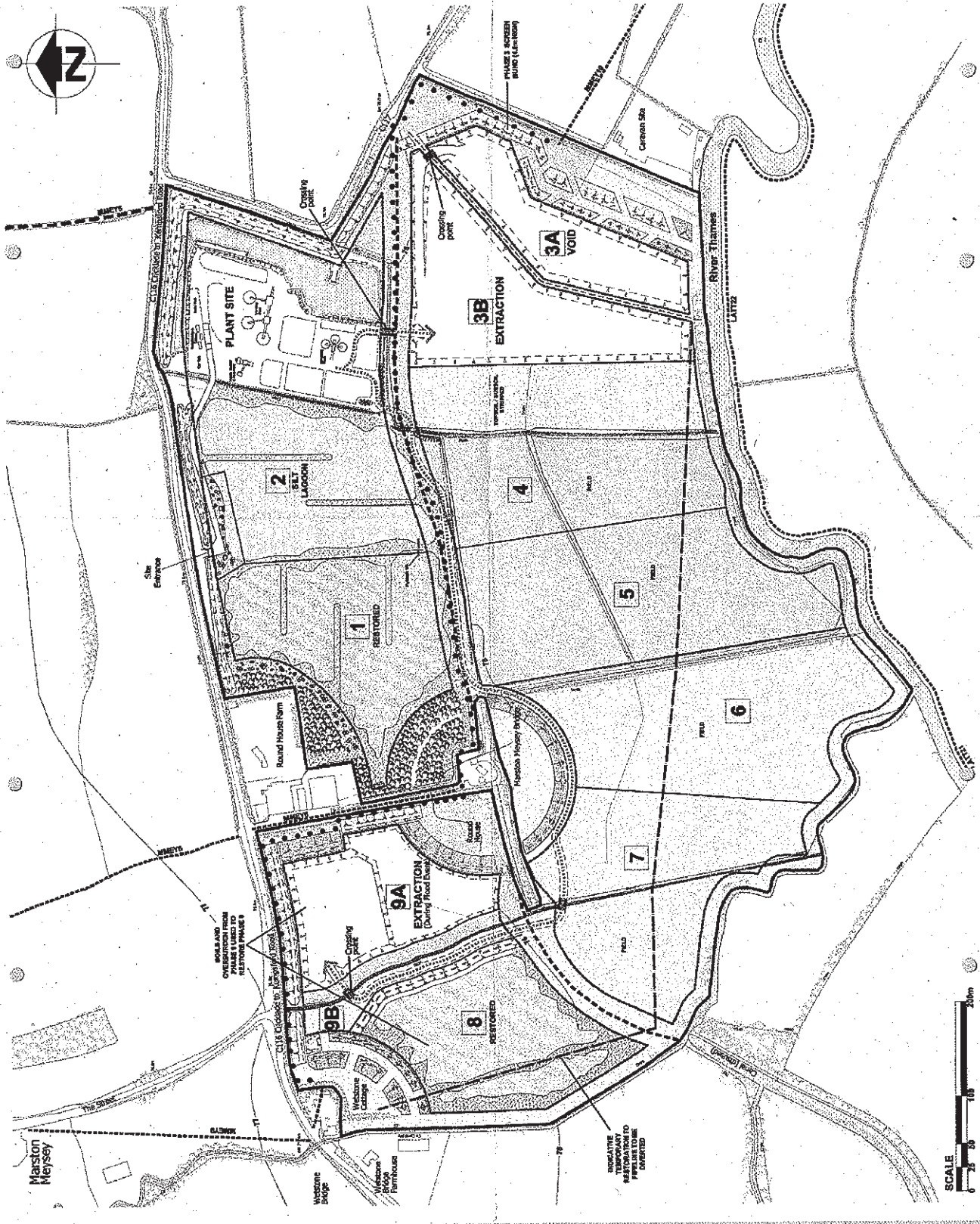
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ROUNDHOUSE FARM

PHASE 3 EXTRACTION

DATE: 1:2500 at A2 FEB 2008
 DRAWN BY: 1771/SK4 F



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INDEX OF APPLICATIONS ON 17/03/2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	07/03318/OUT	Rylands Sports Field, Stoneover Lane, Wootton Bassett, Wiltshire, SN4 8QX	Erection of 100 Dwellings with Primary Access from Stoneover Lane (Outline)	Delegated to Area Team Manager
02	09/02234/LBC	1 Market Hill, Calne, Wiltshire, SN11 0BT	Retention of Existing signage with Reduction in Characters & Repositioning	Refusal
03	09/02235/ADV	1 Market Hill, Calne, Wiltshire, SN11 0BT	Retention of Existing Signage With Reduction in Characters & Repositioning.	Refusal
04	09/02177/FUL	Bowldown Farm, Days Lane, Kington Langley, Chippenham, SN15 5PA	Erection of Agricultural Workers Dwelling	Permission
05	09/02254/FUL	Land & Buildings At Peterborough Farm, Dauntsey Lock, Chippenham, Wiltshire SN15 4HD	Erection of New Dwelling on Footprint of Original Agricultural Buildings	Refusal
06	10/00320/FUL	21 Park Lane, Corsham, Wiltshire, SN13 9LQ	Extension to Dwelling, Double Garage, Parking & Vehicular Access	Permission
07	10/00366/FUL	Allington Grange, Allington, Chippenham, Wiltshire, SN14 6LW	Extension and Alterations to Dwelling	Refusal
08	10/00367/LBC	Allington Grange, Allington, Chippenham, Wiltshire, SN14 6LW	Extension and Alterations to Dwelling	Refusal

**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 7 (1)

Date of Meeting	17th March 2009		
Application Number	07/03318/OUT		
Site Address	Rylands Sports Field, Stoneover Lane, Wootton Bassett, Wiltshire, SN4 8QX		
Proposal	Erection of 100 Dwellings with Primary Access from Stoneover Lane (Outline)		
Applicant	Wootton Bassett Rugby Football Club		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Peter Doyle
Grid Ref	407903 182884		
Type of application	Outline		
Case Officer	Brian Taylor	01249 706 683	Brian.taylor@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been brought for decision by Committee at the discretion of the Area Development Manager to enable members to reconsider one element of an earlier resolution on this application.

This application was originally considered by the Development Control Committee of the former North Wiltshire District Council on 24th September 2008 along with three other applications which all related to development of existing sports grounds for residential use and the provision of alternative sporting facilities. The Committee resolved to permit the applications subject to legal agreements that secured (amongst other matters) the provision of alternative sports facilities prior to occupation of any of the residential units. For a number of reasons (explained in this report) the wording of the resolution relating to this application has resulted in some difficulty in moving the proposals forward. This report seeks members support for a slight amendment to the wording of the delegation authority to enable development to proceed whilst still safeguarding the need to provide alternative sports facilities.

1. Purpose of Report

To recommend that the authority delegated to the Area Development Manager in September 2008 be amended to provide that Planning Permission be granted subject to:

1. Completion of Agreements to ensure:

- (a) Affordable housing and Public Open space.
- (b) the provision of alternative sports facilities takes place prior to the occupation of any residential units hereby approved.

2. Main Issues

The main issue for consideration by the committee is whether the proposed new delegation terms, which are sought to enable this development to be able to proceed, are in compliance with criteria that apply where existing sporting facilities will be lost.

The impact of the residential development at the Stoneover Lane site was considered fully when the application was originally debated and Members are not being invited to revisit those matters except where they relate to the loss of the existing sports facilities.

Because the proposed development will result in the loss of an existing sports facility, Sport England are a key consultee, to the extent that without Sport England’s support for the proposal the Council would be unable to permit the application without referring it to the Secretary of State.

In relation to redevelopment, replacement or improvement of existing leisure facilities criteria are stipulated. These criteria refer to the retention of the existing level of facilities; the facilities must be beneficial to the community and must be beneficial to the existing use. Of particular relevance to this policy is the reference to “loss of existing facilities” and this is only justifiable where there would not be a resultant deficit in terms of quality, quantity and accessibility in accordance with the methodology in the councils Open Space Study.

3. Site Description

The Stoneover Lane site is located within the framework boundary of Wootton Bassett. The site is at present occupied by the Wootton Bassett Rugby Club. There is some vegetation around the periphery of the site. The site slopes gently from the East to the West. To the Northwest and Southeast are predominantly residential areas. To the Southwest there is an area of open space owned by Wootton Bassett Town Council and to the North East is an open area owned by Wiltshire Council which is allocated for the location of a primary school. A short adopted slip road serves 5 dwellings and runs parallel to the north-western boundary

4. Relevant Planning History		
Application Number	Proposal	Decision
06/02951	Screening Opinion	An application was received under regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The opinion given setting out the issues that needed to be addressed in any future application.

5. Proposal

This proposal is for outline permission for the erection of 100 dwellings on a site of approximate area 2.5ha

6. Consultations

Extensive consultations were undertaken on the original application and these were reported in full at the meeting of 24th September 2008. No further consultations have been undertaken in relation to this issue.

7. Publicity

The application was advertised in the appropriate way prior to the application being considered by Committee in September 2008. No further publicity has been undertaken in relation to this issue.

8. Planning Considerations

In late 2007 and early 2008 a series of four planning applications were submitted to North Wiltshire District Council. In summary, the proposals were to develop the site of the Gerard Buxton Sports Ground on Rylands Way (run by the Wootton Bassett Sports Association) and the Rylands Sports Ground at Stoneover Lane (the Rugby Club) for residential development. Replacement sporting facilities were to be provided at improved facilities at the existing Ballards Ash site and a new ‘Sports Hub’ (also at Ballards Ash).

Whilst each of the applications had to be considered individually, the four schemes were interlinked. The Rylands Sports Field application (the subject of this report) could only be considered to be acceptable if the recreational facilities the site currently provides can be replaced elsewhere. The proposal was that facilities would be replaced at the existing Ballards Ash site, but that is only possible if some of the pitches at the existing Ballards Ash site could be accommodated elsewhere, for example within the 'sports hub' proposal (08/00025/FUL). Therefore, the decision taken on that application (08/00025/FUL) would inevitably have an effect upon decisions taken on The Rylands Sports Field application and the Gerard Buxton Sports Field (08/00024/FUL).

At that stage all the applications were closely linked: The Gerard Buxton Site could not be developed until the Sports Hub had been completed; the rugby club site could not be completed until rugby pitches were provided at the existing Ballards Ash site, which in turn could not happen until football pitches were accommodated at the Sports Hub.

Sport England were key to determination of the applications.

The North Wiltshire District Council's Development Control Committee resolved to :

"Delegate to the Development Control Manager to GRANT Planning Permission subject to:

Completion of Agreements to ensure:

(a) Affordable housing and Public Open space.

*(b) **The development is linked to planning application 08/00025/FUL to ensure the development of the sports facilities takes place prior to the occupation of any residential units hereby approved.***

This resolution specifically linked the redevelopment of the Rylands Sports Field to the provision of the sports facilities permitted by 08/00025/FUL.

Since Members resolved to permit the applications the economy and the housing market have changed significantly and the residential proposals have not progressed.

Without the provision of the Sports Hub (which is dependent on the development of the Gerard Buxton Sports Ground) the Rugby Club cannot meet the requirement to provide replacement facilities in the way originally intended (whilst the rugby club facilities can relocate this would lead to a reduction in football pitch provision, until alternative provision is developed). The residential proposals at Gerard Buxton Sports Ground are not progressing (and therefore the Sports Hub has not progressed).

Wiltshire Council have tried to develop a legal agreement with the other parties involved that will make best efforts to secure the provision of alternative sporting facilities without being reliant on the development of the Gerard Buxton site. However, it is clear that any agreement on that basis would not fully comply with the requirement of the resolution of 24th September 2008, which specifically refers to the provision of the sports facilities as set out in application 08/00025/FUL.

However the important thing is that appropriate alternative sporting facilities are provided within Wootton Bassett prior to the redevelopment of the Rylands Sports Field. It is not so crucial how the alternative facilities are provided, as long as the arrangement is supported by Sport England. The original resolution of the Development Control Committee allows only one way of providing the alternative sporting facilities. Amending the delegation authority to ensure that alternative sporting facilities are secured and provided prior to occupation of any dwellings (rather than linking the application specifically to the development of the Sports Hub) will allow an element of flexibility for the development, but would still ensure provision of the facilities which are acceptable to Sport England.

As set out earlier in this report any proposal to develop the sports field must have the support of Sport England as a statutory consultee on planning applications affecting playing fields. Sport England were supportive of the original proposals subject to a suitable legal agreement. Sport England have been consulted about the difficulties being experienced in bringing forward this site (and providing the improved rugby club facilities) and have indicated that they are content with the way in which discussions have progressed:

“Sport England remains supportive of the development of a new sports hub at Marsh Farm. As you will be aware, our national Playing Field Policy ‘A Sporting Future for the Playing Fields of England’ requires a replacement facility to be provided prior to the commencement of development of the existing site. However, in the specific circumstances of this case we would be prepared to accept an ‘interim arrangement’ which is acceptable to all parties”

Sport England will still have to ‘approve’ any legal agreement that is drafted to secure the provision of the replacement sporting facilities, but the indication that they are content with approach outlined above is welcome. Sport England have already made some comments on a draft legal agreement and these comments will have to be addressed before their support can be confirmed.

9. Conclusion

It is considered that removal of the requirement to link the development of the Rylands Way site with the proposed Sports Hub development in the way proposed will enable the development to proceed, whilst still securing the provision of alternative sports facilities which meet the relevant Sport England criteria.

10. Recommendation

To recommend that the authority delegated to the Area Development Manager in September 2008 be amended to provide that Planning Permission be granted subject to:

1. Completion of Agreements to ensure:

- (a) Affordable housing and Public Open space.
- (b) the provision of alternative sports facilities takes place prior to the occupation of any residential units hereby approved.

Appendices:	None
Background Documents Used in the Preparation of this Report:	Application file 08/1388/OUT



**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 7 (2 & 3)

Date of Meeting	17 March 2010		
Application Number	09/02234/LBC & 09/02235/ADV		
Site Address	1 Market Hill, Calne		
Proposal	Retention of existing signage with reduction in characters and repositioning		
Applicant	Mr Barrett		
Town/Parish Council	Calne		
Electoral Division	Calne Central	Unitary Member	Howard Marshall
Grid Ref	399700 171050		
Type of application	Listed Building Consent and Advertisement Consent		
Case Officer	Caroline Ridgwell	01249 706639	caroline.ridgwell@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been reported to Committee at the discretion of the Area Development Manager to consider the impact of the proposal upon the listed building and Conservation Area.

1. Purpose of Report

To consider the above applications and to recommend that listed building consent and advertisement consent be REFUSED.

2. Main Issues

The building is Listed Grade II and it is situated on the corner of Market Hill and High Street in the centre of Calne. The premises covers two addresses, 1 Market Hill and the upper floor of 6 High Street. The key points to consider are as follows:

- Impact on the listed building
- Impact on the conservation area
- Implications on DC Core Policies C3, HE1, HE4 and BD9

3. Site Description

1 Market Hill is a Grade II listed building, originally a house, dating from the late C18 with mid C19 alterations. 6 High Street is also Grade II listed and originally a house dating from the early C19 and altered in the late C19 when it became a shop on the ground floor. It sits on the corner of the High Street and Market Hill with the shop door on the corner and fenestrated side elevations on both roads.

The site is in a very central and prominent location within the Calne conservation area. The main road through the town runs down past the site and Market Hill is a wide slope set against the main road. There are a great number of historic buildings in this area and the wide streets and hills give a clear, sweeping aspect to the street scene.

The sign as proposed reads “River View Portfolio Chartered Management Accountants”.

4. Relevant Planning History		
Application number	Proposal	Decision
09.01128.ADV	Retention of existing signage	Refused
09.01129.LBC	Retention of existing signage	Refused
03.02817.ADV	Exterior sign	Refused
03.02818.LBC	Installation of new sign/alteration to exterior decoration	Refused

5. Proposal

The retrospective applications are to retain the existing unauthorised signage, making a slight alteration by removing the phone number and 'Ltd'. The lettering is blue aluminium individual characters pinned into the wall by means of several fixings per letter. The characters are numerous (48) and located between two first floor windows, straddling the two periods of the building.

6. Consultation

Calne Town Council - No objection.

7. Publicity

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

No letters of letters of objection/support received.

8. Planning Considerations

The earlier building (1 Market Hill) is painted rubblestone with small pane sash windows at first floor level and plan sash windows on the ground floor. The C19 century building that sits on the corner of the two roads is rendered and painted, with larger small pane sash windows at first floor level and large glazed shop windows on the ground floor. There is a projecting string course detail on the C19 building set across the top of the shop windows and door, visually dividing the ground and first floors. The roof height to the C19 building is considerably higher than the C18 building, showing clearly that they were originally two separate buildings.

The existing signage is now the third version since retrospective applications were refused in 2003.

The applicant has been advised to keep the signs on the C19 section (that is 6 High Street), to use smaller lettering and to keep the lettering below first floor window level. A small hanging sign fixed at the point where the two phases of the building change would be acceptable.

Signage on a listed building needs to be discrete without detracting from the character, appearance and special interest of the building. The signage as shown in these applications, even with the proposed alterations, dominates the elevation of the buildings and obscures historic features.

All the buildings immediately surrounding this site in Market Hill are listed buildings that were once houses but are now business premises. The grading of these buildings varies from II to II* and all have modest fascia signs and/or brass plaques appropriate to their period and level of protection. The signage on 1 Market Hill stands out with an excessive number of relatively large characters. In general a fascia sign on a traditional building would not contain so many letters of this size, nor would it appear to straddle two buildings. The removal of the "Ltd." and telephone number (a reduction of 18 characters from 66 to 48 characters) is welcomed, but is not sufficient to render it acceptable.

Retention of this signage may be seen as setting a precedent for all signs on the surrounding listed buildings, resulting in elevations being peppered with fixing holes and covered with various characters that detract from the special interest of the buildings.

The signage is therefore unacceptable due to its location, scale, quantity of characters and fixings making it detrimental to the character, appearance and special interest of the listed buildings 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, HE1, HE4 and BD9 of the North Wiltshire Local Plan 2011. They are not supported.

In considering the application for Advertisement Consent the Council can only consider public safety and amenity issues. Clearly due to the effect upon the listed building and wider Conservation Area the application for advertisement consent should be refused.

Conclusion

Any signage should be on the C19 section (that is 6 High Street), use smaller lettering and remain below first floor window level. A small hanging sign fixed at the point where the two phases of the building change would also be acceptable.

The building has been occupied by the same applicant throughout this time and the local authority has worked with the applicant to give consistent and comprehensive guidelines on the location, size, materials, design and colour of signage that would be acceptable. The Council has never said that all fascia signs should be removed but that what has been erected is inappropriate.

The cumulative impact of the signage on the application site and surrounding conservation area leads to the existing signs failing to enhance or preserve the conservation area. This is contrary to advice contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Guidance Note (PPG) 15 and policies C3, HE1, HE4 and BD9 of the North Wiltshire Local Plan 2011.

Whilst the applicant's need to advertise their business is recognised this is not considered sufficient to outweigh the significant adverse impact of the signs upon the listed building and Conservation Area.

9. Recommendation:

Listed Building Consent be REFUSED for the following reason:

1. The existing unauthorised fascia signage, with proposed alterations is set too high on the buildings, straddles the two distinct phases of the building, uses characters that are too large and numerous and results in a great quantity of fixing holes on the front elevation of the buildings. The signage is therefore unacceptable due to its location, scale, quantity of characters and fixings making it detrimental to the character, appearance and special interest of the listed buildings 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, HE1, HE4 and BD9 of the North Wiltshire Local Plan 2011.

Informative

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

Drawing No. 09/663/01 rev / (date stamped 14.12.09)

Drawing No. 09/663/01 rev / (date stamped 21.12.09)

Drawing No. 09/663/02 rev / (date stamped 14.12.09)

Advertisement Consent be REFUSED for the following reason:

1. The existing unauthorised fascia signage, with proposed alterations is set too high on the buildings, straddles the two distinct phases of the building, uses characters that are too large and numerous and results in a great quantity of fixing holes on the front elevation of the buildings. The proposed advertisement will have a significant adverse impact upon the amenity of the conservation area and the listed building. This is contrary to advice contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Guidance Note (PPG) 15 and policies C3, HE1, HE4 and BD9 of the North Wiltshire Local Plan 2011.

Informative

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

Drawing No. 09/663/01 rev / (date stamped 14.12.09)

Drawing No. 09/663/01 rev / (date stamped 21.12.09)

Drawing No. 09/663/02 rev / (date stamped 14.12.09)

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

**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 7 (4)

Date of Meeting	17 th March 2010		
Application Number	09/02177/FUL		
Site Address	Bowldown Farm, Days Lane, Kington Langley, Wilts		
Proposal	Erection of agricultural workers dwelling		
Applicant	Mrs Joanne Hodges		
Town/Parish Council	Kington Langley		
Electoral Division	Kington	Unitary Member	Cllr Howard Greenman
Grid Ref	932453 177759		
Type of application	FULL		
Case Officer	S T Smith	01249706633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to committee at the request of Councillor Howard Greenman to consider the adequacy of the proposed access arrangements.

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 the submission of a full application for the erection of a single agricultural workers dwelling in the open countryside. As such the main issues to consider are as follows:

1. Principle of development and previous permission
2. Agricultural justification
3. Access arrangements

3. Site Description

The 7.1Ha application site comprises agricultural land together with several agricultural buildings: pole barn, polytunnel and storage shed. A mobile home exists on the site, although it is currently unoccupied and the applicant does not reside on the site. The 7.1Ha site represents the entire land holding under the control of the applicant.

The application site together with entire land holding is outside of the defined Settlement Framework Boundary to Kington Langley and is, in planning policy terms, located in the open countryside.

4. Relevant Planning History

Application Number	Proposal	Decision

04/00838/FUL	Temporary caravan for agricultural workers dwelling	Permission 06/08/04
08/01314/FUL	Erection of an agricultural workers dwelling to replace existing temporary dwelling	Permission 04/07/08

5. Proposal

This is a proposal for the erection of a detached three-bedroom detached dwelling in the open countryside. Submitted justification for the new dwelling is in the form of it being needed to provide accommodation for an agricultural worker.

The application is submitted pursuant to an earlier permission for similar under reference 08/01314/FUL. Although comprising some relatively minor changes to internal layout, the substantive difference between proposals is the routing of the point of access and slight repositioning of dwelling. The 2008 permission has not been implemented, although it remains extant.

The applicant of the 2008 permission has since sold the land holding to the current applicant.

6. Consultations

Kington Langley Town Council comment as follows:

“At a meeting of Kington Langley Parish Council on the evening of the 11th January 2010 the above application was considered and it was concluded unanimously that we wish the application to be called in for discussion by the Planning and Development committee. Councillor Howard Greenman has been asked to do this. It would be appreciated if you could confirm that this will be done.

The fundamental concern is the access to the Bowldown Farm property. At the present time the property is actually open fields with an approval to build a farm workers house. Present access is through a right of way off of Days Lane through a farmyard. The application specifies in writing and on a drawing, an access to the North off of Byway 34. Then it mentions in writing but not on its drawing, an access from the South. It is silent on the fact that this proposed southern access is actually off an unmade up bridleway that is narrow, bounded by ditches, and completely unsuitable for vehicles. It is a public right of way and used for walking and riding. The access point would involve an extension of Old Draycott Lane by some 80 metres and even then would be impassable without pruning the lower branches of a mature Blue Cedar tree that stands on private property.

There is also concern about the proposed access from the Byway 34. Again, this Byway is used for walking and for horses. While vehicles are entitled to use it this in practice is confined to farm vehicles on an infrequent basis for access purposes only. Any more regular use as an access, particularly for non-agricultural purposes is strongly opposed. The key question is whether it is the new owners' intention to farm this land. It is known that they are not farmers. Therefore, although the Parish Council is not opposed to the building of a farm worker's house as proposed, it wishes to see strong and binding undertakings from the owners that this is and will remain the true purpose of the development.

Having studied the North Wiltshire Local Plan policy H4 which I believe is still current I note it states:

“New dwellings in the countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that”:

- ii) It is a replacement for an existing dwelling where:

 - a) The residential use has not been abandoned (I am not sure of this)*
 - b) Not applicable*
 - c) The replacement dwelling is of a similar size and scale to the existing dwelling within the same cartilage. (The proposed is much larger).**

However, the parish council is not opposing the application at this point, but wish clarification on the following:

- a) *The plan does not seem to be showing the same information on access as the Design and Access Statement. The present access is via Days Lane leading to Byway 34 and the proposed access is via Days Lane leading to a bridleway 34A which is not stated on the plan, this causes much alarm with local residents who reside in the vicinity. It is essential for this issue to be clarified ASAP.*
- b) *That the proposed is in connection with essential agricultural needs. (The proposed access and area would not be suitable for regular farm machinery traffic).*

I look forward to receiving your guidance on this application as it is causing much concern amongst the Parish Council and local residents."

Highway Engineer

Raise concerns regarding location of dwelling in the open countryside remote from local services and public transport. However, in the event of the Council being satisfied with principle of development, provides the following comments in respect of the proposed access arrangements and raises no objections subject to the imposition of planning conditions:

"Having visited the site and taken a look at both bridleway and the by-way, I have the following comments to make:

The bridleway would not be suitable for any increase of use, this has been confirmed by our ROW officer directly to the applicant.

The by-way has been significantly improved, is suitably surfaced and is of good condition. It is of adequate width (approx 3m – 3.5m) and I am happy that the track will be able to accommodate the minimal increase in vehicle movement associated with a single dwelling.

Its junction with Days Lane will need improvement and significant drainage work to ensure no material/surface water will travel onto the adjacent highway. I have confirmed with the ROW officer that I will require improvement of 5m of carriageway with adequate surfacing and drainage. The access onto the By-way will need a minimal visibility of 2m by 14m in each direction cleared of obstruction to a height of 900mm. This will accommodate the very minimal vehicular movement and the pedestrian traffic utilising the by-way.

This access will also need to be properly consolidated.

In summary I am happy with the principal of a residential access onto the by-way and Days Lane, this is based solely on the minimal vehicular movements and nature of traffic associated with a single residential unit and I would not be happy with any further increased use."

Public Rights of Way Officer

"This proposal has been formulated with discussion with myself and the applicants, and I have no objections only some minor requests as stated below

The proposed new access from the property onto the Byway34 shares the same line as Footpath26 Kington Langley. I have no problem with this as a stone surface would be a great improvement. If a structure is placed on this path, i.e. an entrance gate, provision should be provided in the form of the least restrictive design i.e. kissing gate. The whole line of the footpath should be available and clearly marked though the owners property."

County Ecologist

"The proposed dwelling is to be sited on an arable field and I do not consider it likely that the building proposals will impact upon protected habitats or species. The proposed access is along a tree-lined route and the trees should be adequately protected during construction of the track in accordance with BS5837-2005 Trees in relation to construction."

Agricultural consultant

Acknowledges that an agricultural workers dwelling on this site has been previously justified on the basis of the horticultural and fowl enterprise undertaken by the previous applicant. It is also identified that that enterprise had not been fully implemented by the previous applicant prior to the holdings sale.

It is understood that whilst the current applicant earn their income away from the holding, it is intended that production on the holding will gradually increase in accordance with the previously proposed enterprise, to enable their working at the site full-time.

Ultimately, because the application has been submitted on the basis of being a new proposal for a dwelling, distinct from that previously given planning permission, and because the enterprise has yet to meet the functional or financial tests required by Annexe A to PPS7, he concludes that the dwelling is not warranted.

7. Publicity

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

Six (6) letters of objection received. Summary of key relevant points raised:

- Confusion whether proposal is to make use of access via Byway 34 or Bridleway 34A
- Objection to any use of Bridleway 34A onto Old Draycott Lane which does not allow for any vehicular traffic
- Objection to use of either Byway 34 or Bridleway 34A, neither of which are suitable for vehicular traffic
- No objection to use of Byway 34
- Exit of Byway 34 onto Old Days Lane is unsafe for additional traffic
- Old Draycott Lane already provide access to three properties, but none beyond a certain point at which time it becomes a Bridleway restricted to pedestrians, cycle and horse traffic only. Such use would be prejudicial to amenity and safety of existing residents due to narrowness.
- Existing access shared with Westbrook Farm is more than adequate. New access via Byway 34 is unacceptable.

8. Planning Considerations

Principle of development and previous permission

The starting point for all considerations is the existence of the 2008 permission for the erection of an agricultural workers dwelling on this site. Although not yet implemented, it remains an extant permission with over 1 year left to run before it expires.

Subject to the discharge of any relevant planning conditions so imposed, the 2008 permission could be implemented by the current owner of the site at any time. The 2008 permission restricts neither who can implement the permission or the agricultural enterprise to which the occupant would be employed in running.

In this context it is considered to be reasonable to place a significant amount of weight upon the earlier permission. This is particular so given that the differences in the scale, appearance and positioning between the approved dwelling and that now proposed, is very limited. For example the number of bedrooms as overall floor area is unchanged.

Agricultural justification

The current applicant intends to recommence agricultural activities on the site consisting of a horticultural enterprise plus the maintenance of a flock of 60 laying geese and 100 turkeys reared in advance of the Christmas trade. At the time of purchase by the current applicant, there was no growing crop on the holding save for raspberry canes, cultivated blackberries, redcurrent bushes and asparagus bed. Since purchase the applicant has established a small flock of geese.

It is noted that the Council's agricultural consultant advises that, when viewing the current application in isolation, the lack of a fully established agricultural enterprise by the applicant on the site would inhibit compliance with the functional and financial tests set out in Annexe A to PPS7 in respect of proposals for

permanent agricultural dwellings (ie. the applicant cannot demonstrate profitability or viability of an enterprise that does not fully exist or indeed that that enterprise when fully implemented would require a permanent presence on the site). Such conclusions cannot be disputed.

However, it is also necessary to consider the existing extant permission. As already noted that permission can be implemented with no further planning permission necessary. It is also clear that the applicant intends to simply recommence the agricultural enterprise originally proposed and established by the 2008 applicant. In all likelihood, therefore, the situation would remain similar, whether this permission is granted or not. The differences in dwelling scale, design and positioning is not substantive and therefore does not greatly influence the consideration either way.

Access arrangements

Access arrangement is the singularly substantive difference between the 2008 permission and the current proposal. Previously intended as being via an unmade access onto Days Lane to the West of the site (which was shared with an adjoining landowner), the proposal now moves the access to the North-West following the route of a public footpath (the surface of which is to be improved with free draining stone surface) to an established Byway 34, leading to and from Days Lane.

Apparent confusion from the Parish Council and local residents over exact access arrangements is considered to be unnecessary. The submitted site location plan is considered to be clear in routing the proposed access to a North and West direction from the proposed dwelling, where it meets established Byway 34. It appears that there are no existing dwellings that gain access from Byway 34 between its junction with Days Lane and the point of access to the site.

Following extensive consideration, in conjunction with the Public Rights of Way Officer, the Highway Engineer has concluded that the proposed access arrangements would be an improvement to that previously approved, and subject to conditions raises no objections to the proposal. In light of the fact that some of the works required to improve the access are on land outside of the control of the applicant, it is considered necessary to impose Grampian type conditions (ie. requiring the completion of such improvement works prior to the commencement of development). There is no reason to diverge from the conclusions of the Highways and Public Rights of Way Officers.

The access improvement works themselves are considered to be acceptable in terms of their visual impact in the countryside.

9. Conclusion

The 2008 planning permission is a significant material planning consideration. The 2008 permission remains extant and places no restriction upon the type of agricultural enterprise the occupant must be employed in. Furthermore, the differences between the approved and proposed dwelling are minor. Application of the required functional and financial tests required by Annexe A to PPS7 must be within this context. The alternative access arrangement now proposed is considered to be satisfactory subject to appropriately worded planning conditions.

10. Recommendation

Planning Permission be GRANTED for the following reason:

In the context of an earlier planning permission 08/01314/FUL and satisfactory revised access arrangements, the proposed development is considered to comply with the provisions of Policies C3, NE15 and H4 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 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. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification), or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture, or forestry, is not normally permitted.

4. Prior to the commencement of the development hereby permitted, details of materials to be used externally, including full details of the proposed solar panel, 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.

5. 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.

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), other than the garage shown on the approved plans attached to the main house, no other 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.

7. Prior to the commencement of development the position, layout and constructional details of sufficient parking space within the site for two cars 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, and shall remain free from obstruction for the parking of vehicles thereafter.

REASON: In the interests of amenity and road safety.

8. Prior to the commencement of development details of the proposed surfacing of the access track leading to Byway 34 shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the details approved prior to the first occupation of the house hereby permitted and shall remain in that condition thereafter.

REASON: For the avoidance of doubt and in the interests of visual amenity.

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

REASON: In the interests of highway safety.

10. No development shall take place until the first five metres of Byway 34, as measured from its junction with Days Lane, has been consolidated and surfaced in complete accordance with details that shall have

been submitted to and approved in writing by the Local Planning Authority beforehand. Such surfacing shall be such so as to drain away from the adjacent highway and shall remain in such condition thereafter.

REASON: In the interests of highway safety.

11. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

12. No development shall commence on site until visibility splays have been provided between the edge of by-way 34 and a line extending from a point 2 metres back from the edge of the by-way, measured along the centre line of the access, to the points on the edge of the by-way 14 metres to the north-east and 14 metres to the south-west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent by-way.

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

Location plan as proposed 1:1250
Plans and elevations as proposed 1:100

All dated 2nd December 2010.

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



**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 7 (5)

Date of Meeting	17 th March 2010		
Application Number	09/02254/FUL		
Site Address	Land and buildings at Peterborough Farm, Dauntsey Lock, SN15 4HD		
Proposal	Erection of new dwelling on footprint of original agricultural buildings		
Applicant	Mr & Mrs R W Bond		
Town/Parish Council	Dauntsey		
Electoral Division	Brinkworth	Unitary Member	Toby Sturgis
Grid Ref	399661 180153		
Type of application	Full		
Case Officer	S T Smith	01249 706 633	Simon.smith @wiltshire.gov.uk

Reason for the application being considered by Committee

Requested that the application be considered by Wiltshire Councillor Sturgis to enable the consideration as to whether in this particular instance a new dwelling should be allowed in the open countryside as an exception to normal planning policy.

1. Purpose of Report

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

2. Main Issues

This is an application for the erection of a new dwelling in the open countryside. As such the main issues to consider are as follows:

- 4. Principle of development
- 5. PPS7

3. Site Description

The site is described as being 0.4Ha in area and is part of a farm building complex that has apparently been severed from any extended farm land holding. The farm buildings are no longer used. The entire site is situated in the open countryside outside of any identified Settlement Framework Boundary.

4. Relevant Planning History

Application Number	Proposal	Decision
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07/03330/COU	Change of use of barn to form dwelling with associated external works	Permission
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5. Proposal

The proposal is for the erection of a new dwelling in the open countryside, outside of any Settlement Framework Boundary identified within the adopted North Wiltshire Local Plan 2011. No special justification has been provided for the proposal beyond an assertion that account should be taken of paragraph 11 to PPS7.

The proposed dwelling is a substantial four bedroom property over two storeys. The proposal is to approximate the footprint of existing farm buildings. The approximation of the existing buildings extends to the design approach which is to apparently follow a utilitarian agricultural theme with the use of profile fibre cement panels, no plinth and no external rain water goods or domestic type fenestration. Proportions of the main two storey element of the dwelling is similar to the existing open barn, although the single storey element of the dwelling is to employ a mono-pitch roof in contrast to the existing stable block pitched roof.

6. Consultations

Dauntsey Parish Council

No objections

Highways Officer

Recommend that the application be refused on the grounds that the proposal would be located remote from services, employment opportunities and being unlikely to be well served by public transport. Subject to the imposition of appropriate conditions requiring the works to improve the access to B4069, raises no objections on the grounds of highway safety.

7. Publicity

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

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

- Land being put to good use
- Development would improve overall look and profile of Dauntsey
- Good to buildings on site of old hay barn
- Would benefit local community

8. Planning Considerations

Principle of development and PPS7

The proposal is for the erection of a new dwelling in the open countryside. Although on the general footprint of existing agricultural buildings, the scope of this application is clearly not for their conversion. The applicant does not dispute the nature and scope of the application.

Paragraph 10 of PPS7: Sustainable Development in Rural Areas states:

“Isolated new houses in the countryside will require special justification for planning permission to be granted.”

The substantive thrust of PPS7 follows this principle as does the entire direction of national and local planning policy. Planning policy relating to new dwellings in the open countryside is well established and unequivocal in purpose. Planning policy at all levels seeks to achieve sustainable new development which is to be focused on established settlements and towns.

No special justification for the new dwelling has been provided by the applicant beyond reference to a single paragraph within PPS7, which *inter alia*, states thus:

“Very occasionally the exceptional quality and innovative nature of the design of the proposed, isolated new house proposed may provide this special justification for granting planning permission. Such design should be truly outstanding and ground breaking...” (para.11).

This paragraph should be correctly interpreted as simply reinforcing the application of established planning policy as the default position. Not the reverse. In this particular instance the fact that the design of the new dwelling is unusual should be seen as merely that, and not automatically equate to being seen as outstanding or ground breaking, as suggested by paragraph 11. Indeed, the proposal has received no external plaudits or acclaim that would suggest that it could be regarded as being truly outstanding and ground breaking.

The attempted approximation of the existing building the proposal would replace, is merely incidental to the much more fundamental consideration required. No further consideration of the detailed design and appearance is required beyond the observation that a scheme attempting, to some degree, look like the existing buildings would, firstly, be largely subjective (ie. would one design be more appropriate than another) and, secondly, would give credence to a wholly incorrect view of planning policy whereby new dwellings in the open countryside are acceptable so long as they look similar to the buildings they replace.

Although decisions based purely on the concern of precedent should rightly be treated with caution, it is nonetheless the case that there are many redundant farm complexes in the countryside where similar arguments could easily be forwarded by their owners.

9. Conclusion

New residential development in the open countryside is strictly controlled. Planning policy at both the national and local level is well established and clear in its purpose and scope. No special justification for this development has been provided by the applicant that would warrant making an exception to the normal application of planning policy.

The existence of farm building of a similar footprint and proportion on the site is not a reason to diverge from well established planning policy in this regard.

10. Recommendation

Planning Permission be **REFUSED** for the following reason:

The proposed development is a new dwelling in the open countryside with no special justification. As such, the development is contrary to well established planning policy at the national and local level, notably PPS7, PPG13 as well as Policy H4 of the adopted North Wiltshire Local Plan 2011.

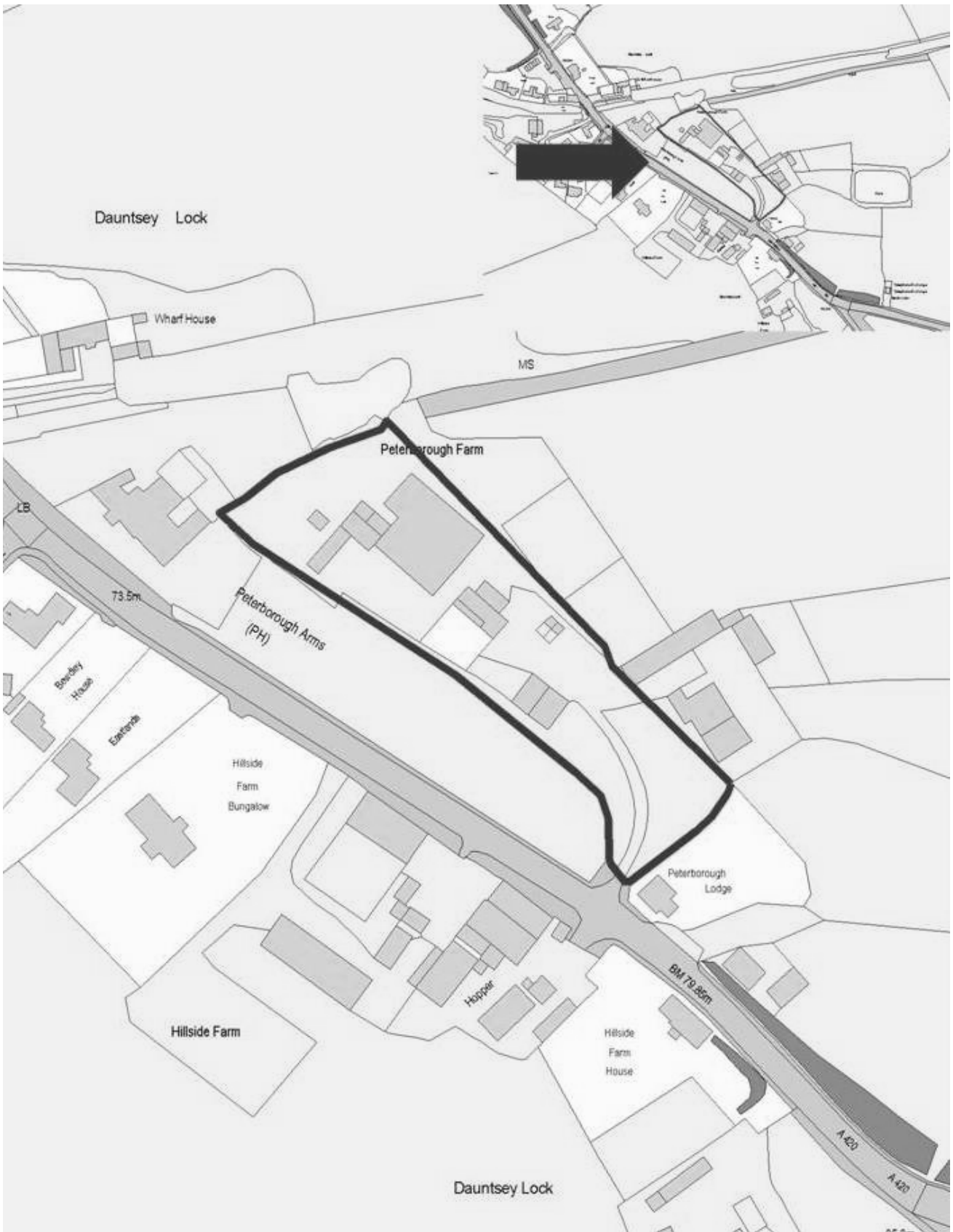
Informative

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

Site location plan 1:2500
Exiting plans 2007-37-1 through 6 inclusive
Existing access drawing 1:100
Proposed access drawing 1:100
2008-39-3
2008-39-4
2008-39-5

All dated 17th December 2009

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



**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 7 (6)

Date of Meeting	17 March 2010		
Application Number	10/00320/FUL		
Site Address	21 Park Lane, Corsham SN13 9LQ		
Proposal	Extension to dwelling, double garage, parking and vehicular access		
Applicant	Mr Alan Weathers		
Town/Parish Council	Corsham		
Electoral Division	Corsham Pickwick and Rudloe	Unitary Member	Alan MacRae
Grid Ref	386042 170416		
Type of application	FULL		
Case Officer	Tracy Smith	01240 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr MacRae has called the application to committee to consider the scale, visual, environmental and highways impact of the proposal together with car 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 seeking permission for extensions to the existing dwelling together with a detached double garage, parking and vehicular access. The key issues are:

- Implications for Policies C3 and H8 of the Local Plan 2011
- design and scale
- impact on highways
- affect on residential amenity of adjacent properties

3. Site Description

21 Park Lane comprises a semi-detached property which faces towards Park Lane but which has its vehicular access from Purleigh Road. It is a large property which occupies an elevated position in comparison to Purleigh Road which runs to the site. The garden to the side and rear is thus lower than the main house as is the existing single detached garage.

Nos. 1, 11 and 23 Park Lane have all have first floor/two storey extensions to the side and no. 25 extended to the rear and at second floor.

4. Relevant Planning History

Application	Proposal	Decision
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Number		
09/01649FUL	Change of Use of Existing Dwelling to Bed & Breakfast (Use Class C1) Including the Provision of a Two Storey and Single Storey Extension to Include Provision for Bed & Breakfast Accommodation Including Parking & Garage	Withdrawn

5. Proposal

The proposal comprises a two storey extension to the side and rear with single storey extensions also to the side and rear together with a replacement detached single storey double garage. Parking is also proposed to the front for two spaces.

In terms of the two storey extension, this would have a ridge height 600mm lower than the main roof and extend 4.3 metres to the side and about 3 metres to the rear. A single storey extension, also 3 metres in length, is then proposed towards to boundary (offset by 300mm) with no. 23 Park Lane. The extension will be separated via a Leylandi hedge which is of a comparable length and height. A single storey extension is also proposed to the side elevation which will provide a new access to the dwelling.

The detached double garage will be sited further away from the house than the existing single garage.

Since its original submission, the scheme has been revised and two parking spaces previously proposed to be provided to the front of the property have been removed. In order to meet highways parking requirements, an additional parking space is proposed adjacent to the parking area forward of the double garage.

6. Consultations

Corsham Town Council – recommend refusal on grounds of overdevelopment, inappropriate vehicular access at the front of the property causing vehicles to reverse onto the junction and the negative visual impact of the drive on the area.

Highways Officer – no objections subject to conditions.

7. Publicity

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

At the time of writing this report the consultation period has not yet expired however, 1 letter of objection has been received on the grounds of the provision of two parking spaces to the front of the property close to windows of no. 23 Park Lane due to noise, exhaust fumes and damage to the roots of the boundary hedge.

Corsham Civic Society observed that the proposal “remains an overambitious project, which will have an adverse effect on neighbouring properties, and requires more parking very close to a junction. There would appear to be more opportunity for extra parking to be provided at the rear of the property but since this is no longer an application for a B and B is extra parking actually required?”

8. Planning Considerations

Implications for Policies C3 and H8 of the Local Plan 2011

- design and scale
- impact on highways
- affect on residential amenity of adjacent properties

Principal of development

Residential extensions are permitted subject to relevant criteria being satisfied under Policies C3 and H8 of the adopted North Wiltshire Local Plan 2011. Essentially extensions must be in keeping with the host dwelling, be neighbourly and not result in the loss of hedgerows or trees.

Design and Scale

The property occupies a corner plot and between the dwelling and the adjacent Purleigh Road, is ample land on which an extension can be accommodated.

The property, by reason of its corner location, elevated levels and lack of boundary treatments, is highly visible from both Purleigh Road and Park Lane.

The extension has been designed to be subservient to the main dwelling house and this is reflected in the lower ridge height. The garage has been re-sited southwards at the lowest part of the site, adjacent to the property boundary and another detached garage belonging to no. Purleigh Road.

As mentioned above a number of properties on 21 Park Lane have been the subject to extensions either at first floor above attached garages or two storey extensions.

The proposed detached double garage being sited adjacent to the boundary with no. 2 Purleigh Road (which has permission for a two storey side extension with integral garage at ground floor 09/00646FUL refers)) is also considered to be of an appropriate design and scale in keeping with the character and appearance of the area.

Accordingly, the characteristics of the existing environment are a material consideration and on this basis together with the subservient nature of the extensions and detached garage, the proposal would not be unduly out of keeping with the character and appearance of the host dwelling or the character and appearance of the area.

Impact on highways

The highways officer raises no objections to the proposed development. An additional parking space is required and is provided in the location of the existing garage, thus there is no alteration to the existing visibility provisions/requirements.

Affect on residential amenity of the proposals

The applicants and officers have had lengthy discussions to ensure an extension to the rear has regard to no. 23 Park Lane having regard to the falling land levels. The result of these discussions is the extension that is now proposed. It has been designed and sited having regard to the existing hedge that runs along the boundary belonging to no. 23 so that any protrusions over and beyond it are kept to a minimum. In the event that the hedge were removed for any reason, it is considered acceptable given its extension by 3 metres and height of 3.9 metres, falling to 2.9 metres due to levels.

The two storey extension has been designed so that windows in the new rear gable serve only ensuite bathrooms and will be obscure glazed. Furthermore, its ridge height has been set down from the main ridge height of the host dwelling. It is considered that due to its scale, design and siting, the two storey element would not have an overbearing impact on the residential amenity of no. 2 Purleigh Road or result in the loss of any privacy.

9. Conclusion

The proposed development by reason of its scale, design and siting is in keeping with the host dwelling and given the extension of nearby properties in a similar manner, would not be out of keeping with the character and appearance of the area.

Furthermore the proposal would not be detrimental to the privacy and amenity of adjacent residents or highway safety.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development by reason of its scale, design and siting is in keeping with the host dwelling and given the extension of nearby properties in a similar manner, would not be out of keeping with the character and appearance of the area.

Furthermore the proposal would not be detrimental to the privacy and amenity of adjacent residents or highway safety.

Accordingly, the proposal complies with Policies C3 and H8 of the adopted the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. 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.

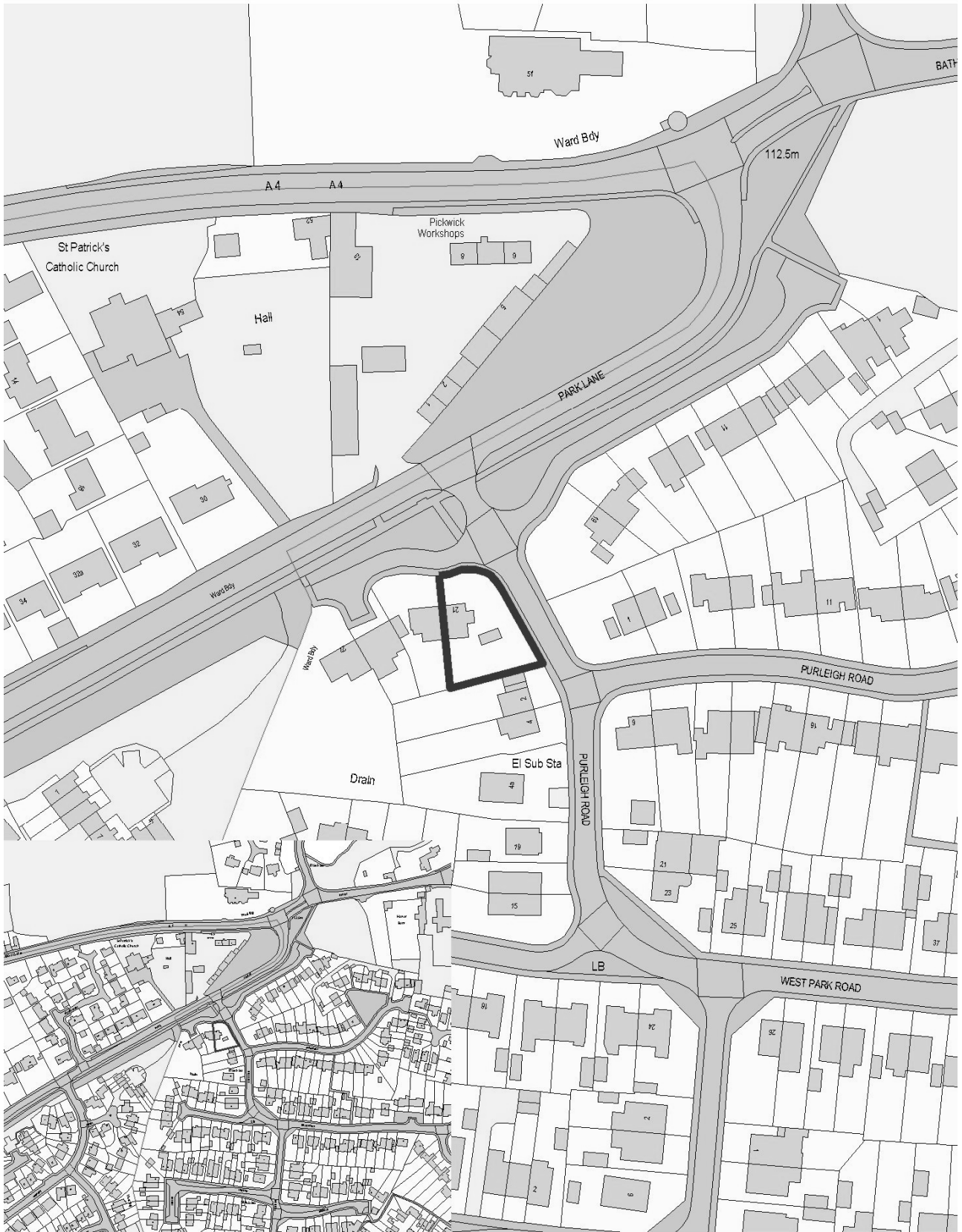
POLICY-C3

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

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

POLICY- C3

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20 2.02 4.02 4.03 4.04 4.05 5.01 5.02



**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 7 (7 & 8)

Date of Meeting	17 th March 2010		
Application Number	N/10/00366/FUL and N/10/00367/LBC		
Site Address	Allington Grange, Allington, Chippenham, Wiltshire, SN14 6LW		
Proposal	Extension and Alterations to Dwelling		
Applicant	Mr & Mrs Roper		
Town/Parish Council	Chippenham Without		
Electoral Division	Kington	Unitary Member	Howard Greenman
Grid Ref	388905 175776		
Type of application	Full application and Listed Building Consent		
Case Officer	Judy Enticknap	01249 706660	Judy.enticknap @wiltshire.gov.uk

Reason for the application being considered by Committee

This planning application has been submitted to the Committee for decision at the request of Cllr Greenman in order to consider the scale and impact of the extension. It is accompanied by the listed building application which is for the same proposed extension, together with associated alterations to the listed building.

1. Purpose of Report

To consider the above applications and to recommend that planning permission and listed building consent be REFUSED.

2. Main Issues

Allington Grange is a large Grade II listed farmhouse within the Allington Conservation Area. The house dates from the C16 and C18 with later additions. These include a single storey C19 lean-to range and a large flat-roofed C20 extension to the rear (north-east). The application proposes to erect a second floor of accommodation over the 19th century and modern extensions, with associated alterations to historic fabric. Therefore the key points to consider are the effect of the proposals on the appearance and character of the listed building and the conservation area.

3. Site Description

Allington Grange is a fine building. The original C16 building has an L-shaped plan form, comprising the principal 2-storey and attic front (south) range and a rear (east) cross wing which is single storey with attic and with half-hipped south gable. Later additions include a lengthening of the rear cross-wing, and erection of a single-storey lean-to on the rear of the main range which also butts up against the cross wing. The c1970's single storey extension is constructed in stone with a parapet concealing the flat roof. It extends partially across the C19 lean-to and in-fills most of the remaining area between the main and rear ranges; this changes the historic L-shaped foot print to an essentially rectangular one.

4. Relevant Planning History

Various applications for conversion of the associated farm buildings, mainly for residential use

5. Proposal

The current proposal is to erect a second floor of accommodation over the flat roof to provide a large bedroom with en-suite bathroom. In order to achieve this, the scheme takes the form of two “ranges” parallel to the principal range, but with the “outer” range extending as a long cat-slide roof, so that from the rear elevation, the wing appears to be single storey with accommodation in the attic. In order to obtain access between the accommodation in the two new “ranges”, the valley gutter is set higher than the eave of the principal range of the house.

6. Consultations

Chippenham Without Parish Council – No comments received yet.

7. Publicity

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

No letters of objection/support have been received.

8. Planning Considerations

The current proposal is to erect a second floor of accommodation over the flat roof to provide a large bedroom with en-suite bathroom. In order to achieve this, the scheme takes the form of two “ranges” parallel to the principal range, but with the “outer” range extending as a long cat-slide roof, so that from the rear elevation, the wing appears to be single storey with accommodation in the attic. In order to obtain access between the accommodation in the two new “ranges”, the valley gutter is set higher than the eave of the principal range of the house. The overall effect is of a massive and visually clumsy extension which obscures the historic plan form of the listed building. Moreover, the scheme implies loss of most of the roof structure to the C19 rear wing, and also of a historic dormer in the C16 cross-wing, which is altered to form the access between the historic and new 1st floor accommodation.

Government guidance set out in PPG 15 makes it clear that the cumulative impact of incremental extensions can result in significant harm to the character of a listed building even where individually elements of extension would be acceptable. In this case it is considered that there may be scope for a more modest 1st floor extension, but that this should be limited such that it only extends over part of the flat roof, with a pitched roof enhancing the remaining flat roofed extension. Ideally this flat roofed extension should also be reduced in size to offset the impacts of the 1st floor extension.

The applicants do not wish to consider such a scheme, although the submitted scheme takes account of other officer comments on a preliminary scheme, including amendments to the design of proposed dormers; and minor enhancements to modern joinery/lintels in the north west elevation. Unfortunately these minor changes do not offset the adverse impacts arising from the scale and loss of historic fabric and in addition, it is felt that approval of this scheme would lose the opportunity to provide long-term enhancement to the special character of the listed building.

Impact on Conservation Area

It is anticipated that a slight adverse impact upon the character of the Conservation Area will result from

the proposals because of the increased scale and massing of the extensions when viewed from the road.

9. Recommendation:

Planning Permission be REFUSED for the following reason:

In respect of **N.10.00366.FUL** the application be refused for the following reason:

1. The proposed development would be harmful to the special character of the listed building and Conservation Area because of the scale and massing of the proposed extension and loss of historic fabric. It would therefore be contrary to policies HE1, HE4 and H8 in the Adopted North Wiltshire Local Plan 2011.

Informative:

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

Plan Ref A4 Site plan, Drawings 2916/01, 02, and 04, Drawings LPC/876/SD1/1C, 2C, and 3C, and a Design and Access statement all received by the Local Planning Authority on 2nd February 2010.

In respect of **N.00367.LBC** the application be refused for the following reason:

1. The proposed development would be harmful to the special character of the listed building and Conservation Area because of the scale and massing of the proposed extension and loss of historic fabric. It would therefore be contrary to government guidance in PPG 15 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informative

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

Plan Ref A4 Site plan, Drawings 2916/01, 02, and 04, Drawings LPC/876/SD1/1C, 2C, and 3C, and a Design and Access statement all received by the Local Planning Authority on 2nd February 2010.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 1.28, 4.02, 4.03, 4.07, 5.01, 6.03



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**Wiltshire Council – Area North
Planning Committee
17th March 2010**

Appeals Update Report

Planning Appeals Received between 01/01/2010 and 17/03/2010

Application No	Location	Parish	Proposal	DEL or COM	Officer Recommendation	Appeal Procedure
09/00358/LBC	6 Gloucester Street, Malmesbury, Wiltshire, SN16 0AA	Malmesbury	Internal Alterations to Ground and First Floor Plus Alteration to External Decoration (Retrospective)	DEL	Written Representations	Refusal
09/00593/FUL	Land Adjacent The Golf Academy, Yatton Keynell, Chippenham, Wiltshire, SN14 7BY	Chippenham Without	Change of Use of Land to 18 Hole Par 3 Golf Course and Associated Works	DEL	Public Inquiry	Delegated to Development Control Manager
09/00987/FUL	15 SWADDON STREET, CALNE, WILTSHIRE, SN11 9AR	Calne	Proposed Detached Dwelling	DEL	Written Representations	Delegated to Area Development Manager
09/01033/S73A	Land Adjacent Framptons Farm, Sutton Benger, Wiltshire, SN15 4RL	Sutton Benger	Removal of Condition 1 Attached to Permission 08/02114/FUL to Allow Permanent Use as One Gypsy Pitch	DEL	Public Inquiry	Permission
09/01429/LBC	147-148 HIGH STREET, WOOTTON BASSETT, SWINDON, SN4 7AB	Wootton Bassett	Erection of Illuminated Fascia and Projecting Signage	DEL	Written Representations	Refusal
09/01638/FUL	43 COMMON PLATT, LYDIARD MILLICENT, PURTON, SWINDON, SN5 5LB	Lydiard Millicent	Demolition of Existing Bungalow & Erection of a Two Storey Detached Dwelling.	DEL	Written Representations	Refusal
09/01674/LBC	BEANFIELD, 58 THE STREET, HULLAVINGTON, CHIPPENHAM, SN14 6DU	Hullavington	Erection of Satellite Dish (Retrospective)	DEL	Written Representations	Refusal
09/01914/FUL	Mayfield, Parsonage Lane, Clyffe Pypard, Wiltshire, SN4 7RY	Clyffe Pypard	Extensions and Alterations to Dwelling	DEL	Written Representations	Refusal
09/01934/FUL	Rose Field Caravan Site, Hullavington, Malmesbury, Wiltshire, SN16 0HW	Hullavington/St Paul Without	Gypsy Site for Irish Families Comprising Six Mobiles and Six Touring Caravans (Partially Retrospective) Resubmission of 09/00683/FUL	DEL	Informal Hearing	Refusal
09/02052/S73A	LAND ADJACENT TO 9 RUXLEY CLOSE, WOOTTON BASSETT, SWINDON, SN4 7LB	Wootton Bassett	Erection of Building to Provide Two Flats	DEL	Written Representations	Delegated to Implementation Team Leader

Forthcoming Hearings and Public Inquiries between 17/03/2010 and 31/12/2010

Application No	Location	Parish	Proposal	Appeal Type	Date
09/00243/FUL	Land Adjacent Fiddle Farmhouse, The Fiddle, Cricklade, Wiltshire, SN6 6HN	Cricklade	Construction of 13 Social Housing Units with Parking; Gardens and Access Road	Informal Hearing	13/05/2010
09/00593/FUL	Land Adjacent The Golf Academy, Yatton Keynell, Chippenham, Wiltshire, SN14 7BY	Chippenham Without	Change of Use of Land to 18 Hole Par 3 Golf Course and Associated Works	Public Inquiry	02/06/2010

Application No	Location	Parish	Proposal	DEL or COM	Officer Recommendation	Appeal Type	Appeal Decision
08/02438/OUT	Land off Sandpit Road, Calne, Wiltshire	Calne/Calne Without	Outline application for residential development, including infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access.	DEL	Refusal	Public Inquiry	Allowed with Conditions
08/02770/FUL	1 & 2 NETTLETON ROAD, BURTON, CHIPPENHAM, WILTSHIRE, SN14 7LR	Nettleton	Erection of Replacement Dwelling	DEL	Refusal	Written Representations	Allowed with Conditions
08/02809/FUL	LATIMER MANOR, WEST KINGTON, WILTSHIRE SN14 7JQ	Nettleton	Closure of Existing Access, Increase height of Existing Wall and Formation of a New Vehicular Access	DEL	Refusal	Written Representations	Allowed with Conditions
08/02810/LBC	LATIMER MANOR, WEST KINGTON, WILTSHIRE SN14 7JQ	Nettleton	Alterations to Boundary Wall, Including Repositioning Gate Pier, Alterations to Access and Increase Height of Wall	DEL	Refusal	Written Representations	Allowed with Conditions
08/02822/OUT	LAND ADJACENT TO 16 LYDIARD GREEN, LYDIARD MILLICENT, WILTSHIRE	Lydiard Millicent	Erection of 2 No Three bedroom Dwellings	DEL	Refusal	Written Representations	Appeal Dismissed
09/00240/FUL	TULLIMAAR, KINGSDOWN GROVE, KINGSDOWN, CORSHAM, SN13 8BN	Box	Extensions to Side and Rear Elevation and Raised Decked Terrace Site visit 10:30 27 January 2010	DEL	Permission	Written Representations	Appeal Dismissed
09/00247/FUL	1 THE TYNINGS, CORSHAM, WILTSHIRE, SN13 9DE	Corsham	Erection of Dwelling Costs application on the appeal was turned away by the Inspectorate as being out of time. Letter on appeal file 28.1.10	DEL	Refusal	Written Representations	Appeal Dismissed
09/00446/FUL	The Hurstfield, Hay Lane, Wroughton, Wiltshire	Lydiard Tregoz	Erection of Barn/Implement Shed/Tractor Store & Access Track	DEL	Refusal	Written Representations	Appeal Dismissed
09/00477/FUL	The Old Royal Ship Inn, Luckington, Chippenham, Wiltshire, SN14 6PA	Luckington	Erection of Steel Framed Structure for Storage of Recyclable Waste	DEL	Refusal	Written Representations	Appeal Dismissed
09/00708/FUL	Findhorn, Ashley, Box, Wiltshire, SN13 8AN	Box	2 Storey Side Extension Replacing Existing Garage, Single Storey Rear Extension with Terrace Over, External Alterations, Hardstanding and Raising of Roof Ridge to Accommodate Loft Conversion	DEL	Permission	Written Representations	Appeal Dismissed
09/00715/FUL	THE POPLARS, LOWER KINGSDOWN ROAD, KINGSDOWN, BOX, CORSHAM, SN13 8BG	Box	Erection of New Dwelling Following Demolition of Existing Dwelling and Garage	DEL	Refusal	Written Representations	Appeal Dismissed
09/01212/LBC	THE BILLIARD ROOM, THE CLOSE, THE GREEN, BIDDESTONE, WILTSHIRE, SN14 7DG	Biddestone	Internal Alterations to Ancillary Building	DEL	Refusal	Written Representations	Appeal Dismissed
09/01455/FUL	The Lodge, Curzon Park, Calne, Wiltshire, SN11 0DL	Calne	Erection of Single Storey Dwelling & Double Garage (Revision to 07/01391/FUL).	DEL	Refusal	Written Representations	Appeal Dismissed