

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 1 June 2011
Time: 6.00 pm

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

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

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

Membership:

Cllr Peter Colmer
Cllr Christine Crisp
Cllr Peter Davis
Cllr Peter Doyle
Cllr Alan Hill

Cllr Peter Hutton
Cllr Simon Killane
Cllr Howard Marshall
Cllr Toby Sturgis
Cllr Anthony Trotman

Substitutes:

Cllr Desna Allen
Cllr Chuck Berry
Cllr Bill Douglas

Cllr Mollie Groom
Cllr Mark Packard
Cllr Bill Roberts

Part I

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

1. **Apologies for Absence and Changes to Committee Membership**

- (1) To receive any apologies for absence.
- (2) To note that at the Annual Meeting of the Council held on 17 May 2011, the following changes in membership were agreed:-
 - Cllr Simon Killane was appointed as a member in place of Cllr Bill Douglas.
 - Cllr Desna Allen and Cllr Bill Douglas were appointed as substitute members in place of Cllr Paul Darby and Cllr Simon Killane.

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

To approve and sign as a correct record the minutes of the meeting held on 11 May 2011 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 25 May 2011. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Planning Appeals** (*Pages 9 - 10*)

An appeals update report is attached for information.

7. **Planning Applications** (*Pages 11 - 12*)

To consider and determine planning applications in the attached schedule.

7.a 10/03664/FUL - Methuen Park, Bath Road, Chippenham, SN14 0UL - Reconfiguration and Refurbishment of Existing Retail Warehouse to Create Three Retail Warehouse Units together with Improvements to Car Parking, Landscaping and Servicing (*Pages 13 - 24*)

7.b 11/00102/FUL - 32 Hardenhuish Lane, Chippenham, SN14 6HN - Demolition of Existing Dwelling and Erection of New Dwelling with Detached Garage (*Pages 25 - 30*)

7.c 11/00173/S73A - Castle Combe Circuit, Castle Combe, Chippenham, SN14 7EY - Variation of Condition 1 of 06/01814/S73A to Allow 6 Additional Club Sprint Meetings Per Year (10 Days Total) (*Pages 31 - 36*)

8. **Urgent Items**

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 MAY 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane (Substitute), Cllr Howard Marshall, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr John Thomson

41. Apologies for Absence

Apologies for absence were received from Cllr Bill Douglas (who was substituted by Cllr Simon Killane).

42. Minutes

Resolved:

To confirm and sign the Minutes of the meeting held on 20 April 2011.

43. Declarations of Interest

There were no declarations of interest.

44. Chairman's Announcements

The Chairman announced that Motions put to Committee which are at variance with the Officer's recommendations and are approved by the Committee, would be subsequently referred to the proposer of the Motion to ensure that the wording was correct before the draft Minutes are published.

45. Public Participation and Councillors' Questions

Members of the public addressed the Committee as set out in Minute No 47 below.

There were no questions received from members of the public or members of the Council.

46. **Planning Appeals**

The Committee received and noted a report setting out details of forthcoming hearings and public inquiries between 26 April and 31 July 2011.

47. **Planning Applications**

1a **10/01962/FUL & 10/01963/LBC - Burton Hill House, Burton Hill, Malmesbury, SN16 0EL - Conversion of Burton Hill School to Seven Residential Units; Conversion of Outbuilding to Residential (One Unit) & Erection of New Dwelling & Associated Works**

The following person spoke in support of the proposal:

Mr Andrew Macpherson, the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the applications. She introduced the report which recommended that planning permission and listed building consent be refused. She also drew Members' attention to the late items.

The Case Officer explained that the applications had been deferred from the meeting held on 15 December 2010 to allow for the submission of outstanding information including condition and structural survey, fire and sound protection details, ecological studies and further negotiation on the legal agreement to secure contributions to affordable housing, education and public open space and potentially an ecological and landscape management plan for the site. It was reported that a conditions survey had been submitted on 18 February 2011 together with a Great Crested Newt and revised bat survey, amended plans and confirmation of an agreed education contribution of £42,983.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding the planning application.

Members heard the views of Cllr John Thomson, the local member, in support of the applications.

After discussion,

Resolved:

To defer consideration of the application and to request the Area Development Manager to bring it back to the Committee one further time in order to arrange:

1. The submission by the agent on behalf of the applicant of full details with narrative as to how sound and fire protection requirements are to be satisfied between each of the units and on each floor.
2. Confirmation as to whether details will be submitted at this stage in respect of:
 - a) any repairs to windows and which windows are to be replaced if necessary; and
 - b) damp proofing works; and

If such details are not to be submitted, confirmation is to be provided that a Listed Building application in respect of matters identified in 2 will be submitted at a later date.

1b 11/00312/OUT - 9 Gaston Lane, Sherston, SN16 0LY - New Dwelling & Garage

The following person spoke against the proposal

Mr Michael Moss, an adjacent neighbour

The following person spoke in favour of the proposal

Mr Geoff Taylor, representing the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the application be delegated to the Area Development Manager to approve subject to the completion of a legal agreement securing public open space and affordable housing contributions and conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public expressing their views regarding the planning application.

Members heard the views of Cllr John Thomson, the local member,

objecting to the application.

After discussion,

Resolved:

To delegate to the Area Development Manager to grant planning permission, subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space and affordable housing, as required by policies CF3 and H6 of the adopted North Wiltshire Local Plan 2011 for the following reason:-

The proposed development is considered appropriate in terms of its scale, layout and means of access in the context of the surrounding area. In addition, the proposal is not considered to result in an unacceptable impact upon residential amenity of surrounding occupiers. In this way the proposed development is considered to comply with the provisions of policies C3, NE4, NE14, H3, H6 and CF3 of the adopted North Wiltshire Local Plan 2011 and guidance contained within PPS3 Housing.

Subject to the following conditions:

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning (Compulsory Purchase) Act 2004.

- 2 No development shall commence on site until details of the following reserved matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The external appearance of the development; and
- (b) The landscaping of the site.

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

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

Country Planning (General Development Procedure) Order 1995.

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 No building on any part of the development hereby permitted shall exceed 7.5 metres in height and the garage shall not exceed 2.5 metres in height to eaves level and 4 metres to ridge level.**

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

POLICY - C3 of the North Wiltshire Local Plan 2011.

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

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 6 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans, 'Proposed Parking and Access' 1015.02B. The areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 7 No development shall commence on site until visibility splays have been provided in accordance with the approved plan 'Proposed Parking and Access' 1015.02B with the wall reduced in height to 1 metre for 3 metres either side of the access as demonstrated. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.**

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 8** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking, re-enacting or amending that Order with or without modification) any garage(s) hereby permitted shall not be converted to habitation or accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

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

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 10** 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 occupied until the approved sewerage details have been implemented in accordance with the approved plans.

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

POLICY- C3

- 11** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking

re-enacting or amending that Order with or without modification), no habitable room windows, doors or other form of openings shall be inserted in the north west or south west elevations at first floor level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICIES - C3 and NE14 of the North Wiltshire Local Plan 2011.

- 12** A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with best practice and policy NE14 of the North Wiltshire Local Plan 2011.

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

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

POLICY – C3

- 14** The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior

approval of the local planning authority. Amendments may require the submission of a further application.

**1015.01C (site layout only)
10152B - Proposed parking and access
Site location plan**

REASON: To ensure that the development is implemented as approved.

48. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.45 pm)

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

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

**Wiltshire Council – Area North
Planning Committee
1st June May 2011**

Forthcoming Hearings and Public Inquiries between 19/05/2011 and 31/08/2011

Application No	Location	Parish	Proposal	Appeal Type	Date
10/03915/S73A	BRIDGE PADDOCKS, BRAYDON ROAD, LEIGH, WILTSHIRE, SN6 6RQ	Leigh/Purton	Removal of Condition 1 of Planning Permission 10/00794/FUL to Permanent Stationing of Caravans for One Gypsy Pitch.	Informal Hearing	06/07/2011

Planning Appeals Received between 26/04/2011 and 19/05/2011

Application No	Location	Parish	Proposal	DEL or COM	Officer Recommendation	Appeal Procedure
10/04645/FUL	2 Portal Close, Malmesbury Road, Chippenham, Wiltshire, SN15 1QJ	Chippenham	Alterations, Relocation of Garage and Replacement Extension.	DEL	Permission	Written Representations

Planning Appeals Decided between 26/04/2011 and 19/05/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
10/04300/FUL	59 CHAMBERLAIN ROAD, CHIPPENHAM, WILTSHIRE, SN14 0TF	Chippenham	Two Storey Side Extension	DEL	Allowed with Conditions	Refusal	Written Representations
10/01839/S73A	COOMBE GREEN FARM, LEA, MALMESBURY, WILTSHIRE, SN16 9PF	Lea & Cleverton	Conversion and Extension of Outbuilding to Garage/Store and Use of Roof Space for Storage- retrospective (Re Submission of 09/02098/FUL)	DEL	Appeal Allowed	Refusal	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 01/06/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	10/03664/FUL	Methuen Park, Bath Road, Chippenham, Wiltshire, SN14 0UL	Reconfiguration and Refurbishment of Existing Retail Warehouse to Create Three Retail Warehouse Units Together with Improvements to Car Parking, Landscaping and Servicing	Permission
7b	11/00102/FUL	32 Hardenhuish Lane, Chippenham, Wiltshire, SN14 6HN	Demolition of Existing Dwelling and Erection of New Dwelling with Detached Garage	Permission
7c	11/00173/S73A	Castle Combe Circuit , Castle Combe, Chippenham, Wiltshire, SN14 7EY,	Variation of Condition 1 of 06/01814/S73A to Allow 6 Additional Club Sprint Meetings Per Year (10 Days Total)	Delegated to Area Team Leader

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	1 st June 2011		
Application Number	10/03664/FUL		
Site Address	Methuen Park, Bath Road, Chippenham, SN14 0UL		
Proposal	Reconfiguration and refurbishment of existing retail warehouse to create 3 retail warehouse units together with improvements to car parking landscaping and servicing.		
Applicant	Legal and General Assurance Society Ltd		
Town/Parish Council	Corsham Town Council		
Electoral Division	Corsham Town	Unitary Member	Peter Davis
Grid Ref	389844 172029		
Type of application	FUL		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application is being brought to Committee under Officers' discretion due to the significant amount of interest in the application. The application was deferred from Committee on 20th April 2011 to allow Officers to consider recent retail decisions at Peterborough and Gateshead.

1. Purpose of report

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

2. Report summary

The main issues in the consideration of this application are as follows:

- Visual appearance.
- Impact on vitality and viability of Chippenham Town Centre.
- Landscape considerations.
- Highways issues

The application has generated no objection from Corsham Town Council and 4 letters of objection from the public and Chippenham Vision

3. Site Description

The site is currently one large warehouse like building which houses Focus Do-It-All (now in administration). There is some significant landscaping around the site and there is an existing car park to serve the store.

4. Relevant Planning History		
Application Number	Proposal	Decision
N.90.2742.F	New building for non-food retail use/garden centre/associated landscaping/ car parking and access road.	Permitted subject to conditions including one restricting the sale of food other than confectionery
N.94.1610.F	Extension to existing garden centre	Permitted no conditions

6. Planning Policy

North Wiltshire Local Plan: policies C3; R4

Central government planning policy PPS4

7. Consultations

Corsham Town Council raise no objections.

Highways do not object subject to the proposal remaining non-food.

The Council's landscape officer is satisfied with revised proposals in relation to landscape issues and the specific matter of adequately retaining and incorporating existing trees as important landscape features subject to conditions.

Environment Agency does not object subject to conditions and an informative.

On 14th December 2010, the Spatial Planning Team confirmed it had no objection to the application and recommended planning permission be granted. However, in response to objections from ING the Team reviewed its position and again assessed the need for a full retail assessment (given the nature of the proposal to "reconfigure" part of the floorspace). A subsequent meeting was held between the agent, spatial plans officer and DC officer.

The agent subsequently revised the proposal so that the total sales area is 3375 sqm (comprising of 3 units with a total ground floor sales area of 2725sqm and one retail trading mezzanine of 650sqm floor area). The total sales space (of 3375 sqm) is marginally greater than the existing floor space on site (3,315sqm), but less than the permitted development (i.e. 3315sqm as existing plus 200sqm mezzanine) and takes no account of the retail sales space comprising the garden centre/external sales area (1,320sqm). The revised proposals now result in less sales space at ground floor level compared to the existing and 1460sqm less sales space overall.

On 2nd March, the Spatial Planning Team confirmed it was happy with this amended proposal.

ING (who are working with the Council on the Bath Road Car Park Site) are very concerned about the nature of this retail application. The proposed units are the size of units which could be attracted to the Bath Road Car Park site. They state that the supporting material fails to provide analysis sufficient to determine the planning application. Given the significant change in the retail offer they consider the application requires both an assessment of retail impact and a sequential assessment of other sites.

They point to Policy R4 of the Local Plan and Planning Policy Statement 4, "Planning for Sustainable Economic Growth" (PPS4). Policy EC14.4 in PPS4 states that an impact assessment is required for planning applications below 2,500 sqm which are not in an existing centre and not in accordance with the development plan which would be likely to have a significant impact on other centres. The type of retailers being attracted to the Focus site are typically national town centre type retailers, many of whom do not currently exist in the town centre. This would have the effect of diluting the retailer demand in the town centre. They argue that as the scheme enhances the qualitative nature of the permitted floorspace, policy EC14 in PPS4 indicates that the applicant should undertake a retail impact and sequential site assessment.

Since the last Committee, ING have sought Counsel's advice on the application and the Peterborough and Gateshead sites mentioned at the last meeting. Both are available on file but in summary they state that:

- The amount of work amounts to a new chapter in the planning history of the site;
- Counsel considers that policies EC14 of PPS4 is relevant and in his opinion there is no reason why it should not apply and Policy R4 of the local plan should apply. In order to comply with policy R4, the Council must consider whether it has been demonstrated that the proposal will not harm the vitality and viability of the town centre. In undertaking this assessment, Counsel accepts that regard can and should be had to the conditions imposed on the existing building and regard would have to be had to the effect on the vitality and viability of the town centre of the alternative opportunities afforded by the existing building, etc.
- Impact and sequential tests are required;
- If the building is a new building its use can be specified. The Council can and should impose conditions;
- The planning application was not accompanied by an Environmental Statement accompanied by or preceded by a screening opinion. A decision to grant planning permission without adopting a screening opinion would be unlawful.

ING's Counsel's advice on the Peterborough and Gateshead cases is that a new chapter in the planning history has been opened and the full representation is available on the application file and the Council's web site.

Chippenham Vision: The following paragraphs are a detailed summary of the points raised by the Vision Board. The *Chippenham Vision* comprises Chippenham Area Board Councillors, Chippenham Town Council, North Wiltshire Economic Partnership, Chippenham Community Area Partnership, Chippenham Civic Society, Chippenham Chamber of Commerce, Wiltshire College, Sheldon School, Chippenham Borough Lands Trust.

Chippenham Vision state that the applicants are proposing to reconfigure and refurbish the property to create 3 retail units. They state that in 2006, Stevenage Borough Council granted permission to retail premises that sought some minor amendments to an existing premises including installation of additional entrance doors. The planning authority had treated the application as being an amendment or alteration of the building permitted by the 1987 planning permission

The Secretary of State, however, determined that the impact of the planning permission was to create a new "building" for the purposes of planning legislation. By treating the application as an amendment the authority failed to reapply existing conditions or take the opportunity to apply new conditions. (Stevenage Borough Council v Secretary of State for Communities and Local Government 2010)

In another case it was held by the House of Lords that if the granting of planning permission was of such character that led to the creation of a new planning unit then the existing use rights are extinguished. (Newbury DC v Secretary of State for the Environment 1981)

The Court of Appeal in ‘Jennings Motor Ltd v Secretary of State for the Environment 1982’ held that ‘where there has been a total change of the physical nature of the premises it is easy to infer that reliance on any prior use is abandoned and a new planning history [begins]’

Chippenham Vision mention that Wiltshire Council also has experience of this ruling – (Bourne Retail Park, Salisbury 2010). This was where Salisbury District Council had an opportunity to apply a condition to restrict the use of planning units – it did not apply a restrictive condition only but made reference to a previous permission which resulted in a legal challenge which was upheld. This effectively said that an application for physical alterations to the original units resulted in the creation of new units and reliance could not be placed on the conditions on the earlier consent controlling the nature of the use. New units had been created and so new use conditions were required.

Chippenham Vision state that this development (10/03664) is clearly the creation of three new buildings. Separate entrances are created, it is a completely new build, the development is divided into three distinctly separate units with their own access, delivery, servicing and security arrangements. Whatever permission, conditions or principles that were applied to the original development no longer apply. The application must be treated as new development. It is not appropriate to merely accept the interpretation of the development based on the applicant's own words.

The works could not and should not be carried out without planning permission. The application creates three completely new buildings where one stood previously. Therefore all policies pertaining to new development should be applied in this case.

These include:

Policy R4 of the adopted North Wiltshire Local Plan 2011 states that retail proposals (Use Classes A1, A2, A3) on the edge or outside of the defined town centre shopping areas will only be permitted where:

- (i) There is a demonstrable need for the development;*
- (ii) It can be demonstrated the sequential test approach has been followed, whereby there are no suitable sites in the town centre and edge of centre sites;*
- (iii) Proposals do not individually or cumulatively undermine the vitality or viability of the town centres; and*
- (iv) The proposal is accessible by a range of means including walking, cycling and by public transport.*

The policy also states that ‘Applications to vary the goods sold or to allow subdivision of units will be permitted where it can be demonstrated that the proposal would not harm the vitality and viability of the town centre.’

PPS4 sets out planning policies for economic development to be taken into account when preparing local development documents and are a material consideration in development management decisions. PPS4 identifies that in achieving a prosperous economy, the Government’s overarching objective is sustainable economic growth. To achieve this, key objectives include, amongst other things, improving the economic performance of towns, delivering more sustainable patterns of development, promoting the vitality and viability of towns and other centres. This latter objective is to be achieved through focussing economic development and growth in existing town centres and competition between retailers through the provision of efficient shopping services in town centres.

The sequential approach requires that all in-centre options have been thoroughly assessed before less central sites are considered. Where no town centre site is available, suitable and viable, preference should be given to edge-of-centre sites that are well connected to the centre by easy pedestrian access.

The Vision argues that there is therefore a very strong case for requiring a sequential impact assessment for this site prior to any planning permission being granted.

Teh Vision refer to comments made by the Spatial Planning Officer who assessed the application: "I have asked that appropriate conditions are added in order that we can claw back some control over the site, although I recognise that this may only be in relation to design matters." Appropriate conditions added to the development could (and we believe should) include restrictions to the range of goods permitted for sale, notably restrictions to bulky goods only. This would provide a degree of protection to the town centre with regards to both comparison and convenience goods sales. The Chippenham Vision therefore requests that these conditions should be applied to the planning application.

They state that the local planning authority may impose conditions regulating the development or use of land under the control of the applicant even if it is outside the site which is the subject of the application and that such conditions would be consistent with national planning policies as expressed in Government Circulars, Planning Policy Guidance notes and other published material. They also accord with the provisions of development plans and other policies of local planning authorities.

The original planning permission was granted in 1991. Planning policy both at local and national level has changed. The retail environment in and around Chippenham has changed and the focus and priority on 'sustainable' development is now at the fore of all planning and development activity.

Such a condition would not be unduly restrictive. The previous retail operator was a provider of bulky goods, therefore it would not nullify the benefit of any permission being granted. A large number of out of town retailers are covered by similar restrictions without problem.

Furthermore it is possible to restrict changes of use which would not be regarded as development within the terms of the Town and Country Planning Act, or by reason of the provisions of the Town and Country Planning Order 1987. Changes of use can be restricted either by prohibiting any change from the use permitted or by precluding specific alternative uses.

The Act identifies that it is reasonable to restrict changes of use so as to prevent the use of large retail premises where such a use might have a damaging effect on the vitality of a nearby town centre.

Such a specific restriction may be defined as retail sales limited to DIY products, furniture, carpets, electrical goods, gardening goods, office supplies and toys.

The Chippenham Vision believes that this would be reasonable in this particular case. The impact will be primarily on Chippenham Town Centre not Corsham.

Therefore to reiterate the position of the Vision members:

- The Chippenham Vision therefore urges that this application and the officer's recommendations relating to it be urgently reviewed by the planning committee.*
- The Chippenham Vision requests that a detailed sequential impact assessment be undertaken and reviewed prior to any decision being taken.*
- The Vision also requests that full consideration be given to the application of class use restrictions (limiting trading to 'bulky goods' only) as a condition of planning permission.*

8. Publicity

The application was advertised by site notice and press advert.

4 letters of objection have been received.

Summary of key relevant points raised:

- Effect on Town Centre Vitality and viability.
- Conditions to be imposed.

9. Planning Considerations

The proposal is for the reconfiguration and refurbishment of an existing retail warehouse to create 3 retail units.

The building in question currently operates as a FOCUS Do-it All store and was originally granted planning permission under N.90.2742.F and the garden centre extended under 94/1610/FUL. The original permission, whilst preventing food retail (other than ancillary) allows "general" retail. It also allows for subdivision of the units and no minimum sizes of units and insertion of up to 200sqm of mezzanine floorspace in any planning unit (Mezzanines over this size require planning permission in any event). Just because the current occupier has used it as one unit for essentially bulky goods does not deflect from this. In addition to this the garden centre addition had no conditions restricting what could be sold from that floor area and therefore this also comprises A1 retail space. Taken together, currently the total lawful retail sales space relevant to the site is 4,935 sqm (existing ground floor, plus garden centre and permitted mezzanine space).

As originally submitted, the current application involved removing a rear section of the building and rebuilding it to the side and introducing mezzanine floors within the building. The total retail area remained the same. The total 'existing' retail area referred to by the applicants included the outside retail space. The newly formed structure would be divided into 3 units with mezzanines inserted (with a total floor area identical to the existing unit including the outside retail area).

However, officers have expressed concern that the outdoor sales area was being included. There can be no doubt that the outdoor sales space is A1 retail and it is undoubtedly the case that this would constitute a material consideration in the determination of an application to "enclose" the space to create a retail unit. In order to allay the Council's concerns, the applicant has submitted revisions which, by the removal of the mezzanines from two units and removing the floor area apportioned to the outside retail area, brings the floor area figure within the floor area of the existing building (barring 60 sqm).

It is therefore clear that if permission is granted it will result in only a minor increase in size. (Officers consider 60 sqm to be immaterial in the light of the total floor space in question). With regard to this, Policy EC14 states "References in this policy to planning applications for main town centre uses include any applications which create additional floor space, including applications for internal alterations where planning permission is required, and applications to vary or remove conditions changing the range of goods sold". Officer's shared the opinion of the applicant that the current application falls outside this definition given the small increase in size proposed and that EC14 is not materially compromised.

Policy R4 refers to retail proposals on the edge and outside the primary and secondary frontages and is the adopted current local plan:

"Retail development proposals (Use classes A1, A2, A3,) on the edge, or outside, the defined Town Centre shopping areas of Chippenham, Calne, Wootton Bassett,

Corsham, Malmesbury and Cricklade, will only be permitted where:

- i) There is a demonstrable need for the development;***
- ii) It can be demonstrated the sequential test approach has been followed, whereby there are no suitable sites in the town centre and edge of centre sites;***
- iii) Proposals do not individually or cumulatively undermine the vitality or viability of existing centres; and***
- iv) The proposal is accessible by a range of means including walking, cycling and by public transport.***

Applications to vary the goods sold or to allow subdivision of units will be permitted where it can be demonstrated that the proposal would not harm the vitality and viability of the town centre.

11.9 This policy relates to retail proposals situated on the edge of or outside the defined town centre primary and town centre secondary frontage areas. For the purposes of this policy, the definition of edge of centre is that contained within national planning guidance and are such locations within easy walking distance (i.e. up to 300 metres) of the Town Centre Primary Frontage Areas boundary. The definition of an existing town, district or local centres as noted within national planning policy guidance. In both cases retail developments should not be of such a scale, or type, or in such a location as to undermine the vitality or viability of the existing centres and should be accessible by a range of transport modes.

11.10 Developers will be expected to submit a retail assessment and supporting information for all proposals of 1500 square metres or more. Assessments may also be necessary for smaller developments, depending on the relative size and nature of the development in relation to the centre. Developers will be expected to demonstrate a need for additional facilities and that the sequential approach, as defined in national Planning guidance, has been applied when selecting sites for new development. The Council will expect developers to demonstrate flexibility in terms of the format, design and scale of their development, tailoring these to fit local circumstances.

11.11 The Local Planning Authority in determining planning applications will take into account the findings of the Retail Needs Assessment undertaken in 2004.

11.12 If planning permission is granted, appropriate conditions or other means of legal agreement may be used to limit the size of the units and the range of goods to be sold, in order to prevent harm to the existing town centres."

Policy R4 sets out criteria which are to be considered in relation to the implications of development on existing town centre. R4 (1) is no longer relevant as the issue of demonstrating need has been removed by the more recent PPS4. The second criteria refers to the sequential test, the third impact and finally accessibility. Section 54A of the Town and Country Planning Act 1990 states that decisions on planning applications should be made in accordance with the development plan unless material considerations demonstrate otherwise.

In this case, Officers consider that considerable weight should be given to the material fact that the applicant would be able to deliver retail proposals which provide the same amount (if not more when having regard to the unconstructed mezzanine permitted at the existing building and the garden centre space) in the existing building if permission were to be refused.

Counsel acting for the objectors accepts that regard would have to be had to the effect on the vitality and viability of the town centre of the opportunities afforded by the existing building, prevailing conditions, etc. That existing floorspace is in non-food retail and the application proposal is also for non food retail and as previously mentioned, of a smaller floor area than existing taking account of its permitted additions/extensions.

The existing store comprises a floor area of 4635 sqm (3315 sqm existing plus 1320sqm external garden centre) from which the applicants could sell unrestricted non food items. They have PD rights to increase that floor area by up to 200sqm with a mezzanine. The current proposal is for a retail floor area of 3375sqm from which the applicants want to sell non food items. There is no material change other than the fact that the retail space will be divided into new units.

In the light of the existing use and its further potential, the applicant has confirmed that should a permission be granted imposing restrictions which are not in force on the existing structure, they will simply retain the building with re-occupation of the whole, or sub-division in an alternative manner.

Officers consider that it would be highly likely that the existing building would be refurbished to create the same if not greater floorspace if permission was refused and therefore this fallback position should be given considerable weight. Therefore although Policy R4 is relevant under Section 54A as a development plan policy, the implications on the town centre of granting the permission in relation to the sequential test, impact, etc will be the same (if not less) when compared with the changes that the applicant could make if no permission is granted.

Conclusion

In determining this application the Council **must** take into account the existing permitted use of the site - That is 3315sqm of ground floor with 1,320sqm of external retail space = 4635 sqm. No conditions on the original approval placed any restriction on the goods to be sold other than it should only be for non food for the building and none at all for the outdoor retail space; there was no restriction on subdivision nor on adding (permitted development size) mezzanines.

The proposal, whilst involving demolition and rebuilding, will actually result in a retail floor area of less than the existing store plus its permitted "additions" and this figure includes taking out the external retail floor area (barring 60 sqm). The units will essentially be turned to face the car park and there will be 3 of them with their own entrances. The profile of the building will change, but the revisions are considered to enhance the scheme's appearance.

The objectors have argued that the application proposals would represent a new chapter in the planning history and drew attention to cases in Salisbury, Peterborough, and elsewhere.

Members specifically asked Officers to consider the legal cases referred to by ING and the Chippenham Vision. These legal cases are not considered to justify a refusal of the application.

Approximately 55% of the original unit footprint will remain and 45% will be "reconfigured". The Mothercare case in Salisbury is to do with non-imposition of any conditions when a permission is granted. In this case the same conditions regarding limiting the range of goods to be sold are to be imposed; *Newbury DC v Secretary of State for the Environment 1981* refers to the creation of a new planning unit where "radical" changes to the nature of the building have occurred; *Jennings Motor Ltd v SoS for the Environment 1982* relies on there being "a total change in the physical nature of the premises. With 55% of the original building remaining it is not considered that a total change has occurred. If Chippenham Vision's argument is followed to its logical conclusion, one could end up with a new building with 55% of it as open non-food retail (as the original building) and 45% (some partly within the un restricted non-food retail units) more tightly conditioned. This is clearly untenable.

The Peterborough case centred around the grant of planning permission for redevelopment works to a retail park. In short, the prevailing permission specified the range of goods to be sold. However, in granting permission for the new works the Council failed to re-impose any range of goods condition, let alone the prevailing one. Therefore, it was successfully argued that implementation of the planning permission would open a new chapter in the planning history of the site and in the absence of a condition the development would be without restriction on the range of goods that could be sold (i.e. food and non food)

The Gateshead case is not an appeal case. It is a Counsel's opinion on a particular planning decision made by Gateshead Council. It centres on the ability of a restricted use unit which had been granted permission for substantial alterations and whether the non imposition of the original conditions meant that food could be sold from the newly "designed" unit. The opinion was that without re-imposition of the original conditions any A1 retail use was allowable.

Even were it to be accepted that the permission does represent a new chapter in the planning history, the 'fallback' position, that is what the applicant can do without permission, is a key and material consideration as it represents what will happen if planning permission were to be refused or if different conditions were attached.

If permission is granted we will end up with a similar floor space as at present, divided onto three units with an ability to sell similar goods as at present. The goods to be sold will be conditioned as before and future expansion will also be controlled.

(In considering whether to impose conditions, regard must be had to the tests in Circular 11/95 and other material considerations. A key test of Circular 11/95 is that conditions should be reasonable. Given the established position and the clear potential for alternative options for the existing building, it is not considered reasonable to impose a range of goods condition which is more onerous than that which prevails. Nevertheless, Officers have negotiated conditions relating to minimum unit sizes and removing mezzanine rights. It is considered that with the amendments that the agent has made in terms of floor area, the proposal is compliant with policy C3 of the North Wiltshire Local Plan 2011.)

If permission is refused, the applicant has indicated they will retain the building and retail from it.

The actual impact on the town centre is so similar that the likelihood of sustaining a refusal on appeal on the basis of harm is remote. In officer's view, the application is acceptable and there are no reasons to refuse permission.

An EIA Screening opinion has now been undertaken by officers and is available on file. No EIA is required for this development.

10. Recommendation

Planning Permission be GRANTED for the following reason:

In determining this application the Council **MUST** take into account the existing permitted use of the site - That is 3315sqm of ground floor with 1,320sqm of external retail space = 4635 sqm. No conditions on the original approval placed any restriction on the goods to be sold other than it should only be for non food; there was no restriction on subdivision nor on adding (permitted development size) mezzanines.

The proposal, whilst involving demolition and rebuilding, will actually result in a retail floor area of less than the existing store plus its permitted "additions" and this figure includes taking out the external retail floor area (barring 60 sqm), which has an open retail use. The units will essentially be turned to face the car park and there will be 3 of them with their own entrances. The profile of the building will change, but the revisions are considered to enhance the scheme's appearance.

The existing store is only restricted from selling food (other than confectionary), so whilst the fears about impact on the town centre are understood, it is not considered reasonable to further condition to restrict what can be sold. One of the tests of Circular 11/95 is that conditions should be reasonable. It is considered that with the amendments that the agent has made in terms of floor area, the proposal is compliant with policy C3 of the North Wiltshire Local Plan 2011 and advice in PPS4 Planning for Sustainable Economic Growth.

Subject to the following conditions:

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

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

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

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

POLICY-C3

- (3) The proposed units shall not be used for the sale of food other than confectionery, ancillary to the main use, without the prior grant of planning permission in that respect.

Reason: In the interests of protecting the vitality and viability of the town centre.

- (4) 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

- (5) 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

- (6) Prior to any development taking place a tree protection plan showing root protection areas for retained trees; routes of protective tree fencing; specification of protective fencing; construction exclusion zones in accordance with 'BS 5837:2005 Trees in relation to construction- recommendations' shall be submitted and approved in writing by the Local Planning Authority. The agreed methodology shall be implemented during the duration of the proposed construction phase of the development permitted.

Reason: To protect retained trees during construction.

- (7) Prior to any development taking place an arboricultural method statement shall be submitted to and approved in writing by the local planning authority for the excavation within the root protection area of Poplar Trees T1 and T2 as identified within 'Quaife Woodland Arboricultural Survey AR/2299/ci-amended 31st January 2011' and for the proposed route for the outflow pipe from the surface water cellular storage tank. The development shall be carried out in accordance with the approved methodology.

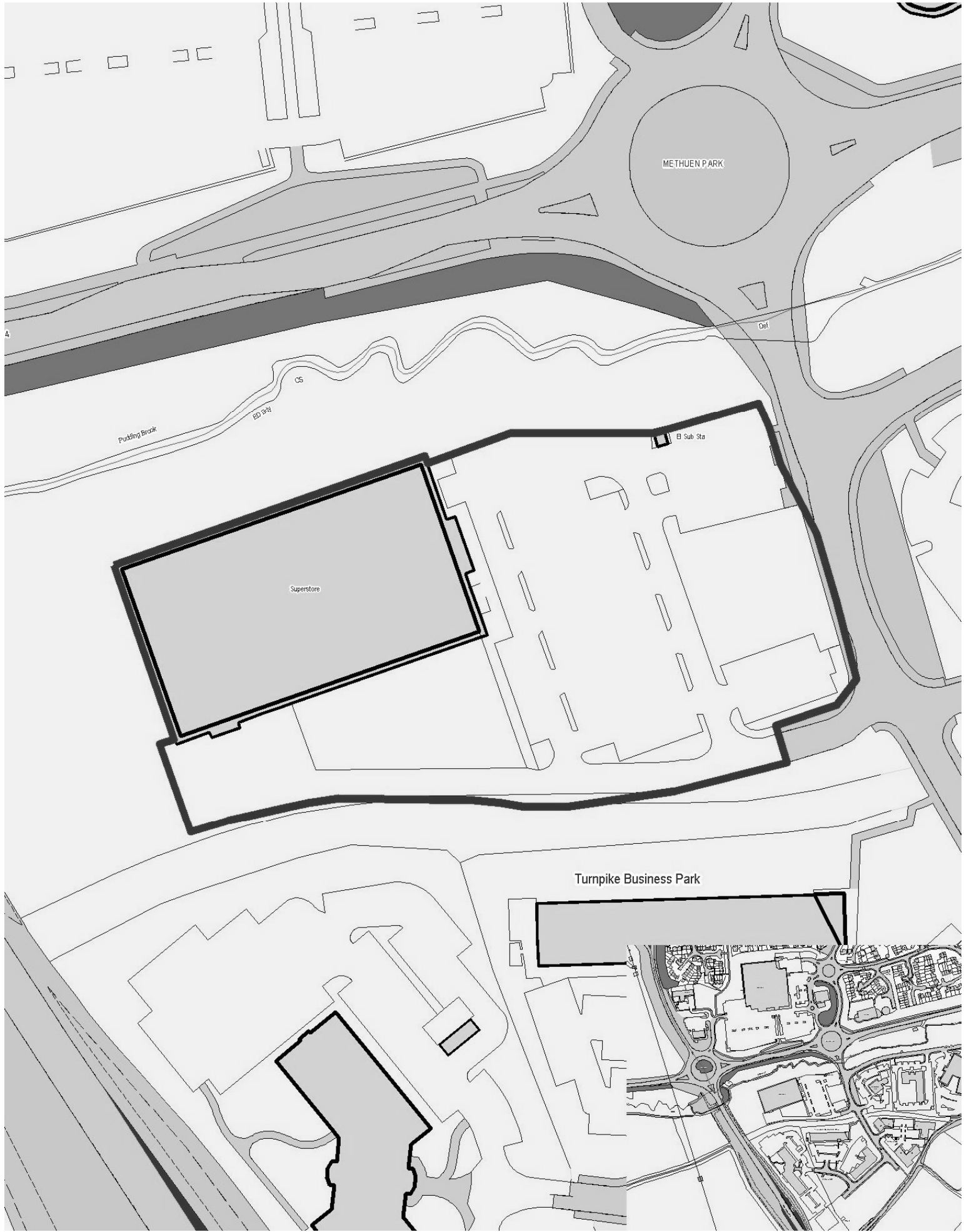
Reason: To safeguard the trees identified for retention for public visual amenity.

- (8) The total retail sales space (including any mezzanines the development hereby permitted shall not exceed 3,375 sqm.

Reason: To define the permission.

- (9) The development hereby permitted shall not be sub-divided to create more than 3 separate units and no individual unit shall be less than 850sqm. In floor area.

Reason: To protect the vitality and viability of the town centre.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	1 June 2011		
Application Number	N/11/00102/FUL		
Site Address	32 Hardenhuish Lane, Chippenham, Wiltshire, SN14 6HN		
Proposal	Demolition of Existing Dwelling and Erection of New Dwelling with Detached Garage		
Applicant	Mr & Mrs Bennett		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Cepen Park & Redlands	Unitary Member	Cllr Nina Phillips
Grid Ref	390747 174522		
Type of application	Full Application		
Case Officer	Kate Backhouse	01249 706684	kate.backhouse@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Nina Phillips originally requested that this application be considered by the Planning Committee in order that Members can consider the scale of development, its impact upon the surrounding area, the relationship with neighbouring properties, the environmental and highway impact and the drainage issues. The application was deferred to seek to determine whether there is a suitable engineering solution for the disposal of surface water from the site and to assess the effect of the basement upon the water table.

1. Purpose of Report

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

2. Report Summary

Whether the proposal complies with policies C3 and H3 of the North Wiltshire Local Plan 2011
The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Drainage

The application has generated support from the Town Council, 1 letter of support and 3 letters of objection.

3. Site Description

The site is located within the framework settlement boundary for Chippenham where replacement dwellings are permitted in accordance with policies C3 and H8 of the North Wiltshire Local Plan 2011. The existing dwelling is sited approximately in the centre of the plot, in line with existing neighbouring properties but at a slight angle. Vehicle access to the property is from Hardenhuish

Lane and to the front of the property just under half the garden is laid to lawn with the remainder being a gravelled drive. To the front boundary is an established hedge. Boundary treatments to the side and rear consist of 1.8 metre fencing. The rear garden is mostly laid to lawn. Along Hardenhuish Lane there a wide variety of house types, ranging from executive type modern dwellings, to older 19th and 20th century properties. The dwellings to either side of the application site re of similar design to each other being of more modern construction with large attached double garages extending to the front.

4. Relevant Planning History		
Application Number	Proposal	Decision
05/02605	Extension and garage	PER

5. Proposal

The application seeks permission for the replacement of the existing detached dwelling and attached single garage with a replacement dwelling and detached double garage at 32 Hardenhuish Lane. The existing dwelling was built in the 1950s of reconstituted stone with concrete interlocking tiles. To the side of the dwelling is an attached single garage.

The proposed replacement dwelling is of a modern design, with a distinctive roof profile, large windows and uses more contemporary materials such as steel and glass. The dwelling is to provide 4 en-suite bedrooms at first floor, open plan living/dining/kitchen, 2 studies, playroom and utility are shown at ground floor. The proposed basement will house a gym, store and media room. To the front of the building a detached mono-pitched garage is proposed. The new proposed replacement dwelling is to be sited more squarely within the site. The premise behind the scheme is to minimise energy use throughout the lifespan of the dwelling, incorporating solar panels, rainwater harvesting and super insulation as detailed in the accompanying Eco Statement.

6. Planning Policy

Policies C3 and H3 of the North Wiltshire Local Plan 2011.

7. Consultations

Highways Engineer – No objection subject to conditions

Chippenham Town Council – Support due to the significant ecological benefit

Drainage Engineer – Approve subject to condition relating to method of surface water disposal.

8. Publicity

The application was advertised by site notice and neighbour consultation.

1 letter of support has been received from a local resident.

3 Letters of objection have been received and the objections are summarised below;

- Drainage/flooding problems
- Proposed basement undermining adjacent properties
- Not in keeping with surrounding properties
- Noise and vibration whilst being constructed
- Timescale of the proposed development

- Projection of the garage forward of building line and therefore out of keeping
- Lack of neighbour notification
- Disruption to the road network throughout construction.

9. Planning Considerations

The applicants have discussed the viability of the proposed basement with Building Control and also with the relevant companies. Any concerns from adjacent properties regarding party wall issues must be addressed through the party wall act and is not a matter for consideration in this application.

As noted earlier there are a variety of housing types along Hardenhuish Lane. The proposed replacement dwelling has been designed in a deliberately contemporary style that is not a pastiche of past housing types but to be innovative in both design and its' ecological credentials.

The timescale of the proposed construction and any noise issues arising from the construction are not something that can be addressed through the planning system. In light of the proximity of the development to Sheldon School, it is considered reasonable, however, that hours of access for construction traffic to the site are restricted.

Highways have offered no objection to the application subject to conditions. The siting of a garage forward of the building line is not of concern due to existing garages forward of the main building line of neighbouring dwellings, numbers 30a, 30b, 32a and 32b Hardenhuish Lane. Further to this the proposed garage is set well back from the road.

Neighbour notification was conducted correctly with all adjacent properties being sent neighbour letters and a site notice being erected. A further site notice was erected following the disappearance of the original notice.

The Council's Drainage Engineer has now conducted a percolation test on site and is now satisfied that a soakaway is an acceptable solution to drainage issues on the site and offers no objection subject to conditions.

Overall, it is considered that the high quality bespoke design of the proposed new dwelling will be a striking addition to the street-scene. The development is considered to be acceptable on its planning merits as the proposal is compatible and complimentary to policies C3 and H3 of the North Wiltshire Local Plan 2011 and having regard to all other matters raised, planning permission is granted subject to the following conditions.

10. Recommendation

Planning Permission be GRANTED for the following reason:

It is considered that the high quality bespoke design of the proposed new dwelling will be a striking addition to the street-scene. The Local planning authority has therefore determined that the development is considered to be acceptable on its planning merits as the proposal is compatible and complimentary to policies C3 and H3 of the North Wiltshire Local Plan 2011 and having regard to all other matters raised, planning permission is granted subject to the following conditions.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

4. No part of the development hereby permitted shall be first occupied until the parking and turning area, indicated as 'Gravel Drive' on drawing T309/10 titled 'Site Plan' spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

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

6. No development shall commence on site until a schedule detailing access times for construction traffic to the site has been submitted to and approved in writing by the Local Planning Department. Development shall be undertaken in complete accordance with that schedule so approved.

REASON: In the interests of highway safety.

7. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

H309/7, T309/12, T309/9, T309/11, T309/6, T309/8, T309/10, date stamped 13.01.11

REASON: To ensure that the development is implemented as approved

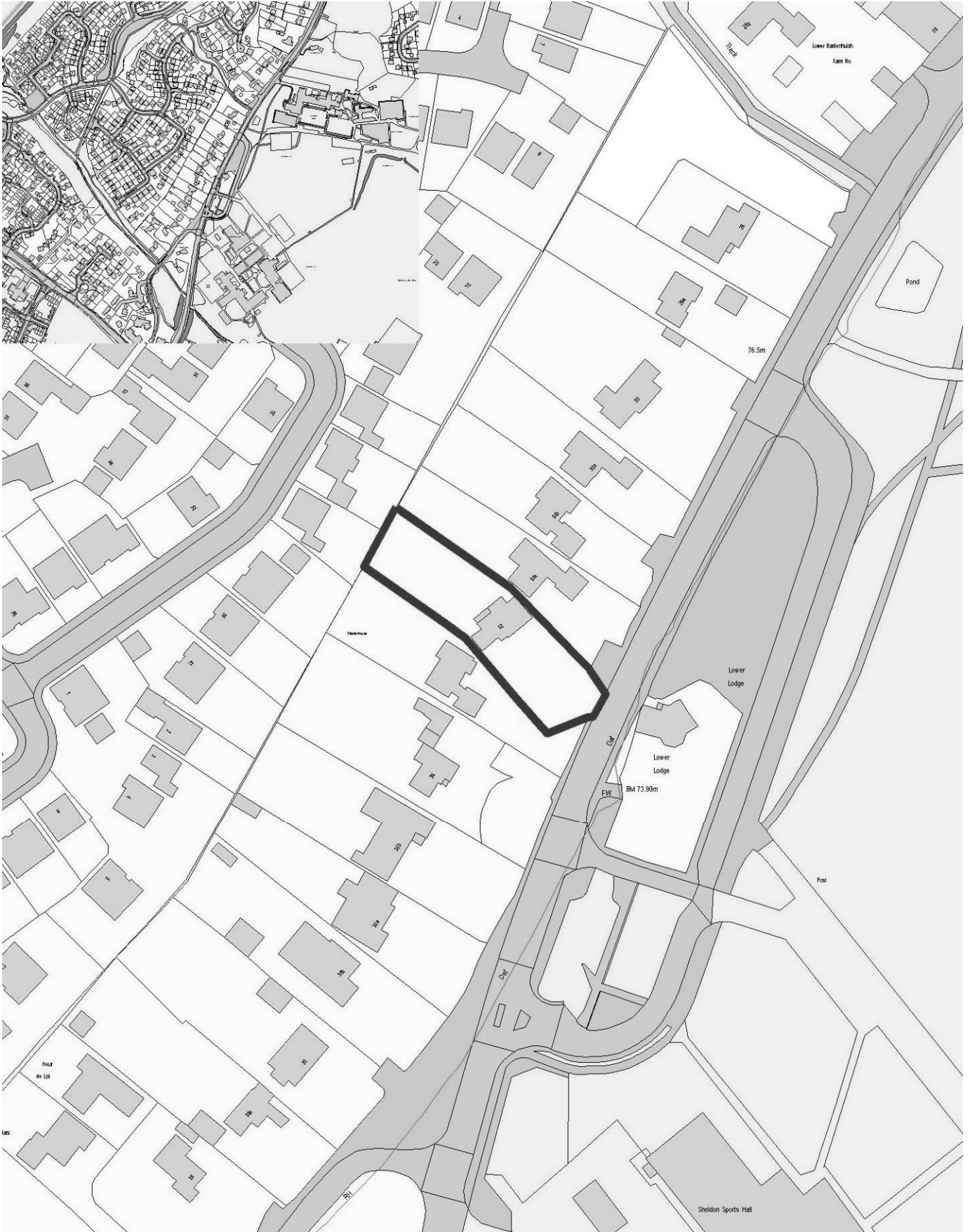
Informatives

1. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

2. This decision does not grant any permission for any additional hardstanding or outbuildings not shown on the approved plans.

3. You are advised that the drainage details required under condition 5 of the application should be in complete accordance with the advice provided by the Council's Drainage Engineer.(Email - dated 10.05.11)



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	1 st June 2011		
Application Number	11/00173/S73A		
Site Address	Castle Combe Race Circuit, Castle Combe, SN14 7EY		
Proposal	Variation of condition 1 of 06/01814/S73A to allow 6 additional club sprint meetings per year (10 in total)		
Applicant	Castle Combe Circuit		
Town/Parish Council	Castle Combe/Yatton Keynell		
Electoral Division	By Brook	Unitary Member	Jane Scott
Grid Ref	385118 176906		
Type of application	S73A		
Case Officer	Charmian Burkey	01249 706667	Charmian Burkey@Wiltshire.gov.uk

Reason for the application being considered by Committee

The item has been called to Committee by Councillor Jane Scott to consider the concerns of local residents about adding additional dates when those available are not all being used.

1. Purpose of report

To consider the above application and to recommend that planning permission be Delegated to the Area Development Manager to Permit subject to a legal agreement and conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Impact upon highway safety
- Impact upon visual amenity and landscape character.
- Impact upon neighbour amenity

The application has generated objections from Yatton Keynell and Castle Combe Parish Councils; and 6 letters of objection from the public.

3. Site Description

The proposal relates to the well established Castle Combe Race Circuit situated in the Cotswold AONB. No physical alterations are proposed by the application.

4. Relevant Planning History

The circuit has an extensive planning history, a summary of which is attached as Appendix 1. The most relevant decisions are as follows:

Application Number	Proposal	Decision
92/01654/	2 days of private road car sprints in a calendar year	Permitted
06/01814/S73A	2 Additional Club Sprint Meetings per year (Variation condition 1 of N.92.01654.	Permitted subject to conditions

5. Proposal

The proposal is to vary condition 1 of 06/01814/S73A to allow 6 additional club sprint meetings per year to make a total of 10. The proposal now also involves the giving up 6 Defensive Driving Days (where 4 cars are on track at anyone time). This proposal has arisen from the current days on the Colerne Airfield needing to be relocated.

6. Planning Policy

North Wiltshire Local Plan: policies C3 and NE4 are relevant

7. Consultations

Castle Combe Parish Council opposed the application but queried the requirement for 6 additional race days when so many permitted days go unused. It appears to be an unnecessary escalation of the track.

Yatton Keynell Parish Council felt strongly that the days should be absorbed into the unused days at the circuit.

Cotswold Conservation Board state that the site is within the Cotswolds AONB where conservation and enhancement of natural beauty, including tranquillity, should have great weight. The Board considers that the additional days should be absorbed within the existing permitted 246 days leading to disturbance of the tranquillity of the area by noise generation, estimated by the applicant to be 500 cars.

Highways comments are awaited.

Environmental Health originally objected to the proposal on the basis that the increase in days would lead to an increase in noise disturbance. However, following negotiations with The Circuit it has been agreed that:

- The previously consented 4 Sprint Days and the newly applied for 6 days will operate at the lower C level ie 100dBA at 0.5m from the exhaust outlined in the Motor Sports Association Yearbook. They will not impact on the total number of noisier days.
- No more than 2 vehicles will be on the track at any one time.
- The Circuit will also surrender 6 days of Defensive Driving where 4 cars would operate on the track at level 'C'.

With these amendments the officer is wholly satisfied that there will be no adverse noise impact on the locality, but for completeness recommends that conditions be attached to the consent to limit the number of cars to 2 and the noise level at the exhaust to 100dBA at 0.5m ie 'C' level.

The agent writes that the Circuit currently has planning permission to operate 4 club sprint meetings per year, authorised by permission 06/01814/S73A restricted to use by the Bristol Light Car Club and the BAC Motor Club only. The Ministry of Defence are no longer allowing motor based sports at their airfields due to destruction of the tarmac surface. On a typical sprint rally day there are around 150 entries, each competitor with 2-3 guests. Each competitor has 2 practice runs and 2 competition laps. There would be up to 500 cars per day with the circuit having space for up to 5000 to park. It is not thought that there would be any unacceptable increase in traffic or noise.

8. Publicity

The application was advertised by site notice and neighbour consultation.

6 letters of letters of objection received

Summary of key relevant points raised:

- Increased traffic.
- There are plenty of unused days.
- The 'drip approach' to increasing the usage of the circuit.

9. Planning Considerations

The proposed use would generate only a small volume of traffic as it is not an event which is open to the public. Formal comments from the Highways officer have not been received at the time of drafting the report but will be available prior to the meeting.

There would be no physical alterations and thus the impact on the landscape quality of this part of the Cotswold AONB is un compromised.

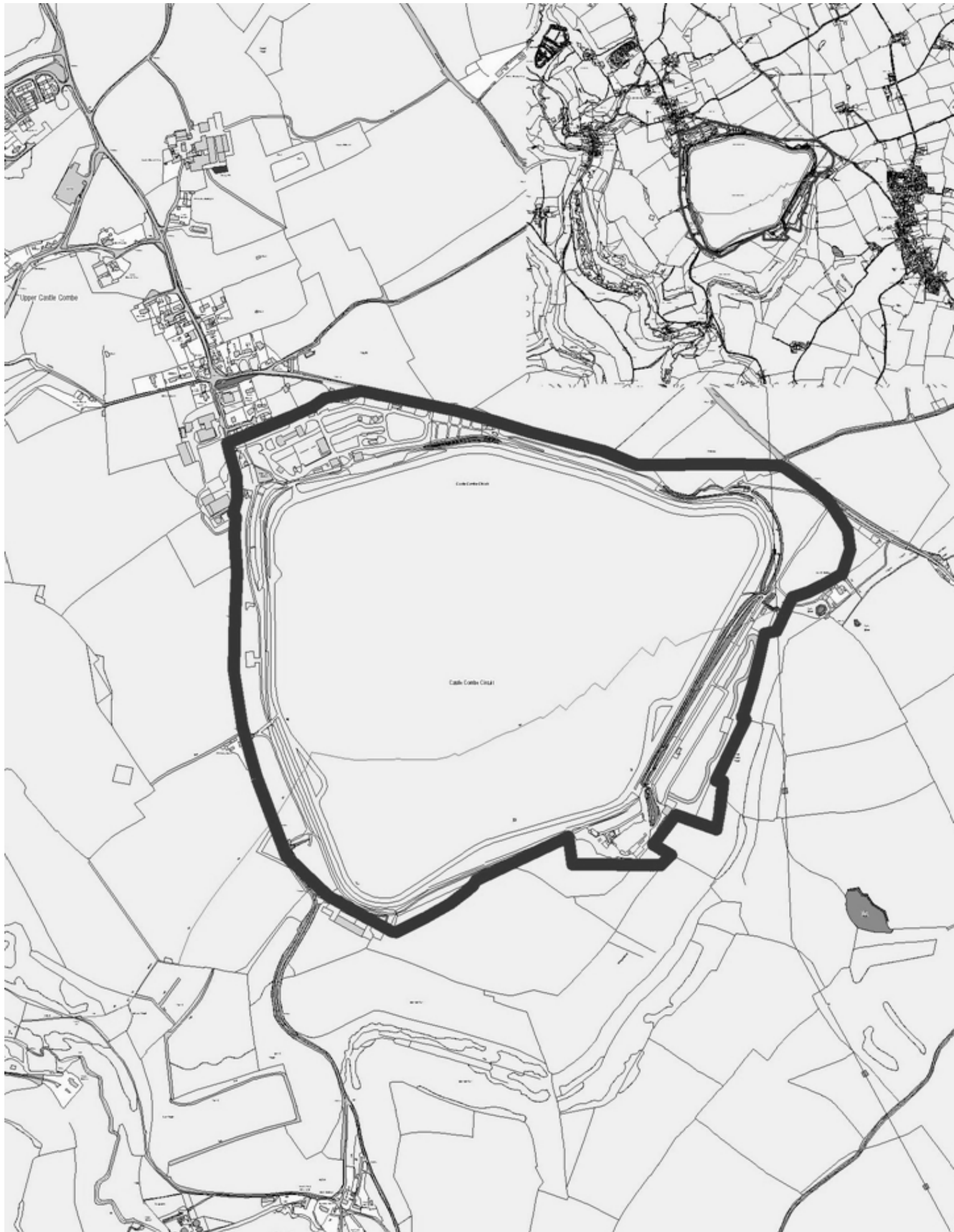
The application is accompanied by a circuit usage list which indicates that in the last 5-6 years up to 72 of the permitted days usage on the site remain un used. What is not clear from this information is at what noise levels the unused days would have operated at. Notwithstanding this, the Circuit have negotiated with our Environmental Health Officer and have agreed to surrender "Defensive Driving Days" (where 4 cars can be out on the track at any one time). The applied for Sprint Days would also operate at 100dBA as would the other 4 days that exist.

It is considered that this "trading" of days will ensure that there is no increase in disturbance to the local area, but as this involves removing existing rights, this can only be achieved by way of a legal agreement. Any permission would be subject to the previously applied conditions relating to noise levels, numbers of cars on the circuit at any one time, use of entrances to the site etc.

10. Recommendation

Planning Permission be DELEGATED for the following reason:

To allow officers to draw up a suitably worded legal agreement for the circuit to enter into to secure the removal of 6 days of Defensive Driving Days and also to limit the noise levels on the existing permissions for Club Sprint days to 100dBA.



Application Number	Description of Event	Days Permitted	Notes
99/00123	Removal of cond 1 of 98.2297 motorcycle track days	10	
98/02019	Change of Use of Land for 20 additional dealer days	20	
97/02501	Use of circuit for haynes classic rally	1	
97/01759	Use of circuit for stroke association rally 1 day per annum	1	
97/00647	use of circuit for motor cycle school	20	
96/01943	Use of circuit for motor cycle track day	10	
96/01699	Renewal of 93/1734 use of circuit for motor cycle training	20	
96/00108	Use of circuit for cycling		
93/00513	motor racing on two sundays per annum	2	
92/02101	Use of circuit for motor racing on 2 sundays per annum	2	
92/02100	two additional public dealer days	2	
92/01654	Use of circuit for 2 days per annum for private road car and sprint meetings	2	
92/00126	Go-Karting without compliance with Cond 1 & 2 of 91/0581		
89/01855	Defensive Driving	60	
89/01556	Company Days amendment to 84/3398	40	
89/00646	Renewal of 85/00982 - 5 additional dealer days	5	
88/03480	Use of circuit for car boot sales on 2 additional days (making a total of 10)	2	
88/03398	Renewal of permission for use of circuit for company day	20	
88/02997	Use of circuit for 2 Public Dealer Demonstrations per Annum	2	
86/0350	Use of circuit for cycling event on 4 sundays per annum	4	
86/02115	use of circuit for car boot sales	8	
86/02114	Use of circuit for agricultural machinery sales	5	Alternative to 84.0207
86/01816	Use of circuit for RAC classic run 1 day per annum	1	
84/01480	Use of Land for Vintage Fayre	2	
83/01216	Amendment to 80.01275 (under age driving)	10	
82/01720	Use of circuit for additional 2 days motor sport (March to October)	2	

			30 HGV Training, 30 days tyre testing, 20 cycle racing, 15 days dealer days, 10 days under age driving	
	80/01275	Use of circuit for HGV Driver Training, Tyre Testing, Cycling Competiton, under age driver training & dealer demonstration days		
	80/01274	Use of circuit for 12 days	12	
	80/01273	Use of circuit for racing school for 20 days between April & October	20	
	07/01848	Change of Use of Land for Rallying for Corporate Hospitality Use, Including the Formation of a Track for 40 Days Per Anum, Including Saturdays	40	
	06/01814	2 additional club sprint meetings per year (variation of cond 1 of 92/1654)	2	
	04/00849	Change of use of land to rally school	40	
	02/02116	Use of circuit for under age driver training on 4 additional sundays	4	
	01/00035	Electric car marathon	1	