

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Monkton Park, Chippenham
Date: Wednesday 13 July 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 Peter Hutton
Cllr Christine Crisp	Cllr Simon Killane
Cllr Peter Davis	Cllr Howard Marshall
Cllr Peter Doyle	Cllr Toby Sturgis
Cllr Alan Hill	Cllr Anthony Trotman

Substitutes:

Cllr Desna Allen	Cllr Mollie Groom
Cllr Chuck Berry	Cllr Mark Packard
Cllr Bill Douglas	Cllr Bill Roberts

Part I

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

1. **Apologies for Absence**

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

To approve and sign as a correct record the minutes of the meeting held on 22 June 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 6 July 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 **11/01441/REM - Land off Sandpit Road, Calne - Erection of 285 Dwellings & Associated Works (Reserved Matters)** (Pages 13 - 26)
- 7.b **11/01501/FUL - Barn 3, Common Farm, Quemerford, Calne, SN11 8UB - Conversion of Barn to Single Dwellinghouse and Ancillary Works (Retrospective) (Revised Proposal)** (Pages 27 - 40)
- 7.c **11/01210/FUL - Land at Noble Street, Sherston, Malmesbury, SN16 0AA - Erection of Dwelling** (Pages 41 - 48)
- 7.d **11/01314/S73A - Land at Harpers Lane, Bristol Street, Malmesbury, SN16 0AX - Improvement Works including Replacement Walls and Fencing, Resurfacing, Planting and Lighting (Revision of 10/04503/S73A)** (Pages 49 - 54)
- 7.e **11/01416/FUL - The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8DE - Extension & Alterations** (Pages 55 - 60)
- 7.f **11/01456/FUL - Loreley, Newlands Green, Kington Langley, SN15 5NZ - Extension to Provide First Floor to Part of Property** (Pages 61 - 66)
- 7.g **11/01495/FUL - The Turnpike Site, Heddington Wick, Heddington - Change of Use from Stock Barn to Generator Shed** (Pages 67 - 74)
- 7.h **11/01506/FUL - 17 Vale View, Wootton Bassett, SN4 7BY - Erection of Detached House & Garage including New Vehicular Access** (Pages 75 - 78)

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

This page is intentionally left blank

NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 22 JUNE 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM.**

Present:

Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Peter Doyle, Cllr Peter Hutton,
Cllr Simon Killane, Cllr Howard Marshall, Cllr Toby Sturgis and Cllr Anthony Trotman
(Chairman)

Also Present:

Cllr Chris Caswill, Cllr Sheila Parker and Cllr John Thomson.

57. **Apologies for Absence**

Apologies for absence were received from Cllr Peter Colmer (who was substituted by Cllr Bill Douglas), Cllr Christine Crisp and Cllr Alan Hill.

58. **Minutes**

Resolved:

To confirm and sign the Minutes of the meeting held on 1 June 2011.

59. **Declarations of Interest**

Cllr Peter Doyle declared a personal interest in Minute No 63 (b) – Application No 09/01844/S73A – Westwood Farm, Rode Hill, Near Colerne, Wiltshire, SN14 8AR – Alterations and Formation of A Private Way for Agricultural Purposes, and Installation of Associated Access Gates and Railings off Road Hill (Retrospective) because he was a member of the Cotswold Area of Outstanding Natural Beauty Joint Advisory Committee. He stated that he would take part in the debate and vote with an open mind.

60. **Chairman's Announcements**

There were no Chairman's announcements.

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

Members of the public addressed the Committee as set out in Minute No 63 below.

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

62. **Planning Appeals**

The Committee received and noted a report setting out details of:-

- (i) Forthcoming hearings and public inquiries between 9 June and 30 September 2011.
- (ii) Planning appeals received between 19 May and 9 June 2011.
- (iii) Planning appeals decided between 19 May and 9 June 2011.

63. **Planning Applications**

1a **11/01055/FUL - Spindleberry, Pew Hill, Chippenham, SN15 1DH - Detached Double Garage With Store/Workshop Over**

The following person spoke in favour of the proposal

Mr Paul Kalbskopf, the applicant

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 planning permission be refused. She also drew Members' attention to the late items from which it was noted that the Highways Officer had raised no objections subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from the applicant in support of the planning application.

Members heard the views of Cllr Chris Caswill, the local member, in favour of the application.

After discussion,

Resolved:

To refuse planning permission for the following reasons:-

- 1. The proposed garage and store / workshop by reason of its scale, design and siting would result in an incongruous feature on the street scene of both the cul de sac and Maud Heath's Causeway to the detriment of the character and appearance of the area. Such impact is compounded by the direct and indirect loss of trees to facilitate the development. The proposal thus fails to accord with Policies C3, H8 and NE14 of the North Wiltshire Local Plan 2011.**
- 2. The scale and siting of the garage would also have an overbearing impact on the southern aspect of the neighbouring Millcott property contrary to Policies C3 and H8 of the North Wiltshire Local Plan 2011.**

1b 09/01844/S73A - Westwood Farm, Rode Hill, Near Colerne, Wiltshire, SN14 8AR - Alterations and Formation of A Private Way for Agricultural Purposes, and Installation of Associated Access Gates and Railings off Road Hill (Retrospective)

The following person spoke against the proposal

Cllr Philip Rayner, representing Box Parish Council

The following person spoke in favour of the proposal

Mr Jonathan Reiney, 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 receipt of comments from the Environment Agency and conditions. She also drew Members' attention to the late items from which it was noted that the Environment Agency had raised no objections but recommended that a package of protection and mitigation measures be secured in respect of the damage caused to the ecological habitat from the unauthorised development.

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

Members heard the views of Cllr Sheila Parker, the local member, objecting to the application.

After discussion,

Resolved:

To grant planning permission for the following reason:-

The proposed development is considered to be an appropriate form of development in the Green Belt that will not have a significant detrimental impact upon the landscape, ecology or hydrology of the area. Subject to the imposition of appropriately worded planning conditions, the proposal would comply with the provisions of Policies C3, NE1, NE4, NE7, NE10, NE23 of the adopted North Wiltshire Local Plan 2011 and guidance contained in PPG2 and PPS9.

Subject to the following conditions:

- 1. 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.**

Planning, Design and Access Statement (including Agricultural Access Track plans BRS.2189_02-1b) dated October 2009

Landscape Visual Impact Assessment (dated February 2010)

Hydrology Report (dated August 2010)

County Wildlife Site Management Plan 2011 - 2015 (dated April 2011)

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

2. **All nine County Wildlife Sites, (namely Draught Wood, Draught Wood Downland, Ryder's Wood and Breach, Ryder's Wood North, Medley's Wood Downland, Sidney Farm Fields-Northern Parcel, Sidney Farm Fields-Southern Parcel, Westwood Farm Down, and Westwood Farm Down East), shall be managed in complete accordance with the submitted County Wildlife Management Plan 2011 – 2015 (prepared by The Landmark Practice – dated April 2011), and the 5 year action plan that is incorporated in that plan. Any monitoring reports produced as part of the required annual monitoring programme shall be made available to the Local Planning Authority upon request.**

Reason: In the interests of securing the required biodiversity mitigation and compensation measures following the damage caused by the proposed works and so as to secure future management of the County Wildlife Sites to the benefit of local ecology.

1c 11/01156/FUL - David Hendry Cars, White Lodge, Filands, Malmesbury SN16 9JN - Retention of Existing Wall and Reinstate Original Coping Stones

The following people spoke against the proposal:

Cllr Roger Budgen, representing St Paul Malmesbury Without Parish Council and Malmesbury & St Paul Without Residents' Association

The following people spoke in favour of the proposal:

Mr Andrew Carnegie
Mr Ian Rae, the agent
Mr David Henry, the applicant

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 planning application be refused. She also drew Members' attention to the late items.

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

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

After discussion

Resolved:

To refuse planning permission for the following reason:-

Non compliance with condition 11 of 06/03236/FUL and construction of a 700mm high wall would lead to the resulting development, associated deliveries and, notably, the parking and display of vehicles, being overly visible and prominent in the countryside contrary to policies C3 and NE15 of the North Wiltshire Local Plan 2011.

1d 11/01157/ADV - David Hendry Cars, White Lodge Farm Buildings, Filands, Malmesbury, Wiltshire, SN16 9JN - Display of One Internally Illuminated Pole Sign

The following people spoke against the proposal:

Cllr Roger Budgen, representing St Paul Malmesbury Without Parish Council and Malmesbury & St Paul Without Residents' Association

The following people spoke in favour of the proposal:

Mr Andrew Carnegie
Mr Ian Rae, the agent
Mr David Henry, the applicant

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 planning application be refused.

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

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

After discussion,

Resolved:

To refuse planning permission for the following reason:-

The sign due to its size, position and illumination would be an incongruous, intrusive and overtly commercial feature in the countryside to the detriment of the amenity of the area and contrary to policies C3, NE15 and BD9 of the North Wiltshire Local Plan 2011.

- 1e **11/00619/LBC - Culver View, 15 Culver Gardens, Malmesbury, Wiltshire, SN16 9BY - Replace Existing Unauthorised Modern Double Glazed Windows with New Double Glazed Windows, Remove Internal Wall & Chimney, Alterations to Doors & Windows.**

The following people spoke in favour of the proposal:

Mrs Miranda Winram, the applicant

Mr Roger Bugden, representing Malmesbury & St Paul Without Residents' Association

Cllr Bill Blake, representing Malmesbury Town Council

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 planning application be refused. She also drew Members' attention to the late items.

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

After discussion,

Resolved:

To delegate to the Area Development Manager to grant permission subject to conditions to be drafted by Officers in respect of the detailing of the windows and the internal alterations.

For the following reason:

The proposed alterations to the listed building are considered to preserve the architectural and historic interest of the heritage asset. The new timber windows are considered to be more sympathetic to the overall appearance of the building although the detailed design of the windows will need to be agreed with the Local Planning Authority. The proposals are considered to comply with the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990 and the policies contained within PPS5.

64. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.35 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
13th July 2011**

Forthcoming Hearings and Public Inquiries between 29/06/2011 and 31/10/2011

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 09/06/2011 and 29/06/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
11/00916/FUL	THE COTTAGE, UPPER CASTLE COMBE, CHIPPENHAM, SN14 7HD	Castle Combe	Extension to Side/Rear with Detached Garage (Resubmission of Application N/10/03802/FUL)	DEL	Written Representations	Refusal
11/00964/FUL	SCOTTS SMITH FARMYARD, SODOM LANE, DAUNTSEY, WILTSHIRE, SN15 4JA	Dauntsey	Single Storey Rear Extension to Converted Farm Building	DEL	Written Representations	Refusal

Planning Appeals Decided between 09/06/2011 and 29/06/2011

Application No	Location	Parish	Description	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
10/02456/S73A	113 HIGH STREET, WOOTTON BASSETT, SWINDON, SN4 7AU	Wootton Bassett	Replacement of Wooden Door & Window Frames with UPVC Units - Front Elevation (Retrospective)	DEL	Appeal Dismissed	Refusal	Written Representations

This page is intentionally left blank

Agenda Item 7

INDEX OF APPLICATIONS ON 13/07/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	11/01441/REM	Land off Sandpit Road, Calne, Wiltshire	Erection of 285 Dwellings & Associated Works (Reserved Matters)	Permission
7b	11/01501/FUL	Barn 3, Common Farm, Quemerford, Calne, Wilts, SN11 8UB	Conversion of Barn to Single Dwellinghouse and Ancillary Works (Retrospective) (Revised Proposal).	Permission
7c	11/01210/FUL	Land at Noble Street, Sherston, Malmesbury, Wiltshire, SN16 0AA	Erection of Dwelling	Refusal
7d	11/01314/S73A	Land at Harpers Lane, Bristol Street, Malmesbury, Wiltshire, SN16 0AX	Improvement Works Including Replacement Walls and Fencing, Resurfacing, Planting and Lighting (Revision of 10/04503/S73A	Permission
7e	11/01416/FUL	The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8DE	Extension & Alterations	Refusal
7f	11/01456/FUL	Loreley, Newlands Green, Kington Langley, Wilts. SN15 5NZ	Extension to Provide First Floor to Part of Property.	Permission
7g	11/01495/FUL	The Turnpike Site, Heddington Wick, Heddington, Wilts.	Change of Use from Stock Barn to Generator Shed	Permission
7h	11/01506/FUL	17 Vale View, Wootton Bassett, Wilts. SN4 7BY	Erection of Detached House & Garage Including New Vehicular Access	Refusal

This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 July 2011		
Application Number	11.1441REM		
Site Address	Land of Sandpit Road, Calne		
Proposal	Erection of 285 dwellings and associated works		
Applicant	Redrow Homes		
Town/Parish Council	Calne / Calne Without		
Electoral Division	Calne Chilvester & Abberd	Unitary Member	Tony Trotman
Grid Ref	400579 171607		
Type of application	REM		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been called to committee at the officers discretion in agreement with Cllr Trotman in light of a High Court challenge by the Save Calne Marsh Group and as the previous reserved matters application 10/04039REM was determined by the Committee following call in from Councillor Trotman due to the size of the application together with issues of design of the houses, access into the site and highways impact.

1. Purpose of Report

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

Calne Town Council supported the initial submission of the application expressing disappointment with the errors that warranted this new submission understanding that such matters had been rectified with this application. However, following the submission of drainage drawings in respect approved drainage matters with Highways and Wessex Water as part of both the outline permission and separate legislation have deferred comment until and explanation of these plans has been provided.

6 objections have been received.

2. Main Issues

This application has been submitted following the realisation that an administrative error had occurred in the determination of the previous reserved matters application breached Regulation 7 of the Town and County Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 which requires a screening opinion of such an application.

A screening opinion formally requires the application to be considered against a range of criteria as to whether or not an Environmental Impact Assessment (EIA) is required.

Such a screening has been undertaken in respect of this current application to which 11/01491SCR refers and confirmed that the development does not require the submission of an EIA. A copy of this screening is available for public inspection.

The application remains substantially the same as the previously approved reserved matters application. The key differences being the submission of details that have been submitted and approved for conditions discharge relating to site and building levels across the whole site, tree protection details and the details of the Locally Equipped Area of Play (LEAP).

The site layout plan (dwg no. PL-01 Rev AC) provides further details in respect of the right of way, some distances between existing and proposed dwellings, confirmation of surface treatment being tarmac and plot numbers for the affordable units (largely for the benefit of the Registered Social Landlords).

A window has been inserted in the ground floor side elevation of Plot 245 also.

As previously, reported the reserved matters application follows the granted of outline permission allowed at appeal in 2009. The outline approval for 350 dwellings on the site based on a masterplan reserved all matters with the exception of access and thus the principle of development and its general form together with main access to the site has already been established.

The reserved matters which form part of this application comprise: appearance, landscaping, layout and scale.

In light of the above the main issues considered in the determination of this application are:

- Impact on the character and appearance of the area
- Scale, Design and layout
- Impact of residential privacy and amenity
- Access, highway safety and parking
- Ecological impact

3. Site Description

The application site is currently under construction by Redrow Homes with housing already constructed on that part of the site closest to Sandpit Road.

The site is located on the north eastern edge of Calne, less than 1km from the town centre. It is situated between Sandpit Road in the north east and Woodhill Rise in the south west and Abberd Lane in the south with a change in levels of some 12 metres between these areas.

Sandpit Road is located to the east of Oxford Road (the A3102), which links Calne, via Wootton Bassett, to the M4 motorway in the north. The road serves an existing waste site.

The site is surrounded by existing residential development to the north west, west and south west. Fields and farm houses are situated to the north east, east and south east.

Abberd Lane and existing mature hedgerow vegetation define the southern boundary of the site. In accordance with the previously approved scheme and Ecological Management Plan, some hedgerow management and maintenance has already occurred.

There is little discernible style or character in the immediate surrounding context. The existing dwellings comprise a range of types and sizes, including detached, semi detached and terraced houses.

The dwellings are predominantly 2 storey's high with some 2.5 and 3 storeys' and some bungalows. The surrounding context is of a medium density.

There is a large industrial development apposite the roundabout junction on Oxford Road with Sandpit Road. This development comprises brick and metal profiled cladding. Looking further afield, in the heart of Calne there are many well designed traditional buildings and streets that create a distinctive character in this area.

The site comprises approximately 10 hectares.

4. Relevant Planning History		
Application Number	Proposal	Decision
10/04039REM	Erection of 285 dwellings and associated works	Approved
08/02438OUT	Outline application for residential development, including infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access.	Allowed at appeal.
11/01491SCR	Screening opinion - residential development of 285 dwellings and associated works	Confirmed not EIA development

5. Proposal

The application seeks approval for reserved matters following the grant of outline permission at appeal. The reserved matters are appearance, landscaping, layout and scale. It is essentially a resubmission of 10/04039REM with additional detail which has either been approved in connection with conditions of that permission or is in the process of being discharged together with some very minor amendments outlined below.

Since its submission that have been a number of changes in respect of:

- tree protection details reflect that now agreed and discharged with the Landscape Officer for 10/04039REM
- equipment provision on the LEAP reflect that approved and discharged for 10/04039REM
- substitution of Double Roman Tiles on the relevant plots with plain tiles
- internal changes have also been made to a 4 bed affordable dwelling at the request of the Housing Association to provided additional kitchen storage
- Internal changes to Hampstead house type to omit the chimney stack
- Further detail provided in respect of street lighting, traffic signs and road marking as approved by highways officers in respect of separate agreements.

The proposed development seeks to provide some 285 dwellings, considerably less than the maximum of 350 dwellings approved at outline. The developer has confirmed that this reduced number which represents 33 dwellings per hectare has been proposed as a result of a number of factors such as decreased land values in the current climate, changes to Government guidance regarding densities and the need to adapt to the demands of the public returning to houses which have parking on plots rather than shared parking courtyards highlighting the return of the suburban renaissance. There is nothing to preclude a developer from developing at a scale less than that approved at outline.

The development is to be accessed via Sandpit Road as approved via the outline permission.

The development comprises largely 2 storey dwellings. There are some 2.5 storey dwellings arranged formally around the formal green and several other 2.5 and 3 storey buildings are used to respond to key spaces or views.

The dwelling mix is as follows:

Open Market

- 15 x 2 bed apartment
- 18 x 2 bed house
- 78 x 3 bed house
- 80 x 4 bed house
- 4 x 5 bed house
- 4 x 6 bed house

Affordable - Social Rent

- 14 x 1 bed apartment
- 34 x 2 bed house
- 14 x 3 bed house
- 7 x 4 bed house

Affordable - Intermediate Tenure

- 9 x 2 bed house
- 8 x 3 bed house

The affordable housing is distributed across the site in clusters of no more than twelve dwellings.

There are 3 character areas proposed. These will add legibility to the scheme and help create a varied public realm.

The Central Green - This is the largest area of open space on the site in which a Locally Equipped Area of Play (LEAP) will be provided as required by the legal agreement approved as part of the outline permission. A formal arrangement of tree planting will define the open space. A regular arrangement of dwellings will front onto the open space, set behind new hedgerow planting which will define the front gardens of the properties. The buildings will be finished in brick and render.

The Village Green - The Village Green is an informal open space defined by existing hedgerows and new dwellings, located in the centre of this application. The new planting will be informal with groupings of trees, shrubs and some wildflower and bulb planting. The existing public footpath will meander through this space and the view down to the existing church, along the alignment of this path, will be retained. Buildings will front onto the open space providing natural surveillance. The buildings will be predominantly finished in brick and render.

The Formal Green - This rectangular open space is defined by the formal disposition of the detached dwellings, the formal arrangement of tree planting and together with black metal railings creates a space quite distinctive to the two other areas. The buildings framing the space will be rendered. The materials proposed to be used include brick, render, reconstructed stone detailing with some timber effect boarding together with a mix of Double Roman and plain concrete tiles. The development facilitates a bus loop within the site and it is anticipated that some services may be diverted into the site.

The existing public right of way is facilitated within the development with the existing entrance/exits from the site maintained.

There are no proposals to do any works to Woodhill Rise or Abberd Lane.

Hedgerows are to be retained with some limited cut back as shown on the plans.

All trees along the existing north eastern boundary, some of which are the subject of preservation orders are to be removed to enable the adoption of the highway and to provide visibility splays. Substantial planting to compensate for this loss is proposed on that part of the development which fronts Sandpit Road.

The development has been devised in accordance with the Urban Design and Landscape Framework Plan submitted and approved to discharge condition 4 of the outline permission (see Appendix II).

6. Planning Policy

North Wiltshire Local Plan Policies C3 and NE15.

Notwithstanding that the principle in terms of housing numbers of up to 350 dwellings have been established for this site, it requires to be noted that the Wiltshire Core Strategy has recently been published for consultation.

Limited weight can be attached to it in any decision making process at this juncture.

The document identifies some 1240 new homes are identified for Calne in Chapter 5 and at paragraph 5.6.6 the previous permission granted for 285 dwellings is recognised as delivering a significant proportion of the housing requirement for the town.

7. Consultations

Calne Town Council – initially supported the application expressing disappointment with the circumstances which led to this resubmission and have recently deferred comment in response to plans received for consultation.

At the time of preparing this report, the Officer has confirmed to Calne Town Council that the plans were sent for information and pertain to the drainage details for the site required to be submitted and approved as part of the outline permission 08/02438OUT and are of no relevance to this reserved matters application. The details have been agreed by Wiltshire Highways and Wessex Water as part of legislative requirements.

Highways Officer –no objections subject to conditions.

Landscape Officer – no objections subject details of the LEAP being finalised as part of either this application or subsection conditions.

Urban Design Officer – no objections.

Environmental Health officer – no objections subject to conditions regarding noise mitigation measures compliant with the approved Noise Assessment submitted and approved as part of 08/02438OUT and as per 10/04039REM.

Principal Ecologist – no objections.

Environment Agency – no objections.

Wessex Water – no objections.

8. Publicity

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

5 letters of letters of objection have been received on the following grounds:

- No need/demand (due to housing market/availability of RAF Lyneham)
- Provision of a 4 metre green buffer needed along western edge of development together with a 6ft high wooden fence
- Highways impact including that of additional quarrying at High Penn
- Ecological impact – hedgerow loss already
- Loss of privacy
- Insufficient infrastructure to cope with development

9. Planning Considerations

Principle of development

A significant material consideration in the determination of this application is both the approved of the previous reserved matters application and the outline permission.

This application relates solely to the details appearance, landscaping, layout and scale in respect of 285 dwellings. The details are the same as those approved under 10/04039REM with some additional detailing as outlined above in this report.

The development of the site for up to 350 dwellings with the access as proposed has been allowed at appeal and thus matters of need, loss of countryside, general visual impact, impact on highways, ecology and drainage are not factors which can be considered at this juncture.

As required by the outline permission an Ecological Management and Maintenance Plan for the site has been submitted and approved and all works are being undertaken in accordance with that document.

For clarification, impact on property values from the development and siting of any affordable housing adjacent to existing housing are not material considerations.

In relation to impact on infrastructure, a legal agreement attached to the outline permission secures the provision of affordable housing, education contributions and provision of open space. Highways contributions have also been secured in terms of public transport revenue support and off-site works if and where necessary and could be used to provide pedestrian crossings with the approval of the Area Board and possibly the provision of a bus layby within the site as discussed with the previous reserved matters.

In terms of surface water and foul drainage (condition 8 of 08/02438OUT), details have been submitted and discharged in conjunction with the Environment Agency, Environment Agency and Drainage Engineer for the site, together with an application having been submitted and approved for an attenuation pond, access and sewers (10/03389FUL refers).

Character and Appearance of the Area

The principle of development has been approved as mentioned above. Therefore the fundamental change to this part of Calne and the rural character and appearance has been approved and is already underway with dwellings being constructed.

The applicants have confirmed their reasoning for seeking permission for a considerably less dense development than the 350 dwelling limit. This has been to secure a more suburban development rather than slavishly adhering to high densities which have now been removed from Government guidance.

Existing hedgerows are to be largely retained on the site with some limited cut back and removal for access purposes largely within the site but also along the north eastern boundary.

It is unfortunate that all the trees along the north eastern boundary is required, some of which have tree preservation orders. However, many of the trees are planted above existing services; and or are required to secure the adoption of the road and provide the necessary visibility splay.

A significant tree belt is to be provided along the site frontage with the road and this will mitigate the loss of the trees without undermining highway safety or the visual impact of the site within the immediate or wider landscape so as to warrant a refusal.

Having regard to factors such as the density of the development, retained landscape features and proposed landscape mitigation, it is considered that the change is not detrimental, having regard to adjacent residential character.

Scale, Design and Layout

The design and layout of the development is the same as that approved for 10/04039REM.

Calne as an evolving town has developments which reflect all period of growth from the historic core to the estates and developments of the inter and post war years, most recently with the significant expansion of North Calne. North Calne enclosed by the road contains a variety of house types and densities which largely reflect the high density requirements of the late 1990's, early 2000's.

The scheme represents a low density development of some 33 dwellings per hectare. The majority of the development comprises 2 storey dwellings, with limited 2.5 and 3 storey (23%).

This is considerably less than illustrative design and access statement submitted with the outline application and in complete accordance with the Urban Design and Landscape Framework Plan submitted and approved to discharge condition 4 of the outline permission.

The development is set out in to distinct character areas as highlighted above and responds to the character and topography of the site.

The pallet of materials proposed which include predominantly brick and concrete tiles/slate of varying shades as per the outline details.

These materials are reflected in the immediate built context. The development does not attempt to create a Cotswold pastiche but draws reference to the adjacent context and aspects of the central historical context which is also reflected in towns to the north and east.

The development has been designed to facilitate a bus loop through the site should services be diverted/extended into the site. Pedestrian access to Woodhill Rise is facilitated which in turn will link into Penn Hill Road and Oxford Road.

As with most major development proposals of this nature, some loss of hedgerow is proposed as mentioned above and reflects the illustrative details submitted with the outline application as well as the approved Framework Plan and the approved Ecological Management and Maintenance Plan.

A buffer continues to be sought along the north western boundary of the site to the rear of the Kilns and running parallel with Oxford Road. The hedge has been requested on privacy, amenity and drainage grounds.

As previously stated in respect of 10/04039REM, the provision of such a buffer would cause significant concern in terms of future management and maintenance. The existing hedge along this boundary is to be retained in any event, albeit it marginally reduced in width. Additional tree planting in the vicinity of The Kilns is also proposed.

The creation of such a buffer is not needed for privacy reasons as is discussed below and as an expansion to Calne it need not be separated to this extent. Such an approach as not been sought in respect of other expansions in recent years in the town or other towns such as Corsham or Wootton Bassett.

Furthermore, the Inspector did not consider a buffer to be necessary when considering illustrative masterplan submitted with the outline application.

Affordable housing has been laid out in a variety of clusters with the largest being 12 dwellings and the smallest being 3 dwellings. This is also the same as previously approved and RSLs are in the process of acquiring these elements of the site.

Accordingly, the scale, design and layout of the development reflects the approved illustrative masterplan and the approved Framework Plan for the site.

Residential Amenity and Privacy

The previous reserved matters approval confirmed the siting between dwellings to be acceptable and as confirmed already in this report the scheme remains unchanged in this respect.

Given the outline permission, the view for many residents will be forever changed as is the way with urban extensions such as this.

Window to window distances are considered to be acceptable and will not result in the detrimental loss of privacy or amenity for existing or proposed residents.

The retention of existing hedgerow features will assist in mitigating this further but the distance is acceptable. As hedgerows and trees adjacent the residential boundaries form part of the landscaping scheme – permission will be required for their removal if this occurs in the future.

Access, Highway Safety and Parking

The access to the site in terms of its location has been approved as part of the outline permission and its location is not for consideration as part of these matters.

Additionally, the highways impact of this scale of development is not a matter for consideration with the site having been considered acceptable for up to 350 dwellings. This applies notwithstanding future quarrying activities at High Penn which have recently come about. The extant outline permission cannot be revisited as part of this application.

As with the previously approved 285 dwellings, the development does represent a departure from the high density residential schemes approved over the last five years within the northern part of the Council and the associated parking courtyards where parking is generally hidden from view.

This scheme delivers a more suburban development with a return to attached and detached garages within curtilage, with some formal on street parking and some pockets of parking courtyards.

The road widths and pedestrian routes through the site have taken account of this. The existing right of ways is preserved through the site. Highways officers under their own legislation (Section 38) have secured the provision of a footway to be provided in the existing verge on the northern side of Sandpit Road which will link into the existing footpath/bus stop on Oxford Road.

The development has been scrutinised in terms of garage and parking sizes and is not considered to be objectionable either in this respect or on any other highways grounds.

In the absence of any objections on highways grounds, the scheme is considered to be acceptable.

Following the grant of the previous reserved matters it has been confirmed that a bus lay-by could be provided and this will be the subject of negotiations between highways and the Community Area Board.

Impact on Ecology

The site contains no nationally or locally designated wildlife features or species

The impact of the development on the ecology of the site has been accepted by reason of the outline permission. The ecological impacts on the development are to be mitigated and secured via the Ecological Management and Maintenance Plan (EMMP) approved for the site in conjunction with the Council's Principal Ecologist who also raised no objection to the application.

Bat and bird boxes are required and are proposed to be secured via condition.

All works to hedges and trees have been undertaken in accordance with the approved Plan. Whilst works have been undertaken during the nesting season, a survey was undertaken which confirmed there were no protected bird species which would preclude such works.

10. Conclusion

The reserved matters of appearance, layout, scale and landscaping accords with the outline permission granted under 08/02438OUT and is not materially difference to that approved under 10/04039REM and would not result in the detrimental impact on any residential amenities, landscape, ecology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The reserved matters of appearance, layout, scale and landscaping accords with the outline permission granted under 08/02438OUT and would not result in the detrimental impact on any residential amenities, landscape, ecology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1 The north eastern landscape buffer fronting the residential development along Sandpit Road shall be carried out in the first planting and seeding season following the commencement of development. 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 NE15

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

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

POLICY- C3 NE15

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

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

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

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY- C3 NE15

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

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

POLICY – C3

5. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

POLICY – C3

6. The development hereby permitted shall be constructed in accordance with the noise mitigation measures contained within paragraph 5.2.3 of the Noise Assessment prepared by ANV dated October 2008 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of those residents fronting/adjoining Sandpit Road.

7. 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.

POLICY- C3

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 or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to plots 70-84 inclusive and plots 246-257 inclusive.

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

POLICY-C3

9. The construction of any part of the development hereby granted shall not include the use on site of machinery, powered vehicles or power tools before 08:00 hours or after 18:00 hours on any weekday, nor before 08:00 hours or after 13:00 hours on any Saturday nor at all on any Sunday or Bank or Public Holiday without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenity of local residents.

10. Notwithstanding the submitted plans, no permission is given for any access to the sales office. Such an access would require separate planning permission.

Reason: For clarification in the interests of highway safety and the provision and retention of the landscape buffer along this boundary.

11. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed in informative 2. 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.

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

INFORMATIVES:

1. This decision should be read in conjunction with decision 08/02438OUT and the S106 agreement approved therein.
2. Plans:

Dated 21 April

PL-04 Rev A - site plan
PL-03 Rev B - location plan
PL-01 -AC - site Layout - part 1
PL-01.1 - site layout - part 2
PL-09 Rev G - areas for adoption
PL-11 Rev A - refuse collection plan
PL-12 Rev B - enclosures plan

SS-01 Rev D - street scenes
SS-02 - site sections

House Types etc:

HT-01 Rev B
HT-02 Rev B
HT-02a
HT-03a Rev A
HT-03b
HT-04 Rev B
HT-05a Rev A
HT-05b Rev A
HT-05c Rev A
HT-06a Rev C
HT-06b
HT-06c Rev A
HT-06d
HT-07a Rev B
HT-07b
HT-07c Rev A

HT-10a
HT-10b Rev A
HT-10c
HT-11
HT-12a Rev A
HT-12b Rev A
HT-21a
HT-21b
HT-21c
HT-21e Rev A
HT-22a Rev B
HT-22b Rev B
HT- 23a Rev A
HT-23b Rev A
HT-24

GAR-01 Rev A
GAR-02 Rev A
GAR-03 Rev A
GAR-04 Rev A
GAR-05 Rev A
GAR-06 Rev A
GAR-07 Rev A

HT-AFAPT-01 Rev B

HT-OPAPT-03 RevA

HT-AFAPT-02 Rev B
HT-AFAPT-03 Rev A
HT-AFAPT-04 Rev A
HT-AFAPT-05 Rev A
HT-OPAPT-01 Rev A

HT-OPAPT-04 Rev A
HT-OPAPT-05 Rev A
HT-OPAPT-06 Rev A
HT-OPAPT-07 Rev A
HT-OPAPT-08 Rev A

HT-OPAPT-02 Rev A

STORE-01 Rev B

Design Statement
Per-01 0 perspective

Drainage, highways, utilities etc (Sandpit Road)

R261/7

R261/17 RevA

R261/11
R261/12
R261/13 Rev B
R261/14 Rev A
R261/15 Rev A

R261/18 Rev A
R261/19
R261/20 Rev A
R261/21
R261/23

Dated 13 May 2011

130-500-05 - site levels layout

Dated 9 June 2011

JBA 10/172-01 Rev G
JBA 10/172-02 Rev G
JBA 10/172-03 Rev G
JBA 10/172-05 Rev E
JBA 10/172-06 Rev E
JBA 10/172-07 Rev E
JBA 10/172-08 Rev E
JBA 10/172-09 Rev A
JBA 10/172-TS02 Rev F - Tree Protection Plan
Tree Protection Fencing detail 3677.TPF-01

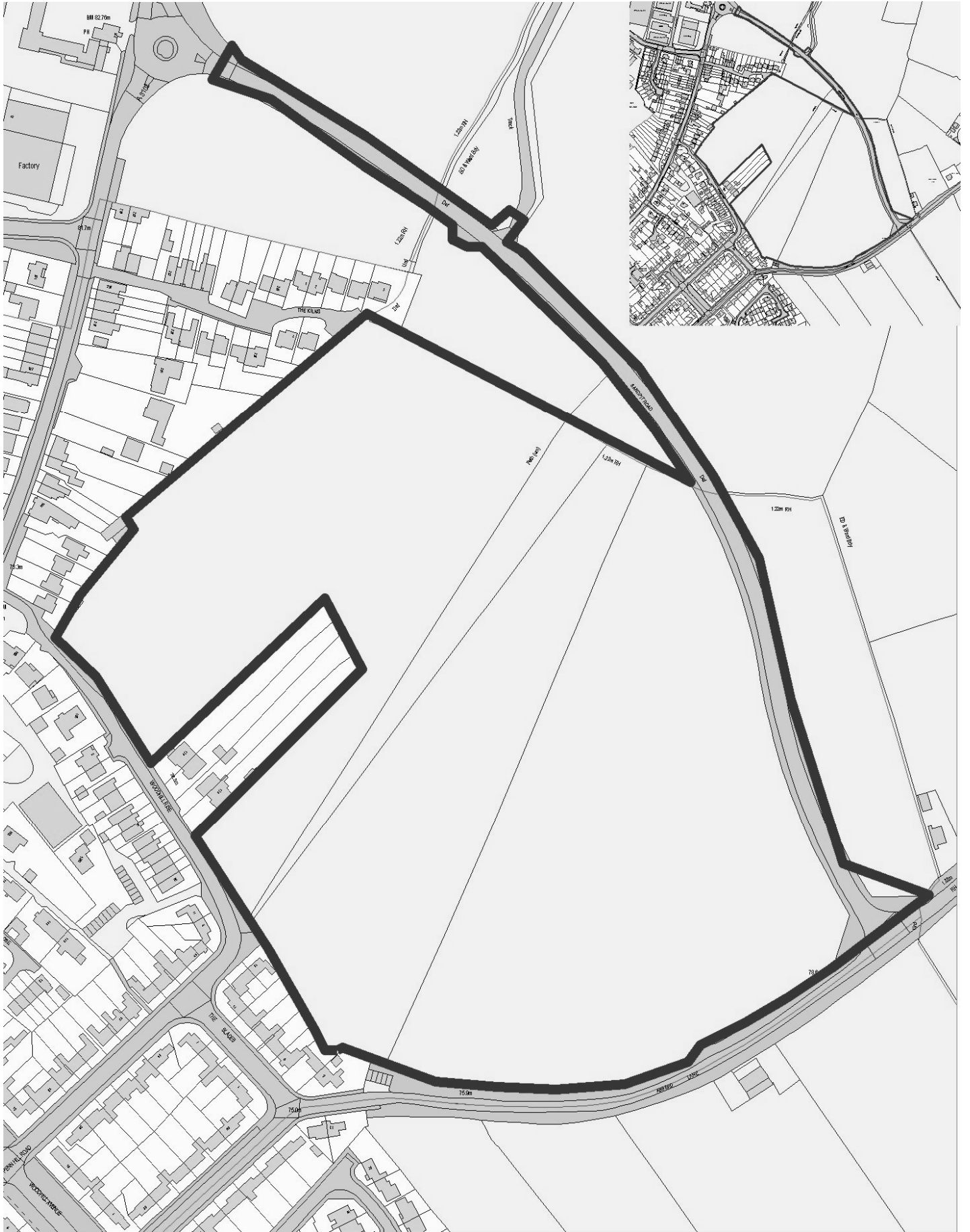
Dated 20 June 2011

PL-05 Rev J - materials plan
HT-25 Rev B
HT-08a Rev C
HT-08c Rev C

Dated 22 June 2011

JBA 10/172-04 Rev H
Measured works schedule: detailed hard and soft layout proposals for central green
Litter bin detail

R261/16 Rev B



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 July 2011		
Application Number	11.01501.FUL		
Site Address	Barn 3, Common Farm, Quemerford, Calne, Wilts. SN11 8UB		
Proposal	Conversion of Barn to Single Dwellinghouse and Ancillary Works (Retrospective) (Revised Proposal)		
Applicant	Mr & Mrs J Miller		
Town/Parish Council	Calne Without		
Electoral Division	Calne South & Cherhill	Unitary Member	Councillor Alan Hill
Grid Ref	401282 169887		
Type of application	FULL		
Case Officer	Brian Taylor	01249 706 683	Brian.taylor@wiltshire.gov.uk

Reason for the application being considered by Committee

The application is to be determined by Committee at the discretion of the Area Development Manager (with the agreement of the Chairman of the Northern Area Development Control Committee and the Division Member) in order that the unusual history of this site can be assessed and considered by Members of the Committee.

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:

- Principle of development
- Issues raised by the Planning Inspector

The application has generated no comment from the Town Council and no objections from the public, although comments have been received from the immediate neighbours.

3. Site Description

The building is a single storey building (originally an agricultural building part of Common Farm). It is largely completed in terms of its "conversion". It sits between Unit 2 (a large converted "threshing barn") and Units 4 and 5 (an L shaped single storey converted building).

4. Relevant Planning History

NB: There are a number of other applications that relate solely to other units (Units 1, 2, 4 and 5) within the Common Farm complex which are not detailed below.

Application Number	Proposal	Decision
05/0342/COU	Conversion of Equestrian Outbuildings & Stables to Five Residential Units	PERMIT March 2006
08/01974/FUL	Conversion of Barns 2 and 3 To One Unit Involving Extensions and Alterations (<i>proposing demolition and rebuild of Unit 3 to form annex to Unit 2</i>)	REFUSED November 2008
09/01926/FUL	Conversion of Barn 3 to Single Dwelling (Including Partial Reconstruction) - Retrospective	REFUSED December 2009 Appeal DISMISSED November 2010

5. Proposal

The proposal seeks retrospective planning permission for a conversion of a barn (within a complex of barn conversions which is nearing completion). Planning permission had been granted for the conversion of the barn (along with others in the group), but during implementation a significant amount of the barn was incrementally demolished and rebuilt. Officers took the view that, as the barn had been in effect replaced by new build rather than converted as indicated in the permission granted, the building was unauthorised. A subsequent application to regularise the position was refused (under delegated powers) and a subsequent appeal dismissed. This application again seeks to regularise the situation.

6. Planning Policy

North Wiltshire Local Plan: policies C3, H4 and BD6

7. Consultations

8. Publicity

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

One letter of comment was received.

- Unsure how parking for three vehicles will be accommodated on the area shown without impeding access to Barns 4 and 5
- Would rather see existing wall retained rather than extending the 'hacienda' style wall/fence approach.
- Would wish to see reclaimed tiles rather than new tiles on the roof.

9. Planning Considerations

As will be apparent from the comments above and the planning history there is a long and involved series of applications and an appeal that relate to this particular building. This report attempts to set out the context within which Members need to consider the current proposal.

The Council's Policy that specifically refers to the re-use of rural buildings (and applied therefore to 'barn conversions') is Policy BD6. This is a generally permissive policy subject to a number of criteria or caveats. The first criteria is that 'the proposed use will be contained within the building and **does not require extensive alterations, rebuilding and or extension.**' The Council have consistently and successfully argued that a development that results in the substantial or complete demolition of an existing building, even if the resultant building is of the same dimensions and appearance of the permitted 'conversion', cannot be considered to comply with this policy. Members will be aware of examples of this approach and that this has been successfully defended at appeal.

In relation to this particular building permission was granted for its conversion, Officers became aware that parts of the building had effectively been rebuilt during implementation and took the view that the building no longer had the benefit of planning permission (being a new build not a conversion). An application (09/01926/FUL) seeking permission for conversion of the building (with amendments) was refused (broadly on the grounds that it was not a conversion but a new build) and the appeal was dismissed. A copy of the Inspectors decision is attached as an appendix.

It is important to the consideration of this case to examine carefully the whole of the Inspectors decision and the implications for the Council in seeking to resolve this matter.

The Inspector (in his letter 23rd November 2010) draws a number of conclusions that support the Council's approach to development at this site. At paragraph 13 he concludes that "the development for which permission is sought does not comply with the development plan Policies on the re-use of rural buildings and is more akin to the construction of a new dwelling". He concludes at paragraph 17 that the Council has done nothing to imply a lack of consistency of approach. At paragraphs 14 and 15 he addresses the matter of the planning application submitted in 2006 which indicates that the development *is* a conversion in the description, supporting documents ("*The only alterations will be the necessary repair work....these works will mainly be internal*") and plans, which "*do not detail any major alterations*".

The Inspectors conclusions are clear and unambiguous, Barn 3 has not been built in accordance with the approved plans and to all intents and purposes is a new house in the countryside.

It is, however, left for the Council to determine what action would be required to address this unauthorised development. On the matter of taking enforcement action the Inspector states that he has not been informed of the nature of any enforcement notice that may subsequently be served and so makes no comments on what action may be necessary to 'rectify' the situation. In coming to a conclusion Officers have taken into account the *whole* of the Inspectors decision letter, so not only the very clear conclusions reached in relation to the development as built (summarised above) but also the perhaps more negative comments relating to the decisions taken by the Council on earlier applications and other development on the site.

The Inspector in commenting on the conversion of Barns 4 and 5 (immediately adjacent to Barn 3 which are largely complete and occupied) writes that the proposals were "at best...borderline of falling within the requirements of Policy BD6 in terms of the extent of re-build and alterations" (paragraph 20). Also the Inspector comments on the permissions granted on barn 1. Despite Officer's reservations that, following the grant of permission (05/03242/COU), the barn had largely been demolished and rebuilt the Development Control Committee granted retrospective planning permission (09/01538/FUL). The Inspector comments, "it is not entirely clear why this decision was made" and in his view "what was permitted, given what had occurred to the building, amounted to an extensive rebuilding" (paragraph 24). At paragraph 25 he goes on "The degree of works that were permitted to barn 1 makes it difficult to distinguish greatly between that proposal and the case before me in a way that supports the Council taking a different stance between them". The Inspector indicates that the case officer acknowledged this issue and on this ground alone may initially have been favourably disposed towards the proposals for barn 3.

Therefore, whilst the Inspector dismissed the appeal he makes it clear in his decision that other barns in the complex have also been subject to a considerable amount of rebuild and the Council has authorised this in respect of barn 1 and barns 4 & 5.

Following the Inspectors decision there were perhaps three options available to the Council.

Firstly, the Inspector clearly indicates that the Council could consider enforcement action (although he very deliberately makes no judgement or comment on what the outcome may be). If enforcement action is undertaken Officers believe the only comprehensive way of addressing this would be to seek the removal of the building in its entirety and the site to be returned to a state to be agreed. This would be a major step for the Council to take and members should not underestimate the implications for both Council and applicants. It should be anticipated that any enforcement notice would be appealed and any moves to remove the building would be resisted strongly by applicants. The Council does take a strong line in terms of its enforcement function and does not shirk these responsibilities. However, the Council also has to take a view as to whether enforcement action would be expedient, assess the likelihood of success at any appeal and consider what it is aiming to achieve. Uppermost in Officers minds when considering this case has been the likelihood of succeeding in removing the building and the length of time the process would take and the continued uncertainty and resultant stress for the applicants and neighbouring owners (particularly of Barns 4 and 5).

Secondly, the Council could consider taking a more limited enforcement to rectify some of the works that have been undertaken that do not reflect the permissions granted, particularly refer to the roofing material issue mentioned by the Inspector.

The third approach was to invite an application to authorise the 'rebuilt' barn conversion and to identify the works that need to be undertaken to bring the development as built more in line with that approved (in appearance at least).

The view of Officers is that taking enforcement action to seek the removal of the building from the site would be unlikely to be successful. Despite the conclusion of the Inspector in agreeing with the Council that the existing dwelling does not comply with Policy, the decision makes it clear that other properties on the site have been substantially altered (in most cases not as substantially as barn 3, but still 'at the borderline' of policy [barns 4 and 5] or representing 'extensive rebuilding' [barn 1]). In these circumstances it would be hard to justify taking such a hard line on barn 3.

Officers discussed options with the applicants and their agent. It was determined that the best way forward would be for an application to be submitted to propose amendments to the barn as built which would make it more in keeping (in visual terms at least) with the barn as originally permitted.

The Inspector makes number of comments that he clearly feels were fundamental to his consideration of the scheme. In particular the Inspector notes that the roof covering was originally triple roman tiles and these have been replaced by stone tiles. The applicant has shown in this application that it is the intention to replace the existing tiles with double roman tiles. This would go a long way to 'reintegrating' the barn into the wider complex.

This application therefore proposes to re-roof the barn in double roman tiles and to replace some of the boundary treatments with a mix of walling and fencing. The plans also indicate hard surfacing and parking areas.

Whilst the roofing material (subject to agreement of samples) is acceptable proposals for the fence/wall to replace the existing wall appears even more suburban than the existing wall. The immediate neighbours have indicated that they would prefer to see the existing wall retained. Amended plans to remove the fencing proposed (and to leave the boundaries as existing) have been sought.

10. Conclusion

This is a very unusual case. Essentially an application to retain a barn (which had been largely demolished and rebuilt (albeit incrementally) was refused permission and an appeal was dismissed. The Inspectors decision, whilst clear and unambiguous in its conclusion, implies some criticism of the way the Council has dealt with this building, particularly in relation to Barn 1 (which was granted permission following a similar amount of demolition). Officers consider that enforcement action seeking the removal of the building entirely would be unlikely to be successful. Therefore it would appear the only option open to the Council is to grant permission for the retention of the building (with amendments to more closely reflect the permissions granted)

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal is for the retention of an unauthorised building. The Council has carefully considered the circumstances relating to this building and other buildings within the complex. The Council has concluded that the building does not strictly comply with Policies H4 or BD6 of the North Wiltshire Local Plan. However, it is not considered expedient to take enforcement action seeking its removal. The removal of the building would be unlikely to have any significant beneficial effect upon the setting of adjacent buildings or the wider landscape. Because of the specific circumstances that have lead to this decision is not considered that retention of this building will set a precedent that could be applied more widely. Therefore whilst the building does not comply with Policies H4 and BD6 of the North Wiltshire Local Plan 2011 there are material circumstances that have lead the Council to grant permission.

Subject to receipt of amended plans showing amended boundary treatment and the following conditions:

1. Within six months of the date of this permission the existing roofing material shall have been replaced with clay roman tiles, samples of which shall first been submitted to and agreed in writing with the local planning authority.

Reason: To ensure the building is more appropriate in appearance to its surroundings and neighbouring buildings in accordance with Policy C3.

2. 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.

Drawing Numbers 2205/01 and 2205/02 received 21st April 2011.

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





Appeal Decision

Hearing held on 27 October 2010

Site visit made on 27 October 2010

by R J Marshall LLB Dip TP MRTPI

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

Decision date: 23 November 2010

Appeal Ref: APP/Y3940/A/10/2129919

Common Farmhouse, Quemerford, Calne, Wiltshire, SN11 8UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Julian Miller against the decision of Wiltshire Council.
 - The application Ref N/09/01926/FUL, dated 26 October 2009, was refused by notice dated 14 December 2009.
 - The development proposed is described as "Conversion of Barn 3 to form single dwelling including partial reconstruction (retrospective)".
-

Application for costs

1. At the Hearing an application for costs was made by Julian Miller against Wiltshire Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Background

3. The development for which permission is sought has been largely undertaken. I have taken the application description given in the bullet points above from the planning application forms. However, the key matter in dispute between the parties is whether what has been undertaken is only a partial reconstruction and in accordance with development plan Policies on the re-use of rural buildings, or whether it is in effect a new house in the countryside. This is reflected in the main issue and reasoning below.
4. The application description solely relates to the barn. On site it was clear that other works such as extensive hardsurfacing and the erection of walls had also taken place. Some of these works, but far from all of them, are shown on the application plans. I shall, for the avoidance of doubt, deal with this appeal on the basis that these features, whether built and/or shown on the application plans, do not form part of the proposal. Both parties agreed that this was the approach that should be adopted.

Main Issue

5. The main issue in this appeal is whether the development for which permission is sought complies with development plan Policies on the re-use of rural buildings and if not whether there are other material considerations sufficient to lead to a conclusion contrary to the development plan.

Reasons

Policy background

6. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) says that new building in the open countryside away from existing settlements should be strictly controlled. It does, however, support the re-use of appropriately located and suitably constructed existing buildings in the countryside. This is an approach followed in the North Wiltshire Local Plan 2011. Policy BD6 of that Plan says that in the countryside the re-use of buildings will be permitted provided, amongst other things, the proposed use will be contained within the building and does not require extensive alterations, rebuilding and or extension. Whilst the preference is for a commercial re-use residential re-uses are permitted. Otherwise, under Local Plan Policy H4, residential development in the countryside is limited to houses required for agricultural purposes or replacement dwellings.
7. If the development for which permission is sought complies with Policy BD6 it may be regarded as a barn conversion acceptable in Policy terms. If it is a new-build, as the Council allege, it is effectively a new house in the countryside for which there is no justification under Local Plan Policy H4.

Reconstruction or new build

8. The appeal building is within a complex of 5 equestrian outbuildings and stables. In 2006 planning permission was granted for their conversion to residential units. When inspecting the site in relation to barns 4 and 5 the Council became concerned at the extent of works being carried out on the appeal building, barn 3. This led to the submission of the application before me.
9. As the appeal building is not far off being capable of residential occupation I have assessed whether what has applied for complies with Policy BD6 having regard to the submitted plans, evidence given at the hearing and what I saw.
10. I turn first to the roof. The application plans refer to the roof structure being replaced. The appellant confirmed that the roof had been taken off and re-built utilising mostly new wood. Very little of the old timberwork remains although some roof trusses have been repaired. The roof had initially been covered in triple Roman tiles. They have been replaced by stone tiles.
11. Turning to the remainder of the building a lean-to has been removed together with 2 bays at the southern end of the building. As for the external walls it was said that they are all of new construction, albeit in cases with a mix of old and new materials in a proportion of 60%/40% respectively. The lengthy western wall of the barn was demolished and re-built on new foundations slightly beyond the line of the original wall. A new southern gable has been constructed following the demolition of the 2 southern-most bays. The main east elevation wall is a re-construction. The north elevation wall has been re-built. An eastern gable wall has been re-built. There is a notable uniformity in the appearance of the stonework walls.
12. As the appellant pointed out, Policy BD6 does not, unlike the Policies of some authorities, specify precisely what constitutes extensive alteration or re-building. In my view it needs to be judged as a matter of fact and degree. There may be cases where the judgment to be made is a fine one. However, the extent of works referred to above is so great that it can only on any

common sense interpretation be regarded as extensive alteration and re-building. The fact that works of demolition are said to have occurred in stages, rather than all in one go, does not alter my judgment on this.

13. I conclude that the development for which permission is sought does not comply with development plan Policies on the re-use of rural buildings and is more akin to the construction of a new dwelling.

Other material considerations

Consistency of Council approach given 2006 decision on conversion of the buildings in the farm complex

14. The 2006 permission regarding the re-use of all the buildings in the complex was described as "Conversion of equestrian outbuildings and stables to ... residential units". A box on the application form was ticked to show that the proposal involved alteration/extension to buildings. However, a letter accompanying the application said, "The only alterations will be the necessary repair work and the work to convert the buildings into a residential use. These works will be mainly internal". The letter went on to say "The buildings already exist on site and no major building works will be required".
15. The application plans show the removal of the lean-to on barn 3 but do not otherwise show works that could be construed as major alterations. A surveyors report accompanied the application with the remit of assessing the present condition of the buildings and their suitability for residential conversion. On barn 3 it indicated that the east facing gable and associated roof would need to be re-built. However, whilst works would be required to the main roof, and not all of the roof may have been accessible for the purposes of the survey, there is no indication that the entire roof structure would need to be removed and replaced. It was assumed that the roof would be re-tiled using existing suitable sound tiles. Other than the east facing gable it was said that the walls were generally satisfactory and no indication was given that they needed extensive re-building.
16. In permitting the application the Council imposed no condition requiring further details be provided of the conversion and repair works. However, it did add the following informative "The applicant should note that this permission is for the conversion of the existing barn (*sic*) in accordance with the permission granted and the approved drawings. Any demolition or rebuilding of the existing structures on the site will negate the permission hereby granted".
17. Given the above the Council cannot be said to have previously permitted works of an extent that implies a lack of consistency with the approach adopted in the application before me.
18. In arriving at this view I have also had regard to the fact that in later permitting a revised proposal for units 4 and 5 the Council approved a revised access that could only be utilised with the demolition of a small length of the southern section of barn 3. However, barn 3 was not within the application site boundary and I do not see the revised scheme for units 4 and 5 as permitting the partial demolition of barn 3. In any event, taken in isolation, demolition of that part of the appeal building would not constitute extensive alterations.

Consistency of Council approach given permissions relating to conversion of other barns in the farm complex

19. Following the 2006 grant of planning permission relating to all the barns in the complex further applications for the conversion of the buildings deviating from the original permission were submitted. Some were permitted and others refused.
20. In January 2008 permission was granted for the residential conversion of barns 4 and 5. This permitted an increase in width of a lengthy central section to the building and raising the roof height of this section to allow the roof span to cover it. It also permitted windows of a different size to those originally permitted. A covering letter with the application said that walls would largely be "existing retained". In my view these changes are more significant than the Council suggests. At best they are on the borderline of falling within the requirements of Policy BD6 in terms of the extent of re-build and alterations. However, walls are said largely to be retained and there is no evidence before me that the alterations proposed to the roof went beyond the central section. Moreover, the proposed use of triple roman clay tiles corresponds with the original roof covering. As such the permitted degree of re-build and alterations is less than in the case before me.
21. Permission was later sought for a conversion scheme for barns 4 and 5 proposing more window openings. This was refused on the basis that it would be too extensive an alteration and as such out of keeping with the character and appearance of the building.
22. In April 2008 planning permission was granted for the conversion of barn 2 to a dwelling. This is an L shaped building. The older northern section was a traditional stone barn. A more recent southern addition was a smaller asbestos building of poor construction. The April 2008 permission allowed for the rebuilding of this smaller building, albeit to a somewhat greater height. In a Design and Access statement there was no suggestion that substantial works were required to the main northern section of the building. Indeed, it says that, "the minimal alterations proposed are not significant". The appellant confirmed that northern part of the building remains largely intact. Regarding barn 2 the Council has not permitted works as extensive as those in the case before me. This application had been preceded by one for more extensive conversion works. It had been refused on grounds of harm to the character and appearance of the building.
23. Permission was later sought for the conversion of barns 2 and 3 to one unit. These works in part required a partial demolition of barn 3. Council officers had given an in principle view that development of this kind would not be objected to. However, an application submitted for this was refused on the grounds that the proposal required extensive alteration and extension.
24. In 2009 planning permission, in relation to barn 1, was applied for what was described as change of outbuildings to a residential unit (including some reconstruction) and erection a double garage. Prior to determination of the application a site visit by Council officers indicated that work already undertaken on the building had left only the northern gable and part of the rear wall and associated roof intact. Officers recommended that permission be refused on the grounds that what was proposed constituted a significant rebuild and/or extension. Concern was also expressed about the fact that a garage was proposed. However, Members granted planning permission. It is not

entirely clear why this decision was made, though it was suggested that the Committee considered sufficient of the original building remained and that there were personal circumstances. In my view what was permitted, given what had occurred to the building, amounted to an extensive re-building. It is arguable though that a slightly lesser element of reconstruction may have been involved than the case in barn 3 and the roof materials proposed appear to accord more with those of the original building.

25. Drawing together my views on the above, individuals have a right to a planning service that is, amongst other things, consistent. The degree of works that were permitted to barn 1 makes it difficult to distinguish greatly between that proposal and the case before me in a way that supports the Council taking a different stance between them. This seems to have been acknowledged by the case officer who on this ground alone may initially have been favourably disposed towards the current proposal. However, in the wider context of the other decisions referred to, the Council has sought to limit the amount of work proposed on the barns. Even in the case of barns 4 and 5 the permitted extent of re-build and alterations has not been shown to be as great as in the proposal before me. Taken as a whole the Council's approach has been more consistent than the appellant alleges.

Other appeal decisions

26. The appellant referred to 3 appeal decisions. The first relates to appeals APP/J3910/C/05/2003132-4 and APP/J3910/A/05/1180003, 5 & 6. In this decision the inspector quashed an enforcement notice and allowed the conversion of a barn even though it conflicted with Policy. However, whilst there are similarities between that case and the one before me the inspector found that the Council had granted permission for a building about which it had serious reservations concerning soundness and yet had not sought a structural survey from the appellant. When the Council permitted the conversion of barn 3 at the current appeal site in 2006, as part of the change of use of the farm complex, it had no such reservations and was in receipt of a structural report, albeit one containing the kind of caveats not unusual in such documents.
27. The second appeal referred to was a Secretary of State decision APP/C0603/V/1068930. In this case planning permission was granted for the change of use of an agricultural building to a dwelling, even though the building had been taken down and rebuilt. However, that decision turned substantially on a conclusion that, having regard to the Human Rights Act, a refusal of planning permission would place a disproportionate burden on the appellant because of the imminent risk of demolition due to enforcement action. She would lose her home and have no other recourse to re-house herself. No similar argument has been made in this case.
28. The final appeal referred to is a Scottish decision on an enforcement case of an unknown reference. Here it was found that a barn conversion had been undertaken with such substantial demolition that it did not accord with Council policies on such development. However, the appeal was upheld and planning permission granted to retain the building. The reason given for this was that there would be insufficient harm to the character and appearance of the area through the retention of the building. Moreover, demolition would give rise to greater harm to amenity in the absence of any indication of how the resulting site would be used and maintained.

29. There are similarities between the above decision and the case before me. The appearance of the converted building is satisfactory and this, together with the fact that it is well screened from surrounding areas, means that its retention would not be detrimental to the character and appearance of the area. However, unlike in the appeal referred to above I consider that greater weight should be given to the breach of Policy. Arguments that a replacement building was of a satisfactory design could be used too frequently to justify development contrary to the development plan. It would undermine the distinction between the Council's policies on new build housing and the conversion of buildings. In a case such as this, involving development of a kind frequently sought in rural areas, such concerns go beyond a mere fear or generalised concern that it may make similar development difficult to refuse.
30. As for the implications of any potential enforcement action that may arise, it is too early to give that much weight in my decision. I have not been informed of the precise terms of any enforcement notice that the Council may seek to serve in the event of this appeal being dismissed. The precise impact on the character and appearance of the area is thus uncertain. I have, moreover, been given no substantial evidence to suggest that Unit 3 is such an integral part of the original complex that this in itself would justify its retention.

Other Material Considerations

31. The appellant initially claimed that barns 4 and 5 in the complex had been completely demolished and rebuilt and that the Council had acted inconsistently in not pursuing this matter. Photographs were submitted to the Council on this. However, this matter, albeit maybe rather belatedly, is now under investigation by the Council. Moreover, following my site visit, the appellant correctly conceded that there had not been a complete demolition and rebuilding of these barns.
32. The site is in a reasonably sustainable location in relation to the nearby settlement. However, in itself that does not justify the proposal.
33. The appellant alleges, by reference to appeal decision APP/Y3940/A/09/2108716, that the Council does not have a 5-year land supply and that there is therefore a presumption in favour of granting planning permission in this case. The Council disputes whether there is now such a shortage. I have insufficient evidence to come to a conclusion one way or the other. In any event, even if the appellant is correct the provision of one additional house in this case would not outweigh the harm identified. In arriving at this view I do not read paragraph 71 of Planning Policy Statement 3: Housing (PPS3) as meaning, in the absence of any reference to minimum thresholds, that planning permission must be granted for all new housing in the event of an absence of a 5 year land supply.
34. The appellant alleges that the Council has a bias against him generally. However, such matters are beyond the scope of this hearing. I have come to this case afresh and this appeal decision is made on an objective assessment of the merits of the parties' cases.

Conclusion on main issue

35. In light of the above I conclude that the development for which permission is sought does not comply with development plan Policies on the re-use of rural

buildings and that there are no other material considerations sufficient to lead to a conclusion contrary to the development plan.

Conclusion

36. For the reasons given above I conclude that the appeal should be dismissed.

RJ Marshall

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Marc D. Willis BTP MRTPI MBIAC	Of Willis and Co.
Mr and Mrs Miller	Appellant and appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Mrs T Smith MRTPI	Area Team Leader
-------------------	------------------

INTERESTED PERSONS:

Mr and Mrs Baber	Neighbours
------------------	------------

DOCUMENTS

- 1 Letter of notification of hearing and those notified.
- 2 Letter of 2 October 2010 from Paul Mayo.
- 3 Council document on 5 year land supply.
- 4 Property valuation from Allen and Harris.
- 5 Appellant's photographs of appeal property taken on day of hearing.
- 6 Appellant's cost claim and extract from *Poundstretcher Ltd v SSE*.
- 7 Council response to above claim.

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 July 2011		
Application Number	11/01210/FUL		
Site Address	Land at Noble Street, Sherston, Malmesbury, SN16 0AA		
Proposal	Erection of dwelling		
Applicant	Mr & Mrs Smart		
Town/Parish Council	Sherston		
Electoral Division	Sherston	Unitary Member	Cllr John Thomson
Grid Ref	385461 185960		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Thomson has requested that the Committee consider this application so the Members can consider the design – bulk, height and general appearance.

1. Report Summary

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

2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- The principle of development;
- The design and appearance and impact on the character and appearance of the AONB and Conservation Area;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety; and
- Provision of public open space and affordable housing.

The application has generated no objection from Sherston Parish Council but has generated 3 letters of objection.

3. Site Description

The application relates to a plot of land roughly rectangular in size situated to the north east of Noble Street within the Settlement Framework Boundary and partly within the Conservation Area for the village and an Area of Outstanding Natural Beauty. The site slopes up slightly from Noble Street. A public footpath runs along the north west boundary. The site is currently occupied by an existing garage and store buildings.

4. Relevant Planning History		
Application Number	Proposal	Decision
08/02847/FUL	Erection of dwelling (re-submission of 08/01304/FUL)	Refused
08/01304/FUL	Erection of dwelling	Refused
04/02439/FUL	Dwelling with driveway and parking	Withdrawn

5. Proposal

The applicant seeks consent for the erection of a detached four bedroom dwelling with integral single garage. The dwelling would have maximum dimensions of approximately 10.2 metres wide, 10.6 metres deep and 7.8 metres high. The proposed dwelling would be constructed of natural stone with timber windows with a stone tile roof.

The applicants have recently purchased No.50 The Tartars to the rear of the site which has allowed for a larger plot. The area of land currently comprising part of the rear garden of No.50 lies outside the Conservation Area.

6. Planning Policy

North Wiltshire Local Plan 2011

C2 – Community Infrastructure

C3 – Development Control Core Policy

NE4 – Areas of Outstanding Natural Beauty

HE1 – Development in Conservation Areas

H3 – Residential Development within Framework Boundaries

H6 – Affordable Housing in Rural Areas

CF3 – Provision of Open Space

National Policy

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

7. Consultations

Sherston Parish Council – No objections.

New Housing Team – In line with planning policy H6 there is an affordable housing need in Sherston, there are 31 people seeking an affordable home. One open market unit is being provided therefore a financial contribution of £26,000 will be sought as there is a proven need in Sherston.

Open Space and Adoptions Team – The development generates a need for £7,400 in off site Open Space Contribution to be used to upgrade facilities at Sherston Recreation Ground (Local Park).

County Highways – No highway objection, subject to the imposition of standard conditions WD17 (visibility splays), WD1 (consolidated access), WD20 (parking space to be provided), and WG2 (surface water drainage).

Conservation Team – Raises the following concerns:

- The span is 8 metres, significantly more than the traditional / typical one in this street which is about 6.5 metres. This makes the building both higher and more massive which means it does not sit comfortably with the surrounding buildings or in relation to the street. A building form which reflects this traditional span would have the added advantage of being lower, enabling it to be less obtrusive.
- The building does not address the street well, instead of the typical historic form, a two-storey, flat front with level eaves and a front door and windows addressing the street, the form is a modern one, with a small projecting gable and integral garage.
- Materials are acceptable but the use of natural stone tiles is emphasised.

8. Publicity

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

3 letters of objection have been received in response to the application publicity. The concerns raised are summarised below:

- Proximity of the proposed dwelling will result in existing properties being overwhelmed;
- Over large and dominating when situated on this relatively small plot;
- The existing attractive old Cotswold stone wall which forms the boundary between the courtyard car park of Noble Mews and the development site should be preserved;
- The proposed new build is larger than the original application which was turned down;
- Loss of light;
- Overlooking from windows in the south and east elevations; and
- The land acquired from 50 The Tartars would only serve to offer more garden and would not be used for building purposes.

9. Planning Considerations

The principle of development

Policy H3 of the Local Plan states that proposals for residential development, including residential institutions and applications to renew permissions for residential development, within the Framework Boundaries will be permitted provided that a number of criteria are met including: priority is given to the re-use of previously developed land and buildings; and the most efficient use of the land is achieved compatible with the site's location, its accessibility and its surroundings.

The site is situated within the Settlement Framework Boundary, in a sustainable location and would make efficient use of land.

The design and appearance and impact on the character and appearance of the AONB and Conservation Area

Policy C3 of the adopted Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) stresses the importance of good design stating that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It makes clear that high quality and inclusive design goes far beyond aesthetic considerations. Good design should amongst other things be integrated into the existing urban form and the natural and built environments.

This is reflected by PPS3 which states that good design is fundamental to the development of high quality new housing. Although the efficient use of land, where appropriate is encouraged, in assessing design quality it is advised that this should include the extent to which the proposed development creates, or enhances a distinctive character that relates well to the surroundings.

The Conservation Team have considered the proposals and have raised concern relating to:

- The span which is significantly more than the traditional one in the street and makes the building both higher and of greater mass which means it does not sit comfortably within the surrounding buildings or in relation to the street; and
- The building does not address the street well, instead of the typical historic form, a two-storey flat front with level eaves and a front door and windows addressing the street, the form is a modern one, with a small projecting gable and integral garage.

Amended plans have been submitted incorporating an internal chimney to articulate the buildings principal span which is approximately 5.6 metres between the two storey outriggers and 10.6 metres inclusive of the outriggers. The span remains as previously proposed.

Although the proposed dwelling would be set back from the road by approximately 12.5 metres, the site is slightly elevated and the proposed dwelling would therefore extend approximately 1 metre above the ridge line of existing properties within Noble Street.

The design of the dwelling is unusual in that it incorporates both a gable and a cat slide roof within its front elevation. The dwelling has been designed in this way in an attempt to overcome the impact of the proposal on the amenities of No.1 Noble Mews. However, the design of the resultant dwelling is at odds with the character of the surrounding area. Furthermore, the proposal fails to adequately address the street with the garage being the dominant feature when viewed from Noble Street.

The design, scale and mass of the proposed building would be out of character with the surrounding area and would fail to preserve the character and appearance of this part of the Sherston Conservation Area.

The impact of the development on the amenity of neighbouring occupiers

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development.

The proposed dwelling would maintain a distance of approximately 18.5 metres from No.50 The Tartars to the rear. This would ensure that the proposed dwelling would not result in any significant overlooking of this property.

The proposed dwelling would be situated to the north west of No.4 Noble Mews, adjacent to the existing car park and would not be directly in front of this property. It is not therefore considered that the proposed development would result in any material overshadowing of this property. In terms of overlooking, no first floor windows are proposed and this could be secured through a suitably worded condition.

No.1 Noble Mews has a ground floor living room window in the rear (north) elevation facing the application site. This would be situated approximately 5.5 metres from the proposed dwelling. The proposed development incorporates a cat slide at this point with an eaves level of approximately 2.8 metres rising to a ridge height of 7.8 metres. An existing boundary wall exists with a height of approximately 2.1 metres.

The site is orientated to the north of No.1 and the proposal is therefore unlikely to result in any significant overshadowing of this property. However, the site is slightly elevated from No.1 and therefore dispute the existing boundary treatment and the incorporation of a roof form which slopes away from No.1 it is considered that the proposed development would result in an oppressive outlook from this window and would subsequently be harmful to the residential amenities of the occupiers of No.1 Noble Mews contrary to policies C3 and H8 of the Local Plan. It is accordingly recommended that the application be refused.

Parking and highway safety

Policy C3 of the Local Plan requires new development to have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

In December 2010, new minimum car parking standards were introduced. As part of these standards, the Council has taken the view that garages are no longer allocated parking provision, except where there are overriding design considerations. Three car parking spaces are required for a four bedroom property.

The proposed development would not be detrimental to highway safety in accordance with the aims and objectives of policy C3 of the Local Plan.

Provision of public open space and affordable housing

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly, the Council will accept financial payments to remedy deficiencies in the quantity or quality of that space. The reasoning accompanying the policy emphasises that all residential developments, regardless of scale, have the potential to contribute to an increased need for open space.

For a 4+ bedroom property the level of public open space contribution required would be £7,407.42. This would be directed towards facilities at Sherston Recreation Ground (Local Park).

Policy H6 of the Local Plan relates to affordable housing in rural areas and states that the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments, within the Framework boundaries of the villages on the basis that about 50% of the dwellings permitted will be subsidised housing with an additional proportion of low cost housing, subject to local need and site characteristics.

The Council's housing team have confirmed that where a single market dwelling is proposed an off-site financial contribution of £26,000 is required. There is an identified housing need with 31 people seeking an affordable home in Sherston.

The applicants have confirmed that they are willing to enter into a Section 106 agreement under the terms outlined above. However, no legal agreement has been submitted in support of the application.

The applicant has (by failure to complete a legal agreement) therefore failed to address Policies CF3 and H6 or to demonstrate that the proposed development would not generate a need for new or improved facilities in this respect or for affordable housing and it is recommended that the application be refused on this basis.

10. Conclusion

The design of the dwelling would not address the street and would be at odds with the surrounding area failing to preserve the character and appearance of this part of the Sherston Conservation Area. The proposed dwelling would be harmful to the occupiers of No.1 Noble Mews. No legal agreement has been submitted in support of the application and the applicant has therefore failed

to meet the requirements for providing contributions for public open space and affordable housing. It is accordingly recommended that the application be refused.

11. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The design, scale and mass of the proposed building would be out of character with the surrounding area and would fail to preserve the character and appearance of this part of the Sherston Conservation Area. As such, the proposed development would be contrary to policies C3 and HE1 of the North Wiltshire Local Plan 2011.
2. The proposed development would, by reason of its siting be overbearing, resulting in an unacceptable and oppressive outlook for the occupiers of No. 1 Noble Mews which would be detrimental to the amenities of the occupiers of this property. As such, the proposal would be contrary to policy C3 of the adopted North Wiltshire Local Plan 2011.
3. No Section 106 Agreement has been secured therefore the proposed development does not include or bring forward adequate provision for affordable housing or public open space as is required by Policies C2, H6 and CF3 of the adopted North Wiltshire Local Plan 2011 and supporting guidance contained within the Revised Affordable Housing Supplementary Planning Document 2008 and North Wiltshire Open Space Study 2004.

Informative

1. This decision relates to documents/plans submitted with the application, listed below.
 - LPC/2698/SD2/1C – Ground and first floor plans. Elevation and section, date stamped 6th June 2011
 - LPC/2698/SD2/2C – Elevations, date stamped 6th June 2011
 - LPC/2698/SD2/3 – Elevation to Noble Street and section, date stamped 6th June 2011
 - Site location plan, date stamped 6th April 2011
 - Topographical survey, date stamped 24th March 2011



This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 July 2011		
Application Number	11/01314/S73A		
Site Address	Land at Harpers Lane, Bristol Street, Malmesbury, SN16 0AX		
Proposal	Improvement works including replacement wall and fencing, resurfacing, planting and lighting (revision of 10/04503/S73A)		
Applicant	Mr P Von Fullman		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Councillor Killane
Grid Ref	392973 187362		
Type of application	Retrospective		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Killane has requested that the Committee consider this application so the Members can consider the: scale of development; visual impact upon the surrounding area; relationship to adjoining properties; design, bulk, height, general appearance; environmental / highway impact; and car parking.

1. Report Summary

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

2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- The design and appearance of the works and their impact on the character and appearance of the Malmesbury Conservation Area; and
- The impact of the development on highway safety.

The application has generated an objection from Malmesbury Town Council and 1 letter of objection.

3. Site Description

The application site is situated on land at Harpers Lane to the rear of Nos.42-44 Bristol Street which are grade II listed buildings, within the Malmesbury Conservation Area. The properties within Bristol Street are set at a higher level than the application site. On the southern side of the lane are various outbuildings and garages as well as a wood yard.

4. Relevant Planning History		
Application Number	Proposal	Decision
10/04503/S73A	Improvement works, including replacement retaining walls and fencing, resurfacing, replanting and provision of new single garage building	Withdrawn

5. Proposal

The applicant seeks retrospective consent for the replacement walls and fencing, resurfacing, planting and lighting to an existing parking area. The previous proposal (ref: 10/04503/S73A) proposed a new single garage building, this element has been removed from the current application.

6. Planning Policy

C3 – Development Control Policy
HE1 – Development in Conservation Areas

7. Consultations

Malmesbury Town Council – Oppose the application. This is an inappropriate development in the conservation area and the Town Council are particularly concerned that the garage is clearly very much not in keeping. Policy HE1 applies. (Please note: this application does not include a proposal for a garage.)

Conservation Team – Do not feel that the replacement wall enhances the appearance of the Conservation Area as the detail of the wall has been altered which has increased the visual harm. The following remedial measures to overcome this harm are recommended:

- Reducing the height of the wall to the previous lower level, although this would not include having the stepped levels on the side walls. Instead of these, it would be better for the wall to sweep down from the rear wall to the height of the retained land each side of the car parking area;
- Replacement of the profiled tile ‘copings’ on top of the wall with a stone, traditional, weathered wall coping;
- Removal of the light fittings from the wall;
- Redecoration of the wall with an agreed finish to give a less stark appearance. A grey / umber colour is recommended using a material such as Keim; and
- The introduction of some planting between the fencing and the retaining walls as well as the introduction of some planting in the car park area to soften the appearance of the stone walls.

Landscape Team – The Council’s landscape architect provided an illustrative plan giving an appropriate planting density and plant schedule as the density of the plants proposed was considered to be low in comparison with the available planting area.

8. Publicity

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

1 letter of objection has been received in response to the application publicity. The concerns raised are summarised below:

- The suggestion that the existing retaining walls were in danger of collapse and posed a real safety risk to the public is rejected. They were concrete and perfectly safe;
- The fact that the area which has been proposed for a 2 bedroom house has been excavated and cleared suggests that the proposition may be tried again;
- Taking the back of the bank further back would not have been necessary even if safety reasons were paramount;
- The proposal is contrary to policies HE1 and C3 (i), (ii), (vii) and (viii) of the Local Plan;
- The concrete walls are not in keeping with the rest of Harpers Lane. The other two parking areas further down the lane have been faced with Cotswold stone. The proposal to paint the current development (raw umber) is not in keeping;
- No other parking spaces have downlighters;
- Vision at the access onto Bristol Street is limited;

9. Planning Considerations

Policy HE1 of the Local Plan considers that in Conservation Areas, proposals for development and other works will only be permitted where the proposal will preserve or enhance the character or appearance of the area.

Works commenced on site in July 2010 without the benefit of planning permission. The applicants' agent asserts that the works were necessary because the existing retaining walls were in danger of collapse and posed a safety risk.

The reinforced concrete wall which has been erected would be finished in Keim raw umber coloured paint. It is proposed to remove a section of the existing wall on the west side of the parking area. It is also proposed to remove the existing pantile capping to the top of the wall and replace it with a rounded concrete capping. The 1.8 metre high timber boarded fencing steps down matching the steps in the retaining wall. Four downlighters have been inserted into the rear wall, these will be painted to match the surrounding wall colour.

The surface of the parking area has been finished in tarmac, it is proposed to install a finished surface comprising epoxy resin surfacing with chippings in a Cotswold stone colour on top of the tarmac. A line of granite setts would be installed along the front site boundary between the parking area and Harpers Lane.

The works undertaken required the removal of a number of conifer trees and silver birch saplings which were purported to be undermining the original walls. A planting scheme has been submitted in support of the application. An amended planting scheme proposing an increase in planting density has been submitted in response to the comments of the Council's Landscape Architect. This addresses the concerns raised and as such over time would help to soften the impact of the new wall and fence.

The proposed works, with the exception of the retention of the four downlighters would address the concerns raised by the Conservation Officer. In this respect, the applicants' agent has advised that the lights were installed for safety reasons and to assist parking. They are on a timelock which controls a sensor and are therefore only on when cars are being parked. A photo showing the affect of the lights when illuminated has been submitted in support of the application. There are no residential properties in close proximity to the downlights. In consideration of the above and given that the lights would be painted to match the surrounding wall, it is not considered that on balance, the retention of the lights would have a materially detrimental impact on the character and appearance of this part of the Malmesbury Conservation Area.

Policy C3 of the local plan states that new development will be permitted subject to a number of criteria including amongst other things: have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

The works undertaken were to an existing parking area. The applicants' agent has confirmed that the parking area previously had space to park 4 vehicles and the proposal has not therefore

resulted in creating any further parking provision. Having reviewed the planning history for the site, it appears that the site may have only been able to accommodate a maximum of 2 vehicles. The Highways team have verbally confirmed that given that the parking area provides parking for existing residents / visitors, an objection on highways grounds could not be sustained.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be, on balance, acceptable and would have no significant adverse impact on the character and appearance of the Malmesbury Conservation Area and would not be detrimental to highway safety. The proposal is in accordance with policies C3 and HE1 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. All soft landscaping comprised in the approved planting scheme (drawing number: PF/03 Rev A) shall be carried out in the first planting and seeding season following the date of this decision. 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.

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

POLICIES – C3 and HE1 of the North Wiltshire Local Plan 2011.

2. All hard landscaping and improvement works shall also be carried out in accordance with the approved details (drawing number: PF/01 Rev B) within two months of the date of this permission and shall be retained in accordance with the approved details thereafter.

REASON: To ensure the works preserve the character and appearance of the Conservation Area.

POLICIES – C3 and HE1 of the North Wiltshire Local Plan 2011.

3. 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.

- PF/01 Rev B – Site plan and elevations, date stamped 4th April 2011
- PF/02 Rev A – Sketch view site location, date stamped 4th April 2011
- PF/03 Rev A – Planting scheme, date stamped 23rd May 2011

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



This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 July 2011		
Application Number	N/11/01416/FUL		
Site Address	The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8BE		
Proposal	Extensions and Alterations		
Applicant	Mr W Phillips		
Town/Parish Council	Box		
Electoral Division	Box and Colerne	Unitary Member	Councillor Parker
Grid Ref	382725,167266		
Type of application	Full		
Case Officer	Lee Burman	01249 706 668	Lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Parker has requested that the Committee consider this application to assess the visual impact on the surrounding area and its design in terms of bulk, height and general appearance

1. Purpose of report

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

2. Report summary

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

- Impact upon neighbouring residential amenity
- Impact on the host property
- Impact on the Green Belt

The application has generated no objections from Box Parish Council and no letters of objection or support from the public.

3. Site Description

The site is located within the open countryside, to the south of the Hamlet of Washwell south of Box. The site is within the West Wiltshire Green Belt and an Area of Outstanding Natural Beauty. The property is a detached dwelling that has been subject to previous extension and is situated in a small group of similarly detached dwellings. The site overlooks open land falling away toward box with mature planting to the east.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/07/03000/FUL	Erection of Dining Room and Gallery One and Half Storey Extension.	Permitted
N/01/00644/FUL	Extension to Dwelling to Provide an En-suite and Gym facility to Main Bedroom plus a Lounge Extension	Permitted

5. Proposal

The proposal is to provide a single storey side extension with small section wrapping around the front elevation. The proposal would connect the existing dwelling and detached garage. The proposals also include works to raise the height of the garage and provide additional residential accommodation above this. The applicant indicated a desire to use this accommodation in a variety of ways i.e. ancillary residential, holiday let, student let (separate flat) or granny annexe. This range of uses would require specific consent and has not been formally applied for as part of this application.

6. Planning Policy

North Wiltshire Local Plan: Policies H8; C3; NE1; NE4

The site lies within the West Wiltshire Green Belt; an Area of Outstanding Natural Beauty; the Open Countryside

Central government planning policy: PPS1; PPG2

7. Consultations

Box Parish Council raised no objection to the proposals.

8. Publicity

The application was advertised by site notice and neighbour consultation.

No letters of objection or support have been received.

9. Planning Considerations

Impact on neighbouring residential amenities

The proposed development involves the replacement of the existing low mono pitched garage roof with a full dual pitched roof that will raise the height of the garage by approximately 2.5 metres and provide additional residential accommodation within this new roof space. The garage building is situated approximately 1 metre from the site boundary with the neighbouring dwelling (Cherington) is similarly situated directly adjacent the site boundary. There is little separation between the buildings and with Cherington featuring window openings to habitable rooms in this side elevation of the property the effect of the increase in height would be very overbearing and result in significant harm to the residential amenities of this property.

Impact on the Existing Dwelling

The current application proposes an extension to the east side elevation of the dwelling which would then incorporate the altered and enlarged garage building. The dwelling has previously been extended both to the rear and to the front. Indeed part of the logic behind the latest proposal is to give a clearer front entrance to the property following the previous alteration to the front elevation. The western boundary abuts the boundary of the property and could therefore not be

extended without additional land being taken into the applicant's ownership. Effectively the property has been extended on all sides and at some point in the past the roof space converted to accommodation also. Originally the property was a relatively modest bungalow with detached garage. Following the extensions to the front and rear it is already difficult to discern the scale form and layout of the original dwelling. A further extension to the side integrating an enlarged garage would result in the original dwelling being wholly subsumed by extensions. Cumulatively these would clearly not be subordinate to the main dwelling. Given the design character, positioning, bulk and mass of the extensions undertaken to date the limit of what could be acceptably achieved at the site has been reached. Further extension would result in the original dwelling being wholly subsumed, particularly with the proposal to alter and enlarge the garage and to incorporate this within the footprint of the dwelling.

Impact on the Green Belt

The property is located within the West Wiltshire Green Belt outside of any defined settlement boundary. The limited extension of existing dwellings is one of the very limited categories of development that are appropriate within the Green Belt as defined in Planning Policy Guidance Note 2 Green Belts. However this does not automatically mean that all extensions are automatically appropriate. It is necessary to make an assessment as to whether or not the extension either by itself or in conjunction with previous extensions to a property would maintain the openness of the green belt i.e. whether they are indeed limited. There is no definition in national planning policy guidance as to the quantum or proportions a dwelling could be extended by. Neither does policy NE1 of the North Wiltshire Local Plan 2011 seek to define a limit. Previous appeal decisions have generally sought to limit extensions to approximately 30% of the cubic capacity of the original dwelling but this is not a set rule and each site needs to be assessed for the impact on the openness of the green belt based on the relevant material circumstances. In this instance it is not possible to assess the cubic capacity of the extensions undertaken and proposed to date as one of the relevant application files is currently being archived and is unavailable. As such a judgement needs to be made as to the whether or not the scale of what is proposed in conjunction with previous development now exceeds what could be termed "limited extension" of the existing property. As noted above the dwelling has been extended to the front and rear already. The current application seeks to extend to the east and incorporate an extended garage block. The effect when viewed from the surrounding area is a substantial increase in the bulk and mass of the resultant dwelling. It would read alongside the neighbouring property as a continuous unbroken line of development. The property is on higher ground than land to the north and is visually prominent from various points in the surrounding area. On balance it is considered that the cumulative effect of extensions to this property is a loss of openness of the Green Belt and that this latest proposal takes the extension of the property beyond what could be considered as "limited". As such the proposal is considered to be inappropriate development. The applicant has not submitted any justification as to what exceptional circumstances might support such inappropriate development.

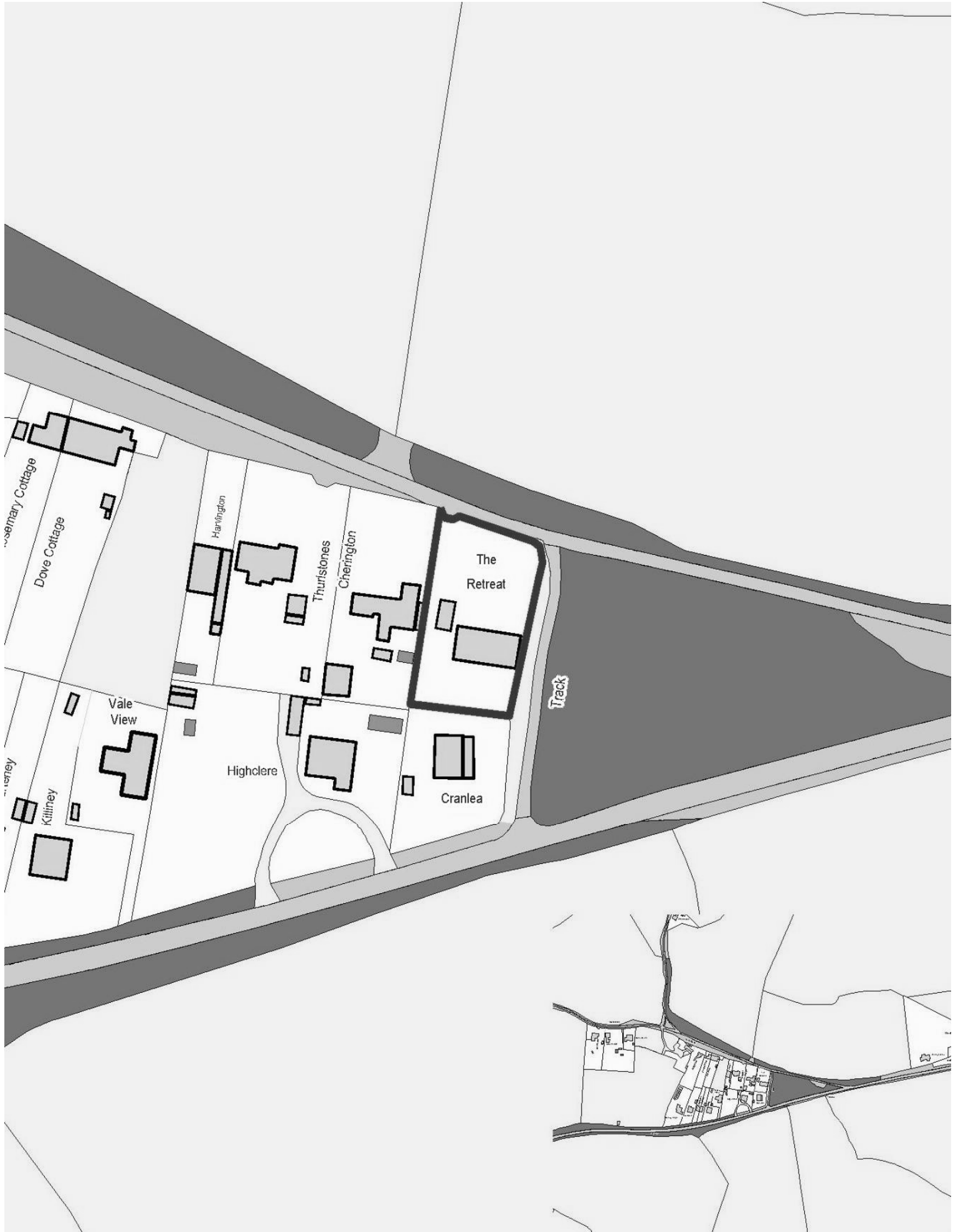
10. Conclusion

The proposed development would have a harmful impact on the residential amenities of the neighbouring property. The proposed extension when considered with previous extension of the property would not be in keeping with the host building in terms of scale and form. The proposed extension when considered with previous extension of the property could not be considered as limited extension of the property and would result in a reduction in the openness of the Green Belt. The proposal is therefore contrary to National Planning Policy contained in Planning Policy Statement 1 and Planning Policy Guidance Note 2 and North Wiltshire Local Plan Policies C3, NE1 and H8.

11. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed development by virtue of its scale, form and positioning would result in an overbearing impact on the neighbouring dwelling resulting in harm to the residential amenities of the property. The proposal is contrary to Policies C3 and H8 of the North Wiltshire Local Plan 2011.
2. The proposed development by virtue of its scale, bulk, mass and positioning would not be in keeping with the host building. The proposed development would be contrary to policies C3 and H8 of the North Wiltshire Local Plan 2011.
3. The proposed development when considered in conjunction with previous extension of the property would result in a substantive extension of the building resulting in a loss of openness of the Green Belt. The proposal is contrary to policies contained in Planning Policy Guidance Note 2 and Policy NE1 of the North Wiltshire Local Plan 2011.



This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 TH July 2011		
Application Number	N/11/01456/FUL		
Site Address	Loreley, Newlands Green, Kington Langley, Wiltshire SN15 5NZ		
Proposal	Extension to Provide First Floor to Part of Property		
Applicant	Mr J Anderson		
Town/Parish Council	Kington Langley		
Electoral Division	Kington	Unitary Member	Councillor Greenman
Grid Ref	392395 177335		
Type of application	Full		
Case Officer	Lee Burman	01249 706 668	Lee.burman @wiltshire.gov.uk

Reason for the application being considered by Committee

Called in by Councillor Greenman so that the Northern Area Planning Committee might consider:

- the scale of development proposed;
- the visual impact upon the surrounding area; and
- the relationship to adjoining properties.

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:

- Principle of development
- Impact upon visual amenity
- Impact upon neighbour amenity

The application has generated objections from Kington Langley Parish Council and 8 letters of objection from the public.

3. Site Description

The site is a large backland plot of land to the rear of existing properties and appears to have been a rear garden space at some time in the past. The property is a large L-shaped single-storey dwelling with front parking area and rear private amenity space featuring mature trees. The property is located in close proximity to neighbouring dwellings to the south in Wayside Close.

4. Relevant Planning History		
Application Number	Proposal	Decision
None		

5. Proposal

The proposed development is for the erection of a first floor extension over a part of the property, specifically the northern most block (Containing lounge, dining room, kitchen and hall) to provide 3 bedrooms at first floor level with one bedroom retained at ground floor level and the remaining space converted to an office; bathroom and play room.

The applicant has submitted revised plans to incorporate an angled window treatment to the rear elevation at bedroom 3. The purpose behind this is to address concerns raised by neighbours in respect of overlooking.

6. Planning Policy

North Wiltshire Local Plan: Policies H8; C3

Central Government Planning Policy: Planning Policy Statement 1; Planning Policy Statement 3

7. Consultations

Kington Langley Parish Council have objected to the proposed development on the grounds that the scale of extension proposed is not in keeping with the host dwelling; that the site would become over developed; that there would be harm to neighbouring residential amenities through loss of daylighting, overshadowing and loss of privacy; and is out of character with neighbouring properties;.

8. Publicity

The application was advertised by site notice and neighbour consultation.

8 letters of objection were received.

Summary of key relevant points raised:

- Harm to residential amenities of neighbouring properties (in particular Wayside Close)– loss of privacy/overlooking; loss of daylighting; overbearing
- Inaccurate plans and supporting information
- Out of character with neighbouring properties (two storey proposed, neighbours are bungalows)
- Overdevelopment of the site
- Permission would set a precedent
- Harmful impact on the character of Wayside House
- Traffic Generation - Construction
- Potential for inappropriate alternative uses of the property in the future
- Impact on the visual amenity and character of the locality
- Fenestration out of scale with that of neighbouring properties
- More prominent in views from neighbouring properties
- Inappropriate roof tiles

- Noise and other pollution from construction
- Inadequate access

9. Planning Considerations

Principle of Development

The application site is within an established residential area and within the defined framework boundary for the village of Kington Langley. Proposals for residential development and the extension of existing dwellings is acceptable in principle subject to assessment of the proposals against a range of criteria as set out in policies C3 and H8 of the North Wiltshire Local Plan 2011 and in more general terms in the guidance contained in PPS1 and PPS3.

In general terms the proposed extension is considered to be in keeping with the scale and form of the existing dwelling. Whilst this involves adding a second storey to a bungalow this affects only part of the dwelling, involves a low roof pitch and follows the existing building lines of the property. In other instances elsewhere in Wiltshire similar proposals have been permitted. Whilst the proposal would result in a dwelling footprint larger than some neighbouring properties this in itself is not a reason for refusal. Whilst in broad terms new residential development should reflect the character of the existing locality, slavish adherence to exact dimensions and character of the immediately adjoining properties is not appropriate, this would exclude any scope for innovation or enhancement in the development of new buildings. In this context it should be noted that the proposal is not for wholly new residential dwelling and that the locality features a mix of house types. It is, however, acknowledged that the property has been previously extended and with the current proposals the scope for further extension is limited.

Impact on Visual Amenity

The site is set back from adjoining roads off a long narrow drive and largely screened from the wider locality by existing mature planting and boundary treatments and neighbouring dwellings. As such this site cannot be described as being visually prominent within the locality. The proposed development is of a limited scale and given the positioning of the site and existing site screening the proposals would not significantly change this situation. The scale of development proposed is relatively limited relating to only a part of the dwelling and designed to reflect the scale and form of the existing and other properties in the locality. The overall increase in height is limited to approximately 2 metres at ridge level. In this context the proposal could not be described as visually harmful in respect of the locality. That is not to say that the existing dwelling or the proposed extension would not be visible from neighbouring properties. The fact that a dwelling and proposed extension can be seen by a neighbour does not in itself mean that there is significant harm to visual amenity sufficient to warrant refusal of planning permission. The views from an existing dwelling are not protected under the planning system as this could result in the refusal of permission for necessary development in too many instances. This issue has been tested at appeal and has established that on balance the benefits of development outweigh any limited harm that may arise as a result of such change.

The applicant has proposed the use of grey plain tiles whereas the majority of the existing properties, including Loreley itself, utilise clay double roman pantiles. Whilst not exactly the same as existing and neighbouring the proposals are not considered to be so out of character and visually discordant as to warrant refusal. It is not feasible to utilise as these require a much steeper roof pitch. The pitch of the roof has been designed to accord with that of the existing and neighbouring properties and more specifically to minimize any potential scope for overbearing impact or loss of daylighting to neighbouring properties. On balance it is not considered that the use of an alternate tile type is significantly harmful albeit there may be alternate options available either now or in the future and so it is considered appropriate to incorporate a condition requiring approval of these details.

Impact on Neighbour Amenity

As identified above 8 letters of objection have been received from neighbouring residents all located in Wayside Close. Whilst a range of concerns are identified the principle issues that recur throughout are that the proposed dwelling would be out of character with neighbouring properties (discussed above) and that there would be significant harm to the amenities of occupiers of properties in Wayside Close. In particular residents variously object to a loss of privacy within their dwellings and gardens; loss of daylighting within dwellings and gardens; and overbearing impact. The properties in question adjoin the boundary of Loreley to the south and south east.

The nearest properties are situated some 15 metres at the closest point from the element of Loreley that is proposed to be extended. The increase in height of Loreley at ridge height is 2 metres from 4.7 to 6.7 metres. The extension would be side facing to many of the properties in Wayside Close and in particular to those that are closest and as such would present the gable end of the roof. Given this orientation, degree of separation and limited increase in height it is not considered that the proposals would be overbearing or result in significant oppression for residents of these properties. Similarly given the south, south east positioning of the Wayside Close properties in relation to Loreley, the relatively limited increase in height and the degree of separation between the properties it is not considered that there would be significant loss of daylighting to the properties either in respect of the internal or external spaces. There may be a reduction in daylighting to the garden of number 13 late during the day but this is considered to be relatively limited. It is not considered that the reduction in daylighting to the garden space would be sufficient to warrant refusal of the application.

Given the positioning of neighbouring properties in relation to the proposed extension and the proposed positioning and scale of window openings at first floor level in relation to neighbouring properties in Wayside Close that could potentially be overlooked it is not considered that there would be a significant loss of privacy. Number 11 is positioned at an oblique angle to the Loreley and direct overlooking to window to window would not be possible. Similarly Number 13 is positioned at an angle to the rear elevation of Loreley and at a distance of 10 metres separation. The applicant has also submitted revised designs for the proposed window closest to the neighbouring properties in Wayside to further restrict the scope for occupants of the property to look toward numbers 11 and 13 Wayside Close. Taken together with the relatively limited height it is not considered that the impacts would be so harmful as to warrant refusal of planning permission. This position is similarly replicated in respect of the garden spaces to properties 11 & 13 (13 in particular) clearly an additional storey elevated by 2m over the existing height will increase the scope for overlooking to the neighbouring garden spaces. However the resultant situation would be one that is replicated in residential development old and new, throughout the country and indeed in Kington Langley. The vast majority of residential properties feature such living conditions and in this context it is not considered that the resultant living arrangements would be so neighbouring or result in such harm to residential amenity that permission should be refused. Indeed given the slight change in levels and the nature of some existing properties in the locality there is already some degree of overlooking between properties and the adjoining garden spaces in this area.

10. Conclusion

The proposed development is limited in scale and mass and not visually prominent. The proposals will retain the form, plot layout and essential character of the existing property. Whilst this is a backland plot and in relatively close proximity the design incorporates design measures that result in no significant harm to the amenities of neighbouring residential properties.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its design character which is in keeping with the character of the existing property. The proposal is in accordance with policies

C3 and HE8 of the North Wiltshire Local Plan (2011).

Subject to the following conditions:

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

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

2. Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the roof materials 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 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: To be confirmed – awaiting revised plans

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



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13 July 2011		
Application Number	N/11/01495/FUL		
Site Address	The Turnpike Site, Heddington Wick, Heddington		
Proposal	Change of Use of From Stock Barn to Generator Shed (Including Installation of Cable Connection to the National Grid)		
Applicant	Mr A Brown		
Town/Parish Council	Heddington Parish Council		
Electoral Division	Calne Rural	Unitary Member	Councillor Crisp
Grid Ref	398461 166515		
Type of application	Full Planning Application		
Case Officer	Lee Burman	01249 706 668	Lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

The application was called to Committee by Councillor Crisp so that the Northern Area Planning Committee might consider the environmental and highways impact of the proposal.

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:

- Principle of development
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity
- Impact on Protected Species
- Impact on Highway Safety

The application has generated no objection from Heddington Parish Council; and 4 letters of objection from the public.

3. Site Description

The development site is located in open countryside between the village of Heddington and the Hamlet of Heddington Wick. The application site is a part of a working farm featuring large scale modern agricultural barns that are in part open sided. Adjacent the application site the installation of bunding has been undertaken.

4. Relevant Planning History

Application Number	Proposal	Decision
N/09/01018/FUL	General Purpose Agricultural Building	Permitted

5. Proposal

The proposal is for the change of use of the smaller barn from agricultural use to an electricity generator shed. The applicant has submitted additional plans to specify the location and detailed proposals in respect of the cable connection to the National Grid. In addition the applicant has clarified that the current application does not seek approval of proposals in respect of additional bunding, this will be the subject of a later proposal.

6. Planning Policy

North Wiltshire Local Plan: policies C3

Central government planning policy
Planning Policy Statement 1 Delivering Sustainable Development
Planning Policy Statement 24 Planning and Noise

7. Consultations

Highways Officers raised no objections to the proposed development.

Environmental Officers raised no objection to the proposals subject to the future installation of the noise bund.

The Council's Ecologist raised no objections to the proposals.

Heddington Parish Council raised no objection to the proposals.

8. Publicity

The application was advertised by site notice and neighbour consultation.

4 letters of objection have been received.

Summary of key relevant points raised:

- Noise pollution;
- Security (risk of theft);
- Light pollution and animal welfare;
- Inappropriate use of an agricultural building;
- Unsustainable energy source;
- Smell contamination;
- Animal Welfare;
- Health and Safety; and
- Visual impact.

9. Planning Considerations

The Principle of Development

The proposal involves the change of use of an existing agricultural building. Whilst constructed relatively recently this is in effect use of an existing structure and does not involve new build development. Proposals for the diversification of activities at existing farms to support the principle farming operation and for the re-use of rural buildings are supported by national planning policy contained in PPS7 and policies BD6 and BD7 of the North Wiltshire Local Plan 2011. The proposals do not involve any works to the exterior of the building involving only the siting of diesel generators within sea shipping containers located within the barn. There is no national or local

policy restriction on the development of small scale energy generation from traditional energy sources and indeed successive governments have identified that traditional sources of power will continue to form a an essential part of nations energy supply. The Government has also recently proposed reducing feed in tariff support for solar energy proposals on the basis that these are being taken up by large scale operators.

Impact on Visual Amenity

As noted above the proposal involves the re-use of an existing building with no works to the exterior of the structure. Works to create a level floor and bury the cable connection to the national grid will be required but these will have at most temporary visual impacts. It is therefore considered that there will not be any significant impact on the character and visual amenity of the locality. In addition the site is relatively well screened by existing mature boundary planting, hedgerows and other agricultural buildings on the site.

Impact Upon Neighbour Amenity

Four letters of objection have been received from local residents raising concerns about the impact on residential amenities, particularly regarding noise. In this context it is important to note that the Council's Public Protection Team (Environmental Health) raised no objection to the proposals, taking into account proposals for additional bunding and limitations on night time operation. Further objections have been raised regarding smell impact arising from potential storage of diesel on site. The applicant has identified that fuel will be stored in a oil tank in the bunding area. These matters will need to be the subject of appropriate conditions requiring agreement of details.

The nearest residential property to the site is over 90metres distant and physically separated by the existing bunding, mature boundary hedgerows and trees and the adjacent road. The proposals are contained within the existing agricultural building which is solid sided at the end between itself and the nearest neighbouring property. As such there is no impact in respect of daylighting or visual amenity. The generator will be contained within shipping containers. The applicant has submitted information to state that the generators will rarely if ever run through the night or in late hours typically providing energy to the National Grid when there is pressure on the system – usually between the hours of 07:00 – 09:00 or 16:00 – 19:00. The applicant has assessed that the cumulative noise levels will be around 80 - 90 decibels at one metre. The existing bund will reduce this to ambient noised levels around the barn which are measured at 40 – 50 decibels. The Council's Public Protection Team (Environmental Health) have assessed the proposals and raise no objections on noise grounds based on the submitted information and additional bunding of the site in future. It is therefore considered necessary that conditions will be required for the submission of detailed proposals for additional bunding; and operation in accordance with the submitted information maximum noise levels 90 decibels at 1m with no night time operation of the generators except in exceptional circumstances (High demand levels from the National Grid).

Impact on Protected Species

Anecdotal evidence indicated that the existing agricultural buildings were being used by bats. The Council's Ecologist was consulted in respect of the proposals and potential impact on Bats and any potential requirements in respect of survey, assessment and mitigation measures. It was identified that the given the nature the barn it was almost certainly not used for roosting purposes but instead for feeding. No works to the barn itself are proposed and the generators are contained and not operational during hours of darkness. It was therefore assessed that there would be no significant impact on bats and therefore no further survey and assessment work would be required. No objections were raised.

Impact on Highways Safety

Highways Officers have raised no objections to the proposed development. The traffic generated by the proposal will be relatively limited and indeed not wholly out of character with the operation of a modern farm.

Other Matters

The proposals do not seek approval for illumination or CCTV or other potentially ancillary works other than the undergrounding of the cable. As noted above the application is for change of use and the decision notice will reflect this.

There is no indication from the applicant (farmer) that the proposals will be detrimental to the cattle herd or other livestock and Environmental Health Officers have raised no concerns in this regard. Potential for theft from the site in the future is not reasonable grounds for refusing an otherwise acceptable development; this could be used in respect of a wide range of development proposals and there is no guarantee that theft will occur. Whilst there is government support for alternative energy sources it is recognised that a significant part of the County's requirements will need to be met from traditional sources. It is also not considered that the proposed development is of such a scale as to warrant refusal based on sustainability grounds.

10. Conclusion

The proposal is for a change of use principally and involves little operational development and is of a limited scale. The proposals have been assessed and considered by the Council's Public Protection Team, The Council's Ecologist and Highways Officers and no objections have been identified. With appropriate conditions and subject to approval of additional details regarding bunding and storage of fuel it is considered that the proposed development would not have significant harmful impact on interests of acknowledged importance.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale, form and location which is in keeping with the character of the property and locality. The proposal is in accordance with policies C3, BD6 & BD7 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. No development shall take place until details of the noise alleviation bund have been submitted to the Council in the form of a planning application and approved by the Council. Any bund permitted shall be implemented in full accordance with the approved details prior to the first use of the generator shed.

REASON: To ensure that the development hereby approved is implemented in a manner that does not cause noise disturbance in the surrounding area and that the required bund is appropriate in its height and appearance.

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. 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.

POLICY-C3

6. The site shall be used for electricity generation and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes)

(Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY-C3

7. The Delivery of Fuel to the site shall be limited to the hours of 8:00am – 18:00pm on Mondays to Saturdays and not on Sundays or Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

8. The use hereby permitted shall only take place between the hours of 07:00am and 19:00pm. In exceptional circumstances of peak demand from the national grid for supply operation may extend outside these hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

9. The level of noise emitted from the site shall not exceed 90db LA eq at 1m as measured from the building boundary at any time during operation.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

10. No development shall commence on site until details for the proposed storage of fuel has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the safe storage of fuel on site which does not compromise other material considerations.



This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	13th July 2011		
Application Number	11/01506/FUL		
Site Address	17 Vale View, Wootton Bassett		
Proposal	Erection of Detached House & Garage Including New Vehicular Access		
Applicant	Mr J Taylor		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Councillor Peter Doyle
Grid Ref	406564 182142		
Type of application	FULL		
Case Officer	Sue Hillier	01249 706685	sue.hillier@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Councillor Doyle to consider the visual impact on the surrounding area and the environmental /highway impact.

1. Purpose of report

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

2. Main Issues

The application is for the erection of a dwelling, basement garage and associated vehicular access. The site lies within the framework of Wootton Bassett and therefore the following key points to consider are as follows:-

- Implications on DC Core Policy C3 and H3
- Design and Scale of the Development
- Affect of the residential amenity of existing properties
- Highway Issues

3. Site Description

The site forms part of the residential curtilage of 17 Vale View, Wootton Bassett. The site at present is an overgrown, uncultivated piece of land with an old livestock building present. The vernacular of the surrounding area is composed of terraced and semi detached dwellings and there is a children's play park, adjacent to the site.

4. Relevant Planning History

Application Number	Proposal	Decision
11/00788/FUL	Detached Dwelling and Garage, including Vehicular Access	Withdrawn

5. Proposal

Permission is sought for the erection of a detached dwelling, comprising two floors of living accommodation and basement garage and associated vehicular access, with an overall footprint of 33.75 square metres. The plot is on sloping ground that forms part of the residential curtilage of 17 Vale View, Wootton Bassett. The proposal will have a frontage of approximately 33 metres and access to New Road, which has a speed limit of 30mph. The proposed dwelling will take the form of a clad timber frame building, with a slated roof, with natural timber windows and doors. The garage is set within the ground, the first floor of accommodation is at ground level and a second floor of living accommodation set within the roof. The south elevation is to have a balcony leading from the living room and the balcony and balustrading will be polished aluminium. The height of the proposal from ground floor level to the central apex is 7.5 metres, although the south elevation (where the access to the garage is visible) appears to be 9.8m high

7. Consultations

Wootton Bassett Town Council has no objections to the proposal.

The Highway Authority has no objections to the proposal, subject to conditions.

8. Publicity

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

8 letters of objection have been received.

Summary of key relevant points raised:

- Loss of privacy
- Increase in danger for children entering park
- Overlooking
- Dangerous access
- Create precedent for future development
- Wildlife habitat
- Road safety

6 letters of support have been received.

Summary of key relevant points raised:

- Improve untidy area
- Suitable design for site
- Welcomed improvement and will be more in keeping with surrounding area

9. Planning Considerations

The planning application site lies within the defined framework boundary of Wootton Bassett thus any development should satisfy the policies outlined in C3 and H3 of the North Wiltshire Local Plan 2011.

The dwelling has been designed to accommodate the gradient of the site; the lower floor being underground would be the garage element, the ground floor being the main living area, with a bedroom and two further bedrooms and two bathrooms, within the roof space.

A Public Open Space contribution of £4,200 has been accepted by the applicant although no legal agreement has been submitted.

The application site forms part of the rear residential curtilage of 17 Vale View, which is an open piece of land set a slanting angle to the existing dwelling. The proposed dwelling would have a direct view into the rear of 16 Vale View and it is considered that it would cause a loss of amenity to the occupiers.

The surrounding area is predominantly terraced and semi detached dwellings set back from the road. Whilst a contemporary approach is not in itself a problem, in what is a fairly traditional street, the proposal would be very dominant. It is considered that it would detract from the open character of this piece of land, which forms an important break in this area; this would be exacerbated by the dominance of the proposed dwelling facing New Road. The proposal is considered to be contrary to policies C3 and H3 of the North Wiltshire Local Plan 2011.

11. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed dwelling would be intrusive in the street scene and detrimental to the open character of this area, failing to respect the local distinctiveness of the locality and would cause an unacceptable loss of privacy and amenities of adjacent neighbours contrary to policies C3 and H3 of the North Wiltshire Local Plan 2011.
2. No legal agreement has been secured to bring forward the required contribution of £4,200 towards public open space as is required by Policy CF3 of the North Wiltshire Local Plan 2011 and the supporting guidance contained within the North Wiltshire Open Space Strategy 2004.

Informative

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

Plan Ref: Drwg No: 2011-07-1 received 27/4/2011

