

## AGENDA

---

**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 3 August 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](mailto: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](http://www.wiltshire.gov.uk)

---

### Membership:

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

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

---

### Substitutes:

Cllr Desna Allen  
Cllr Chuck Berry  
Cllr Bill Douglas

Cllr Mollie Groom  
Cllr Mark Packard  
Cllr Bill Roberts

---

## Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 13 July 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 which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 27 July 2011. Please contact the officer named on the front 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 17 - 18*)

An appeals update report is attached for information.

7. **Planning Applications** (*Pages 19 - 20*)

To consider and determine planning applications in the attached schedule.

- 7.a **10/01962/FUL & 10/01963/LBC - Burton Hill House, Burton Hill, Malmesbury, SN16 0EL - Conversion of Burton Hill School to Seven Residential Units; Conversion of Outbuilding to Residential (One Unit) and Erection of New Dwelling & Associated Works** (*Pages 21 - 30*)
- 7.b **10/03664/FUL - Methuen Park, Bath Road, Chippenham, SN14 0UL - Reconfiguration and Refurbishment of Existing Retail Warehouse to Create Three Retail Warehouse Units Together with Improvements to Car Parking , Landscaping and Servicing** (*Pages 31 - 44*)
- 7.c **11/01416/FUL - The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8DE - Extension & Alterations** (*Pages 45 - 50*)
- 7.d **11/01210/FUL - Land at Noble Street, Sherston, Malmesbury, SN16 0AA - Erection of Dwelling** (*Pages 51 - 60*)
- 7.e **11/01456/FUL - Loreley, Newlands Green, Kington Langley, SN15 5NZ - Extension to Provide First Floor to Part of Property** (*Pages 61 - 66*)
- 7.f **11/01580/FUL - Stanton St Quintin Garage, Lower Stanton St Quintin, Chippenham, SN14 6BN - Proposed Development of 12 Dwellings complete with Associated Parking & Landscaping (following Previous Permissions 05/02230/OUT & 07/01431/REM)** (*Pages 67 - 72*)
- 7.g **11/02094/FUL & 11/02095/LBC - Cuckoo Bush Farm, Reybridge, Lacock, SN15 2JX - Construction of Single Storey Breakfast Room and Porch, and Installation of Window all at Rear of House; Internal Alterations to Form Additional Bathrooms; and Construction of Gate Piers and Installation of Gates to Front of House** (*Pages 73 - 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

## **NORTHERN AREA PLANNING COMMITTEE**

---

### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 JULY 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Desna Allen (Substitute), Cllr Chuck Berry (Substitute), Cllr Peter Colmer,  
Cllr Christine Crisp, Cllr Peter Davis, Cllr Peter Doyle, Cllr Mollie Groom (Substitute),  
Cllr Peter Hutton, Cllr Simon Killane and Cllr Toby Sturgis

#### **Also Present:**

Cllr Howard Greenman and Cllr Sheila Parker

---

#### **65. Apologies for Absence**

Apologies for absence were received from Cllr Alan Hill (who was substituted by Cllr Mollie Groom), Cllr Howard Marshall (who was substituted by Cllr Desna Allen) and Cllr Tony Trotman (who was substituted by Cllr Chuck Berry).

#### **66. Election of Chairman for the Meeting**

##### **Resolved:**

**In the absence of the Chairman and the Vice-Chairman, to elect Cllr Peter Davis as Chairman for the meeting.**

Cllr Peter Davis in the Chair

#### **67. Minutes**

##### **Resolved:**

**To confirm and sign the Minutes of the meeting held on 22 June 2011, subject to the following amendment to Minute No. 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 Cotswolds Conservation Board**. He stated that he would take part in the debate and vote with an open mind.

68. **Declarations of Interest**

Cllr Peter Doyle declared a personal interest in the following applications because he was a member of the Cotswolds Conservation Board. He stated that he would take part in the debates and vote with an open mind:-

Minute No 72 (c) - 11/01210/FUL - Land at Noble Street, Sherston, Malmesbury, SN16 0AA - Erection of Dwelling

Minute No 72 (e) - 11/01416/FUL - The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8DE - Extension & Alterations

Cllr Peter Doyle also declared a personal and prejudicial interest in the following application because he lived in close proximity to the application site. He would therefore leave the Chamber during consideration of this application:-

Minute No 72 (h) - 11/01506/FUL - 17 Vale View, Wootton Bassett, SN4 7BY - Erection of Detached House & Garage including New Vehicular Access

69. **Chairman's Announcements**

The Chairman announced that the following application had been withdrawn from the agenda to allow for the opportunity to review amended plans:-

Item No 7 (c) - 11/01210/FUL - Land at Noble Street, Sherston, Malmesbury, SN16 0AA - Erection of Dwelling

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

Members of the public addressed the Committee as set out in Minute No 72 below.

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

71. **Planning Appeals**

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

- (i) Forthcoming hearings and public inquiries between 29 June and 31 October 2011.
- (ii) Planning appeals received between 9 and 29 June 2011.
- (iii) Planning appeals decided between 9 and 29 June 2011.

72. **Planning Applications**

1a **11/01441/REM - Land off Sandpit Road, Calne - Erection of 285 Dwellings & Associated Works (Reserved Matters)**

**The following people spoke against the proposal:**

Mr Philip Wrenn, a local resident  
Mr Chris Nicholson, a local resident  
Mrs Anne Henshaw, representing Campaign for the Protection of Rural England

**The following person spoke in favour of the proposal:**

Mr Keith Annis, Planning Director, Redrow Homes Ltd, representing the joint applicants

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 approved subject to conditions. She also drew Members' attention to the late items from which it was noted that the application had been revised thus reducing the number of dwellings from 285 to 263.

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 grant planning permission 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 and 247.**

**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 2011

PL-01.1 - site layout - part 2

PL-09 Rev G - areas for adoption (part superseded)

PL-11 Rev A - refuse collection plan (part superseded)

PL-12 Rev B - enclosures plan (part superseded)

SS-01 Rev D - street scenes

SS-02 - site sections (part superseded)

House Types etc:

HT-01RevB

HT-02RevB

HT-02a

HT-03aRevA

HT-03b

HT-04RevB

HT-05aRevA

HT-05bRevA

HT-05cRevA

HT-06aRevC

HT-06b

HT-06cRevA

HT-06d

HT-07aRevB

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-01RevB**

**HT-AFAPT-02 Rev B  
HT-OPAPT-03 RevA**

**HT-OPAPT-01 Rev A  
HT-OPAPT-02RevA**

**STORE-01 Rev B**

**Design Statement  
Per-01 0 perspective**

**Drainage, highways, utilities etc (Sandpit Road)**

**R261/7**

**R261/17RevA**

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

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

**Dated 13 May 2011**

**130-500-05 - site levels layout (part superseded)**

**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 (part superseded)  
JBA 10/172-07 Rev E (part superseded)  
JBA 10/172-08 Rev E  
JBA 10/172-09 Rev A  
JBA 10/172-TS02 Rev F - Tree Protection Plan (part superseded)  
Tree Protection Fencing detail 3677.TPF-01**

**Dated 20 June 2011**

**PL-05 Rev J - materials plan (part superseded)**

HT-25 Rev B  
HT-08a Rev C  
HT-08c Rev C

Dated 22 June 2011

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

R261/16 Rev B

Dated 8 July 2011

PL-04 Rev B - site plan  
PL-03 Rev C - location plan  
PL-01 -AD - site Layout - part 1

- 1b **11/01501/FUL - Barn 3, Common Farm, Quemerford, Calne, SN11 8UB - Conversion of Barn to Single Dwellinghouse and Ancillary Works (Retrospective) (Revised Proposal)**

**The following person spoke in favour of the proposal:**

Mr Marc Willis, the agent

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that the planning application be granted subject to conditions.

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

After discussion

**Resolved:**

**To grant planning permission 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 second hand 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 21<sup>st</sup> April 2011.

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

1c **11/01210/FUL - Land at Noble Street, Sherston, Malmesbury, SN16 0AA - Erection of Dwelling**

It was noted that this application had been withdrawn from the agenda to allow for the opportunity to review amended plans.

**1d 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)**

**The following people spoke against the proposal:**

Ms Jessica Branton, a local resident

Mr Mike Elam, a local resident

Cllr Patrick Goldstone, Chairman, Malmesbury Town Council's Planning & Environmental issues Committee

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that the planning application be granted subject to conditions.

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:**

**The proposed development is considered to be wholly out of keeping with the character and appearance of Harpers Lane and fails to preserve or enhance the character and appearance of the Malmesbury Conservation Area at this location contrary to Policies C3 and HE1 of the adopted North Wiltshire Local Plan 2011.**

**1e 11/01416/FUL - The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8DE - Extension & Alterations**

**The following people spoke in favour of the proposal:**

Mr William Phillips, applicant

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He 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 a statement from a member of the public as detailed above, expressing his views regarding the planning application.

Members then heard the views of Cllr Sheila Parker, the local member in support of the application.

After discussion

**Resolved:**

**To defer consideration of the application until the next meeting, requesting the officers to obtain details of the planning history so as to establish the square metrage of the original dwelling and approved extensions.**

**1f 11/01456/FUL - Loreley, Newlands Green, Kington Langley, SN15 5NZ - Extension to Provide First Floor to Part of Property**

**The following people spoke against the proposal:**

Mr Bain, a local resident  
Cllr Dr M Dixon, Chairman of Kington Langley Parish Council

**The following people spoke in favour of the proposal:**

Mr Jens Anderson, applicant  
Mr Nick Elkins, architect

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that the planning application be granted subject to conditions. He 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 Howard Greenman, the local member who expressed some concern at the scale of the development and its likely effect on the residents of Wayside Close.

After discussion

**Resolved:**

**To defer consideration of the application until the next meeting, in order to hold a site inspection on Wednesday 3 August at 4.00pm.**



**1g 11/01495/FUL - The Turnpike Site, Heddington Wick, Heddington - Change of Use from Stock Barn to Generator Shed**

**The following people spoke against the proposal:**

Mr Hugh Appleby, a local resident  
Mr Thomas Jago, a local resident

**The following people spoke in favour of the proposal:**

Mr Adam Overfield, for the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that the planning application be granted subject to conditions. He 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 defer consideration of the application in order that:-**

- (1) a fuller report could be prepared setting out the views of Public Protection, and in particular those of the Environmental Health Officer, and**
- (2) a decibel report be prepared by the applicant, together with clarification of the times of operation and a setting out of the technical specification of the generators.**

**1h 11/01506/FUL - 17 Vale View, Wootton Bassett, SN4 7BY - Erection of Detached House & Garage including New Vehicular Access**

(Cllr Peter Doyle left the Chamber, having declared a personal and prejudicial interest as detailed in Minute No 68 above.)

**The following person spoke against the proposal:**

Mr Michael Witherden, a local resident

**The following people spoke in favour of the proposal:**

Mr Viv Vines, the agent  
Cllr Owen Gibbs, Chairman of Wootton Bassett's Planning Committee

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 refuse permission 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**

**73. Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.25 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](mailto:roger.bishton@wiltshire.gov.uk)

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



This page is intentionally left blank

**Wiltshire Council – Area North  
Planning Committee  
3rd August 2011**

There are **NO** confirmed Forthcoming Hearings and Public Inquiries between 13/07/2011 and 30/11/2011

Planning Appeals Received between 30/06/2011 and 21/07/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
11/01338/FUL	74 Bristol Road, Chippenham, Wiltshire, SN15 1NS	Chippenham	Two Storey Side Extensions	DEL	Written Representations	Refusal
11/01377/FUL	35 New Road, Purton, Wiltshire, SN5 4HF	Purton	Proposed Garage with Playroom Over	DEL	Written Representations	Refusal
11/01533/FUL	Shepherds House, Cricklade Road, Purton, Swindon, Wiltshire, SN5 4HS	Purton	Erection of Dwelling	DEL	Written Representations	Refusal

Page 7

Planning Appeals Decided between 30/06/2011 and 21/07/2011

Application No	Location	Parish	Description	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
10/04226/FUL	Cheney Court Farm, Ditteridge, Box, Corsham, SN13 8QF	Box	Demolition of Existing Building & Erection of Agricultural Storage Building	DEL	Appeal Dismissed	Refusal	Written Representations
11/00001/FUL	Innisfrey, Washmeres, Colerne, Chippenham, Wiltshire, SN14 8DQ	Colerne	First Floor Extension to Bungalow to Form House	COMM	Appeal Dismissed	Permission	Written Representations
11/00293/FUL	2 Wilton Cottages, Doctors Hill, Ashley, Box, Wiltshire, SN13 8AT	Box	Two Storey Side Extension	DEL	Appeal Dismissed	Refusal	Written Representations

This page is intentionally left blank

# Agenda Item 7

## INDEX OF APPLICATIONS ON 03/08/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	10/01962/FUL & 10/01963/LBC	Burton Hill House, Burton Hill, Malmesbury, Wiltshire, SN16 0EL	Conversion of Burton Hill School to Seven Residential Units; Conversion of Outbuilding to Residential (One Unit) and Erection of New Dwelling & Associated Works	Refusal
7b	10/03664/FUL	Methuen Park, Bath Road, Chippenham, Wiltshire, SN14 0UL	Reconfiguration and Refurbishment of Existing Retail Warehouse to Create Three Retail Warehouse Units Together with Improvements to Car Parking, Landscaping and Servicing	Permission
7c	11/01416/FUL	The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8DE	Extension & Alterations	Refusal
7d	11/01210/FUL	Land at Noble Street, Sherston, Malmesbury, Wiltshire, SN16 0AA	Erection of Dwelling	Refusal
7e	11/01456/FUL	Loreley, Newlands Green, Kington Langley, Wilts. SN15 5NZ	Extension to Provide First Floor to Part of Property.	Permission
7f	11/01580/FUL	Stanton St Quintin Garage, Lower Stanton St Quintin, Chippenham, Wiltshire SN14 6BN	Proposed Development of 12 Dwellings Complete With Associated Parking & Landscaping (Following Previous Permissions 05/02230/OUT & 07/01431/REM).	Refusal
7g	11/02094/FUL & 11/02095/LBC	Cuckoo Bush Farm, Reybridge, Lacock, Wiltshire, SN15 2JX	Construction of Single Storey Breakfast Room and Porch, and Installation of Window all at Rear of House; Internal Alterations to Form Additional Bathrooms; and Construction of Gate Piers and Installation of Gates to Front of House.	Refusal

This page is intentionally left blank



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>3 August 2011</b>		
<b>Application Number</b>	<b>10/01962/FUL and 10/01963/LBC</b>		
<b>Site Address</b>	<b>Burton Hill House, Burton Hill, Malmesbury</b>		
<b>Proposal</b>	<b>Conversion of Burton Hill School to seven residential units; conversion of outbuilding to residential (one unit) and erection of new dwelling and associated works</b>		
<b>Applicant</b>	<b>Tansette Limited</b>		
<b>Town/Parish Council</b>	<b>St Paul Malmesbury Without</b>		
<b>Electoral Division</b>	<b>Sherston</b>	<b>Unitary Member</b>	<b>Councillor John Thomson</b>
<b>Grid Ref</b>	<b>393362 186421</b>		
<b>Type of application</b>	<b>FULL and LISTED BUILDING CONSENT</b>		
<b>Case Officer</b>	<b>Tracy Smith</b>	<b>01249 706 642</b>	<b>tracy.smith@wiltshire.gov.uk</b>

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

This application has been the subject of several deferrals the most recent being at the meeting of the Northern Area Planning on 11 May 2011. The application was deferred for one more time specifically to obtain:

1. Submission by the agent of full details and narrative of how sound and insulation protection will be specifically achieved between each of the units and on each floor.
2. Confirmation as to whether details are to be submitted now in respect of windows; damp proofing works; and the method of opening up on the redundant stack shown in photo 89 or whether a Listed Building application will be submitted at a later.

This information has now been provided to the satisfaction of officers. The report has accordingly been updated.

### **1. Purpose of Report**

The purpose of this report is to consider an application which has been the subject of pre-application discussions and negotiations during its submission. The above information has been provided and is considered acceptable as is detailed below.

S106 contributions have been agreed and a legal agreement is being progressed in the event of an approval.

The concerns of the Landscape Officer and the Environment Agency have also been overcome since the Committee in May.

Notwithstanding the above, the proposal is still objectionable in terms of the harm to the Listed Building and the recommendation of REFUSAL remains.

St Paul Malmesbury Without Parish Council "believe there are a number of important issues which have to be satisfactorily addressed before we can wholeheartedly support this application."

Two letters of objection have been received along with a petition of 46 signatures from residents of Orchard Court (over 55 retirement development) in respect of access issues from Arches Lane.

4 letters of support have been received.

1 letter has been received questioning the officer recommendation in light of the support of the Parish Council/Civic Trust and Localism Bill.

## **2. Main Issues**

The application seeks approval for the conversion of this Grade II Listed Building including the Chapel and Coach House to 7 apartments, with 2 new dwellings (Units 8 and 9). Associated garaging and storage is also proposed forward of the main building and to the rear. The key issues for consideration are:

- Implications on DC Core Policy C1, C2, C3, NE9, NE14, H3 and HE4
- Principle of development
- The impact on the fabric of the Listed Building
- The effect on the setting and appearance of the Listed Building
- Impact on the character and appearance of the area
- Impact on highways
- Ecological implications
- Provision of affordable housing, education and open space contributions

## **3. Site Description**

The site is located to the south east of Malmesbury, off the A429.

Burton Hill House is a replacement house built in 1846 to replicate the destroyed 1842 property which was an imposing Victorian building, comprising striking gables with crenellated two storey bay windows, decorative chimneys and mullioned windows. It has experienced considerable alteration over the 164 years, associated with its residential use as a private home (evidenced by the historic service wings) together with extensions and alterations to facilitate its use as a school, including a 'modern' extension on the northwest corner.

Burton Hill House formed part of the former Burton Hill School, a school providing specialist education and facilities for handicapped and disabled children. The School was established in 1945 but closed in 2007 due to a fall in the roll of pupils attending. The site has been vacant since that time.

The southern elevation is the most distinctive and striking, and contains the original formal rooms at ground and first floor level. Many of these rooms maintain their original historic configuration and proportions, with some of the original fixtures and fittings surviving. Particularly significant is the ballroom and panelled drawing room, and an open well staircase all of which remain unaltered despite the school use of the building and are specifically mentioned in the listing description of the building. Rooms on the first floor contain period features such as fireplaces, joinery and plasterwork.

There is an unsympathetic flat roofed modern extension which wraps around the north western corner of the principal listed building and was clearly erected in conjunction with its use as a school. The main entrance is rather obscured by a covered entranceway.

The House was listed by English Heritage in 2007 and categorised as Grade II. Whilst the listing description refers to the principal building it does confer protection on the other buildings and structures within the grounds of the listed building at the time of the listing.

There are a number of outbuildings which have been constructed around the principal house, some of which are contemporaneous with the use of the house as a private residence in the 1840s onwards, and some clearly associated with the use of the property as a school. All the buildings

represent the evolution of the site and would be considered curtilage listed: however, some have considerably more architectural and historic significance than others.

Of historic interest and architectural merit are the Coach House and the Barn, which date back to the use of the house as a private residence. The Barn is privately let and the Coach House has been converted and used as residential accommodation, albeit in need of some refurbishment. The Lodge (fronting onto the A429) has also been used as a self-contained house and privately let for some years.

The Chapel was used in conjunction with the school and the Swimming Pool (with its asbestos cladding) forms part of an extension to the principal building to provide an essential facility for therapy at the School.

The most modern buildings are within the former school site but outside of the application site and these are The Principal's House and Polly Viner House. The Principal's House was constructed in association with the establishment of the School but since the closure of the School has been privately let. It is a detached dwelling in its own landscaped gardens. Polly Viner School was clearly built in the latter part of the 20<sup>th</sup> century and is a purpose built single storey dormitory.

The properties are set within landscaped grounds, with the formal gardens to the main house laid out to the south together with an ornamental lake and woodland. There is a Camping Field to the west of the House and mature trees throughout the site.

The principal vehicular access is from the A429 adjacent to The Lodge, and leads into a large area of car parking. A secondary access is from Arches Lane, adjacent to the Camping Field.

The core area of the Burton Hill School site is within the settlement limits of Burton Hill.

The site lies within Flood Zone 1 and there are a number of Tree Preservation Orders on the site.

#### **4. Relevant Planning History**

There is no history which is considered to be of direct relevance to this specific proposal. The building has been the subject of numerous extensions and adaptations over its lifetime with new build within its grounds, all approved and undertaken prior to Listed. The most notably harmful extension being a 1960's two storey flat roof extension on the rear (west) elevation of the building.

#### **5. Proposal**

The proposal involves the conversion of the main building including the Chapel and Coach House to seven residential apartments, Unit 8 is a new build rather than a conversion given the poor state of repair and a new dwelling in the grounds is also proposed. No changes are proposed to the entrance on Arches Lane although this will be used to serve units 2, 3, 8 and 9 with a bin collection facility near this entrance.

##### **Main building (Units 1-7)**

The main building is to be converted into seven residential properties. These will vary in size between 3 and 5 bed and span over several floors.

A detailed schedule of works has been prepared in respect of each unit. The existing 1960's extension will be removed as part of the conversion scheme together with the removal of the swimming pool extension and replacement extension to unit 5.

##### **Rebuild of Outbuilding (Unit 8)**

This comprises a single storey former stable building in a poor state of repair immediately to the east of the modern Polly Viner House. The conditions survey has confirmed this and a rebuild is

effectively proposed. The dwelling would be constructed of natural stone and slate with cast iron rainwater goods.

#### New dwelling (Unit 9)

The new single storey three bedroom detached dwelling would be located in the existing courtyard to the side of the main building abutting the existing boundary wall. The proposed dwelling would be constructed of natural materials and use cast iron rainwater goods.

#### Associated works

These are not listed per se in the supporting information but in the main comprise:

- The erection of a double garage/storey block immediately to the east (between the building and the road) of the building (for unit 1) re-sited.
- The erection of a block of double garages for units 4 and 6
- Erection of a double garage/store block to serve unit 3 to the north of that units
- Creation of a new vehicular access from the south (using the existing access off the A429 which also accesses the existing fishing ponds) to serve unit 1 and its new garage/store

The grounds to the south of the main house and west of newly created Unit 3 are to be divided up between units 1-3 with a communal area proposed to the south west of the main building some 75 metres distance with the access originating from the rear of unit 3.

### **6. Consultations**

St Paul Malmesbury Without Parish Council – welcome the application and feel it will renovate this fine listed building and maintain its appearance and fabric for the future and are content with this aspect of the proposals. However, there are other matters which are a cause for concern:

- Position adjacent A429 and speed issues in this location, recommending the 30mph speed limit be moved further south along the A429
- Impact on infrastructure i.e. schools, local employment opportunities, parking problems (lack of adequate parking facilities in and around the commercial centre of the town) and sustainability issues associated with commuting to employment in surrounding towns.
- Impact of increased traffic onto Arches Lane
- Conditions must apply to daily hours of operation from the site and delivery times and use of main entrance only and not Arches Lane.
- 

Malmesbury Town Council – raise no objections.

Highways Officer – no objections. Regard has been had to the existing established use and existing accesses.

There are no proposals at present to change to speed limit. Any changes to the speed limit would need to be raised with the Area Board and be the subject of consultation.

In respect of concerns raised by St Paul Malmesbury Without Parish Council, a condition is suggested if permission is granted requiring the submission of a construction method statement for approval prior to the commencement of any work. Such details will be required to including arrangements for the routing of construction traffic

Conservation Officer – information regarding acoustics and fire separation has been provided and are considered to be acceptable. The applicant has confirmed that they are not intending to do any works to windows or damp proofing or re-roofing at this time and consent will be sought at a later date. No alterations are proposed to the redundant chimney stack.

Notwithstanding the submission of this information, it is still considered that the proposed development including alterations, new building dwellings and garages would result in extremely harmful alterations to this listed building and the permanent loss of historic floor plans and landscape. The dwellings and garages will be detrimental to the character, appearance and setting of the listed building, its curtilage and the amenity of the area.

Principal Ecologist – previous concerns have been overcome with the addition survey information provided, condition proposed subject to amended plan compliant with the mitigation statement.

Landscape Officer – details of Tree Protection have been provided together with supplementary information containing recommendations for garage block 4 and 6 and method statement for garage block 1). All previous concerns have now been addressed.

Conditions needed re tree maintenance and location of any new service trenches to avoid root damage together with tree protection.

County Archaeologist – no objections.

Education Officer – contributions required £42, 983

Open Space Officer – open space provision sought with some off-site contributions to play space also £19,800.

Wessex Water – no objections subject to conditions/informative.

Environment Agency – no objections subject to conditions.

Highways Agency – no objection.

## **7. Publicity**

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

2 letters of objection have been received together with a letter and associated petition (46 signatures from residents of Orchard Court a retirement development). The objection is made on the belief that alterations are proposed to Arches Lane (which they are not) on the following grounds:

- Highways impact
- Highway and pedestrian safety due to intensification of activity in this location
- Increased use of Arches Lane
- Changes to speed limits needed
- Light pollution
- Lack of education facilities

4 letters of support have been received.

Malmesbury and St Paul Without Residents Association – supports the structural aspects of the proposal but have reservations about the current level of resources and services in Malmesbury to satisfy the development – these being in respect of education and highways impact on the A429. Arches Lane should not be used for construction traffic. This latter aspect having been directly discussed with Highways Officers.

Malmesbury Civic Trust – support this well thought out, sensitive and appropriate development.

Malmesbury and District Conservation Group – support the conversion proposals but express concerns in respect of the speed limit outside the site.

## **8. Planning Considerations**

### **Principle of development**

PPS5 'Planning for the Historic Environment' 2010 sets out the national planning policies on the conservation of the historic environment. It acknowledges that whilst heritage assets are a non-renewable resource, "intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term."

Heritage assets are sought to be put to appropriate and viable uses consistent with their conservation and decisions are based upon the nature, extent and level of the significance of the asset and proportionate to its importance.

The conversion of this building and the redevelopment of the site are supported in principle by officers and this is acknowledged in the development brief for the site which was prepared by a local agent with the assistance of officers. The brief outlined that the building may be capable of conversion to 7 units but caveated this figure with the fact that the Council would have regard to the impact of such a development on the architectural integrity of the listed building.

Such a conversion/redevelopment must be undertaken in a manner which is sympathetic to the fabric of the Listed Building as well as its character and setting.

The main built form of the site lies within the framework boundary.

### **Impact on the fabric of the Listed Building**

It would be remiss not to acknowledge and support the proposals for the conversion of this building in so far as it will reintroduce a use to the building which will seek to ensure its longevity to its benefit. Specific support is given to the removal of the 1960's flat roof extension and the swimming pool together with the retention of original features and significant internal spaces within the building where possible.

However, the removal of this floorspace should not then become a simple mathematical exercise in terms of how this floorspace can be accommodated elsewhere on the site to the detriment of the Listed Building.

Any support for the proposals is significantly outweighed by the impact of many other numerous alterations being made to the building in an attempt to accommodate the nature of this development. Such changes include the insertion of partition wall (unit 2) to create unnecessary numbers of en-suites and the removal of staircases (Unit 7)

Notwithstanding the outstanding information now submitted, the proposal remains contrary to Policies C3 and HE4 of the adopted North Wiltshire Local Plan by reason of the harm to the fabric of the Grade II Listed Building itself.

### **Impact on the setting of the Listed Building and the character and appearance of the area**

It is accepted that the setting of the Listed Building is improved due to the removal of the 1960's flat roof extension and the swimming pool. However, there are aspects of the proposal which cause significant harm to the setting.

The key harm to the setting emanates from the erection of the two garage blocks to the front of the building, the converted dwelling and new dwelling and the new vehicular access.

The main house was always approached from the existing gateway and the area used as the car park the main frontage for the access of horses/coaches and later vehicles. It would have been a prominent entrance which reflected the status of the building within the local context.

The garage block to unit 1 is too close to that unit and causes significant harm to the southern principal elevation having no respect for the character or historical context of the building.

This front space is an important feature to the setting of the Listed Building and it is considered that the introduction of two "faux" stable buildings by reason of their scale, design and siting is wholly harmful to the setting of the Listed Building.

The garages will be seen from above the boundary wall screening existing glimpsed views of the house. Notwithstanding details submitted in respect of the site layout (drawing no 150 rev K), trees are to be retained and protected on the boundary and the garage constructed in accordance with a method statement.

To the north of the main building are currently open spaces which would have previously been associated with the stables, barn and coach house and walled gardens. The loss of these to facilitate a new single storey dwelling and new build replacement stable building together with new residential curtilages is considered to be detrimental to the setting of the Listed Building having no regard to its historical context.

Officers have suggested that this space be used by residents as a communal play and garden space given the proposed poorly located space some distance from many of the units and with no overlooking.

The outbuilding could be used for storage purposes and reduce the need for further subdivision of this area to its detriment.

Also proposed is the creation of a new vehicular access into the site from an existing access which also currently serves the fishing ponds. This will result in the removal of a section of wall and upgrading/altering of a footpath and gardens to the main house. This will have consequences for both protected trees and the quality and relationship of these landscaped gardens to the main house. This will alter this historical context of the building.

The proposal therefore fails to accord with Policies C3 and HE4.

#### Impact on highways

No objections are raised from either Highways Officers or the Highways Agency. The previous use as a school and its associated residential use is a material consideration in terms of traffic generation and use of existing accesses onto the main road and Arches Lane. No alterations are proposed in respect of the latter.

A construction method statement would be required if permission were to be granted.

#### Impact on ecology

Subject to conditions and plan compliant with the mitigation strategy (under consideration at the time of preparing this report), there will no detrimental impact on protected species.

#### Impact on drainage

The applicant has now submitted calculations to determine storm water management control and storage requirement. Consequently the Environment Agency have withdrawn their objections subject to conditions.

### Other considerations

The applicant has agreed contributions with the relevant officers in respect of education, affordable housing and public open space. A legal agreement is being prepared without prejudice to any decision on the application.

Education contribution is £42,983

Public Open Space £19,800

Affordable housing – unit 9 to be affordable together with an off site contribution of £26k.

However, notwithstanding the above, in light of the proposed reason for refusal, the absence of any completed legal agreement is a ground for refusal contrary to Policies C2, C3, CF3 and H5 of the adopted North Wiltshire Local Plan 2011. If such an agreement were to be completed post refusal and prior to any appeal, this reason would fall away.

### Conclusions

Burton Hill School is an important Grade II Listed Building on the edge of Malmesbury. It is a highly visible site with views from the main road and footpaths in the countryside to the west.

Officers entirely support its re-use for a variety of uses including residential where those uses will not detrimentally harm the fabric, character and appearance of the setting of the Listed Building and are willing to work with the applicants to bring forward an acceptable scheme.

The scheme whilst proposing some benefits, also proposes a considerable degree of harm to the Listed Building and trees which cannot be supported. It is accepted that this does pose difficulties in its conversion and the values that this will return to the developer, but that it also requires that the whole site is looked at in the round to enable a thorough detailed consideration of the potential of the site.

## **9. Recommendation**

### **Planning Permission be REFUSED for the following reasons:**

1. The proposed development by reason of its scale, design, nature and siting would detrimentally impact upon the fabric, setting and character and appearance of this Grade II Listed Building contrary to Policies C3 and HE4 of the adopted North Wiltshire Local Plan 2011 and national guidance contained in PPS5.
2. The proposed development does not make any provisions for securing affordable housing on the site, financial contributions towards education provision in the locality, the provision and maintenance of open space or ecological management on site. The application is therefore contrary to Policies C2, C3, H5, CF3 and NE9 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (August 2007).

### **Listed Building Consent be REFUSED for the following reason:**

1. The proposed development by reason of its scale, design, nature and siting would detrimentally impact upon the fabric, setting and character and appearance of this Grade II Listed Building contrary to Policies C3 and HE4 of the adopted North Wiltshire Local Plan 2011 and national guidance contained in PPS5.





This page is intentionally left blank

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

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

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

The application is being brought to Committee under Officers' discretion due to the significant amount of interest in the application. The application was deferred from Committee on 20<sup>th</sup> April 2011 to allow Officers to consider recent retail decisions at Peterborough and Gateshead and subsequently deferred again from committee on 1<sup>st</sup> June 2011 to allow the Council to seek Counsel's advice on particular issues raised by third party objectors.

### **1. Purpose of report**

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

### **2. Report summary**

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

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

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

### **3. Site Description**

The site is currently one large warehouse like building which houses Focus Do-It-All (now in administration). The building has been vacated since June 21st 2011. There is some significant landscaping around the site and there is an existing car park to serve the store.

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

## **6. Planning Policy**

North Wiltshire Local Plan: policies C3; R4

Central government planning policy PPS4

## **7. Consultations**

**Corsham Town Council** raise no objections.

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

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

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

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

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

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

**ING** (who are working with the Council on the Bath Road Car Park Site) are very concerned about the nature of this retail application. The proposed units are the size of units which could be attracted to the Bath Road Car Park site. They state that the supporting material fails to provide analysis sufficient to determine the planning application. Given the significant change in the retail

offer they consider the application requires both an assessment of retail impact and a sequential assessment of other sites.

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

Since the last Committee, ING has sought Counsel's advice on the application and the documentation regarding the Peterborough and Gateshead sites mentioned at that last meeting. Both that Counsel's advice (together with a supplemental advice) are available on file and can be summarised as follows:

- The extent of the work involved pursuant to the application amounts to a new chapter in the planning history of the site;
- Policy EC14 of PPS4 is relevant and Policy R4 of the local plan should also apply. In order to comply with policy R4, the Council must consider whether it has been demonstrated that the proposal will not harm the vitality and viability of the town centre. In undertaking this assessment, ING's Counsel indicates that regard can and should be had to the conditions imposed on the existing building and regard would have to be had to the effect on the vitality and viability of the town centre of the alternative opportunities afforded by the existing building, etc.
- Impact and sequential tests are required;
- If the building is a new building its use can be specified.
- The Council can and should impose conditions;
- The planning application was not accompanied by an Environmental Statement accompanied by or preceded by a screening opinion. A decision to grant planning permission without adopting a screening opinion would be unlawful.

The effect of the advice to ING is that a new chapter in the planning history has been opened. The full representation is available on the application file and the Council's web site.

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

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

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

*In another case it was held by the House of Lords that if the granting of planning permission was of such character that led to the creation of a new planning unit then the*

existing use rights are extinguished. (*Newbury DC v Secretary of State for the Environment 1981*)

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

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

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

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

These include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Therefore to reiterate the position of the Vision members:*

- The Chippenham Vision therefore urges that this application and the officer's recommendations relating to it be urgently reviewed by the planning committee.*
- The Chippenham Vision requests that a detailed sequential impact assessment be undertaken and reviewed prior to any decision being taken.*

- *The Vision also requests that full consideration be given to the application of class use restrictions (limiting trading to 'bulky goods' only) as a condition of planning permission.*

**Corsham Chamber of Commerce:** object on 2 main grounds: firstly the proposal represents an undesirable consolidation of out-of-town retail facilities, with free car parking, to the detriment of the viability of the town centres of Chippenham and Corsham and secondly that given the identified shortfall in employment land, the Chamber would prefer to see the site redeveloped for employment purposes, rather than retail purposes. However should planning permission be granted the Chamber would like a condition imposed restricting the goods sold to bulky goods.

## **8. Publicity**

The application was advertised by site notice and press advert.

4 letters of objection have been received.

Summary of key relevant points raised:

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

## **9. Planning Considerations**

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

The building in question had operated as a FOCUS Do-it All store but is currently vacant and was originally granted planning permission under N.90.2742.F and the garden centre extended under 94/1610/FUL. The original permission, whilst preventing food retail (other than ancillary) allows "general" retail. It also allows for subdivision of the units and no minimum sizes of units and insertion of up to 200sqm of mezzanine floorspace in any planning unit (Mezzanines over this size require planning permission in any event). Just because the current occupier has used it as one unit for essentially bulky goods does not deflect from this. In addition to this the garden centre addition had no conditions restricting what could be sold from that floor area and therefore this also comprises A1 retail space. Taken together, currently the total lawful retail sales space relevant to the site is 4,835 sqm (existing ground floor, plus garden centre and permitted mezzanine space).

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

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

It is therefore clear that if permission is granted it will result in only a minor increase in size. (Officers consider 60 sqm to be immaterial in the light of the total floor space in question).



PPS4 Policy EC14 states "References in this policy to planning applications for main town centre uses include any applications which create additional floor space, including applications for internal alterations where planning permission is required, and applications to vary or remove conditions changing the range of goods sold". Officer's shared the opinion of the applicant that the current application falls outside this definition as the small increase in size proposed is not material in planning terms..

LP Policy R4 refers to retail proposals on the edge and outside the primary and secondary frontages and is the adopted current local plan. It provides as follows:

***“Retail development proposals (Use classes A1, A2, A3,) on the edge, or outside, the defined Town Centre shopping areas of Chippenham, Calne, Wootton Bassett, Corsham, Malmesbury and Cricklade, will only be permitted where:***

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

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

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

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

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

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

Policy R4 sets out criteria which are to be considered in relation to the implications of development on an existing town centre. R4 (1) is no longer relevant as the issue of demonstrating need has been removed by the more recent PPS4. The second criteria refers to the sequential test, the third to impact and finally accessibility.

Section 54A of the Town and Country Planning Act 1990 provides that decisions on planning applications should be made in accordance with the development plan unless material considerations demonstrate otherwise. It is officers' opinion that Policy R4 is engaged, but it has to be considered in the context of the more recent PPS4, in particular Policy EC14.1. This policy requires a sequential assessment for planning applications which "create additional floorspace, including applications for internal alterations where planning permission is required, and applications to vary or remove conditions changing the range of goods sold." As indicated above it is Officer's view that the proposed additional floorspace is minimal and not material in planning terms.

A material consideration in the determination of this application is also the fall back position. Officers advise that considerable weight should be given to the fact that the applicant would be able to deliver retail proposals which provide the same amount (if not more when having regard to the unconstructed mezzanine permitted at the existing building and the garden centre space) in the existing building if permission were to be refused.

Counsel advising the objectors indicates that regard would have to be had to the effect on the vitality and viability of the town centre of the opportunities afforded by the existing building, prevailing conditions, etc. That existing floorspace is in non-food retail. The application proposal is also for non food retail but for a smaller floorspace area than existing (taking account of permitted additions/extensions).

The existing store comprises a floor area of 4635 sqm (3315 sqm existing plus 1320sqm external garden centre) from which the applicants could sell unrestricted non food items. They have PD rights to increase that floor area by up to 200sqm with a mezzanine. The current proposal is for a retail floor area of 3375sqm from which the applicants want to sell non food items. There is no material change other than the fact that the retail space will be divided into new units. Because the proposal effectively reduces the permitted floorspace area, officers' view is that Policy EC14 of PPS4 is not engaged and a sequential assessment is not necessary.

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

The Council has also obtained Counsel's Advice (a copy of which is available on the website).

Officers consider that it would be highly likely that the existing building would be refurbished to create the same if not greater floorspace if permission was refused and therefore this fallback position should be given considerable weight. The principles relevant to the fallback position are set out in *New Forest DC v Secretary of State for the Environment* (1996) 72 P&CR 61. The decision maker must ask himself if there is any real likelihood or real possibility that the fallback position will be implemented. In this case the fallback position is a real and not theoretical prospect and must be given significant weight. Therefore although Policy R4 is relevant under Section 54A as a development plan policy, the implications on the town centre of granting the permission in relation to the sequential test, impact, etc will be the same (if not less) when compared with the changes that the applicant could make if no permission is granted.

The objectors have argued that the application proposals would represent a new chapter in the planning history and drew attention to cases in Salisbury, Peterborough, and elsewhere. Members specifically asked Officers to consider the legal cases referred to by ING and the Chippenham Vision. These legal cases are not considered to justify a refusal of the application.

The Peterborough case centred around the grant of planning permission for redevelopment works to a retail park. In short, the prevailing permission specified the range of goods to be sold. However, in granting permission for the new works the Council failed to re-impose any range of

goods condition, let alone the prevailing one. Therefore, it was successfully argued that implementation of the planning permission would open a new chapter in the planning history of the site and in the absence of a condition the development would be without restriction on the range of goods that could be sold (i.e. food and non food)

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

Approximately 55% of the original unit footprint will remain and 45% will be "reconfigured". The Mothercare case in Salisbury is to do with non-imposition of any conditions when a permission is granted. In this case the same conditions regarding limiting the range of goods to be sold are to be imposed.

In the case of Jennings Motors Ltd v SSE Oliver LJ summarises the position as follows: "Where there has been a total change in the physical nature of the premises, it is easy to infer.....that reliance on any prior user is being abandoned and a new planning history is to begin. Such inference may equally be drawn....where there is no change or a less radical change in the physical nature of the site but a change in what I may call its planning status which is inconsistent with the preservation of a prior existing use; for instance its subdivision into smaller units of occupation or its incorporation into a larger single unit.

Whether the alteration is of a character as to produce this result is, I think in every case, a question of fact and degree."

With 55% of the original building remaining the change could be considered to be significant. In determining the weight to be given to this change and the potential to treat the application as if it were a total new build on an unused site, consideration must be given to the alternative fallback position. Although a new chapter in the planning history of the site may be commence with the granting of this application, it is not considered, given the fallback position, that this can be used as an opportunity to impose new planning conditions.

The Council is not seeking to ignore the site's planning history and/or the conditions attached to it. On the contrary, the Council has negotiated out the element of the scheme which refers to unconditional retail, has reduced the floorspace area from the original that is controlled to non food sales, and has obtained agreement to reimpose all other conditions.

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

### **Conclusion**

In determining this application the Council must take into account the existing permitted use of the site - That is 3315sqm of ground floor, 200 sqm mezzanine with 1,320sqm of external retail space = 4835 sqm. No conditions on the original approval placed any restriction on the goods to be sold other than it should only be for non food for the building and none at all for the outdoor retail space; there was no restriction on subdivision nor on adding (permitted development size) mezzanines.

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

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

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

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

An EIA Screening opinion has now been undertaken by officers and is available on file Officers' conclusion is that no EIA is required for this development.

## 10. Recommendation

Planning Permission be GRANTED for the following reason:

In determining this application the Council must take into account the existing permitted use of the site - That is 3315sqm of ground floor, 200 sqm mezzanine with 1,320sqm of external retail space = 4835 sqm. No conditions on the original approval placed any restriction on the goods to be sold other than it should only be for non food; there was no restriction on subdivision nor on adding (permitted development size) mezzanines.

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

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

Subject to the following conditions:

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

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

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

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

POLICY-C3

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

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

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

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

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

POLICY-C3

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

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

POLICY-C3

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

Reason: To protect retained trees during construction.

Prior to any development taking place an arboricultural method statement shall be submitted to and approved in writing by the local planning authority for the excavation w: In the interests of visual amenity and the character and appearance of the area.

#### POLICY-C3

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

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

- 8) 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

- 9) 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

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

Reason: To protect retained trees during construction.

- 11) Prior to any development taking place in the root protection area of Poplar Trees T1 and T2 as identified within 'Quaife Woodland Arboricultural Survey AR/2299/ci-amended 31<sup>st</sup> January 2011' and for the proposed route for the outflow pipe from the surface water cellular storage tank. The development shall be carried out in accordance with the approved methodology.

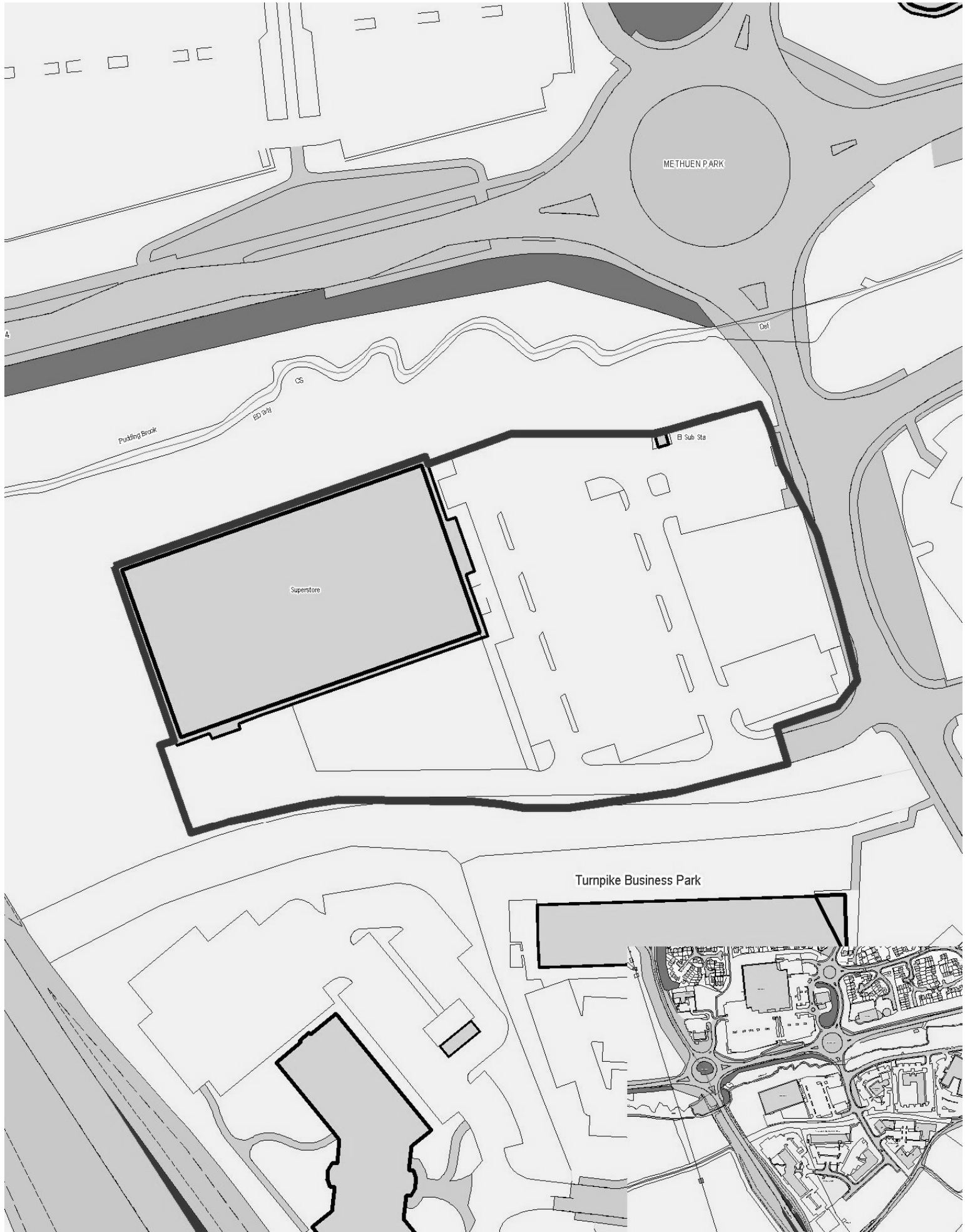
Reason: To safeguard the trees identified for retention for public visual amenity.

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

Reason: To define the permission.

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

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





## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	03 August 2011		
<b>Application Number</b>	N/11/01416/FUL		
<b>Site Address</b>	The Retreat, Longsplatt, Henley, Box, Corsham, SN13 8BE		
<b>Proposal</b>	Extensions and Alterations		
<b>Applicant</b>	Mr W Phillips		
<b>Town/Parish Council</b>	Box		
<b>Electoral Division</b>	Box and Colerne	Unitary Member	Councillor Parker
<b>Grid Ref</b>	382725,167266		
<b>Type of application</b>	Full		
<b>Case Officer</b>	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.

The application was deferred at the previous Committee to allow consideration of further information. This relates to the quantum of development proposed and previously permitted at the site and this will be reported at the Committee.

### 1. Purpose of report

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

### 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.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>N/07/03000/FUL</b>	<b>Erection of Dining Room and Gallery One and Half Storey Extension.</b>	<b>Permitted</b>
<b>N/01/00644/FUL</b>	<b>Extension to Dwelling to Provide an En-suite and Gym facility to Main Bedroom plus a Lounge Extension</b>	<b>Permitted</b>
<b>N/88/02554</b>	<b>Erection of Conservatory</b>	<b>Permitted</b>
<b>N/85/01870</b>	<b>Extensions to Dwelling</b>	<b>Permitted</b>
<b>N/84/02305</b>	<b>Extension to Dwelling</b>	<b>Permitted</b>

## **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 2 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.

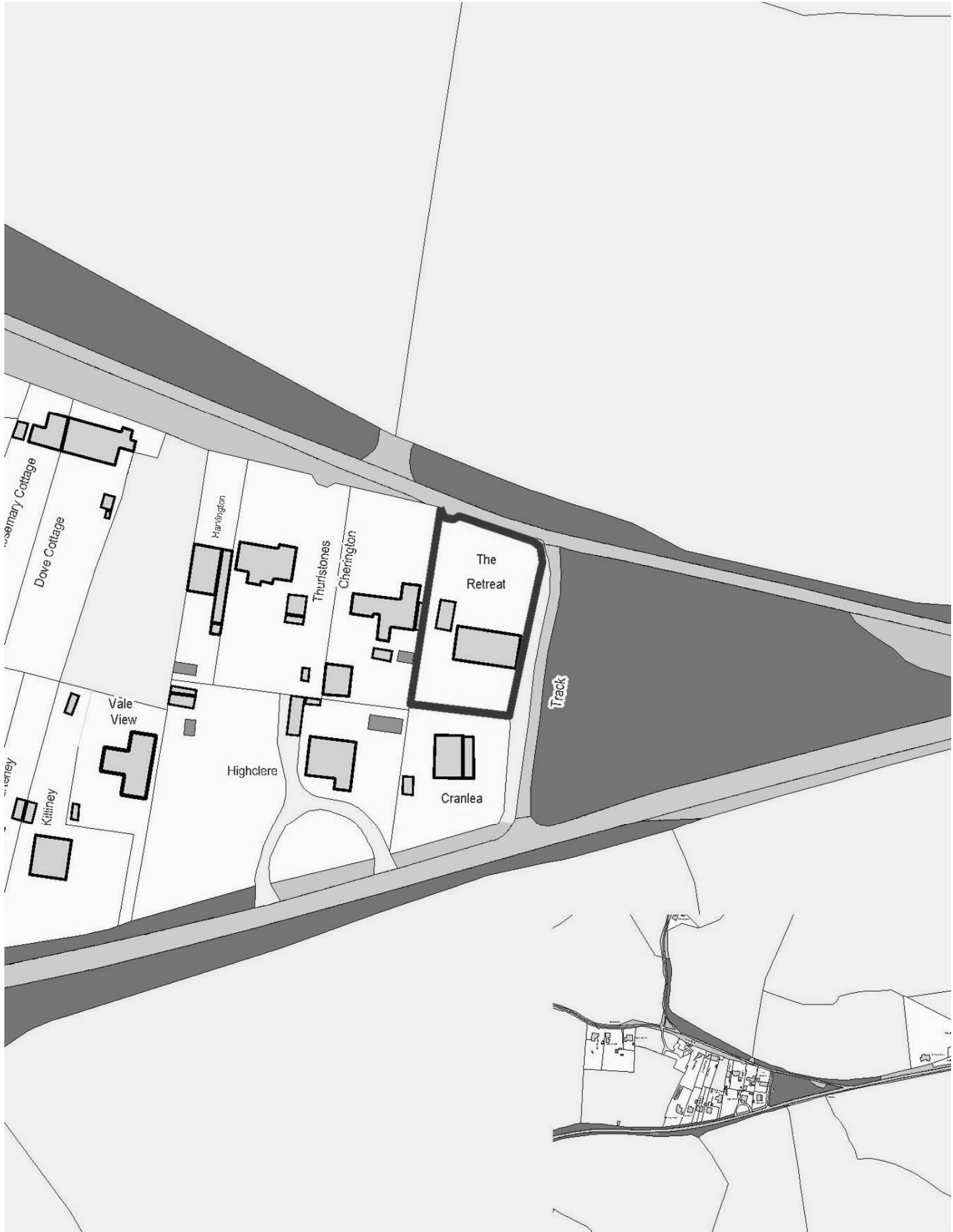
### Informatives

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

Plans: KDPH/11-1; Dated 14/4/11

Plans: KDPH/11-2; KDPH/11-3; KDPH/11-4; KDPH/11-5 Dated: 12/4/11

Plans: KDPH/11-7 Dated: 28/4/11



This page is intentionally left blank

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	3 August 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. The application was deferred from the Planning Committee meeting of 13<sup>th</sup> July 2011 to allow for the consideration of amended plans with a revised consultation expiry date of 21<sup>st</sup> July.

### 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 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 4 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. The site lies within the Settlement Framework Boundary, partly within the Conservation Area for the village and is located in 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.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
08/02847/FUL	Erection of dwelling (re-submission of 08/01304/FUL). This application was refused for the following reason:  <i>'By reason of its close proximity to existing dwellings, the proposed dwelling would dominate the rear aspect of properties along Noble Street and would result in an unacceptable adverse impact upon the amenities of these residents and an unacceptable degree of amenity for the proposed dwelling, contrary to the provisions of Policies H3 and C3 of the North Wiltshire Local Plan 2011.'</i>	Refused
08/01304/FUL	A copy of the proposed elevations and site plan are shown at appendix 1.  Erection of dwelling. This application was refused for the following reason:  <i>'By reason of its close proximity to existing dwellings, the proposed dwelling would dominate the rear aspect of properties along Noble Street and would result in an unacceptable adverse impact upon the amenities of these residents and an unacceptable degree of amenity for the proposed dwelling, contrary to the provisions of Policy H3 and C3 of the North Wiltshire Local Plan 2011.'</i>	Refused
04/02439/FUL	A copy of the proposed elevations and site plan are shown at appendix 2.  Dwelling with driveway and parking	Withdrawn

## **5. Proposal**

The applicant seeks consent for the erection of a detached four bedroom dwelling. 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 and 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.

Amended plans have been submitted, in summary replacing the integral garage with a dining room and moving the dwelling a further 1.3 metres back within the site.

## **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 to revised plans.

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 – The Conservation Team have considered the revised proposals and although they acknowledge that improvements have been made, particularly in the way that the proposed dwelling addresses the street, they still have concerns regarding the overall design.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation. Neighbours and objectors were consulted on the revised plans.

4 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 initially 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.

Further amended plans have been received removing the integral garage and replacing it with a dining room.

The proposed dwelling would be set back from the road by approximately 13.5 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 Mews.

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 bulky and at odds with the character of the surrounding area.

The Conservation Team have considered the revised proposals and although they acknowledge that improvements have been made, particularly in the way that the proposed dwelling addresses the street, they still have concerns regarding the overall design.

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 17 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. The original plans proposed that the new dwelling be situated approximately 5.5 metres from this window. Amended plans have been submitted increasing this distance to approximately 6.8 metres. 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. Therefore despite the existing boundary treatment and the incorporation of a roof form which slopes away from No.1 it is considered that on balance the proposed development would result in an oppressive outlook from this window. The proposed development 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.

In the absence of a complete legal agreement, policies CF3 and H6 are not satisfied.

## **10. Conclusion**

The design, scale and mass of the proposed dwelling 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**

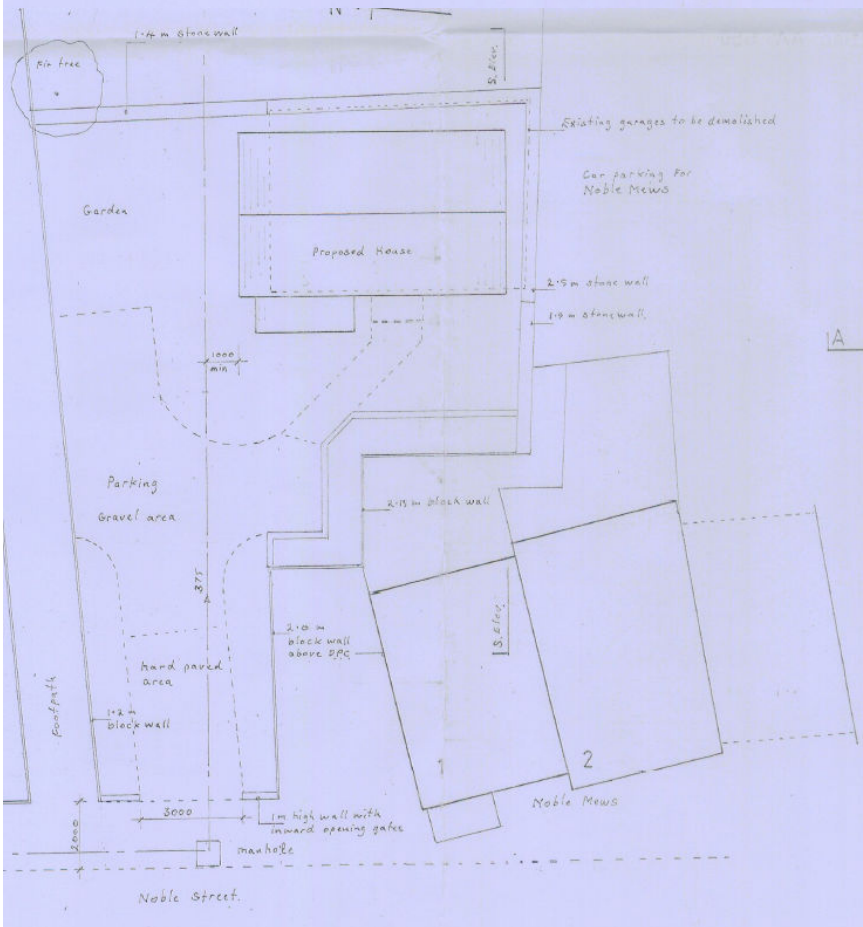
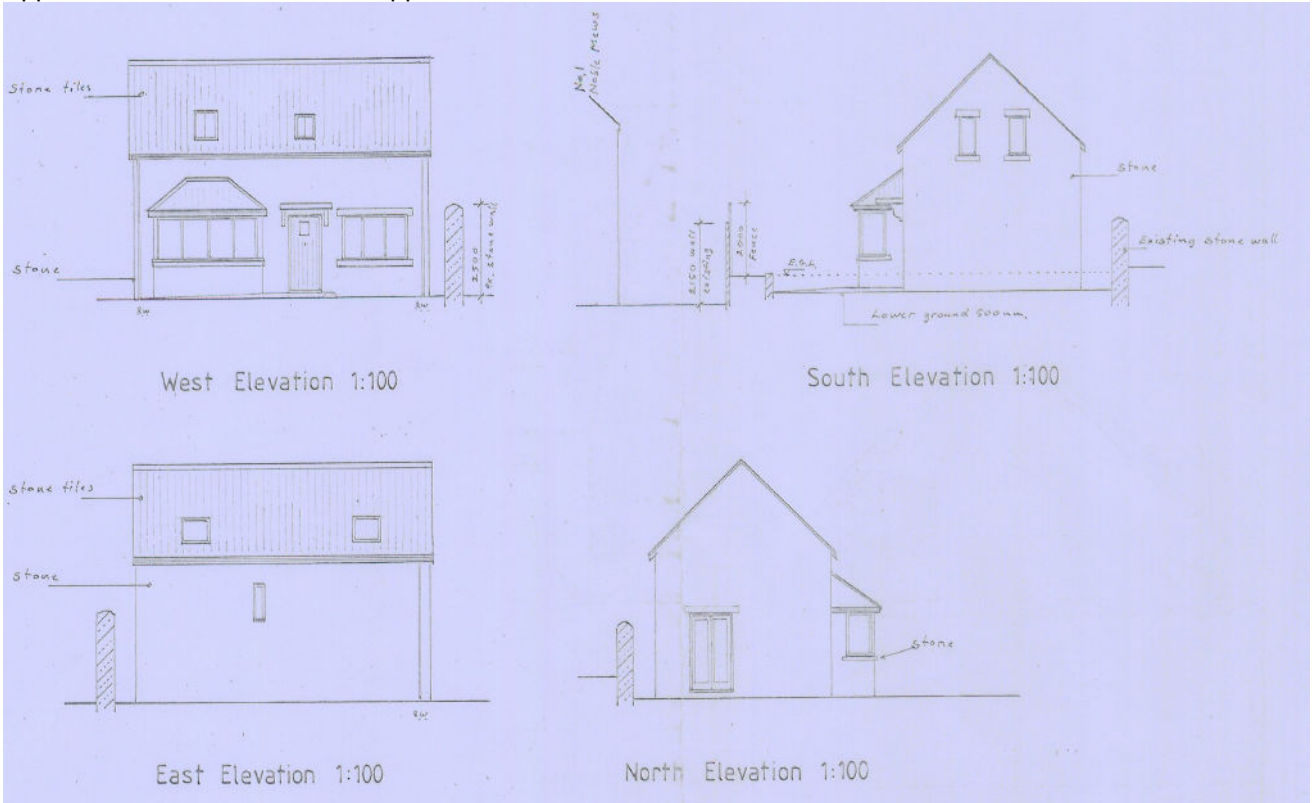
Planning Permission be REFUSED for the following reasons:

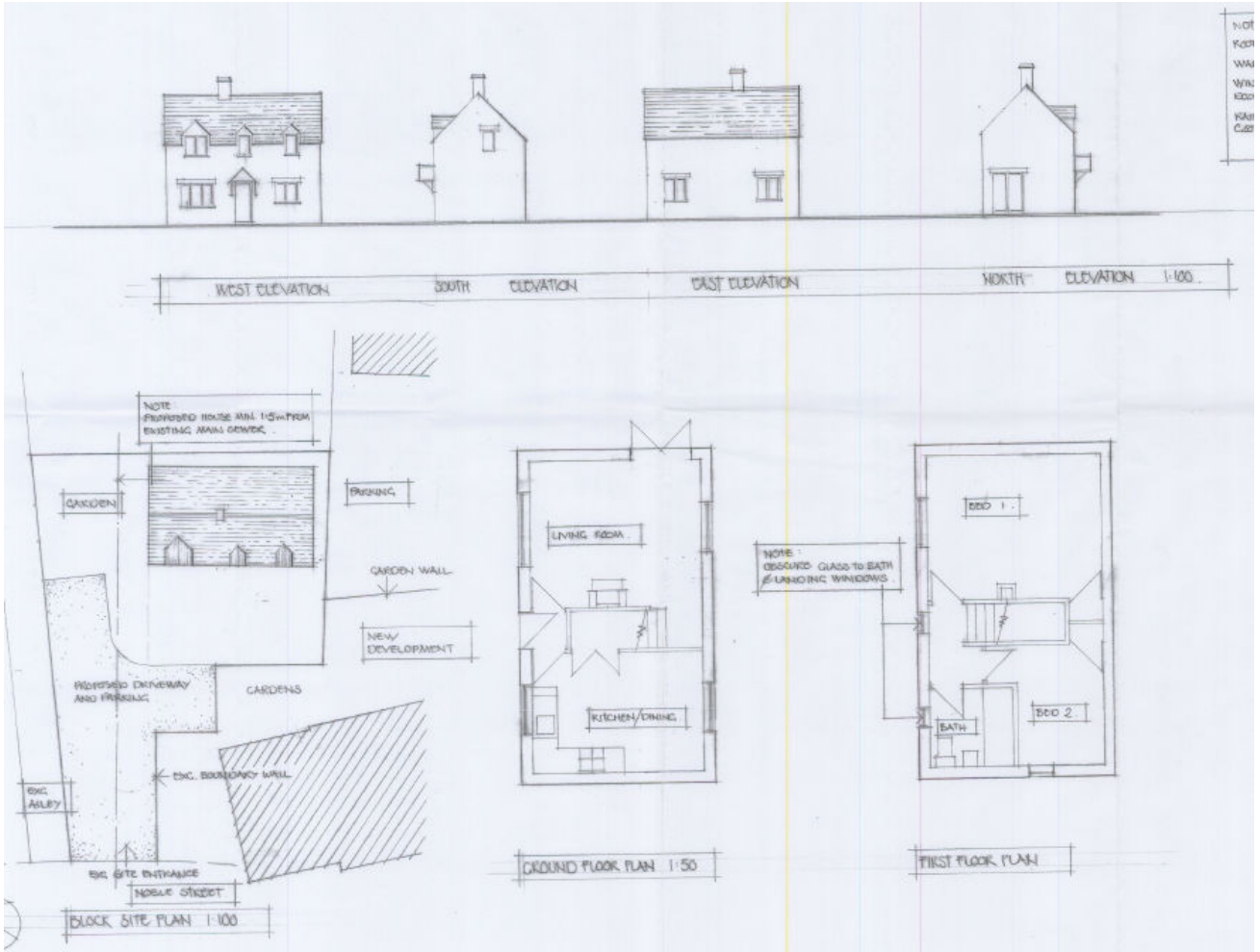
1. The design, scale and mass of the proposed building would be out of character with the surrounding area and would fail to preserve the character and appearance of this part of the Sherston Conservation Area. As such, the proposed development would be contrary to policies C3 and HE1 of the North Wiltshire 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/SD2/1D – Ground and first floor plans. Elevation and section, date stamped 7<sup>th</sup> July 2011
  - LPC/2698/SD2/2D – Elevations, date stamped 7<sup>th</sup> July 2011
  - LPC/2698/SD2/3A – Elevation to Noble Street and section, date stamped 7<sup>th</sup> July 2011
  - Site location plan, date stamped 7<sup>th</sup> July 2011
  - Topographical survey, date stamped 24<sup>th</sup> March 2011

Appendix 1 – Plans for refused application reference 08/02847/FUL







This page is intentionally left blank



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	3 <sup>rd</sup> August 2011		
<b>Application Number</b>	N/11/01456/FUL		
<b>Site Address</b>	Loreley, Newlands Green, Kington Langley, Wiltshire SN15 5NZ		
<b>Proposal</b>	Extension to Provide First Floor to Part of Property		
<b>Applicant</b>	Mr J Anderson		
<b>Town/Parish Council</b>	Kington Langley		
<b>Electoral Division</b>	Kington	Unitary Member	Councillor Greenman
<b>Grid Ref</b>	392395 177335		
<b>Type of application</b>	Full		
<b>Case Officer</b>	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.

The application was deferred from the previous Committee (13/07/11) to allow members to undertake a site visit.

### 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 11 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.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>02/01884</b>	<b>Extension to Dwelling</b>	<b>Permitted</b>

## **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.

11 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 11 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.

#### Additional Considerations

At the Committee meeting members queried the scale of the proposed extension. Given that the proposal is a first floor extension there would be no increase in footprint. The assessment is therefore additional cubic content and this would add approximately 223 cubic metres to the existing 617 equating to an approximate 36% increase over the existing. However, it should be noted that the quantum figures in themselves are not the test of impact, it is the resultant form, scale and mass of the dwelling following extension that must be considered. In this latter context it is considered that the proposal is acceptable.

#### **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: 354/11; 354/2; 354/3; 354/5; 354/6 Dated: 14/04/11

Plans: 354/4A Dated: 05/07/11

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



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>3<sup>rd</sup> August 2011</b>		
<b>Application Number</b>	<b>11/01580/FUL</b>		
<b>Site Address</b>	<b>Stanton St Quintin Garage, Lower Stanton St Quintin, Chippenham, SN14 6BN</b>		
<b>Proposal</b>	<b>Proposed development of 12 dwellings complete with associated parking and landscaping (following previous permissions 05/02230/OUT and 07/01431/REM)</b>		
<b>Applicant</b>	<b>Wolfe Securities Ltd</b>		
<b>Town/Parish Council</b>	<b>Stanton St Quintin</b>		
<b>Electoral Division</b>	<b>Kington</b>	<b>Unitary Member</b>	<b>Councillor Greenman</b>
<b>Grid Ref</b>			
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>Simon T Smith</b>		

### Reason for the application being considered by Committee

Councillor Greenman requests that this application is considered by the Development Control Committee so that the scale of development together with the design, bulk, height and general appearance of the proposed dwellings may be considered.

### 1. Purpose of report

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

### 2. Report summary

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

- Principle of development and status of previous permissions
- Number of units, layout and appearance
- Impact upon neighbour amenity

The application has generated two letters from local residents raising issues associated with the deterioration and security of the site, allowed to occur by the current owner. The letters do not raise an objection to the principle of residential development on the site.

### 3. Site Description

A 0.28Ha site consisting of a singular detached dwellinghouse and commercial garage buildings (now demolished and removed from the site). The buildings generally sit centrally in the site some of which, including the existing dwelling, close to the frontage with the old Chippenham/Malmesbury road.

To the immediate North is the Stanton St Quintin petrol filling station and the South are several residential properties. The site and its surroundings are situated outside of any identified settlement, and in planning policy terms, is part of the open countryside.

The site is situated and surrounded by residential properties. Restrop View is a relatively modern housing estate and Pavenhill itself being a more historic route through the village and consists of a mix of dwelling, in both age and appearance.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
07/01431/REM	Redevelopment of site for 11 residential units and retention of existing house	Permission 30/06/08
05/02230/OUT	Redevelopment of site for 11 residential units and retention of existing house	Permission 11/05/06

## **5. Proposal**

The application seeks to redevelop the site for 11 new two, three and four bedroom dwellinghouses (semi and detached variants), together with the retention of the existing dwelling on the site. A new vehicular access from the public highway is to be created. 2 no. of the two bedroom units are to be affordable housing units (plots 1 and 2). The proposal includes details of 24 parking spaces (including garages), manoeuvring space, landscaping and boundary treatments.

## **6. Planning Policy**

North Wiltshire Local Plan: policies C3, H4 and CF3

Central government planning policy guidance PPS3 - Housing

## **7. Consultations**

Highway Officer – In view of the proposal being identical to that previously approved, no objections subject to planning conditions

Housing Enabling Officer – *“New Housing supports the above application which provides 2x2 bed affordable homes as secured via the s106 dated 08/05/06. The location of the affordable units is acceptable, the affordable units must meet the terms as set out in the s106. There remains a high housing need in Stanton St Quintin.”*

Public Open Space (adoptions and Inspections Officer) – Final comments awaited.

Environmental Health Officer – (In response to original 2006 application) require the preparation, submission and agreement of a site investigation, risk assessment and remediation strategy in respect of chemical contamination of the site. An appropriately worded planning condition should therefore be imposed in the event of planning permission being granted, in common with the 2006 permission.



Ministry of Defence – No safeguarding objections to the proposal.

## **8. Publicity**

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

Two (2) letters have been received. Though not objecting to the principle of residential development on this site, they raise points of concern about the security and up keep of the site since the time of the last planning permission. Summary of points raised:

- The proposal should not be allowed to increase the number of dwellings over that previously allowed
- The site has been allowed to deteriorate with no maintenance. Security is non existent with the house left unsecured. It looks unsightly and has attracted vermin.
- Safety fencing should be fixed properly and checked regularly as it often falls into the road making it difficult to pass.
- Any consent should not be extended beyond 2013 so as to stop the permission being used as a stopgap and the ability to sell the site if market conditions change. Belief that the current owner is only interested in extending the life of a permission to allow the sale of the site in the future.
- Since the time of the first application, both sides of road leading to the site have been painted with double yellow lines making the road very narrow. A weight restriction should be imposed as well as an upgrade of the surface. Speed of cars and use of heavy lorries is a health and safety issue – a constant danger to families with children.
- Road signage is poor and inadequate for transport exiting the Murco garage.
- Aware that the current Council Plan would not allow development of the site, so ask that clauses are placed on the developer to ensure development is carried through.

## **9. Planning Considerations**

### Principle of development and status of previous permissions

The 2006 outline permission (05/02230/OUT refers) was granted under the auspices of the previous North Wiltshire Local Plan 2001, which was superseded in 2006 by the currently adopted North Wiltshire Local Plan 2011 – which remains in force today.

The 2001 Local Plan, in the same way as the current 2011 adopted Local Plan, placed a red-line around those settlements considered to be suitable for new residential development – then, as now, known as the Settlement Framework Boundaries. However, in contrast to the current 2011 Local Plan, the 2001 Plan also envisaged some locations which were outside of the Settlement Framework Boundaries which might also be considered to be suitable for new residential development because they were part of the “physical limits” of that town or village.

Then, as now, the application site was situated outside of any identified Settlement Framework Boundary, but in 2005/2006 (when the original outline application was being considered) it was judged by the then Development Control Committee that the site was part of “physical limits” of Stanton St Quintin. As such the outline application was granted planning permission with the Reserved Matters application naturally following.

Unfortunately, however, it is indisputable that the outline and reserved matters application have been allowed to lapse. Condition 02 to the outline permission required the submission of a Reserved Matter application within 3 years of the date of the grant of permission. This was duly done. Condition 02 of the outline permission also specified that development itself must be begun before the expiration of 2 years of the date of the approved Reserved Matters. The Reserved Matters (07/01431/REM refers) were approved on 30<sup>th</sup> June 2008, some three years ago.

There is no evidence to suggest that development has commenced on the site, or indeed that planning conditions (which were attached to both the outline and reserved matters permissions, some of which required action prior to the commencement of development) have been discharged. Although it has been suggested that a contamination investigation and report was commissioned, this unfortunately cannot constitute a commencement of development.

In the above context, this new application must be considered on its own merits and, critically, determined upon contemporary policies contained within the adopted Local Plan 2011 – most particularly Policy H4. As previously indicated, the 2011 Local Plan contains no such provision for this site to be considered part of the “physical limits” of any town or village, rather simply seeing the site as part of the open countryside. Planning policy at all levels is clear and unambiguous in stating that sites in the open countryside will not be suitable for new residential development.

#### Number of units, layout and appearance

A development of 12 dwellings on this 0.28Ha site results in a density of 43dph (dwellings per Hectare). As of June 2010, guidance in PPS3 no longer requires new development to have regard to an indicative minimum (previously 30dph) it continues to advocate the efficient use of land and the need to not automatically conclude that the intensification of development is unacceptable (paras. 45-51). Rather, PPS3 requires a judgement to be made over whether a proposed development is well designed, laid out and built in the right location: would the proposal successfully integrate into the locality.

The proposed form of development and visual appearance of the new dwellings is exactly that proposed and granted planning permission in 2006/2008. To this extent the considerations remain as before and the proposal is not thought to be inappropriate to its location and situation between existing residential development and a petrol filling station.

Elevations are considered typical of the type, making use of reconstructed stone, concrete roof tiles but welcome detailing such as narrow module windows, Oak lintels and exposed rafter feet at eaves.

#### Impact upon neighbour amenity

Although sharing a common boundary with two existing properties (Nos. 32 and 33 Lower Stanton St Quintin), the distance, orientation and positioning of windows in the new dwellings are considered to be such that any unacceptable impact upon residential amenity is successfully mitigated. Again, although not prescriptive, it must be recognised that the 2006/2008 permissions did not object to the proposal (which is an exact facsimile to that now proposed), in this respect.

The concerns raised by the local residents in respect of signage and narrowness of the road is acknowledged, but of course in the absence of an objection from the Highway Officer it is not thought reasonable to object to the proposal on those grounds alone.

Issues raised in respect of the security and unsightly condition of the site are also acknowledged. However they are matters that can only be addressed through separate legislation and cannot affect how this planning application is considered or determined.

### **10. Conclusion**

It simply cannot be disputed that this application clearly fails the requirements of Policy H4 of the adopted Local Plan 2011 and equally unambiguous guidance in PPS3. In planning policy terms the site is situated in open countryside, some distance from any Settlement Framework Boundary. As such it is not possible to recommend anything other than that planning permission should be refused.

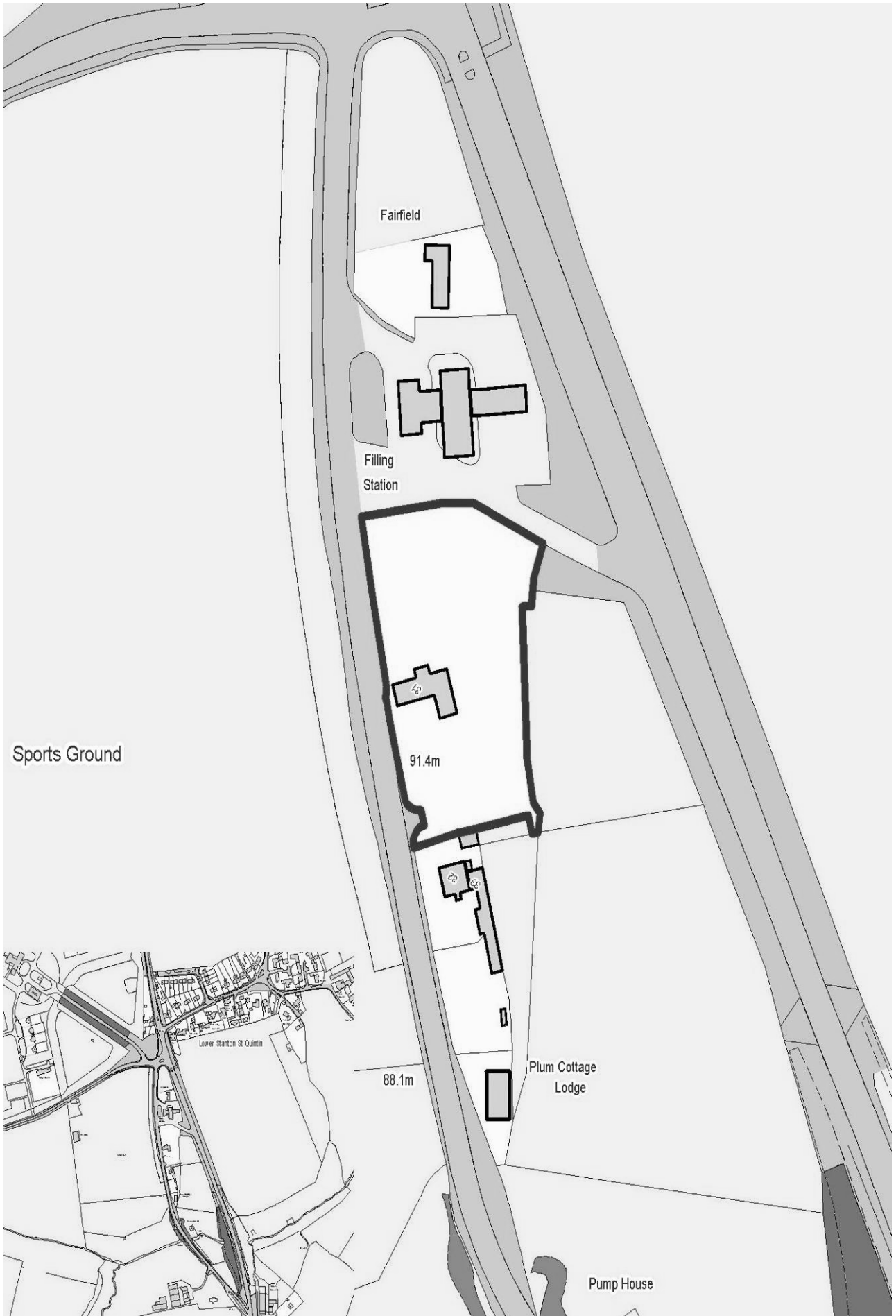
However, it is also undeniable that the Council, the land owner and local residents have long considered this site to be a development site for residential purposes. This is certainly evidenced by the 2006/2008 permissions, but also by the visual appearance of the site and the landowners apparent intentions - to carry out the required contamination investigation (albeit never submitted to the Local Planning Authority for consideration) and fencing off of the site. Even accounting for recent changes in its definition, a significant proportion of the site would still be regarded as previously developed land (ie. brownfield land) and it is difficult to see the site being realistically developed for another purpose that would be acceptable in planning policy terms and, necessarily, respect the amenities of the two adjoining residential properties. Indeed, a business type use would have a high potential to create noise and disturbance; the likelihood for a leisure or community type use coming forward is a seemingly remote possibility; with a restoration to agricultural land and the singular existing dwelling even more so. It must also be acknowledged that the development, as submitted, would also deliver two affordable housing units to an area where a very high housing need has been identified.

To this end, it is fully understood that Members of the Development Control Committee may well see convincing reasons why a further planning permission should be granted. Should this be the case, it is advised that it also be made clear to the applicant that, unless there is a future change in relevant planning policy, any such permission would be the final time consent could be reasonably granted. Planning conditions should broadly follow those imposed under the 2006/2008 permissions.

## **11. Recommendation**

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

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



## REPORT TO THE NORTH AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>3 August 2011</b>		
<b>Application Number</b>	<b>N/11/02094/FUL &amp; N/11/012095/LBC</b>		
<b>Site Address</b>	<b>Cuckoo Bush Farm, Reybridge, Lacock, SN15 2JX</b>		
<b>Proposal</b>	<b>Construction of Single Storey Breakfast Room and Porch and Installation of Window all at Rear of House; Internal Alterations to Form Additional Bathrooms and Construction of Gate Piers and Installation of Gates to Front of House</b>		
<b>Applicant</b>	<b>Mr Cutler</b>		
<b>Town/Parish Council</b>	<b>Lacock Parish Council</b>		
<b>Electoral Division</b>	<b>Corsham Without &amp; Box Hill</b>	<b>Unitary Member</b>	<b>Dick Tonge</b>
<b>Grid Ref</b>	<b>391744 169467</b>		
<b>Type of application</b>	<b>Full and Listed Building Consent Applications</b>		
<b>Case Officer</b>	<b>Lee Burman</b>		

**Reason for the application being considered by Committee** The application was called to committee by Councillor Tonge to consider the scale of development and design (bulk, height, general appearance).

### 1. Purpose of report

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

### 2. Report summary

The main issues in the consideration of these applications are as follows:

- Impact on the character and appearance of the property
- Impact on the character and features of the Listed Building

The application has generated no objections from Lacock Parish Council or any letters of objection or support from Local residents.

### 3. Site Description

The site is located within a designated conservation area within the open countryside to the south of Chippenham near to the hamlets of Notton and Reybridge and the village of Lacock. The property is a Grade II listed farmhouse of mid C18 rubble stone with stone slate roof behind a mid C19 ashlar, slate roofed front range. The property is two storeys in L plan shape. The original house is the L Plan element with the front elevation obscured by the C19 addition. The property features substantive rear amenity space and detached outbuildings. There is similar sporadic development along this country lane.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>N/11/1253/FUL</b>	Construction of Single Storey Breakfast Room and Porch and Installation of Window all at Rear of House; Internal Alterations to Form Additional Bathrooms and Construction of Gate Piers and Installation of Gates to Front of House	<b>Refused</b>  The proposed development by virtue of its scale, mass, bulk and design character does not respect the scale, proportions and character of the property and is contrary to policies C3 & HE8 of the North Wiltshire Local Plan (2011).
<b>N/11/1254/LBC</b>	As above	<b>Refused</b>  The proposal by virtue of scale, design and positioning would result in inappropriate and harmful alterations that do not preserve or enhance a Grade 11 Listed Building and is contrary to Policy HE4 of the North Wiltshire Local Plan 2011.

#### **5. Proposal**

This new proposal is to carry out the following additions and alterations:

- To construct a new single storey oak-framed extension in the north-west corner
- To construct a new stone open porch on the south side of the rear wing
- To remove all the existing cupboards and modern partitions in the rear wing and form a new bathroom and changing room for the pool, and a larder in the Utility Room, including re-opening of a former door to a porch that has been previously removed and blocked up.
- To remove the existing en-suite to bedroom 1 and form a new bathroom in bedroom 5, with sanitary ware/drainage pipes internally located wherever possible
- To form a new “pod type” bathroom in the loft over bedroom 4, incorporating installation of a new floor over the existing ceiling joists and a roof over the pod.
- To construct new stone gate piers and erect new gates at the east entrance to the site

The applicant has submitted revised ground floor plan to add a proposal to block up the existing internal doorway between the drawing room and kitchen.

The scheme proposals currently before the Committee are altered from the previously refused proposals in respect of the removal of an upper storey window to the proposed bathroom; removal of much of the exterior drainage pipework; removal of sunlights from the roof of the sunroom; and alterations to the character and scale of the proposed porch. The applicant has incorporated internal alterations as suggested and provided additional detail which has clarified and overcome previous potential issues of concern regarding impact on the fabric of the listed building internally.

#### **6. Planning Policy**

North Wiltshire Local Plan 2011: policies H8; C3; HE1HE4

Central Government Planning Policy: Planning Policy Statement 1; Planning Policy Statement 3; and Planning Policy Statement 5.

#### **7. Consultations**

Conservation Officers maintained objections to the scale mass and bulk of the proposed sun room with regards to its impact on the character of the listed building as the revisions to this element of the proposals were limited. With regard to the proposed porch it was identified that the scale of this

element of the scheme had increased by 0.5 metres and the alterations to the design character did not reflect the local vernacular as had been recommended during liaison with the applicant over the scheme alterations.

## **8. Publicity**

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

No letters of letters of objection or support were received.

## **9. Planning Considerations**

The proposals to extend a residential dwelling It should be noted that the proposals in respect of alterations to the internal layout of the property and erection of the gate piers and installation of gates are acceptable and do not form the basis for the recommendation for refusal. Similarly, it is not considered that the proposals would impact on neighbouring residential amenities or result in significant harm to the visual amenity or character of the locality or the Conservation Area.

The applicant contends that there was previously a large rear extension to the property when it was in a previous use as a school and that this provides significant justification for extensions to the property both in terms of impact on the scale and form of the dwelling and in terms of the historic character of the building. There is no doubt that at some time in the past there was a significant large rear extension to the building, however, this has clearly been removed from the site for some years given the condition and layout of the property. Its existence cannot be identified from the exterior appearance of the building and as such it is not considered that this provides any justification for the current development proposals. These should be considered on their own merits and their impact on the property in its current condition. There is no objection in principle to the additional proposal to block the internal doorway between the drawing room and kitchen based on the submitted information.

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

The character of the property is unusual in featuring two distinct elements with very different design characteristics. The proposed new build elements of the scheme, a porch and rear single storey extension, relate to the rear farmhouse element of the property. The extension is wood framed with extensive glazing and a pitched roof now excluding previously proposed rooflights. It is positioned in the corner of two rear elevations of the L Shaped Farmhouse building and in doing so covers and requires alterations to a rear door and two windows. These openings are attractive features of the current elevations including stone surrounds (sills and lintels) providing a simple but high quality aspect to the rear of the property. In this context the scale, bulk and mass are not considered to relate well to the existing dwelling at this rear aspect or in respect the design character and form of the building. This is well illustrated in the applicant's Design, Access and Heritage Statement which compares a photo of the rear elevation with a sketch view of the proposed extension (copy attached Appendix 1).

Similarly the bulk, mass and design character of the porch also fails to respect the character of the existing property. It is positioned on an open side elevation that faces the open countryside but which is partially visible when entering the property to the front. Despite the alterations to include partially open sided elements the porch remains a prominent additional feature top this elevation. The increase in the depth of the porch by approximately 0.5 metres and retention of a large pitched canopy roof result in an addition to the dwelling of significant scale that is out of character with the property.

### Impact on the character of the Listed Building

Conservation officers have objected to the scheme proposals identifying specifically the elements of the scheme that are harmful to the character of the Listed Building and how these should be altered to address the identified impacts.

Conservatory

The principle of returning the west elevation kitchen window to a door and creating a part-glazed room is supported. However, the footprint of the extension is too large and should be reduced to 4700mm wide (along the west elevation) by 3700mm (north elevation). This would result in the ridge height being reduced from about 3800mm to about 3300mm. The north gable detail to the extension should be amended to show slim verticals to tie up with the vertical frames below, rather than a king post truss. Overall the frames should be lighter/more delicate than has been shown on these drawings. The creation of a door through the west elevation from the kitchen will result in three doors creating through routes for at least half of the kitchen space which may result in 50% of the kitchen being rather unusable.

#### Porch

An enclosed porch is inappropriate on this building being out of character with the local vernacular. A flat stone canopy or a simple mono-pitched tiled canopy with detailed brackets would be more appropriate and would allow for a roof pitch that ties in with the gable roof slope but without intruding on the ashlar surround to the first floor window or the timber lintel over the door.

Consequently the proposals show overlarge extensions that are inappropriate in scale, design and detail for this property and would harm the character and appearance of the listed building

#### Window details

Large scale window details have been submitted showing double glazing, heavy frames, a wide glazing bar and a second cill. Any new or replacement windows need to be single glazed with a slimmer frame and no double cill. They also need to be set in by 100mm.

#### **10. Conclusion**

The proposed single storey rear extension to create a sunroom is inappropriate in terms of the scale and mass and its subsequent impact on the form and character of the dwelling at this rear elevation. Consequently this would have a harmful impact on the character of the Listed Building. Similarly the design and scale of the proposed porch does not reflect the character of the building and the scale would be inappropriate in the proposed location. The detailing in respect of much of the fenestration is out of character with the listed building and the locality and would consequently have a harmful impact on the character of the Listed Building.

#### **11. Recommendation**

Planning Permission be REFUSED for the following reason:

1 The proposed development by virtue of its scale, mass, bulk, design character and positioning does not respect the scale, proportions and character of the property and is contrary policies C3 & HE8 of the North Wiltshire Local Plan (2011); and would result in inappropriate and harmful alterations that do not preserve or enhance a Grade II Listed Building and is contrary to Policy HE4 of the North Wiltshire Local Plan 2011.

#### Informatives

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

Plans 500/10/01/A; 500/10/002; 500/10/03; 500/10/04; 500/10/05; 500/10/06; 500/10/07/B; 500/10/10/D; 500/10/11/A; 500/10/12/A; 500/10/13/A; 500/10/14/A; 500/10/15; 500/10/16; 500/10/20/A; 500/10/21;



**APPENDIX 1 Extract from Applicant's Design and Access Statement**



sketch view of proposed extension



view of the house from the north west

