

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Monkton Park, Chippenham
Date: Wednesday 2 November 2011
Time: 6.00 pm

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

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

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

Membership:

Cllr Peter Colmer	Cllr Peter Hutton
Cllr Christine Crisp	Cllr Simon Killane
Cllr Peter Davis	Cllr Howard Marshall
Cllr Peter Doyle	Cllr Toby Sturgis
Cllr Alan Hill	Cllr Anthony Trotman

Substitutes:

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

Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 5 October 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 no later than 5pm on **Wednesday 26 October 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 13 - 14*)

An appeals update report is attached for information.

7. **Planning Applications** (*Pages 15 - 16*)

To consider and determine planning applications in the attached schedule.

- 7.a **11/02037/S73A - Calcutt Park, Calcutt, Cricklade, SN6 6JR - Removal of Condition 1 of 10/01204/FUL to Make the Use Permanent for 14 Residential Gypsy Pitches** (*Pages 17 - 28*)
- 7.b **11/03115/S73A - Purdy's Farm, Wood Lane, Brinkworth, SN5 0AH - Removal of Condition 1 of 08/02352/S73A to Continue Use of Land as a Two Pitch Gypsy Caravan Site with Ancillary Hardstanding, Settlement Tank and Wildlife Pond (Resubmission of 11/01695/S73A)** (*Pages 29 - 38*)
- 7.c **11/02579/FUL - Four Oaks Park, Lydiard Plain, Swindon, SN5 0AL - Provision of Five Extra Caravan Pitches and Erection of Community Hall (Resubmission of 10/03709/FUL)** (*Pages 39 - 54*)
- 7.d **11/00935/FUL & 11/01021/CAC - 109, Gloucester Road, Malmesbury, SN16 0BT - Demolition of Existing Bungalow and Erection of Residential Development consisting of Five 2 Bedroom Flats, Two 2 Bedroom Dwellings and One 1 Bedroom Dwelling** (*Pages 55 - 66*)
- 7.e **11/02243/FUL - The Coach House, Leafy Lane, Box, SN13 0LE - Extension to Provide Ancillary Accommodation** (*Pages 67 - 70*)
- 7.f **11/02399/FUL - 1 Whitegates, Castle Combe, Chippenham, SN14 7HQ - Two Storey Extension to Existing Dwelling to Provide Annexe (Resubmission of 11/01513/FUL)** (*Pages 71 - 74*)
- 7.g **11/02440/FUL - Bremhill Wick Farm, Wick Hill, Bremhill, SN11 9LQ - Extensions (Resubmission of 11/01767/FUL)** (*Pages 75 - 78*)
- 7.h **11/02515/FUL - Innisfrey, Washmeres, Colerne, Chippenham, SN14 8DQ - First Floor Extension to Bungalow to Form House (Resubmission of 11/00001/FUL)** (*Pages 79 - 90*)
- 7.i **11/02703/FUL - Town Hall, Cross Hayes, Malmesbury, SN16 9BZ - Change of Use Ground Floor Market Room from Community Use to Hairdressing Salon/Beauty Treatments** (*Pages 91 - 96*)
- 7.j **11/02731/FUL - Land off Franklin Road, Lydiard Fields Business Park, Swindon - Erection of One Class A1 (Retail) Unit and Two Class A3 (Restaurant/Cafe) Units** (*Pages 97 - 102*)
- 7.k **11/02734/FUL - Phelps Parade, Unit 2, 119, The Pippin, Calne, SN11**

8JQ - Change of Use of Unit 2 to A5, Erection of New Shop Front & Extract/Ventilation & Air Compressors to The Rear (*Pages 103 - 106*)

- 7.l **11/02918/FUL - The Old Hall, The Street, Grittleton, Chippenham, SN14 6AP - Conversion and Extension of Garage to Annexe, Erection of Two Single Storey Extensions to Dwellings** (*Pages 107 - 114*)
- 7.m **11/02979/FUL - Cleeves Wood, Lower Kingsdown Road, Kingsdown, SN13 8BA - First Floor and Ground Floor Extension and Alterations to Dwelling (Resubmission of 10/04679/FUL)** (*Pages 115 - 118*)

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 5 OCTOBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

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

Also Present:

Cllr Dick Tonge

82. **Apologies for Absence**

There were no apologies for absence.

83. **Minutes**

Resolved:

To confirm and sign the Minutes of the meeting held on 3 August 2011.

84. **Declarations of Interest**

There were no declarations of interest.

85. **Chairman's Announcements**

There were no Chairman's announcements.

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

Members of the public addressed the Committee as set out in Minute No 88 below.

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

87. **Planning Appeals**

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

- (i) Forthcoming hearings and public inquiries between 19 November and 31 December 2011.
- (ii) Planning appeals received between 21 July and 19 September 2011.
- (iii) Planning appeals decided between 21 July and 19 September 2011.

88. **Planning Applications**

1a **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:

Dr Nigel Cogger, consultant to objectors
Mr Thomas Jago, neighbour

The following person spoke in favour of the proposal:

Mr Peter James-Stephen, 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 from which it was noted that the application had been deferred from the meeting of the Committee held on 13 July 2011 so that additional technical specifications for the proposed generators and additional noise survey information and assessment could be submitted so that the Committee might fully consider the Environmental (Noise) Impact of the proposal. 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 grant planning permission for the following reason:-

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

Subject to the following conditions:

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

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

- 2. Notwithstanding the information submitted with this application no development hereby permitted shall commence on site until the applicant has submitted full details of the proposed bunding to the Local Planning Authority and before the expiration of three years from the date of this permission and receive the written approval of the Local Planning Authority for the detailed bunding proposals. These details shall include additional noise attenuation measures to address potential “break out” noise from the agricultural storage unit at eaves height (e.g. acoustic fencing, timber boarding, straw baling). No development or operation of the generators shall take place until the permitted scheme of earth bunding has been implemented in accordance with the approved details.**

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

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

- (a) indications of all existing trees and hedgerows on the land;**
- (b) details of any to be retained, together with measures for their protection in the course of development;**
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
- (d) finished levels and contours;**
- (e) means of enclosure;**
- (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);

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

POLICY-C3

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

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

POLICY-C3

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

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

POLICY-C3

6. The site shall be used for a generator shed only.

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

POLICY-C3

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

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

POLICY-C3

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

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

POLICY-C3

9. The level of noise emitted from the site shall not exceed 85db LA eq at 1m as measured from the generator at any time during operation.

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

POLICY-C3

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

REASON: To prevent pollution of the water environment

POLICY-C3

11. Within the agricultural stock barns that form the application buildings and for which the change of use to electricity generator shed (Incorporating the installation of two diesel generators and associated equipment) is hereby permitted no further power generators or related equipment shall be installed without the express consent of the Local Planning Authority.

REASON: To allow the Local Planning Authority to assess the noise impact of additional plant and machinery on noise receptors in the vicinity of the site.

POLICY: C3 and NE18

- 1b 11/02318/REM - Coach House, Church Road, Heddington, SN11 0PQ - Demolition of Industrial Buildings and Erection of 9 Dwellings (Resubmission of 10/04628/REM)**

The following people spoke against the proposal:

Mr Martyn Brooks
Mr Tennant, a local resident
Mr David Tyler, adjoining landowner
Cllr Jeff Dickerson, Heddington Parish Council

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 Reserved Matters 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 refuse planning permission for the following reason:-

The proposed scale of the dwellings proposed is considered to result

in an inappropriate form of development that would not respect the local character and distinctiveness of the area, and would give rise to a cramped development form, a perception of overdevelopment of the site and an unacceptable impact upon the amenities of neighbouring residential properties. As such the proposal is considered to be contrary to the requirements of Policy C3 of the adopted North Wiltshire Local Plan 2011.

1c **11/01769/S73A - The Dairy, Sodom Lane, Dauntsey, SN15 4JA - Use of Ancillary Residential Accommodation as Self Contained Independent Residential Class C3 Unit (Retrospective)**

The following people spoke against the proposal:

Mr & Mrs S Eggleton, local residents
Cllr Andrew Chapman, representing Dauntsey Parish Council

The following person spoke in favour of the proposal:

Mr Simon Chambers, 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 planning permission 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 refuse planning permission for the following reason:-

The original building (prior to conversion) was described in documents supporting an earlier application (08/02157/FUL) as "generally dilapidated". The conversion that has been undertaken required extensive works of alteration, including works to roof structure and walls of the original building, resulting in a significant change to its external appearance. The original building was not structurally sound and required extensive alteration to allow for its residential re-use and therefore the works do not comply with Policy BD6 (Re-Use of Rural Buildings) of the North Wiltshire Local Plan 2011.

1d 11/02354/FUL - The Stables, Notton, Lacock, Chippenham, SN15 2NF - Expansion of Existing B1 Use into Adjoining Land

The following people spoke against the proposal:

Mr D Fothergill, a local resident
Mr Christopher Leslie, a local resident
Cllr Philip Glen, Vice-Chairman, Lacock Parish Council

The following people spoke in favour of the proposal:

Mr Liam Healey, applicant
Mr Paul Coleman, a local resident

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 planning permission 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.

The Committee then heard the views of Cllr Dick Tonge, the local Member, who, whilst recognising the need to encourage the growth of employment opportunities, did not consider that the application site was the correct location for the scale of such a development.

After discussion,

Resolved:

To grant planning permission for the following reason:-

Whilst acknowledging the shift from the present condition of the site as a green field to built form, it is considered that the proposal would involve limited new building that would be well related to an existing building. As such the proposal is of an appropriate form, scale and appearance and would comply with the requirements of Policies C3, C4, BD5 and NE15 of the adopted North Wiltshire Local Plan 2011 and national planning guidance in PPS4.

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.

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

- (a) indications of all existing trees and hedgerows on the land;**
- (b) details of any to be retained, together with measures for their protection in the course of development;**
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
- (d) finished levels and contours;**
- (e) means of enclosure;**
- (f) car park layouts;**
- (g) other vehicle and pedestrian access and circulation areas;**
- (h) hard surfacing materials;**

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

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

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

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

REASON: In the interests of highway safety.

6. The development hereby permitted shall not be first brought into use/occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

7. The site shall be used for offices only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

8. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and the amenities of the area.

9. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

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

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

11. The development hereby approved shall not be first brought into use/ occupied until the recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

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

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

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

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

14. Prior to the commencement of development, full and complete details for the treatment of the southern boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed and shall remain in that condition thereafter.

Reason: To define the extent of the development site and so as to ensure a strong boundary treatment to the south of the application site.

15. The use hereby permitted shall not take place before 08:00hrs nor after 18:00hrs on any weekday, before 08:00hrs and after 13:00hrs on Saturdays, not at any time on Sundays or Bank Holidays without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of amenity of nearby residential properties.

89. **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 6.00 pm - 8.15 pm)

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

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

**Wiltshire Council
Northern Area Planning Committee
2nd November 2011**

Forthcoming Hearings and Public Inquiries between 19/10/2011 and 31/12/2011

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	06/12/2011
11/01796/FUL	Land at Cherry Tree Cottage, 2 Thingley Cottages, Thingley, Corsham, Wilts. SN13 9QQ	Corsham	Erection of Replacement Stable Building with Hayloft Over and Attached Tractor Store (Revision to 09/00059/FUL)	Informal Hearing	13/12/2011

Planning Appeals Received between 19/09/2011 and 19/10/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
11/00422/FUL	Clay Street Stables, Little Somerford, Chippenham, Wiltshire, SN15 5JR	Little Somerford	Conversion of Existing Stables into Dwelling	DEL	Written Representations	Refusal
11/01382/OUT	Land off Park Road, Malmesbury, Wiltshire, SN16 0QW	Malmesbury	Outline Planning Consent for Residential Development (77 Dwellings); Community Building (Use Class D1); Public Open Space; and Associated Works including Construction of New Access	DEL	Public Inquiry	Refusal
11/01848/FUL	Land at The Paddocks, Chippenham, Wiltshire, SN15 3DN	Chippenham	Erection of Dwelling	DEL	Refusal	Written Representations

There have been no Planning Appeals Decided between 19/09/2011 and 19/10/2011

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Agenda Item 7

INDEX OF APPLICATIONS ON 02/11/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7(a)	11/02037/S73A	Calcutt Park, Calcutt, Cricklade, Wiltshire SN6 6JR	Removal of Condition 1 of 10/01204/FUL to Make the Use Permanent for 14 Residential Gypsy Pitches.	Permission
7(b)	11/03115/S73A	Purdy's Farm, Wood Lane, Brinkworth, Wiltshire SN5 0AH	Removal of Condition 1 of 08/02352/S73A To Continue Use of Land as a Two Pitch Gypsy Caravan Site with Ancillary Hardstanding, Settlement Tank and Wildlife Pond (Resubmission of 11/01695/S73A)	Permission
7(c)	11/02579/FUL	Four Oaks Park, Lydiard Plain, Swindon, Wilts. SN5 0AL	Provision of Five Extra Caravan Pitches and Erection of Community Hall (Resubmission of 10/03709/FUL)	Permission
7(d)	11/00935/FUL and 11/01021/CAC	109 Gloucester Road, Malmesbury, Wiltshire, SN16 0BT	Demolition of Existing Bungalow and Erection of Residential Development Consisting of Five 2 Bedroom Flats, Two 2 Bedroom Dwellings and One 1 Bedroom Dwelling.	Permission
7(e)	11/02243/FUL	The Coach House, Leafy Lane, Box, Wiltshire, SN13 0LE	Extension to Provide Ancillary Accommodation	Refusal
7(f)	11/02399/FUL	1 Whitegates, Castle Combe, Chippenham, Wiltshire, SN14 7HQ	Two Storey Extension to Existing Dwelling to Provide Annexe (Resubmission of 11/01513/FUL)	Refusal
7(g)	11/02440/FUL	Bremhill Wick Farm, Wick Hill, Bremhill, Wilts. SN11 9LQ	Extensions (Resubmission of 11/01767/FUL)	Refusal
7(h)	11/02515/FUL	Innisfrey, Washmeres, Colerne, Chippenham, Wiltshire SN14 8DQ	First Floor Extension to Bungalow to Form House (Resubmission of 11/00001/FUL)	Permission

7(i)	11/02703/FUL	Town Hall, Cross Hayes, Malmesbury, SN16 9BZ	Change of Use Ground Floor Market Room from Community Use to Hairdressing Salon/Beauty Treatments	Permission
7(j)	11/02731/FUL	Land off Franklin Road, Lydiard Fields Business Park, Swindon, Wiltshire	Erection of One Class A1 (Retail) Unit and Two Class A3 (Restaurant/Cafe) Units	Permission
7(k)	11/02734/FUL	Phelps Parade, Unit 2, 119 The Pippin, Calne, SN11 8JQ	Change Of Use of Unit 2 to A5, Erection of New Shop Front & Extract/Ventilation & Air Compressors to The Rear	Permission
7(l)	11/02918/FUL	The Old Hall, The Street, Grittleton, Chippenham, Wiltshire, SN14 6AP	Conversion and Extension of Garage to Annexe, Erection of Two Single Storey Extensions to Dwellings	Permission
7(m)	11/02979/FUL	Cleeves Wood, Lower Kingsdown Road, Kingsdown, Wiltshire, SN13 8BA	First Floor and Ground Floor Extension and Alterations to Dwelling (Resubmission of 10/04679/FUL)	Refusal

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2nd November 2011		
Application Number	11/02037/S73A		
Site Address	Land adjacent Calcutt Farm, Calcutt, Cricklade, Wilts. SN6 6JT		
Proposal	Removal of Condition 1 of 10/01204FUL to Make the Site Permanent for 14 Residential Gypsy Pitches		
Applicant	Mr Jones		
Town/Parish Council	Cricklade		
Electoral Division	Cricklade and Latton	Unitary Member	Cllr Peter Colmer
Grid Ref	411273 193275		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Peter Colmer has request the application be brought to committee to consider whether there has been any material change in circumstances since the approval of the application in June 2010 to review the original decision. In addition, the Area Development Manager considers it appropriate, in light of other current Gypsy and Traveller applications in the north eastern part of the county and the implications for the growth proposed in the context of the emerging Core Strategy and site allocations DPD.

1. Purpose of Report

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

Objections have been received from Cricklade Town Council with four letters of support from local residents.

2. Main Issues

The proposal needs to be assessed against Policies C3, NE13, NE15, HE6 and H9 of the North Wiltshire Local Plan 2011, Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and government guidance in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

Policy 31 of the emerging Core Strategy, the emerging Gypsy and Traveller DPD as well as the recently published PPS Planning for Traveller Sites (the public consultation on which ended in early August) are material considerations. It is considered limited weight is afforded to these documents for reasons highlighted below.

The key issues in the determination of this application are:

- Need/Policy Considerations
- Impact of the character and appearance of the area
- Amenities of nearby residents
- Sustainability/highways
- Drainage/flooding
- Noise

- Human Rights Act
- Other considerations e.g. Four Oaks, Purdy's Farm

This application is being considered alongside an application for a further 5 pitches at Four Oaks, Lydiard Plain and 2 pitches at Purdy's Farm, Brinkworth. It was decided in the interests of transparency and consistency that the applications be considered by the Area Planning Committee at the same time.

In addition, at the time of this application, there is an on going highways enforcement matter in relation to a wall that has been constructed on the boundary of the site. It is considered that the wall is in the highway and is thus discussions are ongoing in respect of potentially taking enforcement action under the Highways Act.

Aside from being within the highway, the wall is also above 1m in height and did/does require planning permission in its own right.

These two matters are not a reason to delay the determination of this application since they can be dealt with separately and they do not have a bearing on the acceptability of this application or otherwise.

3. Site Description

The site is roughly rectangular and lies between the field between the A419 and the access road to the properties on the east side of the A419 to the roundabout leading to Cricklade and the A419. An area of the land to the east of the access road is also included.

The site is flat and has hedgerows on two sides. The derelict remains of an agricultural building close to the A419 are the only buildings.

To the immediate south are the former farm buildings in a variety of employment uses and beyond those is Calcutt Farmhouse, a listed building. To the north is Calcutt Manor and associated outbuildings, also a listed building.

The site is now fully laid out in terms of surfacing and full occupied with only some of the day rooms constructed.

4. Relevant Planning History		
Application Number	Proposal	Decision
07/00533/FUL	Erection of Three Stables, Hay Store and Tack Room and Change of Use of Land to Equestrian	Permission
09/00912S73A	Change of Use to Include the Stationing of Caravans for 14 Residential Gypsy Pitches with Utility/Day Room Buildings and hard Standing Ancillary to That Use	Non determination - Appeal Withdrawn
10/01204S73A	Same as above. A temporary permission was granted for the following reason: The provision of potential sites are being considered in the emerging Gypsy and Traveller Site Allocations DPD. A permanent permission in advance of this process would be premature and a temporary permission in this instance would accord with advice contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".	Permission.

5. Proposal

The caravans etc were moved unlawfully onto the site in May 2009. Following the temporary permission being granted the site is now completed and the site is fully occupied with children in attendance at schools and pre-schools and residents registered at GP surgeries etc.

The application seeks the permanent use of the site rather than on the temporary basis permitted until 2012.

The site is served by a central access (plot 1 has a separate access) from which pitches are served, each having a mobile home, touring caravan and day room and refuse store. These are the basic requirements for such sites in accordance with good practice guidance.

Vehicle turning spaces are proposed at each end of the site and a package sewerage treatment plant in the field at the other side of the access road.

Landscaping was proposed forward of a bund with close boarded fence atop (total height 3.8 metres) along the frontage with the A419. Due to the temporary nature of the permission only some landscaping was considered reasonable.

6. Consultations

Cricklade Town Council - the draft Wiltshire Core Strategy has just been published for consultation and suggests that the requirements in North Wiltshire may already have been met. Whilst the Wiltshire Core Strategy is still in draft form it would be inappropriate to remove the planning condition as requested. CTC therefore objects to this application to remove the planning condition, due to the possible over-supply of sites in North Wiltshire. If the Council were minded to approve then they should consider whether a S106 payment should be required.

Spatial Planning – detailed comments are on the file together with an addendum following the recent Bridge Paddocks appeal and the submission of the application at Four Oaks, Lydiard Plain. There are no objections to this application but it is recommended that both applications are considered in terms of their potential cumulative effects.

Highways Officer - adhere to their previous recommendations in respect of the 2009 and 2010 application:

‘The site is located in open countryside, some 800m from the nearest bus stop, although a suitable walking route exists for much of that distance.

Bearing in mind the advice in Circular 1/2006 I do not consider that an objection on sustainability grounds is appropriate.

I recommend that no highway objection be raised.’

Environmental Health - no adverse comments are raised.

Thames Water – no objections.

Highways Agency – comments waited but it is noted that the following comments were made to the 2009 and 2010 applications:

‘We have reviewed the documents and concluded we have no objections in principle to the proposals as they are likely to have little detrimental effect on the Strategic Road Network.

However, we do believe that the visual impact of the site could be a distraction to trunk road motorists but acknowledge the intention to install a landscaped bund and fencing to

overcome such problems. The Agency therefore, would like to ensure that this mitigation work is an essential requirement.'

Environment Agency – no objection raise but surface water drainage details still needed for condition 9.

7. Publicity

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

4 letters of support have been received which refer to the integration of the applicant in the local community assisting elderly neighbours, keeping the site in good appearance and generally being polite, trustworthy and good neighbours.

8. Policy Context

Current Policy and Advice:

Circular 01/06 Planning for Gypsy and Travellers
Wiltshire and Swindon Structure Plan 2016 – Policy DP15
North Wiltshire Local Plan 2011 – Policy H9

Emerging Policy – material considerations:

PPS Planning For Traveller Sites Consultation Draft – Summer 2011
National Planning Policy Framework Consultation Draft – Summer 2011
Gypsy and Traveller Site Allocations DPD – Spring 2010 (no progress since this date)
Wiltshire Core Strategy – Policy 31

9. Planning Considerations

Need/Policy Considerations

Since the 2009 and 2010 applications were considered and temporary permission granted, the current Coalition Government has announced the intended revocation of the Regional Spatial Strategy (RSS). Based on recent appeal decisions (the most recent being Bridge Paddocks at Braydon – paragraph 5 of the decision letter), the intention carries little weight at the present time due to the timescale and form this will finally take.

Given the public criticisms of the GTAA undertaken by the Council in deriving need for the period to 2006 to 2011, the Proposed Changes to the RSS recommended the allocation/provision of 48 pitches in the northern area (former North Wiltshire District Council area). This figure has been carried through to the emerging Gypsy and Traveller Site Allocations Development Plan Document published in Spring 2010 as well as in the recently published Wiltshire Core Strategy Consultation Document, particularly table 6.1 which accompanies Policy 31. There have been a number of recent planning permissions and appeal decisions since the production of that table.

Appendix I of this report contains a table showing the current position in respect of need.

To the end of April 2011 the outstanding number of pitches is 15 pitches. This figure excludes the 10 pitches granted on appeal at Chelworth Lodge in March 2011 because 5 year supply requires sites to be available and deliverable within that period. Due to infrastructure constraints and the speculative nature of that application, it is not considered to meet the need during the period 2006-2011. The site is expected however, to be delivered during the period 2011-2016.

Only 3 pitches have been identified to be required for the period 2011 to 2016. This proposed growth rate was questioned by the Inspector during the hearing for the Bridge Paddocks appeal,

however it was the immediate need due to the outstanding 2011 requirement which carried significant weight in support of the appeal proposal

The level of growth from 20011 to 2016 will be considered during the progress of the Core Strategy and it is a matter for that process to consider the robustness of such a calculation and not this application process.

It was on the basis of the limited weight to be attached to emerging national and development plan policy together with sustainability credentials which led the Council to approve seven pitches in Wootton Bassett and four pitches adjacent an existing pitch (allowed at appeal) at Framptons Farm, Sutton Benger earlier this year.

Thus the application at Calcutt Park would make a significant contribution to the requirement for available and deliverable sites to 2011, all but satisfying need by 1 pitch for the 2011 period.

In terms of the status of the emerging DPD and Core Strategy, the Inspector was unequivocal in confirming "Both these components of the Local Development Framework are at a relatively early stage in their preparation, and accordingly their provisions carry limited weight at this time."

In respect of guidance emerging nationally, limited weight should be given to the emerging PPS.

The approval of a permanent permission, particularly in light of the site being delivered and occupied, would make a significant contribution to the Council's required 5 year supply of pitches to 2011 which is still outstanding.

Character and Appearance of the Area/Residential Amenity

There can be no objection in principle to a Gypsy site in the countryside based on Circular 01/06.

The site is considered acceptable in landscape terms. If it had been considered objectionable this should have formed a reason for only granting a temporary permission with the harm having been identified.

The site was a piece of equestrian land of no exceptional character which had been cut off from adjoining land by the new access road and is now virtually surrounded by roads and other development. It is well screened by hedges to the north and south and there is screening to the A419 which is proposed to enhance with additional planting, a bund and a fence. The surrounding countryside is flat and the site is not prominent in distant views.

There has inevitably been some impact and change in the immediate character of the area but this is not considered to be an unacceptable impact on the setting of the listed buildings (from which the site is separated by other buildings and trees) or on residential amenity.

Gypsy sites are acceptable in principle in the countryside and wherever they are located there will be some impact on the surrounding area.

Notwithstanding the comments of the Highways Agency the site is not particularly visible from the A419 and the proposed bund and fence set behind additional planting will provide adequate screening. If permanent permission is granted it would be reasonable to require this by condition.

In terms of residential amenity, there is no evidence to suggest that the approval of the site on a permanent basis would be harmful to the promotion of the peaceful and integrated co-existence between the site and the local community (paragraph 64 Circular 01/2006).

Calcutt is a small enclave of less than 10 dwellings, including some businesses. Given that some 26 pitches were considered to be acceptable on these grounds at Chelworth (10 pitches at Chelworth Lodge and 16 existing pitches adjacent to that appeal site at Bournelake Park) where the non-Gypsy community was restricted to some 4 dwellings, it would be wholly unreasonable not

to apply the same consistent approach at this location. Calcutt has a slightly higher number of resident population in balance with the Gypsy community, in comparison with the Chelworth Lodge site.

It is noted that concerns have been raised in respect of the scale of Gypsy pitches in the northern part of the former North Wiltshire area as well as in the north of the new County in general. It is accepted that there are a high number of pitches within this area in comparison to the distribution in the wider former North Wiltshire area. Such a pattern of distribution is shared with Chippenham and to a lesser extent Wootton Bassett. This distribution is reflective of the importance of these locations and the roles they play in terms of facilities and employment opportunities and applies equally to the settled community and the relationship between housing and access to employment opportunities.

Officers have carefully considered the Chelworth Lodge appeal decision and other appeal decisions reviewed nationally. There is no evidence which would support a refusal reason based on an over concentration of Gypsy pitches over several Parish/Town Council areas. All the sites are of a reasonable distance from one another so as to not physically appear as an over concentration harmful to the local communities. Distribution of growth is a matter for the emerging DPD and Core Strategy to consider as it progresses in response to demand.

Sustainability/Location of development

Given that there are no objections in principle to gypsy and traveller sites in the countryside, it follows that such sites will not always be located in the most sustainable of locations. Paragraph 54 of Circular 01/2006 states: "*in assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.*" (Officer emphasis).

Policy H9 of the Local Plan requires such sites to have "*reasonable access to local community facilities and services...*" (Officer emphasis).

Paragraph 64 of the Circular stresses that whilst sustainability is important, it is not to be solely considered in terms of transport mode and distances from services. Other considerations are integration within the community; wider benefits of easier access to GP and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling.

This paragraph has been consistently applied in terms of all appeal decisions within the former North Wiltshire District Council area over the past 5 years including the most recent appeal decision at Bridge Paddock.

It has also been applied in recent planning permissions at Glenville Nurseries in Wootton Bassett (7 pitches) and Framptons Farm in Sutton Benger (4 pitches adjacent the single pitch allowed at appeal).

As documented with the 2009 and 2010 applications, the site falls marginally outside the area of search applied in the emerging DPD at approximately 1200 metres.

It falls within a safe walking distance of some 1500 metres to the High Street and 1800 metres of the primary school as identified in the emerging policy documents.

It should be noted that these distances have been the subject of consultation and suggestions have been made that they should be increased to reduce the potential for conflict between the settled and unsettled communities.

Notwithstanding the above, limited weight can be attached to these criteria and those outlined in emerging Core Strategy Policy 31 and as evidenced in the recent appeal decisions at Bridge

Paddock (which was allowed at 4km distance), Chelworth Lodge and Framptons Farm as well as other decisions nationally.

Thus the application site is considered to be well located to public transport and a range of facilities including shops, schools and employment opportunities. It is within walking distance of Cricklade on surfaced footpaths and a sustainability objection cannot be raised.

Flooding and Drainage

Information provided from the applicants in respect of flooding and drainage with the 2009 and 2010 applications led to the EA undertaking a risk-based approach in respect of any risk to increased flooding on the site and surrounding areas as a consequence of the development. Due to the high impermeability of the site and the low density nature of the proposals, the EA considered that a satisfactory surface water drainage scheme to attenuate and potentially reduce surface-water run-off is achievable within the development and this was conditioned but has not yet been discharged. A condition would also apply to any new permission to obtain this detail within a specified period from the date of the permission.

The EA have investigated the current known flood levels at the site and along the A419 and consider that when compared with the EA's predicted flood levels, the topographic information submitted provides adequate assurance that a safe route of access can be provided in the event of a flood. A flood evacuation plan is required to be submitted via a planning condition as was required for the 2010 application and will be applied to any new permission.

The Council's Environmental Health and drainage officers have investigated the issues raised by residents but have not identified any issues which will not be covered by the requirements of the Environment Agency.

Noise

With the previous 2009 and 2010 applications, the council's Environmental Health officers were concerned that the occupiers could be subject to excessive noise from the A419 bearing in mind the relatively poor sound insulation qualities of mobile homes. Consequently, the applicants commissioned and submitted a noise survey. Further dialogue between the applicant's agent and the EHO took place which resulted in no objections and this remains the case with this current application.

Highways Impact

No highways objections are raised to the proposals.

Human Rights

In determining this application the Committee is required to have regards to the Human Rights Act 1998, in particular Article 8 and Article 1 of the First Protocol, which confer rights of respect for a person's private life, home and possessions. Any interference in those rights by a public authority must be lawful and proportionate. This involves balancing the interests of all parties involved and taking into account the public interest in the proper application of planning policies.

Having considered all the circumstances of this application, it is considered that the granting of a permanent permission would be proportionate and would not, therefore, be a violation of the Act.

Other material considerations

No detailed evidence of personal circumstances has been provided and none requested given that the site accords with current guidance contained in Circular 01/2006.

This application is being considered alongside proposals at Four Oaks, Lydiard Plain for 5 additional pitches and re-siting of 4 transit pitches (11/02579FUL relates), together with a permanent permission for two pitches at Purdy's Farm, Brinkworth.

The cumulative impact of the applications in terms of the pitch provision in light of existing and emerging need should be considered.

As outlined above, for the period to 2011 it is considered that there is an outstanding need of 15 pitches. Based on previous appeal decisions outstanding need/failure to meet a 5 year supply of sites is a significant consideration.

In meeting the outstanding need to 2011, the sites are considered on their merits below:

Calcutt Park:

- considered suitable on a temporary basis subject to further consideration of site criteria as part of the emerging DPD;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Purdy's Farm:

- considered suitable on a temporary basis in light of the emerging Local Development Scheme and sites being identified through that process;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Four Oaks:

- the pitches although contained within the existing boundaries of the site they are undeveloped and unoccupied at present, no evidence of need for personal circumstances of new occupants has been advanced by the applicant.
- The site at Four Oaks, in terms of the emerging Core Strategy and DPD, occupies a less sustainable location than Calcutt Park.
- Private transit pitches operate at the discretion of the site owner occupied largely by family and friends visiting and is thus not considered to be transit in the traditional sense;
- At the time of preparing this report, the intensification of the site results in a layout which does not accord with good practice guidelines and amendments have been sought;
- the community building is unacceptable for reasons detailed in that report.

On the basis of information contained within this report, Calcutt Park would make a significant contribution to outstanding need to 2011 which has failed to be provided thus far. In the event planning permission is granted for this application, there would still be an outstanding need of 1 pitch to 2011.

Purdy's Farm would also satisfy the short term need to 2011 and based on the above and information presented within the report for that application, is not objectionable when considered in the light of recent appeal decisions.

It is acknowledged that in the short term there would be an over provision of 1 pitch for the 2006-2011 period, but this is not considered to be sufficiently harmful so as to warrant a refusal on these

grounds. Further it is not considered to be detrimental to the emerging Core Strategy and DPD since limited weight can be attached to these documents at the current time as evidenced in recent appeal decisions.

On the basis of information contained within this report and the main report for that application, the Four Oaks site is not considered to be a site which could contribute to the outstanding need to 2011.

The sites at Calcutt Park and Purdy's Farm would make a significant contribution to outstanding need to 2011 which has failed to be provided thus far for a number of reasons including the fact that both those sites have already been delivered with occupants enrolled at schools and doctors etc.

The provision of the site at Four Oaks can only be considered in the context of need for the period 2011 to 2016 and if granted, there would be an over provision of 5 year supply of some 13 pitches since the sites Chelworth Lodge and Bridge Paddocks fall within the same period (given dates allowed at appeal or build out timescales).

In light of this over provision which reflects the Governments "bottom up" approach to deriving local need, it is considered that allowing the development at Four Oaks on a permanent basis would be prejudicial to the emerging Core Strategy and site allocations DPD.

Thus, the provision of 5 new pitches at Four Oaks is only considered to be an acceptable for a temporary period until such time as the precise need and location of sites for the period 2011 to 2016 fully considered as part of planned growth.

9. Conclusion

The application site would make an important contribution to meeting the significant outstanding strategic Gypsy and Traveller requirement to 2011, with only one pitch remaining to be provided to 2011 and accords with current Government guidance contained in Circular 01/2006.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011), PPS3 "Housing" and advice contained in Circular 01/2006.

Subject to the following conditions:

1. Within two months of this permission, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with other relevant bodies.

REASON: In order to ensure a safe, dry access to and from the development in the event of flooding.

2. Within two months of this permission, the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: C3

3. Within two months of the date of this permission 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) painted finish to close boarded fence atop the bund.

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

4. Within the first planting and seeding season following the date of this permission; 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.

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

5. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

6. There shall be no more than fourteen pitches on that part of the site south of the main access road and north of the A419(T).

REASON: In the interests of visual amenity and the amenity of the occupants on the site.

7. There shall be no more than twenty eight (28) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than fourteen (14) shall be a static caravan or mobile home and no more than four (4) shall be a touring caravan, shall be stationed on the site at any time.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

8. No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

9. Except for the keeping of commercial vehicles as defined in condition 9 above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

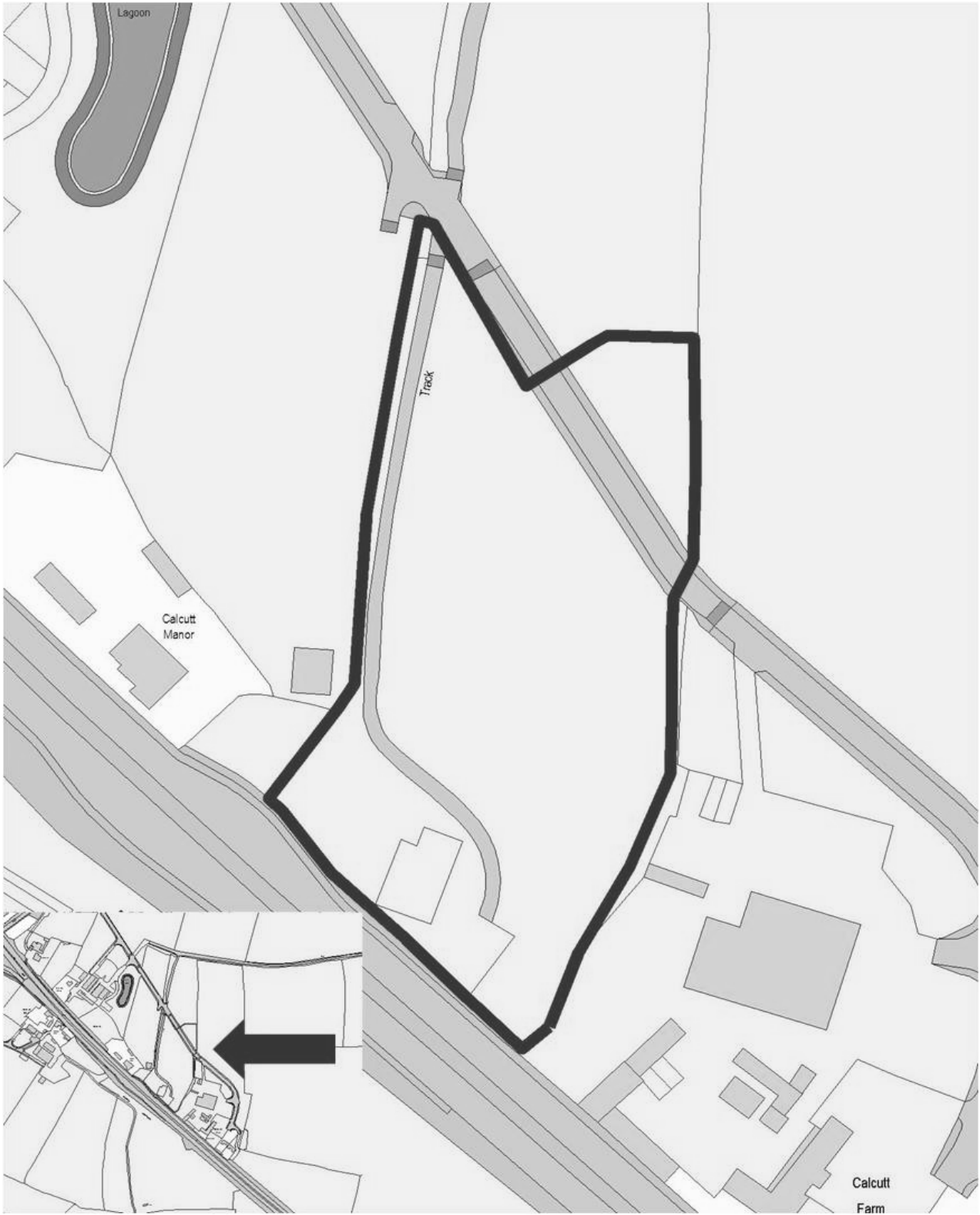
REASON: In the interests of residential amenity, highway safety and the character of the countryside.

10. 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), no buildings or structures, or wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

11. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2nd November 2011		
Application Number	11/03115/S73A		
Site Address	Purdy's Farm, Wood Lane, Brinkworth SN5 0AH		
Proposal	Removal of condition 1 of 08/02352S73A to continue the use of land as two pitch Gypsy Caravan Site with Ancillary Hardstanding, Settlement Tank and Wildlife Pond		
Applicant	Mr and Mrs Lee/Mrs and Mrs Bruce		
Town/Parish Council	Lydiard Millicent		
Electoral Division	Wootton Bassett East	Unitary Member	Cllr Mollie Groom
Grid Ref	404255 186283		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

The Area Development Manager considers it appropriate, in light of other current Gypsy and Traveller applications in the north eastern part of the County and the implications for the growth proposed in the context of the emerging Core Strategy and site allocations DPD.

1. Purpose of Report

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

Objections have been received from Lydiard Millicent Town Council given the location of the site in the open countryside in Royal Braydon Forest, the emerging Localism Bill and the concentration of pitches in the area.

2. Main Issues

The proposal needs to be assessed against Policies C3, NE12, NE15, HE6 and H9 of the North Wiltshire Local Plan 2011, Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and government guidance in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

Policy 31 of the emerging Core Strategy, the emerging Gypsy and Traveller DPD as well as the recently published PPS Planning for Traveller Sites (the public consultation on which ended in early August) are material considerations. It is considered limited weight is afforded to these documents for reasons highlighted below.

The key issues in the determination of this application are:

- Need/Policy Considerations
- Impact of the character and appearance of the area
- Amenities of nearby residents
- Highways
- Ecology
- Human Rights Act
- Other considerations i.e. Four Oaks, Purdy's Farm

This application is being considered alongside an application for a further 5 pitches at Four Oaks, Lydiard Plain and 14 pitches at Calcutt Park, Cricklade.

It was decided in the interests of transparency and consistency that the applications be considered by the Area Planning Committee at the same time.

3. Site Description

The site is located in the countryside along Wood Lane (C127) between Brinkworth and Braydon. There is a high hedge along the northern boundary of the site with the road, a close board fence along the eastern boundary and a post and rail fence along the boundary with the field/paddock to the south.

The site is fully developed with two pitches occupied by related families. Each pitch contains a static mobile home and a touring caravan. The site also contains a hay barn and stables.

The site is well kept within limited visibility from the main road.

The applicant owns adjacent land, one parcel of which contains a wildlife pond and the other is used for grazing horses.

There are two houses opposite the entrance to the site and two further eastwards, some 80 metres distance.

4. Relevant Planning History		
Application Number	Proposal	Decision
00/01700FUL	Hay store	Permission
02/0328FUL	Construction of fishing lake and erection of mobile home	Refused
08/02352/S73A	Change of use of land to form a two pitch Gypsy caravan site with ancillary hardstanding and settlement tank and wildlife pond.	Temporary Permission.
	Temporary permission was granted for the following reason: <i>Reason: The provision of potential sites have yet to be considered by the Implementation Executive under the Local Development Scheme. A permanent permission in advance of this process would be premature.</i>	
11/01695S73A	Removal of condition 1 of 08/02352S73A to continue the use of land as two pitch Gypsy Caravan Site with Ancillary Hardstanding, Settlement Tank and Wildlife Pond Planning permission was refused on the same grounds as Bridge Paddocks was refused, i.e prematurity given the emerging Core Strategy. Since that refusal Bridge Paddocks has been allowed at appeal.	Refused

5. Proposal

Permission is sought for the retention of the pitches on a permanent basis.

Additional landscaping including a 1 metre high close boarded fence internally within the site is proposed on the boundaries with some freestanding lighting near the entrance and internally within the site.

6. Consultations

Lydiard Millicent object to the removal of the temporary permission in light of the emerging Localism Bill, its location within the countryside and Braydon Forest as well as on ecology grounds.

Spatial Planning – no formal comments provided at this juncture but discussions reflect the approaches adopted with the other Gypsy sites and the need to have regard to outstanding need, but also consideration of any cumulative impacts.

Highways Officer - no objections.

Principal Ecologist - no objections raised in respect of 11/01695S73A but commented that if the land were to be restored as required by condition 1, there could well be ecological implications with Great Crested Newts potentially present and a license may be required.

7. Publicity

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

At the time of writing this report, the consultation period has not yet expired and no representations have been received.

No letters of objection have been received in respect of the current application but it is noted that two letters of objection were submitted to the previous application.

8. Policy Context

Adopted:

Circular 01/06 Planning for Gypsy and Travellers
Wiltshire and Swindon Structure Plan 2016 – Policy DP15
North Wiltshire Local Plan 2011 – Policy H9

Emerging – material considerations:

PPS Planning For Traveller Sites Consultation Draft – Summer 2011
National Planning Policy Framework Consultation Draft – Summer 2011
Gypsy and Traveller Site Allocations DPD – Spring 2010 (no progress since this date)
Wiltshire Core Strategy – Policy 31

9. Planning Considerations

Need/Policy Considerations

Since the 2009 and 2010 applications were considered and temporary permission granted, the current Coalition Government has announced the intended revocation of the Regional Spatial Strategy (RSS). Based on recent appeal decisions (the most recent being Bridge Paddocks at

Braydon – paragraph 5 of the decision letter), the intention carries little weight at the present time due to the timescale and form this will finally take.

Given the public criticisms of the GTAA undertaken by the Council in deriving need for the period to 2006 to 2011, the Proposed Changes to the RSS recommended the allocation/provision of 48 pitches in the northern area (former North Wiltshire District Council area). This figure has been carried through to the emerging Gypsy and Traveller Site Allocations Development Plan Document published in Spring 2010 as well as in the recently published Wiltshire Core Strategy Consultation Document, particularly table 6.1 which accompanies Policy 31. There have been a number of recent planning permissions and appeal decisions since the production of that table.

Appendix I of this report contains a table showing the current position in respect of need.

To the end of April 2011 the outstanding number of pitches is 15 pitches. This figure excludes the 10 pitches granted on appeal at Chelworth Lodge in March 2011 because 5 year supply requires sites to be available and deliverable within that period. Due to infrastructure constraints and the speculative nature of that application, it is not considered to meet the need during the period 2006-2011. The site is expected however, to be delivered during the period 2011-2016. Appendix I sets out the requirements to 2016 in the context of permissions granted since 2006 and pending applications.

Only 3 pitches have been identified to be required for the period 2011 to 2016. This proposed growth rate was questioned by the Inspector during the hearing for the Bridge Paddocks appeal, however it was the immediate need due to the outstanding 2011 requirement which carried significant weight in support of the appeal proposal

The level of growth from 20011 to 2016 will be considered during the progress of the Core Strategy and it is a matter for that process to consider the robustness of such a calculation and not this application process.

It was on the basis of the limited weight to be attached to emerging national and development plan policy together with sustainability credentials which led the Council to approve seven pitches in Wootton Bassett and four pitches adjacent an existing pitch (allowed at appeal) at Framptons Farm, Sutton Benger earlier this year.

In terms of the status of the emerging DPD and Core Strategy, the Inspector was unequivocal in confirming “Both these components of the Local Development Framework are at a relatively early stage in their preparation, and accordingly their provisions carry limited weight at this time.”

In respect of guidance emerging nationally, limited weight should be given to the emerging PPS.

Thus the application site together with the site Calcutt Park would make a significant contribution to the requirement for available and deliverable sites to 2011, satisfying all need to 2011 but with a marginal over provision of one pitch for the period. This over provision is considered negligible in the context of being able to satisfy outstanding need.

Character and Appearance of the Area/Residential Amenity

There can be no objection in principle to a Gypsy site in the countryside based on Circular 01/06.

The site is considered acceptable in landscape terms. If it had been considered objectionable this should have formed a reason for only granting a temporary permission with the harm having been identified.

The site is well screened from the road by the existing trees and hedge along the boundary to the north. The site plan shows that planting is proposed along the other boundaries of the site and this can be controlled by condition if planning permission were to be granted. It is considered

that given the small scale of the development the proposal would not be particularly intrusive in the countryside and additional planting would further mitigate against any impact.

Before the pitches were developed, the site contained an existing stable block and a hay barn on which were used by the applicants and their horses. The paddocks/fields to the rear of the site are also under the control of the applicants and used for grazing the horses.

There has inevitably been some impact and change in the immediate character of the area but this is not considered to be an unacceptable impact on the setting of the listed buildings (from which the site is separated by other buildings and trees) or on residential amenity.

Gypsy sites are acceptable in principle in the countryside and wherever they are located there will be some impact on the surrounding area.

In terms of residential amenity, there is no evidence to suggest that the approval of the site on a permanent basis would be harmful to the promotion of the peaceful and integrated co-existence between the site and the local community (paragraph 64 Circular 01/2006).

Two pitches in this location does not outweigh the four houses in the immediate vicinity of the site.

It is noted that concerns have been raised in respect of the scale of Gypsy pitches in the northern part of the former North Wiltshire area as well as in the north of the new County in general. It is accepted that there are a high number of pitches within this area in comparison to the distribution in the wider former North Wiltshire area. Such a pattern of distribution is shared with Chippenham and to a lesser extent Wootton Bassett. This distribution is reflective of the importance of these locations and the roles they play in terms of facilities and employment opportunities and applies equally to the settled community and the relationship between housing and access to employment opportunities.

In light of the Chelworth Lodge appeal decision and other appeal decisions reviewed nationally, there is no evidence which would support an over concentration over several Parish/Town Council areas to substantiate a reason for refusal on this basis. All the sites are of a reasonable distance from one another so as to not physically appear as an over concentration harmful to the local communities. Distribution of growth is a matter for the emerging DPD and Core Strategy to consider as it progresses in response to demand.

Sustainability/Location of development

Given that there are no objections in principle to gypsy and traveller sites in the countryside, it follows that such sites will not always be located in the most sustainable of locations. Paragraph 54 of Circular 01/2006 states: "*in assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.*" (Officer emphasis).

Policy H9 of the Local Plan requires such sites to have "reasonable access to local community facilities and services..." (Officer emphasis).

Paragraph 64 of the Circular stresses that whilst sustainability is important, it is not to be solely considered in terms of transport mode and distances from services. Other considerations are integration within the community; wider benefits of easier access to GP and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling.

This paragraph has been consistently applied in terms of all appeal decisions within the former North Wiltshire District Council are over the past 5 years including the most recent appeal decision at Bridge Paddock.

It has also been applied in recent planning permissions at Glenville Nurseries in Wootton Bassett (7 pitches) and Framptons Farm in Sutton Benger (4 pitches adjacent the single pitch allowed at appeal).

Limited weight can be attached to the locational criteria contained in emerging Core Strategy Policy 31 and site allocations DPD as evidenced in the recent appeal decisions at Bridge Paddock (which was allowed at 4km distance), Chelworth Lodge and Framptons Farm as well as other decisions nationally.

Thus the application site is considered to be well located to public transport and a range of facilities including shops, schools and employment opportunities. It is in walking distance of facilities in Purton and Wootton Bassett.

Highways Impact

No highways objections are raised to the proposals.

Ecology

The permanent retention of the site does not impact upon the ecology of the area. Rather given the establishment of the pond on the site, there could be ecological implications if the site were to be restored to its original use. Care would need to be taken in that event so that the ecological impact was mitigated.

Human Rights

In determining this application the Committee is required to have regards to the Human Rights Act 1998, in particular Article 8 and Article 1 of the First Protocol, which confer rights of respect for a person's private life, home and possessions. Any interference in those rights by a public authority must be lawful and proportionate. This involves balancing the interests of all parties involved and taking into account the public interest in the proper application of planning policies.

Having considered all the circumstances of this application, it is considered that the granting of a permanent permission would not be a violation of the Act.

Other material considerations

No detailed evidence of personal circumstances has been provided and none requested given that the site accords with current guidance contained in Circular 01/2006.

This application is being considered alongside proposals at Four Oaks, Lydiard Plain for 5 additional pitches and re-siting of 4 transit pitches (11/02579FUL relates), together with a permanent permission for fourteen pitches at Calcutt Park, Cricklade.

The cumulative impact of the applications in terms of the pitch provision in light of existing and emerging need should be considered.

As outlined above, for the period to 2011 it is considered that there is an outstanding need of 15 pitches. Based on previous appeal decisions outstanding need/failure to meet a 5 year supply of sites is a significant consideration.

In meeting the outstanding need to 2011, the sites are considered on their merits below:

Calcutt Park:

- considered suitable on a temporary basis subject to further consideration of site criteria as part of the emerging DPD;

- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Purdy's Farm:

- considered suitable on a temporary basis in light of the emerging Local Development Scheme and sites being identified through that process;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Four Oaks:

- the pitches although contained within the existing boundaries of the site they are undeveloped and unoccupied at present, no evidence of need for personal circumstances of new occupants has been advanced by the applicant.
- The site at Four Oaks, in terms of the emerging Core Strategy and DPD, occupies a less sustainable location than Calcutt Park.
- Private transit pitches operate at the discretion of the site owner occupied largely by family and friends visiting and is thus not considered to be transit in the traditional sense;
- At the time of preparing this report, the intensification of the site results in a layout which does not accord with good practice guidelines and amendments have been sought;
- the community building is unacceptable for reasons detailed in that report.

On the basis of information contained within this report, Calcutt Park would make a significant contribution to outstanding need to 2011 which has failed to be provided thus far. In the event planning permission is granted for that application, there would still be an outstanding need of 1 pitch to 2011.

Purdy's Farm performs less well in location terms based solely on the emerging Core Strategy/allocations DPD to which limited weight can be attached, but it accords wholly with current Government guidance, recent appeal decisions and would satisfy the outstanding need.

It is acknowledged that in the short term there would be an over provision of 1 pitch for the 2006-2011 period, but this is not considered to be sufficiently harmful so as to warrant a refusal on these grounds. Further it is not considered to be detrimental to the emerging Core Strategy and DPD since limited weight can be attached to these documents at the current time as evidenced in recent appeal decisions.

On the basis of information contained within this report and the main report for that application, the Four Oaks site is not considered to be a site which could contribute to the outstanding need to 2011.

The sites at Calcutt Park and Purdy's Farm would make a significant contribution to outstanding need to 2011 which has failed to be provided thus far for a number of reasons including the fact that both those sites have already been delivered with occupants enrolled at schools and doctors etc.

The provision of the site at Four Oaks can only be considered in the context of need for the period 2011 to 2016 and if granted, there would be an over provision of 5 year supply of some 13 pitches since the sites Chelworth Lodge and Bridge Paddocks fall within the same period (given dates allowed at appeal or build out timescales).

In light of this over provision which reflects the Governments "bottom up" approach to deriving local need, it is considered that allowing the development at Four Oaks on a permanent basis would be prejudicial to the emerging Core Strategy and site allocations DPD.

Thus, the provision of 5 new pitches at Four Oaks is only considered to be an acceptable for a temporary period until such time as the precise need and location of sites for the period 2011 to 2016 fully considered as part of planned growth.

9. Conclusion

The application site would make an important contribution to meeting the significant outstanding strategic Gypsy and Traveller requirement to 2011. The resultant over provision of one pitch would not prejudice the emerging Core Strategy or site allocations DPD to which limited weight can be attached at this time.

Further, the application accords with current Government guidance contained in Circular 01/2006.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011), PPS3 "Housing" and advice contained in Circular 01/2006.

Subject to the following conditions:

1. Within the first planting and seeding season following the date of the permission; 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 as shown in the Site Development Scheme Plan PF:2C dated 16 September 2011.

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

2. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

3. There shall be no more than four pitches on the site. The site being the defined by the red line shown on Site Location Plan PF:1A dated 16 September 2011.

REASON: In the interests of visual amenity and the amenity of the occupants on the site.

4. There shall be no more than four caravans (4) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968, of which no more than fourteen (14) shall be a static caravan or mobile home and no more than four (4) shall be a touring caravan, shall be stationed on the site at any time. The site being defined by the red line on Site Plan PF:1A dated 16 September 2011.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

5 No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

6. Except for the keeping of commercial vehicles as defined in condition 5 above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

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), no buildings or structures, or wall, fence or other means of enclosure shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

8. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.



Wiltshire Council
 Where everybody matters

SCALE:

19/10/2011

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2nd November 2011		
Application Number	11/02579FUL		
Site Address	Four Oaks Park, Lydiard Plain, Swindon SN5 0AL		
Proposal	Provision of five extra caravan pitches, day rooms, re-siting of transit pitches and erection of community hall (resubmission of 10/03709FUL)		
Applicant	Mr F Doe		
Town/Parish Council	Lydiard Millicent		
Electoral Division	Wootton Bassett est	Unitary Member	Cllr Mollie Groom
Grid Ref	411273 193275		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

The Area Development Manager considers it appropriate, in light of other current Gypsy and Traveller applications in the north eastern part of the county and the implications for the growth proposed in the context of the emerging Core Strategy and site allocations DPD.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED on a TEMPORARY basis for two years subject to:

- the receipt of revised plans omitting the community hall;
- revised plans which address layout concerns and;

subject to conditions.

Lydiard Millicent Parish Council does not object to the approval of the pitches on a temporary basis but do object to the community building and seeks its withdrawal from the application.

2. Main Issues

The proposal needs to be assessed against Policies C3, NE12, NE15, HE6 and H9 of the North Wiltshire Local Plan 2011, Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and government guidance in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

Policy 31 of the emerging Core Strategy, the emerging Gypsy and Traveller DPD as well as the recently published PPS Planning for Traveller Sites (the public consultation on which ended in early August) are material considerations. It is considered limited weight is afforded to these documents.

The key issues in the determination of this application are:

- Need/Policy Considerations
- Impact of the character and appearance of the area
- Amenities of nearby residents

- Sustainability/highways
- Noise/Nuisance
- Human Rights Act
- Other considerations i.e. other Gypsy and Traveller applications at Purdy's Farm and Calcutt Park.

This application is being considered alongside applications which seek to make existing temporary sites permanent at Calcutt Park, Cricklade (14 pitches) and Purdy's Farm, Brinkworth (2 pitches). It was decided in the interests of transparency and consistency that the applications be considered at the same time by the Northern Area Committee.

During the course of determining this application it has become apparent that there are breaches of conditions and legal agreements and these are being pursued separately and are not a reason to delay the determination of this application.

Further the Gypsy status and of occupants has been questioned and this is being investigated with the agent.

3. Site Description

Four Oaks comprises 2 ha of land on which there are currently six pitches, a toilet block and hard surfacing used for transit pitches but predominantly open storage mainly building materials. The applicant has confirmed that these materials are in the process of being moved off site to business premises in Wootton Bassett.

Several day rooms have been constructed in the past in the absence of planning permission together with a more recent day room/garage.

This is in breach of the S106 agreement dated 2004 and the permissions below have never been implemented in accordance with the approved plans.

No on site children's play area, car park or paddock as granted, the latter being required. These breaches which have come to light through the process of determining this application are being considered in terms of future courses of action.

The site is enclosed to the east by a brick wall with planting to the front of the splays.

The site is located in the open countryside within the designated Great Western Community Forest and Braydon Forest designations.

A bridlepath runs along the southern boundary of the site.

4. Relevant Planning History		
Application Number	Proposal	Decision
92/01964F	Use of land for a 14 pitch gypsy caravan site with 2 wardens pitches and altered access. The application was refused on grounds of poor visibility and being outside the framework boundary.	Refused
93/00315	Use of land for 6 no Gypsy caravan site including 2 no wardens pitches, play area, parking, altered access and highway.	Approved

	<p>The application was the subject to a number of conditions which sought to restrict the area caravans could be sited in the site, namely the south east section of the site and along the southern boundary of the site. The reasons being in the interests of visual and rural amenity.</p> <p>In addition only caravans or mobile homes on wheels could be sited on the rear portion of the site.</p> <p>The application was also subject to a S106 agreement which restricted occupation of north eastern part of the site to the applicants and family members of the applicant with no more than four caravans to be stationed at any one time.</p> <p>The south eastern part of the site fell outside the area of usage</p> <p>The remaining western part of the site was to be used as transit accommodation and supervised by one or other of the applications or a nominated warden.</p> <p>The applicants were permitted to be resident on the north eastern part of the site for so long as they shall hold the position of wardens.</p> <p>Landscaping was also required on the boundaries of the site.</p> <p>Permanent 6 pitch Gypsy site.</p>	
96/01778F	<p>Permission was granted subject to several conditions, again restricting the location of caravans as per the 1993 permission and prohibiting the use of the site for any storage or industrial purposes in connection with a trade or business save the parking of lorries or vans which are ancillary to the occupation of Gypsy caravans.</p> <p>A S106 agreement was also applied to the permission. The north eastern part of the site was to be occupied by the applicant and family members in no more than eight caravans at any one time.</p> <p>The south eastern part of the site fell outside of the application site.</p> <p>The western part of the site was permitted as Gypsy caravan site so long as the north eastern part of the site was occupied by the applicants, with the area to be monitored by the applicants/family members or appointed wardens.</p>	Approved
99/01250COU	<p>Change of use to six pitch residential caravan site.</p> <p>The proposal sought to remove the Gypsy status required by occupants on the site in order to obtain a mortgage and after the County Council confirmed it was not possible to purchase it on a caretaker basis.</p> <p>The application was refused on grounds of being tantamount to residential development in the countryside, remote from facilities and services and pedestrian safety.</p>	Refused

00/02027COU	<p>Addition of four transit Gypsy pitches and provision of children's play area.</p> <p>The application increased the size of the site to that which is the subject of the current application.</p> <p>The application was subject to conditional approval with the pitches to be demarcated in accordance with a specified plan. The plan showed a total of 6 pitches with 4 transit pitches and the paddock located on the south eastern part of the site. A children's play area was proposed along the western boundary with a grassed area to the south.</p> <p>The permission was the subject of a S106 agreement which restricted the use of the site to 6 permanent Gypsy pitches and 4 transit pitches. The paddock was to remain for that purpose only.</p> <p>The S106 agreement was varied in 2004 to reflect the new owners of the site. The provisions remained the same as per the previous agreement in terms of restricting pitches and retaining the paddock.</p>	Permission
04/02271FUL	New barn	Withdrawn
10/03709FUL	Provision of five extra caravan pitches and community hall	Withdrawn

5. Proposal

The application is seeking permission for 5 additional pitches to be contained within the site and the relocation of the 4 transit pitches within the site to the eastern part of the site.

Each pitch will provide space for two caravans and a day room, with the exception of the transit pitches.

Additional day rooms are proposed for the existing pitches as shown on the proposed plan.

A community building is proposed to the rear of the site which will provide a meeting venue together with toilets/showers, kitchen and two bedroom warden accommodation.

Children's play area and parking is also sought to be provided.

At the time of preparing this report, there are ongoing concerns in respect of the layout with some amendments required to off-set the new pitches from the southern boundary.

The applicant confirms the pitches are required by the applicants family. No further details of the Gypsy status of the current or proposed occupants has been provided.

6. Consultations

Lydiard Millicent Parish Council – object on the grounds of sustainability and intensification of the site but are supportive of the proposals on a temporary basis subject to the omission of the

community building (day rooms per pitch acceptable). Concern is also expressed with the concentration of the pitch provision in this part of the northern area.

Concerns are also expressed in terms of the breach of conditions and legal agreement in so far as materials are stored on site on the area safeguarded for the paddock, together with the siting of the pitches on the southern boundary adjacent the bridleway. Reference is made to the 1993 permission which restricted development from this part of the site in order to avoid interference with the bridleway and maintain the interests of visual and rural amenity.

Highways Officer – subject to satisfactory plans showing adequate visibility splays no objections subject to conditions.

Environmental Health Officer – no objections.

Thames Water – no objections, informative requested in respect of water pressure.

Spatial Plans – have provided an addendum to comments provided in respect of the previous application on this site. To an extent these comments have been superseded with the submission of the Purdy's Farm application. The following are of relevance:

“From the policy perspective the significant weight that must be given to the level of unmet need for pitches in North Wiltshire must be acknowledged. However, there remain concerns about the location of the site particularly given the scale of proposal and the relationship there is with existing services and facilities. It is considered that the initial proposal for a temporary permission on the site to allow the council to progress policies in both the Wiltshire Core Strategy¹ (in relation to the overall scale of development appropriate in Wiltshire and the conditions that should apply to determine whether a site is in a sustainable location) and the Site Allocations DPD remains appropriate. It reflects the contribution the site could make to unmet need in the short term but allows the decision about the relative sustainability of the site to be determined through a plan led process.

NB. The Bridge Paddock decision notice makes reference to the Government document ‘the Planning System: general Principles’ at para 15. It says ‘It may be justifiable to refuse planning permission on the ground of prematurity where a DPD is being prepared if a proposal is so substantial or the cumulative effect would be so significant that granting planning permission would pre-determine decisions about the scale, location or phasing of new development’. Another application at Calcutt Farm for 14 pitches on a permanent basis is currently being considered in the north Wiltshire area. The cumulative impact of the two applications should be a consideration particularly where the scale or location of the proposal is in question.”

7. Publicity

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

No representations have been received.

8. Policy Context

Adopted:

Circular 01/06 Planning for Gypsy and Travellers
Wiltshire and Swindon Structure Plan 2016 – Policy DP15
North Wiltshire Local Plan 2011 – Policy H9 NE12 NE15

Emerging – material considerations – limited weight

¹ The current programme for the core strategy is to submit to the secretary of state early next year with an inquiry in the late Autumn of 2012. Once a draft core strategy is submitted to the secretary of state it is generally afforded more weight by inspector's in appeal decisions.

9. Planning Considerations

The form and layout of the development

At the time of preparing this report, the case officer has expressed concerns to the applicant in terms of the layout of the development and the provision of the community building.

To accompany Circular 01/2006, the Government has produced good practice guidance for the provision of Gypsy and Traveller sites. The guidance includes advice in respect of site specific requirements for permanent and transit pitches of varying scales.

The proposals currently conflict with that guidance in terms of the distance of pitches from the southern boundary as well as the proximity between caravans on adjacent pitches. The layout accords with general good practice. However, there are some areas of conflict with guidance in terms of the proximity of the pitches to the southern boundary and between pitches where a greater degree of separation is needed.

For this reason the applicant is reconsidering the layout and revised plans are anticipated to be submitted in advance of the Committee.

The proposals also seek to provide warden living accommodation and office to enable management of the site together with a communal kitchen and toilets/shower in the form of a single community building. The applicant is seeking warden accommodation due to the scale of the development and the provision of transit pitches on the site.

It is accepted that given the scale of development envisaged on this site, a community hall and associated kitchen and toilets would provide residents of the site a place in which educational and health visits can take place and this facility is supported in Government good practice guidance.

However, the warden accommodation is not considered to be necessary. It is noted that when the application site was originally permitted, it was considered necessary by the Council to have wardens to manage the transit part of the site. The wardens were the site owners and resident on the site, an aspect controlled via a S106 agreement. Since that time it has been ascertained that the transit aspect of the site has not been in operation for some time due to problems that can and have arisen between transitory and permanent residents. Consequently, the transit area was mainly used for family and friends. Such a use has also significantly hindered by the fact that building materials are now unlawfully kept on this part of the site.

The applicant confirms in supporting information that the transit area will be occupied by family and friends as well as seasonal employees. This is not considered to be a traditional transit use with the potential for conflict between residents significantly reduced so as to negate the need for wardens on the site in this form of permanent accommodation.

If the building were to be significantly reduced, the scale, height and massing of the community hall would be of a similar scale and height to the existing caravans permitted on the site and would be seen within that context. However, such a building would not be justified on the basis of a temporary permission given its permanence and it is for this reason that the applicant has been requested to withdraw this element of the application.

Need/Policy Considerations

Since the 2009 and 2010 applications were considered and temporary permission granted the current Coalition Government has announced the intended revocation of the Regional Spatial Strategy (RSS). Based on recent appeal decisions (the most recent being Bridge Paddocks at Braydon – paragraph 5 of the decision letter), the intention carries little weight at the present time due to the timescale and form this will finally take.

Given the public criticisms of the GTAA undertaken by the Council in deriving need for the period to 2006 to 2011, the Proposed Changes to the RSS recommended the allocation/provision of 48 pitches in the northern area (former North Wiltshire District Council area). This figure has been carried through to the emerging Gypsy and Traveller Site Allocations Development Plan Document published in spring 2010 as well as in the recently published Wiltshire Core Strategy Consultation Document, particularly table 6.1 which accompanies Policy 31. There have been a number of recent planning permissions and appeal decisions since the production of that table.

Appendix I of this report contains a table showing the current position in respect of need.

To the end of April 2011 the outstanding number of pitches was 15 pitches. This figure excludes the 10 pitches granted on appeal at Chelworth Lodge in March 2011 because 5 year supply requires sites to be available and deliverable within that period, the same as with general housing. Due to infrastructure constraints and the speculative nature of that application, it is not considered to meet the need during the period 2006-2011. The site is expected however, to be delivered during the period 2011-2016.

Only 3 pitches have been identified to be required for the period 2011 to 2016. This proposed growth rate was recently questioned by the Inspector during the hearing for the Bridge Paddocks appeal, however in that case it was the immediate need due to the outstanding 2011 requirement which carried significant weight in support of the appeal proposal

The level of growth from 20011 to 2016 will be considered during the progress of the Core Strategy and it is a matter for that process to consider the robustness of such a calculation and not this application process.

It was on the basis of the limited weight to be attached to emerging national and development plan policy together with sustainability credentials which led the Council to approve seven pitches in Wootton Bassett and four pitches adjacent an existing pitch (allowed at appeal) at Framptons Farm, Sutton Benger earlier this year.

Permanent permissions have been recommended at Calcutt Park, Cricklade and Purdy's Farm which satisfies outstanding provision for the period 2006-2011 and provides 1 surplus pitch.

The application site would deliver in the 2011-2016 period, alongside the Bridge Paddocks and Chelworth Lodge sites. Thus the application combined with these sites would result in a significant over provision to 2016 based on the need identified for that period of 3 pitches.

In terms of the status of the emerging DPD and Core Strategy, the Inspector was unequivocal in confirming "Both these components of the Local Development Framework are at a relatively early stage in their preparation, and accordingly their provisions carry limited weight at this time."

In respect of guidance emerging nationally, limited weight should be given to the emerging PPS.

Notwithstanding the above, the over-provision in the context of emerging policies and guidance is considered to be premature and could have significant implications for the effectiveness of the emerging development plan.

Character and Appearance of the Area/Residential Amenity

There can be no objection in principle to a Gypsy site in the countryside based on Circular 01/06.

The site is considered acceptable in landscape terms having been established in some form for the last twenty years. Since that time much has changed in terms of policy and case law since that time.

Due to the fact that the proposal would make the use of existing land within an existing site, it is not considered that the proposal would be detrimental to the objectives of the Braydon Forest designation to which Policy NE12 relates. Further the intensification would not fundamentally alter the character and appearance of this site within the countryside. The intensification and extension of existing sites is an approach supported in the emerging development plan.

It is a fact that Gypsy sites are acceptable in principle in the countryside and wherever they are located there will be some impact on the surrounding area.

In terms of residential amenity, there is no evidence to suggest that the approval of the site either on a temporary or permanent basis would be harmful to the promotion of the peaceful and integrated co-existence between the site and the local community (paragraph 64 Circular 01/2006). No dwelling is sited immediately adjacent to the site. There is some distance between the site and dwellings to the north, east and south.

Given that some 26 pitches were considered to be acceptable on these grounds at Chelworth Lodge where the non-Gypsy community was restricted to some 4 dwellings, it would be wholly unreasonable not to adopt the same consistent approach at this location.

It is noted that concerns have been raised in respect of the scale of Gypsy pitches in the northern part of the former North Wiltshire area as well as in the north of the new County in general. It is accepted that there are a high number of pitches within this area in comparison to the distribution in the wider former North Wiltshire area. Such a pattern of distribution is shared with Chippenham and to a lesser extent Wootton Bassett. This distribution is reflective of the importance of these locations and the roles they play in terms of facilities and employment opportunities and applies equally to the settled community.

In light of the Chelworth Lodge appeal decision and other appeal decisions reviewed nationally, there is no evidence which would support an over concentration over several Parish/Town Council areas to substantiate a reason for refusal on this basis. All the sites are of a reasonable distance from one another so as to not physically appear as an over concentration harmful to the local communities. Distribution of growth in response to demand and need is a matter for the emerging DPD and Core Strategy to consider.

Sustainability/Location of development

Current Government guidance does not objection in principle to gypsy and traveller sites in the countryside, it follows that such sites will not always be located in the most sustainable of locations. Paragraph 54 of Circular 01/2006 states: "*in assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.*" (Officer emphasis).

Policy H9 of the Local Plan requires such sites to have "*reasonable access to local community facilities and services...*" (Officer emphasis).

Paragraph 64 of the Circular stresses that whilst sustainability is important, it is not to be solely considered in terms of transport mode and distances from services. Other considerations are integration within the community; wider benefits of easier access to GP and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling.

This paragraph has been consistently applied in terms of all appeal decisions within the former North Wiltshire District Council are over the past 5 years including the most recent appeal decision at Bridge Paddock.

It has also been applied in recent planning permissions at Glenville Nurseries in Wootton Bassett (7 pitches) and Framptons Farm in Sutton Benger (4 pitches adjacent the single pitch allowed at appeal).

The appeal site occupies a similar location in terms of access to facilities as the appeal site at Bridge Paddocks. When considered against the current guidance contained with the Circular and the appeal decision, the location of the site is not objectionable nor can it be.

Four Oaks does not compare well with the proposed site at Calcutt in terms of the emerging Core Strategy and DPD site location criteria. This, together with other aspects of this proposal (as reviewed below) are considered to count against allowing a permanent permission at this site at this time.

Noise/Nuisance

This issue had been raised with the previous application but not this current application. For the avoidance of doubt it is considered in the context of this application.

It is accepted that the increased activity on the site will result in some additional noise but this is not considered to be sufficiently harmful to the amenities of nearby residents as to warrant a reason for refusal. Further, there is no evidence to suggest that a community building would result in anti-social behaviour on the site. The use of the building in terms of hours of operation could be conditioned in any event.

Similar relationships between Gypsy and Traveller sites and the settled community have been permitted at appeal or otherwise at Wootton Bassett, Chelworth Lodge and Minety and it would be wholly unreasonable to refuse permission on this basis.

Further no objections have been raised by Environmental Health Officers to the application.

Highways Impact

Following the submission of additional plans, no highways objections are raised to the proposals either in relation to the access/egress to the main road.

No objections have been raised in terms of the proximity of the pitches in terms of impact on the bridleway which forms the southern boundary of the site.

Human Rights

In determining this application the Committee is required to have regards to the Human Rights Act 1998, in particular Article 8 and Article 1 of the First Protocol, which confer rights of respect for a person's private life, home and possessions. Any interference in those rights by a public authority must be lawful and proportionate. This involves balancing the interests of all parties involved and taking into account the public interest in the proper application of planning policies.

Having considered all the circumstances of this application, it is considered that the granting of a temporary permission would be proportionate and would not, therefore, be a violation of the Act.

Other material considerations

The application has not been submitted on the basis of personal circumstances since no evidence has been provided in this respect or the Gypsy status of the proposed occupants.

This is not wholly unusual and this was the case with the Chelworth Lodge site which was allowed at appeal.

This application is being considered alongside proposals seeking permanent permissions at Calcutt Park, Cricklade (14 pitches) and at Purdy's Farm, Brinkworth (2 pitches).

The cumulative impact of the applications in terms of the pitch provision in light of existing and emerging need should be considered.

As outlined above, for the period to 2011 it is considered that there is an outstanding need of 15 pitches. Based on previous appeal decisions outstanding need/failure to meet a 5 year supply of sites is a significant consideration.

In meeting the outstanding need to 2011, the sites are considered on their merits below:

Calcutt Park:

- considered suitable on a temporary basis subject to further consideration of site criteria as part of the emerging DPD;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Purdy's Farm:

- considered suitable on a temporary basis in light of the emerging Local Development Scheme and sites being identified through that process;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Four Oaks:

- the pitches although contained within the existing boundaries of the site they are undeveloped and unoccupied at present, no evidence of need for personal circumstances of new occupants has been advanced by the applicant;
- The site at Four Oaks, in terms of the emerging Core Strategy and DPD, occupies a less sustainable location than Calcutt Park;
- Private transit pitches operate at the discretion of the site owner occupied largely by family and friends visiting and is thus not considered to be transit in the traditional sense;
- At the time of preparing this report, the intensification of the site results in a layout which conflict with aspects of good practice guidelines and amendments have been sought;
- The community building is unacceptable for reasons detailed in that report; and
- Acceptable in all other respects i.e. landscape impact and highways.

On the basis of information contained within this report, and as mentioned above. Four Oaks is not considered to be a site which could contribute to the outstanding need to 2011.

The sites at Calcutt Park and Purdy's Farm would make a significant contribution to outstanding need to 2011 which has failed to be provided thus far for a number of reasons including the fact that both those sites have already been delivered with occupants enrolled at schools and doctors etc.

The provision of the site at Four Oaks can only be considered in the context of need for the period 2011 to 2016 and if granted, there would be an over provision of 5 year supply of some 13 pitches since the sites Chelworth Lodge and Bridge Paddocks fall within the same period (given dates allowed at appeal or build out timescales).

In light of this over provision which reflects the Governments "bottom up" approach to deriving local need, it is considered that allowing the development at Four Oaks on a permanent basis would be prejudicial to the emerging Core Strategy and site allocations DPD.

Thus, the provision of 5 new pitches at Four Oaks are only considered to be an acceptable for a temporary period until such time as the precise need and location of sites for the period 2011 to 2016 fully considered as part of planned growth.

There are no material considerations to warrant an alternative course of action.

On the basis of a temporary permission, and for reasons highlighted above, the applicant has been invited to withdraw the community building from the current proposals.

9. Conclusion

The application if approved on a permanent basis would result in a significant over provision of 5 year supply of Gypsy and Traveller sites and would prejudice the scale of growth to be determined and allocated locally through the emerging Core Strategy and allocations DPD.

A temporary permission would accord with guidance contained within Circular 01/2006 however, such a permission temporary or otherwise would not necessitate the scale of building and its degree of permanence.

Given the temporary nature of the permission, it is considered the requirement to provide landscaping at present would be too onerous and is not reasonable to require for these reasons. The children's play area is considered to be essential notwithstanding the permission is not permanent.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011), PPS3 "Housing" and advice contained in Circular 01/2006.

Subject to:

The receipt of revised layout plans which include the omission of the community Building.

And subject to the following conditions:

1. The use hereby permitted shall be for a limited period being the period 2 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed, and the land restored to its former condition, or such condition as may be authorised by any other extant planning permission.

REASON: The provision of potential sites are being considered in the emerging Gypsy and Traveller Site Allocations DPD. A permanent permission in advance of this process would be premature and a temporary permission in this instance would accord with advice contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

2. Prior to the commencement of development, all building materials stored on the site shall be removed.

REASON: In the interests of the amenity of existing and proposed occupants of the site.

3. Within three months of this permission, the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

4. Prior to the occupation of any of the pitches hereby permitted, including the transit pitches, the children's' play area shall be provided in accordance with details, including full details of the proposed play equipment, which shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be erected in accordance with the approved details and maintained for a minimum period of five years thereafter unless otherwise agreed in writing.

REASON: In the interests of the amenity of the site.

5. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 215 metres from the centre of the access in both directions in accordance with the approved plans ('North Visibility Splay Details'). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

6. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

7. There shall be no more than eleven (11) permanent pitches and four (4) transit pitches on the site.

REASON: In the interests of visual amenity and the amenity of occupants of the site.

8. There shall be no more than thirty (30) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than eleven (11) shall be a static caravan or mobile home and no more than thirteen (13) shall be a touring caravan, shall be stationed on the site at any time. Only touring caravans are permitted on the transit pitches on the site. The site being defined by the red line on the site location plan dated 28 July 2011.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

9. The 4 no. transit gypsy pitches hereby permitted shall not be occupied for a period in excess of 60 days in any one calendar year by any single gypsy family. Records of occupation shall be kept by the site owner and be made available to the Council at all reasonable times.

REASON: To ensure the pitches are not occupied on a permanent basis having regard to the amenities available to those pitches in comparison with permanent pitches.

10. No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

11. Except for the keeping of commercial vehicles as defined in condition 11 above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

12. 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), no buildings or structures, or wall, fence or other means of enclosure shall be erected anywhere on the site.

REASON: To safeguard the character and appearance of the area.



APPENDIX 1 GYPSY AND TRAVELLER PITCH PROVISION/NEED 2006-2016 - NORTH

Proposed Requirement 2006- April 2011

48 pitches

Permanent sites delivered

Heath Lane, Startley	2 pitches (allowed at appeal 2006)
Swiss Cottage, Minety	16 pitches (allowed at appeal 2007)
Tadpole Lane, Cricklade	2 pitches (allowed at appeal 2007)
Melbourne View, Brinkworth	1 pitch (allowed at appeal 2008)
Framptons Farm, Sutton Benger	1 pitch (allowed at appeal in 2009)
Glenville Nurseries, Wootton Bassett	7 pitches (approved in 2009)
Framptons Farm, Sutton Benger	4 pitches (approved 2011)

TOTAL 2006-2011

33 pitches

SHORTFALL 2006- 2011 = 15 PITCHES

+ Calcutt Park 14 pitches

+ Purdy's Farm 2 pitches

= 33 PITCHES + 16 PITCHES

TOTAL PROVISION 2006-2011 = 49 PITCHES

PROPOSED REQUIREMENT TO 2011-2016

3 pitches

Permanent Sites

Bridge Paddocks, Braydon	1 pitch (allowed at appeal 2011)
Chelworth Lodge, Cricklade	10 pitches (allowed at appeal 2011)

(NB Chelworth Lodge was granted pp before July 2011 but is not considered to be available or deliverable until to 2011-2016 period)

TOTAL PROVISION 2011-2016

11 pitches

+ FOUR OAKS, LYDIARD PLAIN - NEW PERMANENT PITCHES NO. 5 NOT OCCUPIED OR DELIVERED

TOTAL PROVISION 2011-2016

= 16 PITCHES

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2nd November 2011		
Application Number	11/00935/FUL and 11/01021/CAC		
Site Address	109 Gloucester Road, Malmesbury, Wiltshire, SN16 0BT		
Proposal	Demolition of Existing Bungalow and Erection of Residential Development Consisting of Five 2 bedroom Flats, Two 2 Bedroom Dwellings, and One 1 Bedroom Dwelling		
Applicant	Leopold Estates Limited		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Councillor Simon Killane
Grid Ref	393096 187717		
Type of application	FULL and Conservation Area Consent to Demolish		
Case Officer	Lydia Lewis	01249 706643	lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Killane has submitted a request for the planning application to be considered by the committee as Malmesbury Town Council Planning Committee and Environment is concerned about this application particularly water, sewerage issues plus traffic safety. Policies C3(i), (iii) and (vii) from the Local Plan are cited to support their opposition.

1. Report Summary

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

2. Main Issues

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

- The principle of development;
- The design and appearance and impact on the character and appearance of the Conservation Area;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety;
- Ecology;
- Flood Risk; and
- Provision of public open space and education contributions.

The application has generated objection from Malmesbury Town Council, Malmesbury & St Paul Without Residents' Association and 18 letters of objection from 12 different properties.

3. Site Description

The site is roughly rectangular in shape and is situated to the east of Gloucester Road and to the west of the River Avon within the Malmesbury Conservation Area. An area to the north east corner of the site is situated within flood zone 3 with the remainder in flood zone 2. The site is

currently occupied by a detached bungalow and is within the defined Settlement Framework Boundary.

4. Relevant Planning History		
Application Number	Proposal	Decision
None.		

5. Proposal

The applicant seeks Conservation Area Consent for the demolition of the existing bungalow and erection of a residential development of 8 dwellings, consisting of five 2 bedroom flats, two 2 bedroom dwellings and one 1 bedroom dwelling within a block ranging in height from single storey to two and a half stories. 11 car parking spaces are proposed.

6. Planning Policy

North Wiltshire Local Plan 2011

C2 – Community Infrastructure
 C3 – Development Control Policy
 NE7 – Nature Conservation Sites of Local Importance
 NE9 – Protection of Species
 HE1 – Development in Conservation Areas
 HE2 – Demolition in Conservation Areas
 H1 – Required Level of Residential Development
 H3 – Residential Development Within Framework Boundaries
 CF3 – Provision of Open Space

National Planning Policies

Planning Policy Statement 3: Housing
 Planning Policy Statement 9: Biodiversity and Geological Conservation
 Planning Policy Statement 25: Development and Flood Risk

7. Consultations

Environmental Health – No adverse comments.

Malmesbury & St Paul Without Residents' Association – There is a need in the town for one and two bedroom dwellings and this development will go some way to meeting that need. The revised application appears to address many of the concerns of the owners of the neighbouring property and other residents expressed. The way the developer is trying to strike an acceptable compromise in the best interests of the town is welcomed. However, the Association remains concerned about the potential degradation in the highway safety environment to the front of the development, vehicles parked to the right of the exit could obscure traffic approaching the mini roundabout from the north. If a S106 agreement is appropriate for this permission it is suggested that another controlled crossing from next to the fire station over to the Co-op Supermarket (there is a cut through from the football ground being the Co-op which goes to the school). In addition, although the bulk of the building has unquestionably been reduced, the increased footprint of the development in relation to the size of the plot is a concern.

Taking these issues into account, on balance, the Association wishes to oppose the application. It is requested that the appropriate highway officer is in attendance at the Northern Area Planning Committee to answer questions about highway safety in the immediate vicinity of the development.

Principal Ecologist – No objection in relation to ecology, subject to a suitably worded condition.

Malmesbury Town Council – Oppose, concerned about particularly water and sewerage issues plus traffic safety and cite policies C3i, iii and vii from the Local Plan to support this opposition. Demolition would fail to preserve or enhance the conservation area.

Environment Agency – No objection subject to conditions relating to: surface water drainage; compliance with the flood risk assessment; and contamination.

Wessex Water – New water supply and waste water connections will be required from Wessex Water to serve this proposed development. A signed adoption agreement with Wessex Water will be required before the connection can be made. A public combined sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public combined sewer. Building over existing water mains / public sewers will not be permitted without agreement. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement. Diverting a water main / public sewer will be subject to satisfactory engineering proposals and a legal agreement subject to the provisions of the S185 Water Industry Act 1991.

County Highways – No highway objection subject to a condition relating to the provision of the access, turning area and parking spaces.

Education – The proposed development generates a need for 2 primary places and 1 secondary place. A contribution of £25,196 is required.

Public Open Space – A contribution of £12,400 is required. This would be directed towards Reeds Farm. These facilities have been prone to flooding and there are plans to rework the area to alleviate this.

Affordable Housing – The site does not trigger an affordable housing contribution as it is within the framework boundary of Malmesbury and does not exceed 15 unit threshold.

8. Publicity

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

1 letter of support has been received in response to the application publicity. This states that the applicant has made considerable efforts to respond positively to the concerns of residents and has made design changes accordingly. The proposal replaces a bungalow of little character with a new building more in keeping with the conservation area. There is a precedent for this type of building at Athelstan Court. The proposal is in accordance with policy C3.

19 letters of objection have been received in response to the application publicity from 13 properties. In summary, the following concerns have been raised:

- There are many unsold houses in Malmesbury;
- There is nowhere for people to work;
- Would bring down house values;
- The exit would be directly onto a roundabout where there is already restricted views;
- Traffic in Malmesbury is already heavy;
- Loss of privacy;
- Loss of light;
- Problems with sewerage;

- Cars exiting the development would block the pavement whilst waiting to proceed and would be a danger to pedestrians;
- The site has flooded in the past;
- Parking is already an issue;
- Detrimental to wildlife;
- The plans allow for parking at Stainsbridge Mill which would not be allowed and restrict the access route;
- Too many dwellings on a relatively small site;
- There is already a lot of pressure on public services such as the schools and the Primary Care Centre;
- Out of keeping with the conservation area;
- Noise, dirt and dust;
- Design of flats is basic and unattractive;
- Raising car park wall height;
- No provision has been made for delivery lorries during the construction phase;
- To allow the development would make a charade of 'Localism';
- The proposal would constitute garden grabbing;
- The majority of the site will be concreted over; and
- The amended plans should have been re advertised by a new notice.

9. Planning Considerations

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: that 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.

Planning Policy Statement 3: Housing (PPS3) was amended in June 2010 through a Ministerial Statement to exclude private residential gardens from the definition of previously developed land in Annex B.

The application site would therefore be classified as greenfield land and the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. The Ministerial Statement does not create a policy presumption against development in private residential gardens, but it does, alter the weight to be given to factors to be considered, in particular, development needs to be judged against the prevailing character of an area.

The basic policy set out in PPS3 is unchanged and paragraph 36 states that the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment.

The site is situated within the Settlement Framework Boundary, in a sustainable location and would provide a mixture of dwelling types and sizes. The proposed development would represent the more efficient use of land and is considered to be acceptable in principle.

Design and Appearance and Impact on the Character and Appearance of the Conservation Area

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including, inter alia: 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.

Policy HE1 of the Local Plan considers that in Conservation Areas, proposals for development will preserve or enhance the character or appearance of the area.

Policy HE2 of the Local Plan considers that development will not be permitted involving the demolition of buildings or structures that make a positive contribution to the character or appearance of a Conservation Area. Development involving the demolition of buildings will only be permitted in conservation areas where:

- i) The proposals would preserve or enhance the character or appearance of the Conservation Area, such as removing unsightly, alien or modern features; and
- ii) The form of any necessary replacement has been approved, and where a contract has been made for the carrying out of the works of redevelopment.

The existing 1970s bungalow has little architectural merit and does not preserve or enhance the character and appearance of this part of the Malmesbury Conservation Area. As such, no objection is raised to its demolition, subject to a condition requiring a valid construction contract be entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site.

The design of the proposed development has been amended following discussions with officers resulting in summary with: the double gable features to the north and south being removed; the overall scale reduced; the materials altered; and the car parking re-arranged.

The design and appearance of properties within the surrounding area is characterised by a mixture of architectural styles, designs and materials.

The front (west) elevation is two and a half stories with dormer windows in the roof. In terms of scale, the existing property is a bungalow as is the neighbouring property to the north, Foxlea. Foxlea has an approximate height of 5 metres. A new housing development characterised by two and two and a half storey properties sits opposite the site to the west. The design of the proposal takes its cue from the neighbouring property to the south, International House which is also two and a half stories with dormer windows in the roof and has an approximate height of 10.4 metres. The height of the proposed development is below that of "International House" at approximately 8.8 metres.

The north elevation and the western most part of the south elevation are particularly prominent. It was originally proposed that the gable ends would be constructed of render but amended plans have been received showing these finished in natural stone. The overall development would be constructed of render and natural stone under a slate roof with timber painted doors and windows. Planning conditions requiring sample materials and panels are recommended to ensure they are of sufficient quality. A condition requiring details of the roof lights is also recommended.

The number of car parking spaces across the site has been increased from 9 to 11 and the area of hardstanding has been re-arranged. The result being that it protrudes into the site less allowing an area of amenity space adjacent to the river.

The proposed development would preserve the character and appearance of this part of the Malmesbury Conservation Area.

Impact on 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.

Given the orientation of the application site in relation to the neighbouring bungalow Foxlea with the proposed development set to the south, the proposed development would result in a degree of overshadowing of this property. This property has a number of windows in the south side

elevation facing the application site, including a secondary lounge window, secondary dining room window and secondary kitchen / breakfast room windows.

The scheme would be set forward of Foxlea and proposes a two and a half storey element to the front with gable ends. The original proposal also included a gable end where it is adjacent to Foxlea, however, the scheme has been amended and now includes a single storey element reducing its impact on Foxlea, with the scale of the main building significantly reduced with an eaves height of 4 metres and overall ridge height of 8.7 metres that hips away from Foxlea.

Whilst the proposal would result in some overshadowing of Foxlea, on balance, it is considered that any impact could not be regarded as so significant so as to justify a reason to refuse planning permission.

In terms of overlooking, no first floor windows are proposed in the north elevation. 10 roof lights are proposed, 4 serve a hallway, 3 serve a bathroom, 2 serve a mezzanine area and 1 serves a bedroom. The roof light serving the bedroom is situated at the easternmost end of the proposed development and would result in some limited overlooking of the furthest end of the garden of Foxlea. This could not be described as significant.

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, a minimum of one car parking space is required for one bedroom properties and two spaces for two bedroom properties. This would equate to a provision of 15 spaces. The number of car parking spaces has been increased from 9 to 11. Although this is below the new minimum requirements, pre-application discussions have taken place on this site since 2008 and under these circumstances it is not considered reasonable to insist on the provision of a further 4 spaces.

Furthermore, in light of the need to encourage the use of more sustainable modes of transport, the site's relatively close proximity to Malmesbury Town Centre and the broad range of services and facilities associated with this which are within easy walking distance, it is considered that the parking provision proposed is acceptable in this location and would not exacerbate parking problems to such an extent as to result in material harm to highway safety or a significant increase in traffic in the locality.

In relation to highway safety, County Highways have raised no objection to the application. On this basis, it is not considered that the proposed development would be detrimental to highway safety in accordance with the aims and objectives of policy C3 of the Local Plan.

Ecology

Policy NE9 states that planning permission will not be granted for development which would have an adverse effect on protected species.

The Council's Principal Ecologist has reviewed the application and has advised that although the existing bungalow is located close to the river, the walls and roof are in good condition, offering little potential access for roosting bats, while the roof space is also occupied by living space; as such it is considered that any risk to bats is very low and a bat survey is not required. The site is however adjacent to the River Avon County Wildlife Site; Policy NE7 requires that the wildlife interest at such sites is considered and protected during the planning process. Although the proposed building footprint does not itself come particularly close to the river edge, it is feasible that construction activities could extend to the river edge, it is therefore recommended that a buffer is maintained along the river edge during the construction phase of development to protect it from

potential damage and pollution, and protect sensitive fauna such as water vole from disturbance. A condition to this effect is recommended.

Subject to the imposition of an appropriately worded condition, the proposed development would not have an unacceptable impact on ecology.

Flood Risk

Planning Policy Statement 25: Development and Flood Risk (PPS25) considers that all forms of flooding and their impact on the natural and built environment are material planning considerations.

The whole of the application site is situated within flood zone 2 (medium probability) and a section in the north east corner of the site is situated within flood zone 3 (high probability).

Table D2 of PPS25 classifies buildings used for dwelling houses as 'more vulnerable'.

A Flood Risk Assessment (FRA) has been submitted in support of the application. This concludes that ground levels within the area of the site situated within flood zone 3 are below the Environment Agency's 100 year flood level of 71.46 metres AOD. Therefore, when the 100 year flood occurs, it is possible that this area will become flooded. There are, however, no buildings proposed in this area.

The buildings are situated within flood zone 2, however, in the event of a 1 in 1,000 year flood occupants could evacuate to flood zone 1 land to the south.

The Environment Agency have reviewed the proposals and have raised no objections subject to the imposition of conditions relating to: surface water drainage; compliance with the flood risk assessment; and contamination.

In light of the above, it is not considered that the proposed development would be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere in accordance with PPS25.

Provision of Public Open Space and Education Contributions

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.

The Public Open Space team have confirmed that a contribution of £12,400 is required. This would be directed towards improvement of existing facilities at Reeds Farm. These facilities have been prone to flooding and there are plans to rework the area to alleviate this.

The Council's Education team have confirmed that in areas where there is a very serious pressure for places contributions are sought on all applications coming forward, regardless of their size, and this is the case currently in Malmesbury, particularly at the local primary schools.

The designated area schools are Malmesbury CE and Malmesbury Secondary. Both are full and forecast to remain so. The proposed development generates a need for 2 primary places and 1 secondary place. The current cost multipliers are £12,257 per primary and £18,469 per secondary place. Having currently reviewed and updated the secondary pupils forecast for Malmesbury, and taking the view that the primary places deficit is most pressing, Education have agreed that in this particular case, a contribution of 2 primary places at a total of £25,196 is required.

The applicants have confirmed that they are willing to enter into a Section 106 agreement under the terms outlined above and subject to this, the proposal would be acceptable in this respect.

10. Recommendation

In respect of 11/00935/FUL

Subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space and education, as required by policies C2 and CF3 of the adopted North Wiltshire Local Plan 2011, it is recommended that planning permission be GRANTED for the following reason:

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and would preserve the character and appearance of this part of the Malmesbury Conservation Area. The proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway safety. The Council's Highway Officer has raised no objection to the proposal.

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 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.

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

3. No development shall commence on site until details of the external stonework, including type, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall be constructed in accordance with the approved details.

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

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

4. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

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

5. Prior to commencement of development hedges fencing shall be erected a minimum of 5 metres from the top of the river bank in order to establish a buffer zone which shall be maintained throughout the construction phase of development. There shall be no construction activities within

the buffer zone including access, machinery, storage, excavation, construction, compounds or fires.

REASON: In the interests of the ecology of the site and the natural environment in accordance with policy NE9 of the North Wiltshire Local Plan 2011.

6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including sustainable drainage principles has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with PPS25.

7. The development shall be carried out in strict accordance with the submitted Flood Risk Assessment (prepared by Environ UK and dated February 2011) and the following flood resilience measures detailed therein:

- a) Finished floor level to be set no lower than 72.06 metres AOD;
- b) No external air vents or electric points to be installed lower than 72.06 AOD;
- c) All service entry points to be appropriately sealed.

REASON: To reduce the risk and impact of any flooding on the development and its users in accordance with PPS25.

8. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To prevent the pollution of controlled waters in accordance with PPS23.

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

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

10. The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

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

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

11. 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.

- 3275/45 – Site location plan
- 3275/40 Rev M – Proposed floor plans and elevations
- 3275/44 Rev S – Proposed site plan
- 3275/42 Rev F – Proposed street elevation

- 3275/43 Rev C – Existing topographical survey

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

Informatives

1. Maximum allowable surface water discharge should not include climate change. The maximum discharge rate should be the 1 in 100 year rainfall event, however when calculating the required attenuation for the same return period, 30% increase should be applied for climate change. This is likely to increase attenuation required on site, however the Environment Agency are satisfied that this can be achieved under condition 6. These details should be submitted as part of the information required to discharge condition 6.
2. The applicant is encouraged to sign up to the Environment Agency's free Floodline Warnings Direct service, who can be contacted on 0845 988 1188 or via the Environment Agency's website.
3. It is understood from the submitted FRA and accompanying site plans that there will be no ground-raising or built development within land designated as Flood Zone 3 (i.e. below 71.46 metres AOD). If this is not the case or this changes, the Environment Agency would need to be re-consulted because such works may impact on flood conveyance and storage.

In respect of 10/01021/CAC

Conservation Area be GRANTED for the following reason:

The character and appearance of the conservation area would be preserved, in accordance with Section 72 (1), as amended, of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy HE2 of the North Wiltshire Local Plan 2011 and the guidance contained within Planning Policy Statement 5: Planning for the Historic Environment.

Subject to the following conditions:

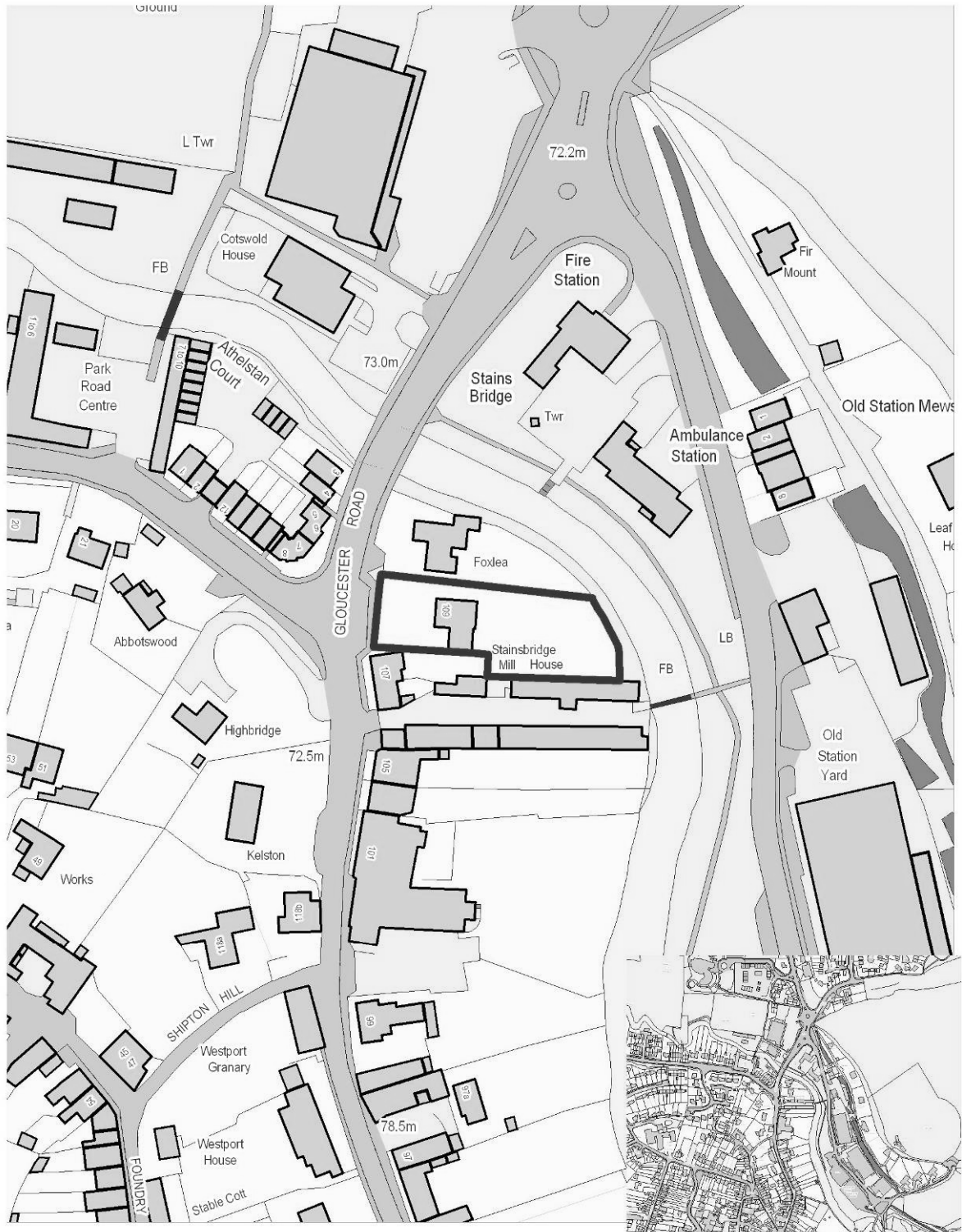
1. The works for which conservation area consent is hereby granted shall be begun within three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No works for the demolition of the building or any part thereof shall commence until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission has been granted under application reference N/11/00935/FUL or such other amendment approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the visual amenity of the locality, which is within a designated Conservation Area.

POLICY: HE2 of the North Wiltshire Local Plan 2011.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02243/FUL		
Site Address	The Coach House, Leafy Lane, Box, Wiltshire. SN13 0LE		
Proposal	Extension to provide ancillary accommodation		
Applicant	Mr S Crowther		
Town/Parish Council	Box		
Electoral Division	Corsham Without and Box Hill	Unitary Member	Cllr Dick Tonge
Grid Ref	384338 170055		
Type of application	Full		
Case Officer	Mrs Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

This application has been called to committee at the request of councillor Dick Tonge to consider the design and scale of the proposal and its relationship to existing buildings.

1. Purpose of Report

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

2. Main Issues

- Size, scale and design of the annexe in relation to green belt policy (NE1) and policies C3 (development control core policy), H8 (residential extensions) and NE4 (areas of outstanding natural beauty).
- Affect on the character and appearance of the host dwelling

3. Site Description

The Coach House is situated within an area of outstanding natural beauty (AONB) and green belt. It was part of Rudloe Hall until separated from it in 1965 and is located directly to the east of Rudloe Hall and on the west side of Leafy Lane.

The dwelling is surrounded by a wall which is 2.4 metres high at its lowest point. The Coach House is constructed of natural stone and slate tiles.

The main building has been extended in the past with a single storey projection to the north (although this is likely to be pre 1923) and conservatory to the south.

4. Relevant Planning History		
Application Number	Proposal	Decision
NONE		

5. Proposal

An extension to the north of the dwelling is proposed. It will be predominantly single storey construction with a one and a half storey midsection. A carport linked to the single storey element of the existing dwelling is to connect the extension.

The proposed accommodation is a carport, log store and hallway to; store, laundry room, guest bedroom and en-suite, games/music room, home office and another guest bedroom and shower room at first floor.

A small outbuilding is proposed to be removed to make way for the extension.

Access to the dwelling from Leafy Lane will remain as existing.

6. Consultations

Box Parish Council – There are no objections to the extension in principle but feel that this is overlarge for the green belt. If it were to be granted permission it must remain ancillary to the existing property.

7. Publicity

Two letters of letters were received objecting to the application on the grounds that;

- Although the design is well considered it is too ambitious for a green belt project;
- The construction will be effectively adding another house to the property;
- Several trees have already been removed from the site;
- Extra roof construction is excessive;
- Foul waste discharges into a septic tank in the grounds of Rudloe Hall Hotel. There is no spare capacity for extra foul waste.

8. Planning Considerations

Policy NE1 (Green Belts) of the Adopted North Wiltshire Local Plan 2011 allows only the 'limited' extension of existing dwellings.

Planning Policy Guidance Note 2 (Green Belts) states that inappropriate development will not be allowed in the Green Belt except in exceptional circumstances. It also states that the extension or alteration of a dwelling is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. The creation of new residential development in the Green Belt is inappropriate development in planning policy terms.

The design and planning statement included within the application states that the extension represents around a 30% net increase on The Coach House. However, it also confirms that neither the carport, or log store or existing conservatory extension are taken into account in this figure. Officers calculate that the proposed extension, (minus the volume of the outbuilding to be removed but including the existing conservatory extension) is approximately a 63% increase on the volume of the original building.

Having regard to the size and scale of the development and that it is tantamount to the creation of a new dwelling, it is considered the proposal would not preserve the openness of the green belt and would conflict with the purposes of including land within that designation. The proposal is therefore, considered to be inappropriate development in the Green Belt and contrary to the aims of policy NE4 which prioritises the conservation and enhancement of the natural beauty of the landscape.

Policy H8 (Residential Extensions) states that where proposals for annexe accommodation are put forward these should be of a scale that is proportionate to the existing dwelling and no larger than is functionally required.

Notwithstanding the Green Belt designation it is considered that the form of development, that is, separate accommodation with two bedrooms and two bathrooms and an additional four rooms entered through a hallway, is not compatible with the aims of policy H8. The proposal is considered to be tantamount to a new dwelling in the countryside and would not be in keeping with the host building in terms of scale and form, contrary to policy H8 of the Local Plan.

It has been suggested that a condition or legal agreement is considered to tie the proposed development to The Coach House. Notwithstanding the above, given the scale and layout of the proposed building and that it would be capable of being used as a separate dwelling, the local authority may be under pressure in the future should an appeal against the condition or application to rescind the legal agreement be made. It is considered that a condition or legal agreement would not make what is an unacceptable form of development, acceptable.

In response to a neighbour letter, it is confirmed that it is the applicants intention to install a new septic tank for the exclusive use of The Coach House.

9. Conclusion

The proposed annexe is a disproportionate addition to the dwelling and tantamount to a new dwelling in the green belt.

10. Recommendation

Planning Permission is REFUSED for the following reason:

- 1) The proposal by reason of its size, scale, design and layout, is considered to be tantamount to a new dwelling and would be a disproportionate addition to the existing dwelling. It is therefore, inappropriate development within the green belt and contrary to policies NE1, NE4 and H8 of the North Wiltshire Local Plan 2011.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02399/FUL		
Site Address	1 Whitegates, Castle Combe, Chippenham, Wiltshire. SN14 7HQ.		
Proposal	Two Storey Extension to Existing Dwelling to Provide Annexe (Resubmission of 11/01513/FUL)		
Applicant	Mr C Weir-Williams		
Town/Parish Council	Castle Combe		
Electoral Division	By Brook	Unitary Member	Councillor Jane Scott
Grid Ref	384526 177891		
Type of application	FULL		
Case Officer	Mrs Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

This application has been submitted to the Committee at the request of Councillor Jane Scott to assess the impact of the proposal upon the amenity of the area.

1. Purpose of Report

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

2. Main Issues

- Affect on the character and appearance of the host dwelling (Policy H8)
- Impact on the area of outstanding natural beauty (Policy NE4)
- Implications regarding (Core Policy C3)

3. Site Description

1 Whitegates lies to the northern side of upper Castle Combe and just outside the conservation area but within an area of outstanding natural beauty.

It is a detached dwelling located at the frontage of a modern group of dwellings off the B4039. Directly to the rear are single storey dwellings, and to the south is a bus stop and turning area.

The dwelling is of render and concrete tile construction and following approval in 2008, has recently had a large extension added to the southern elevation.

To the north is a large single storey extension comprising of a study, bathroom, dressing room and bedroom.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/01513/ful	Two storey extension to provide annexe	Withdrawn
08/02513/ful	Two storey extension and single storey porch	Permission

5. Proposal

It is proposed to extend above and forward of the single storey element of the dwelling to create a wholly self contained annexe with a lounge, kitchen and dining room on the ground floor, and bedroom and bathroom on the first floor. An existing door at ground floor will link the annexe to the main dwelling.

6. Consultations

Castle Combe Parish Council commented that the application 'was much more appropriate than the previous application which was withdrawn. Some concern was expressed that this proposal makes the front of the property appear to be all windows.'

7. Publicity

The application was advertised by site notice and neighbour consultation.

8. Planning Considerations

Design

Residential extensions are permitted under policy H8 provided that the development is in keeping with the host dwelling in terms of scale, form, materials and detailing, and does not result in unneighbourly development.

The proposal would be approximately 9.3 metres wide, 7.35 metres deep and 6 metres to ridge height. The extension would therefore, be 0.8m wider and 2.3m deeper than the original part of the dwelling and it is considered would appear bulky and would not be in proportion to the existing dwelling.

In addition, the proposal would add three dormer windows to the front elevation and two widely spaced windows at ground floor level. It is considered that this proposed elevation, which is very prominent, would appear as an incongruous addition to the dwelling.

Use

The annexe is of considerable size providing a significant amount of accommodation which is wholly self contained. Policy H8 states that where proposals for annexe accommodation are put forward these should be of a scale that is proportionate to the existing dwelling and no larger than is functionally required.

It is considered that the proposed annexe is not modest in size and, being wholly self contained, could be easily separated from the main dwelling.

Impact on neighbours

To the rear are a pair of bungalows situated at right angles to 1 Whitegates. The extension will raise the rear wall of the existing single storey extension from an eaves height of approximately 1.8m to 3.25m. The rear wall of the building would be 3.5 m from the rear boundary. Whilst there would be an impact on the amenity of the occupiers of the dwelling to the rear, it is considered that because the extension would not be full height and located off the boundary between the two, on balance the impact would be acceptable.

Area of outstanding natural beauty

It is considered that the natural beauty of the landscape would be conserved by this development, given that the extension would be to an existing dwelling on the periphery of a residential area.

9. Conclusion

The proposal is unacceptable given the design of the proposed extension and size and nature of the proposed annexe.

10. Recommendation

Planning Permission is REFUSED for the following reason:

1. The proposed annexe, by virtue of its design, size and scale, would be out of keeping with the appearance and proportions of the existing dwelling and would be tantamount to a new dwelling in the countryside, contrary to policies C3 and H8 of the North Wiltshire Local Plan 2011.

Informative

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

Site Location Plan; Elevations as Existing; Elevations as Proposed; Floor Plans as Existing; Floor Plans as Proposed (as revised 13/07/2011)





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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02440/FUL		
Site Address	Bremhill Wick Farm, Wick Hill, Bremhill, Wiltshire. SN11 9LQ		
Proposal	Extensions (Resubmission of 11/01767/FUL)		
Applicant	Mr and Mrs Briselden		
Town/Parish Council	Bremhill		
Electoral Division	Calne Rural	Unitary Member	Cllr Christine Crisp
Grid Ref	396857 174161		
Type of application	FULL		
Case Officer	Mrs Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

This application has been called to committee by Councillor Crisp to consider the visual impact on the surrounding area and design (bulk, height and general appearance) of the proposal.

1. Purpose of Report

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

2. Main Issues

To consider the scale and design of the proposed extensions in the context of the character and appearance of the existing dwelling.

3. Site Description

Bremhill Wick Farm is a large detached dwelling which has, in the past, been substantially extended. Its construction is stone with a clay tile roof.

The dwelling lies within the open countryside and is located on the lower slope of Wick Hill.

4. Relevant Planning History

Application Number	Proposal	Decision
11/01767/ful	Extensions	Withdrawn
08/00214/FUL	Replacement of existing barns with new stables and outbuildings	Permission
05/01598/FUL	Swimming pool and conversion of existing building to poolside accommodation	Permission
03/02199/FUL	Repair existing buildings and re-open blocked up windows and add external wooden staircase	Permission
01/00156/FUL	New stables and alterations to existing stables	Permission

99/02350/FUL	Extensions and alterations	Permission
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5. Proposal

Permission is sought for a two storey extension to the northern elevation of the dwelling linking to existing outbuildings which will be converted to living accommodation, two storey extension of the south east corner, and erection of a large two storey porch/bedroom extension to the south elevation.

The extensions will be finished in matching materials.

6. Consultations

None

7. Publicity

A site notice was erected and neighbouring properties were notified by letter.

8. Planning Considerations

The northern addition would extend the existing modern extension by 4 metres and would remove the half-hip roofs. Although the extension adds to the volume of the dwelling the extension would be seen in context with the modern section and is considered to be appropriately designed. This extension would then link to the existing stable building to be converted to living accommodation. It is considered there would be no additional harm from this conversion.

It is considered that the extension at the south-eastern corner would be in keeping with the design of the dwelling and would unify the appearance of this area of the building with the existing elements of the dwelling.

To the south, the proposal is to add a two storey extension to the southern elevation where a large porch would be created (removing the entrance to the building from the south-eastern corner) and extension to bedroom 4 at first floor. It is this element, although the smaller of the proposed extensions, that is considered to be unacceptable given its siting within the original elevation of the dwelling.

The southern elevation retains the character and appearance of the original dwelling. It is considered that the proposed extension would be overly large and grandiose and is of an inappropriate scale and design which would have little respect for the character of the original building or the elevation on which it is proposed.

The background to the relocated entrance appears to be associated with the recent construction of a hardstanding and new access track to the southern side of the dwelling. It should be noted that the council has questioned the established use of part of the land included within the red line site area to the south. It is likely that the engineering operations for the access track would have needed planning permission as would extension of the residential curtilage. An informative has been recommended to address this concern.

9. Conclusion

The extension to the southern elevation of the dwelling is considered to be overly large and of an inappropriate design and scale given its location on the attractive original section of Bremhill Wick Farm.

10. Recommendation

Planning Permission is REFUSED for the following reason:

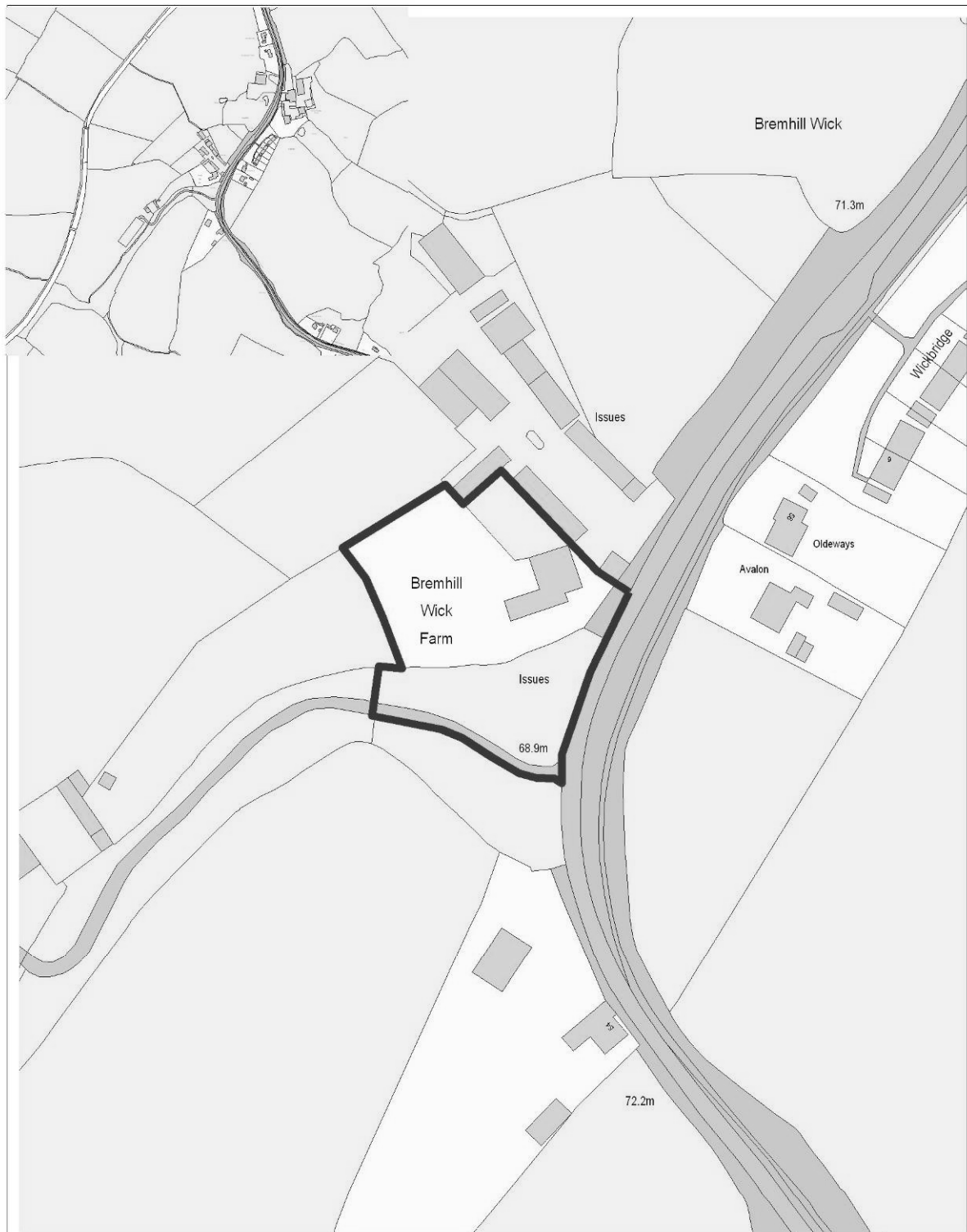
1. The proposed porch/bedroom 4 extension would be an inappropriate design and scale and would be an incongruous addition to the southern elevation of the dwelling. As such, the proposal is contrary to policies C3 and H8 of the North Wiltshire District Council Local Plan 2011.

Informative

1. The applicant is advised that this application relates to the extension of the dwelling only and the red line site area does not necessarily define the residential curtilage of the dwelling or authorise either the change of use of land or other development for which planning permission may be required.

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

LPC 2590/2; 3A; 10A; 11A and 12A (Received 15/07/2011) and 2590/7A (Received 10/08/2011)



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REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	2nd November 2011		
Application Number	11/02515/FUL		
Site Address	Innisfrey, Washmeres, Colerne, SN14 8DQ		
Proposal	First Floor Extension to Bungalow to Form House (Resubmission of 11/00001/FUL)		
Applicant	Mr and Mrs Strange		
Town/Parish Council	Colerne		
Electoral Division	Box and Colerne	Unitary Member	Cllr Parker
Grid Ref	381689 170947		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 657886	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to committee by Cllr Sheila Parker on the basis that the Committee needs to consider whether the revisions have overcome the issues raised in the Inspector's decision letter. (11/00001/FUL refers)

1. Purpose of report

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

2. Report summary

The application is to extend the existing bungalow at first floor level to form a house. The site lies within the framework boundary of Colerne, within the Colerne Conservation Area, within an AONB and adjacent to a grade II listed building. The key points to consider are:

- The impact on the character and appearance of the Colerne Conservation Area and AONB.
- The impact on the adjacent Listed Building (Washmere House)
- The impact on the privacy and amenities of the adjacent properties.

Colerne Parish Council support the application.

There have been 2 letters of objection.

3. Site Description

The application site is located towards the southern end of the village of Colerne and is accessed from a narrow lane, known as Washmeres which leads off of Bath Road down towards Washmeres Farm. It is sited within Colerne Conservation Area, an Area of Outstanding Natural Beauty and the adjacent property, Washmere House, to the east of Innisfrey is Grade II listed.

Washmere House has its principle elevation fronting Washmeres and dates from the 18th Century. It is a three storey house (the second storey appears to be partially within the roof) with a historic

outshut addition to the west side of the main dwelling which has a monopitch roof leading from the main roof of the house down to single storey level. There are no windows above ground floor level in this west elevation facing Innisfrey, however planning permission and listed building consent (references 09/00360/LBC and 09/00604/FUL) have been granted to replace a lean to modern glazed single storey addition to the west of the property with a more solid room constructed of clay tiles and rubble stonework walls with two Conservation type rooflights within the roofslope and a small window in the west elevation. The planning permission also refers to a small log store adjacent to the boundary with Innisfrey. Originally the replacement lean-to was going to be a bathroom however, a subsequent listed building consent application (10/03425/LBC) was approved to install bathroom facilities into the first and second floors of the house and so this room may now become a study. This replacement lean-to has not yet been constructed. Washmere House is set down slightly from Innisfrey. Along the boundary there is a low block wall with approximately 1.8m timber/ willow fencing.

Innisfrey itself is a bungalow with single detached flat roof garage, originally granted planning permission on 24th May 1961. The land was formerly part of the curtilage of Washmere House. The neighbouring property to the west of Innisfrey, known as Summerhayes, is also a bungalow with detached single garage also granted planning permission on 24th May 1961. Access to both bungalows is from a shared access onto Washmeres with the driveways leading between the two bungalows to the garages to the rear of the properties.

Innisfrey itself has small curtilage which does restrict the site in terms of development. The property has most of its garden to the front with steps down from the bungalow to the lawn area which is enclosed by a low stone wall and pillars with railings. There is a smaller paved area to the rear of the property with the property's flat roof garage also to the rear. The sides of the bungalow are coursed limestone rubble with reconstructed stone lintels, cills and quoins with the front and rear being painted cream render. There are three rooflights to the front roofslope and three rooflights to the rear roof slope as the roofspace was converted into a bedroom with WC. The roof materials on the main bungalow are grey concrete interlocking tiles with a small flat roof element to the rear (which enlarges the kitchen). The windows are white double glazed upvc.

Catley House is a two storey dwelling and is sited to north of the application site with its principle elevation fronting Washmeres. A two storey gable extends the rear of the property with windows to the south aspect facing towards the rear of Innisfrey (one at first floor level) along with windows to the rear elevation (one at first floor). A single storey gable projection also extends the property to the rear. Catley House and garden is at a higher level to Innisfrey.

The levels within the site are not uniform. Broadly speaking, the site slopes down from north to south and west to east.

Washmeres Lane curves around the site and is bordered by a stone wall. The lane itself slopes further downwards as the land levels drop. Bath Road is therefore at a higher level to the application site and there are open rural views from Bath Road between the rooflines of buildings to the south aspect down across the Box valley.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/00001/FUL	First floor extension to bungalow to form house	Dismissed at appeal
90/02582/FUL	Extension to garage	Permission

5. Proposal

The proposal is to add a first floor over approx 2/3 of the existing bungalow, with the space in the roof retained over the remaining single storey element. A 2 storey extension will be constructed to

the rear. An existing window in the west elevation will be removed. The whole dwelling will be re roofed in clay double roman tiles, existing rooflights replaced with conservation type ones, the front door realigned to balance with the new dormer above, replacement of the patio doors to the front with French doors and side windows, reduction in size of windows and replacement with wood casements. On the rear elevation window sizes are to be replaced and the existing patio doors replaced with a 3 light window.

The height of the extended building will be a maximum of 7.6m at two storey height and 5.1m at single storey height.

All the external walls will be coursed rubble stone with stone quoins and natural stone copings on the roof ends. The roof will be re-clad in double roman clay tiles.

6. Planning Policy

North Wiltshire Local Plan 2011 policies C3, HE1, NE4 and H8

7. Consultations

Colerne Parish Council support the application in line with the Inspector's report.

Archaeology do not object.

8. Publicity

The application was advertised by site notice and neighbour consultation.

2 letters of letters of objection received

Summary of key relevant points raised:

- The Council is not bound by the implicit guidance of the Inspectorate.
- The application should be judged as a new application, upon its merits.
- There is new information involving bye laws.
- Loss of light – impact on Washmere House.
- Considerable height.
- Effect on Conservation Area and Grade II Listed Building.
- Negative effect on amenities of future occupants of Innisfrey
- Overly dominant.
- Incongruous in Area of Outstanding Natural Beauty and conservation area.
- Precedent for other bungalows.

9. Planning Considerations

Members will be aware that the council's decision to refuse an earlier application was subject to an appeal. In dealing with the appeal (11/0001/FUL) the Inspector accepted the scale and overall principle of the proposal but dismissed the appeal on the grounds of the more detailed design of the proposal which included the retention of the patio doors at the front, non matching 1st and ground floor windows which he considered gave a disorderly appearance to the proposal.

The current proposal has matched all the windows, removed the patio doors and re roofed the building in clay double roman tiles. The remainder of the application is essentially the same.

The site lies within the framework boundary of Colerne where in principle residential extensions are appropriate within the context of planning policies C3, H8 and HE1 (where the site lies within a conservation area, as is the case here).

The impact on the character and appearance of the Colerne Conservation Area and Cotswold Area of Outstanding Natural Beauty.

Bath Road has important views down towards the Box Valley and offers a rural outlook between the rooftops and existing buildings. Policy HE1 make reference to the importance of gaps between buildings as well as attractive vistas and views, which make up the character of the conservation area. The key is whether the revised scheme can be considered to preserve or enhance the character or appearance of the conservation area.

It is acknowledged that the proposal will have an impact on the area, but given the Inspector's report on the previous refusal and the improvements to the scheme, it would be very difficult to justify a refusal on design or impact grounds. Whilst the neighbour's comments on bye laws are noted, bye laws are not enforceable under planning legislation.

The height of the building proposed is the same as that previously viewed by the Inspector and not deemed to be harmful either in terms of loss of amenity, overshadowing or privacy. The Inspector's report (especially of such a recent application) is a material consideration in the determination of this application and carries significant weight.

Policy NE4 requires development to conserve or enhance the natural beauty of the landscape of the area. The application is for an extension to an existing property and it is considered that the requirements of this policy will be met.

Impact on the adjacent Listed Building

Policy HE4 and PPS5 require account to be taken of the impact of development upon the setting of a listed building.

Innisfrey was built on land which was historically associated with Washmere House, but the extensions have been designed to keep the 2 storey element away from listed building. The Inspector accepted this relationship when dealing with the recent appeal.

Impact on privacy and amenity of the adjacent properties

Catley House is sited with its garden immediately to the north of the application site. The rear garden of Innisfrey is approx 7 -8m with a garage between the proposed extension and the garden boundary. However, the rear elevation of the proposal only includes 1 first floor window which serves an ensuite and is to be fitted with a restricted opening mechanism and obscure glass. No additional overlooking will be created.

Catley House is higher than Innisfrey and the boundary between is a stone wall with hedging above. It is not, therefore considered that a refusal could be justified on loss of privacy to either the rooms of the house or the garden. The Inspector agreed with this viewpoint.

With regards to Washmere House to the east, it should be noted that the house is orientated away from Innisfrey and the single storey element of Innisfrey will remain nearest to it. It is not considered that a reason for refusal could be justified. Again this has been supported by the Inspector dealing with application 11/00001/FUL

Summerhayes is a bungalow sited approx 5.5m to the south west of the application property. There is already a degree of overlooking between the properties, although the current proposal does not increase or propose any side elevation windows.

10. Conclusion

A key factor in the determination of this application is the recent appeal decision on 11/00001/FUL and the alterations that have been made to address the Inspector's concerns.

It is considered that the amendments to the scheme that have been made have overcome previous concerns and on balance, the addition of a partial first floor extension to this bungalow would not result in a significant loss of amenity or privacy to adjacent properties that is sufficient to justify a refusal. The scheme is now considered to respect the character and appearance of the Colerne Conservation Area and Cotswold Area of Outstanding Natural Beauty. As such the proposal is considered to accord with policies C3, H8, HE1 and NE4 of the North Wiltshire Local Plan 2011.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal is considered to have an acceptable impact on the immediate locality and wider natural beauty of the landscape and will preserve the character and appearance of the Colerne Conservation Area in accordance with policies HE1 and NE4 of the the North Wiltshire Local Plan 2011. The development will not have an overriding detrimental impact on the privacy and amenities of the neighbouring properties in accordance with Policies C3 and H8 of the North Wiltshire Local Plan 2011 and will not materially detract from the setting of the adjacent Grade II listed building therefore complying with policy HE4 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. The stonework to be used externally on the proposed development shall match that of the existing building in terms of type, colour, size and bedding of stone, coursing, type of pointing and mortar mix, unless otherwise agreed in writing by the Local Planning Authority prior to works commencing.

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

3. No development shall commence on site until details of the roof tiles to be used on the development 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.

4. 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 extensions or external alterations to the building forming part of the development hereby permitted.

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

5. Before the development hereby permitted is first occupied the first floor window to rear (north) elevation serving the ensuite shall be obscure glazed and with the opening pane restricted to open to 30 degrees, and will be maintained as obscure glazed with restricted opening of 30 degrees at all times thereafter.

REASON: In the interest of residential amenity and privacy.

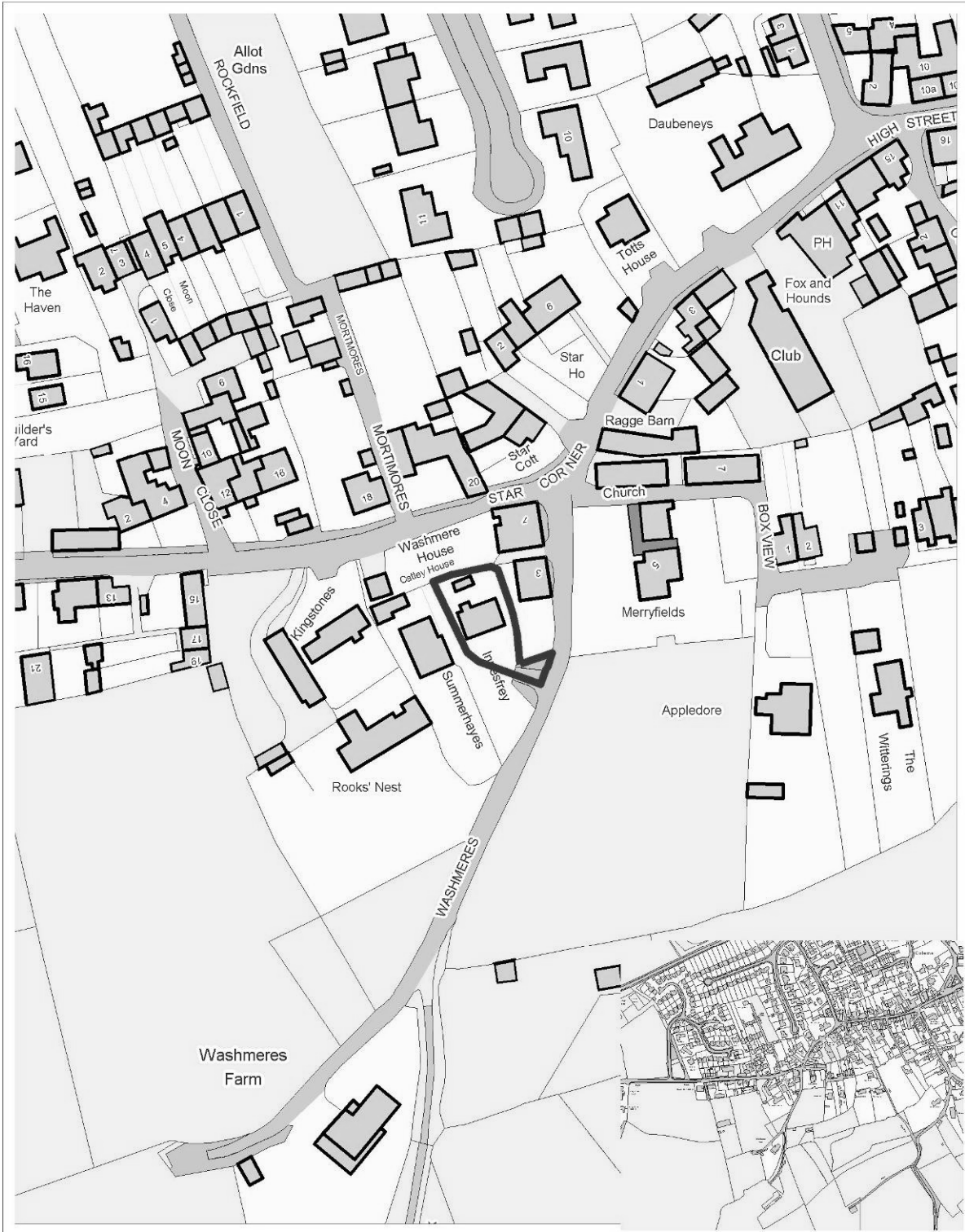
6. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

Site Plan; 001; 002; 003; 007A; 008A; 009B

Dated 25/07/2011

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



Wiltshire Council
 Where everybody matters

SCALE:

12/10/2011

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Appeal Decision

Site visit made on 28 June 2011

by Les Greenwood BA(Hons) DipTP MRTPI

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

Decision date: 4 July 2011

Appeal Ref: APP/Y3940/D/11/2152590

Innisfrey, Washmeres, Colerne, Chippenham, Wiltshire SN14 8DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Strange against the decision of Wiltshire Council.
 - The application Ref N/11/00001/FUL, dated 28 December 2010, was refused by notice dated 30 March 2011.
 - The development proposed is a first floor extension to a bungalow to form a house.
-

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the effects of the proposal on:
 - i) the character and appearance of the area, including the Colerne Conservation Area, the Area of Outstanding Natural Beauty (AONB) and the setting of the adjacent listed building; and
 - ii) living conditions at the neighbouring properties, with particular regard to Washmere House and Catley House.

Procedural matter

3. At my visit, I viewed the site from both Washmere House and Catley House as well as from the appeal site itself and from public vantage points both within and outside of the village.

Reasons

Character and appearance

4. Innisfrey is a modern bungalow situated on a tightly constrained plot at the edge of the village, within a conservation area and an AONB and close to a grade II listed building, Washmere House. The conservation area is characterised by closely knit development of mainly traditional, 2 storey buildings with natural stone walls. The lane known as Washmeres drops down quickly as it moves away from the village and Innisfrey is perched in a prominent position, overlooking a wide sweep of countryside. The roof of the
-

bungalow is also seen from Bath Road, interrupting views out of the village. In this highly visible position, any development should be designed with particular sensitivity.

5. The existing bungalow is modest in scale and unremarkable in design, so that its impact on the character and appearance of the area is relatively neutral. The proposal would nearly double the eaves height of the building, adding a first floor to most of the existing structure. The resulting 2 storey house would more closely reflect the form of the traditional local buildings. The retention of a single storey section on the side nearest to Washmere House, as proposed, would both minimise the impact on the setting of that building and leave a sufficient visual gap between the buildings. The proposal to fully clad the building with natural stone would also help it to blend in, if done well. The roof pitch and materials would be more modern in character, but I do not see this as being an overriding problem.
6. Although the form and facing materials of the proposed building are therefore generally acceptable, I find myself unconvinced regarding the more detailed design of the proposal. This would retain the existing frontage patio doors and other windows and doors more typical of a modern bungalow than a traditional house. The new timber casement windows proposed at first floor level would be more appropriate, but would not match the ground floor windows. As a result, the building would have a disorderly, unresolved, hybrid appearance that would contrast with the much more harmonious designs of the older nearby buildings.
7. I conclude that, although the proposed form of the building would potentially be acceptable, the proposed detailing would not. For this reason, the proposal would not preserve or enhance the character or the appearance of the conservation area and would harm the landscape of the AONB and the setting of the adjacent listed building, Washmere House. The proposal therefore conflicts with Policies C3(i), NE4 and HE1 of the North Wiltshire Local Plan 2011 (LP), which aim to ensure that development respects the local character, distinctiveness and landscape of the area.

Living conditions

8. Washmere House is set very close to Innisfrey, with an old lean-to conservatory to the side nearest to the bungalow. A planning permission exists for the demolition of this structure and its replacement with another extension. Although I have not seen the plans for this, I understand that it would have 2 rooflights and a window facing roughly towards Innisfrey's rear courtyard garden. Furthermore, although the extension was approved as a bathroom, there may be plans to use it as a habitable room instead. None of this has, however, yet come to fruition and I give it limited weight.
9. In any case, Washmere House is clearly oriented away from Innisfrey, towards the lane and towards the very open views of the countryside to the south. The kitchen currently gets some light from the west side, but has a main south-facing window. The section of Innisfrey closest to Washmere House would remain single storey and this step down appears to me to be adequate to prevent the development being unacceptably overbearing or overshadowing to Washmere House. In coming to this conclusion, I have taken into account the

submitted lighting assessments, but these are indicators only and are not linked in any way to development plan policy.

10. Catley House and its rear garden are set well above the level of Innisfrey and look out in part on its existing roof. The garden would become somewhat more enclosed than at present, but the retention of a single storey section, together with the levels difference, would help to ensure that this would not be oppressive. The main outlook from the house is to the east and to the west, rather than directly towards Innisfrey. Side windows look more towards Washmere House, to the south. There would be some effect on outlook, in angled views to the south-west, but not such as to be overbearing. For similar reasons, the proposed extension would not unacceptably overshadow Catley House.
11. The proposal would increase overlooking of the southern end of the garden to Washmere House. However, an adequate private area would be retained nearer to the house and I therefore do not find this to be unacceptable. In other respects, the proposed extension has been designed to prevent any significant new overlooking of Washmere House and Catley House, subject to the use of obscure glazing on the proposed first floor rear window. The adjoining bungalow, Summerhayes, would also be affected by the proposal, but would retain its main, open aspect to the south and a reasonable degree of privacy.
12. I conclude that the proposal would not unduly harm living conditions at neighbouring properties and therefore accords with LP Policy C3(iii), which aims to avoid unacceptable loss of privacy and amenities to adjacent dwellings.

Other matters

13. I have taken account of all other matters raised, including the views of the Parish Council and local residents. I note that there are concerns about the possibility of this case setting a precedent for the treatment of other bungalows in the area. This case and any future similar cases should, however, be decided on their own merits in light of current policy. Any legal matter regarding the Right to Light would be dealt with under other legislation. Finally, while I sympathise with the appellant's wife's need for improved accommodation due to her disability, these personal circumstances do not override my overall conclusion.

Conclusion

14. Notwithstanding my favourable finding in regard to neighbours' living conditions, my objection in regard to the proposed design is sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02703/FUL		
Site Address	Town Hall, Cross Hayes, Malmesbury		
Proposal	Change of use of ground floor market room from community use to hairdressing salon / beauty treatments		
Applicant	Malmesbury Town Council		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Cllr Simon Killane
Grid Ref	393374 187201		
Type of application	Change of Use		
Case Officer	Lydia Lewis	01249 706643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Killane has submitted a request for the planning application to be considered by the committee in order to assess the evidence used to justify this change of use.

1. Report Summary

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

2. Main Issues

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

- The principle of development; and
- The Impact on the Listed Building.

The application has generated objection from Malmesbury & St Paul Without Residents' Association and 18 letters of objection, 2 comments and 1 letter of support.

3. Site Description

The application relates to the ground floor Market Room, or Old School Room, situated in the north west corner of Malmesbury Town Hall. The building is grade II listed and situated within the Malmesbury Conservation Area and the Secondary Retail Frontage Area. The room is currently vacant but has previously been used as a pre-school venue.

4. Relevant Planning History

Application Number	Proposal	Decision
11/02704/ADV	Erection of traditional wooden painted sign	Currently under consideration

5. Proposal

The applicant seeks consent for the change of use from community use to hairdressing salon / beauty treatments. The proposed hours of opening are 08:00 to 20:30 Monday to Friday and 08:00 to 18:30 on Saturdays, with no Sunday or Bank Holiday opening.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy

HE4 – Development, Demolition or Alterations involving Listed Buildings

R2 – Town Centre Secondary Frontage Areas

National Planning Policy

Planning Policy Statement 4: Planning for Sustainable Economic Growth

7. Consultations

Malmesbury Civic Trust – There is nothing inherently wrong in Malmesbury (or indeed, any) Town Hall leasing part of its premises to appropriate commercial enterprises. Malmesbury has an obligation to all the community, not least Precept payers, to balance usage of its facilities and, having four fully accessible community rooms upstairs, is wise to consider a suitable, long-term tenant for the Old School Room. The initiative is supported in principle. However, the particulars of this application have unfortunate resonances elsewhere in the town. A similar business has recently closed and its vacated premises are subject to a change of use application to residential use. This has been opposed by, amongst others, the Town Council itself but wide misgivings remain. It is recommended that the full facts, social and economic, should be considered by the Planning Committee.

Malmesbury & St Paul Without Residents' Association – Strongly objects to the application. Community facilities should not be redesignated for commercial use; they are for the benefit of the community and should be maintained as such. Furthermore, the decision to take this course of action should have gone to consultation with the community. There are no clear records of the rationale behind the decision and certainly no mandate from the community to proceed in this manner. There is also presently an empty commercial property in the High Street which was previously used for the same commercial activity as this facility is being earmarked. Further, this empty property is also the subject of an application for change of use into residential.

It is clear that the philosophy that the community signed up to was for a facility that would be made available for community use. Since this time Malmesbury Town Council has increased charges for the use of these facilities to an uncompetitive level which has resulted in most of the user groups referred to in the summary being forced to find alternative venues. It is clear that Malmesbury Town Council has no community mandate to proceed in contravention of the above agreed philosophy, particularly as there is no explicit record of the debate at which this decision was taken and a total lack of community consultation about their intended way forward.

8. Publicity

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

18 letters of objection have been received in response to the application publicity including 1 from the Malmesbury Chamber of Commerce. In summary, the following concerns have been raised:

- There are a number of empty shops available in the town, one of which was a beauty salon;

- The town hall's prime purpose is to provide community space;
- Application submitted without any consultation with the community;
- Will put pressure on the existing similar businesses in the town of which there are many and therefore detract from the sustainability of the town;
- There are various community groups in the town who say they would like to use the market room;
- The Cross Hayes Pre School was forced to find alternative premises due to price increased of the Market Room;
- There are very few rooms in Malmesbury available for community use;
- Why doesn't the proposed shop use one of the units that wants change of use from shop to flats?

A letter of support has been received from Councillor Vernon. This states that this room is little used and there are two large rooms, two smaller rooms and the public gallery available for community use – all of which are underutilised. More income is required to diminish the subsidy paid by Malmesbury taxpayers – estimated this year to be £132,000, more than one third of the town precept.

Two comments have been received in response to the application publicity. In summary, the following comments have been raised:

- Would be interested to see whether there will be any funding by precept payees to support / run this venture, this would be objected to;
- The Cross Hayes Pre School were effectively outpriced of the market room as they were not a viable business decision for the town hall unless rent was increased;
- The pre-school had to move at considerable expense and effort (and upheaval to many children);
- The rental of the rooms was badly managed;
- No objection to business use in principle; and
- Does Malmesbury need another hairdressing salon?

9. Planning Considerations

Principle of Development

Policy R2 of the Local Plan states that proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Classes A, D1 and D2) will be permitted within the town centre secondary frontage areas of Malmesbury, subject to the following criteria:

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre;
- ii) The proposal is consistent with the scale and function of the town centre;
- iii) Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community, or employment uses.

Policy EC10 of Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

The applicants supporting statement advises that

'The Old School Room had never proved a popular room with hirers, possibly because of the lack of light due to it facing north with high windows, the presence of four columns obstructing free movement and view and the roof decorations and equipment used by the Pre School. After the Pre School relocated the room still proved to be the least popular with users even after redecoration.'

Before the Pre School relocated they were offered the opportunity to enter into a lease with the Town Council, at a rate less than the commercial rent they are seeking to secure, but the Pre School opted not to do so, as they wanted an outdoor play space and did not want to enter into an agreement which would bind them for several years.

The Town Hall responded to comments about the alleged high costs of rooms for use by local groups by reviewing the charging structure. The latest review in November 2010 agreed to reduce the rate for local groups to £5 per hour for a maximum of three hours per group per week, provided the hire was on a Monday to Wednesday when the hall has been traditionally quieter in terms of use. This new rate is substantially less than the cost of providing the service, especially if no other use is being made of the hall at the same time.

'The Town Hall, including the Old School Room, was and still is marketed through the use of social media and [the Town Council's] website. Flyers and handbills were delivered to all premises within the town and information about hire rates was included in the Town Council newsletter.

In order to fund the reduced fee for local groups the Town Council voted unanimously to accept that it would be necessary to seek a commercial tenant for The Old School Room and thereby generate a fixed income that would assist in subsidising the hire fee for local community groups. The Old School Room was selected after careful consideration on the basis that it was the least used of [the] community spaces, generating less than £700 in the previous 12 months and the easiest to become a self contained commercial space.

Marketed by a local commercial agent the only response received to date has been from a potential tenant wishing to establish a hairdressing and beauty treatment salon.'

There is no policy context within the Local Plan for the retention of a community use within such a location. Although it is noted that there are a number of rooms still available for community use within the Town Hall including The Malting Hall, Hobbes Parlour, The Wesleyan Hall and The Assembly Hall and the applicant has provided justification for the proposed change of use. Given the location of the site within the secondary retail frontage area of Malmesbury, the principle of a hairdressing and beauty salon is acceptable. In accordance with policy R2 of the Local Plan, the proposed development would not eliminate separate access to the upper floors of the Town Hall, at approximately 165 square metres would be consistent with the scale and function of the town and would not undermine the vitality and viability of Malmesbury Town Centre.

Impact on Listed Building

Policy HE4 considers that development or alteration affecting a listed building will only be permitted where it preserves or enhances the building, its setting and any features of special architectural or historic interest that it possesses.

No external alterations are proposed, other than the proposed erection of a hanging sign, (ref: 11/02704/ADV). Internally, it is proposed that partitions will be constructed which can be removed at a future stage to return the room to a single space. The Council's Conservation Team have confirmed that listed building consent is not required for the proposed alterations and they have no objection as the works can easily be reversed.

10. Recommendation

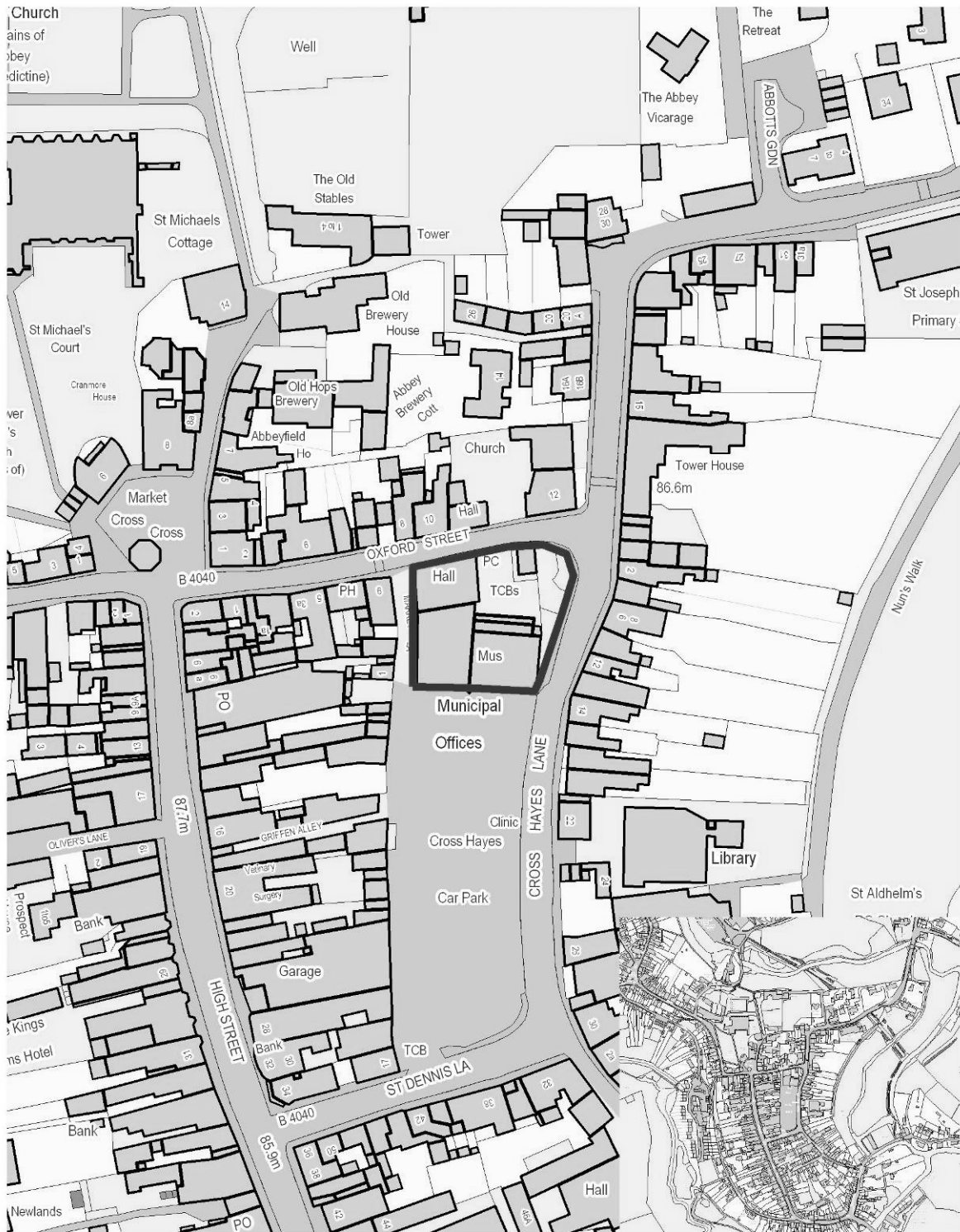
Planning Permission be GRANTED for the following reason:

The proposed change of use would be acceptable within this secondary retail frontage area of Malmesbury and would not have a detrimental effect on the listed building in accordance with policies R2 and HE4 of the North Wiltshire Local Plan 2011 and Planning Policy Statement 4: Planning for Sustainable Economic Growth.

Subject to the following condition:

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.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02731/FUL		
Site Address	Land off Frankland Road, Lydiard Fields, Swindon		
Proposal	Erection of One Class A1 (Retail) Unit and Two Class A3 (Restaurant/Cafe) Units		
Applicant	Loc 8 Developments		
Town/Parish Council	Lydiard Tregoz		
Electoral Division	Wootton Bassett East	Unitary Member	Cllr Mollie Groom
Grid Ref	410428 183153		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Mollie Groom has requested the application be brought to committee to consider the scale of the development, visual impact on the surrounding area, design and environmental/highway impact of the development.

1. Purpose of Report

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

Lydiard Tregoz Parish Council note the application and have commented on the basic information in the report being incorrect and question other information as to whether it is correct.

2. Main Issues

This application is seeking permission for mixed A Class uses on the outskirts of Swindon adjacent Junction 16 of the motorway. The site is an established commercial location with a mix of office/warehouse and research buildings together with hotels, public house and drive-thru cafe.

The proposal needs to be against Policies C3, C4, BD2 and BD5 of the adopted North Wiltshire Local Plan 2011 as well as National guidance contained in PPS4.

The key issues in the determination of this application are:

- Principle of development
- Implications of retail development
- highways

It was ascertained during the course of determining the application that there were inaccuracies in terms of the description of the location of the development and facilities in the vicinity such as Junction 18 of the motorway being referred to and not Junction 16; Holiday Inn being identified instead of Premier Inn and Great Western Road instead of Way. These errors in no way altered the substance of the application and have now been amended through the submission of a revised planning statement.

3. Site Description

The application site, whilst falling outside of any framework boundary is located within Lydiard Fields. The area is a well established commercial location/business park to the north east of Great Western Way (A3102) which was granted planning permission in 1990.

The wider land outlined in blue was never the subject of a reserved matters application and due to its size, electricity pylon and pipeline, no interest was taken in the site despite is marketing for nearly a decade.

The site benefits from planning permission for A3 use over two units and as a result the wider site has already been developed and is occupied by a drive-thru Costa Coffee.

Some 51 car parking spaces are provided together with cycle stands for 12 cycles.

The site sits behind the Costa cafe is currently undeveloped and screened off from view. Access to the site as a whole is taken off the adjacent road serving Lydiard Fields. The road is not specifically named but it is considered to be a continuation of Frankland Road to the south east.

Opposite the site are further commercial uses comprises car dealerships and a hotel.

The application site comprises less than 0.1ha.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/00472ADV	Display of various internal and external signage, including freestanding signs	Permission
11/00465ADV	Erection of double sided internally illuminated Totem Pole Sign	Permission
10/03823ADV	Erection of pole/gantry sign	Permission
10/01699FUL	Erection of one Class A3 Drive Thru (unit 1) and one Class A3 unit (unit 2) together with parking and associated works.	Permission
90/2792OL	Employment development B1 and B8 hotel and associated facilities	Permission

5. Proposal

Planning permission is sought for the erection of 1no. Class A1 retail unit and 2no. Class A3 restaurant/cafe units.

Since planning permission was granted and unit 1 completed and occupied it has become apparent that unit 2 is too large for a single operator.

Hence, the application is seeking permission to subdivide the consented floorspace associated with Unit 2 into 3 separate retail units (2a, 2b and 2c). Unit 2a will be for retail with the remainder being restaurants/cafe.

The division of the 372sqm floorspace is as follows:

Unit 2a – 111.5sqm

Unit 2b – 148.6sqm

Unit 2c - 111.5sqm

The design of the unit will change from that previously permitted and with openings reconfigured for each of the new units.

The applicants confirm that the retail operator for unit 2a is Greggs, with no tenants have been named for the remaining two units.

6. Consultations

Lydiard Tregoze Parish Council – note the application but comment on the basic information being inaccurate i.e. road name, motorway junction and adjacent property/business names. The rest of the content is therefore considered questionable.

Highways officer – no objection.

Environmental Health – no objection.

Highways Agency – no objection.

Swindon Borough Council – no comment provided.

7. Publicity

The application was advertised by site notice only.

No representations have been received.

8. Policy Context

North Wiltshire Local Plan 2011
Policies C3, C4, BD2 and R4

PPS4 Planning “Planning for Sustainable Economic Growth” DCLG 2009

9. Planning Considerations

Principle of development

The application site directly adjoins Swindon Borough Council’s administrative boundary and consequently is excluded from any settlement boundary in the North Wiltshire Local Plan 2011.

Lydiard Fields is a well established commercial/business development with a mix of B1, B2, B8, C1 (hotel), A3 (cafe) and A4 (drinking establishment) uses.

The original 1990 permission clearly demonstrates that the principle of development is acceptable on the site and the recent 2010 permission is a material consideration as Class A uses have been considered to be acceptable on this small site.

Implications of Retail Development

Policy R4 of the adopted North Wiltshire Local Plan 2011 has largely been superseded by guidance contained with PPS4.

The 2010 permission for Class A3 use for 2 new units was not the subject of conditions restricting the units to solely A1 use. Consequently, the proposed unit could be constructed and occupied for A3 use but later used for A1 retail without the need for planning permission.

The imposition of a restrictive condition was not considered wholly necessary given at the time of determining Unit 1 – Costa Coffee were identified as the end user, the scale and form of the floorspace proposed and in light of the site specific constraints.

This fall back position is a material consideration, however, in the context of this new application it is considered reasonable to restrict the A1 retail floorspace.

Having regard to the guidance contained in PPS4, and the fall back position, there is no requirement for the applicant to undertake a sequential assessment or retail impact assessment.

Notwithstanding the above, the application has been considered against Policy EC10.2 of PPS4. The site is accessible via a wide range of transport modes and has a significant potential pedestrian catchment and is thus considered to be sustainable. The building's design is modern and akin to the adjacent approved Costa, meeting hub and the Audi dealership opposite the site on Frankland Road proper.

The potential for employment creation is significant and it is clear that traditional B1 employment was not going to be viable on this site given the extensive period the site was marketed for to no avail.

There are no town or district centres within a reasonable catchment which could be considered to have a potential impact from the scale of A1/A3 retail at this location.

It is noted that on the periphery of Swindon from the motorway junction to the centre, there are numerous retail uses some on established out of centre retail parks.

Highways Impact

This development has already been accepted in highway terms. Adequate provision is made for both car and cycle parking on the site and there is a bus stop in the vicinity.

The presence of these uses in this location has the potential for reducing some car borne trips from users of the adjacent commercial business and uses.

The Highways Agency have raised no objection.

9. Conclusion

The proposed development by reason of its scale, design and siting is considered to be in keeping with the general character and appearance of the commercial character of development in the vicinity of Junction 16 of the M4. The proposal would result in job creation compliant with Policy BD2 and would not result in any detrimental retail or highways impact. Accordingly, the proposal is considered to accord with Policies C3, C4 and BD2 of the North Wiltshire Local Plan 2011 as well as guidance contained within PPS4.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development by reason of its scale, design and siting is considered to be in keeping with the general character and appearance of the commercial character of development in the vicinity of Junction 16 of the M4. The proposal would result in job creation compliant with Policy BD2 and would not result in any detrimental retail or highways impact. Accordingly, the proposal is considered to accord with Policies C3, C4 and BD2 of the North Wiltshire Local Plan 2011 as well as guidance contained within PPS4.

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. Prior to the commencement of development, samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class(es) A1 and A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The A1 floorspace permitted shall not exceed 111.5sqm and shall be restricted to Unit 2a in accordance with plan 787 PL 201 dated 10 August 2011.

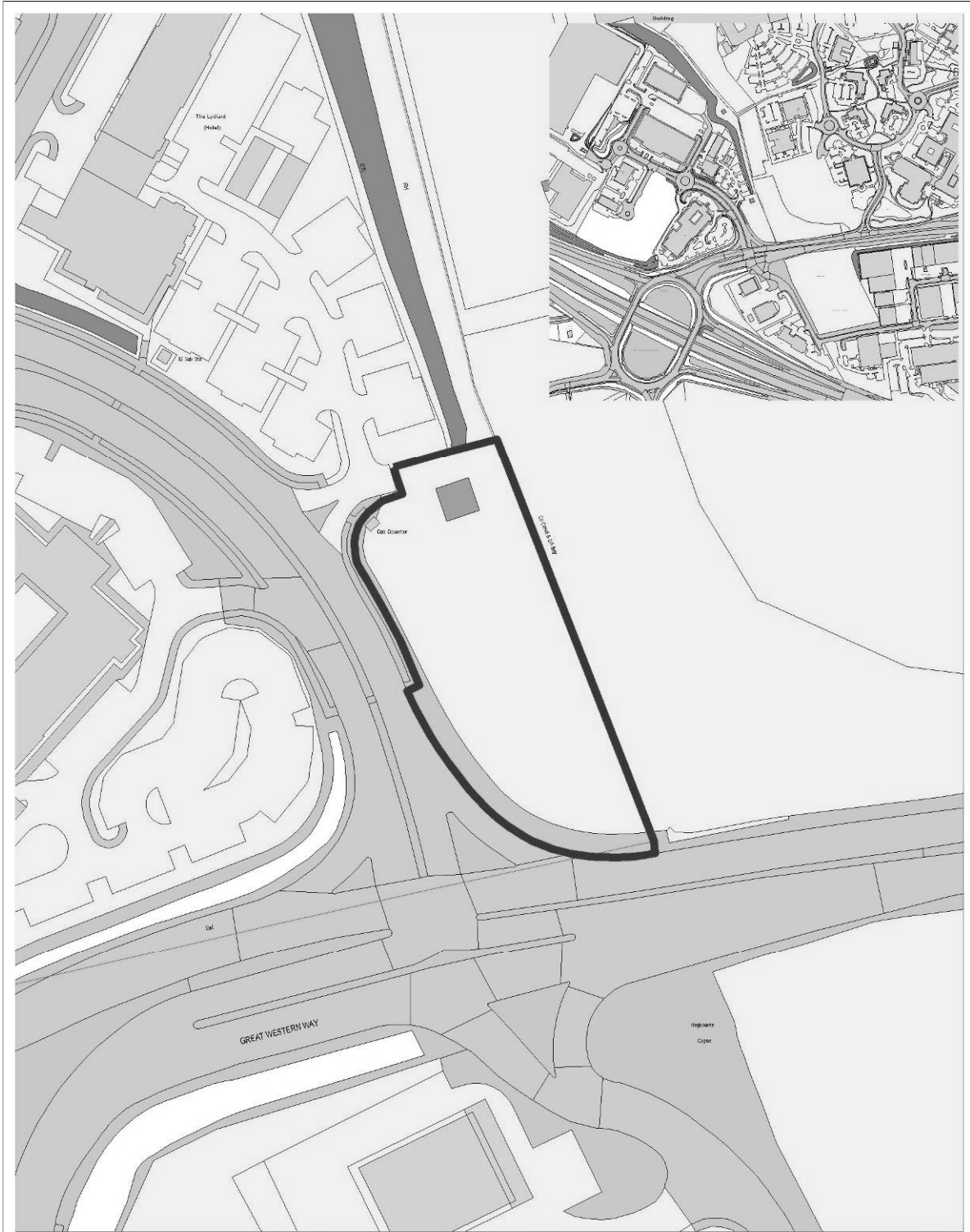
REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

4. 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 787.2PL 00 A dated 8 September 2011

Plans 787 PL 201, 787.2 PL 100, 787 PL 100 E dated 10 August 2011.

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



Wiltshire Council
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SCALE:



18/10/2011

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REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02734/FUL		
Site Address	Phelps Parade, Unit 12, 119 The Pippin, Calne, SN11 8JQ		
Proposal	Change of use of unit 2 to A5, erection of new shop front and extraction/ventilation and air compressors to the rear.		
Applicant	Domino Pizza Group Ltd		
Town/Parish Council	Calne		
Electoral Division	Calne Central	Unitary Member	Councillor Howard Marshall
Grid Ref	399810 171198		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Howard Marshall has called the application to Committee to discuss smell/noise, anti-social behaviour and the effect of lack of dedicated parking for collection and delivery vehicles.

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 highway safety, levels of available parking
- Impact upon neighbour amenity by way of noise/smell and anti-social behaviour

The application has generated support from 1 local resident and 14 letters of objection from the public.

3. Site Description

The site is the 2nd unit in the new retail units with flats above in central Calne. The larger unit has recently been occupied by the clothing company M & Co. The flats above are occupied by Westlea tenants.

4. Relevant Planning History

Application Number	Proposal	Decision
07/03228/FUL	Demolition of existing shops and construction of new retail units with flats above, access, support areas and associated works	Permission

5. Proposal

The unit was permitted as an A1 retail unit, but not yet occupied. The proposal is to change the use so that a national pizza retailer can occupy the unit as an A5 facility.

6. Planning Policy

The relevant policies are C3, HE1 and NE18 of the NWLP 2011.

The site lies within the Calne Conservation Area.

7. Consultations

Calne Town Council's comments are awaited.

Highways do not object due to nearby car parking availability.

Environmental Health do not object subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation.

15 letters of objection received including from M& Co.

Summary of key relevant points raised:

- There are enough hot food outlets.
- Noise/smell pollution.
- Increase in anti-social behaviour and increased waste on streets.
- It should remain as retail as first permitted.
- Lack of consultation.
- Sainsbury's car park is not a public car park.

There has been 1 letter of support on the basis that Dominos is a renowned company.

The company profile states that:

- The nature of the product and the baking method reduce the odours that may occur.
- The size and consistency of the pizzas reduces the number eaten on the street.
- Only approx 20% of pizzas are bought from the unit as the majority are home delivery.
- Dominos supports litter collection in the local area.

9. Planning Considerations

The site lies within the town centre where the principle of a hot food takeaway is acceptable subject to policy R2 which seeks to maintain the health of the town centre. Whilst Calne has a number of hot food takeaways the majority of units are occupied by retail shops.

The unit would consist of a preparation and baking area and a customer waiting area for those not choosing the home delivery service. Office and ancillary facilities will also be provided.

The unit has a large amount of shared service and parking space to the rear of the building and there is public parking nearby.

There are minimal changes to the external appearance of the building and the signage is the subject of a separate application (11/02983/ADV)

Environmental Health Officers have looked at the information submitted with the application and do not object subject to conditions on opening hours and a suitably worded noise condition. The agent has stated that he is happy to accept a 'pizzas only' condition in addition to Environmental Health's suggested conditions.

Given the town centre location, Environmental Health's comments and other uses nearby, it would not be justified to refuse the application on the grounds of noise or smells disturbance. The proposal potentially introduces a renowned company into Calne's Town Centre and fills a vacant unit which has been empty for some time.

It is not considered that the introduction of the facility would increase the noise and disturbance to an unacceptable level and that the application should be permitted. It is considered that the use preserves the character and appearance of this part of the Calne Conservation Area and complies with policies C3, NE18 and HE1 of the North Wiltshire Local Plan 2011.

10. Recommendation

Planning Permission be GRANTED for the following reason:

It is not considered that the introduction of the facility would increase the noise and disturbance to an unacceptable level and that the application should be permitted. It is considered that the use preserves the character and appearance of this part of the Calne Conservation Area and complies with policies C3, NE18 and HE1 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. The use hereby permitted shall be for the sale of pizzas only and no other hot food takeaway. There shall be no cooking or sale of pizzas outside the hours of 09:00-23:00 on any day.

REASON: To protect the amenity of the area.

3. Any fixed plant associated with the proposed development shall be so sited and designed as to not exceed the following criteria : 45dB LAeq(1hr) and noise rating (NR) curve 40dBA, when measured at 1m from any residential window.

REASON: To protect nearby residential amenity.

4. 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

C4728-A5-03, 02, 01, 04 and 05 dated 11th August 2011.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	N/11/02918/FUL		
Site Address	The Old Hall The Street Grittleton		
Proposal	Conversion and Extension of Garage to Granny Annexe. Erection of Two Single Storey Extensions to Dwelling		
Applicant	Mr N Ridler & Miss Peirce		
Town/Parish Council	Grittleton		
Electoral Division	ByBrook	Unitary Member	Jane Scott
Grid Ref	386194 180212		
Type of application	Full		
Case Officer	Mandy Fyfe	01249 706638	mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been referred to the Northern Area Planning Committee at the request of Councillor Scott as the Parish Council have some concerns regarding the application.

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 consideration of this application are as follows:

- Principle of development
- Visual amenity and character of conservation area
- Impact on adjoining residential properties

The application has generated:

- Objection from Grittleton Parish Council
- 1 letter of objection
- 1 letter of concern

3. Site Description

The Old Hall is a detached two storey dwelling that was built in the 1990's following the demolition of the old Village Hall. It is constructed of natural dressed stone, stone quoins and with natural stone slates and white painted timber joinery. It has distinctive twin gables with plain barge boards and decorative barge boards for the centred front entrance. In front and to the east side of the dwelling is a detached stone garage. There is also a vehicular right of way to the west side of the property leading to Nos 4 & 5 School Lane.

4. Relevant Planning History		
Application Number	Proposal	Decision
91.01649/F	Erection of a detached dwelling with detached garage	Permitted
90.01589/OL	Outline- erection of 2 semi-detached houses and formation of vehicular access	Permitted
88.01617/OL	Amendment to previous consent Outline for two semi-detached dwellings and formation of new vehicular access	Permitted

5. Proposal

The proposal as originally submitted was for the following development:

- a) Conversion and extension to garage to form a granny annexe
- b) Erection of a conservatory to form a glazed link between the front of the house and the annexe
- c) Erection of two single storey extensions to each side of the dwelling –but this was omitted from the original description
- d) Erection of hardstanding to form additional parking

However, following objections to the scheme, the applicant has deleted the glazed link and additional hardstanding element and therefore the proposal has now been reduced to:

“Conversion and extension of garage to annexe. Erection of two single storey extensions to dwelling”.

The existing garage which is constructed from the same materials as the dwelling has a floor area of 30m². It has an eaves height of 2.3m and a ridge of 5.3m. The front timber doors of the garage face to the west. There is a side door and window facing the house.

The proposal is to add a 2m addition onto the south elevation. This would have the same ridge line as the existing building and be built of the same materials. It is proposed to remove the timber doors and a triangle of the gable end stonework to insert new timber glazed windows. On the south elevation which is currently blank, two new windows are proposed – one for the kitchen and one for the shower room. The side door and window facing the house would be retained. The new accommodation would provide a lounge and kitchen on the ground floor and a bedroom with shower room within the enlarged roof space. With regard to the Parish Council’s concern about the lack of access to the annexe, the revised plans show that the side door would be retained as existing.

Turning to the proposed single storey extensions, the one on the east side of the house would have a mono-pitched roof and a width of 1.8m, giving a floor area of 16.2m². It would provide a storage area and although would have doors at each end would not be a through route. There was a line of conifers along the party boundary with Wych Elm the adjoining property, but these were recently removed but without the benefit of prior approval from the Council. A new boundary wall would be erected along the boundary.

To the west of the property alongside the access way leading to No 5 and 4 School Lane, a further small side addition is proposed. This would have a floor area of 4.6m² and also provide storage space. No windows are proposed, but one door would face the drive area.

6. Planning Policy

North Wiltshire Local Plan 2011: C3, HE1, HE4 and H8

7. Consultations

Grittleton Parish Council: The Parish Council would suggest more information is needed relating to:

- Parking and shared access arrangements. Two properties in School Lane enjoy a right of access over the driveway at The Old Hall. However this is not shown in the site plans submitted with the application
- No detail relating to the means of entrance to the annex has been shown
- Specific information relating to materials to be used has not been included in the application. As the property sits within a Conservation Area, this level of detail is required to ensure the proposed works comply with requirements.

Grittleton Parish Council is therefore unable to approve the application as it stands currently.

Highways: It is acceptable in principle for the proposed conversion of the garage into an annexe and the loss of parking spaces to a conservatory. The site will be able to accommodate the required 3No parking spaces, but plans will be required showing that this is possible. In principle the annexe should require a parking space of its own, but provided that the annexe is attached to the main dwelling, then 3 spaces are sufficient. No highway objection subject to a condition. Conservation Team: Original Comments: This is a large modern house built on the edge of Grittleton. It has many architectural features which echo those seen on the cottages nearby and whilst much larger than the semi-detached Victorian Cottages, is clearly designed to blend with and compliment the street scene. The existing double garage is detached from the house and has the basic silhouette of the traditional buildings in this village and is clearly subservient to the house.

The (original) proposal is to build a conservatory that will connect the front of the house with the double garage. There will be a single storey extension either side of the house and a two storey extension the width of almost a third bay to the garage. The front of the double garage currently has a pair of side hung timber doors in the stone walls. The proposals show that the timber doors would be replaced with glazing to serve a first floor bedroom. The glazed roof of the new conservatory is shown on elevations as intersecting the garage roof, although this has not been shown on the roof plan for the garage.

The proposals show a most extraordinary combination of additions and alterations to this house and garage which do not relate to anything on this site or nearby. Furthermore there is a shared vehicular access past this house which means that these glazed areas will either reduce the level of privacy for the occupants of this property or there will be a need for permanent curtains or blinds closed.

I consider these proposals to be extremely harmful to the character and appearance of the conservation area as well as the setting of the adjacent listed buildings. The development would be contrary to PPS5 and to North Wiltshire Local Plan Policy HE1. I recommend that this application be refused.

8. Publicity

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

2 letters of letters of objection received

Summary of key relevant points raised:

- Concerned about the effect of the reduction in space available for parking on the shared driveway and from garage conversion
- Like to see mention of the shared access in the application and more details on the provision of an additional parking space
- Shared access is currently used by three properties and is required for larger vehicles such as oil tankers and maintenance vehicles

9. Planning Considerations

Principle of Development

The proposal now relates only to the two single storey additions to the house and the conversion and extension of the double garage to form a granny annexe.

With regard to the single storey additions, both of these would be attached to the existing side walls of the dwelling. Materials are indicated to match existing. There was some concern that the original drawings did not show clearly whether there would be any part of the additions overhanging the adjoining properties, but the revised plans indicate that no part of the extension facing Wych Elm to the east will encroach and that also applies to small storage area to the west too.

Turning to the garage conversion, the proposed addition new habitable accommodation would mean that the two spaces in the garage could no longer be used and therefore there is a need to find additional parking within the site as well as retaining the mature trees to the south of the garage that were omitted from the original plans. As the conservatory has been omitted from the plans, there will be more space for car parking whilst retaining the dedicated right of way to the Nos 4 & 5 School Lane. The revised plans show that the parking and turning area within the drive in front of the dwelling would be retained.

Visual Amenity and character of the Conservation Area

The revised scheme to delete the conservatory is to be welcomed as this now overcomes the issues of the glazed link between the part of the principal elevation of the dwelling and the north elevation of the garage. Apart from the principle of linking the two buildings up, the drawings were not of sufficient clarity to see exactly what was proposed.

However it is noted that even the revised drawings still do not show sufficient detailing of the fenestration, so were permission to be granted it would be subject to conditions requiring large scale drawings of the proposed timber windows and doors for both the extensions and granny annexe.

It is considered that the single storey store area to the east of the dwelling would not be seen from The Street, but would be visible from Wych Elm to the east and obliquely from Mere-stead to the west.

Whereas, the west facing addition would be visible from the highway and adjoining properties to the west. With regard to Policy HE1, the view is taken that although the proposals would effectively fill up the built development each side of the dwelling, the additions are single storey only and 2m high fences could be erected here anyway which would give the same impression. It is considered that the proposed two extensions would comply with the policy to preserve the character of the conservation area.

As for the granny annexe element this would be visible from both neighbours and The Street, but as the mature trees on the frontage are now to stay and are shown on the revised plans, the impact on the overall street scene will be minimal. With regard to Policy HE1 which deals with development in conservation areas there is a requirement that development should only be

permitted where it would preserve or enhance the character or appearance of the Conservation. The modified scheme is considered to now achieve this as the gap between the house and garage will be maintained thereby retaining the distinction between the dwelling and its outbuilding.

In respect of the Parish Council's comments on lack of details about materials for the proposals, this can be dealt with by way of condition requiring samples to be submitted as part of the discharge of conditions. In this case, there are details on the original permission that specifies the source of the stone and stone slates that was used for the existing dwelling. The new materials for the development would have to match those of the existing property.

Impact on the adjoining listed dwellings

To the west of The Old Hall is Mere-Stead and Nos 5 & 4 School Lane. These are all Grade II listed buildings being part of the historic estate village connected with Grittleton House. It is considered that the proposed extensions and granny annexe would have a limited impact on the setting of these listed buildings in that the garage element is on the east side of the communal driveway so that this would lessen the impact of the development on Mere-Stead.

It is also considered that the new development would make a positive contribution to the character and local distinctiveness of the historic environment and therefore comply with the requirements of PPS5.

Impact on adjoining residential properties

There are no issues regarding the proposed two single storey additions to the dwelling as no windows are proposed for these additions only secondary doors. However there is an issue regarding the insertion of new glazing for the first floor bedroom of the granny annexe as the closest dwelling to the west – Mere-Stead (Grade II listed like all the properties to the west) has two windows facing towards the east. It would appear that the distance between the two properties would be approximately 18m and that this proposed first floor window could result in overlooking between the dwellings. It should be noted that the occupants of Mere-Stead have not commented on the scheme and on balance is not thought to be so detrimental to neighbour amenity so as to justify a reason to refuse planning permission.

10. Conclusion

The revised scheme is considered much more acceptable in policy terms and further details of the whole development including showing the position of the shared access track have now been included in the amended plans. Subject to use of appropriately worded planning conditions the proposal is now considered acceptable in term of design and use of materials.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal has now been significantly reduced from the original scheme and is considered to an appropriate form of development which would preserve this part of the Grittleton Conservation Area and the adjoining listed buildings to the west. Subject to the imposition of appropriately worded planning conditions the proposal is considered to comply with Policies C3 HE1 HE4 and H8 of the North Wiltshire Local Plan 2011 and the guidance contained in PPS5

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; HE1; HE4; H8

3. No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY: C3; HE1; HE4; H8

4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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; HE1; HE4; H8

5. No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use / occupied.

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

POLICY: C3; HE1; HE4; H8

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

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

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

POLICY: C3; HE1

7. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known The Old Hall, The Street, Grittleton, Wiltshire.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

POLICY: C3; HE1; HE4; H8

Informatives

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

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

2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer.

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2nd November 2011		
Application Number	N/11/02979/FUL		
Site Address	Cleeves Wood, Lower Kingsdown Road, Kingsdown, Wilts. SN13 8BA		
Proposal	First Floor and Ground Floor Extension and Alterations to Dwelling (Resubmission of 10/04679/FUL)		
Applicant	Mr P Marshall, Cleeves Wood, Lower Kingsdown Road, Kingsdown, Wilts. SN13 8BA		
Town/Parish Council	Box		
Electoral Division	Box and Colerne	Unitary Member	Cllr Shelia Parker
Grid Ref	381215 167514		
Type of application	Full		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been brought before Committee by request of the Unitary Member, Cllr Sheila Parker, in order to assess the impact of the proposed amendments.

1. Purpose of report

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

2. Report summary

The main issue for the Committee to determine is whether the height of the proposed extension is acceptable in the context of the host dwelling, Area of Outstanding Natural Beauty and West Wiltshire Green Belt. An increase in ridge height, along with the amendment for 2no Velux windows to replace a single dormer window on the Lower Kingsdown Road side of the building, is the only material difference to the approved application ref. N/10/04679/FUL.

3. Site Description

Cleeves Wood is a substantial detached property set within the West Wiltshire Green Belt and Area of Outstanding Natural Beauty, on the Lower Kingsdown Road, overlooking the Box valley. The property is orientated towards the West, in which direction the occupants own a substantial plot of land, with a relatively unimposing and visually single-storey elevation adjoining the edge of the Lower Kingsdown Road. The site is accessed via a driveway at its northeast corner and there is ample parking to the front of the property.

4. Relevant Planning History

Application Number	Proposal	Decision
10/04679/FUL	First Floor Extension and Alterations to Dwelling	PER
08/00414/FUL	Two Storey Extensions and Alterations	REF

5. Proposal

The proposal comprises the partial demolition of an existing flat-roofed single-storey annex to the South of the main dwelling, currently serving as a kitchen and dining room, and its replacement with a substantial two-storey extension following the linear shape of the dwelling to increase the ground floor living space and add one additional bedroom with en suite, plus an en suite to the existing third bedroom.

Following the refusal of an unacceptably large extension in this position in 2008 (as above), permission was subsequently granted for a later scheme which followed in scale the existing ridge height of the lower part of the pitched roof as existing (the 2010 application). This scheme was considered acceptable due to its subservience to the existing dwelling, among other factors. Given the otherwise identical nature of the current application, the key material considerations are therefore the increased ridge height of the extension, and the replacement of the approved dormer window on the East elevation with two Velux windows.

6. Planning Policy

Planning Policies C3 (Development Control Core Policy), NE1 (Western Wiltshire Green Belt), NE4 (Areas of Outstanding Natural Beauty), NE15 (The Landscape Character of the Countryside) and H8 (Residential Extensions) of the adopted North Wiltshire Local Plan 2011 are relevant:

7. Consultations

Box Parish Council - no objection

8. Publicity

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

No letters of representation have been received.

9. Planning Considerations

The main consideration is whether the proposal, by virtue of its height in relation to the existing property is acceptable in light of Policies C3, H8, NE1, NE4 and NE15 of the adopted North Wiltshire Local Plan 2011.

The substantive replacement of the approved dormer window with Velux equivalents is considered acceptable in design terms, and potentially offers an improvement in terms of overbearing on the Lower Kingsdown Road

However, the increase in ridge height of the proposed extension over and above the highest point of the existing dwelling is considered unacceptable in terms of scale. The proposal therefore fails to demonstrate appropriate subservience to the main dwelling or sensitivity to its setting, as such appearing overly high and out of scale.

10. Recommendation

Planning Permission be REFUSED or the following reason:

The proposed extension by reason of its excessive height would be disproportionate to the existing dwelling and would reduce the openness of this part of Lower Kingsdown Road, thus failing to accord with Policies NE1, NE4 and NE15 of the adopted North Wiltshire Local Plan 2011. Furthermore, the detrimental overbearing effect of the proposed extension on the host dwelling due to its height would be contrary to Policies C3 and H8 of the adopted North Wiltshire Local Plan 2011.



Kingsdown

Wiltshire Council
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SCALE:

20/10/2011

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