

AGENDA

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER

Date: Wednesday 23 November 2011

Time: 6.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email kieran.elliott@wiltshire.gov.uk

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

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

Membership:

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

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

Substitutes:

Cllr Desna Allen
Cllr Chuck Berry
Cllr Bill Douglas

Cllr Mollie Groom
Cllr Mark Packard
Cllr Bill Roberts

Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 2 November 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 16 November 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 21 - 22*)

An appeals update report is attached for information.

7. **Planning Applications** (*Pages 23 - 24*)

To consider and determine planning applications in the attached schedule.

- 7.a **11/02918/FUL - The Old Hall, The Street, Grittleton, Chippenham**
(*Pages 25 - 34*)
- 7.b **11/03115/S73A - Purdy's Farm, Wood Lane, Brinkworth** (*Pages 35 - 46*)
- 7.c **10/04602/FUL - Sainsbury's Supermarkets Ltd, Bath Road, Chippenham** (*Pages 47 - 60*)
- 7.d **11/01348/FUL and 11/01349/LBC - Cherry Orchard Barn, (Lyppiatt Barn), Cherry Orchard Lane, Luckington** (*Pages 61 - 66*)
- 7.e **11/02159/FUL - Deceuninck, Stanier Road, Calne** (*Pages 67 - 80*)
- 7.f **11/02331/FUL - Land Rear of 6 Upper Pavenhill, Purton** (*Pages 81 - 90*)
- 7.g **11/02790/S73A - Lower Salthrop Farm, Lower Salthrop, Bassett Down, Wroughton** (*Pages 91 - 96*)
- 7.h **11/03048/FUL - The Lodge, Oaks Farm, Rode Hill, Colerne** (*Pages 97 - 102*)

8. **Urgent Items**

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 2 NOVEMBER 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 Mollie Groom (Substitute), Cllr Peter Hutton, Cllr Simon Killane, Cllr Howard Marshall, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Bill Douglas, Cllr Sheila Parker and Cllr Jane Scott

90. **Apologies for Absence**

An apology for absence was received from Cllr Alan Hill who was substituted by Cllr Mollie Groom.

91. **Minutes**

Resolved:

To confirm and sign as a correct record the minutes of the meeting held on 5 October 2011.

92. **Declarations of Interest**

Cllr Simon Killane declared a personal interest in Minute No 96 (i) – Application No 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 because he was a member of Malmesbury Town Council. He stated that he had not participated in any debate on this application at a Town Council meeting and would therefore take part in the debate and vote with an open mind.

93. **Chairman's Announcements**

The Chairman introduced two new officers who would be assisting the Committee in future: Rosemary Lansdowne (Solicitor), and Kieran Elliott (Democratic Services Officer).

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

Members of the public addressed the Committee as set out in Minute No 96 below.

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

95. **Planning Appeals**

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

- (i) Forthcoming hearings and public inquiries between 19 October and 31 December 2011.
- (ii) Planning appeals received between 19 September and 19 October 2011.

The Committee further noted that there had been no planning appeals decided between 19 September and 19 October 2011.

96. **Planning Applications**

1a **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**

Mr Tony Phillips, agent, spoke in support of the application.

Cllr Geena Chapman, Cricklade Town Council, spoke in objection to the application.

The Committee received a presentation by the Case Officer detailing the main issues in respect of the application. It was noted that temporary permission had been granted 2 years ago. Attention was also drawn to the late observations.

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 application.

Cllr Peter Colmer, as local Member, questioned the continued need on a permanent basis for these pitches, bearing in that some of them were currently unoccupied and suggested that a further temporary permission be granted in order to allow time for an assessment to be carried out into future needs.

After discussion.

Resolved:

To grant planning permission for the following reason:

1. 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:

Within two months of the date of this permission, a flood evacuation scheme together with a surface water drainage scheme for the site, based on sustainable drainage principles and include an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include:

- i. Details of how the scheme will contain the 1 in 100 year storm (with a 30% allowance for climate change) whole limiting discharge from the site to Greenfield run-off rates (including supporting calculations);**
- ii. A detailed plan of the drainage system; and**
- iii. Details of how the scheme shall be maintained and managed after completion**

The scheme shall subsequently be implemented in accordance with the details approved before the development is completed.

REASON: To ensure a safe and dry access to and from the development and prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Policy C3

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.

12. 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 09_257_003 Rev B Dated 31 March 2010.

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

- 1b 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)**

On hearing from the Chairman,

Resolved:

To defer consideration of the application pending receipt of the views of Purton Parish Council.

- 1c 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)**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report from which recommended that temporary permission be granted for a period of two years. Attention was also drawn to the late observations.

Members of the Committee then had the opportunity to ask technical questions.

After discussion,

Resolved:

To refuse permission for the following reason:-

The proposed development of the community building is not justified in this rural location in the open countryside and is therefore harmful as a matter of principle. This is due to the nature of the site and it not being a mixed community and the permanence of the building when the additional pitches proposed are only considered acceptable on a temporary basis given concerns in respect of over provision of pitches between 2011 -2016 and the harm this could have to the emerging Core Strategy and Gypsy and Travellers DPD. Further the layout as proposed would provide poor levels of amenity for the proposed occupants of the transit pitches due to their lack of proximity to the facilities proposed within such a building.

- 1d 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**

The following people spoke against the proposal:

Ms Jessica Branton, a local resident

Mr Roger Coles, a local resident

Cllr Martyn Snell, representing Malmesbury Town Council

The following person spoke in favour of the proposal:

Mr Charles Sykes, the applicant

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that permission be granted subject to conditions. She also drew Members' attention to the late observations.

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:

(1) To refuse planning permission for the following reasons:

(i) The scale and layout of the proposal is considered to be unacceptable in the context of the surrounding area and would fail preserve the character and appearance of this part of the Malmesbury Conservation Area. The proposal would result in an unacceptable impact upon the residential amenity of adjacent properties. Further the proposed development fails to provide adequate parking and manoeuvring space within the site. Accordingly, the proposal is considered to be contrary to Policies C3 and HE1 of the adopted North Wiltshire Local Plan 2011.

(ii) The proposed development does not make any provisions for securing financial contributions towards education provision and public open space. The application is therefore contrary to Policies C3 and CF3 of the North Wiltshire Local Plan.

(2) To refuse conservation area consent for the following reason:

The scale and layout of the proposal is considered to be unacceptable in the context of the surrounding area and would fail preserve the character and appearance of this part of the Malmesbury Conservation Area. The proposal is contrary to Policy HE2.

1e 11/02243/FUL - The Coach House, Leafy Lane, Box, SN13 0LE - Extension to Provide Ancillary Accommodation

The following person spoke against the proposal:

Ms Alison Schmidt, a local resident

The following person spoke in favour of the proposal:

Mr S Crowther, the applicant

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that permission be refused.

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

The Committee then heard the views of Cllr Sheila Parker, who spoke on behalf of Cllr Dick Tonge, the local Member in support of the proposal.

After discussion,

Resolved:

To refuse planning permission for the following reason:

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.

1f 11/02399/FUL - 1 Whitegates, Castle Combe, Chippenham, SN14 7HQ - Two Storey Extension to Existing Dwelling to Provide Annexe (Resubmission of 11/01513/FUL)

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be refused.

Members of the Committee then had the opportunity to ask technical questions.

The Committee then heard the views of Cllr Jane Scott, the local Member in support of the application.

After discussion,

Resolved:

To delegate the Area Development Manager to approve planning permission, subject to:

- 1. The submission of revised plans which address the suitable spacing of the proposed dormer windows within the roof together with lintels above doors and windows in the proposed extension; and**
- 2. Completion of a legal agreement tying the annex to the main house and not permitting separate occupation or the sale or rent of the annex**

Subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

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

Plans: Floor plans as existing/proposed, site plan, existing/proposed elevations dated 13 July 2011

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

REASON

The proposed annexe, by virtue of its design, size and scale, would be in keeping with the appearance and proportions of the existing dwelling and would comply with policies C3 and H8 of the North Wiltshire Local Plan 2011.

- 1g **11/02440/FUL - Bremhill Wick Farm, Wick Hill, Bremhill, SN11 9LQ - Extensions (Resubmission of 11/01767/FUL)**

Mr Simon Chambers, the agent, spoke in support of the application.

The Committee received a presentation by the Case Officer detailing the main issues in respect of the application. He introduced the report which recommended that planning permission be refused.

Members of the Committee then had the opportunity to ask technical

questions after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding the application.

Cllr Christine Crisp, as local Member, spoke in support of the application.

After discussion,

Resolved:

To delegate the Area Development Manager to grant planning permission, subject to conditions, for the following reason:-

The proposed extensions by reason of their scale, design and siting are in keeping with the host dwelling and accord with policies C3 and H8 of the North Wiltshire District Council Local Plan 2011.

1h 11/02515/FUL - Innisfrey, Washmeres, Colerne, Chippenham, SN14 8DQ - First Floor Extension to Bungalow to Form House (Resubmission of 11/00001/FUL)

The following people spoke against the proposal:

Mr Gerrard Churchhouse, a local resident
Mr Andrew Coombes, a local resident

The following person spoke in favour of the proposal:

Mr Paul Oakley, a local resident

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be granted subject to conditions. He also drew Members' attention to the late observations.

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 Sheila Parker, the local

Member, who, whilst generally supporting the application, considered that the height of the proposed roof extension should be reduced and that the gabled end should be turned around.

After discussion,

Resolved:

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.

1i **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**

The following people spoke against the proposal:

Ms Aimee Frankham, representing businesses in Malmesbury
Ms Heather Newton Lewis, Chair of the Cross Hayes Pre School
Ms Jennifer Cole, Treasurer of the Cross Hayes Pre School

The following person spoke in favour of the proposal:

Mr Andrew Mercer, a local resident
Cllr Martyn Snell, representing Malmesbury Town Council as applicant

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that permission be granted subject to conditions. She also drew Members' attention to the late observations.

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 Simon Killane, as the local Member, who considered that the application should be deferred in order to allow time for a fuller public consultation to be carried out.

After discussion,

Resolved:

To defer in order to allow members the opportunity to explore issues of vitality and viability in terms of the previous and proposed uses of the room within the Town Hall

(Note: Cllr Peter Hutton requested that his vote against the motion be recorded.)

1j **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**

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions.

After discussion,

Resolved:

To grant planning permission 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.

1k 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

The following people spoke against the proposal:

Mr Merrick, a local resident

Mr Bootom, a local resident

The following person spoke in favour of the proposal:

Mr Mike O'Brien, the agent

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that permission be granted subject to conditions. She also drew Members' attention to the late observations.

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 Howard Marshall, as the local Member, who considered that the application should be refused as he was concerned about the impact of the development on local residents.

After discussion,

Resolved:

To grant planning permission 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 09:00-22:00 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.

(Note: Cllr Peter Hutton requested that his vote against the motion be recorded.)

11 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

On hearing from the Chairman,

Resolved:

To defer consideration of the application to allow for further consultation on the proposals with Grittleton Parish Council and local residents.

1m 11/02979/FUL - Cleaves Wood, Lower Kingsdown Road, Kingsdown, SN13 8BA - First Floor and Ground Floor Extension and Alterations to Dwelling (Resubmission of 10/04679/FUL)

The following person spoke in favour of the proposal:

Mr David Hames, the applicant's project manager

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be refused.

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

The Committee then heard the views of Cllr Sheila Parker, the local Member, who did not support the application in its current format.

After discussion,

Resolved:

To refuse planning permission for 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.

97. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 10.05 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line (01225) 7185043035, e-mail roger.bishton@wiltshire.gov.uk

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

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Wiltshire Council
Northern Area Planning Committee
23rd November 2011

Forthcoming Hearings and Public Inquiries between 23/11/2011 and 29/02/2012

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 19/10/2011 and 10/11/2011

Application No	Location	Parish	Proposal	DEL or COM	Officer Recommendation	Appeal Procedure
11/01769/S73A	The Dairy, Sodom Lane, Dauntsey, Wilts, SN15 4JA	Dauntsey	Use of Ancillary Residential Accommodation as Self Contained Independent Residential Class C3 Unit (Retrospective).	DEL	Permission	Written Representations

Planning Appeals Decided between 19/10/2011 and 10/11/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
10/04360/FUL	48 & 49 MORSTONE ROAD, WOOTTON BASSETT, WILTSHIRE, SN4 7DH	Wootton Bassett	Erection of Detached Dwelling & Garage with Associated Vehicular Access & Landscaping	DEL	Appeal Dismissed	Refusal	Written Representations
11/01017/FUL	102 LIME KILN, WOOTTON BASSETT, SN4 7HQ	Wootton Bassett	Proposed Side Extension and Enclosure of Amenity Land with 2m Boundary Fence to Form Additional Garden	DEL	Appeal Dismissed	Refusal	Written Representations
11/01456/FUL	Loreley, Newlands Green, Kington Langley, Wilts. SN15 5NZ	Kington Langley	Extension to Provide First Floor to Part of Property.	COMM	Appeal Dismissed	Permission	Written Representations
11/01533/FUL	Shepherds House, Cricklade Road, Purton, Swindon, Wiltshire SN5 4HS	Purton	Erection of Dwelling	DEL	Appeal Dismissed	Refusal	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 23/11/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	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 Dwelling	Permission
7b	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
7c	10/04602/FUL	Sainsburys Supermarkets Ltd, Bath Road, Chippenham, Wiltshire, SN14 0BJ	Proposed Improvements Including Extensions to the Foodstore, Carparking Deck and Associated Works	Delegated to Area Development Manager
7d	11/01348/FUL and 11/01349/LBC	Cherry Orchard Barn, (Lyppiatt Barn), Cherry Orchard Lane, Luckington, Wiltshire SN14 6NZ	Proposed Barn Conversion to Include Extensions and Alterations	Refusal
7e	11/02159/FUL	Deceuninck, Stanier Road, Calne, SN11 9PX	Change of Use of Existing Deceuninck Building to Provide Indoor Football Facility (Class D2) and Erection of Additional Floor Space For Same.	Permission
7f	11/02331/FUL	Land Rear of 6 Upper Pavenhill, Purton, Wiltshire, SN5 4DQ	Erection of 2 Bedroom Bungalow	Delegated to Area Development Manager
7g	11/02790/S73A	Lower Salthrop Farm, Lower Salthrop, Bassett Down, Wroughton Swindon SN4 9QW	Variation of Condition 6 of N/10/02321/S73A, Relating to Light Measurement	Permission
7h	11/03048/FUL	The Lodge, Oaks Farm, Rode Hill, Colerne, Wilts. SN14 8AR	Replacement Dwelling	Refusal

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

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
- Update since deferral of application at last Committee

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.

Update since deferral of application at last Committee meeting

Conservation Officer comments on revised drawings

“The only difference between these drawings and the original proposals seems to be the removal of the link between the house and converted garage. I am still of the opinion that the alterations and extension to the garage are unsympathetic to the parent building, adjacent to listed buildings and surrounding conservation area. My comments regarding the scale and design of the garage that is to become a granny annexe remain as per the original comments of 3rd October as does my recommendation for refusal.

The roof material for the garage is listed on the proposed drawings as Cotswold Plain Tiles. I have not heard of these tiles, but from the photographs, they appear to be reconstructed stone tiles.

Recommend the following condition should the recommendation be to approve:

Notwithstanding the submitted drawing DJR/N/107 rev B, the front elevation of the converted garage should be redesigned to show details that are more suitable for this site.

Reason: In the interests of visual amenity

It is also suggested that any extension to the garage be roofed in material to match the existing garage roof.”

In light of the Conservation Officer's comments, the view is taken that now that the glazed link has been omitted, the proposal as revised is more acceptable and the proposal is therefore to recommend approval.

However it is acknowledged that the revised plans are still not sufficiently clear with regard to the relationship between the stonework and inserted glazed areas. Due to the previous time constraints, it was considered that conditions requiring the submission of a number of details prior to commencement would be more appropriate in this instance

This also applies to the comment regarding the use of Cotswold Plain Tiles on a building that appears to be constructed of stone slates. Therefore Condition 2 on the report requires that samples of the stone and tiles be submitted prior to commencement.

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.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

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.

The application was deferred from Committee on 2 November 2011 as Purton Parish Council had not been consulted.

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 Purton Parish Council and 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 letters of objection have also been received.

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

As mentioned above, this application was intended to be is being considered alongside an application for a further 5 pitches at Four Oaks, Lydiard Plain and 14 pitches at Calcutt Park, Cricklade at Committee on 2 November 2011 but had to be deferred.

At that Committee Calcutt Park was permitted subject to conditions whilst Four Oaks was refused.

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	Refused

	<p>Planning permission was refused on the same grounds as Bridge Paddocks was refused, i.e. prematurity given the emerging Core Strategy.</p> <p>Since that refusal Bridge Paddocks has been allowed at appeal.</p>	
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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 objects 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.

Purton Parish Council continues to object to this development as it believes that the site does not meet the specified criteria for gypsy sites in that the site is remote from any facilities such as shops and schools, the closest being some four to five miles away. Also the site does not lie on a bus route hence it will result in the use of cars therefore the site is not sustainable.

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.

Two objections have been received on the following grounds:

- No need for a permanent site when others are available – 204 in 5 mile radius
- If made permanent no further increase should be allowed on the site
- Highways impact/safety
- Confusion as to why applications allowed to put in a new application
- Noise/nuisance from dogs on site
- Smells from septic tank on site
- Precedent if allowed for Gypsies outside of North Wiltshire to come in
- Choice of Gypsy locations is down to publicly elected bodies and not private individuals and site considerations examined

8. Policy Context

Adopted:

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

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 (now updated following the permission granted at Calcutt Park)

To the end of April 2011 the outstanding number of pitches is 1 pitch.

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 2011 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 would fulfil the requirement for available and deliverable sites 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

In terms of the alleged noise/nuisance the applicant/agent is now aware of this issue. It would not be reason to refuse the application. Environmental Health have no records of noise complaints or odour complaints from the septic tank. The latter having been installed by the manufacturer as opposed to the applicants. If such problems persist objectors can report these matters to Environmental Health. At the time of the site visit neither problem were noticed.

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 follows the grant of Calcutt Park and refusal of Four Oaks at the previous committee.

As outlined above, for the period to 2011 it is considered that there is an outstanding need of 1 pitch. Based on previous appeal decisions outstanding need/failure to meet a 5 year supply of sites is a significant consideration.

In light of the Four Oaks application being refused, the site falls to be considered on its own merits with the Bridge Paddocks appeal decision being a material consideration in terms of scale and location.

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.

Purdy's Farm performs less well in location terms compared against Calcutt Park but this is based solely on the emerging Core Strategy/allocations DPD to which limited weight can be attached. It does accord wholly with current Government guidance, recent appeal decisions and would satisfy the outstanding need.

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 two (2) shall be a static caravan or mobile home and no more than two (2) 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.



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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)
Calcutt Park, Cricklade	14 pitches (approved 2011)

TOTAL 2006-2011

47 pitches

SHORTFALL 2006- 2011 = 1 PITCH

+ Purdy's Farm 2 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

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	23 November 2011		
Application Number	10/04602/FUL		
Site Address	Sainsbury's Supermarket, Bath Rd, Chippenham, SN14 0BJ		
Proposal	Proposed improvements including extensions to the foodstore, car parking decking and associated works		
Applicant	Sainsburys Supermarket Ltd		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Cepen Park & Derriads	Unitary Member	Councillor Peter Hutton
Grid Ref	389842 172033		
Type of application	Full		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Peter Hutton has requested the application be considered by Committee to assess visual impact on the surrounding area, relationship to adjoining properties, environmental/highways impact and car parking.

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 and convenience.
- Impact on the vitality and viability of both Chippenham and Corsham town centres
- Impact upon visual amenity, distant views, TPOd trees and landscaping in general.
- Impact upon neighbour amenity and surrounding area.

The application has generated objections from both Chippenham and Corsham Town Councils, 68 local residents and 1 letter of support.

3. Site Description

The application relates to the existing Sainsbury's store at Bath Road, Chippenham. This store has been in operation since the 1990s and was extended under applications 95/02275/F and 01/02614/F.

The current proposal is for extensions to the store; a "facelift" to give new elevational treatments to the majority of the store's elevations; a car parking deck and associated works.

The existing store is of traditional supermarket design comprising a series of peripheral mansard roofs incorporating a series of small gables. The mansard roofs conceal a large flat roof. The

elevational materials are a combination of red clay tiles to the sloping mansard roofs, with a large gable marking the store entrance finished in buff facing bricks with cream and red feature banding. External walls are similarly finished in buff facing bricks with red brick feature. Canopies have oversailing mansards to form covered walkways. There is an existing petrol filling station (PFS) with carwash to the west of the store.

Documents submitted with the application

- Design and Access statement.
- Planning statement (revised)
- Retail assessment (revised)
- Statement of Community Involvement
- Lighting Assessment.
- Air Quality assessment
- Noise assessment
- Transport assessment
- Tree survey schedule
- Supporting appeal decisions.

Amount of development

The originally proposed development on the ground floor added a total of 2522sqm to the gross internal floor space and added 1685sqm at first floor mezzanine level - a total of 4207sqm (excluding the atrium). The sales area would increase from 4629sqm to 7600sqm. (435sqm has already been approved under 08/02601/FUL).

However, following concerns about impact upon the trees, the western extension has been reduced by 3.7m so that the recently TPOd trees are unaffected. This has meant a reduction in gross floorspace to 4076 sqm (a reduction of 131 sqm.). This means that the proposed development on the ground floor will add a total of 2150sqm to the gross internal area and add 1926sqm at first floor level, a total of 4076sqm (excluding the atrium). The sales area would increase from the existing store 4629sqm to 7600sqm, an increase of 2971sqm. However 435sqm has already been approved under 08/02601/FUL.

The back up area will increase at ground floor level by 557sqm, and at first floor a decrease of 135sqm ie a total increase of 422sqm to allow for additional storage space in connection with the extended sales area.

There will be an increase in customer parking spaces from 500 to 647, with the ground floor layout reconfigured to improve circulation, improved access to the petrol filling station, a decked area and the required car ramp. Of the 647 spaces 34 are designated disabled and 32 parent and child.

The staff car park of 44 spaces originally approved under 08/02601/FUL is also shown on the application plan.

4. Relevant Planning History		
Application Number	Proposal	Decision
95/2275/F	Extension and relocation of coffee shop/refurbishment of petrol station store.	Permission
01/02614/FUL	Extension to foodstore	Permission
08/02601/FUL	Car park reconfiguration, new staff car park, store extension and alteration	Permission

5. Proposal

The proposal is for a 2 storey extension to the southern principle elevation to straighten the shopfront line to give additional sales area whilst providing an atrium area containing travelators and lift access to the expanded mezzanine areas.

The displaced ground floor restaurant will be relocated to the new mezzanine and customer services within the new atrium.

A 2 storey extension to the eastern facade of the store will provide additional sales at ground floor, additional back up area plus a new unloading bay and Goods On Line facility. Within the upper floor a new expanded mezzanine is created to house the relocated restaurant and customer facilities. The existing staff facilities and back up area will be pushed to the northern extremity. The current plant room is relocated to the extended mezzanine.

A single storey extension on the western facade will provide additional ground floor sales area with a back up area to the north and small Explore Learning facility to the south.

The existing car parking to the south and partially to the east has been reconfigured to both improve access to the car park and petrol filling station, whilst providing for the incorporation of an upper deck of car parking to the south of the store.

The recycling facility is to be upgraded, locally re-located and rationalised.

In terms of style the changes are designed to create a more contemporary supermarket environment. Glazed elements are used to break down the elevations into a more regular scale and rhythm. The glazing will also add visual interest. The remaining altered elevations are dark grey (revised from white) composite panels. The north elevation (facing landscaping/housing) will partially remain as existing.

6. Planning Policy

North Wiltshire Local Plan: Policies C3, R4 and NE18 of NWLP 2011.

Central government planning policy PPS4 Policies EC15 and EC16 in particular

7. Consultations

Urban Design

Object for the following reasons (comments refer to original submission):

- Non-use of locally appropriate materials - result is a taller, simplified box with no attempt to break down the form. Gives examples in Greenwich, Plymouth, Gloucester and Dartmouth where this has been done.

- Close to residential area. Existing building has articulated skyline and brings eaves down to a single storey.
- Proposed is equal sized textureless, white panels and south facing un-protected glazing.
- Now flat facade at 2 storeys.
- Appears as utilitarian factory.
- Whole site is higher than the A4 and building can be seen from positions well beyond the site.
- Only the lit Sainsburys sign would identify the building as what it is – the design should be incorporated into the building.
- Car deck is alien form at the edge of town.
- Car deck would remove the opportunity for mature tree planting within the site.
- The existing store is already a storey above the A4 - the deck would create an unpleasant entrance into Chippenham.
- From views from the west and north part of the existing building will still be visible which will be incongruous with the new development materials.

Environmental Health

Are happy that the 2m and 3m acoustic barriers are either brick wall or close boarded lapped timber (minimum surface density 20kg/m²); recommend imposition of a condition requiring compliance with Yard Management Plan. No objections to Air Quality Report nor Lighting Report.

Landscape Officer on Original Plans

- Significant removal of existing trees, including Category A ones to enable car park reconfiguration and expansion.
- Removal of vegetation in Tree Group 85 weakens the physical width and effectiveness of the visual buffer to residential area. Also effects screen from the countryside beyond, including Corsham Park which is a scheduled 18th Century Historic Park and Garden.
- Recommends TPOing G86 (6 oaks) owned by the Council.
- Removal of planting at north west boundary was originally strategic planting - additional mitigation is required.
- White colour of building in landscape is significant.
- Must retain existing planting and replace that which is to be lost.

On amended plans

States that:

- 1) The Council must satisfy itself that the loss of trees is justified to facilitate necessary development.
- 2) The long term viability of the trees on adjacent land is a planning consideration.
- 3) The matter of protecting existing trees can be secured by way of a planning condition and the Council must ensure that the most important are preserved.
- 4) The loss of some of the protective tree belt is a matter for the Council to consider and the proposal should provide additional mitigation rather than less due to the proposed store expansion resulting in increased activity.
- 5) Still has concerns over the prominence of the development when viewed from the public footpath of the historic park over adjoining open countryside.
- 6) Welcomes the removal of the signage.

Chippenham Civic Society

Strongly object on the grounds of size and scale, failure to meet criteria in PPS4, insufficient public consultation, approach of developer.

Archaeology

No comment

Corsham Town Council

Concerns over impact that extending the store and parking would have on a busy road. It was also felt that thought should be given to access and egress.

Chippenham Town Council

Object on grounds that the proposal would have a detrimental effect on the vitality and viability of Chippenham Town Centre contrary to policy R5(iv) of NWLP 2011.

Corsham Civic Society

The effect on vitality and viability of Corsham Town Centre and surrounding businesses, which is not referred to in the Impact Statement.

Chippenham Without Parish Council

Concern about noise from the plant room; already landscaping has been removed; question amount of public support claimed; concern about removing internal roundabout; pedestrian convenience; litter; need pedestrian crossings; highway visibility.

Highways

Do not object to the transport assessment subject to completion of off site works there is no highway objection.

Spatial Plans

Whilst it is recognised that the proposal will address some of the retail leakage of comparison goods to other towns such as Bath and Swindon, there is concern that such a scale of proposal will undermine the vitality and viability of Chippenham Town Centre and is therefore not in accordance with criteria (ii) of Policy R4 of NWLP 2011.

The Council subsequently employed the services of a retail specialist to give advice on the application.

Environment Agency

No objections subject to conditions.

Corsham Chamber of Commerce

Object because it would have an adverse effect on the vitality and viability of Corsham Town Centre. Corsham is in the primary catchment area. Nearly every shop in Corsham would be affected particularly in relation to kitchen/cookware/tableware; domestic electrical goods; books; homeware; soft furnishings; children's toys; stationery; clothing and health/beauty products. Parking is free at Sainsbury's but not in either Corsham or Chippenham. In Corsham the car park adjacent to the supermarket has higher charges than other town centre car parks.

8. Publicity

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

68 letters of objection received

Summary of key relevant points raised:

- The building is too big for the site and a market town.
- Lorry traffic
- The car deck is an eyesore so close to residential development and the open countryside
- Pedestrian links are confusing especially to the PFS side.
- Increase in delivery traffic from Home Delivery Service.
- Insufficient highways information to demonstrate that impact is acceptable - traffic assessment accepts a 20% increase in traffic volume together with increase in sales area of 59.1%.
- Study overestimates those that will walk/cycle.
- Blockage of access to store when tankers deliver to PFS - increase in customers to store will exacerbate this.
- Increase in 50 jobs does not balance effect on town centre.
- Domination by expansion.
- Effect on minority interests
- Effect on delivery vehicles late at night - not possible to condition due to existing store being unrestricted.
- Pollution from car deck.
- Previously extended in 2003
- Only 35 neighbours consulted.
- Effect on landscape.
- Trees would take a long time to mature and therefore screen.
- Base data for highways is 2006 and thus too long ago.
- There is still more of Methuen Park to develop increasing traffic onto the roundabout.
- Control of litter
- Effect on Town Centre of Corsham

ING (who have an interest in the Bath Road/Bridge Centre site), Redcliffe Homes, Chippenham Vision and Ashtenne all object to the application on non compliance with the requirements of the sequential test, insufficient evidence to demonstrate that the proposal will not lead to significant adverse effects on the town centre, job creation does not outweigh impact and failure to comply with policy in PPS4.

The Council employed the services of Roger Tym and Partners to assess the application against Policies EC15 and EC16 of PPS4, which relate to 'Sequential Approach' and 'impacts' respectively. A copy of their report on the original application is available on file but in summary in relation to the sequential assessment, they accepted that the Bridge Centre/Bath Road Carpark site was too small to accommodate a superstore with 13, 642sqm of floorspace, but maintained that the sequentially preferable site was capable of accommodating most, if not all, of the proposed comparison retail floorspace. They therefore did not consider that the proposed development satisfied the sequential test.

In terms of Impact Assessment, the originally proposed development would represent a substantial increase in the size of an existing out-of-centre superstore. They considered that there was clear potential for the scheme to undermine town centre vitality and in their own assessment the trade impact on the town centre - of 12% using WYG own figures, rather than the 4.3% figure suggested by WYG - is a significant cause for concern. They concluded that proposed development did not satisfy criteria b) and d) of PPS4 Policy EC16.1. The development could also undermine the prospects of securing a retail scheme at the Bridge Centre/Bath Road Car Park site, so they also had concerns in relation to criterion a) of Policy EC16.1.

Roger Tym and Partners have re-assessed the proposal following the revisions made by Sainsburys (3rd October 2011) and make the following comments (which represent the latest conclusions on the sequential approach and impact on town centres):

- WYG has supplied additional commentary on the availability, suitability and viability of the Bath Rd Car Park/Bridge Centre site (BRBC) and sets out in greater detail the applicant's scope for flexibility and disaggregation of the application proposals.

- In terms of flexibility and scope for disaggregation, the applicant's main argument is that the proposed development will address a location specific need for additional floorspace to remedy the deficiencies of the existing store which is over trading. WYG asserts that the design on a multi level represents a sub-optimal solution for Sainsburys and, whilst they do not agree that this represents a degree of flexibility in terms of the sequential test, they recognise that it adds weight to the applicant's argument.
- WYG argue that disaggregation would not provide genuine choice and competition and an alternative provision at the Bath Road / Bridge Centre site would not be capable of competing with the existing Sainsbury and Morrisons. Whilst such a scenario may reduce over trading at the current store, it would not in certainty provide the choice the current proposal offers or improve the environment for shopping. Taking into account this and the "Chesterfield appeal", they consider the argument for disaggregation has been dealt with. Taking on board the additional evidence in respect of availability, suitability and viability of the sequentially preferable Bath Road / Bridge Centre site, they conclude that the applicant has satisfied the sequential test of PPS4 Policy EC15.
- The key concern raised previously regarding the applicant's assessment of impact was that it did not adequately consider the impacts of the proposed development on ING's planned investment at the Bath Road / Bridge Centre site. In accordance with para 7.19 of PPS4, WYG has now considered the impact of the application in terms of the status and progress of the proposed investment and the impact of the application scheme on current and forecast turnovers, operator demand and investor confidence.
- They consider it difficult to assess impact on operator demand and interest prior to the specifics of ING's scheme being made public. It is; however, fair to assume that if the ING scheme includes a large foodstore then interest from potential operators could be weakened by this proposal. This in turn could have a negative impact on developer/investor confidence. ING's proposals are at a critical juncture, but they have not stated that they won't proceed if Sainsbury's proposal is approved.
- The checklist for assessing impact on planned investment shown after para 7.21 of the Practice Guidance also suggests that the level of risk to planned investment and its significance will depend on whether there is sufficient need for both. They had asked for information on future expenditure capacity to support its own proposals and the development of its own proposals and the development of convenience goods floorspace at the Bath Road / Bridge Centre site. WYG has not provided any evidence. Nevertheless, on balance, the applicant has carried out a more appropriate assessment of the application scheme on planned investment. They accept that there may be some negative impacts on the planned investment at the Bath Road / Bridge Centre site, but are unable to conclude that it is significant. They also accept that, in view of their conclusions in relation to the PPS4 Policy EC15 sequential assessment, the location specific Sainsbury's proposal would not be wholly competing for the same market opportunity as the planned investment. There would be no demonstrably significant adverse impacts under criteria a) of PPS4 Policy EC16.

Planning Considerations:

Retail Impact

The Council's retail consultants originally analysed the application and concluded that there was a case for refusal on the grounds of undermining the vitality and viability of the town centre and therefore not satisfying the criteria b) and d) of PPS4 Policy EC16.1. There were also concerns about the impact of the development on securing a retail scheme at the Bridge Centre/Bath Road Car Park site in relation to criterion a) of Policy EC16.1 and that site represented the best opportunity for significantly expanding the retail offer in the town centre.

Additionally they advised that reflecting the advice in Policy EC17.1 of PPS4, the development should be refused as there is a sequentially preferable site that could accommodate the proposed retail floorspace and because the proposed scheme was likely to result in significant adverse impact on Chippenham Town Centre. Even should the Council conclude that the impacts were not

significant, then it would be necessary to weigh up the positive and negative impacts of the proposed foodstore as per policy EC17.2 of PPS4. Their conclusion was still one of refusal because the employment benefits associated with the proposal - ie creation of 50-60 jobs- would not outweigh the harm.

However, the applicant's agents (WYG) have undertaken further work to allay these fears and have actually reduced the floor area by 131 m2. The Council's consultants have assessed this and have concluded that whilst they still have some outstanding concerns, the additional information provided by the applicant reassures them that the sequential test in PPS4 has been adequately addressed and it would be unlikely that the proposed development would have significant adverse impacts on planned town centre investment.

The agents submitted two relevant appeal decisions (which are available on file) at Brimington, Chesterfield (APP/A1015/A/10/2120496) and Mill Lane, Alton (APP/M1710/A/10/2143427), both of which support their case against disaggregation of the store and the effect that the extension would have on planned investment in the town centre (in the Chesterfield case) and effect on the town centre vitality and viability and alternative provision in the Alton case

They strongly advise conditions which restrict the total amount of sales floorspace available for both convenience and comparison goods and which would prevent any future subdivision of the extended superstore. This would help limit and control the potential impacts of the proposed development, ensure that the permitted comparison goods floorspace could only be traded in association with convenience goods floorspace and prevent the creation of smaller retail units that could compete more effectively with existing and proposed in-centre provision.

Car Deck

In terms of visual impact the car deck could potentially be seen from: The Scheduled C18th Historic Park and Garden of Corsham Park, all 3 junctions of the A350/A4 roundabout and the Methuen Park business estate/A4 junction. At the A4/A350 roundabout location the car deck will be approximately 4.2m above the car park level and therefore approx. 6m above road level with its own lighting and parked cars. The railings would take the height to a further 5.6m above the car park and therefore over 7m (see above) above the road. Further along the A4 the existing car park grows from 1.8m to about 3.5m above road level with commensurate increases in height of the car deck.

Officers have negotiated with the agent and have agreed the principle of substantial mature planting of both evergreen and deciduous trees to effectively screen the decking from these vantage points. The planting will be the subject of a legal agreement to ensure that it is maintained in perpetuity.

Whilst the proposed landscape screening will, it is considered, give an effective visual buffer to the proposal, the car deck will have more limited visual impact than might first be imagined due to the topography of the approach roads and landscaping on the A350/A4 junction. From the Methuen Park estate roundabout views will be more significant, but it is considered that this is within the built up area and would not create a discordant feature.

The proposal involves the removal of all the existing trees where the deck will go and almost all those within the car park area in general.

Highways Issues

Concern has been raised about the level of traffic already using the junction with Sainsburys and congestion and highway danger caused at peak times. The information submitted with the application suggests that the am peak will only generate and increase of 71 movements, the pm peak 269 movements and Saturday peak 274 movements. Our Highways engineer is satisfied with these figures and the capacity of the junction to cope with them.

The staff car parking was approved under 08/023601/FUL and circumstances have not changed since.

To the west of the proposed store extension are a group of early mature oaks, with a TPO upon them. As a group they contribute significantly to the character of the area and are possibly trees left over from when the land was undeveloped. The store extension to the west involves the removal of part of the belt of trees which buffers up against these TPOd trees and forms an important break between the housing development and the store. The extension has been reduced in scale by 3.6m to ensure that the trees' health is not negatively affected.

Appearance of the Store

A significant part of the proposal is to give the current store a "facelift" by extending the store and using the modern materials of composite panels and glazing. The agents have submitted further details which demonstrate that the store will be no higher overall than the existing building, the removal of the signage and artists impressions of what the building will look like. They have also amended the colour of the composite panels from white to dark grey. Up to half the building will be partially obscured by the car deck, which is covered elsewhere in this report.

The front (south) elevation incorporates a significant amount of glazing with areas such as the cafe facing out this way.

The surrounding area is an extended residential area to the north and east and new office development to the south. Materials used in these areas are, in the majority, a mixture of stone, brick and render. The existing store complements this both in scale and materials. The design of the existing store is of a "soft" appearance having sloping tiled roofs visible, but the proposal will ensure that it looks very modern. Whilst there is no other building close by of such design, it is considered that given the scale of the development on the edge of Methuen Park, it will not be so significantly alien as to warrant a refusal on design grounds.

From the Corsham Park (Scheduled C18th Historic Park and Garden) and the surrounding road network the current store is visible within an overall impression of being absorbed into the backdrop of the residential estate behind. The new store design will appear more dominant, but from many vantage points will be hidden behind the significant landscaping proposed.

The comments of the local residents have been noted, but given the responses from Environmental Health and Highways, in particular, and previous permissions on the site it is not considered that any reasons for refusal can be justified.

10. Conclusion

The proposal, as amended, will add a gross internal floorspace of 2522sqm with a 4629sqm at first floor making a total of 4207sqm (excluding the atrium). The sales area would increase from 2629sqm to 7600sqm (435sqm has already been approved under 08/02601/FUL). The information has been assessed by the Council's retail consultants and in conclusion they state that they consider the proposal now satisfies the sequential test of PPS4 Policy EC15. They accept that there may be some negative impacts on the planned investment at Bath Road car park, but are unable to conclude that it is significant. They also accept that, in view of their conclusions in relation to PPS4 Policy EC15 sequential assessment, the location specific Sainsbury's proposal would not wholly be competing for the same market opportunity as the planned investment. There would be no demonstrably significant adverse impacts under criteria a) of PPS4 Policy EC16.

The car deck would extend from just east of the store to the western edge, but would be largely hidden from significant vantage points by new landscaping to be controlled by way of a legal agreement to ensure its effectiveness and longevity.

The design of the 'facelift' for the building gives it a very modern and airy look, which although not replicated elsewhere in the locality is considered to be appropriate for this location and use as a major supermarket.

The staff car park has been covered under application 08/02601/FUL previously and is unchanged.

There will be an increase in car parking spaces for customers from 500 to 647 and the associated information about increases in car movements has been assessed by the Council's Highways Engineer and considered to be acceptable.

Overall it is considered that the proposal satisfies policies C3, R4 and NE18 of NWLP 2011 and central government planning policies contained in PPS4 – EC15 and EC16 in particular.

11. Recommendation

Planning Permission be DELEGATED to the Head of Development Control to allow completion of a legal agreement to control landscaping, management of the service yard (including control of refrigeration mechanisms), site security (to include a 6 monthly anti-social behaviour review), litter management (to include additional bins) and traffic management.

And subject to the following conditions:

1. 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;

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

POLICY-C3

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

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

POLICY-C3

3. (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

4. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY-C3

5. Construction works in association with this development shall only take place at the site between the hours of 07:00 and 22:00 Monday to Saturday inclusive and between 09:00 and 20:00 on Sunday and at no other time.

Reason: In the interests of the amenity of local residents in accordance with policy C3 of the North Wiltshire Local Plan 2011.

6. The improved pedestrian linkages shown on approved plan 31216-40_P005 RevF shall be implemented concurrently with the first use or occupation of the extension hereby permitted.

Reason: To ensure that the store is accessible by a range of means in addition to the private car.

7. There shall be no subdivision of the development hereby approved.

Reason: To protect the vitality and viability of the town centres of Corsham and Chippenham.

8. Prior to the first use or occupation of the development hereby permitted the acoustic barrier shown on approved plan 31216-40_P005 RevF shall be constructed in accordance

with details to be submitted prior to development hereby permitted and shall be permanently maintained thereafter unless otherwise approved in writing by the local planning authority.

Reason: To protect residential amenity.

9. Prior to the commencement of the development hereby approved details of the method of restricting access to the whole site outside the hours of opening of the superstore, shall be submitted to and approved in writing, by the local planning authority. The approved method shall be implemented prior to the first use of the development hereby permitted and permanently maintained thereafter.

Reason: In the interests of residential amenity.

10. 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.

31216-40_P005revF, 31216-40_P010RevA, 31215-40_P011RevC, 31216-40_P015, 31216-40_P013RevC, 31216-40_P009 RevJ, 31216-40_P008RevB, 31216-40_P007, P007 RevB, P012RevB, P015 (1st July 2011), 803-03 (1/09/11), 001A, 002A, 003A, 004A (16/12/10)

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

11. 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.

12. No development shall commence on site until details of the method of entry control to the staff car park has been submitted to and approved in writing by the local planning authority. The agreed methodology shall be implemented concurrently with the first use of the car park and permanently maintained thereafter.

Reason: To protect the amenity of local residents.

13. The staff car park hereby permitted shall only be used between the hours of 07:30 and 22:30 on weekdays and Saturdays and between 09:00 and 18:00 on Sundays.

Reason: To protect the residential amenity of nearby residents.

14. Prior to the commencement of the development hereby permitted, details of all lighting to be used externally on the site shall be submitted to and approved in writing by the local planning authority. The details shall include times when the lights may be in use. The development shall be carried out in accordance with the details which shall be permanently maintained thereafter unless otherwise approved in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

In addition, a condition that restricts the percentage of floorspace for comparison goods and convenience goods will be applied. Discussions with the Council's own retail consultants are ongoing regarding the most effective way of actioning this and the specific wording of any condition.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	23 November 2011		
Application Number	N/11/01348/FUL and N/11/01349/LBC		
Site Address	Cherry Orchard Barn, (Lyppiatt Barn), Cherry Orchard Lane, Luckington, Wiltshire SN14 6NZ		
Proposal	Proposed Barn Conversion to Include Extensions and Alterations		
Applicant	The Trustees of The Somerset Trust		
Town/Parish Council	Luckington		
Electoral Division	Sherston	Unitary Member	Councillor John Thomson
Grid Ref	382729 184118		
Type of application	Full		
Case Officer	Christine Moorfield	01249 706 686	Christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to committee by Councillor John Thomson. The issues to be considered are the design, bulk, height and general appearance of the proposal.

1. Purpose of Report

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

The original submitted scheme was for alterations to planning permission and listed building consent that was granted in 2005. The alterations were considered by your officers and under the council's scheme of delegation a recommendation of approval was made subject to the signing of a 106 agreement requiring a public open space contribution, in accordance with policy CF3 of the North Wiltshire Local Plan 2011.

Whilst the 106 agreement was being drafted the applicant asked that the council accept amended plans which indicated the roof of part of the barn being raised in order to improve the door heights within the scheme and also to address the issue of possible flooding due to low floor levels.

The applicant was advised that dismantling the roof and reconstructing it would be significant alterations and would be classed as demolition, and as such the council would be required to consult with the numerous amenity bodies which had not been consulted previously.

The applicant was also advised by officers that this amendment to the original scheme would be unlikely to be considered acceptable. However the applicant has requested that this element of the scheme be included within the application.

2. Main Issues

- Principle of the conversion of the barn to residential
- Impact on the Listed building
- Impact on amenity
- Access and parking

- Wildlife
- Public open space

3. Site Description

The barn which is grade II listed and is within the AONB. The site is relatively isolated in a rural location.

4. Relevant Planning History

Previous consent for conversion of this barn was approved 04.00081COU and 04.00080LBC. However, the previous application included a stable block which was approved as part of the previous scheme. A 106 agreement required this block to remain as part of the same site/same ownership i.e. ancillary use not a separate dwelling. This application does not include an out building barn within the site boundary.

5. Proposal

This is a traditional stone barn. The proposal is for the conversion of the barn to a residential unit. The scheme includes alterations to the interior layout of the barn as approved in 2005. These alterations have a minor impact on the external appearance of the barn as previously approved. The application now also includes the raising of the roof of the long low element of the barn by 370mm.

The scheme also includes the provision of photo voltaic panels adjacent to the barn and a small green house structure next to the garage which is refurbished. The old post and corrugated dutch barn is to be removed.

6. Consultations

Luckington Parish Council- No objection to the original scheme.

Environment Agency – Informatives and notes to agent should be attached to any permission (letter 10.5.2011)

Council Ecologist – Bats - Full report should include precautionary measures which should be adhered to.

Owl report- Following discussions with the council's ecologist no concerns in respect of owls.

Highways- No objection- subject to condition re provision of turning head and consolidated access.

Public Open Space - a contribution of £5,800 is required towards provision of Public Open Space

7. Publicity

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

No letters of objection or support have been received.

Further consultation was carried out, following the inclusion of the “roof raising” element. Consultees have until the 22/11/2011 to comment.

Comments received as a result of this consultation will be reported to Committee in the additional information.

8. Planning Considerations

Principle of the conversion of the barn to residential

The principle of this conversion was established in 2004 when permission was granted for the conversion of this barn into a residential unit. The scheme now being considered does not include the stable block which was previously part of the application.

The original scheme submitted proposed some internal alterations to the interior of the building. These alterations had a limited effect on the external appearance of the building.

Since the approval in 2004 the local plan has changed but the principle of such a conversion is still considered acceptable subject to the criteria stipulated in policy HE4 and BD6.

Impact on the Listed building

The submitted scheme was considered by the Conservation Officer. Subsequent amendments to the original scheme were negotiated with the applicant. The following matters of detail were agreed:

Doors and Windows-

- All doors and windows must be set back by at least 300mm.
- The windows to bedrooms 1 and 2 are larger than those approved, therefore the windows were reduced.
- Concerns were expressed in relation to the glazing doors and panels and it was considered that a more consistent approach would be more appropriate. However the agent stated that the pattern as shown has been carefully designed in order to achieve the necessary u values and the Swedish Standards have been applied and this was accepted.
- Vents 1 and 2 at second floor level were initially considered unnecessary but the agent confirmed the vents are required in order to attain ventilation standards. These are therefore considered acceptable.
- The roof vent to the wing was considered unsightly but the applicant confirmed that the roof vents are required by Building Regulations but to limit impact a matt grey finish would be applied. This is considered acceptable.
- The plans did not show where the rain water goods will be located. The rainwater goods should be cast metal. The applicant has agreed to this.
- The roof should remain as double roman not slate as shown. This has been agreed by the applicant.
- Details of proposed photovoltaic panels have now been submitted and are not considered to impact on the listed building. Indeed, on balance the 'green', benefits are seen to outweigh the minimal visual impact the panels will have. The max. height is 1600mm so even if set almost upright, the units will not be very tall and are, therefore, considered acceptable.

The small greenhouse as shown is considered acceptable and will not detract from the setting of the listed building.

The detailing is acceptable and on balance it is considered that all the works, except for the raising of the roof, are appropriate and should serve to preserve the character of this Listed Building. The proposed works are acceptable in terms of impact on listed building and therefore comply with policy HE4.

The one element of the proposed alteration that is not considered acceptable to officers is the proposed raising of the roof of the long low section of barn by 370mm. It is proposed that the wall plate and pillars will be raised in order to fill the 370mm gap. The applicant has specified that these works will all be carried out in appropriate matching materials to ensure that visually the detailing is acceptable. Unfortunately your officers cannot see the necessity for this roof raising and do not consider such an alteration can be carried out without fundamentally altering the character and integrity of this listed building. It is this one element that is considered unacceptable and therefore warrants refusal of this application.

Policy BD6 requires conversions to be contained within the building, extensive alterations, rebuilding or extensions not being acceptable.

Impact on amenity

The barn is on a relatively isolated site within this rural location. There are no nearby neighbours to be affected by the proposed conversion. The only element of the scheme which is considered to detract from the visual amenity of this AONB is the impact that the raised roof will have on the overall appearance of the barn and therefore the character and appearance of the area.

Access and parking

No objection to this proposal have been raised subject to conditions in relation to the provision and retention of a suitable access parking and turning facilities. Such matters can be conditioned if permission were to be granted.

Wildlife

With regard to bats the council's ecologist requested that a full report should include precautionary measures which should be adhered to. Views in relation to the amended scheme will be reported in the additional information.

Following discussions with the council's ecologist no concerns in respect of owls have been raised but as with bats any concerns as a result of the amendments will be reported to Committee as additional information.

9. Conclusion

The initial scheme as submitted was considered acceptable and had been agreed in principle, subject to the signing of a 106 agreement by your officers. Under the council's scheme of delegation the proposal was to be approved subject to the conditions set out below and following the signing of the 106 agreement in respect of public open space contributions.

However the raising of the roof, all be it in its entirety, is not considered to be acceptable or justifiable and is considered to be detrimental to policies HE4 and BD6 of the adopted North Wiltshire Local Plan 2011. The extent of work required would erode the character of this listed barn to an extent which is not considered acceptable and is contrary to both local and government advice and policy.

Subject to no other additional issues being received prior to the committee meeting refusal is recommended for the following reason:

Planning Permission be REFUSED for the following reason:

1. The proposed raising of the barn roof would have an unacceptable detrimental impact on the integrity and character of this barn and would detract from the visual amenity of the locality thereby being contrary to policies HE4, BD6 and NE4 of the North Wiltshire Local Plan 2011.

Informative:

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

3557/09b/08a/01d/04b/03b, 3557/50k/51m/52m,
3557/10/156d/159d/151c/150a/152c/154a/153a/155a all dated 25th October 2011

3557/55 received 1/11/2011, bat survey and owl survey dated 14.04.2011, solar panels details dated 24.06.2011.

Listed Building Consent be REFUSED for the following reason:

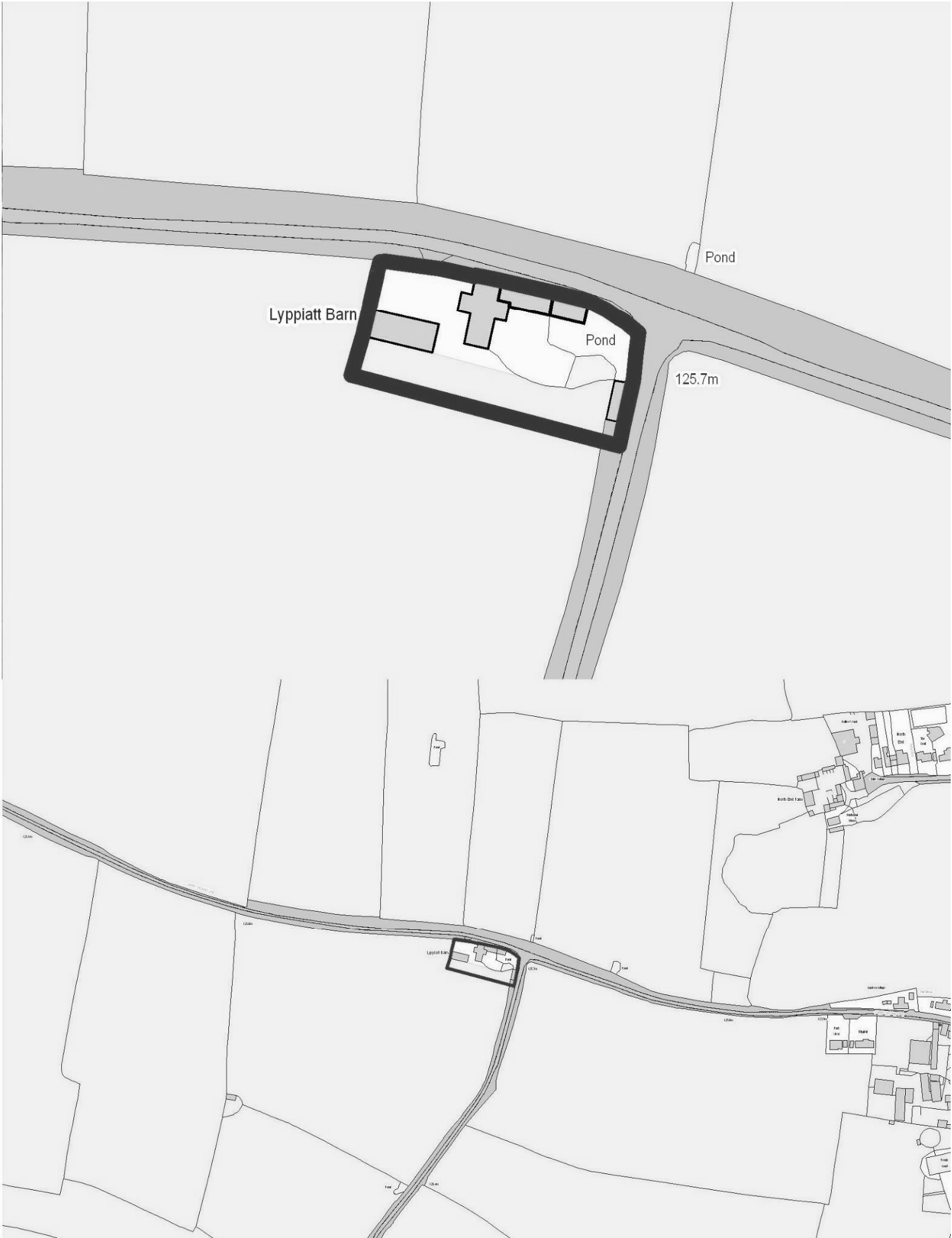
1. The proposed raising of the barn roof would have an unacceptable detrimental impact on the integrity and character of this barn and would detract from the visual amenity of the locality thereby being contrary to the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5 'Planning for the Historic Environment'.

Informative:

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

3557/09b/08a/01d/04b/03b, 3557/50k/51m/52m,
3557/10/156d/159d/151c/150a/152c/154a/153a/155a all dated 25th October 2011

3557/55 received 1/11/2011, bat survey and owl survey dated 14.04.2011, solar panels details dated 24.06.2011.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	23rd November 2011		
Application Number	11/02159/FUL		
Site Address	Decuninck, Stainer Road, Calne, SN11 9PX		
Proposal	Change of use of existing Decuninck building to provide indoor football facility (Class D2) and erection of additional space for same.		
Applicant	Mr Partner		
Town/Parish Council	Calne		
Electoral Division	Calne	Unitary Member	Councillor Berry
Grid Ref	399857 172543		
Type of application	Full		
Case Officer	Simon T. Smith	01249 706633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Berry has requested that this application be considered by the Development Control Committee so that the potential effect of the proposed change of use would have upon the amenities of local residents and loss of significant employment floorspace in Calne.

1. Purpose of Report

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

Calne Town Council support the application subject to planning conditions being imposed
Chippenham Town Council raise concerns about the proposed facilities.
Eighteen (18) letters of objection have been received with seven (7) in support.

2. Main Issues

The application is for the change of use of the existing 10,800m² Decuninck building on the Porte Marsh Industrial Estate to an indoor football facility - including training pitches, 5-a-side astro turf pitches and childrens play centre. The proposal would also see the construction of the remaining 4,650m² extension, permitted, but not yet built, under the original 02/01280/FUL permission. Key points to consider as follows:

- Implications on DC Core Policies C3, C4, BD2, NE18 and CF2 of the adopted North Wiltshire Local Plan 2011 and national policy within PPS4 and PPG17
- The 2002 planning permission
- Loss of employment floorspace and efforts to market building
 - (a) Policy BD2 of the adopted North Wiltshire Local Plan 2011
 - (b) PPS4 – Planning for Sustainable Urban Growth
- Location
- Effect upon existing sporting facilities
- Impact upon residential amenity
- Transportation and highway safety

3. Site Description

Highly visible and accessed from the A3102 Calne bypass, the Decuninck building is a large modern storage and distribution facility purpose built for the company, which also have other premises at Porte Marsh Industrial Estate. The building is positioned in its own 5.56Ha landscaped grounds, complete with internal access road and large dedicated car park. New dwellings have been constructed to the south and west boundaries of the site.

From its construction in 2005 and up until 2009 the building was occupied by Decuninck Ltd. However, following consolidation of the company's operations across the region, the building was deemed surplus to requirements and as such is now vacant.

In planning policy terms, the application site is located entirely within the Settlement Framework Boundary of Calne as set out in the adopted North Wiltshire Local Plan 2011.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/01280/FUL	Warehouse, 2no. class B2 industrial buildings class B1 office building and associated service areas and parking	Permission 04/09/02
06/00602/FUL	External storage and hard standing	Permission 02/10/08
07/01078/FUL	Erection of perimeter fence	Permission 19/06/07

5. Proposal

The proposal is to change the use of the existing building from a storage and distribution use class (Class B8) to an assembly and leisure use class (Class D2). The proposed new use is to comprise an indoor football facility together with ancillary gymnasium childrens play centre and ancillary facilities.

The proposal is to include the construction of the balance of the building not already in existence, but that was permitted under the original 02/01280/FUL permission. That extension remains extant by virtue of the substantive implementation of that 2002 permission. All other physical works are internal only.

6. Consultations

Calne Town Council -

"Members supported this application on the understanding that certain conditions are put in place, as follows;

- *Limitations are placed on the hours of operation; opening from 11am until 11pm.*
- *Noise attenuation measures are put in place to ensure that neighbouring properties do not suffer the effects.*

- *Energy efficiency measures are included to ensure the building is brought up to standard to reduce energy wastage.*
- *S106 monies are secured to improve access for cycles and pedestrians to include either the installation of a press-button crossing point to Beversbrook Sports Facility or the roundabout at the access point.*
- *A substantial donation from s106 monies towards public open space provision in the town."*

Chippenham Town Council -

Wish to make it clear that the "Planning Statement" document submitted contains inaccuracies. In contrast to the claim that the Chippenham Town Council's Community Football Development Officer (CFDO) raised no objections at a meeting prior to the submission of the application, the Town Council did (and continue to) express concern over the viability of such a facility and its possible effect upon the existing community facilities at Stanley Park, Chippenham, and Beversbrook, Calne, the former of which is about to undergo a £1 million extension.

Highways - No objection subject to the imposition of planning conditions.

Sports Development Officer - Final comments awaited.

Council Ecologist – Acknowledges identification of badgers by local residents on the site, but confirms that there is adequate legislative provision outside of the planning system so as to ensure their protection (ie. Badgers and their setts are protected under the Wildlife and Countryside Act 1981 and any works with 20m of an active sett entrance may require a licence from Natural England).

Combined Spatial Planning and Economic Development comments – (conclusions repeated verbatim below)

"Further to the evidence in my original response and this update it can be seen that a key aspect when considering this proposal is weighing up the short-term benefits of the proposal in the context of the current economic conditions, with the longer-term economic objectives for the area as set out in the draft Core Strategy for Wiltshire. Key points relevant in the determination of the application are as follows.

- *The provision of an indoor football facility may bring community benefit to Calne and the surrounding area. Further detail is required from a specialist to assess this.*
- *The provision of an indoor football facility is likely to provide a slightly higher number of jobs than B8 use, and certainly more than the former figure at Deceuninck. However an alternative B class employment use could provide a higher number of jobs and manufacturing has the potential to create higher value/skilled jobs with the long term economic benefit of higher Gross Value Added (GVA) per head levels and a higher multiplier effect.*
- *Unemployment is a particular issue for Calne. In March 2011, 2.8% of the working age population were claiming Job Seekers Allowance, the second highest rate in the county. The proposal will clearly have short term socio-economic benefit.*
- *The site has been adequately marketed for one year.*
- *Looking to the longer-term Calne is identified as a strategic employment location with potential to grow, in particular through the intensification of Portemmarsh Industrial Estate.*
- *The site is in a prime location within the Portemmarsh Industrial Estate. It is proposed to identify the Portemmarsh Industrial Estate as a Principal Employment Area in the Core Strategy.*

- *The latest evidence on employment need suggests 15.6ha is required over the plan period over the former north, east and west Wiltshire districts. There is therefore a need to identify further employment land in the county.*
- *The employment land monitoring suggests that whilst there are a number of outstanding permissions for employment land there has not been delivery on the ground that is in line with the required targets.*
- *There is approximately 5has of vacant employment land in Calne suggesting there has not been take up of employment land and that there is available employment land in the short-term.*
- *Advanced engineering, including manufacturing and logistics, are identified as priority sectors by the new Swindon and Wiltshire Local Enterprise Partnership.*

In the long-term this site is part of an important industrial estate in Calne and is earmarked for protection and intensification with the potential to offer higher value jobs to come forward in the future. However there are important short-term considerations. The site has been effectively marketed for an adequate period of time with no market interest for B use classes, there is currently available employment land in Calne and the proposal will provide jobs for local people now. If you are minded to permit the application, it will be important to ensure that the development is appropriately conditioned in light of the potential for intensification of use on the site for uses of the type that would be normally expected within the town centre.”

7. Publicity

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

Eighteen (18) letters of objection have been received with seven (7) in support. Main issues raised:

- Badgers are present on the site
- The development and additional people/toilets/showers on site will cause a drainage problem for surrounding residents
- Proposed football and child care activities in the building will create a noise disturbance to surrounding residents
- Sports and child care facilities have no place on an industrial estate and will result in a loss of jobs to existing facilities in the locality
- Facility is not accessible from the town
- General increase in noise and disturbance from the site - additional traffic and people accessing site
- Highway safety compromised as a result of additional traffic
- Additional extension would impact upon amenities of nearby residents
- Old Road too narrow to accommodate additional traffic
- No reference to air conditioning units, external lighting or CCTV - all of which would impact upon amenity of nearby residents
- Proposal would add needed indoor sports and child care facilities in the town
- Proposal would bring jobs and ensure a vacant building is put to some use

8. Planning Considerations

The existing 2002 permission

Permission granted under reference 02/01280/FUL allowed for the construction of the Decuninck building as is now seen on the site, plus a large 4,650m² element of floorspace (which was never constructed) to the western end of the building. The 2002 permission also included a further

5,300m² of general industrial and office floorspace to be created on land to the south-east of the building on land that still remains vacant. Importantly the 2002 permission for the additional <unconstructed> 4,650m² extension to the Decuninck building and the remaining B1/B2 floorspace to the south-east remains extant and all those elements remain capable of being constructed now, without further consents being necessary from the Council.

Whilst the land to the south-east of the Decuninck building is not the subject of this application, the Decuninck building itself is. In this way, in considering this application, the existence of an extant planning permission for the additional 4,650m² of floorspace must be an important material planning consideration that must be given a good deal of weight when considering this planning application.

Loss of employment floorspace and efforts to market building

(a) Policy BD2 of the adopted North Wiltshire Local Plan 2011

The proposal will involve the change of use of a building currently classified as having a business use class (ie. B8 storage and distribution) to a use that is an assembly and leisure (ie. a D2 use class). Therefore, Policy BD2 of the adopted North Wiltshire Local Plan 2011 is applicable, which seeks to safeguard existing business uses. Policy BD2 requires one of three criteria to be met for such a change of use to be considered acceptable. It states:

Land and Buildings in existing business use (Use Classes B1, B2 and B8) or, if vacant, last used for business purposes, or committed for such uses, will be safeguarded for these uses, unless:

- i) The continued use of the site for business uses raises unacceptable environmental or traffic problems, harming the character or amenity of the surrounding area;**
- or**
- ii) An alternative use or mix of uses offers greater benefits to the community and/or increases the employment capacity of the site through the creation of a higher number of jobs;**
- or**
- iii) The retention of a site or premises for business use has been explored fully without success (where actively marketed for at least 1 year at an appropriate market rate), and where the site is no longer required to meet economic development needs.**

In respect of criterion (i) to Policy BD2, a calculation based on actual and theoretical use of the building/site worked through by the Council Policy and Economic Development Teams does reveal a similarity in the employment capacities of the existing and proposed situations. In broad terms the proposed D2 use could indeed provide the same or slightly higher jobs. However, their comments are caveated by the <correct> observation that the current B8 use class could be changed to B1 without the need for planning permission which would provide significantly more jobs (ie. a B1 office or light industrial use is likely to create more jobs than a modern distribution warehouse).

In respect of criterion (iii) to Policy BD2, A marketing report has been submitted as part of the application. An assessment of this report has been carried out by the Council's Economic Development Officer. The report states that the property has been marketed since 2009, via signboards, brochures, meetings, advertisements, direct mailing, online, and through press releases, which illustrates that the appointed agents (Alder King) took steps to actively market the property using numerous methods. Alder King also marketed the property on a freehold and leasehold basis to further attract and identify potential occupiers. These marketing activities have produced enquiries from prospective purchasers, and in addition the North Wiltshire Economic Partnership manager promoted and introduced the property to three large Wiltshire based

businesses that were looking to relocate their existing operations. After viewing and investigation these businesses discounted the property, stating that relocation and development would be constrained, citing factors such as; the close proximity to residential areas, the size of the building being too large to meet needs, and difficulties surrounding the underground pipeline that traverses the site. Despite the marketing campaign and the resulting enquiries, it does not appear that any potential occupiers have made an offer. In light of the critical evaluation of the Council's own Economic Development Team, demonstrable efforts have been made to dispose of the building and site for its permitted purpose and that these have been genuine and exhaustive. To this extent the requirements of criterion (iii) to Policy BD2 appear to have been met.

(b) PPS4 – Planning for Sustainable Economic Growth

Assessment of the proposal should not end with adopted Local Plan policy, which by many measures is reaching the end of its useful life. PPS4 was published after the adoption of the North Wiltshire Local Plan and therefore does include updated guidance that may not be directly reflected in the local plan and which is a material consideration.

PPS4 defines economic development as: "*development within the B Use Classes, public and community uses and main town centre uses*" (paragraph 4).

The applicant considers the proposed use to fall under 'community uses' and it could be said that the proposal will offer a facility for use by the community. In this way, policies in PPS4 can also apply to any development that provides economic opportunities, and it is reasonable to conclude that this proposal can be considered at the very least to provide economic opportunities in broad terms.

Consideration has also been given to whether the use could be classed as a main town centre use. PPS4 defines four types of main town centre uses as including 1. retail; 2. leisure, entertainment facilities, more intensive sport and recreation uses; 3. offices and 4. arts and cultural development. Criteria 2 could be relevant in this case and is specifically defined as: "*leisure, entertainment facilities, and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and clubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls)*" (paragraph 7).

Indoor football provision is not specifically included in the definition of main town centre uses above and it is not automatic that it should be regarded as an intensive sports or recreation use. Nevertheless, the proposal does also include a children's play centre, gymnasium and sports bar, which are more likely to create more trips and be considered town centre leisure uses. However, since they are each ancillary to the main proposal for an indoor football facility, this classification is not thought to be fatal to the scheme. Indeed, without the football pitches, neither gymnasium, sports bar or child play facility would be proposed.

Although principally informing the formulation of planning policy, PPS4 also provides policies which must be used to determine planning applications. In particular Policy EC10.2 lists a number of criteria that planning applications for economic development must be assessed against as follows:

- a. Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions.
- b. The accessibility of the proposal.
- c. Whether the proposals secures a high quality and inclusive design.
- d. The impact on economic and physical regeneration including the impact on deprived areas and social inclusion objectives.
- e. The impact on local employment.

As the proposal is for a change of use and there is no new building work proposed criteria (a) and (c) cannot be considered relevant. Criterion (b) regarding accessibility is considered separately below.

In regard to criteria (d) and (e) the proposal will provide some jobs, potentially for local people and therefore would have a positive impact on local employment. In particular, unemployment is a particular issue for Calne and the Council's Policy Team are able to confirm that in March 2011, 2.8% of the working age population were claiming Job Seekers Allowance, the second highest rate in the county. Further, according to the 2010 Income Index of Deprivation, Calne Abberd South is ranked within the 20% most deprived in England and is within the 10% most deprived in the county.

It can only be reasonable to suggest that a proposal which will create employment on a site that has seen no activity for approximately two years, in a town where there is an acute need for new employment opportunities, is at least *prima facie*, a positive thing.

With regard to longer term benefits and the wider objectives informing the Council's emerging draft Core Strategy plan – which can be said to represent the latest statement of the county's longer term economic ambitions, the Portemarth Industrial Estate is identified as a Principal Employment Area. Manufacturing has the potential to create higher value/skilled jobs with the long term economic benefit of higher Gross Value Added (GVA) per head levels and a higher multiplier effect than other uses in terms of local supply contracts and indirect job and wealth creation.

Nevertheless, in broad terms, the Council's Economic Development Team have signalled their support for the application, which of course must be determined now, on its own merits and critically, in the context of a good supply of vacant employment land elsewhere within Calne (ie. it is not as if there is an identified shortfall in employment land to meet economic demand for such). Given the positive outcomes associated with the proposal in this regard, the emerging Core Strategy should not deflect from a recommendation to grant planning permission.

Location

Ostensibly a proposal for a sporting facility, it is nonetheless a reality that many sporting and other recreational facilities will be similar in their land use characteristics to some forms of leisure - by making intensive use of land and attracting a significant number of visits. Indeed, some will be mixed with significant elements of entertainment, leisure uses and will function outside of typical day-time working hours for many hours of the day.

Rightly so, advice in PPG17 – Planning for Open Space, Sport and Recreation (as well as PPS4, referred to above) states that planning permission for such developments should only be granted where they are to be located in highly accessible locations in or adjacent to town centres, or in district or neighbourhood centres.

In this particular case, whilst some distance from Calne town centre, the Decuninck building is positioned within the built up area of Calne and arguably far better located in relation to the town to the existing sports pitches at Beversbrook. Indeed, to the immediate south and west lay significant residential areas, which might in theory, also include residents wishing to make use of the proposed facilities. The original 2002 permission included a requirement to provide a cycle link through to that residential zone and there is no suggestion that this should not continue to exist.

Effect upon existing sporting facilities

The application site is in close proximity to the existing Beaverbrook sporting facilities, operated by the Calne Town Council. Football facilities also exist at Derry Hill and the Stanley Park facility on the eastern edge of Chippenham, also run by the respective Town Council.

The potential for a negative impact on overall sports provision in the locality does exist within this application, and it is this potential that forms the basis of concerns raised by the Chippenham Town Council. Those concerns are fully understood, however, intuitively it is also thought to be the case that the proposal is unlikely to be competing for the same type of demand for facilities at the same time of the year. The proposal is for indoor facilities, presumably more attractive in the evenings in the winter for practice and 5-a-side league games, whereas the existing outdoor facilities in the area are likely to be in heavy demand for practice and league games throughout the year – but especially at weekends during the football season.

The likely complimentary, rather than competing, role of the proposed facilities is identified in the supplied letter from the Wiltshire County Football Association. In light of this, as well as the lack of an objection from the Council's own Sports and Physical Activity Development Manager, there is considered to be no justification to disagree.

Representations have been made by an existing local provider of child care facilities regarding the potential consequences of over-supply of such facilities in the locality. Those concerns are understood, but nevertheless, they are largely based on commercial interests that cannot be regarded as a material planning consideration.

Impact upon residential amenity

Concerns have been raised by local residents over the potential for noise and disturbance generated by the proposed new use. This could be from a variety of sources, but principally the proposed activities inside of the building being heard outside and the comings and goings of cars and people.

However, since the likely noise and disturbance from the proposal should be compared with the existing lawful situation (ie. a very large storage and distribution warehouse, with all the attendant comings and goings associated with such), the consideration of the potential effect upon amenity cannot legitimately involve a comparison with zero activity on the site, if this planning permission were refused. Intuitively, it does seem reasonable to conclude that the noise and disturbance associated with an indoor football facility and children's play area would be at least broadly similar, or even less than would be associated with a distribution warehouse.

The applicant draws attention to planning condition 05 to the original 2002 planning permission, which imposes a maximum noise level outside of the building, which could be re-imposed on this planning permission. However, although not specified in the condition, it is understood that the unit of noise measurement specified in the condition refers to fixed sources – such as air conditioning or plant. Whilst the potential for plant to create a noise continue to be an important consideration, the existence of this condition cannot be regarded as a universal solution to the issue, since noise and disturbance is often less easy to define or measure.

Discussion and negotiation with the Council's Environmental Health Officer confirms the above conclusion, and subject to the imposition of particularly worded planning conditions controlling the use and the physicality of the building, the proposal is likely to present no greater impact upon amenity than the distribution warehouse that it would replace.

Transportation and highway safety

The proposal seeks no change to the existing vehicular and pedestrian access arrangements.

As originally submitted, the proposal included an "emergency access road" is shown on the submitted layout plan which does not exist in reality. However, it was clear that this was merely a reflection of the plans which were approved under the original 2002 planning permission, and is a matter specifically allowed for in condition 10 to that permission. However, it has since been confirmed by the applicant that there is no intention to provide that emergency access and from

the Council's Highway Officer that there is no need either. The emergency access has therefore been removed from the scheme.

The submitted Transport Statement concludes that a comparison between the traffic movements associated with the consented use of the building is broadly comparable with the proposed use in terms of its likely impact upon the surrounding highway network and demands for parking on the site. In considering the typical characteristics of a busy storage and distribution facility and the high standard of the local highway network, this is broadly thought by the Council's Highway Officer to be a reasonable conclusion.

Subject to the imposition of planning conditions the Council's Highway Officer does not raise objections to the proposal on the grounds of highway safety. In this context, and notwithstanding the concerns raised by local residents, it is not considered to be reasonable to refuse planning permission on these grounds alone.

9. Conclusion

This application comprises a change of use from a B8 business (Storage and Distribution) use class to a D2 (Assembly and Leisure) use class. Consideration must therefore be given to the consequences and desirability of the loss of the existing employment use and whether the new uses would, as an alternative, provide for wider socio-economic benefits including equal or better employment opportunities. Equally, a judgement must also be reached over how likely it would be that the building would indeed be put to a use falling into the business use classes, even if permission were to be refused.

On balance, and in the context of a vacant building and an area of acute need of employment opportunities, it is considered that the merits of allowing an activity that would provide for employment opportunities that are at least equal to that associated with storage and distribution centre would outweigh the potential disbenefits.

The concerns of local residents in respect of noise and disturbance are acknowledged, but it is evident that through the use of particularly worded planning conditions, it would be possible to ensure the impact is no greater than the existing situation.

10. Recommendation:

Planning Permission to be GRANTED 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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

POLICY-C3

3. The level of noise emitted from the site shall not exceed a Rating level of 45 dB (1hr)(i.e. LAeq(1hr) and free from acoustic features) between 0700 and 2300 hrs Monday to Saturday and a Rating level of 35 dB(5 mins) (i.e. LAeq (5 mins) 35 dB and free from acoustic feature) at any other time as measured on all boundaries of the site at any position where the boundary is contiguous with any part of the curtilage of a residential property.

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

4. Prior to the commencement of the development of each building hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the make, type and colour of all external materials to be used;

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

Reason: In the interests of amenity and satisfactory layout.

5. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY-C3

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

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

POLICY-C3

7. No development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use 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.

POLICY-C3

8. The site and building shall be used for football pitches, ancillary gymnasium, children's play centre and other activity purely ancillary to the operation of the site and building for the identified use hereby granted planning permission and for no other purpose whatsoever (including any other purpose in Class D2 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 and its potential impact upon the amenities of the nearby residential properties.

9. 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 in the form of a separate planning permission in that regard.

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

10. No further external lighting shall be installed on site whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

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

11. No development shall commence on site until a scheme for the discharge of surface water from the extended building and site, 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.

12. No development shall commence on site until details of the works for the disposal of sewerage from the site and extended building has 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.

13. (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

14. No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building/extension hereby approved is first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

POLICY-C3

15. The change of use hereby permitted shall be implemented in complete accordance with plans relating to “Building A” granted planning permission under reference 02/01280/FUL. The extant and as yet unbuilt extensions to the building subject to this application shall be constructed strictly in accordance with the relevant plans approved under reference 02/01280/FUL unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: To define the parameters of the planning permission for the avoidance of doubt.

16. The use hereby permitted shall only take place between the hours of 09:00hrs – 19:00hrs

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

17. Notwithstanding that shown on the submitted plans, there shall be no further doors, windows or any other form of opening inserted into the western or southern elevation of the extended building (ie. the complete building including the additional floorspace yet to be constructed) whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: For the avoidance of doubt and so as to ensure the amenity of neighboring residents is not adversely affected by the proposal.

18. Prior to the first use of the building or site for the permitted purpose, a 2.0m high close boarded acoustic fence shall be erected in a position immediately around the entire bank of new parking spaces outside of the proposed child play centre element of the proposal.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

19. Prior to the first use of the building or site for the uses hereby granted planning permission, a detailed scheme for the fitment of additional insulation inside of the walling of the existing building as well as the un-built extension, so as to achieve a further reduction of 10dB over and above that reduction in noise associated with the existing/permitted walling materials, shall have been submitted to and agreed in writing by the Local Planning Authority. The development and uses hereby permitted shall only commence once that scheme for the fitment of additional insulation, so agreed, has been implemented in full.

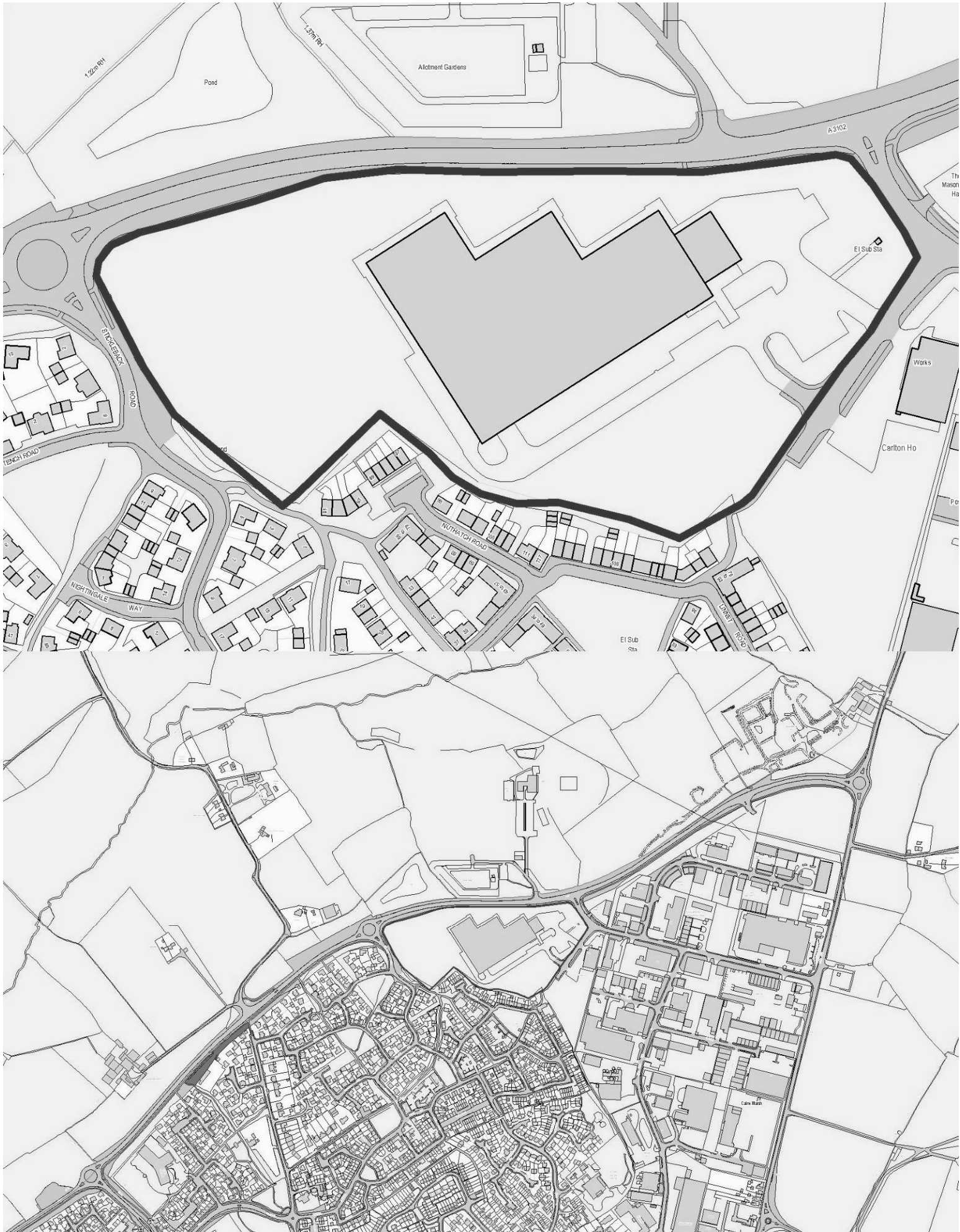
Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

20. Unless in connection with an emergency, at no time shall any windows, doors or any other opening be open whilst any football or child play activity hereby permitted is carried out in the building.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

21. Prior to the first use of the building for the uses hereby granted planning permission, and in complete accordance with the submitted letter dated 5th October 2011, full details of the proposed boarding and netting to be installed around the perimeter of the proposed football pitches, so as to stop balls hitting the inside walls of the building, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the details so agreed prior to the first use of the building for the uses hereby permitted.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	23 rd November 2011		
Application Number	11/02331/FUL		
Site Address	Land rear of 6 Upper Pavenhill, Purton		
Proposal	Erection of 2 bedroom bungalow		
Applicant	Mr A Frost		
Town/Parish Council	Purton		
Electoral Division	Purton	Unitary Member	Cllr Jacqui Lay
Grid Ref	407744 187716		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Lay has requested that the application be considered by the committee to assess the entrance out onto Upper Pavenhill, the public highway and the impact on the public footpath which runs down the access road.

1. Report Summary

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager subject to conditions and 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.

2. Main Issues

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

- The principle of development;
- The design and appearance;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety;
- Impact of the development on trees;
- Provision of public open space; and
- Other issues.

The application has generated objection from Purton Parish Council, 5 letters of objection and 1 letter of support.

3. Site Description

The application site relates to a plot of land currently forming the curtilage of No.6 Upper Pavenhill. No.6 is a detached property set on a large plot situated within the Settlement Framework Boundary as defined in the Proposals Map.

The site slopes down to the north west towards the open countryside beyond the site. An access lane and public right of way runs along the south western boundary of the site.

The settlement along Upper Pavenhill has developed organically over time consisting predominantly of semi-detached / detached dwellings with the building on the west side of Upper Pavenhill Road fronting the street whilst those on the east are set further back due to the rise in topography. There is a mix of stone and brick buildings in the vicinity.

4. Relevant Planning History		
Application Number	Proposal	Decision
10/00974/FUL	Erection of three bed detached dwelling at rear of 6 Upper Pavenhill	Withdrawn
04/00799/FUL	Two storey rear extension and conservatory	Permitted
99/01473/OUT	Outline for the erection of one dwelling	Refused
88/01535//OL	Outline for residential development (two dwellings) An outline application for 1 single storey dwelling at the rear of 6A Pavenhill and creation of access through part of 6A's land was approved in May 2008 (ref: 07/02078/OUT). This permission has now lapsed.	Refused

5. Proposal

The applicant seeks consent for the erection of a new 2 bedroom detached dwelling. The proposed dwelling would be single storey in height and roughly 'L' shaped with maximum dimensions of approximately 12 metres wide, 10 metres deep and 4.1 metres high. Parking for 2 vehicles would be provided.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy
 NE14 – Trees and the Control of New Development
 H1 – Required level of Residential Development
 H3 – Residential Development within Framework Boundaries
 CF3 – Provision of Open Space

National Planning Policy

Planning Policy Statement 3 - Housing

7. Consultations

Purton Parish Council – Objects to the application as the access to the site is via a steep narrow single track lane which is a definitive route No.41 designated a footpath. Emerging onto the road from the site is not ideal given that it is onto a narrow road often which vehicles parked either side of the access which will obstruct visibility and create an additional hazard for other road users. It is asked that the application is refused planning permission.

County Archaeologist – Has no comments or observations to make.

Public Rights of Way Team - Following consultation with County Highways, the requirements of the Rights of Way Warden are incorporated in his recommendations.

County Highways – No objection subject to standard conditions WD1, WD12, WD17 and WG2.

Principal Ecologist – No comments to date at the time of preparing this report.

Thames Water – With regard to surface water drainage it is the responsibility of the developer to make provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required.

With regard to sewerage infrastructure and water infrastructure no objection is raised. An informative is recommended.

Public Open Space Team – It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required. This development generates a need for £4,200 in offsite Open Space Contribution to be used to upgrade facilities at the Venture play area.

8. Publicity

5 letters of objection have been received in response to the application publicity. In summary, the following concerns are raised:

- The width of the existing road is only 2.45 metres, and this already causes major problems with damage to parked cars. Additional traffic, especially building delivery lorries will only increase the problem. Refuse collection, cess tank emptying and oil delivery is already a major issue;
- Front gates open directly onto the already busy road;
- Access will be a danger due to the existing residents parked in the main road;
- Overloaded services i.e. water supply, drainage etc, there is already very low water pressure;
- Loss of privacy;
- The electricity pole situated on the corner of the access road could easily be damaged and result in a loss of energy supply;
- The footpath would be blocked by heavy lorries;
- No available parking;
- Noise and disturbance;
- It is not stated whether there will be outside security lighting installed;
- Will set a precedent for further backland development;
- Is not within the same building pattern as the rest of the houses;
- Objectors 1.6 metre high boundary wall sits within the visibility splay;
- By resurfacing the public right of way it will appear as a private access road and not a right of way;
- Emergency vehicles may struggle to get through;
- Poor visibility;
- PPS3 has removed such land from the definition of previously developed land;
- Construction of the retaining wall is likely to adversely affect the semi-mature Ash tree indicated for retention;

- The pond within the objectors garden is frequently occupied by newts, frogs and toads and young grass snakes and these are likely to use the site as habitat;
- Loss of light;
- Will be hazardous to drivers and pedestrians; and
- Will require a Traffic Regulation Order to introduce no waiting yellow lines which will have an impact on the amenity of adjacent residents.

1 letter of support has been received, this states that the applicant keeps all the hedge and pathway clear so that people are able to walk through. There are properties being built along Upper Pavenhill. If nothing is done with this land it will not be long before gypsies arrive on the land.

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: 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. The proposed development would represent the more efficient use of land and is considered to be acceptable in principle.

Design and Appearance

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

Although the proposed dwelling would be situated beyond the established building line of Upper Pavenhill, a dwelling has been approved within the garden of the neighbouring property No.6a, although it is noted that permission has now lapsed. Furthermore, the development proposes the erection of a bungalow and this together with the drop in land levels between the site and Upper Pavenhill, ensure that the scale and massing of the proposed development are appropriate. It is proposed that the dwelling be constructed of bradstone traditional Cotswold reconstituted stone with a concrete tile roof. A condition requiring the submission of sample materials is recommended to ensure the quality is sufficient.

Amenity

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

The proposed bungalow would be situated approximately 32 metres from the host dwelling and at a lower level. The proposed development would not therefore be detrimental to the amenities of No.6.

The planning permission approved for a dwelling to the rear of No.6a (ref: 07/02078/OUT) has now lapsed. However, it is noted that the proposed development is limited to single storey with a roof hipped away from the curtilage of No.6a.

The proposed dwelling would be orientated to the north of No.5 ensuring that there would be no significant overshadowing of this property or its garden, and would be situated some 16 metres away. Whilst some overlooking may occur, this would be limited given the single storey nature of the proposed development and would be of the end of the rear garden. Any overlooking could not be regarded as significant and would not warrant a refusal.

Concern has been raised regarding the impact of any external lighting. The site is set at a lower level than existing properties within Upper Pavenhill, is within the framework boundary, is not in an area that is intrinsically dark and any lighting would be on a domestic scale. In these circumstances it is not considered reasonable to attach a condition restricting external lighting.

Parking and Highway Safety

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

In December 2010, new minimum car parking standards were introduced. Two car parking spaces are required for a two bedroom property and two are proposed.

Highways recommended that the previously withdrawn application (ref: 10/00974/FUL) be refused for 4 reasons. Highways and the Rights of Way Warden have discussed the scheme with the applicant prior to the submission of this application and advised that with regard to refusal reasons 1 and 2 (relating to the footpath), it is considered that the construction of a separate raised footway will not be required. However, a compromise would be if the entire width of the access lane to the dwelling access could be re-surfaced with a new bitumen macadam surface. It is considered that from the termination of the bitumen surface that a Type 1 surface should be provided for the Right of Way until the gates, along with a pair of new kissing gates. These details are shown on the submitted plans and a condition is recommended reinforcing this.

With regard to refusal reason 3 (visibility), after further consideration, County Highways consider that a highway objection on the grounds of visibility at the access, in this particular instance could not withstand appeal. While the visibility splay may not be extensive, County Highways consider that when the access and movements related to the existing access and neighbouring properties are taken into account, it is not considered that an objection would withstand appeal. A condition regarding the visibility splays to be provided from the site onto the public right of way is recommended.

With regard to refusal reason 4 (provision for emergency access), the letter dated 13th September from Wiltshire Fire Rescue Service is noted. It is also noted that a 3.7 metre width of road will be available. The carrying capacity / make up of the road will need to be sufficient. A turning circle within the site will need to be demonstrated for a fire tender. The submitted plans show the

provision of a turning circle on site and a condition ensuring that this is laid out prior to the dwelling being occupied is recommended.

The amended proposal takes on board these comments and Highways have raised no objection to the scheme subject to the imposition of suitably worded conditions. Highways have reviewed the information submitted on behalf of an objector to the scheme and have advised that while they acknowledge many of the issues outlined in Upper Pavenhill, it is not considered that the issues are of a significant nature to warrant a highway refusal that would withstand a planning appeal.

Trees

Policy NE14 of the Local Plan states that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes / ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of the development.

The Council's Tree Officer has reviewed the application and has advised that neither of the trees on the actual site are worthy of a Tree Preservation Order. The deciduous tree is a fairly young multi-stemmed Ash that although attractive has limited amenity value due to the multitude of stems which gives it a shrub appearance not a tree and the coniferous tree is a Leylandii.

The other trees near the site are those on the opposite side of the track which are also Ash. Like the other Ash, these would appear to have grown up from the hedge shrubs. Although it appears that there is only one tree there is in fact three trees making up the canopy. The stems are all covered in ivy so that the extent of any decay is not obvious. However, the lower parts of the trunks are leaning. The trees are considered attractive and can be readily seen from the road. If these trees were to be felled as part of the scheme, then their retention would be sought. The application form indicates that no trees would be felled as part of the proposal and to ensure the trees would be protected during construction an appropriately worded condition is recommended. A landscaping scheme is also recommended.

Planning Contribution

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

For a 2 bedroom property the level of public open space contribution required would be £4,200. This would be directed towards upgrading facilities at the Venture play area.

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.

Other Issues

Further to concerns raised by Councillor Lay in relation to the presence of a spring on the site, the Council's land drainage engineer was consulted and confirmed that there is a spring clearly shown on the historical mapping for the area.

In response, the applicant has submitted further information in relation to the spring, which is 28 metres from the site. It has been advised that management of the spring still exists today by the means of a ditch that is shown on the submitted plans. The proposed bungalow after excavation will still be between 1 and 1.8 metres higher than the lane and approximately 1.5 – 2.3 metres higher than the bottom of the existing ditch. The spring is on the other side of the lane and the land of 4 & 5 is raised much higher than the lane.

The Council's drainage engineer has reviewed this information and is satisfied.

10. Recommendation

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, as required by policy CF3 of the adopted North Wiltshire Local Plan 2011, it is recommended that planning permission be DELEGATED to the Area Development Manager for the following reason:

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and 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 or pedestrian safety. In this way the proposed development is considered to comply with the provisions of policies C3, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within Planning Policy Statement 3: Housing.

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 of the North Wiltshire Local Plan 2011.

3. The development hereby permitted shall not be first brought into use until the Right of Way surface has been upgraded and shall be a consolidated surface (not loose stone or gravel) in accordance with drawing NAD 0135 (This includes the provision of kissing gates). Full details of the construction specification and kissing gates shall be submitted and approved in writing by the Local Planning Authority prior to works being constructed.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

4. No part of the development hereby permitted shall be first occupied until the access, turning area, parking spaces have been completed in accordance with the details shown on the approved plans. These areas shall be properly consolidated and surfaced (not loose stone or gravel). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan.

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 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 10 metres in both directions from the centre of the access in accordance with the

approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY - C3 of the North Wiltshire Local Plan 2011.

6. 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 until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

7. 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.

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

8. 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.

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

9. No demolition, site clearance or development shall commence on site until an arboricultural statement and tree protection plan of all relevant details above and below ground have been submitted to and approved in writing by the Local Planning Authority.

No retained tree/s shall be cut down, uprooted, or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be

carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place at a size and species planted at such time that must be agreed in writing with the Local Planning Authority.

No equipment, machinery or materials shall be brought onto the site for the purpose of development until a scheme showing the exact position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of 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 protective fencing has been erected in accordance with the approved plans. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk or any tree or group of trees to be retained on the site or adjoining land.

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

POLICY - NE14 of the North Wiltshire Local Plan 2011.

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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

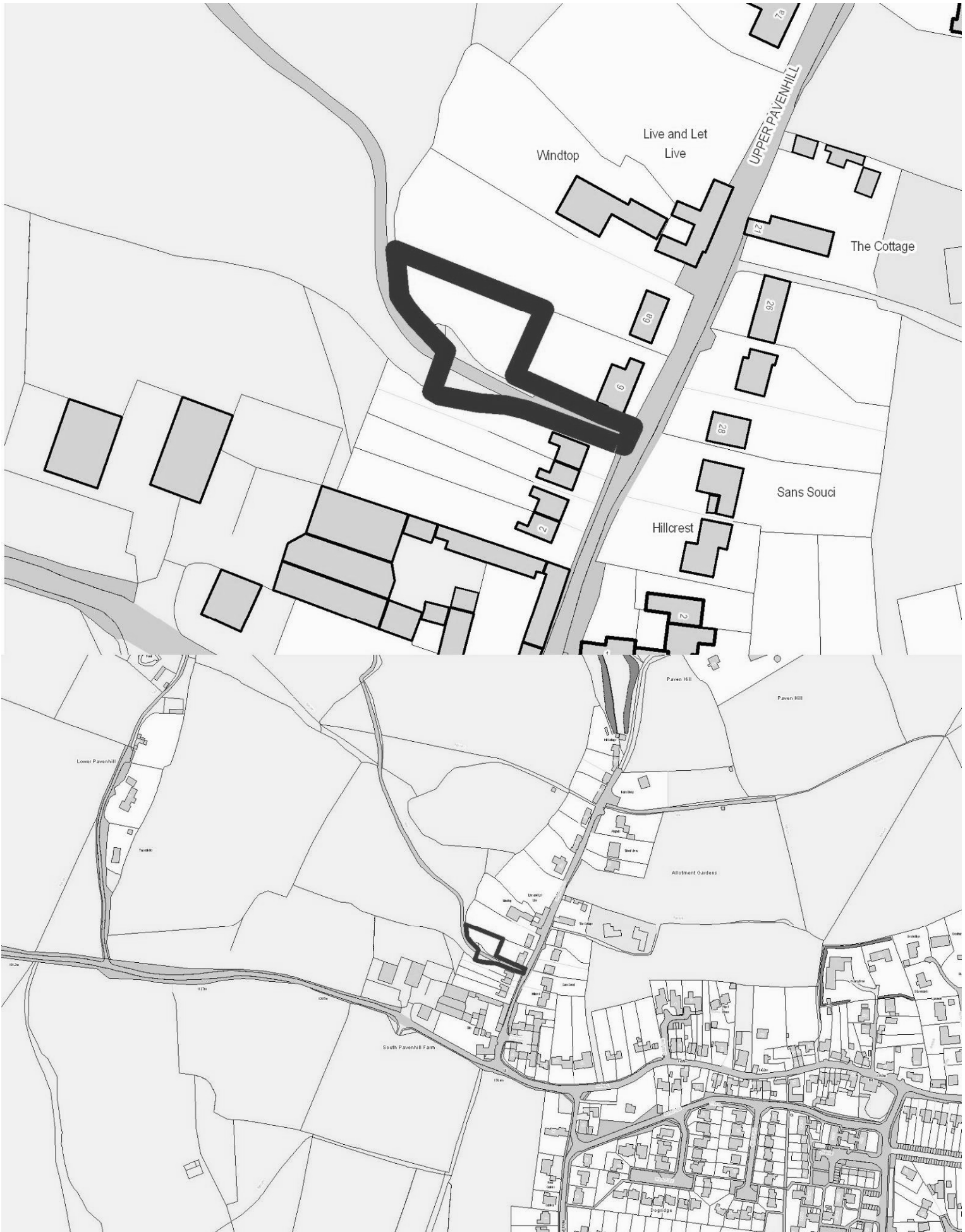
11. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

- NAD 0135 – Proposed new bungalow, date stamped 6th July 2011

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

Informatives

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	23rd November 2011		
Application Number	11/02790/S73A		
Site Address	Lower Salthrop Farm, Lower Salthrop, Bassett Down		
Proposal	Variation of condition 06 of 10/02321/S73A relating to light measurement of floodlighting of golf driving range		
Applicant	Mr W Nutland		
Town/Parish Council	Lydiard Tregoz		
Electoral Division	Wootton Bassett East	Unitary Member	Councillor Groom
Grid Ref	401965 181261		
Type of application	S73A		
Case Officer	S T Smith	01249706633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning, this application to vary the terms of a planning condition has been called to the Northern Area Committee by Councillor Groom to allow for consideration of the following issues: the visual impact upon the surrounding area, the relationship to adjoining properties and environmental/highway impact.

1. Purpose of Report

To consider the above application and to recommend that condition 06 to planning permission 10/02321/S73A BE VARIED.

The Lydiard Tregoz Parish Council object to the application.

One (1) letter of objection has been received.

2. Main Issues

To consider the proposed variation of condition 06 to planning permission 10/02321/S73A in the context of planning policies C3, NE15 and NE18 of the adopted North Wiltshire Local Plan 2011 and policy guidance contained in PPS23: Planning and Pollution Control. Specifically, to consider the following:

- The meaning of condition 06 to permission 10/02321/S73A
- The proposed reduction in frequency of light measurements
- The enforcement of condition 06 to permission 10/02321/S73A

3. Site Description

The application relates to an existing golf driving range facility accessed from Hay Lane, which leads directly to junction 16 of the M4, some 1.0km to the north. The driving range is part of a larger 18 hole golf course complex, complete with clubhouse and parking area.

In planning policy terms, the entire site is part of the open countryside and although not covered by any specific landscape designation, the site can be plainly seen from the Salthrop escarpment to the North Wessex Downs AONB to the south.

4. Relevant Planning History		
Application Number	Proposal	Decision
10/02321/S73A	Illumination of ball landing area (removal of condition 01 of 08/02424/S73A)	Permission 24/10/10
08/02424/S73A	Illumination of ball landing area (variation of condition 01 of 04/03231/FUL)	Temporary permission 09/12/08
05/02327/S73A	Illumination of ball landing area (removal of condition 06 of 04/03251/FUL)	Refused 01/11/05
04/03251/FUL	Proposed 20 bay covered driving range, kiosk with ancillary sales area, ball wash, lobby and toilets	Permission 11/01/05

5. Proposal

This application is submitted under s73A of The Town and Country Planning Act 1990 seeking to vary the terms of condition 06 attached to planning permission 10/02321/S73A. Condition 06 states:

06 *In complete accordance with the submitted details a regular record of light measurements taken by an appropriate professional shall be maintained at all times throughout the life of the development. Such a record shall be made available for inspection by the Council upon request. Such light measurements shall be undertaken at regular 3 month intervals, or in accordance with an alternative regular interval so agreed in writing with the Local Planning Authority beforehand.*

REASON: In order to maintain a floodlighting scheme that is correctly installed and maintained so as to reduce light spillage and keep potential impact upon residential amenity to a minimum.

s73A of the Act specifically gives provision for a formal application to be submitted to the Local Planning Authority which seeks to vary or remove a condition imposed on a planning permission.

6. Consultations

Lydiard Tregoz Parish Council –

“A parishioner who lives near the site informs us that the lights vary in adjustment on a regular basis. The letter of compliance is dated 11th January 2011. By now there should have been two more inspections and a third almost due. Does this mean that inspections are not being carried out as per the permission?”

Highway Officer – No objections.

Environmental Health Officer - No adverse comments.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. In response, one (1) letter of objection was received. Main issues raised:

- Is an important condition which protects environment and light pollution
- Small movements in position of lights greatly affects light pollution caused
- Lights are in exposed location and could be affected by strong winds, knocked during maintenance, moved accidentally or purposely
- Applicant has deliberately moved lights in past
- The only inspection and report prepared/submitted was neither credible or independent - carried out by original installers of system who have no interest in finding any fault of a system they installed

8. Planning Considerations

The meaning of condition 06 to permission 10/02321/S73A

Following the grant of permission for a 1 year trial period under permission 08/02424/S73A, intended as a means of ascertaining the visual effect of the floodlights on the landscape and potential nuisance, a permanent permission was granted for the floodlighting under reference 10/02321/S73A.

Although without involving the Council, it became evident during the consideration of permanent permission 10/02321/S73A that complaints over the lighting had been made by local residents over the preceding year direct to the applicant. Specifically, it was suggested that the applicant had deliberately altered the lights so as to increase illumination, and by extension, the floodlighting effect upon the landscape and residential amenity.

Accordingly, and whilst the Council's Environmental Health Officer confirmed at that time that no nuisance complaints had been received in respect of the floodlights, it was decided that particularly worded planning condition 06 be imposed on the permanent permission that would require regular inspection and maintenance of the lights precisely so as to ensure their proper condition and installation. Separate condition 03 to the same permission requires that the floodlights remain installed as proposed and intended, therefore rendering the two conditions mutually reinforcing.

As configured, condition 06 requires those inspections to be carried out every 3 months unless a different time interval is agreed with the Council. It is the frequency of each inspection that this application specifically seeks to alter and it is, therefore, only the frequency of each inspection that can be considered under this application. For this same reason, it is not possible to consider the acceptability of the lights or their continued existence - since planning permission has already been granted for the floodlighting and cannot now be withdrawn.

In light of continued complaints about the effects of the floodlighting, it was decided that the requested change to the frequency of inspection should be properly dealt with via a new application under s73 of The Act rather than a simple exchange of letters between the Council and the applicant.

The proposed reduction in frequency of light measurements

The applicant does reasonably suggest that the lights are only switched on for 6 months of the year. Since condition 06 does not distinguish between the summer and winter months, it is also suggested by the applicant that to require an inspection every 3 months would be unnecessary and unreasonable. The applicant requests that the condition be varied to only require an annual inspection.

Clearly it is indeed reasonable to assume that the floodlights are most likely to be used during the winter months, therefore rendering only two of the four currently required inspections meaningful (ie. in theory, the first prior to the first use of the lights in the autumn, the second half way through the winter/spring).

In the above context it does seem reasonable to consider a reduction in the frequency of inspections to at least every 6 months. Further, it does also seem prudent to amend the wording of condition to ensure an inspection is completed prior to the first use of the floodlighting in each calendar year.

Although a singular annual inspection would accord with the applicant's request, it is considered that a second inspection, half way through the darker months, would still serve a purpose. In part this is because of the reasons suggested by the concerned neighbour whereby the installation of the floodlights might alter (either by design or accident) precisely at the darkest point of the year when the floodlighting has the most effect and are most visible.

The enforcement of conditions 03 and 06 to permission 10/02321/S73A

Condition 03 to the above permission requires development to be implemented in accordance with the details that were submitted and approved at the time. Condition 06, in effect, requires a monitoring of those details so as to ensure the development continues to be implemented in accordance with those approved details.

Nothing in the determination of this S73A application will alter or dilute these requires, save from the frequency of inspection of the floodlights. Therefore, in this way any current or future breach of the terms of the original planning permission should be dealt with as a separate enforcement issue and should not effect how this application is determined.

9. Conclusion

It is considered a reasonable request that the applicant makes in his application to reduce the frequency of inspection required by condition 06 to planning permission 10/02321/S73A. However, it is also considered that a second inspection during the winter months would continue to serve a purpose and it is therefore not possible to agree to a singular annual inspection as applied for.

It is concluded that the wording of condition 06 may be varied to require two inspections, once prior to the first use of the floodlighting in the autumn and the second three months later.

10. Recommendation

That planning permission be granted for the following reason:

Subject to the imposition of appropriately worded planning conditions, the proposed permanent floodlighting would not cause an unacceptable impact upon the landscape or the amenities of the nearest neighbouring residents. In these circumstances, the proposal is considered to comply with the provisions of Policies C3, CF2 and NE15 of the adopted North Wiltshire Local Plan 2011.

Subject to the imposition of planning conditions previously imposed, including the variation to the wording of condition 06 to read as follows :

In complete accordance with the submitted details a regular record of light measurements taken by an appropriate professional shall be maintained at all times throughout the life of the development and such a record shall be made available for inspection by the Council upon request. Such light measurements shall be undertaken on two separate occasions within every 12 month period. The first occasion shall be each autumn of every calendar year prior to the first operation of the floodlights and the second three months afterwards.

REASON: In order to maintain a floodlighting scheme that is correctly installed and maintained so as to reduce light spillage and keep potential impact upon residential amenity to a minimum.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	23 November 2011		
Application Number	N/11/03048/FUL		
Site Address	The Lodge, Oaks Farm, Rode Hill, Colerne SN14 8AR		
Proposal	Replacement Dwelling		
Applicant	Mr & Mrs Gooding		
Town/Parish Council	Colerne		
Electoral Division	Box & Colerne	Unitary Member	Councillor Sheila Parker
Grid Ref	379875 170165		
Type of application	Full		
Case Officer	Lee Burman	01249 706 668	Lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

The application was called in for committee determination by Councillor Parker in the event of a recommendation for refusal to allow the Committee to assess the visual impact of the proposal on the surrounding area and the relationship with adjoining properties.

1. Purpose of report

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

2. Report summary

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

- Principle of development
- Impact upon the Openness of the Green Belt
- Impact upon visual amenity and landscape character of the Area of Outstanding Natural Beauty
- Relationship with Neighbouring Properties

The application has generated no objections and has received support from Colerne Parish Council.

3. Site Description

The site is located within the open countryside to the south east of the village of Colerne within an Area of Outstanding Natural Beauty and the Green Belt. The property is a large scale working farm that incorporates various fields and built structures in different parcels. This application site relates to the main residential part of the farmholding to the east of Road Hill. The property is a former outbuilding erected to provide temporary ancillary accommodation to the farm dwelling in April 2006.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/11/00397/CLE	<p>Certificate of Lawfulness for Use of Building as a Dwelling</p> <p>The supporting information and statutory declaration to this application indicate that the structure dates from the 1940's when it was used for residential accommodation purposes but subsequently became used as a hunting lodge ancillary to the main farmhouse. Work was undertaken on the Lodge to make it usable as simple temporary ancillary residential accommodation in April 2006 whilst a new dwelling permitted for agricultural workers purposes was constructed. However, the altered outbuilding very quickly became used as a wholly independent residential dwelling and was subsequently let to other parties to be used in this way over a period from June 2006 until the date of the application for the Certificate of Lawfulness in February 2011.</p>	Permitted

5. Proposal

The current proposal is for the replacement of the existing dwelling (single storey, two bedroom utilitarian design with basic residential accommodation) permitted under a Certificate of Lawfulness with a new dwelling (Two storey, three bedroom dwelling with extensive residential accommodation including, en suite bathroom, study, boot room two lounges and a complex roofscape).

6. Planning Policy

North Wiltshire Local Plan: policies C3 NE1 NE4 H4

The site lies within the open countryside; an Area of 'Outstanding Natural Beauty and is within the West Wiltshire Green Belt.

Central Government Planning Policy PPS1, PPG2, PPS3, PPS7 as amended by PPS4

7. Consultations

Colerne Parish Council supports the proposal on the grounds of a similar sized footing with acceptable additional increase in scale using traditional materials and the same access.

8. Publicity

The application was advertised by site notice and neighbour consultation.

No letters of objection received

9. Planning Considerations

Principle of Development

Proposals for replacement dwellings in the open countryside, the AONB and the Green Belt are acceptable in principle subject to the restriction that they should be closely related in scale and location and have no harmful impact on the openness of the green belt or the visual amenity and character of the AONB. Furthermore under North Wiltshire Local Plan Policy H4 the dwelling to be replaced should not be capable of retention in its current form i.e. structurally unsound.

The proposed development involves the demolition of a small single storey outbuilding (variously used for ancillary residential accommodation, a hunting lodge and temporary residential use) and its replacement with a two storey dwelling covering a larger footprint and located on a different part of the landholding. The proposal would also involve the installation of a new vehicular access to the replacement dwelling and the establishment of separate residential curtilage. The increase in the footprint is not accurately represented on the submitted block plan, but the submitted floor plans demonstrate that the increase is approximately 30% from 73.5 sq metres to 105.07 sq metres. Given the increase in the footprint and the increase from a single storey dwelling to a two storey dwelling it is considered that the replacement dwelling would not reflect the scale and proportions of the existing dwelling as is required by local plan policy. The impact on the openness of the Green Belt is addressed under separate heading below.

The applicant has submitted a structural survey by JJ Siga (The report does not specify that the company is a firm of chartered surveyors and they are not known to Officers in the Council's Building Control Team). The report concludes that the building would require significant works of underpinning and alteration to the super structure and roof to meet current building regulations and address some issues associated with building movement arising from poor construction.

In short the original building was not intended as a permanent dwelling and requires significant work to bring it up to current building regulations standards. Given the scale of work involved the report recommends complete replacement of the building is a more cost efficient option. The Council's Building Control Officers have reviewed the report and raise no concerns regarding the contents. However, the report does not demonstrate that the current structure is incapable of retention in its current form and that replacement is the only viable option. It is of concern that this argument could be advanced in many situations and the objectives of the council's adopted planning policies significantly undermined with a consequent harmful impact on the character and appearance of the locality, the visual amenity of the AONB and the openness of the green belt.

Given that the proposed replacement dwelling does not reflect the scale and form of the existing dwelling and is capable of retention in its current form it is considered that the proposal is contrary to policy H4 of the North Wiltshire Local Plan 2011 and is unacceptable in principle. Indeed it is considered that the proposal is so clearly contrary to adopted policies that it would be difficult to refuse other similar proposals if the application was granted. In this context it is important to note that the policy objective regarding replacement dwellings is to secure proposals that are related very closely to the existing dwelling in scale and size where replacement is necessary. The policy does not support applications that merely aim to secure a much larger dwelling in the open countryside. Similarly policies in respect of the Green Belt aim to restrict the scope for significant increases in the scale of built development.

Impact upon the Openness of the Green Belt

Replacement dwellings in the Green Belt are not by definition inappropriate as they fall within the very limited categories of development that are acceptable. However this is subject to the clear prescription set out at paragraph 3.6 of PPG2 that replacement dwellings should not be materially large in size than the original dwelling. If this is the case then the proposed dwelling becomes inappropriate development in the green belt which is by definition harmful and requires special justification by the application. The assessment of the scale of change in size is not solely based on footprint. It has been tested through the appeals process and the assessment is based on the cubic content of the dwelling, including the roof space as all of these affect the openness of the green belt contributing as they do to the bulk and mass of the proposed structure.

We have already seen that the increase in footprint is equivalent to an approximate 30% increase in scale and size over that of the original, which is due to the construction of the original building as a temporary ancillary outbuilding. The proposal also increases the scale of the dwelling by adding a second storey, significantly increasing the scale, bulk and mass of the structure over that of the original. In addition the design of the proposal adds a more complex, varied and bulkier roofscape to the dwelling over that of the original.

In total, the replacement dwelling would measure approx 518 cubic metres, this is an increase of 271.75 cubic metres over the original dwelling which measures approximately 246.25 cubic metres. The increase in cubic content would therefore be approximately 110% over that of the original dwelling. By any assessment this is a significant and material increase in the scale of the dwelling. As such the proposal would constitute inappropriate development and would therefore have a harmful impact on the openness of the Green Belt. The applicant has offered no exceptional circumstances to justify this level of increase and harmful impact on the openness of the Green Belt. The development proposed is therefore contrary to PPG2 and Policy NE1 of the North Wiltshire Local Plan 2011.

Impact upon visual amenity and landscape character of the Area of Outstanding Natural Beauty

The proposal involves the repositioning of the dwelling within the larger farmholding area into a location that is away from the existing buildings in a paddock area with existing mature vegetation. The proposal involves the creation of a separate curtilage and will necessarily require boundary treatments (currently not detailed) to achieve this. In addition the applicant proposes the creation of a new vehicular access with substantive driveway to the property. From the submitted site layout plan it would also appear that an extended surfaced area for parking and manoeuvring of vehicles is proposed to the front of the dwelling, although this is also not detailed in the application. As a minimum the new access will require the removal of existing vegetation (including mature trees). Potentially the replacement dwelling will also necessitate removal of vegetation/mature trees at the site. The applicant has not addressed this matter in detail in their submissions but the proposed site layout plan indicates that tree removal is likely to be required. Cumulatively it is considered that this will have a harmful impact on the character and visual amenity of the AONB in this locality with the building and associated development being read as a separate and additional intrusion into the open area largely set away from the existing structures at the site. Given that there is an option to repair the existing dwelling and given the inappropriateness of the development in a green belt context and subsequent impact on the openness of the green belt it is not considered that the additional impact on the AONB is justified or necessary. As such it is considered that the proposal is contrary to guidance contained in PPS7 as amended by PPS4 and Policy NE4 of the North Wiltshire Local Plan 2011.

Relationship with Neighbouring Properties

The proposal involves the demolition of an existing dwelling and erection of a new dwelling. The new dwelling would be constructed on a different part of the farmholding further away from the other existing property on the site with no other nearby neighbouring properties. The new dwelling would also be separated from the other existing dwelling on site by an existing storage building and would be orientated to face away from the existing dwelling. Given this arrangement it is not considered that the proposal would have any impact on the residential amenities of neighbouring properties.

10. Conclusion

The proposal involves the development of a replacement dwelling that is wholly out of scale with that of the existing dwelling. The site is located within the West Wiltshire Green Belt and given the scale of increase in the size of the replacement dwelling over that of the existing the development would be inappropriate in this location and would result in harm to the Green Belt through a loss of openness. Given the relocation of the dwelling to a different more undeveloped and heavily vegetated part of the landholding, the creation of new access, separate residential curtilage and significant increase in scale of built development would result in harm to the character and appearance of the Area of Outstanding Natural Beauty. The replacement of the dwelling is not required as the repair of the current dwelling is feasible.

11. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed replacement dwelling by virtue of its scale, bulk and mass would not be of a similar scale and size as the existing dwelling and the existing dwelling is capable of retention subject to repair. The proposal is contrary to Policy H4 of the North Wiltshire Local Plan 2011.
2. The proposed replacement dwelling by virtue of its scale, bulk and mass would result in a disproportionate increase in the scale of the building over that of the original resulting in inappropriate development in the Green Belt and resultant loss of openness of the Green Belt. The proposal would be contrary to Policy NE1 of the North Wiltshire Local Plan 2011.
3. The proposed replacement dwelling by virtue of its location, scale, bulk, mass and ancillary development (access and separate curtilage) would have a harmful impact on the visual amenity and character of the Area of Outstanding Natural Beauty. The proposal would be contrary to Policy HE4 of the North Wiltshire Local Plan 2011.

