

# AGENDA

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**Meeting:** NORTHERN AREA PLANNING COMMITTEE  
**Place:** Council Chamber, Wiltshire Council Offices, Monkton Park,  
Chippenham  
**Date:** Wednesday 11 August 2010  
**Time:** 6.00 pm

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

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

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## Membership:

Cllr Peter Colmer  
Cllr Christine Crisp  
Cllr Peter Davis  
Cllr Bill Douglas  
Cllr Peter Doyle

Cllr Alan Hill  
Cllr Peter Hutton  
Cllr Howard Marshall  
Cllr Toby Sturgis  
Cllr Anthony Trotman

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## Substitutes:

Cllr Chuck Berry  
Cllr Paul Darby  
Cllr Mollie Groom

Cllr Simon Killane  
Cllr Mark Packard  
Cllr Bill Roberts

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## **PART I**

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

1. **Apologies for Absence**

2. **Minutes**

To approve and sign as a correct record the minutes of the meeting held on 21 July 2010. (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**

Members of the public who wish to speak either in favour or against an application 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. 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 for Members of Wiltshire Council available on request.

6. **Planning Appeals**

An appeals update is attached for information.

7. **Planning Applications**

To consider and determine planning applications in the attached schedule.

1. **09/01999/FUL - The Almshouses, Lacock Road, Corsham, SN13 9HF - Erection of Building to Provide Nine One bedroom Dwellings for occupation by Persons with Special Housing Needs**

2. **10/01533/OUT - Bowds Farm, Bowds Lane, Lyneham, Chippenham, SN15 4DT - Construction of Road Bridge, New Road Embankments & Alignments, Excavation & Repair of Lock Chamber, Removal &**

**Replacement of Hedgerow and Landscaping**

- 7. **10/01608/S73A - Wrencroft, West End, Foxham, SN15 4NB - Erection of Hay & Equipment Store (Amendment to Planning Permission 08/02577/FUL)**
- 7. **10/02147/FUL - Land adjoining 75 Parklands, Malmesbury, SN16 0QJ - Erection of Five new Dwellings with Associated Parking & Amenity Space (including Demolition of Existing Garages)**
- 7. **10/02174/FUL - Coombe Green Farm, Lea, Malmesbury, SN16 9PF - Conversion, Extension, Alteration & Rebuild of Existing Barn to form Single Dwelling**

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**

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**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 21 JULY 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL  
OFFICES, MONKTON PARK, CHIPPENHAM.**

**Present:**

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

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75. **Apologies for Absence**

An apology for absence was received from Cllr Bill Douglas.

76. **Minutes**

**Resolved:**

**To confirm and sign the minutes of the meeting held on 30 June 2010 as a correct record.**

77. **Declarations of Interest**

There were no declarations of interest.

78. **Chairman's Announcements**

There were no Chairman's announcements.

79. **Public Participation**

A member of the public addressed the Committee as set out in Minute No. 81 below.

80. **Planning Appeals**

The Committee received a report setting out:-

- (i) details of hearings and public inquiries scheduled to be heard between 21 July and 31 December 2010.
- (ii) planning appeal decisions received between 17 June and 8 July 2010.

81. **Planning Applications**

1a **10/01862/S73 - Land at Pound Mead/Station Road, Corsham, SN13 9HA - Erection of 14 Flats with Associated Parking (15 Spaces) & Amenity Space (Renewal of 07.02278.FUL) - Electoral Division Corsham Town**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

Members of the Committee then asked technical questions after which they received a statement from Cllr Isabel Langsford of Corsham Town Council setting out the Town Council's objections to the proposal.

On hearing the views of Cllr Peter Davis, as local member, objecting to the proposal and after discussion,

**Resolved:**

**To delegate to the Area Development Manager to grant planning permission, subject to the completion of a legal agreement securing a contribution towards open space provision/maintenance and to the conditions set out below, for the following reason:-**

**The proposed development reflects the scale, bulk and massing of the previous approved scheme for the site and is in keeping with the character and appearance of this area, which is characterised by a range of house types and densities.**

**The proposal will not be detrimental to highway safety or the residential amenity of adjacent properties.**

**The proposal wholly accords with Policy C3 of the adopted North Wiltshire Local Plan 2011.**

**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 Section 91 of the Town and Country Planning Act 1990.**

**2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.**

**Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.**

**3. Prior to the commencement of the development 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) details of cycle/bin stores;**
- (6) relocated street lighting and telecoms poles;**

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

**Reason: In the interests of amenity and satisfactory layout.**

**4. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.**

**The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that**

which it replaces, unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of amenity.

**5.** Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

**Reason:** In the interests of visual amenity.

**6.** Prior to occupation there shall be an agreed implemented scheme that caters for the hatched areas on the carriageway adjacent to the site and the central refuge near block C on plan 536/101B. This area needs to be entirely redesigned to ensure vehicles cannot park on this area etc. This area shall include build outs and kerbing. Plans shall be submitted to, and approved in writing by the local planning authority and construction shall be in accordance with approved plans.

**Reason:** In the interests of highway safety.

**7.** Prior to the occupation of the residential units a 1.5m wide footway shall be provided across the site frontage in accordance with the plan 536/101B. The specification of the footway shall be agreed prior to construction with the local planning authority. The specification shall be in accordance with WCC's Specification Guide. The footway will also be subject to a highway dedication agreement.

**Reason:** In the interests of highway safety.

**8.** Prior to occupation a scheme for a Traffic Regulation Order for Pound Mead shall be agreed by Wiltshire County Council. The Traffic Regulation Order shall be fully operational prior to occupation. Please allow a minimum lead up period of 6-9 months to enable a scheme to be developed, advertised and fully implemented.



**Reason: In the interests of highway safety.**

**9. Before the residential units hereby permitted is first brought into use the area between the nearside carriageway edge and a line drawn 2m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of .6m above the nearside carriageway level and thereafter maintained free of obstruction at all times.**

**Reason: In the interests of highway safety.**

**10. Before the residential units hereby approved are first occupied, properly consolidated and surfaced access and parking areas shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved by the local planning authority.**

**Reason: In the interests of highway safety.**

**11. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.**

**Reason: In the interests of amenity and road safety.**

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

**REASON: To ensure flood risk is not increase in the area and that a satisfactory means of surface water disposal is implemented.**

**13. No development shall commence (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**REASON:** To prevent pollution of controlled waters

14. The development shall be implemented in accordance with the documents and plans submitted with the planning application listed below. No variation from the approved documents should be made without the prior approval of this Council.

#### **Plan References**

Proposed site plan 536/101C; Block A - floor plans 536/102C; Block A Elevations 536/103B; Block B & C floor plans 536/104B; Blocks B & C elevations 536/105B; Proposed site sections 536/110; Existing site sections 536/111; Existing & proposed street scenes 1 & 2 536/112 & 113; all dated 31/10/07

Location plan dated 21/08/07, Design and Access statement dated 17/09/07 and Noise Impact Assessment dated 19 September 2007.

**REASON:** For the avoidance of doubt

## **INFORMATIVE**

1. The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency dated 2 July 2010.

1b **10/01887/S73 - Land at Pound Mead/Station Road, Corsham, SN13 9HA - Six 1 Bed Flats with Associated Parking, Works and Access (Renewal of 08/00161/FUL) - Electoral Division Corsham Town**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

Members of the Committee then asked technical questions after which they received a statement from Cllr Isabel Langsford of Corsham Town Council setting out the Town Council's objections to the proposal.

On hearing the views of Cllr Peter Davis, as local member, objecting to the proposal and after discussion,

### **Resolved:**

**To delegate to the Area Development Manager to grant planning permission, subject to the completion of a legal agreement securing a contribution towards open space contributions and to the conditions set out below, for the following reason:-**

**The proposal is considered to be acceptable and in compliance with policies C3 and H3 of the North Wiltshire Local Plan 2011 and circumstances have not changed since the previous approval.**

### **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 Section 91 of the Town and Country Planning Act 1990.**

**2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.**

**Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.**

**3. No work shall commence on the development of the site until the relocation of the bus stop has been carried out and fully completed in accordance with a design and specification to be approved in writing by the Local Planning Authority.**

**Reason: In the interests of amenity and highway safety**

**4. The area allocated for parking of vehicles on the submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.**

**Reason: In the interest of amenity and road safety.**

**5. Before any of the flats hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In the interest of highway safety.**

**6. Before development commences details of a screen to be erected on the east side of the balcony to the flat on the east side of the first floor shall be submitted to and approved in writing by the Local Planning Authority. The approved screen shall be erected before the flat is first occupied and shall thereafter be retained.**

**Reason: In the interests of amenity of adjacent neighbours**

**7. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.**

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of amenity.

8. Prior to the commencement of the development 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 means of foul sewage disposal.

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

Items 1 to 5 shall be completed prior to the use or occupation of the development at Pound Mead, Corsham.

**Reason:** In the interests of amenity and satisfactory layout.

9. Before development commences a scheme to insulate the flats from external noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before any of the flats is first occupied.

**Reason:** To ensure a satisfactory residential environment.

10. Before development commences details of the design of the bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority.

**The approved scheme shall be fully implemented before the development is occupied.**

**Reason: In the interests of amenity.**

**11. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.**

**Reason: In the interests of visual amenity.**

**12. The proposed footpath across the front of the site as shown on the approved plans shall be constructed in accordance with the details shown prior to the occupation of any of the flats.**

**Reason: In the interests of highway safety.**

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

**REASON: To ensure flood risk is not increase in the area and that a satisfactory means of surface water disposal is implemented.**

**14. No development shall commence (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

- 1) A preliminary risk assessment which has identified:**
  - all previous uses**
  - potential contaminants associated with those uses**
  - a conceptual model of the site indicating sources, pathways and receptors**
  - potentially unacceptable risks arising from contamination at the site.**

- 2) A site investigation scheme, based on (1) to provide information for**

a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**REASON:** To prevent pollution of controlled waters

15. Flood resilience measures shall be incorporated to at least 600mm above ground level (or 300mm above floor levels).

**Reason:** In the interests of flood prevention.

16. The development shall be implemented in accordance with the documents and plans submitted with the planning application listed below. No variation from the approved documents should be made without the prior approval of this Council.

#### **Plan References**

**Proposed site plan 548/01 (date stamped 24/01/08)**

**Location plan 1:1250 (date stamped 05/02/08)**

**Existing and proposed section 548/103B (date stamped 24/01/08)**

**Existing site plan 548/100 (date stamped 24/01/08)**

**Proposed apartment block plans 548/104D (date stamped 24/01/08)**

**Proposed apartment block elevations 548/105B (date stamped 24/01/08)**

**Proposed apartment block sections BB and CC 548/106C (date stamped 24/01/08)**

**Existing and proposed street elevations 548/102 (date stamped 24/01/08)**

**Reason:** For the avoidance of doubt

**INFORMATIVE:**

**1. The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency dated 2 July 2010.**

82. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.10 pm)

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

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



**Wiltshire Council – Area North**

**Planning Committee**

**11th August 2010**

Forthcoming Hearings and Public Inquiries between 11/08/2010 and 31/01/2011

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	11/01/2011
09/00912/FUL	Land Adj Calcutt Farm, Calcutt, Cricklade, Wiltshire, SN6 6JT	Cricklade	Change of Use to Include the Stationing of Caravans for 14 Residential Gypsy Pitches with Utility/Day Room Buildings and Hard Standing Ancillary to that use	Informal Hearing	26/10/2010

Planning Appeals Received between 09/07/2010 and 28/07/2010

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
10/00859/FUL	Little Park Cottages, Wootton Bassett, Swindon, Wiltshire, SN4 7QW	Wootton Bassett	Conversion of Former Stable Buildings to Form Two Holiday Units & Erection of Building to Provide Additional Cattery Accommodation - Resubmission of 09/00974/FUL	DEL	Written Representations	Refusal
10/01129/FUL	32 Stone Lane, Lydiard Millicent, Wiltshire, SN5 3LD	Lydiard Millicent	First Floor Rear Extensions	DEL	Written Representations	Refusal

Planning Appeals Decided between 09/07/2010 and 28/07/2010

Application No	Location	Parish	Proposal	Appeal Decision	DEL or COM	Officer Recommendation	Appeal Type
09/01934/FUL	Rose Field Caravan Site, Hullavington, Malmesbury, Wiltshire, SN16 0HW	Hullavington/ St Paul Without	Gypsy Site for Irish Families Comprising Six Mobiles and Six Touring Caravans (Partially Retrospective) Resubmission of 09/00683/FUL	Appeal Dismissed	DEL	Refusal	Informal Hearing
09/02091/OUT	Land To West Of Oaksey, The Street, Oaksey, Malmesbury, SN16 9TJ	Oaksey	Erection of B1 Business Units	Appeal Dismissed	DEL	Refusal	Written Representations

**Notes**

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>11 August 2010</b>		
<b>Application Number</b>	<b>N.09.01999.FUL</b>		
<b>Site Address</b>	<b>Almshouses, Lacock Road, Corsham, Wiltshire, SN13 9HF</b>		
<b>Proposal</b>	<b>Erection of Building to Form Nine One Bedroom Dwellings for Occupation by Persons with Special Housing Needs</b>		
<b>Applicant</b>	<b>The Lady Hungerford Charity</b>		
<b>Town/Parish Council</b>	<b>Corsham</b>		
<b>Electoral Division</b>	<b>Corsham Town</b>	<b>Unitary Member</b>	<b>Peter Davis</b>
<b>Grid Ref</b>	<b>387319 170161</b>		
<b>Type of application</b>	<b>Full Application</b>		
<b>Case Officer</b>	<b>Judy Enticknap</b>	<b>01249 706 660</b>	<b>Judy.enticknap@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

This application has been submitted to the Committee at the request of Councillor Peter Davis who asks members to assess the proposal in respect of the scale of development, visual impact on surrounding area, relationship to neighbouring properties, design (bulk height, general appearance), environmental/highway impact and car parking.

### 1. Purpose of Report

To consider the above application and to recommend that the application be referred to the Secretary of State as a departure from Policy H7, with a resolution to PERMIT subject to a S106 Agreement in respect of the Housing requirements and Open Space contribution and appropriate conditions.

The Town Council objects to the application. 92 letters of objection and 46 letters of support were received along with a petition objecting to the proposal with 1036 signatures.

### 2. Main Issues

This application was initially for 12 no units of housing for people with special housing needs, but has been reduced to provide 9 units. The accommodation would be provided in a single building, set within the curtilage of the Grade I listed Hungerford Almshouses and associated Grade II listed Parish Room. The site lies within Corsham Conservation Area, but outside the Corsham Settlement framework. The main issues to consider are as follows:

- Impact on the setting of the listed buildings and conservation area
- Implications for Housing Policy H7
- Affect on residential amenity of existing properties
- Loss of Trees
- Affect on traffic and parking
- Open Space Contribution

### 3. Site Description and Proposal:

The Lady Margaret Hungerford Almshouses are a 17<sup>th</sup> century Grade I listed building, of 2 storeys and attics constructed in stone rubble with stone tiled roofs and dressed stone surrounds to openings. It has an 'L'-plan. The almshouse range runs east, facing north to Lacock Road and presents a series of 7 coped gables with moulded window surrounds. The main frontage is to Pound Pill and comprises the Warden's House to left and schoolroom to the right. At its centre is the fine gabled entrance porch with arms and inscription, and surmounted by a timber cupula with a lead cap. To the right, the schoolroom has 2 dormer gables with two large leaded elliptical-arched 2-light windows below, and a similar window and gable dormer in the south elevation. The rear elevations are much less elaborately detailed. The almshouse range has 6 chimney gables and 3 groups of three 2-light first floor windows. At ground floor level a full-length pentice supported on timber posts, returns slightly at the rear of the Warden's House. Attached to the lean-to are a series of small walled private yard areas for the use of the occupants of each almshouse. To the east there is a small communal privy (currently used as laundry room).

The Parish Room, which is Grade II listed, was constructed further along Pound Pill in the later 17<sup>th</sup> century as an outbuilding to the Hungerford Almshouses (housing livestock). The gabled dormers and mullioned windows, and central chimney gable with diagonal shafts to the rear (east elevation) reflect those to the Almshouses, although generally detailing is less elaborate.

A rubble stone wall, with timber entrance gates, has been constructed between the southwest corner of the Warden's House/Schoolroom and the northwest corner of the Parish Room.

The almshouse range has been in continuous use for its original purpose since it was erected, in the mid 17<sup>th</sup> century and currently provides 11 units of affordable accommodation, with the Warden's House providing another 2-person unit. The Parish Room was converted to provide four additional flats approximately 10 years ago.

Externally, there has been virtually no change to the original buildings. The garden area to the south of the Almshouses, and extending mid-way along the west elevation of the Parish Room, remains undeveloped; it is mainly laid to grass, but contains a mature Liriodendron tree and other mature fruit trees and shrubs. The west boundary of the garden area is defined by a natural stone wall. From the South east corner, the south boundary is defined for most of its length by hedgerow planting. There is a further plot of land extending southwards from the hedgerow line, adjacent and parallel to Pound Pill, which includes the land on which the Parish Rooms stand, and which is largely enclosed by stone walls, but which formerly gave access to further land to the south. Maps of C19 date show all the boundaries which define the application site as existing (although the south west corner is now occupied by a garage associated with a house to the south). At that time the land to the south and east was open fields. There has been ad-hoc development in the C20, and neighbouring sites immediately to the south and east are now occupied by two C20 detached dwellings in large gardens (Amberley and Gatesgarth respectively).

The site lies within Corsham Conservation Area. The Almshouses dominate the view from South Place, at the end of south drive of Corsham Court (as well as views towards the junction of Lacock Road and Pound Pill). There is no view into the site from Lacock Road, and only a limited view into the site from Pound Pill, which is virtually lost when the entrance gates are closed. There are long-distance glimpses from further south along Pound Pill across residential gardens.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
94.2328 and 94.2329	Internal Alterations; Alterations to convert Parish Room to 4 no dwellings	Approved

## 5. Proposal

The proposal is to construct a building to provide single-person units of low-cost housing, along the south boundary of the garden area. The original proposal was for 12 units, in a building constructed of natural rubblestone with cast stone dressings and oak windows, and a lead roof. Officers asked for amendments to address neighbour issues and concerns in respect of the proposed use of non-traditional materials. The revised scheme has been reduced to provide 9 units, and with natural stone dressings to all openings in place of the previously-proposed cast stone.

The accommodation would be provided in a single long range opposite the almshouses, set so that the north elevation aligns with the northernmost wall of the Parish Room. The width of the range would be slightly lower than the principal almshouse range, but the eave and ridge are set lower. The building would provide 3 flats with wheelchair access at ground floor level. Above these 6 units would each have principal living spaces at 1<sup>st</sup> floor level, with bed and bathrooms in the roofspace; these upper spaces would be lit and ventilated via glazed louvres, set in plane with the roof covering. Access to the ground-floor flats would be via a C21st "pentice", reflecting the historic detail to the almshouses. Access to the upper floor flats would be via external stairs set against the end gables, with an open 1st floor corridor to the south elevation. To avoid overlooking to the south (Amberley) and west (Parish Rooms), the existing hedgerow would be strengthened, and timber screening has been introduced to the walkway and external stairs.

The site plan identifies 2 car park spaces which would be available for disabled drivers, and an area for bicycles/waste storage between the SW corner of the building and Amberly's garage.

Documentation supporting the revised application includes the Planning Design and Access statement, which sets out the design approach and shows how the scheme has been developed to take account of the special significance of the site. Whilst this makes reference to the new PPS5, the agent was also asked to provide further information as required under PPS5 in relation to the significance of the Heritage Asset, and why the proposal is considered to be acceptable in terms of its impact. This has been provided. It acknowledges the high significance of the Almshouses and analyses the proposals in the context of policies HE7.2 (significance); HE7.4 (desirability of sustaining or enhancing significance); HE7.5 (effect of new development); HE9.4 (public benefit) and HE10.1 (setting). It also considers the proposal in the context of the Development Plan Policies and the Corsham Conservation Area Statement. It concludes that the proposals would have the following benefits:

- enhance the setting of the listed buildings and the conservation area by shielding views to the south and east.
- provide a new high quality building which would respect its historic neighbours
- provide public benefit in the form of social housing, and help secure in perpetuity the use of the site and historic buildings, in their original uses.

Currently the almshouses provide 11 units of affordable housing. The proposal (as amended) would provide 9 additional units, which would be available for single people who are unable to provide themselves with housing through the open market, and who do not qualify for social housing from any other source; 3 of the units would provide units of disabled accommodation. It is argued that this form of accommodation cannot be provided within the Almshouses without causing harm to their special character. The Trust's charitable scheme limits use of the site for people with a connection to Corsham, and the Trustees have advised that they have no land elsewhere that could be developed instead of the application site.

As the site lies outside the settlement framework, officers asked the agent to provide further information to demonstrate the need for affordable housing in Corsham, and also to undertake a sequential survey to justify why the application can be considered a rural exception site. Two additional reports have been submitted:

## 1. A Housing Need and Supply Assessment

This makes reference to the last housing needs survey which was commissioned by NWDC in 2005, and which indicated a gross annual affordable housing need for one bedroom dwellings in Corsham of 110 units. The report updates this to take account of recent housing supply and affordability, and concludes that there is an annual shortfall of 75 units which cannot be addressed by increasing the percentage of affordable housing achieved through planning gain. A comparison with other communities in the former District of North Wiltshire has been made, taking account of national indices of deprivation for access to housing which indicates that, of the 85 areas in North Wiltshire District, only 29 have a worse ranking.

## 2. The Assessment of Alternative Development Sites in the framework boundary for Corsham. This has been undertaken in 2 parts:

- i) Based on Policy H5 of the Local Plan, which requires affordable housing provision on sites exceeding 14 units or where the site exceeds 0.5ha; and in the context of Wiltshire Council's Strategic Land Availability Assessment (SLAA). This identified 2 sites within the settlement framework which would potentially produce 17 units of affordable housing. There is one current approval with a S106 Contribution from smaller sites.
- ii) Assessment based on the current open market value of sites and of one-person units, and taking account of current planning policy and Central Government Guidance on housing densities. It concluded there was potentially one current planning permission within the settlement framework area which could provide a single 1 bedroom flat for a person in housing need. Following a recent approval for 2 dwellings at Pickwick, the land was sold for a value exceeding £300,000, and recent asking prices for one bedroomed flats in Corsham ranged between £85,950 and £139,950. The current scheme would not be comparable because the Trustees would not have to meet the acquisition costs for the land.

Corsham Estate has sent a representation objecting to the proposal, and advising that the Estate has offered the Trustees an alternative site within the Settlement Framework which they consider could accommodate 12 single –person units. The land is currently used as allotments, and the Estate has advised that it would replace the lost allotments on a site off Lacock Road. Officers asked the agent to explain why this offer was not acceptable to Trustees, and they have responded that:

- i) The Estate's proposed contractual arrangement would preclude further affordable housing on the existing site. Trustees feel that by limiting use of the assets this way, they would be failing in their duty to provide affordable housing for people connected with Corsham; and also doubt if the Charity Commissioners would give approval.
- ii) They question whether planning permission would be given for the alternative site (issues raised include effect on conservation area, difficult access to site from Grove Road, and loss of trees).
- iii) Additionally, both the Trustees and their agent argue that their surveys demonstrate that the present planning process is unable to provide sufficient 1-person units to meet the identified need in Corsham. They argue that each site should be considered on its merits, and that both the sites should come forward for development to meet demonstrable housing need.

They acknowledge the need for a S106 Agreement if Permission is granted, in order to ensure that the dwellings remain affordable in perpetuity, and that this may include a nominations agreement with the Council, and management details.

An arboriculturalist's report has also been submitted. This indicates removal of a mature cherry and a smaller fruit tree and pruning (including root pruning) of the Liriodendron.

## 6. Consultations

**English Heritage:** In relation to the original scheme, considered that the proposed scheme would not have an adverse effect on the setting of the listed buildings. They noted that whilst the building has greater depth than the almshouses the eaves line is lower and overall height similar to the host building. It has a more domestic scale and proportions, and although the architectural emphasis is more horizontal with less architectural emphasis it would not dominate the existing and accords with the architectural hierarchy on the site. At detailed level they considered it necessary to use natural stone dressings, and to clarify detailing to the rear first floor open corridor. They point out that lead is not traditionally used for major roof slopes on residential buildings, but appreciate that it may be appropriate as the roof design includes rooflights and louvres; and do not consider it will have a negative impact on the overall design and context.

In relation to the revised scheme they note the change from 12 to 9 units to take account of neighbour issues; and that since submission of original proposals PPG15 has been replaced with PPS5, of which policies HE7.5, HE9.5 and HE10 are particularly relevant to this application. In this context, they note that the Almshouses are highly significant, and that considerable significance of the site lies in its aesthetic and evidential value (ie the design and fabric of the building). The most prominent and important views are of the street frontages. The rear façade is less visually prominent, although visible from neighbouring properties and there appears to be no significance to the existing south boundary of the site. They are of the view that a building of the size and scale proposed in this location will not have an adverse impact on the setting of the heritage asset, (the Almshouses and parish rooms). Whilst it would form an enclosure to the rear, this could have the benefit of forming a quadrangle arrangement with central communal garden; and would create a more formal architectural arrangement with the neighbouring Amberley House. There would be a benefit of perpetuating the historic use of the site for social housing. Their previous comments on the design approach are unchanged, and on the basis that the building would be constructed in natural stone, they consider that the design is appropriate.

**Corsham Town Council:** Objects – proposal is overlarge of inappropriate design; it would be detrimental to setting of the Grade I listed building and neighbouring properties. It would be contrary to PPS5; and to policies C3, H8, HE1, HE3, HE4 in the North Wilts Local Plan 2011.

**Housing and Social Inclusion Officer:** Supports the Proposal. Records show there are 208 single people in housing need in Corsham; 43 have a local connection. The scheme would be managed by the Trust with a nominations agreement and rents are affordable. The proposed mix and quality standards meet both the Council's needs and requirements of the Housing Communities Agency (HCA). She confirms her view that the supplementary reports demonstrate a need for the proposed accommodation.

**Landscape Officer:** Advises that the Liriodendron has limited visual amenity value and some defects, so it would be inappropriate to protect it with a TPO. She suggests that a condition to protect it during construction works would be appropriate.

**County Archaeologist:** Has no comments

**Highways:** Based on the specific nature of the residential use and its favourable location in relation to local facilities, no objections.

## 7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. Following submission of the revised scheme all people who made representations on the original proposal were notified by letter of the revised plans.

A nett response was received of 92 letters of objection and 46 letters of support. A petition objecting to the proposal, signed by 1036 people, was also received.

Summary of key relevant points raised:

### OBJECTORS

- The development will cause serious harm to the significance of the Grade I Almshouses and site, altering historic layout of spaces. It will harm the conservation area and harm tourism.
- Any development will harm the setting of the LBs – the low density is important to the context and this will be lost.
- Proposal does not comply with standards set out in Corsham Conservation Area Statement, or the latest Government guidance set out in PPS5
- Design of building is poor – too large and overbearing, dull, devoid of embellishments, uses inappropriate materials, particularly the lead roofs; and the resulting collegiate form is not relevant to this site.
- Loss of trees (particularly the Lirodendron), the canopies of which are inaccurately plotted; and of the historic garden
- The proposal does not fit the site , and windows will be shaded by the landscape screening)
- The local community has not been adequately consulted – raising concerns re: public consultation and transparency.
- The site is outside the settlement framework, and Policy H7 is not relevant in this locality as Corsham is a town, not a village.
- The Trustees have been offered an alternative site within the settlement framework, which they have not seriously considered.
- It is not a sustainable development
- Loss of privacy and amenity to neighbours. Inadequate information provided re: height differential with neighbouring sites.
- Inadequate car parking
- No clear and convincing argument for the proposal

### SUPPORTERS

- Design is carefully considered, elegant and sensitive to the setting of the LB's
- It is not a pastiche and will not be intrusive, except possibly to one neighbour until the hedge grows.
- There is a significant housing need in Corsham, particularly within the vulnerable community sector, which this development would help address.

## 8. Planning Considerations

### A. Impact on the setting of the listed buildings and conservation area

The relevant local plan policy is HE4 DEVELOPMENT, DEMOLITION OR ALTERATIONS INVOLVING LISTED BUILDINGS which states



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

Para 7.11 states: Where a planning application is made for development within the curtilage or vicinity of a listed building, the planning authority will take into account the effect of the proposal on the setting of the listed building.

Supplementary Planning Guidance is provided by the Corsham Conservation Area Statement (CCAS). In the townscape analysis, this recognises the importance of the Almshouses in views towards the site, but does not highlight any views into the site itself. It recommends avoidance of all but small scale development in the Lacock Road area and the preservation of important edge of town views. It also urges maintenance and appropriate usage of the almshouses. It also provides general guidance on the retention of important trees.

It is considered that on balance the proposed development satisfies these criteria.

Since 21<sup>st</sup> March 2010, Central Government advice is provided by Planning Policy Statement 5 – Planning and the Historic Environment. This sets out policies on matters which must be taken into account when considering proposals affecting a heritage asset or its setting. Proposals need to be justified, and an assessment made of their effect on the significance of the heritage asset. Policies HE7.2, HE7.5, HE9.4, HE 9.5 and HE10.1 are considered most relevant to this case. Officers concur with the views provided by English Heritage set out above, and additionally have the following comments in the context of PPS5:

#### **Significance**

*“HE 7.2 In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposals.”*

#### **Officer response:**

Clearly the Almshouses are of the highest significance, as is reflected by their Grade I status. The volume of representations which this application has engendered is indicative of the regard in which they are held locally.

#### **New Development**

*“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”*

#### **Officer response:**

The proposed new building has been carefully considered within its historic context. Whilst it is a contemporary design, this has been informed by careful analysis of the heritage assets to which it relates in terms of proportions, scale, materials and design; and elements such as the pentice and rhythm of the openings on the almshouses are mirrored in the design of the front (north) elevation. It is not over-elaborate, and the quality of detailing will be critical, but it is felt that it relates well to the Grade I and II listed buildings visually and in terms of their hierarchical relationship. The architect was asked to try and lower the eave detail so that it matched that of the Parish Room, but is unable to make further reductions to the height. Whilst lead was not traditionally used for roofing subservient buildings, this choice of material enables the rooflights and louvres to be neatly detailed, and it is not considered inappropriate or too “heavy” on a contemporary building. It is concluded that the high quality of the design will make a positive and enduring contribution to the integrity of the historic group, and the settings of the listed buildings and the Conservation Area.

**Public Benefit**

*“HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:*

*(i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and*

*(ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.”*

**Officer response:**

The loss of openness may be considered to cause some harm to the significance of the asset. However it is felt that this would be outweighed by the public benefit which derives from the additional low-cost units, which would help sustain the long-term use of the site for social housing and the viability of the Heritage assets affected by the proposals.

**Effect on Conservation Area:**

*HE9.5 Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The policies in HE9.1 to HE9.4 and HE10 apply to those elements that do contribute to the significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping.*

**Officer response:**

The site is only publicly visible from Pound Pill above the c2m high boundary wall and also through the vehicular entrance. In addition, it is acknowledged that parts of the building are often open to the public. From the entrance you can also glimpse the gardens and houses immediately adjacent to the site, and these views will be replaced by a view to the new building, but it is considered that this will positively contribute to the significance of the conservation area. Loss of the fruit trees is acknowledged, however it is suggested that any adverse impacts could be addressed by new planting.

**Setting**

*“HE10.1 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.”*

**Officer Response:**

Historically, the views to the south and east were across open fields, and it is felt that the setting was harmed by the C20 development. Whilst the proposal will alter the setting to a courtyard form, it is felt this will make a positive contribution to the setting of the heritage asset

**B. Housing Policy H7**

As the site lies outside the Development Framework, the proposal needs to be considered in the context of Policy H7 which states:

**As an exception to normal planning policies small affordable housing developments will be permitted within and adjoining the villages in the District provided that:**

- i) There is a demonstrable local need for affordable housing which cannot otherwise be met; and**
- ii) The scheme must be capable of implementation and proper management to ensure that the benefits of the provision of affordable housing to meet local needs will be held in perpetuity.**

In this context, a recent appeal decision for affordable housing on an exception site in Cricklade is relevant. This appeal was dismissed by the Inspector. He noted that Policy H7 derives from PPS3, but this only provides for rural exception sites to villages, not towns; although this view may change in the context of the emerging Core Strategy for Wiltshire (and changes to planning guidance). He noted that the appeal application had not been supported by a recent housing needs survey, and considered that if housing were to be allowed outside the settlement framework there should be a strong and compelling argument for affordable housing which should be “targeted at a specific, local and serious problem”.

There are other exception sites which are less sensitive than the application site, and indeed the Pound Mead site which benefits from planning permission for 43 dwellings could deliver substantially more than the 13 affordable units required. Moreover, Corsham will be subject to housing allocation in the Spatial Plan, and this could resolve currently-identified housing need. However, In response to the supplementary housing reports submitted by the applicants, and taking advice from Housing officer, it is acknowledged that there is an on-going and unmet need for affordable housing for single people in Corsham which this application seeks to provide.

#### **C. Affect on residential amenity of existing properties**

Officers considered that the original scheme for 12 units was over-intensive development, which caused harm to residential amenity because of the proximity of the building to the Parish Rooms and dwelling to the south. In particular there were concerns of overlooking from the rear 1<sup>st</sup> floor walkway and west access stair. The reduced length of the revised scheme is considered to improve the relationship to these neighbouring dwellings. Whilst the range is very close to the boundary, given that it will be on the north side the loss of light to the south property (Amberley) is not considered to be an issue. Also, whilst the range will impact on their outlook the reduced length will reduce the overbearing impact. There is not considered to be any unreasonable harm to the amenity of Gatesgarth to the east; no habitable rooms would be overlooked, and the new development would be adjacent to the service part of the site rather than garden area. The proposed timber screens to the stairs and rear 1<sup>st</sup> floor open corridor have been designed to prevent overlooking.

#### **D Affect of Proposal on Trees**

In the Corsham Conservation Area Statement trees within the site are identified as significant, and the majority of these will remain. Where fruit trees are to be removed a landscape condition requiring replanting would be appropriate.

#### **E Affect on traffic and parking**

This is a town centre site, and the applicants are not required to provide additional parking. In order to comply with DDA requirements, an area for 2 disabled car parking spaces has been identified on the plan, and a condition is recommended to ensure these are properly marked out and retained for the use of disabled residents.

## **F Open Space Contribution**

The agent has confirmed that, if it is considered necessary, the applicants are willing to make an open space contribution. This could form part of the S.106 Agreement.

### **10. Recommendation**

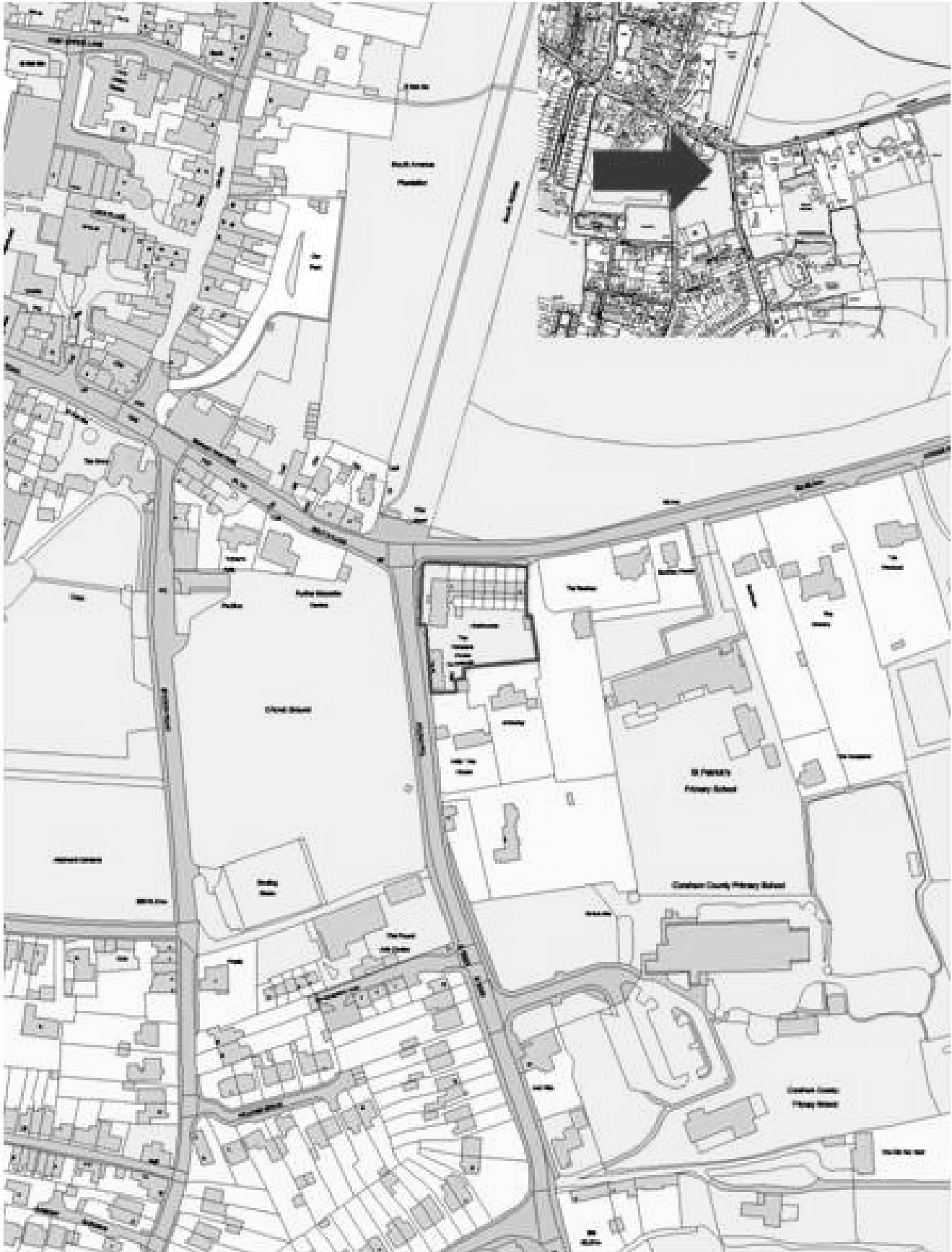
The application be referred to the Secretary of State as a departure from Policy H7 of the North Wiltshire Local Plan 2011 with a resolution that the Application be permitted subject to:

- completion of a legal agreement to secure housing requirements and contribution to public open space
- appropriate conditions

for the following reason:

There is a strong and compelling argument for affordable housing of the type which would be provided by the proposed development, which justifies it being considered as an exception site within the open countryside, as a departure from Policy H7 in the North Wiltshire Local Plan 2011. The proposal is for a building of high quality design which is considered to take full account of the heritage asset and its setting, as required under Policy HE4 in the North Wiltshire Local Plan 2011 and Policies HE7.2, HE7.5, HE9.4, HE 9.5 and HE10.1 in PPS5.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>Drgs: 3006A, 3007A, 3008A, 4005A, 4006A, 4007C, 4008C, 4009A, 4010A, 4012B, 4013A – all received on 13.5.2010.</b> <b>Docs: 1.20, 1.26, 2.02, 2.07, 2.32, 3.04, 3.05, 4.01, 4.02, 4.03, 4.04, 4.05, 4.07, 4.08, 5.01, 6.02, 7.01</b>



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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>11 August 2010</b>		
<b>Application Number</b>	<b>N/10/01533/OUT</b>		
<b>Site Address</b>	<b>Bowds Farm, Bowds Lane, Lyneham, Chippenham, Wiltshire, SN15 4DT</b>		
<b>Proposal</b>	<b>Construction of Road Bridge, New Road Embankments and Alignments, Excavation and Repair of Lock Chamber, Removal and Replacement of Hedgerow and Landscaping</b>		
<b>Applicant</b>	<b>Bowds Farm Partnership</b>		
<b>Town/Parish Council</b>	<b>Brinkworth</b>		
<b>Electoral Division</b>	<b>Brinkworth</b>	<b>Unitary Member</b>	<b>Toby Sturgis</b>
<b>Grid Ref</b>	<b>401790 180853</b>		
<b>Type of application</b>	<b>Outline Application</b>		
<b>Case Officer</b>	<b>Christine Moorfield</b>	<b>01249 706686</b>	<b>christine.moorfield@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

The application has been called in by Councillor Toby Sturgis so that members may consider constraints on phasing.

#### 1. Proposal

This is an outline planning application for the construction of a road bridge, new road embankments and alignments, excavation and repair of lock chamber, removal and replacement of hedgerow and landscaping.

#### 2. Consultations

Environmental Health Officer- No adverse comments

Environment Agency- No objection subject to three informatives in respect of flood defence consent, flood risk and pollution prevention during construction

Parish Council- Support

Archaeology- No comments to make

Landscape Officer- No comments as hedgerow removal notice dealt with under separate application

Ecology Officer- No objection

Drainage officer- No objection

Highways officer- No Objection. Applicant will be expected to enter into a separate legal agreement under the Highways Act to ensure highway works undertaken meet necessary standards.

### 3. Policies

C3, TM4, NE15 of the adopted North Wiltshire Local Plan 2011

### 4. Publicity

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

13 letters of support have been received.

11 letters of objection have been received.

Summary of key relevant points raised:

- Loss of trees and habitats over some years has already taken place.
- 20 years of disturbance as the site appears like a building site.
- Water supply where will it come from?
- Long term management of the scheme.
- Management of the construction and completion of the scheme.
- Engineering brick is out of character with locality.
- Concerns in respect of the financing and the implementation of any approved scheme to a high standard
- Will access be allowed by adjacent landowners for a 'leisure facility which is the long time aspiration on this site?
- Wildlife/flora study needs to be updated.
- Access disruption and road incapable of dealing with the associated traffic.
- Volunteers likely to work at weekend thereby causing disruption to neighbours.
- Concerns in respect of the overseeing of works effecting the highway.
- Geology may require piling of foundations.
- Poor details provided in respect of the road/bridge construction.
- This proposal will do away with the historic line of the canal.
- The works carried out in this location are so far are an eyesore.

### 5. Planning Considerations

#### Principle of development

The principle of the works to this lock to enable it to be useable again, the realigning of the road and the construction of a new bridge, are all works that are considered acceptable. The intention of restoring the Wilts & Berks / Thames and Severn canals is defined in the adopted Local Plan and is covered by Policy TM2. This policy seeks to protect the alignments and support schemes of restoration.

This is an outline planning application to establish whether or not a proposal is likely to be approved by the planning authority, before any substantial costs are incurred. This type of planning application allows fewer details about the proposal to be submitted. Details may be agreed following a "reserved matters" application at a later stage.

Reserved matters can include:

**1 appearance** - aspects of a building or place which affect the way it looks, including the exterior of the development



**2 means of access** - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site

**3 landscaping** - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen

**4 layout** - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development

**5 scale** - includes information on the size of the development, including the height, width and length of each proposed building

While some applications are straightforward and a decision can be made by the planning authority without detailed information, other proposals may need more information to be provided. Should outline planning permission be granted, a 'reserved matters' application must be made within three years of the consent (or a lesser period if specified by a condition on the original outline approval). The details of the application must be in accord with the outline approval, including any conditions attached to the permission.

This application seeks approval for access layout and scale. Other matters such as landscaping and appearance will be considered at the detailed stage.

In the context of this outline application, the proposal must therefore be seen as being in accordance with policy TM4, which seeks to support in principle proposals that protect the alignment of the Wilts and Berks/ Thames and Severn canals.

The canals are seen to be protected to allow for their preservation as an amenity and recreational feature. This proposal represents a step towards this goal.

Because this is an outline application and therefore some of the detailing of this proposal are not for consideration at this stage. However the appearance of the finished restoration can be considered during the detailed stage through the careful use of appropriate materials landscaping and design of the various elements of this scheme.

Policy NE15 (applicable to all proposed development in the countryside) and policy C3 (general development control policy applicable to all proposals for development) both seek to ensure that schemes for development respect the local character and distinctiveness of the natural environment. Any future Reserved Matters application would be subject to these policies.

### **Means of access -highways**

The scheme has been discussed at length with Wiltshire Highways prior to the application being submitted. The Highway Engineer accepts the application as a request for approval in principal. Permission will allow the applicant to proceed with the request for a Section 274 licence to be able to fully stop up both the existing highway and affected length of footpath, which runs close to the south of the site.

The Highways officer has commented that the applicant will be expected to enter into a Section 278 agreement with Wiltshire Council to ensure that all works meet the necessary standards of design and construction as well as allowing all construction to be fully monitored . At agreement stage a '**prior to any construction work commencing on site**' will need to be seen along with full details of all structures ( including calculations) of both the new carriage way and bridge/retention works and full details of road and foot way diversions. Safety audits will also be necessary to fully assess the effects on both road users and foot traffic. It is appropriate to make it clear to the applicant at this stage that there will be a certain amount of costs (for e.g. legal costs,

costs for structural technical checks etc) in relating to the process though we as the Council will be trying to keep these to a minimum, certain standards and legal requirements will have to be met. This matter should be attached as an informative.

The Highways officer has commented that both the Council's Rights Of Way team and Structures Team will have a pro active interest in the development and will need to be involved at all stages of the agreement.

The proposal is to build a new section of road alongside the present alignment. The trust confirm that a representative of a Crane Hire company has already visited the site to view the constraints, and has confirmed that a crane of adequate capacity to lift and place the culvert sections can be brought to site. The volumes of material necessary to form the embankments, and the culvert sections, will be delivered to site using vehicles of appropriate size for Bowds Lane. We note that Bowds Lane was used, some years ago, to move large volumes of material to strengthen the railway embankment.

The long-term management of the re-aligned road, and the new bridge, is proposed to be the responsibility of the local Highways Authority. This point is made in section 2.1.5 of the Design and Access Statement.

The scheme is located near to a footpath which runs along the south side of the canal but not adjacent to it, on joining the road the footpath turns due south, adjacent to the road. It is not considered that the proposal will have an impact on the nearby footpath.

The scheme therefore is considered appropriate and in line with the requirements within policy C3 in respect of provision of acceptable means of access.

### **Layout and scale of the proposal**

The scheme layout as shown centres around the realignment of the road. This realignment has required the removal of a line of hedging which at present runs along the eastern boundary of the field to the north of the existing bridge and lock. This hedge was the subject of a hedgerow retention notice. No hedgerow retention notice was placed on the hedge as the replacement hedge was considered to be of an improved quality to the existing, a notice to this effect was issued on the 3/06/10. Application no. HRN 10/01532.

Details in respect of the construction of the new lock and associated works will be dealt with in relation to the reserved matters. Conditions in respect of those matters should be attached to any Reserved Matters consent, if granted.

It will also be necessary for an electricity line to be relocated. This is a matter between the developer and the electricity suppliers.

The layout of the proposal and the location of the new road and bridge are considered appropriate as part of this scheme to restore this lock.

Subject to conditions in respect of landscaping and design detailing the proposal is considered acceptable and in keeping with the requirements of policies NE15 and C3. It is not considered that the scheme should detract from the character and appearance of the locality and the restoration of the canal will contribute positively to the reinstatement of canals in the district in line with policy TM4.

### **Other issues raised by interested parties**

#### **Management of the proposal during the construction stage and after construction.**

The Trust have confirmed that the management of the construction stages of the scheme will reflect the complexities of the tasks in progress. There will be a professional CDM co-ordinator

appointed, under sub-contract to the Canal Trust. The management of the site while the concrete culvert sections are being placed by a mobile crane is to be undertaken by specialist contractors. Other specialist professional input and supervision will be arranged as necessary. It is intended that the road and bridge will be adopted, on completion, by Wiltshire Council Highways so we expect their staff to make inspection visits as work progresses.

The management of the canal towpath and lock side on completion of the project will be, as for other adjacent restored sections of the canal, the responsibility of the Canal Trust.

### **Funding of the scheme**

It will be the responsibility of the Canal Trust to source the funding necessary for the scheme to be implemented. Organisations who award funds to charities for such projects generally require that planning consent be in place before applications for grants are submitted. Submission of the present application must therefore precede major project-specific fund raising. The applicant has confirmed an intention to move the project forward in a several stages, and not to commence a stage until the necessary funds are in place for that stage. It is understood that support has been received from NPower, who have offered to supply and supply and deliver the material, at significantly reduced charge, to form the embankments.

### **Drainage**

Concerns have been expressed into the water supply to the proposal. The present proposal does not include the re watering of any part of the canal.

A water resources report for the whole of the Wilts & Berks Canal was commissioned. Consultants Grontmij delivered the report in 2007 and it is a public document downloadable from the Partnership web site.

In the summary of the report (Sec 9) Grontmij concluded :

*'While a number of uncertainties exist, which the W&BCT will need to address before an optimal water resource strategy can be established, this report can conclude that a viable water resource strategy exists in principle.'*

The report went on to recommend a 4 stage further appraisal by the project which is currently being considered as part of the restoration process:

1. The viability of the canal under low loss conditions:

Consideration of canal lining where possible to reduce bed losses. Installation of back pumping system (intended for all locks)

2. The viability of existing storage:

In this location particularly to consider the use of the adjacent Tockenham Reservoir(subject to permission from the current owners)

3. The viability of the canal is dependent on providing new storage:

Not relevant at this location

4. The need to assess groundwater and other sources:

From observation there is a viable source of ground water available at seven locks which currently has to be diverted around the locks

In the light of this report therefore, it is not considered that supply of water should be an issue in relation to this scheme. However, it is recognised that the detailed construction bog the canal will need to be considered at the relevant stage of the development process.

## **Wildlife and Vegetation**

Concerns have been received in respect of works that have been carried out in respect of trees near the site and adjacent to the proposal. The Trust have confirmed that they have done some overdue pollarding of trees in the vicinity - this they state has been done in the interests of the good health of the trees concerned. An unsafe ash tree has been removed in recent months in the interests of safety for people walking the towpath west of Bowds Lane. The Design and Access Statement refers to the diseased oak tree which is proposed to be remove to enable the re-alignment of the road to the geometrical constraints set by Wiltshire Highways. The application includes the provision of approximately 200m of additional hedgerow habitat. The Trust consider the proposal forms part of the greater project to restore the complete canal which will result in improved wildlife habitat - supporting wetland species in the canal pounds, supporting amphibious species on the offside margins, and supporting relevant species of birds in properly-managed towpath hedgerows.

The Phase One Habitat report was produced in recent months. It is considered acceptable for further inspections for relevant species to be performed as work proceeds, this has been confirmed by the applicant in the phase one habitat report and the associated Method Statement. Both documents are part of the application as submitted.

## **6. Conclusion**

This is considered an acceptable outline planning proposal in terms of the access arrangements layout and scale of the proposal. The scheme represents the first stage in securing the restoration of this section of the canal and is therefore in line with policy TM4 of the local plan 2011. Subject to conditions in respect of the detailing of the scheme the proposal is in line with policies C3 and NE15 of the Local Plan 2011.

## **7. Recommendation**

Planning Permission be GRANTED for the following reason:

This is a satisfactory form of development in principle and in terms of access layout and scale. Therefore it is considered acceptable for outline planning permission to be granted as the proposal complies with policy TM4. The future submission of details in respect of this scheme should be able to ensure that the proposal complies with policies NE15 and C3 of the Local Plan 2011.

Subject to the following conditions:

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

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

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

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

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. No development shall commence on site until details of the materials, sections through the canal at a scale of 1:20, engineering drawings including section details at a scale of 1:50 through the proposed bridge and engineering drawings including details at a scale of 1:50 of the lock gates to be constructed 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

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

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

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

#### POLICY- C3

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

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

## POLICY- C3

6. (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

7. Prior to the commencement of any development on this site an updated habitat survey complete with recommendations and where necessary mitigating actions, carried out by a suitably qualified person, shall be submitted and approved by the Local Planning Authority. Thereafter any works shall be carried out and retained in accordance with any recommendations and or mitigating action that is suggested by the survey.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

## Informatives

1. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

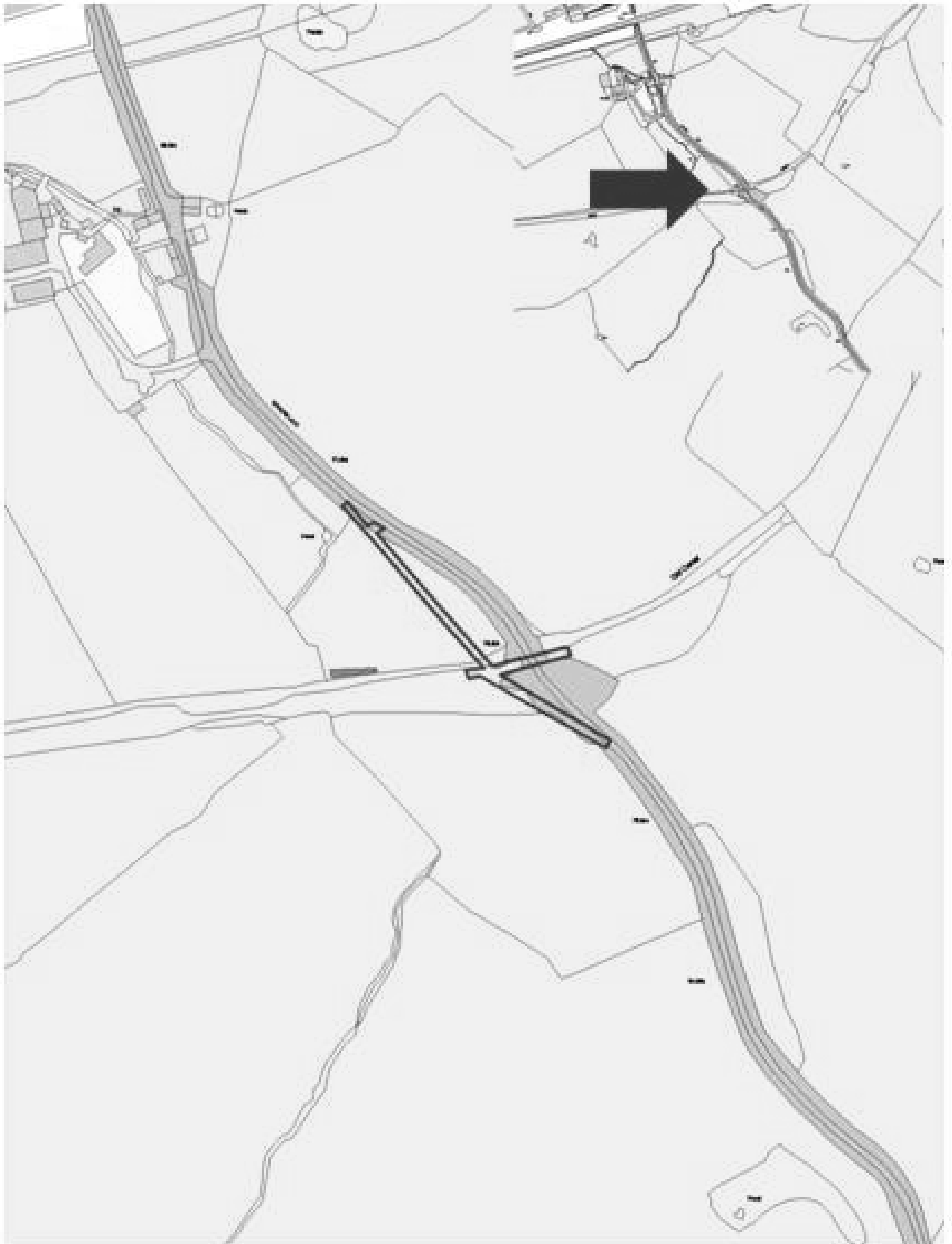
2. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire’s Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

3. The applicant should note that where permission to remove a hedgerow is given, if the hedgerow is not removed within two years of the date the application was received by the Local Planning Authority a further notice must be submitted for its removal.

4. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

site location plans scale 1:10000 and 1:2500, footpath plan, phase one habitat survey method statement, plan cross section 1:20, road realignment 1:500, photos all date stamped 29/04/10

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>Adopted North Wiltshire Local Plan 2011</b>





## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	11 August 2010		
<b>Application Number</b>	N/10/1608/S73A		
<b>Site Address</b>	Wrencroft, West End, Foxham, Wiltshire, SN15 4NB		
<b>Proposal</b>	Erection of Hay and Equipment Store (Amendment to Planning Permission 08/02577/FUL)		
<b>Applicant</b>	Mr Terrill		
<b>Town/Parish Council</b>	Bremhill		
<b>Electoral Division</b>	Calne Rural	Unitary Member	Christine Crisp
<b>Grid Ref</b>	396713 177259		
<b>Type of application</b>	Full Application		
<b>Case Officer</b>	Christine Moorfield	01249 706 686	christine.moorfield@wiltshire.gov.uk

### Reason for the application being considered by Committee

Councillor Christine Crisp called in the application in order that the Committee can consider the scale of development and visual impact on the surrounding area.

### 1. Purpose of Report

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

Bremhill Parish Council consider the additional length of the proposal to be obtrusive.

### 2. Main Issues

Permission 08/02577FUL approved a building measuring 15m x 5.5m with a ridge height of 5.25 metres. The previous approval is a material consideration. The main issues in considering this application are:

- Policies C3 and H8
- Material Considerations – existing permission
- Impact of development on the amenity of neighbours of the additional 3.4 metres.

### 3. Site Description

Between the property Springfield and Wrencroft there is a fairly substantial hedge. However, along the boundary between the garden belonging to Heathercote and Wrencroft there is only a post and rail fence. The proposed building is sited on the north side of the two adjacent gardens some distance in the region of 40 – 50 metre from the adjacent properties which have sizeable gardens.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
08.02577FUL	Proposed building for storage of hay and equipment  The building was 15m x 5.5m with 4 metres to eaves and a ridge height of 5.25 metres.	Approved

#### **5. Proposal**

This is a retrospective planning application. The building is located to the south east of Wrencroft. The building, as built, is 18.4m x 5.5m. The height of the building to the eaves is 4m and to the ridge is 5.25m. The building is to be used for the storage of hay and equipment.

#### **6. Consultations**

**Bremhill Parish Council** – considers the additional length of 3.4 metres to be obtrusive.

#### **7. Publicity**

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

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

- Visual impact on amenity of adjacent property, particularly in winter
- Obtrusive
- The enlarged building required a new application it is not and could not be treated as a minor amendment to the previously approved scheme.
- The argument that only a building of this size could be purchased is ingenious.
- Ignorance of the planning system is not an excuse.
- Commercial buildings in the vicinity should not justify this proposal. Building used for storage of vehicle.
- As it is a sectional building the end element should be removed so that the building complies with the original consent.
- Appearance poor and inappropriate in this 'domestic' situation.

## **8. Planning Considerations**

### **Material Consideration – existing permission**

Planning permission was granted for a Proposed Building for Storage of Hay and Equipment in 2008. The previously approved building was 15m x 5.5m footprint with a maximum height of 5.25m to the ridge. The building that was originally approved was the same height but was shorter in length than the one now proposed, by 3.4m.

The building as built has to be judged on its own merits and whilst the previous history is a material consideration, the acceptability of this building as constructed is the matter that now needs to be judged.

### **Impact of development on the amenity of neighbours**

Between the property Springfield and Wrencroft there is a substantial hedge. However along the boundary between the garden belonging to Heathercote and Wrencroft there is only a post and rail fence. The proposed building is sited on the North side of the two adjacent gardens.

The building is in part screened by the hedge which is located adjacent to the north boundary of the garden of 'Springfield'. However 3.4m of the buildings length protrudes along this boundary adjacent to the north boundary of the garden belonging to Heathercote.

This section of the building is not screened from the neighbours garden as there is only a post and rail fence in this location. Due to the 'L' shaped garden belonging to Wrencroft, the building does not sit immediately adjacent to the boundary as there is an area of garden belonging to Wrencroft between the building and the adjacent garden. The building therefore sits at a distance of 10m from the garden boundary fence belonging to Heathercote.

The building is located on the north side of the adjacent garden. The building has a maximum height of 5.25m and therefore it is not considered to have an impact on the amount of light at present enjoyed by the adjacent residents in their garden that would warrant refusal of this application.

However, the building is will be visible which when viewed some 40-50 metres distance from the adjacent dwellings is not considered to be sufficiently harmful to warrant a refusal. But when viewed along the boundary of these large gardens the building will be seen. The building still maintains the appearance of a 'small scale agricultural looking building' and was previously considered acceptable on this site due to existing stables and a ménage and where it was screened by a hedge.

To mitigate views of the building it considered appropriate for a landscaping belt to be required in order to ensure that this building is screened from the neighbour's garden. Such a scheme should be the subject of a condition and semi-mature species will be required to ensure visual impact is mitigated as soon as possible.

Subject to a scheme of landscaping being planted on the garden area belonging to Wrencroft and between the building and the boundary with Heathercote this proposal is considered acceptable. In terms of its location and impact on the adjacent residential properties the scheme is considered to comply with Policies C3 and H8 of the Local Plan 2011.

Wrencroft is a residential property with stables and ménage to the rear. The building is for storage. Providing items stored within the building are ancillary to the use of Wrencroft then this use is acceptable. A condition to this effect is required.

## **Other matters**

Issues in relation to the possibility of this matter being a minor amendment or concerns over the applicant's approach to this development and the initial ignorance as to the need for planning permission are not relevant to the considerations of this proposal.

## **9. Conclusion**

On balance it is felt that the enlarged building will be seen from the adjacent property but due to distances between and the size of the gardens, the harm is not sufficient to warrant a refusal on these grounds.

However as the building is on the north side of the property it is considered that subject to a scheme to screen the development the building will be acceptable in this location. Therefore permission is recommended subject to a condition requiring the submission and implementation of a landscaped screen. The use of the building for storage purposes is also considered acceptable in this location and given the domestic with ancillary equestrian uses that exist on this site.

## **10. Recommendation**

Planning Permission is GRANTED for the following reason:

Subject to a landscaping scheme being submitted and implemented the proposal is considered acceptable in terms of its location and the impact it has on the amenity of the adjacent residents properties and therefore complies with policies C3 and H8 of the Local Plan 2011.

Subject to the following conditions:

1. Within 3 months from the date of this permission a scheme of soft landscaping for the area of land to the north of the boundary between Heathcote and Wrencroft shall be 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) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Thereafter all soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following 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.

REASON: To ensure a satisfactory landscaped setting for the development and to protection the amenity of adjacent residents.

POLICY: C3

2. The development hereby permitted shall be used only for purposes ancillary to the use of Wrencroft as a single dwellinghouse and not for any commercial, industrial or business

purpose whatsoever.

Reason: In the interest of residential amenity.

3. Prior to the commencement of development hereby permitted a detailed scheme which indicates that roof run off from the building will be collected on site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the end of October 2010.

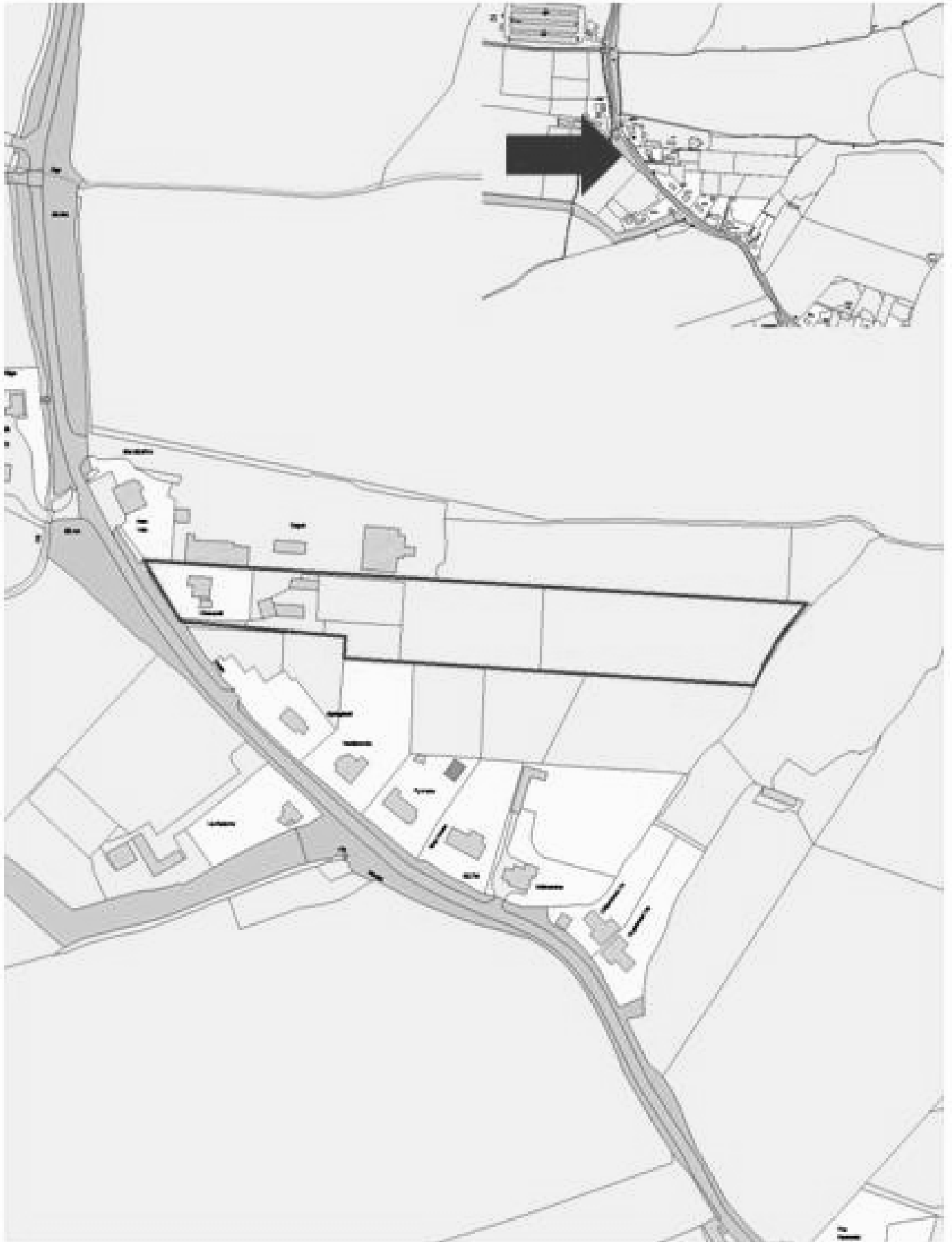
Reason- To ensure that the water run off from this development is appropriately dealt with.

**INFORMATIVES:**

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

Site plan 01.05.10c, 10b and 10a, Design and Access Statement all date stamped 6/05/10

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20 5.01 4.04 4.02 4.03</b>



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	11 August 2010		
<b>Application Number</b>	N/10/02147/FUL		
<b>Site Address</b>	Land adjoining 75 Parklands, Malmesbury, Wiltshire, SN16 0QJ		
<b>Proposal</b>	Erection of five new dwellings with associated parking and amenity space (including demolition of existing garages)		
<b>Applicant</b>	Westlea Housing Association		
<b>Town/Parish Council</b>	Malmesbury		
<b>Electoral Division</b>	Malmesbury	<b>Unitary Member</b>	Simon Killane
<b>Grid Ref</b>	392266 187661		
<b>Type of application</b>	Full		
<b>Case Officer</b>	Tracy Smith	01249 706642	Tracy.smith @wiltshire.gov.uk

### Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Simon Killane to consider the scale of development, visual impact, residential amenity, design and appearance, environmental/highway impact and car parking.

### 1. Purpose of Report

To consider the proposed redevelopment of the site to provide five new dwellings and recommend the application be DELEGATED to the Area Development Manager for approval subject to a legal agreement requiring the provision of contributions towards public open space.

### 2. Main Issues

The main issues in determining this application are:

- implications for Policies C3 and H3
- impact on the character and appearance of the area
- impact on residential amenity
- impact on highway safety/parking
- impact on sewage and drainage

### 3. Site Description

The application site currently comprises a single block of eleven garages with associated hardstanding which is used for parking and by the community bus. The garages are surrounded by residential development and served via access from Parklands. Numerous residential properties have rear pedestrian accesses with one property having a vehicular access.

Currently, two of the garages are unused.

The site slopes downwards to the east (nos. 40 and 93 Parklands).

#### 4. Planning History

The application site has no relevant planning history.

#### 5. Proposal

The proposal is for the erection of five dwellings with associated parking and amenity space on land adjoining 75 Parklands, Malmesbury.

The existing block of 11 no. garages will need to be demolished to facilitate this development. Two of the garages are currently vacant with six let to local residents and three to residents outside the area. Given the proximity of other garaging nearby, less than 100 metres from this site, the applicants propose that existing residents' parking can either be accommodated on the nearby site or parking provided to the front of their properties where possible.

Only tenants outside of the area will be displaced.

The dwellings proposed are all two storey in height and will provide three two bed and two four with timber weatherboarding.

Access to the scheme is via Parklands as existing with the dwellings sited at opposite ends with Plots 1-3, a terrace of three two bedroom dwellings sited gable end to the rear (south) of nos. 76-79 Parklands (between 9.7 metres and 14.7 metres) and to the rear (west) of 83-85 Parklands (at least 25.8 metres). The gable end of this terrace would also be sited north of nos. 89-93 Parklands (some 17.6 metres at its closest).

There are windows proposed in the side elevations of these properties, but these serve non-habitable rooms and can be conditioned to be obscure glazed within limited opening.

Window to window distances between the rear of the new dwellings and 82 to 85 Parklands with habitable windows is approximately at least 24 metres.

Opposite this proposed terrace, across a parking courtyard would be the semi-detached four bedroom dwellings. The plots would be surrounded by nos. 40-46a Parklands, with the gable end of Plot 4 adjacent no. 75 and the side elevation of Plot 5 to the rear of 40-42 Parklands some 21 metres distance.

No windows are proposed in the side elevation of Plot 4 which adjoins no. 75 and the only windows proposed in the side elevation of Plot 5 relate to a kitchen door at ground level and an obscure glazed bathroom window at first floor.

Window to window distances between the existing and proposed is approximately at least 29 metres distance.

The development facilitates existing rear accesses to nos. 89-93 Parklands via an alleyway. Other existing public accesses across the site are also maintained.

#### 6. Consultations

At the time of preparing this report the consultation period has yet to expire.

**Malmesbury Town Council** – objects on grounds of privacy and overlooking with minimal room between houses; loss of 8-10 parking spaces and displacement of parking; security and safety from alleyways; loss of the community “Blue Bus”; poor consultation.

**Malmesbury and St Paul Without Residents' Association** – objects on grounds of privacy and overlooking; loss of up to 10 parking spaces and displacement of parking; loss of garaging; impact



on local sewerage and surface water run off; security due to alleyways; loss of the community "Blue Bus"; proposal contrary to Policy C3 I, iii, iv of the Local Plan.

**Highways Engineer** – no objections subject to conditions.

**Environmental Health Officer** – comments waited.

**Drainage Engineer** – comments waited.

**Archaeological Officer** – comments waited.

**Senior Premises Officer (Education)** – acknowledges Malmesbury has a pressure point in terms of education and is considering whether education contributions are required in respect of this development given that it is below the normal development threshold of ten units and for affordable housing. Further comments waited.

**Wessex Water** – no objection.

## 7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. The consultation period had not expired at the time this report was produced.

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

- Loss of parking
- Highways impact
- Loss of light to gardens
- Loss of privacy
- Security and safety from alleyways
- Loss of the Blue Bus
- Access already limited from emergency vehicles
- Impact of construction traffic
- Bungalows or new gardens better

## 8. Planning Considerations

### Principle of development

The application site lies within the framework boundary of Malmesbury, thus the principle of residential development is supported subject to other relevant policy considerations.

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

The existing site is poor in appearance but due to the single storey nature of the garages does provide a sense of openness.

Notwithstanding this, due to the prevailing residential character of the area, the loss of the garages and associated hardstanding is not of sufficient character to warrant retention.

The proposed development will take the form of a pair of semi-detached properties (similar to nos. 74 and 75 Parklands) and a terrace of three dwellings (also in the vicinity of the site but not adjacent). All dwellings will be two storeys in height comparable with the existing housing and are proposed to be constructed of materials which compliment the surrounding area.

### Impact on residential amenity

The siting of the dwellings and their design has been carefully considered by the applicants. The scheme does generate some window to window distances between 9.7 metres and 19.5 metres, but, in these instances, the new windows will serve bathrooms and can be conditioned to be obscure glazed with limited ventilation stays.

In terms of habitable windows, distances of at least 25 metres are achieved.

In light of the nature of the windows, these distances are considered to be acceptable and would not result in the loss of privacy.

It is also considered that due to the scale and siting of the development, the development would not have an unacceptable overbearing impact on the residential amenity of adjacent properties.

Objections have been received in respect of security and safety due to the provision of alleyways which facilitate existing and proposed rear accesses across the site.

The applicant has devised the scheme in conjunction with Wiltshire Police and specifically the Architectural Liaison Officer and is confirmed to meet Secured by Design standards.

### Impact on highway safety/parking

The site is owned by the applicant and only those residents with consents to use the garages are entitled to park on the site. Residents with existing pedestrian and vehicle accesses are secured via this scheme.

The applicant has confirmed that residents using the garages can and will be transferred to the existing garages nearby and where the potential exists, to have off-street parking provided to the front of their properties. At the time of writing this report, additional residents have been successfully transferred.

A similar application at Avon Rise, Luckington (07/00369FUL) was allowed at appeal. The Inspector accepted that not all the garages were in use and due to the cul-de-sac nature parking was capable of being accommodated on street and would not be harmful to highway safety.

As the nearby garages are within the control of the applicant, a condition could be imposed whereby the development does not commence until such time as residents have been transferred to other nearby garaging or off-street parking is provided.

For the reasons above, the Highways Engineer raises no objections to the proposed development, having regard to all the facts such as emergency and refuse access, subject to conditions.

### Impact on foul and surface water drainage

Wessex Water, who are responsible for the infrastructure in the vicinity, have been consulted in respect of this application and raise no objections. The concerns of residents and the local member have been put to them and a response is awaited.

### Other matters

Westlea have confirmed in writing that they were not aware of the use of the application site by the community bus. However, they are keen to facilitate this and offer the use of the other garage site nearby to avoid its loss. A contribution is also to be made. The importance of the community project is acknowledged, however, these matters are not material planning considerations against which the development could be determined.

Contributions are required off-site towards nearby public open space via Policy CF3 and a legal agreement is in the process of being progressed.

The requirement for a contribution towards education is not known at present and no objection has been raised in respect of the impact on education at this juncture.

## **9. Conclusion**

The proposed development by reason of its scale, design and siting would not result in any detrimental impact on highway safety or the appearance of the area, nor would it be detrimental to the privacy and amenity of adjacent residents.

## **9. Recommendation**

DELEGATE to the Area Development Manager for approval subject to a legal agreement to secure the provision of an off-site open space contribution and potentially an education contribution for completion by 16 August 2010

For the following reason:

The proposed development by reason of its scale, design and siting would not result in any detrimental impact on highway safety or the appearance of the area, nor would it be detrimental to the privacy and amenity of adjacent residents. The proposal thus accords with Policy C3 of the adopted North Wiltshire Local Plan 2011.

And 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 all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site. Such demolition shall not occur until such time as those garages leased to "surrounding residents" have been successfully relocated, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

POLICY C3

3. 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

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

- (a) 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;
- (b) finished levels and contours;
- (c) means of enclosure;
- (d) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

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

#### POLICY-C3

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

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

#### POLICY C3

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

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

#### POLICYC3

8. The window(s) in the side elevation at first floor of Plots 1, 3 and 5 shall be glazed with obscure glass only and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY C3

<b>Appendices:</b>	<b>NONE</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 2.10; 4.02; 4.04; 4.06; 5.01; 5.03; 6.01;</b>



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	11 <sup>th</sup> August 2010		
Application Number	10/02174/FUL		
Site Address	Coombe Green Farm, Lea, Malmesbury, Wiltshire, SN16 9PF		
Proposal	Conversion, Extension, Alteration & Rebuild of Existing Barn to Form Single Dwelling		
Applicant	Mr Higginbottom		
Town/Parish Council	Lea & Cleverton		
Electoral Division	Brinkworth	Unitary Member	Toby Sturgis
Grid Ref	395388 186210		
Type of application	Full Application		
Case Officer	Tracy Smith	01249 706 642	Tracy.smith@wiltshire.gov.uk

### Reason for the application being considered by Committee

This application has been submitted to the Committee for decision at the request of Councillor Toby Sturgis to consider the differences between the approved scheme and that proposed and to assess the proposal against Local Plan policy.

### 1. Purpose of Report

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

One letter of support has been received and the Parish Council have recommended that the application be permitted.

### 2. Main Issues

Planning permission was granted for the conversion of the barn, however during implementation of the permission the gable wall of the original building collapsed. The main issue in relation to this application is whether there remains enough of the original building to consider the application to be a conversion and whether it complies with the policies of the Local Plan.

The main Policy issue is whether the proposal complies with Policy BD6 – that is can it still be considered a ‘conversion’

### 3. Site Description

The original building was a modest, single storey former agricultural building. The site is outside the framework boundary (and therefore for policy purposes in the countryside), but within Lea Conservation Area.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
09/02252/FUL	Conversion of barn to dwelling	Permit
09/01884/FUL	Conversion of barn to dwelling	Withdrawn
09/01387/FUL	Conversion of barn to dwelling (revision to 08/02417/FUL)	Refuse*
<i>* Refused on grounds that the extension proposed was too large and would not comply with policy BD6 and that a legal agreement securing contributions to public open space had not been secured.</i>		
08/02417/FUL	Conversion of barn to dwelling	Permit

#### 5. Proposal

From the planning history above it is clear that since permission was granted for a conversion of the building there have been further applications seeking amendments. The permission that was being implemented was the most recent permission 09/02252/FUL. During implementation the northern gable of the barn collapsed. As the permission was specifically for the conversion of the barn Officers took the view that it would not be possible to implement the permission – effectively the building now required significant rebuilding beyond that permitted.

The applicant ceased work on the site and has submitted the current application in an attempt to regularise the situation. Effectively the resultant building would be of the same dimensions and design as that approved under 09/02252/FUL – the key issue is whether the additional rebuilding that resulted from the collapse of the wall (regardless of the circumstances of the collapse) would render the whole proposal unacceptable in policy terms.

#### 6. Consultations

**Lea and Cleverton Parish Council** have advised that having read the design and access statement and are of the view that the inadvertent collapse of the entire north gable should not be considered to anything more than an unfortunate occurrence which was promptly reported. The site is within the conservation area but outside the framework boundary. The resulting building is in keeping with surrounding buildings and will only serve to enhance the immediate area. The Parish are of the view that the application should be granted consent.

#### 7. Publicity

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

1 letter of support received commenting that they strongly support the application to rebuild the old farm building. The existing one is derelict and untidy and it will enhance the area to have it rebuilt.

#### 8. Planning Considerations

On being advised by the applicant that part of the building to be converted had collapsed officers were asked to advise the applicant on how to proceed. This report aims to inform Members of the considerations officers took into account in giving that advice and making recommendations on the current application.

#### Recent permission - 09/02252/FUL

Officers reviewed the 2008 and 2009 permissions, the information submitted to support it and the decision notice that was issued. The applications were specifically termed as a 'conversion' ('Conversion of Barn to Dwelling') and all the correspondence (including the design and access statement) indicate that the proposal is to reuse elements of the existing building. There can be no doubt that all proposals (for this particular building) have been submitted on the basis that it was intended to *convert* the building. Indeed, as Members will be aware, any proposal for a new



build dwelling would have been resisted as the site lies outside the framework boundary (Policy H4 – Residential development in the open countryside).

All applications have been assessed against policies contained within the Local Plan, notably BD6 (Re-use of rural buildings). Indeed the 2009 permission that was being implemented included an informative that clarified: "The applicant should note that this permission is for the conversion of the existing barn in accordance with the permission granted and the approved drawings. Any significant demolition or rebuilding of the existing structures on the site will negate the permission hereby granted." Whilst this informative was not included on previous decision notices, this is not an additional or onerous imposition, but merely reminds the applicant of the terms upon which permission for a conversion is granted.

A structural survey was requested in relation to the original permission in 2008. A report was submitted by the applicant, which concluded that the building was capable of conversion, subject to strengthening the existing roof.

The details submitted in relation to 09/02252/FUL (the most recent permission that was being implemented) clearly indicated the replacement of the roof and the loss of some of the walling (through the introduction of the extensions and the amendments to the openings) but it is clear that a significant amount of the walling was to stay (drawing 3337/20 demonstrates that). The applicant does not dispute that it was the intention to retain the northern gable, the eastern wall and most of the western wall (the southern wall being lost as a result of the approved extensions). In hindsight officers consider that the permission was perhaps a little generous in the amount of alteration that was permitted to the barn to secure its conversion. However, with a significant part of the walls remaining and the confirmation of the structural survey that the building was capable of conversion this was not an unreasonable decision.

### **The need for a new application**

The applicant contacted the Council early in May to report that the northern gable of the barn had collapsed whilst the proposal was being implemented. The case officer immediately advised that with such a significant loss of the original fabric it was unlikely that the permission (09/02252/ful) could now be lawfully implemented. Understandably, the applicant chose to dispute this advice. However, the view of officers has remained consistent throughout: that is to say, that further demolition, beyond what was specifically granted through 09/02252/FUL, would potentially render the permission incapable of being implemented.

This approach has been confirmed in a number of planning and appeal cases. In a similar case an Inspector concluded that while it may have been apparent to the appellants and officers of the council, that parts of the walls were in risk of collapse, this did not alter the validity or need to comply with the planning permission. Since the requirement to adhere to the approved plans could not be complied with, the permission was not capable of being implemented. In a recent appeal decision within the northern area of Wiltshire (Ashley Lodge Farm, Ashley, reference 08/02091/s73a) the Inspector referred to a court case (Hadfield v Secretary of State and Macclesfield Borough Council):

*"In that case Mr Nigel Macleod QC found that the law does not permit the appellant to carry out building operations which fall outside the scope of the planning permission simply because it is found that the permitted scheme is otherwise practicably incapable of implementation. Faced with a situation where following commencement of the permitted scheme, the scheme is found to be incapable of implementation in accordance with the planning permission which authorises it, solely because of what is found after commencement, the proper course is for the applicant to apply for a variation to the planning permission."*

On the basis of all the above information officers could draw no other conclusion than that the current permissions (08/02417/FUL or 09 /02252/FUL) cannot be implemented.

Officers advised the applicant of two courses of action: One was to submit a variation to the application (which they have chosen to do). However, the applicant was advised that if he disagreed with Officers another option would be to submit an application for Certificate for Lawful Use or Development (LDC) to attempt to argue that the works that have been carried out and the proposed works to 'implement' 09/02252/ful were lawful.

Officers did advise the applicant that in their view, should works continue, the resultant building could not reasonably be defined as a 'conversion'. However, as described above, the permissions did allow for elements of new-build and Officers advised that there may be a justification *in this particular case* to conclude that a new application would be successful. An assessment has to be made about the difference between the amount of rebuild allowed by the permissions and the amount of rebuild that will be required to complete the building now. The applicant was invited to submit an application supported by arguments and justification for the additional rebuilding.

A recent site visit revealed that the eastern wall remains (propped and leaning slightly) and parts of the western wall remained. All other elements of the building have been removed or have collapsed.

### **The current application**

The current application seeks the 'conversion, extension, alteration and rebuild of an existing barn to form a single dwelling'. This description is somewhat of a compromise as officers and agent could not agree on the original wording of the description (officers considering this to be a 'rebuild'; the applicant and agent still consider this to be a 'conversion'). The critical consideration here is the difference between what was approved and what is now proposed.

The applicants have supplied useful drawing (3337/20) which overlays the original existing building over the approved resultant building. The areas to be retained as part of the conversion are highlighted in blue hatching. This plan is available on the application file, website and will be available at the Committee meeting. It shows that had 09/02252/ful been implemented in accordance with the approved plans:

- on the south elevation none of the original wall would have remained (as a result of an extension being built);
- on the west elevation about half the length of the wall was to remain (although even this remaining element would have additional doorway openings within it) and the eaves height raised by 800 – 900mm
- on the east elevation the entire wall would have remained – except for a small flat roofed extension that was to be removed and replaced with a new extension - and the eaves height raised by 800 – 900mm
- on the north elevation the entire gable was to be retained subject to amended openings and the eaves height raised by 800 – 900mm

In effect the approved conversion would have resulted in the loss of the entire roof structure, loss of the entire south elevation, loss of at least 50% of the west elevation, several additional and amended openings and the raising of the eaves by an average of 850mm.

The collapse of the northern gable resulted in the loss of a significant amount of the original element of the building. In effect were works to continue the only original elements of the building remaining would be the east elevation and part of the west elevation.

Policy BD6 allows for reuse of buildings in the countryside subject to a number of criteria. In considering this application it is the first of those criteria that is key to the Council's consideration. That is whether 'the proposed use will be contained within the building and *does not require extensive alterations, rebuilding and or extension*'. By definition the approved scheme 09/02252/ful was considered *not* to result in "extensive alteration, rebuilding or extension." In hindsight (as mentioned above) the Council may have been a little generous in granting

permission for 09/02252/ful and certainly the permitted proposal must be considered to be on the very cusp of being acceptable. That being said the loss of a further element (and a significant element, as can be seen on drawing 337/20) must result in the proposal being less compliant with policy. The question that the Council has to consider is whether that further loss of part of the original fabric would lead to the conclusion that the proposals result in extensive '*rebuilding*' and the proposal failing to be considered as a conversion.

**9. Conclusion**

After considerable and careful consideration officers concluded that because of the amount of rebuilding that would now be required on this building it could not be considered a conversion. On site there remains one and half walls (the east and west elevations). As such the proposal would not now meet the tests and criteria set out in Policy BD6 of the North Wiltshire Local Plan 2011.

**10. Recommendation**

Planning Permission be REFUSED for the following reason:

The proposal is situated within the open countryside and Lea Conservation Area, where the principle of new dwellings, unrelated to agriculture or forestry, is unacceptable. Due to the amount of rebuilding required to implement it, this application proposal is considered to be a new dwelling in the open countryside rather than a conversion of an existing rural building. As such the proposal is contrary to well established planning policy at the local and national level, particularly Policies C3 (development control core Policy), H4 (Residential development in the open countryside) and BD6 (Re-use of rural buildings) of the North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"> <li>• Application file 10/02174/FUL</li> <li>• North Wiltshire Local Plan 2011</li> </ul>

