

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Monkton Park, Chippenham  
**Date:** Wednesday 24 November 2010  
**Time:** 6.00 pm

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

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

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### Membership:

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

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### Substitutes:

Cllr Chuck Berry	Cllr Simon Killane
Cllr Paul Darby	Cllr Mark Packard
Cllr Mollie Groom	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** (*Pages 1 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 3 November 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** (*Pages 17 - 18*)

An appeals update report is attached for information.

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

To consider and determine planning applications in the attached schedule.

7.a **10/02399/REM - Land at Brynards Hill, Wootton Bassett, SN4 7ER - Erection of 100 Dwellings and Associated Works** (*Pages 21 - 34*)

7.b **10/02146/FUL - Land at Stoke Common Lane, Purton Stoke, Swindon - Stables and Arena & Creation of New Access** (*Pages 35 - 40*)

- 7.c **10/03218/FUL - Land at Stoke Common Lane, Purton Stoke, Swindon, SN5 4LJ - Stables and Menage** (*Pages 41 - 46*)
- 7.d **10/02378/FUL - Chippenham Golf Club, Malmesbury Road, Langley Burrell, SN15 5LT - Demolition of Existing Golf Clubhouse; Construction of a Replacement Clubhouse & the Erection of 75 Extra Care Dwellings & 61 Bed Care Home alongside Ancillary Communal Facilities** (*Pages 47 - 54*)
- 7.e **10/03649/FUL - 23 Poole Green, Neston, Corsham, SN13 9SN - Single Storey Extension, Porch & Upper Storey Extension (to convert Bungalow to Two Storey Cottage)** (*Pages 55 - 60*)
- 7.f **10/03360/FUL - Hill Brook House, Quemerford, Calne, SN11 8LF - New dwelling - Amendment to 04/03639/FUL** (*Pages 61 - 68*)

8. **Date of Next Meeting**

The date of the next meeting has been scheduled to take place on Wednesday 15 December 2010.

A Civic Carol Service is being held in Devizes on the same date starting at 7.00pm and in these circumstances the Committee is asked to consider changing the date of its meeting.

9. **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**

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## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 3 NOVEMBER 2010 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Chuck Berry (Reserve), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis,  
Cllr Bill Douglas, Cllr Peter Doyle, Cllr Howard Marshall, Cllr Toby Sturgis and  
Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Sheila Parker and Cllr John Thomson

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#### **115. Apologies for Absence**

Apologies were received from Councillors Alan Hill (substituted by Cllr Chuck Berry) and Peter Hutton.

#### **116. Minutes**

The Democratic Services Officer briefed members on an amendment to the minutes clarifying that the views expressed by Cllr Toby Sturgis at Minute No. 113c were his own, and not representative of those of the local member, Cllr Carole Soden, and it was,

#### **Resolved:**

**To confirm and sign the minutes of the meeting held on 13 October 2010 as a correct record, subject to the following amendment to Minute No 113c:-**

**‘On hearing the views of Cllr Toby Sturgis, speaking as Councillor for the adjoining Division, who spoke in support of the application ....’**

#### **117. Declarations of Interest**

Councillor Tony Trotman declared a personal and prejudicial interest in Minute No 121f (Hill Brook House, amendment to application ref 04/03639/FUL) owing

to his close family relationship to the applicant, and agreed to leave the room for the duration of this item, at which time the remaining members would elect a replacement to chair the item.

118. **Chairman's Announcements**

There were no Chairman's announcements.

119. **Public Participation**

Members of the public addressed the Committee as set out in Minute No. 121 below.

120. **Planning Appeals**

The Committee received and noted a report setting out:-

- (i) details of forthcoming hearings and public enquiries between 03/11/2010 and 31/01/2011
- (ii) planning appeals received between 01/10/2010 and 20/10/2010
- (iii) planning appeals decided between 01/10/2010 and 20/10/2010

121. **Planning Applications**

1a **10/00444/FUL - Hangar 19, Colerne Industrial Park, Colerne, SN14 8HT - Change of Use from B8 to Live/Work & Associated Works**

The Committee received a presentation from the Case Officer setting out the main issues in respect of the application, recommending approval and drawing members' attention to the late items.

The Committee then asked technical questions after which they received statements from members of the public expressing their views regarding this application as follows:

Mr A. J Cook, a local resident, spoke in opposition to the application.  
Miss Emma Frampton, on behalf of Mrs Frampton, a local resident, spoke in opposition to the application.  
Mr N Bollen, a local resident, spoke in opposition to the application.  
Mr Giles Brockband, the agent, spoke in support of the application.  
Cllr Tom Hall, of Colerne Parish Council, spoke in support of the application.

On hearing the views of Cllr Sheila Parker, the local member, who spoke in opposition in principle to the application, but recommended conditions should permission be granted, the Committee discussed the application with

regard to the following key points:

- Principle of development
- Conversion of the building
- Creation of local employment
- Impact on highways
- Impact on residential amenity
- Impact on the AONB

On discussing the merits of the application, it was,

**Resolved**

**To permit the application for the following reason:**

**The proposed conversion of this hangar is sympathetic to its character and the environment in which it is located and would preserve the natural beauty of the AONB. The provision of live/work units will diversify the employment offer at the site in comparison with the existing low density employment in the hangar. Due to the siting of the hangar it would not result in any overlooking or loss of privacy for adjacent residential units. Furthermore, views of the hangar and side and end elevations can be mitigated via landscaping. No noise and nuisance to the detriment of the amenities of existing or proposed residents would occur as a consequence of the development and it is not considered to be detrimental to highway safety. The proposal is thus considered to accord with Policies C3, C4, NE4, NE15, NE18, BD2 and BD6 of the 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 details of the roof of the hangar and external walling of the units have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

### **POLICY-C3**

- 3. 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) any walls, fences, gates and other means of enclosure;**
- (2) ground surfacing materials;**
- (3) bin storage;**
- (4) cycle storage;**

**The development shall be carried out in accordance with the details so approved and completed prior to the use or occupation.**

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

- 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).**

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

- 5. No more than 50% of the approved dwellings shall be occupied until:**

- a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping,**



**boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;**

- b) The play area has been laid out and equipped in accordance with the approved scheme.**

**REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.**

- 6. The detailed landscaping plans to be submitted pursuant to condition no. 8 shall include a 1:200 scale plan showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details without the further written approval of the Local Planning Authority.**

**REASON: To ensure the retention of trees on the site in the interests of visual amenity.**

- 7. Prior to the commencement of the development hereby permitted, details of all new external joinery, windows and doors shall be submitted to, and approved in writing by, the local planning authority. These details shall include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the local planning authority.**

**Reason: To enable the local planning authority to be satisfied with the completed appearance of the development.**

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

**REASON: To ensure that the development can be adequately**

drained.

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

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

10. Any floodlighting or external lighting proposed to illuminate the outside, internal communal areas of the development and private spaces between the units and the shell shall be compliant with the Institute of Lighting Engineers (ILE) recommendations for such a development, including during the construction process. Details shall be submitted to and approved in writing by the Local Planning Authority before the use commences. The development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

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

11. A scheme for the ventilation of fumes and odours arising from the use hereby permitted shall be submitted for the approval of the Local Planning Authority. The scheme shall include the number and volume of air changes. The use shall not commence until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained as long as the use continues.

**Reason:** In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential properties in the locality.

12. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

**Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.**

**Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.**

**Reason: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.**

- 13. No development shall commence on site until the new access has been constructed in accordance with details submitted to and approved in writing by the Local Planning Authority.**

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

- 14. No part of the development hereby permitted shall be first occupied until the off-site highway works have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.**

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

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

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

- 16. The areas allocated for parking on the approved 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.**

- 17. The employment space pertaining to the live/work units shall be used for Class B1 office uses only and for no other purpose except that which may have first been agreed in writing with the Local Planning Authority.**

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

- 18. The work element of each live/work unit hereby permitted shall only be occupied by the occupier of the residential use and his/her employees and not form a separate entity/unit.**

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

- 19. Activities relating to deliveries to commercial premises including businesses at live/work units shall only take place between 08:00 and 18:00 hours on Monday to Saturday and not at all on Sundays or Bank Holidays.**

**Reasons: In the interests of residential amenity.**

- 20. Activities relating to the collection of refuse (including disposal and collection of bottles and glass) shall take place between 08:00 and 18:00 hours Monday to Saturday and no Sundays or Bank/Public Holidays.**

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

- 21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.**

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

- 22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no satellite dishes shall be installed on the exterior of any of the buildings forming part of the development hereby permitted.**

**Reason: In the interests of the character and appearance of the building(s) and the area.**

- 23. No television or radio aerial, satellite dish or other form of antenna shall be affixed to the building without the prior written consent of the local planning authority.**

**Reason: To safeguard the character and quality of the building.**

- 24. Prior to the occupation of the units hereby permitted the removal or refurbishment of existing additions indicated to be removed shall have taken place in accordance with the approved plans.**

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

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

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

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

**Drawings nos:**

**P (0) 02, 03 and 07B dated 8/2/10**

**P (0) 21 dated 28/5/10**

**SK6 and 7 dated 13/7/10**

**P (0) 32 dated 16/7/10**

**P (0) 06C, 13A, 15D, 16D, 30 and 31 dated 11/8/10**

**P (0) 01B, 05F, 10D, 11D, 12C and 20C dated 7/9/10**

**Documents:**

**Transport Statement/Supporting Statement/Design and Access Statement and Structural**

**Feasibility Study dated 8/2/10**

**Additional Structural Feasibility Study 27/5/10**

**Waste Audit 13/7/10**

**Design Intent Statement for the Prevention of Obtrusive Lighting 16/7/10**

**Reason: To ensure that the development is implemented as approved.**

**1b 10/03420/S73A - Stonecroft, Longsplatt, Kingsdown, Corsham, SN13 8DD - Rebuilding of Existing Outbuildings to form Office, Playroom & Garden Room - Revision of 09.00869.FUL (Retrospective)**

The Committee received a presentation on behalf of the Case Officer setting out the main issues in respect of the application, which was recommended for approval, and drawing attention to the late items.

Members of the Committee then asked technical questions after which they received statements from members of the public expressing their views regarding this application as follows:

Mr Edward Drew, the applicant's planning consultant, spoke in support of the application.

Cllr Pauline Lyons, of Box Parish Council, spoke in opposition to the application.

On hearing the views of Cllr Sheila Parker, the local member, who spoke in opposition to the application, and after discussion by the Committee it was,

**Resolved:**

**To permit the application for the following reason:**

**The building is considered to be acceptable and will conserve the natural beauty of the area and preserve the openness of the Green Belt. The proposal is in accordance with Policies C3, NE1 and NE4 of the North Wiltshire Local Plan 2011.**

**And subject to the following conditions:**

- 1. The detached office, playroom and garden room hereby permitted shall be used wholly in conjunction with and ancillary to, the use of Stonecroft, Longsplatt, as a single dwellinghouse and shall not be used as a separate dwelling.**

**REASON: In the interest of residential amenity.**

- 2. 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:**

**Drawings: Location Plan, Photographs, D & A Statement, No.King2a/A, No.King3a/A and No.King3p/H (Revised).**

- 3. Prior to the first use or occupation of the buildings hereby permitted all buildings identified on Drawing No KING3a/A shall be removed from the site as detailed in Design and Access Statement dated 31<sup>st</sup> August 2010.**

**REASON: In the interests of visual amenity in accordance with Policy C3 of the North Wiltshire Local Plan 2011.**

**1c 10/03576/FUL - Towpath Cottage, 4 Brook End, Luckington, Chippenham, SN14 6PJ - Two Storey Extension (Resubmission of 09/02109/FUL)**

The Committee received a presentation on behalf of the Case Officer setting out the main issues in respect of the application, recommended for refusal, and drawing members' attention to the late items.

There were no technical questions.

Mr Simon Nicholl, the applicant, spoke in support of the application.

On hearing the views of Cllr John Thomson, the local member, who spoke in support of the application, and after discussion by the Committee it was,

**Resolved:**

**To delegate the decision to the Area Development Manager (North) to permit the application subject to conditions, for the following reason:**

**The proposed two storey extension would be an acceptable addition to the property and would preserve and enhance the character of the Luckington Conservation Area and the Area of Outstanding Natural Beauty and would not detract from the rural character of the surrounding area, and therefore complies with policies C3, H8, HE1 and NE4 of the North Wiltshire Local Plan 2011.**

**1d 10/03586/FUL & 10/03587/LBC - Pinkney Court Stables, Sherston, Malmesbury - Alteration & Conversion of Stable Building to provide New Independent Dwelling**

The Committee received a presentation on behalf of the Case Officer setting out the main issues in respect of the applications for both planning

permission and listed building consent, which were both recommended for refusal, and drawing attention to the late items.

Members of the Committee then asked technical questions after which they received statements from members of the public expressing their views regarding this application as follows:

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

On hearing the views of Cllr John Thomson, the local member, who spoke in support of the application and after discussion by the Committee it was,

**Resolved:**

**That listed building consent be refused for the following reason:**

- 1. The proposal would cause harm to the curtilage-listed building by virtue of the alterations associated with reduction of the internal floor level, and introduction of the lean-to extension and 4 no. roof lights to the “front” (South West) elevation. The proposed alterations would not preserve the special historic interest of the listed building. It would therefore not be in accordance with the Planning (Listed Building and Conservation Area) Act 1990 or guidance set out in PPS5.**

**And that planning permission be refused for the following reasons:**

- 1. The proposal is tantamount to a new dwelling in the open countryside. It is in a location considered to be remote from local facilities and would not promote sustainable patterns of transport. It is contrary to policy H4 in the North Wiltshire Local Plan 2011.**
- 2. The proposal includes a substantial extension and intervention to the building. Insufficient information has been submitted to justify why the building could not be converted to other ‘preferred’ uses identified in the supporting paragraphs to Policy BD6. The proposal is therefore contrary to policy BD6.i, ii and iii in the North Wiltshire Local Plan 2011.**
- 3. The proposal would cause harm to the curtilage-listed building by virtue of the alterations associated with reduction of the internal floor level, and introduction of the lean-to extension and 4 no. roof lights to the “front” (South West) elevation. It is therefore contrary to policy HE4 in the North Wiltshire Local Plan 2011 and the advice contained in PPS5.**



**1e 10/03705/FUL - The Inglenook, 11 Pickwick, Corsham, SN13 0JD - Alterations & Extensions to Dwelling**

The Committee received a presentation on behalf of the Case Officer setting out the main issues in respect of the application, which was recommended for approval, and drawing attention to the late items.

There were no technical questions or public speakers on the item.

The Committee discussed the application and it was,

**Resolved:**

**That the application be approved for the following reason:**

**The proposed development would respect the character of both the host dwelling and the surrounding area and would not result in any significant overlooking or overshadowing of neighbouring properties. The proposal would therefore accord with policies C3, H8, HE4 and NE15 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 Acts 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

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

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

**POLICIES: C3, NE15, H8 and HE4 of the adopted North Wiltshire Local Plan 2011.**

- 3. The development hereby permitted shall be carried out in accordance with the following approved plans:**

- Location plan**
- 2010/1 – Plans and Elevations as Exist**
- 2010/2 – Proposed Plans and Elevations**

- 2010/3 – Site Plan, Proposed

**REASON:** For the avoidance of doubt and in the interests of proper planning.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

**REASON:** To safeguard the amenities and character of the area and in the interest of highway safety

1f **10/03360/FUL - Hill Brook House, Quemerford, Calne, SN11 8LF - New Dwelling - Amendment to 04/03639/FUL**

- (i) Councillor Tony Trotman announced his personal and prejudicial interest in this item and left the room.

The remaining members were then invited to elect a replacement chair for the item and following nominations and voting it was,

**Resolved:**

**That Cllr Peter Davis should act as Chair for this item.**

- (ii) The Committee received a report on behalf of the Case Officer setting out the main issues in respect of the application, which was recommended for refusal, and drew members' attention to the late items.

Members of the Committee then asked technical questions after which they received statements from members of the public expressing their views regarding this application as follows:

Miss Zoe Kelly, a local resident, spoke in opposition to the application.  
Mr Spiller, a local resident, spoke in opposition to the application.  
Mr Robert Willis, the application, spoke in support of the application.  
Mr Tim Weeding, the agent, spoke in support of the application.

The Committee then discussed the application and it was,

**Resolved:**

- (1) **To defer the application until the next Committee meeting to**

**allow the applicant to produce drawings showing the reduction in ridge height of the middle (single storey) section of the proposed dwelling by the equivalent of 'one block height'.**

- (2) To delegate authority to the Area Development Manager to refuse the application for the reasons set out in the officer's report should the revised drawings not be received by Tuesday 9 November 2010.**

Councillor Tony Trotman rejoined the Committee as Chair.

122. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.35 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line (01225) 7130358, e-mail [chris.marsh@wiltshire.gov.uk](mailto:chris.marsh@wiltshire.gov.uk)

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**Wiltshire Council – Area North  
Planning Committee  
24<sup>th</sup> November 2010**

Forthcoming Hearings and Public Inquiries between 11/11/2010 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
09/01791/FUL	LONG BARROW ROAD, CALNE, WILTSHIRE SN11 OHE	Calne	Residential Development comprising 29 Units including 2 Storey Houses and Flats and Single Storey Bungalows. Provision of Pedestrian & Vehicular Access & Parking & Public Open Space, Tree Protection Measures and Oil Pipeline Easement	Informal Hearing	30/11/2010
09/02062/S73A	NABLES FARM, UPPER SEAGRY, CHIPPENHAM, SN15 5HB	Seagry	Retention of Existing B2 & B8 Uses, Alterations to Access and Proposed Landscaping	Informal Hearing	06/01/2011
10/01785/FUL	The Saladin, The Hill, Little Somerford, Wiltshire, SN15 5JP	Little Somerford	Change of Use of Pub to Two Dwellings	Informal Hearing	14/12/2010

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Planning Appeals Received between 20/10/2010 and 11/11/2010

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
10/00947/FUL	Site 2, Colerne Airfield, Bath Road, Colerne, Wiltshire	Colerne	Erection of New Employment Building in Substitution for Approved Extensions to Existing Hangars (Revision of 09/01380/FUL)	DEL	Written Representations	Refusal
10/02636/FUL	LAND AT TUDOR COTTAGE, PARK LANE, CHERHILL, CALNE, SN11 8XN	Cherhill	Change of Use, Alteration and Extension of Garage Building for Use as a Dwelling	DEL	Written Representations	Refusal

Planning Appeals Decided between 20/10/2010 and 11/11/2010

Application No	Location	Parish	Proposal	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
09/02194/FUL	1 MARKET LANE, MALMESBURY, WILTSHIRE, SN16 9BQ	Malmesbury	Erection of Single Storey Rear Extension	DEL	Allowed with Conditions	Refusal	Written Representations
09/02209/LBC	1 MARKET LANE, MALMESBURY, SN16 9BQ	Malmesbury	Demolish Single Storey Rear Extension, Erect New Single Storey Rear Extension plus Internal Alterations	DEL	Allowed with Conditions	Refusal	Written Representations
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	Allowed with Conditions	Refusal	Written Representations
09/02054/FUL	23 COMMON HILL, CRICKLADE, WILTSHIRE SN6 6EZ	Cricklade	2 Dwellings	COMM	Appeal Dismissed	Delegated to Implementation Team Leader	Written Representations

# Agenda Item 7

## INDEX OF APPLICATIONS ON 24/11/2010

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
01	10/02399/REM	Land at Brynards Hill, Wootton Bassett, Wiltshire SN4 7ER	Erection of 100 Dwellings and Associated Works	Permission
02	10/02146/FUL	Land at Stoke Common Lane, Purton Stoke, Swindon, Wiltshire	Stables and Arena & Create New Access	Permission
03	10/03218/FUL	Land At Stoke Common Lane, Purton Stoke, SN5 4LJ	Stables and Menage	Permission
04	10/02378/FUL	Chippenham Golf Club, Malmesbury Road, Langley Burrell, SN15 5LT	Demolition of Existing Golf Clubhouse; Construction of a Replacement Clubhouse & The Erection of 75 Extra Care Dwellings & 61 Bed Care Home Alongside Ancillary Communal Facilities	Refusal
05	10/03649/FUL	23 Pool Green, Neston, Corsham, Wiltshire, SN13 9SN	Single Storey Extension, Porch & Upper Storey Extension (To Convert Bungalow to Two Storey Cottage).	Permission
06	10/03360/FUL	Hill Brook House, Quemerford, Calne, Wiltshire, SN11 8LF	New Dwelling - Amendment to 04/03639/FUL	Refusal

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>24 November 2010</b>		
<b>Application Number</b>	<b>10/02399/REM</b>		
<b>Site Address</b>	<b>Land at Brynard's Hill, Wootton Bassett</b>		
<b>Proposal</b>	<b>Residential development for 100 dwellings and associated works</b>		
<b>Applicant</b>	<b>Wainhomes Developments Ltd</b>		
<b>Town/Parish Council</b>	<b>Wootton Bassett</b>		
<b>Electoral Division</b>	<b>Wootton Bassett South</b>	<b>Unitary Member</b>	<b>Councillor Peter Doyle</b>
<b>Grid Ref</b>	<b>407641 182109</b>		
<b>Type of application</b>	<b>REM</b>		
<b>Case Officer</b>	<b>Tracy Smith</b>	<b>01249 706 642</b>	<b>tracy.smith@wiltshire.gov.uk</b>

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

This application has been referred to the Development Control Committee at the request of Councillor Doyle to consider all the reserved matters to which this application relates.

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

To consider the reserved matters details for which consent is sought and to recommend that planning permission be APPROVED subject to conditions.

Wootton Bassett Town Council have yet to provide comments.

31 letters of objection have been received.

### **2. Main Issues**

The application seeks approval of reserved matters following the grant of outline planning permission earlier this year at appeal. Only the details of the application can be considered as the principle of development for up to 100 dwellings with access off Binknoll Lane has been clearly established and allowed at appeal.

Therefore the key points to consider are as follows:

- Implications on DC Core Policy C3, NE15
- Impact on the character and appearance of the area
- Design and layout
- Impact of residential privacy and amenity
- Distribution of affordable housing
- Access, highway safety and parking
- Ecological impact
- Drainage Impact

### **3. Site Description**

The application site is located on the south eastern edge of the built up area of Wootton Bassett within an area known as Brynards Hill. Binknoll Lane forms the northern boundary to the site from which access is proposed. Established residential development falls to the west. To the east of the site is Interface Business Park. Between the application site and the Business Park is land granted permission for a Country Park. This area of land has been the subject of an application for 50 dwellings but was recently refused.

The main part of the site sits on a plateau with the southern and eastern fringes sloping down.

The site contains numerous hedgerows and trees of varying ages and quality.

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

The recent planning history of the site is the most relevant to this application. Prior to the history set out below the land was subject to several applications for major residential and employment development, all of which were refused.

09/00871OUT	Mixed use development for up to 100 dwellings and 4.9 ha extension to Interface Business Park, access, landscaping and associated works.	Refused and allowed at appeal.
09/00870FUL	Change of use to country park.	Approved.
10/03055FUL	Residential development for 50 dwellings and associated works.	Refused.

### **5. Proposal**

The application seeks approval for all reserved matters following the grant of outline permission at appeal. The reserved matters are access, appearance, landscaping, layout and scale.

The application has been the subject of pre-application discussion and considerable negotiation and amendment following submission. Whilst the number of units has remained the same, the key fundamental changes since first submission include:

- The reduction in the density of development, layout, type and tenure of the units in the north west corner of the site adjacent to The Steadings and Branscombe Avenue;
- The redistribution of affordable housing provision to ensure clusters of no more than 15 units and spread more evenly across the site;
- A substantial tree and hedge belt to be provided along the access road; and
- Changes to the red line boundary on that part of the site adjacent to the Country Park.

The development will provide a mix of dwelling types and storey heights with 2.5 storey dwellings limited in number and location in order to reduce the impact of views towards the site from the adjoining open countryside.

The materials proposed to be used include brick, render, reconstructed stone detailing with some timber effect boarding together with a mix of Double Roman and plain concrete tiles.

In accordance with the approved masterplan submitted at outline, the access is taken from Binknoll Lane and forms the eastern boundary to the site. This road is proposed to be heavily landscaped with native hedge and tree species to mitigate the impact of the development on the adjacent countryside which is proposed as a Country Park and to mitigate the loss of a section of hedgerow within the site also.

The proposed density across the site is approximately 20 dwellings per hectare which is reflective of the illustrative outline scheme and which reflects the sensitive character of the site.

Two pedestrian accesses are proposed into the adjacent development one of which will also be an emergency vehicular access also proposed which will connect to Highfold. The existing footpath from the site to Highfold will be maintained.

A total of 30 affordable dwellings will be provided across the site in accordance with the Unilateral Undertaking agreed for the site.

A LEAP is proposed adjacent the development and surrounded by the approved Country Park. The LEAP was originally proposed adjacent Highfold as part of the illustrative masterplan for the outline application but relocated following objections from both residents and the Pipeline Agency.

## **6. Consultations**

Wootton Bassett Town Council – resolved to raise concerns in respect of the need to protect the identified archaeological site identified in the Archaeological Report submitted; loss of hedgerows; and insufficient screening and the density is such that overlooking will be an issue.

Highways Officer – no objections subject to conditions.

Highways – Rights of Way Officer – no objections.

The officer confirms that other rights of way have been claimed by members of the public but at this time it cannot confirm whether these rights exist or not and note that they could be formally diverted if planning permission is granted.

Principal Ecologist – no objections subject to the Ecological Management Plan required by the outline permission.

Archaeological Officer - no objections subject to a condition requiring further work in light of some archaeological features identified in the recent evaluation.

Urban Design Officer – made detailed comments which are contained in the file. These comments have largely been incorporated into the current proposals and on this basis no further objection is made.

Landscape Officer – no objections subject to conditions/variation of Unilateral Undertaking to secure the phased structural landscaping adjacent the access road and as part of the LEAP.

Wessex Water – note the condition regarding a scheme for surface and foul works applied to the outline permission and highlight that discussions are on going and as per 10/03055/REM modelling of the existing infrastructure is required.

Network Rail – no objections.

Pipeline Agency – formal comments waited but are known to have been in discussion with the applicant and the required easement.

Environment Agency – no objections subject to further consideration of operation and maintenance of the surface water drainage scheme.

Wiltshire Police – Architectural Liaison Officer – initially objected to the application on numerous grounds including the distribution of affordable housing. Whilst some matters of detail remain outstanding following the submission of revised plans, non-compliance is not enough to object to the proposal as it currently stands.

## **7. Publicity**

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

31 letters of objection (including Wootton Bassett for Brynard's Hill) have been received on the following grounds:

- Ecological impact – 2006 survey needs to be updated
- Removal of hedgerow and trees
- Impact on countryside due to loss of hedges
- Loss of green space
- No need
- Loss of countryside amenity to existing dwellings
- Impact on surface water drainage
- No update of Transport Assessment since February 2009
- Highways impact
- Location of affordable housing
- Density of development adjacent The Steadings and Branscombe Drive
- Impact on residential amenity, privacy and loss light
- Impact on local infrastructure i.e. healthcare/schools
- Loss of public right of way
- Impact of the nearby railway
- Rigorous adherence to conditions needed after being allowed at appeal
- Use of emergency access questionable
- Potential creation of a rat run through Vowley View
- Community opinion not taken into consideration
- Proposed car park excessive in scale
- Pedestrian crossing needed
- Links to existing development facilitate crime
- No need for reduction of hedges on MOD land
- Loss of AONB
- Higher standards of energy efficiency needed
- Minimal employment creation through employment development
- Repeated applications for development diminish support for AONB
- Core strategy housing allocations not yet determined for Wootton Bassett
- Noise issues from skateboard park and events area
- Need allotments instead
- Footpaths need to be upgraded as too muddy in winter
- Air pollution from parking areas adjacent to existing residential properties
- Footpath access at bottom site should be made unsuitable to motorcycles to prevent anti-social scrambling
- Conflicting objectives of protecting key views
- Light pollution

## **8. Planning Considerations**

### **Principle of development**

This application relates solely to the details of access, appearance, landscaping, layout and scale in respect of 100 dwellings.

The development of the site for up to 100 dwellings, a country park and expansion of the business park have been allowed at appeal and thus matters of need and loss of countryside are not factors which can be considered at this juncture.

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

The development will be constructed to required Building Codes. Higher levels cannot be secured via this application.

In relation to impact on infrastructure, a legal agreement attached to the outline permission secures the provision of affordable housing, education contributions and provision of open space. In terms of health care, population increases are considered by local PCTs and funding considered accordingly. In terms of surface water infrastructure, a Flood Risk Assessment was submitted as part of the outline application and has been updated as part of this application as was not found to be objectionable. Further details are conditioned as part of the outline application and are required to be discharged prior to the commencement of development.

### **Character and Appearance of the Area**

The principle of development has been approved as mentioned above, the character and appearance has been approved to fundamentally change. Having regard to factors such as the density of the development, retained landscape features and proposed landscape mitigation, it is considered that the change is not detrimental, having regard to adjacent residential character.

### **Design and Layout**

The design and layout of the development has been the subject of considerable negotiations prior and since its submission, the effect of which is that it has been the subject of numerous revisions. The scheme has now been revised and is no longer objectionable on highways, urban design or landscape grounds. Additionally, the Architectural Liaison Officer from Wiltshire Police is unable to sustain an objection as the scheme is proposed.

The scheme represents a low density development of some 20 dwellings per hectare. Such low density is considered appropriate given the location of the site on the high ground on the edge of Wootton Bassett.

Density has been reduced in the north western corner of the site adjacent The Steadings and Branscombe Drive through the removal of some 4 units (from 22 to 18 units) and the "loosening up" of development in this area. Such a reduction has enabled development to be taken away from boundaries to the improvement of residential amenity and privacy and existing and proposed residents.

The dwellings are largely two storey with some 2.5 storeys to provide landmark and feature buildings and are suitably located within the site so as to not cause harm to the wider landscape.

The dwellings are of standard design but materials reflected in the town comprising brick and render with Double Roman and plain tiles also proposed to be used.

The layout has been informed by the constraints imposed by the pipeline and the topography of the site.

The development as proposed does result in the loss of hedgerow over and above that which was approved at outline. The loss of the southern element has arisen reluctantly out of the need to relocate the LEAP to an area which can be adequately surveyed by adjacent properties. Its original location as part of the outline application, adjacent to Vowley View was not supported by local residents on noise and nuisance grounds, together with objections from the Pipeline Agency. The latter require development above the pipeline to be free of all obstruction including vegetation.

The LEAP is now proposed to be sited on part of the site that will facilitate overlooking and compliment to wider country park in which it will be partly surrounded.

In negotiating the location of the LEAP which required the loss of some hedgerow, the loss of another section of hedgerow has been conceded. The loss of this central section, again is regrettable, but must be considered in the context of its ability to be reasonably incorporated into any development proposals and the implication for its survival and maintenance if incorporated in to gardens or open space. The ecological value and landscape value of the hedge is being mitigated via the additional of a substantial new hedgerow along the main access road together with improvements to hedges and new hedging and features within the Country Park to be secured via an Ecological Management Plan.

### **Residential Amenity and Privacy**

It is accepted that for those properties directly adjacent the site, their outlook will be forever changed as a consequence of this development, as their development once did to more historic development before it.

However, the site has been granted outline permission and the development is broadly as outlined in the illustrative masterplan submitted with that application. The notable exceptions being the loss of some hedgerows and the relocation of the LEAP away from existing residential properties and above the pipeline.

Following considerable negotiation with the applicant, the denseness of the development in the top north western corner of the site has been reduced and this has enabled dwellings to be re-sited and set back from existing boundaries with properties on The Steadings and Branscombe Drive.

Consequently, all dwellings are sited at least 10 metres from the rear boundary with The Steadings. The distance of Plot 8 some 15 metres from 7a The Steadings and set back from the boundary of 10 metres is considered acceptable and not detrimental to the amenity and privacy of that property. There would be no overbearing impact or loss of light either.

Furthermore, this corner of the development has been revised since first submission so that a parking court falls adjacent the boundary to provide openness between no. 7a and Plot 9.

Plots 9 – 13 represent a reduction of 4 four dwellings along this boundary which has enabled window to window distances between habitable rooms of at least 21.5 metres to be provided at the closest point (between Plot 9 and no. 10 The Steadings).

The less dense layout along this boundary also provides visual breaks between the houses, an improvement on the wall of houses previously proposed.

At the time of preparing this report, additional amendments are being sought to Plots 51 and 52 to remove windows in elevations which overlook adjacent existing properties. This is not objectionable to the applicant.

The applicant has sought to mitigate the impact of the development further through tree planting in rear gardens and a willingness to secure this through property deeds as well as conditions. This is welcomed but in respect of the latter, a deed cannot be conditioned or required and would only be enforceable between the individual parties involved as a civil matter.

The trees would be covered by the general outline condition for the site but after 5 years such planting could be removed without the need for any permission.

On the basis of the above amendments being made, the development is not considered to be detrimental to the residential privacy and amenity of existing and proposed residents and no detrimental loss of light will be incurred.

It is considered necessary to withdraw all permitted development rights for plots 9 – 13 and 42, 51, 52, 54 and 61 to ensure this situation remains in order to enable the Council to consider any changes to these properties having regard to the residential amenity of existing and proposed residents.

### **Distribution of Affordable Housing**

Upon initial submission, all affordable housing was located in the north western part of the site. Clusters of no more than 15 are permitted in the legal agreement and Supplementary Guidance.

Following objections from internal and external consultees, this was amended and the clusters reduced to 7, 3, 15, 7 and 6. Arguably plots 30-37 and 42 to 48 could be considered as a cluster of 22; however, a road separates these houses and also serves market housing. Consequently, this is considered sufficient to not consider as one whole cluster.

The redistribution of affordable housing is considered to comply with the legal agreement and guidance.

### **Impact on highways and footpaths**

No objections have been received from either the Highways Agency or Highways Officers in respect of the development. The outline permission approved the scale of development at this location considering the impact on the highway network and a Travel Plan is conditioned as part of the outline permission.

The development does provide pedestrian links to existing residential development and the adjacent Country Park as approved on the illustrative masterplan for the site. The emergency access is to be controlled via bollards and thus vehicular access will be generally restricted.

Concerns have been raised in terms of pedestrian access into the Woodshaw estate opposite the site. No new formal crossings are proposed or required by Highways Officers, however, the new roundabout at the entrance will provide some areas of refuge to facilitate crossing.

The issue of access to the Country Park by motorcycles has been raised and there are no proposals to change the current access from Vowley View. Access to the Country Park from the private road is outside the application site. It is anticipated that measures could be introduced via the management plan for the Country Park and through further discussions with rights of way officers.

It is possible that footpaths could be upgraded as part of the discharge of conditions for the Country Park or through the Ecological Management Plan to seek to restrict wider access outside of footpaths.

### **Impact on Ecology**

The site contains no nationally or locally designated wildlife features. However, there would be the loss of some habitats of local value.

The impact of the development on the ecology of the site has been accepted by reason of the outline permission. The ecological impacts on the development are to be mitigated off-site and secured via an Ecological Management Plan conditioned as part of the outline permission.

No objections are raised by the Council's Principal Ecologist.

## **9. Conclusions**

The scale, design and siting accords with the outline permission granted under 09/00871/OUT and would not result in the detrimental impact on any residential amenities, landscape, ecology, archaeology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

## **10. Recommendation**

Reserved matters be GRANTED for the following reason:

The scale, design and siting accords with the outline permission granted under 09/00871/OUT and would not result in the detrimental impact on any residential amenities, landscape, ecology, archaeology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

and subject to the following conditions:

1. 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

2. Prior to the commencement of development a tree and hedgerow protection plan in line with the requirements of **BS 5837:2005 – ‘Trees in relation to construction – Recommendations** ‘should be submitted to and approved in writing by the LPA. The approved method and line of protective fencing should be erected around the approved Root Protection/Construction Exclusion areas before any construction operations are commenced on site. The plan should consider likely requirements for temporary access, compounds and storage areas etc.

REASON: Necessary for protection of existing retained landscape features during course of construction phases.

POLICY – C3

3. Prior to the commencement of development a timetable for the implementation of the proposed landscaping hereby approved along the length of the eastern residential development site boundary, extending into the adjacent ‘Country Park land’ shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved timetable.

REASON: It is necessary to ensure the landscaping is implemented in a phased manner to reduce the public visual amenity and to safeguard local landscape character and the wider countryside character and town setting for Wootton Bassett.

4. The landscaping scheme hereby approved shall be implemented in full within the first planting season following completion, or agreed phased completion (the definition of road completion in this instance shall mean completion to a ‘finished binder/regulating course’ construction) of the main residential access road leading from Binknoll Lane into the Brynard’s Hill residential development site. The landscaping scheme along the eastern edge shall be fully implemented



prior to first occupation of any dwelling unless otherwise agreed by the Local Planning Authority in the form of an application to vary to this condition.

REASON: Necessary for the purpose of separating and screening new development from the proposed Country Park Land and wider countryside. In order to protect the interests of public visual amenity and safeguard local landscape character and the wider countryside character and town setting for Wootton Bassett.

#### POLICY – C3

5. Prior to the commencement of development the applicant shall submit a landscape maintenance schedule or management plan to the LPA for written approval. This should include a minimum period of 5 years and include the aftercare and management proposals for existing and proposed landscaping across the development site and shall also include details for the aftercare of the screening vegetation (outside the red line planning application boundary on land within the applicants control) bordering the access road within the Country Park land.

REASON: To ensure that the necessary landscape mitigation proposals will establish to a satisfactory standard, and that a mechanism for landscape maintenance including replacement of dead or missing plants is in place for a minimum period of 5 yrs following implementation.

6. 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 (plan no less than 1:200);
- (b) finished levels across the site and contours;
- (c) hard surfacing materials;
- (d) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (e) bat boxes and other mitigation details

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

#### POLICY – C3 NE15

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

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

#### POLICY- C3 NE15

8. No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

REASON: To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development.

POLICY: C3 PPS25

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

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

POLICY – C3

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

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

POLICY – C3

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY- C3

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to plots 9-13, 42, 51, 52, 54 and 61.

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

POLICY-C3

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

### **WSP Drawings**

31364/PDL/02A Preliminary Drainage Plan Phase 1  
31364/PHL/01C Preliminary Highway Plan  
31364/PHL/02D Preliminary Highway Profiles

### **SBD Drawings**

1566/01C Site Location Plan  
1566/02H Site Layout  
1566/03F Landscape Layout  
1566/04A Street Elevations

### **A3 Design Sheets** (revised cover and house types attached)

#### Affordable Housing

1F/2F 1 & 2 bed 2 storey apartments Rev A  
1c 1 bed 2 person coach house Rev A  
2c 2 bed 3 person coach house  
2b 2 bed 4 person house  
3a 3 bed 5 person house  
3a 3 bed 5 person house (wide frontage)  
4a Rev A  
4c 4 bed 6 person house  
4 bed 6 person corner house Rev A

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

#### INFORMATIVES

1. Attention is drawn to the conditions imposed on the "outline" permission (Local Planning Authority Reference (09/00871OUT) granted on 26 March 2010 which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the local planning authority should be particularly noted.

2. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

3. The applicant's attention is drawn to the contents of the attached letter from Wessex Water dated 23 August 2010.

<b>Appendices:</b>	<b>none</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.21 2.02 2.07 2.21 2.25 3.04 3.05 4.02 4.03 4.04 4.07 5.01 5.04 6.02</b>



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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>24th November 2010</b>		
<b>Application Number</b>	<b>10/02146/FUL</b>		
<b>Site Address</b>	<b>Land at Stoke Common Lane, Purton Stoke, Swindon</b>		
<b>Proposal</b>	<b>Stables and Arena and Create New Access</b>		
<b>Applicant</b>	<b>Mrs L. Beynon</b>		
<b>Town/Parish Council</b>	<b>Purton</b>		
<b>Electoral Division</b>	<b>Purton</b>	<b>Unitary Member</b>	<b>Mrs J. Lay</b>
<b>Grid Ref</b>	<b>407960 190256</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>Mrs Charmian Burkey</b>	<b>01249 706667</b>	<b>Charmian.burkey@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

This application was deferred from committee on 13<sup>th</sup> October 2010 to allow negotiations on the siting of the stables and arena and to allow clarification on the conditions to be applied to this and the adjacent parcel of land (10/03218/FUL)

Councillor Lay has requested this application be considered by Committee for the following reasons:

- To assess the change to the rural scene and the impact of more stables in the area.
- Loss of the hedgerow.
- Additional traffic onto private road and bridleway.

### 1. Purpose of Report

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

Purton Parish Council do not object but are not happy with the proposal. Their comments on the revised plans are awaited.

7 letters of objection have been received.

### 2. Main Issues

The application is for the erection of 4 stables and a hay barn in an L-shape together with a riding arena. Amended plans have been received moving the entrance, stables and arena eastwards and turning the stables through 90 degrees so that they lie parallel to the road behind the hedge. The key points to consider are as follows:

- Implications on DC Core Policy C3 and Countryside Policy NE15
- Visual impact of additional stables
- Impact on use and appearance of access road, which is a bridleway.
- Loss of hedgerow to form access.

### 3. Site Description

The site is relatively flat pasture land opposite a turning for one of the farms along this bridleway. The boundary between the field and the bridleway (which is tarmacked and maintained as a private road) is a mature native hedge. There are a considerable number of stables in the area.

4. Relevant Planning History		
Application number	Proposal	Decision
97/01853/FUL	Change of use of land from agriculture to use as equestrian and erection of stables	Permission

### 5. Proposal

The proposal is to construct a 40m x 20m riding arena to the east of a new access which is also proposed by removing a section of the mature hedgerow. The 4 stables and haystore would be sited to the west of the access against a hedgerow which separates this parcel of land from the next.

The land would continue to be grazed and is for private use only.

### 6. Consultations

**Purton Parish Council** is not happy about the number of stables along Stoke Common Lane because of the traffic it generates and the visual impact, although they find no reason to object to this application. They ask that conditions are imposed to restrict portable lighting and generators and no caravans or ad-hoc structures. Waste should be removed from the site and disposed of appropriately. Their comments on the revised plans are awaited.

**Highways** originally recommended refusal on the grounds that the proposed development would increase traffic along a designated public bridleway with consequent loss of amenity and risk of additional hazard and inconvenience to all users of the designated right of way.

However, following the applicant's letter dated 31<sup>st</sup> August 2010, he has stated that he considers that subject to the use being for private and personal use only, the objection is withdrawn.

### 7. Publicity

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

7 letters of letters of objection have been received

Summary of key relevant points raised:

- The new access will require removal of a large section of hedgerow, including some existing mature trees.
- There is an existing access track to the side which could be used.
- Possible presence of protected species/ecology.
- Disturbance by having new access opposite an existing domestic residence.
- Design and access statement is insufficient.
- Deterioration of road surface.

In support of the application the applicant writes that the land has been used for keeping horses for the last 13 years and if it remains private, then there will be no increase in traffic. Previous advice has led her to the decision not to take access up the adjacent bridleway track as it is



unmade and has little surveillance. The hedge would be cut at this time of year anyway and the entrance will avoid mature trees. The land is too muddy and wet to keep the horses out all winter and the arena will allow suitable exercise. Some of the objectors are from the same family.

## **8. Planning Considerations**

- Implications on DC Core Policy C3 and Countryside Policy NE15.

In the surrounding area there is a proliferation of stables and arenas, although the surrounding countryside remains open and rural. The stables and arena will be hidden behind the existing mature hedge and the removal of a section of it to create the access will only allow limited views of the development and certainly no more than in other locations close by. The section to be removed by the revised access position is of lower quality and significant trees can be avoided.

The section of hedge to be removed is approximately 4m. All along Stoke Common Lane there are entrances of similar proportions and the introduction of another is not considered to be unacceptable in this location, where no highway danger can be demonstrated.

The impact of the proposal on the character of its countryside location is considered to be acceptable and in compliance with policies C3 and NE15 of North Wiltshire Local Plan 2011.

- Visual impact of additional stables.

The area is characterised by small scale stable developments and given the screening provided by the existing hedge, the proposed development is considered to be acceptable. The stables have been re-located so that they are parallel to the road behind the hedge and this is in a similar pattern to others in the area and further limits their view from the road.

- Impact on use and appearance of access road, which is a bridleway.

Whilst Stoke Common Lane is a bridleway, it is of metalled appearance and its maintenance is not a material planning consideration in terms of who pays for it.

- Loss of hedgerow to form access.

The character of the area is hedges with holes punched through to form accesses. Whilst the hedge is of mature appearance, it is not considered that the loss of 4m of it is so detrimental to the amenity of the area as to warrant a refusal.

## **9. Recommendation:**

Planning Permission be GRANTED for the following reason:

The proposed stables, riding arena and access are considered to be acceptable in this location where the built development will be largely screened by existing hedging and the new access, although removing a section of hedge, will not cause sufficient harm to justify a refusal. The application is considered to be in accordance with policies C3, NE15 (NE14) of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. The stables hereby permitted shall be used for the private stabling of horses only with associated storage and for no commercial purpose whatsoever, including livery. The riding arena hereby permitted shall be used only for the exercise of horses kept at the site and for no visiting horses or for any other purpose.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

#### POLICY—C3

3. Manure storage and disposal and lighting shall be by way of the method described in the applicant's letter dated 28<sup>th</sup> September 2010 and this method shall be permanently maintained thereafter. There shall be no illumination other than by the method described in the letter without the prior written consent of the Local Planning Authority.

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

#### POLICY C3

4. There shall be no parking of horse boxes, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

#### POLICY—C3

5. No development shall commence on site until details of finished levels, surfacing materials and any fences have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

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

Location plan/block plan dated 4<sup>th</sup> November 2010, elevation plan dated 18<sup>th</sup> June 2010, access plan dated 4<sup>th</sup> November 2010, arena plan dated 18<sup>th</sup> June 2010

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

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20 2.02 4.02 4.03</b>



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>24<sup>th</sup> November 2010</b>		
<b>Application Number</b>	<b>10/03218/FUL</b>		
<b>Site Address</b>	<b>Land at Stoke Common Lane, Purton Stoke, Swindon</b>		
<b>Proposal</b>	<b>Stables and Manege</b>		
<b>Applicant</b>	<b>Mr E Franklin</b>		
<b>Town/Parish Council</b>	<b>Purton</b>		
<b>Electoral Division</b>	<b>Purton</b>	<b>Unitary Member</b>	<b>Mrs J. Lay</b>
<b>Grid Ref</b>	<b>407960 190256</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>Mrs Charmian Burkey</b>	<b>01249 706667</b>	<b>Charmian.burkey@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

The application was previously considered at committee on 13<sup>th</sup> October 2010 and deferred to allow it to be decided at the same time as 10/02146/FUL and to ensure that the conditions were the same on any approval.

Councillor Lay had requested this application be considered by Committee for the following reasons:

- To assess the change to the rural scene and the impact of more stables in the area.
- Loss of the hedgerow.
- Additional traffic onto private road and bridleway.

### 1. Purpose of Report

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

### 2. Main Issues

The application is for the erection of 4 stables and an arena. The key points to consider are as follows:

- Implications on DC Core Policy C3 and Countryside Policy NE15
- Visual impact of additional stables
- Impact on use and appearance of access road, which is a bridleway.

### 3. Site Description

The site is relatively flat pasture land opposite a turning for one of the farms along this bridleway. The boundary between the field and the bridleway (which is tarmacked and maintained as a private road) is a mature native hedge. There are a considerable number of stables in the area. Please see application 10/02146/FUL elsewhere on this agenda.

<b>4. Relevant Planning History</b>		
<b>Application number</b>	<b>Proposal</b>	<b>Decision</b>
97/01853/FUL	Change of use of the land from agricultural to use as equestrian and erection of stables.	Permission

## **5. Proposal**

The proposal is to construct a block of 4 stables and a 40m x 30m riding arena to the east of this parcel of land so that the development lies in the corner of 2 hedges.

The land would continue to be grazed and is for private use only.

## **6. Consultations**

**Purton Parish Council** states that there is an over proliferation of stables in the area and each new one generates additional traffic, where there is no speed limit. There are highway concerns and concerns about the changing visual aspect of Stoke Common Lane.

**Highways** originally recommended refusal because of an increase in vehicular traffic along a designated footpath / public bridleway. However, since it has been discovered that planning permission already exists on the land for the keeping of horses, this objection has been removed.

## **7. Publicity**

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

1 letter of objection have been received

Summary of key relevant points raised:

- There are only 3 acres of land.
- Worsen load on infrastructure of Stoke Common Lane.
- There are no facilities for parking.
- Effect on rural outlook.
- Potential light pollution.
- Together with 10/02146/FUL there will be 8 stables and owners in close proximity.

## **8. Planning Considerations**

- Implications on DC Core Policy C3 and Countryside Policy NE15.

In the surrounding area there is a proliferation of stables and arenas, although the surrounding countryside remains open and rural. The stables and arena will be hidden behind the existing mature hedge and there will be only limited views of the development and certainly no more than in other locations close by. There is an existing access and the agent has been asked to confirm that the stables are for private use.

The impact of the proposal on the character of its countryside location is considered to be acceptable and in compliance with policies C3 and NE15 of the North Wiltshire Local Plan 2011.

- Visual impact of additional stables.

The area is characterised by small scale stable developments and given the screening provided by the existing hedges, the proposed development is considered to be acceptable.

- Impact on use and appearance of access road, which is a bridleway.

Whilst Stoke Common Lane is a bridleway, it is of metalled appearance. Maintenance is not a material planning consideration in terms of who pays for it. Since permission already exists for use of the land for the keeping of horses (97/01853/F), highways have withdrawn their original objection as there will be no increase in vehicular traffic visiting the site

Other matters:

There is a caravan on the land for which more details have been requested, but the 1997 permission did not have any conditions relating to caravans etc being used for purposes ancillary to the permitted use of the site. It appears that this caravan is being used for purposes ancillary to the keeping of horses on the land and it is not possible to enforce via condition.

## **9. Recommendation:**

Planning Permission be GRANTED for the following reason:

The proposed stables, riding arena and access are considered to be acceptable in this location where the built development will be largely screened by existing hedging and the new access, although removing a section of hedge, will not cause sufficient harm to justify a refusal. The application is considered to be in accordance with policies C3, NE15 (NE14) of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. The stables hereby permitted shall be used for the private stabling of horses only with associated storage and for no commercial purpose whatsoever, including livery. The riding arena hereby permitted shall be used only for the exercise of horses kept at the site and for no visiting horses or for any other purpose.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

POLICY—C3

3. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

POLICY: C3

4. There shall be no parking of horse boxes, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

POLICY—C3

5. No development shall commence on site until details of finished levels, surfacing materials and any fences have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

6. Prior to the commencement of the development hereby permitted, details of any method of lighting or illumination shall be submitted to and approved in writing by the local planning authority.

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

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

I035 -Location plan, Drawings 01, 02 and 03 dated 18<sup>th</sup> August 2010

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

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20 2.02 4.02 4.03 4.07</b>





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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>24th November 2010</b>		
<b>Application Number</b>	<b>10/02378/FUL</b>		
<b>Site Address</b>	<b>Chippenham Golf Club, Malmesbury Road, Langley Burrell, Chippenham</b>		
<b>Proposal</b>	<b>Demolition of existing golf clubhouse; construction of a replacement clubhouse and erection of 75 extra care dwellings &amp; 61 bed care home alongside ancillary communal facilities</b>		
<b>Applicant</b>	<b>Mr Freeman Ltd / Trustees of Chippenham Golf Club</b>		
<b>Town/Parish Council</b>	<b>Langley Burrell</b>		
<b>Electoral Division</b>	<b>Kington</b>	<b>Unitary Member</b>	<b>Councillor Greenman</b>
<b>Grid Ref</b>	<b>391009 175621</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>S T Smith</b>	<b>01249706633</b>	<b>Simon.smith@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

Councillor Greenman has requested that this application be considered by the Development Control Committee because of the significance and importance of the proposal to Chippenham town.

### 1. Purpose of Report

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

### 2. Main Issues

To consider the proposed development in the context of the sites relationship to the northern approach to Chippenham and adopted North Wiltshire Local Plan 2011 policies C3 and H3. Specifically, to consider the following:

- Principle of development – policies CF1, CF2 and H4
- Scale of development and visual effect upon northern approach to Chippenham
- Housing
- Highways

### 3. Site Description

The application relates to a 2.22Ha site, part of the Chippenham Golf Club. The site is accessed via a pair of one-way junctions with A350 Malmesbury Road and currently consists of a practice green, the golf clubhouse and ancillary car parking for approximately 92 cars. The site is well landscaped with mature trees and hedgerow coverage to the North, South and East boundaries.

The site is the first “developed” piece of land that is reached when approaching Chippenham from the A350 northern approach. The site is some 110m north, outside of the Settlement Framework Boundary to Chippenham. Between the site and the SFB, however, there is substantial development in the form of a petrol filling station, hotel, restaurant(s) and care home.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
07/00160/FUL	Extension of golf course onto adjacent land and minor modifications to existing course	Permission 19/04/07

## **5. Proposal**

The proposal is for the redevelopment of the existing clubhouse, the ancillary car park and practice green to create a large care home complex consisting of a traditional 61 bed care-home together with associated 75 no. “extra care” apartments for private sale. Such apartments would be a mix of 1, 2 and 3 bedroom size.

The application outlines the intention of the Chippenham Golf Club to make use of the funds that would be released as part of the above development to fund the creation of a new and improved clubhouse, which is also part of the application.

## **6. Consultations**

Chippenham Town Council – no objections

Chippenham Without Parish Council – Objects to the application on grounds of highway matters. The road system is constantly gridlocked at certain times and before development takes place suggests that the planned widening of A350 take place. Recent development in BANES has produced instances of gridlock to and from city centre – the same appears to be happening in Chippenham.

Kington St Michael Parish Council – None received

Langley Burrell Parish Council – Scale of development is substantial, but is accepted the area is part of M4 approach corridor. Former rural area has been blighted forever, therefore felt that proposed development would not be out of place in this location close to other development. But is regretted that it represents a further encroachment into the rural surroundings of Chippenham. Location not ideal for a care home and care dwellings given proximity to road and roundabout and overhead power lines, but do not believe these factors should significantly influence decision. Principle concern is access and egress. Traffic from north needs to circle roundabout and approach from south, whilst southbound traffic heads northbound to Kington Langley traffic lights and invariably performs a U turn. Very dangerous and dual carriageway access should be closed in favour of direct access from roundabout.

Highways Officer – Final comments awaited in respect of addendum to submitted Transport Assessment & Travel Plan.

Landscape Architect -

- Plans submitted are not clear as to which existing trees are to be retained (authors note, amended plans now received)
- Line of coniferous trees (Corsican Pines) screening existing clubhouse closest to A350 have been “ring-barked” (method to starve and eventually kill tree) by applicant. Irregular practice in this context and recommend that other trees on the site are protected by TPO to secure amenity value.
- Applicants own submitted Tree Survey and Constraints Plan identifies the pines as being clearly visible from Malmesbury Road and as such have significance upon the local landscape. The trees were assigned category “A” status.

- Trees and hedgerow along south side of access track could be better integrated into edge of proposed car park layout.
- Number of public rights of way pass through or close to application site – proposal would have consequential effects upon visual impact from such.
- Height of Corsican Pines at 12-13m allow height of proposed buildings (ranging from 8.7m – 16.5m) into context. Large consequent visual effect - most obvious from north and north-west and east approaches.
- Visual impact of proposal restricted to approx. 0.5km north and east by off-site mature landscaping and vegetation.
- Existing land use as golf course helps to provide a transitional landscape buffer from urban edge to farm land and countryside (north & east) beyond.
- Scale of proposal would change character of the urban edge from a green vegetated buffer, screening town from countryside beyond, into much more visually prominent built form and edge
- A reduction in scale of the development would reduce visual impact and facilitate a landscape strategy to respect and reinforce local landscape character.

Technical Tree Officer – Notes that the Corsican Pine trees were “ring barked” the morning of the serving of a TPO. The trees are still covered by a provisional Tree Preservation Order, although due to the trees being ring barked and found to be diseased, it is the Councils intention not to confirm this Order.

Housing Officer – Wiltshire’s draft Accommodation Strategy for Older People provides clear indication of the need for extra care housing. It also identifies there is a pressing requirement to identify a site for mixed tenure extra care in Chippenham. Also notes that the proposal should bring forward a 30% of total units contribution towards affordable housing, as required by adopted Local Plan policy.

Council Ecologist – No objections subject to appropriate planning conditions being imposed.

Public Open Space – In accordance with the North Wiltshire Open Spaces Study, developments comprising nursing/residential homes require open space provision to be brought forward, but not play provision. In this case it is appropriate if amenity land were provided on site and managed privately.

## **7. Publicity**

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

One hundred and ninety eight (198) letters of support received. Summary of key relevant points raised:

- *Development would bring much needed retirement accommodation to Chippenham*
- *Golf club is very important to the community and should be supported*
- *Club is in need of a new clubhouse*
- *New clubhouse would be a visual improvement over the existing*
- *Development would be beneficial to the town of Chippenham*

Eleven (11) letters in objection received. Main issues raised:

- *Developers wishing to building in open countryside with no regard for it.*
- *Site is outside of Settlement Framework Boundary of Chippenham*
- *Established care home to south-west is in different position between established development and cannot be used as precedent*
- *Visual impact upon landscape from such large scale development*
- *Overdevelopment of site*
- *Unnecessary for additional car facilities as close to existing care home.*

- *Unsustainable in traffic terms*
- *Impact upon ecological value of site.*
- *Applicants do not won all land suggested (NOTE: amended plans have now been received in this respect)*

## **8. Planning Considerations**

### Principle of development

The application site is position in open countryside and is some distance north, and outside of, the Settlement Framework Boundary to Chippenham. In this context the proposal must be broken into the two main constituent parts: replacement golf clubhouse and new care home/extra care dwellings.

In respect of the replacement clubhouse, in such countryside locations the principle of new and extended leisure facilities must be considered against Policy CF2 of the adopted North Wiltshire Local Plan 2011. It states that the principle of such a replacement would be established as acceptable, subject to consideration against a range of more generalised development control criteria such as Policies C1 and C3.

There is no specific policy within the adopted North Wiltshire Local Plan relating to proposal for care homes. Policy H4 relates to residential development in general, but perhaps has greater applicability to C3 dwelling houses, as opposed to C2 residential institutions. Nevertheless, this proposal does include a large proportion (75 no.) of what is described as “extra care dwellings”. These are essentially separate units of accommodation that are capable of being occupied independently, but subject to a maintenance charge that would allow access to an individually tailored level of support and care from on-site staff. Although, where set within a clearly defined care home context, such accommodation is generally accepted as falling into the C2 use class, it is also clear that the likely level of mobility of the occupants would be a good deal greater than stand alone traditional nursing accommodation. To this extent a consideration of the proposals location relative to Chippenham must be made. The principles set out by Policy H4 and Policy C1 (and PPS3 at the national level) is a good place to start to enable this consideration (ie. new development – particularly residential development - must be sited so as to maintain socially inclusive communities and access to community infrastructure and this would mostly likely mean being within the identified Settlement Framework Boundary of the towns and villages).

In this way, it must be noted that at the time of considering representations made at the time of the formulation of the current Local Plan, the Inspector did expressly state that sites beyond the settlement boundaries would be inappropriate for the development of residential institutions.

The existence of quite large scale development of varying types to the east and south of the site is not thought to alter the above conclusion. Although also outside of the Settlement Framework Boundary, it has occurred largely as a result of a long standing Local Plan commitment (albeit expressed in previous plans, and not the current) for the creation of roadside services.

### Scale of development and visual effect upon the north approach to Chippenham

Although possibly attracting a view that the architecture is sadly unadventurous, the proposed replacement golf clubhouse is nonetheless considered to be an appropriate form of development. Its scale, appearance and positioning would entirely accord with the principle set out with policy cf2 and more general development control criteria in Policy C3. This aspect of the proposal is without objection and should therefore rightly be supported.

On the other hand the proposed care home/extra care dwellings development represents a singular built mass of significant proportions. Stretching for some 130m+ from end to end, and being mostly of three-storey height (plus roof accommodation), the building would at several points reach four-storey in height, which due to necessary topographical alterations would be read as elevations of up to 16.5m height.

Both at close range and distance, the visual effect of the proposal would be, undeniably, tremendous. As noted by the Council's Landscape Architect, no amount of existing or proposed planting would ameliorate the sheer mass of built form that will result. To the applicant's credit, the visual effect of the proposal has been acknowledged; pointing out that the building has been pushed as far away from site boundaries as possible so to take advantage of augmented landscaping scheme.

Nevertheless, the stark differential between what is currently a site that provides a nicely feathered transition between countryside and town and the hard urban form proposed remains. The proposed development would be both stark and blunt and forever alter the northern gateway to Chippenham.

The proposed architecture of the building is perhaps understandably conservative given its intended use (and indeed it is entirely reminiscent of care home development seen across the country). However, when combined with the substantial built form and mass of development on a site that does perform as a gateway to Chippenham town, the effect is decidedly unwelcome.

### Housing issues

The applicant has submitted a document entitled "Care Needs Assessment". This document assesses available census and projected adult care needs information and concludes that both nationally and locally, there will be a need to provide a large number of care places. In particular, the report concludes at least 149 extra care flats and at least 243 residential care beds are currently required in the North Wiltshire District.

The Council's own Housing Officer appears to conclude similarly, but disaggregating requirements further by advising that there is a need for 68 units of extra care housing in the Chippenham Community Area.

A separate report on care home accommodation supply/demand has been prepared and submitted on behalf of the existing care home operator on the site to the immediate south of the application site. This report identifies several care home developments within the locality vicinity of Chippenham and a significant overprovision of care bed provision. It is argued that symptomatic of this overprovision is the non-implementation of consented schemes at the Royal Arthur site, Corsham.

Largely because of the conflicting information available on the level of available care accommodation, it is not considered to be the matter upon which this application should turn.

On the matter of whether the proposed scheme should bring forward a proportion of affordable housing, it has long been acknowledged by Planning Inspectors when this matter has been considered at appeal, that extra care accommodation (indeed the definition of what is "extra care" itself is often a matter of debate) would fall within the C2 residential institution use class, particularly where associated with traditional nursing home accommodation. In this context, it has typically not been legitimate to require affordable housing to be brought forward, as would be required by adopted Local Plan policy in respect of C3 residential development.

### Highways

The application was submitted complete with a Transport Assessment. The Highway Officer had considered the submitted information and identified several matters that required further work, correction and clarification. However, at that stage the Highway Officer did set out minimum highway requirements:

- Dedication of the land identified as required for the A350 widening scheme (Policy T5 of adopted North Wiltshire Local Plan 2011)
- Improvement of pedestrian and cycle links between the development and the local bus stops and cycle network

- Provision of a bus shelter at the Chippenham bound bus stop.

In response to this, an addendum to the Transport Assessment has now been prepared and submitted for consideration. The final comments from the Highway Officer are now awaited.

Highway safety concerns have indeed been raised by at least two of the Parish Councils. However, the existing access system onto A350 would be retained and subject to the satisfaction of the Highway Officer in this regard, there would be no reasonable reason to refuse planning permission on highway safety grounds.

## 9. Conclusion

The Council's objective to provide additional nursing and care accommodation is acknowledged. However, the scale and type of development would render this proposal unacceptable at a fundamental policy level at both the national and local level

Indeed, the visual harm associated with such a significant built form and mass on a site that performs an important gateway role on the northern approach to Chippenham would be such that the positive aspects of the scheme such as the care accommodation and replacement golf clubhouse, are greatly outweighed.

It is important to note that in determining this application the Council does not have the ability to support part of the scheme (ie. the replacement golf clubhouse) and resist the remainder. In reaching its decision the Council must, therefore, considered the application in its entirety.

## 10. Recommendation

**Subject to no new and substantive issues being raised by the Highway Officer in respect of the addendum to Transport Assessment and Travel Plan; then**

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

1. The proposed development is of a nature and scale that would be inappropriate on this site, which is located in open countryside, some distance outside of the Settlement Framework Boundary of Chippenham. As such the proposal is contrary, at a fundamental level, to well established and clear policy at both the local and national level: Policies C1 and H4 of the adopted North Wiltshire Local Plan 2011 and PPS3: Housing.
2. By reason of its bulk, mass, scale, appearance and footprint, the proposed development would cause substantial and irrevocable visual harm upon the wider landscape, as well as upon a site that presently performs an important role as the gateway on the northern approach to Chippenham town and as a successful transition between countryside and urban form. As such, the proposal is considered to fail the requirements of Policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 4.02; 4.04; 5.01; 5.03; 5.04</b>





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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	24/11/10		
Application Number	N/10/03649/FUL		
Site Address	23 POOL GREEN, NESTON, CORSHAM, WILTSHIRE, SN13 9SN		
Proposal	Single Storey Extension, Porch & Upper Storey Extension (To Convert Bungalow to Two Storey Cottage).		
Applicant	Mr E Moore		
Town/Parish Council	Corsham		
Electoral Division	Corsham Without & Box Hill	Unitary Member	Councillor Richard Tonge
Grid Ref	386123 168491		
Type of application	Full Application		
Case Officer	Lee Burman	01249 706668	lee.burman@wiltshire.gov.uk

### Reason for the application being considered by Committee

This application has been submitted to the committee for a decision at the request of Councillor Richard Tonge to assess the impact of the development in terms of the relationship to adjoining properties.

### 1. Purpose of Report

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

Corsham Town Council supports the proposal.  
4 letters of objection have been received.

### 2. Main Issues

The application is for the erection of a single storey rear extension, porch and upper storey extension to convert the bungalow into a two storey dwelling. The proposals would include the removal of an existing detached garage and rear extensions resulting in a reduction in the footprint of the building. The key points to consider are:

- Implications on Local Plan Policies C3 and H8 – Principle of Development
  - Impact on Character and Appearance of the Area
  - Impact on Residential Amenity
  - Highways

### 3. Site Description

The site is located in a residential area within the defined framework boundary of the village of Neston to the south of Corsham. Open countryside lies to the south of the site and the Neston Conservation Area lies to the south and west. The site features front and rear private amenity space and a detached garage. The building appears to have been subject to previous small scale rear extension and is not currently occupied being in a state of some disrepair. The property is flanked and faced by two storey detached dwellings with number 23a to the east a new large scale dwelling located within the Conservation Area. Directly opposite is a detached two storey cottage (26 Pool Green). The remainder of Pool Green features detached and semi detached two storey dwellings.

**4. Relevant Planning History** - There is no planning application history at this site since 2001

## **5. Proposal**

The application is for the erection of a single storey rear extension, porch and upper storey extension to convert the bungalow into a two storey dwelling. The proposals would include the removal of an existing detached garage and previous rear extensions resulting in a reduction in the footprint of the building.

## **6. Consultations**

Corsham Town Council support the proposal.

Highways officers raise no objection to the proposal.

## **7. Publicity**

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

4 letters of objection from 3 respondents received. In addition Councillor Peter Davis and Duncan Hames MP have written to highlight the concerns of one local resident in respect of the scheme proposals.

Summary of key relevant points raised:

- Due to close proximity and proposed increased height there will be a loss of daylighting, direct sunlighting and privacy and an increase in overlooking and overshadowing to the properties opposite (24 and 26 Pool Green).
- The proposed render finish to the walls is out of character with other properties in the locality.
- The site is adjacent the Neston Conservation Area.
- The dwelling at 23 Pool Green was permitted as a single storey dwelling to ensure no loss of daylighting to 26 Pool Green.
- The proposed footprint of the dwelling would be larger than other properties in the locality.

Corsham Civic Society dislike the trend to the loss of smaller houses which they consider reduces the ability for first time buyers to secure a home.

## **8. Planning Considerations**

### The Principle of Development

The site is within the defined framework boundary of Neston where in principle residential extensions are appropriate in the context of policies C3 and H8 of the Local Plan 2011.

### Impact on the Character and Appearance of the Locality

The majority of the buildings in the vicinity of the site are two storey detached or semi detached properties arranged either side of Pool Green and in close proximity to the road edge. The predominant finish is with stone walls and clay roof tiles. Although there are properties in the locality that utilise rendered walls and slate tiles. The final specification of materials can be agreed through use of condition. Several properties have been the subject of recent works increasing the height of the dwellings. The footprint of the existing property is larger than the majority of other dwellings in the locality. However, the proposed development would reduce the overall footprint of the dwelling, remove some unsightly structures from the site and retain the existing amenity space surrounding the property. The proposed design is in general accord with the character of existing properties in the locality certainly to a greater degree than the existing modern bungalow design which does not reflect the character or appearance of properties in the locality in terms of scale, proportions or the use of materials.

Following discussions with the applicant revised plans were also submitted reducing the sale and altering the roofscape of the proposed rear single storey extension to better reflect the scale and character of the proposed two storey structure and neighbouring properties.

### Impact on the Amenity of the Neighbours

The principle concern as expressed by neighbours during the consultation undertaken for the proposals is that the increase in height to two storeys will result in a loss of privacy, sunlighting and daylighting and increase in overlooking and overshadowing. There were particular concerns in this regard with respect to the impact on 26 Pool Green, which is situated opposite the site.

The properties in this part of Pool Green are orientated at slight angles to one another, albeit still facing one another and are separated by Pool Green (Road) and front private amenity spaces. Elsewhere in Pool Green properties face one another directly and front the road itself directly without any front private amenity space. On the basis of the submitted plans the properties are situated at a distance of 13.5 metres apart at the closest point opposite the site, however this increases over the length of the facing front elevations up to 15 metres due to the off centre position and angled orientation. The existing properties either side of 23 Pool Green are two storey dwellings, the detached nature of the properties retains a separation of approximately 7 metres on either side.

Given this existing positioning of properties in relation to one another and the relationship of existing two storey dwellings to one another it is not considered that the proposed increase in height at 23 Pool Green would result in a significant loss of privacy or increased overlooking that would unacceptably harm the amenities of neighbouring dwellings. It is not considered that the proposed arrangement of two storey dwellings facing one another with a separation of between 13.5 and 15.5 metres is out of character with other residential properties in the locality or substantively different from many other residential areas throughout the Council area.

Similarly given the existence of existing two storey dwellings flanking 23 Pool Green and the maintenance of significant gaps between these properties; and the line of sun travel in relation to the properties and 26 Pool Green, it is not considered that there will be significant overshadowing of neighbouring properties throughout much of the year. For part of the day during winter months, given a lower sun position, there would be overshadowing of neighbouring properties but it is not considered that the proposed development would result in a significant increase over and above the existing situation. Consequently it is not considered that there would be a significant additional loss of daylight to neighbouring properties. The applicant has submitted additional supporting information to demonstrate the impact of the proposals in terms of sun shading and this information supports the conclusion that the additional impact is limited both in terms of duration and amount given the existing situation.

### Other Issues

The proposals would retain sufficient off street parking space. The site is located outside the Neston Conservation Area and is flanked by a new build two storey dwelling that is located within the Conservation Area. There is no evidence to suggest that a bungalow is any more likely to be available to a first time buyer than a two storey dwelling. If anything bungalows tend to be in great demand from older buyers who are already on the property ladder, have disposable income, whose children have left home and who are considering retirement.

## **9. Conclusion**

On balance it is considered that the proposed single storey rear extension, porch and upper storey extension would not detract from the character and appearance of the locality and would not result in a significant loss of amenity to neighbouring properties sufficient to warrant refusal of planning permission. The proposal would not impact on the character of the Conservation Area. The proposal would not give rise to highway safety issues. As such the proposal is in accord with policies C3 and H8 of the North Wiltshire Local Plan (2011).

## **10. Recommendation**

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale and design which are in keeping with the character and appearance of the property and will not have a significant adverse impact on the amenities of neighbouring residents. The proposal is in accordance with Policies C3 and H8 of the North Wiltshire Local Plan (2011).

Subject to the following conditions:

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

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

2. No development shall 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.

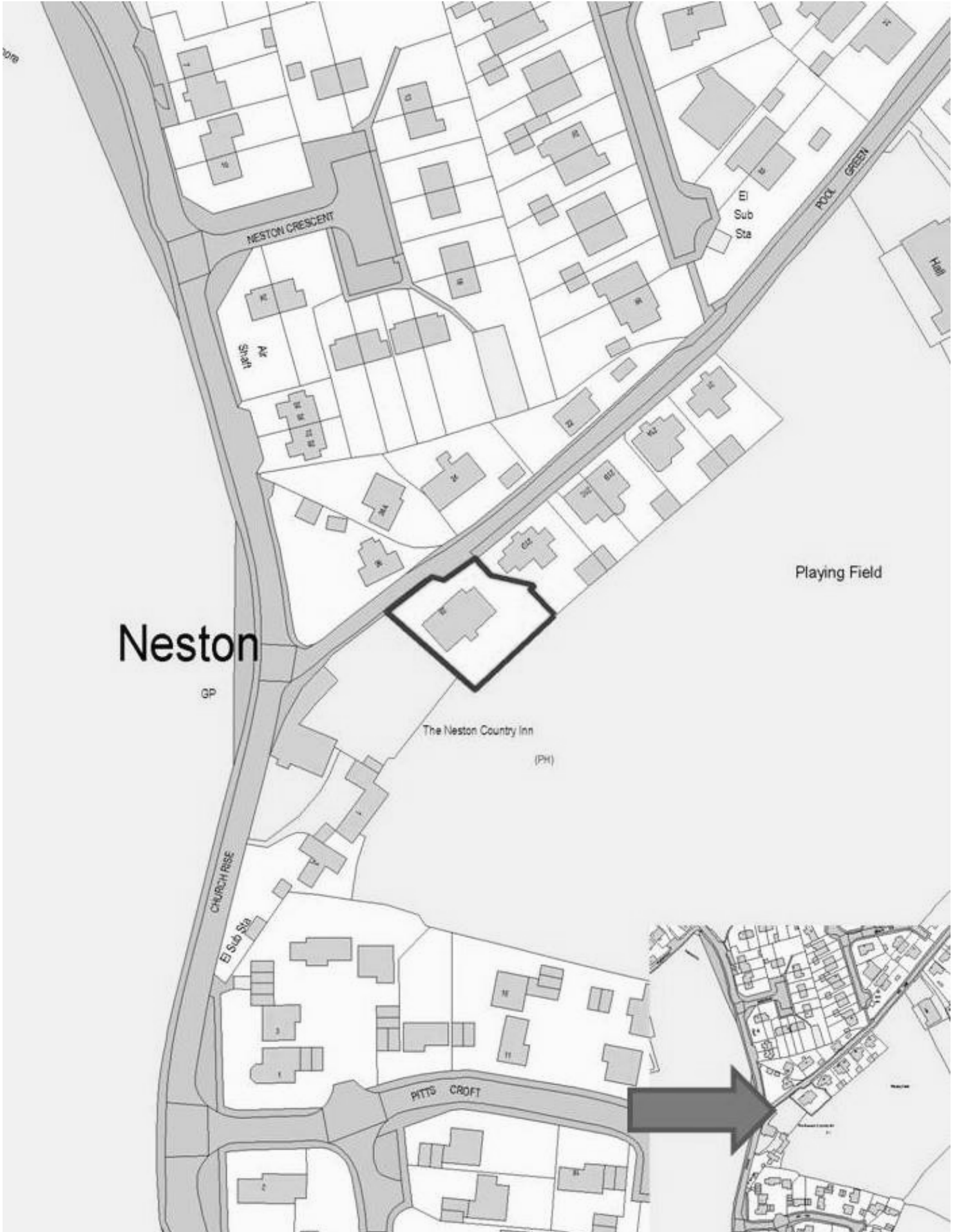
POLICY- C3 and HE8

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

Plans 47/01; 47/02; 47/03; 47/04 Dated 23/09/10  
Plans 47/05B; 47/06B; 47/07B; 47/08B; 47/09B Dated; 06/10/10

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

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>Submitted Plans</b> Plans 47/01; 47/02; 47/03; 47/04 Dated 23/09/10 Plans 47/05B; 47/06B; 47/07B; 47/08B; 47/09B Dated; 06/10/10 <b>Design and Access Statement</b> <b>Sunshading Computer Modelling</b>



Neston

GP

The Neston Country Inn  
(PH)

Playing Field

CHURCH RISE

El Sub Sta

PITTS CROFT

POOL GREEN

El Sub Sta

Hall

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>24<sup>th</sup> November 2010</b>		
<b>Application Number</b>	<b>10/03360/FUL</b>		
<b>Site Address</b>	<b>Hill Brook House, Quemerford, Calne</b>		
<b>Proposal</b>	<b>New dwelling – Amendment to 04/03639/FUL</b>		
<b>Applicant</b>	<b>Mr R Willis</b>		
<b>Town/Parish Council</b>	<b>Calne</b>		
<b>Electoral Division</b>	<b>Calne South &amp; Cherhill</b>	<b>Unitary Member</b>	<b>Councillor Alan Hill</b>
<b>Grid Ref</b>	<b>401782 169724</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>S T Smith</b>	<b>01249 706 633</b>	<b>simon.smith@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

Councillor Hill has requested that this application be considered by the Development Control Committee so that the potential effect of the massing of the dwelling upon the amenity of the neighbours may be fully assessed.

The application was reported to the meeting on 3 November 2010 when Members resolved to Defer the application for one cycle to allow the applicant to produce proposals that reduced the height of the middle section of the building by “one block height”.

### 1. Purpose of Report

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

### 2. Main Issues

To consider the proposed dwelling in the context of the extant planning permission and adopted North Wiltshire Local Plan 2011 policies C3 and H3. Specifically, to consider the following:

- Principle of development
- Comparison with extant planning permission 04/03639/FUL
- Impact upon neighbour amenity
- Relevance of 04/02788/FUL refusal

### 3. Site Description

Previously part of the domestic garden to No.369 Quemerford, since the grant of planning permission in 2004, the application site has been regarded as a plot for a single dwelling. In this context, recently building works have commenced on site.

Access to the site continues to be via an established track serving several properties. Under the terms of the 2004 planning permission the access was necessarily widened to allow cars to pass.

The substantive part of the site is within the defined Settlement Framework Boundary (SFB) of Calne. A proportion of the site is outside of the SFB, and this was previously known as the

“paddock” area. The 2004 planning permission places the new dwelling on the part of the site which is within the SFB.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
02/00362/OUT	Detached dwelling and double garage	Refused 23/05/02 Appeal dismissed 08/04/03
04/02788/FUL	Erection of new dwelling	Refused 24/11/04
04/03639/FUL	Erection of new dwelling	Granted 16/02/05

#### **5. Proposal**

The proposal is for the erection of a single detached dwelling. This application follows the grant of planning permission in 2004 for similar (for which works have commenced on site). This proposal differs from that previous planning permission in several respect, most notably, an increase in eaves and ridge heights over several sections of the property.

#### **6. Consultations**

##### Calne Town Council

*“During public participation members listened to the cases put forward by both applicant and neighbour. Members then went on to discuss this planning application in some depth. Members had concerns over the proposed amended height, which infringes planning policy H8 (as per the original application several years ago) and the potential detrimental impact upon neighbouring property which needs to be assessed by the planning officers of Wiltshire Council.”*

#### **7. Publicity**

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

1 (one) letter of objection received. Summary of key relevant points raised (letter received is paraphrased as far as is possible):

*Application reference N/04/02788 – re-orientated the house to fall entirely within the framework boundary by placing it parallel, and immediately adjacent to, the boundary fence with 381 Quemerford. Members resolved to refuse the application because it was overbearing on 381 Quemerford, and therefore contrary to Policy RH8 of the North Wiltshire Local Plan 2001.*

*Application reference N/04/03639 – The design in this application had been amended to reduce the impact on 381 Quemerford. The re-design proposed a mix of one and two storey elements coupled with a significant height reduction created by sinking part of the single storey element into the ground which allowed a stepped ridge height together with a movement away from common boundary. Members decided that this revised proposal could be permitted.*

*Application history is one of successive revisions balancing ridge height, dwelling location, mass and scale in order to meet the tests of adopted LP policy. The appeal decision provides significant weight to the need to strike an appropriate planning balance between these factors.*

*Application N/04/02788 indicated heights of 7 metres from finished ground level on 1 ½ storey element and 4 metres from finished ground level on single storey element. Members found this too overbearing on 381 Quemerford and the application was refused on this basis.*

*Application N/04/03639 indicated proposed ridge heights of (6.7 metres from finished ground level on 1 ½ storey element and 3.8 metres from finished ground level on single storey element. (i.e. 2.9m below the 1 ½ storey element)). The approved plans directed that these levels were to be achieved by the conservatory element being sunken into the development site (with the finished floor level to be the same as the external ground level) coupled with a reduced level dig across the site to ensure that it matched that of the neighbouring garden and field/paddock.. The decrease in ridge height (from the unacceptable proposal within application N/04/02788) was a direct result of the sinking of the conservatory element into the ground, a lowered site level and the change in roof pitch from 35 degrees to 20 degrees.*

*Current application N/10/03360 demonstrates ridge heights of 7 metres from finished ground level on 1 ½ storey element; 4.5 metres from finished ground level on single storey element. (i.e. 2.9m below the 1 ½ storey element); and 3.7 metres from finished ground level for the stepped (i.e. not sunken) conservatory element. The latest application is more than a simple revision of proposals, it is an attempt to have the existing structures (as implemented on the site) validated by a planning consent given they currently depart from the approved drawings.*

*The new application shares only the barest of similarities, namely an application for a single dwelling. In all other respects including ridge height, massing, bulk, parking arrangements, roof finishes and other structural elements it is a quite different proposal.*

*Whilst the existing consent remains a material planning consideration in this determination the detailed planning history and appeal precedent cannot be ignored.*

*The scale of massing and ridge height changes between the consented and proposed scheme are clearly identified on submitted plans. From this it is apparent that the ridge heights have increased between the approved drawings N/04/03639 and the current proposal by some 0.3 metres for the two storey and 0.7 metres for the single storey element.*

*Finished ridge heights of the current application (assuming the applicant uses the existing structures on the site to implement any such proposal) will be as follows: 7 metres (an increase of .3M) for the 1 ½ storey element; 6.3 metres (an increase of 2.5M) for single storey element; 4.6 metres (an increase of .9M) for the conservatory element.*

*Application 04/02788 was refused at ridge heights of 7 metres for the 1 ½ storey element and 4 metres for the single storey element. At those levels the proposals were deemed overbearing and having an unacceptable impact upon the amenities of residents at 381 Quemerford. The ridge heights of the proposed dwelling has already been considered at length in respect of this site. It is evident that proposals which exceed the levels originally proposed.*

*The proposed addition of two windows in the south-east elevation would look directly into the bedroom window to the rear of 381 Quemerford and be consequently unacceptable in respect of privacy and amenity.*

*The significant increase in the ridge height of the proposals particularly in the 'middle element' of the dwelling would not be shielded from 381 Quemerford as the development runs along the entire length of our boundary and because of the angle of our property we are directly facing the whole development. The height of the finished building is considerably higher than that previously rejected by members and at inquiry.*

*The garage element of the consented scheme was never constructed as a garage (as this could never have been achieved because of the raised finished floor level) in direct contravention of the approved plans.*

*The current low pitched slate roof is not disproportionate to the scale of the two storey height of the external walls – this is just an opinion of the applicant. The pitch of a clay roof tile very much depends on the type and size of clay tile used and the pitch can be as small as 20 degrees. The changes to the roof pitch are simply a method of increasing the potential for habitable rooms in the roof-space*

Revised Proposals (Comments reported as ‘Additional Information’ to meeting of 3<sup>rd</sup> November 2010.)

Six (6) letters of support received for the proposal. All specify that they have no objections or concerns over the proposal and all originate from near neighbours to the application site.

One (1) letter of objection received from neighbour. Stating that the submitted revised plans do not change their objections to the proposal because the building heights remain higher than the heights already refused under 04/02788 and that planning legislation has not changed since that time. Also comments that the letters of support have been prepared by the applicant with only the actual signature being from the neighbours. As the nearest neighbour only No.381 Quemerford is adversely affected by the proposal.

## **8. Planning Considerations**

### Principle of development

The 2004 planning permission for a single residential property on this site is a significant material planning consideration. The proposed dwelling is to be sited in approximately the same position of that dwelling approved under the 2004 permission, and accordingly, remains inside of the defined Settlement Framework Boundary (SFB).

The element of the site outside of the SFB, previously known as the “paddock” would remain undeveloped as a result of the proposal.

### Comparison of originally submitted scheme with extant planning permission 04/03639/FUL

The earlier 2004 permission relates to a dwelling positioned similarly on the site. Equally the dwelling would continue to be formed through three interlinking sections with a progressively dropping eaves and ridge heights. There would, however, be distinct differences between the existing and proposed dwellings, with some being more significant than others:

- With only minor internal rearrangements, in plan and footprint the proposed dwelling remains similar – albeit with the previous garage becoming habitable accommodation (labelled as “family room”). First floor accommodation is to be introduced within the central section of the dwelling, where previously it remained single storey only.
- Stylistically the dwelling has altered with consequent differences to windows and fenestration on all elevations – introducing dormer windows, porch feature and rationalisation of external materials to brickwork, timber boarding and render.
- Entirely new window openings are proposed for south-west and north-east elevations together with three new rooflights on south-west and south-east roof slopes.
- Most significantly, the proposed dwelling increases both the eaves and ridge height over and above that approved at several key points. The dwelling retains the basic series of three stepped ridge/eaves heights (for each of the three block elements of the dwelling) but each of those elements in some way being raised by the proposal and roof profile altered.

## Impact upon neighbour amenity

Internal rearrangement, changes in architectural style and the majority of changes to window and fenestration are considered to be inconsequential to the acceptability of the proposed dwelling.

However, in two fundamental respects the proposal is considered to have an unacceptable effect upon the amenities of the immediately neighbouring property to the south-east (No.381 Quemerford), with which it shares a common boundary. The consequential impact is considered to be over and above that associated with the 2004 permitted dwelling.

Firstly, due to the relative heights of the two neighbouring dwellings and their close relationship (8.0m at their closest), the two rooflights proposed to be inserted into the south-east elevation would result in adverse levels of overlooking into and out from No.381 Quemerford first floor windows. This relationship would not occur as a result of the 2004 permission and as such represents an intolerable impact upon the living conditions of both existing and future residents of both properties.

Secondly, and most significantly, the proposed dwelling will result in each of the three sections of the dwelling being raised in height in one form or another, over and above that already allowed under 04/03639/FUL. Comparison between that approved and now proposed are specifically thus:

- The largest (southernmost) section of the dwelling would have a small increase in ridge height, raising from 6.7m to 6.9m, but an eaves height that would decrease from 5.0m to 4.0m. The changes are largely as a result of a steepening roof pitch and introduction of broken eave dormer windows. Critically however, the profile of the roof and switch to gable treatment (as opposed to shallow hip) would unequivocally result in more built form and mass being perceived by occupiers within the neighbouring property and its garden area.
- The central section/element of the dwelling, previously single storey only, is now to provide accommodation over two floors resulting in a significantly increased eave and ridge height. This would raise from 3.8m to 6.2m and 2.3m and 3.8m respectively. Both the height of walling and pitch of roof would be increased, again resulting in a greater amount of built form and massing along the common boundary.
- The smallest (northernmost) section/element of the dwelling is to also increase in ridge and eave height over that already approved. They would increase from 3.9m to 4.5m on the ridge and from 2.4m to 2.8m at the eaves. These increases would again have the consequent effect as detailed above.

The consequential impact of the changes detailed above is an increased impact upon the living conditions of the adjoining occupiers at No.381 Quemerford. The resulting increase in built form and presence of the proposed dwelling, over and above that which would be associated with the permitted dwelling, would constitute an oppressive form of development that would be prejudicial to the living conditions of the neighbour, and therefore contrary to adopted Local Plan policy.

A comparison plan overlaying the approved dwelling over that now proposed has been submitted. Unfortunately, this does not necessarily accurate and may not provide a realistic comparison between what could lawfully be built and what is proposed.

It was reported at the 3<sup>rd</sup> November Committee that revised plans had been received from the applicants demonstrating the following:

- A reduction in the ridge eaves height of the dwelling in the following respects: large element 6.8m to ridge, 4.85m to eaves; middle element 4.3m to ridge and 2.3m to eaves; small element 4.15m to ridge and 2.3m to eaves.
- A removal of the first floor accommodation to the middle element of the dwelling to allow the specified reductions in scale

- A removal of one of the rooflights to the south-east elevation and an undertaking to fit the remaining rooflight with obscure glass
- An alteration to the roof pitch of the dwelling to 30 degrees (compared with 35 degrees of the 2004 permission) and consequent switch to secondhand double Roman tiles.

The revised plans showing a reduction in massing of the proposed dwelling are considered to constitute a significant improvement to the likely impact upon neighbour amenity. In particular the central (middle) element of the dwelling now returns to single storey accommodation only, as per the existing permission, and would result in an increase in ridge height of 500mm with eaves remaining the same when compared with the 2004 permission. This compares favourably when compared with the previously suggested 2.4m increase.

However, the revised plans still demonstrated an increase in ridge and eaves height at several points over and above that of the 2004 permission. An increase over and above the 2004 permission will continue to have an additional impact upon the living conditions of the nearest neighbours, albeit on a reduced scale to that previously suggested. In this context, the conclusions of the report before Members of the Committee remained unaltered.

### Relevance of 04/02788/FUL refusal

Although the earlier 2004 refusal differs from that now proposed in several respects the decision did require an assessment of the likely impact the development would have upon the amenities of the neighbouring property.

Under that application it was concluded that a dwelling with a large unbroken ridge and eave height (approximately 7.0m and 5.2m respectively for the large two storey element and 4.0m and 2.4m respectively for the single store element) very close to the common boundary with No.381 Quemerford would have an unacceptable impact upon amenity and living conditions. Because of this refusal, the proposal was reduced in scale down to that subsequently approved under the later 04/03639/FUL permission.

Notwithstanding the differences in the earlier 2004 refusal and the current proposal, it is considered that it must form context to any future decisions on this site. Accordingly, it must be concluded that any proposal that actually increases the amount of built form close to the boundary over and above that already refused (which this new proposal does), must necessarily also be considered to cause harm to the living conditions of the neighbouring property.

Following the meeting of 3 November 2010 the applicants did submit revised plans reducing the height of the middle section of the dwelling by "one block" (between 225mm and 250mm).

## **9. Conclusion**

The existence of a previous planning permission and the consequent fact that a dwelling can be lawfully constructed in a position largely similar to that now proposed, is a significant material planning consideration that must be acknowledged.

However, whilst sharing some similarities with the 2004 permission, this revised proposal does inexorably increase the amount of built form that would be placed alongside a substantial length of a common boundary with the nearest neighbour. That increase, along with the additional two rooflights in the south-east elevation, would indeed result in an oppressive and neighbourly form of development that would be contrary to adopted Local Plan policy.

The context of previous refusals (and final permission) on this site appear to suggest that the 04/03639/FUL permission represents the maximum extent of development that could occur on this site without unacceptably impacting upon residential amenity. The ability to physically see the partial works already carried out on the site only serves to reinforce this opinion.

Whilst the applicant has amended the plans to reflect the resolution of members, officers are still concerned with regard to the overall impact of the amendments and the Recommendation remains to refuse.

## 10. Recommendation

Planning Permission be REFUSED for the following reason:

1. The proposed development would have an overbearing, oppressive and therefore unacceptable effect upon the living conditions and general amenity of the adjoining residential property. As such the proposal is considered to be contrary to the provisions of Policies C3 and H8 of the adopted North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 4.02; 4.04; 5.01; 5.03; 5.04</b>

