

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Monkton Park, Chippenham
Date: Wednesday 26 January 2011
Time: 6.00 pm

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

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

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

Membership:

Cllr Peter Colmer	Cllr 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

Substitutes:

Cllr Chuck Berry	Cllr Simon Killane
Cllr Paul Darby	Cllr Mark Packard
Cllr Mollie Groom	Cllr Bill Roberts

Part I

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

1. **Apologies for Absence**

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

To approve and sign as a correct record the minutes of the meeting held on 15 December 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 13 - 14*)

An appeals update report is attached for information.

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

To consider and determine planning applications in the attached schedule.

7.a **10/03885/FUL & 10/03886/LBC - The Mansells, Upper Minety, SN16 9PY - Extension to Existing South Elevation to Create Two Storey Bay** (*Pages 17 - 24*)

7.b **10/03160/FUL - Land to Rear of Farrells Field, Cold Harbour Lane, Yatton Keynell - Small Scale Development of Two B1 Office**

Buildings with Associated Parking & Landscaping *(Pages 25 - 34)*

7.c 10/04349/FUL - 2 Hartham Lane, Biddestone, Chippenham, SN14 7EA
- New Two Storey Side Extension & Demolition of Existing Single
Storey Detached Garage to Rear of Property *(Pages 35 - 40)*

7.d 10/04463/FUL - Hill Brook House, Quemerford, Calne, SN11 8LF -
New Dwelling - Amendment to 04/03639/FUL *(Pages 41 - 48)*

8. Urgent Items

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 DECEMBER 2010 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

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

Also Present:

Cllr Sheila Parker, Cllr Carole Soden and Cllr John Thomson

132. **Apologies for Absence**

Apologies for absence were received from Cllr Peter Davis, Cllr Bill Douglas (who was substituted by Cllr Simon Killane), Cllr Peter Doyle and Cllr Anthony Trotman.

133. **Minutes**

Resolved:

To confirm and sign the Minutes of the meeting held on 24 November 2010 as a correct record.

134. **Declarations of Interest**

There were no declarations of interest.

135. **Chairman's Announcements**

There were no Chairman's announcements.

136. **Public Participation**

Members of the public addressed the Committee as set out in Minute No. 138 below.

137. **Planning Appeals**

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

- (i) forthcoming hearings and public inquiries between 2 December 2010 and 28 February 2011.
- (ii) planning appeals received between 11 November and 2 December 2010.
- (iii) planning appeals decided between 11 November and 2 December 2010.

138. **Planning Applications**

1a **10/03739/FUL - Glen House, Hornbury Hill, Minety, SN16 9QH - Demolition of Existing Dwelling & Erection of 8 Dwellings, Vehicular & Pedestrian Access, Parking & Landscaping**

The following people spoke against the proposal:

Mr Rhys Dudding, a neighbour
Mr Ian MacGurk, a local resident
Cllr Graham Thorne, Chairman of Minety Parish Council

The following person spoke in favour of the proposal:

Mr David Neame, applicant's agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report, which recommended approval subject to conditions and drew Members' attention to the late items.

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

On hearing the views of Cllr Carole Soden, the local Member and after discussion,

Resolved:

To grant planning permission for the following reason:

The appearance, layout and scale of the development is considered to be acceptable in this location in Minety, and as such is considered to

be in accordance with Policies C2, C3, H3 and H6 of the adopted North Wiltshire Local Plan 2011.

Subject to:-

the completion of a legal agreement under section 106 of the Act in respect of delivering an appropriate affordable housing contribution, including a requirement to provide a minimum of one affordable property or an off site contribution and up to the maximum that is required by Policy C2 and H6 of the Local Plan, and

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

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

3. No development shall commence until details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory layout in the interests of the amenity of the area.

4. No development shall commence until details/samples of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

5. 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) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

6. 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.

7. 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 gates, fences, walls or other means of enclosure (other than those shown on the approved plans) shall be placed or erected forward of any wall of a building (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

Reason: In the interests of the open plan layout of the area.

8. The proposed surface water drainage scheme shall be implemented in complete accordance within the submitted Surface Water Drainage Strategy prepared by Cole Easdon Consultants (dated May 2008) within three months of the commencement of development on this site.

Reason: In the interests of providing adequate measures for the disposal of surface water from the site.

9. Prior to the commencement of development a comprehensive plan for the ongoing management and maintenance of the stormwater drain crossing the site and ditch running along the western boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include measures for clearing the storm water drain and ditch prior to connection, their regular future maintenance, together with the installation of a control structure so as to hold flows and effectively increase the capacity of the storm drain. Development shall be carried out in complete accordance with those

details submitted and approved.

Reason: In the interests of ensuring the developed site is not a cause of flooding to nearby properties through management and maintenance.

10. No development shall take place until the proposed and required widening of the access track to the site from Hornbury Hill has been wholly completed in complete accordance with the details contained on the submitted plan reference TP5056-001 rev.C.

Reason: To ensure that a safe vehicular and pedestrian access to the site has been provided prior to any commencement of building works within the main body of the development site.

11. The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

Reason: In the interests of highway safety.

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

Reason: In the interests of amenity and road safety.

13. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

POLICY—C3

1b 10/01962/FUL & 10/01963/LBC - Burton Hill House, Malmesbury, SN16 0EL - Conversion of Burton Hill School to 7 Residential Units, Conversion of Outbuilding to Residential (One Unit) & Erection of New Dwelling & Associated Works

The following person spoke in favour of the proposal:

Mr Ian Maslin, applicant's agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report, which recommended refusal and drew Members' attention to the late items.

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

On hearing the views of Cllr John Thomson, the local Member and after discussion,

Resolved:

To defer determination of the application to allow the submission of outstanding information including: condition and structural survey; fire and sound protection details (vertical and horizontal); ecological studies and further negotiation on the legal agreement to secure contributions to affordable housing, education and public open space and potentially an ecological and landscape management plan for the site.

1c 10/03028/OUT - Clouds Farm, Box Hill, Box, SN13 0NT - Erection of Agricultural Workers Dwelling (Outline)

The following person spoke in favour of the proposal:

Mr Edward Drew, applicant's agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report, which recommended approval subject to conditions and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical

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

On hearing the views of Cllr Sheila Parker, an adjoining local Member, who spoke on behalf of Cllr Dick Tonge, the local Member and after discussion,

Resolved:

To grant planning permission for the following reason:

The proposal for an agricultural workers dwelling has been justified within the guidelines as set out in PPS7 and as such is not considered as inappropriate development within the green belt. The dwelling would be located in an area which is well related to the farming enterprise and where the new building could be designed to sit relatively unobtrusively within the landscape. It is considered that the proposal meets the criteria as set out in policies NE1, NE4, NE5, NE6, H4 and C3.

and subject to the following conditions:-

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

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

- 2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**
 - (a) The scale of the development;**
 - (b) The layout of the development;**
 - (c) The external appearance of the development;**
 - (d) The landscaping of the site;**
 - (e) The means of access to the site.**

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

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

3. 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.

Plan; Location plan scale 1:2500, dated 3rd August 2010.

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

4. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

5. There shall be no works to, or removal of, any trees or shrubs within the site without the prior written approval of the local planning authority.

REASON: To protect the wildlife and the ecological interest of the site.

- 1d 10/03454/FUL - Grove Farm, Ashton Road, Leigh, SN6 6RF - Erection of Agricultural Workers Dwelling & Garage

The following person spoke against the proposal:

Mr Roger Baker, a local resident

The following person spoke in favour of the proposal:

Mr David Pearce, applicant's agent

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

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

On hearing the views of Cllr Carole Soden, the local Member and after discussion,

Resolved:

To grant planning permission for the following reason:-

In the context of the existence of a previous planning permission, it is considered reasonable to grant planning permission for this agricultural worker's dwelling as it would comply with the provisions of Policies C3, H6 and NE15 of the adopted 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 Section 91 of the Town and Country Planning Act 1990.

- 2. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification), or in forestry, or a widow or widower of such a person, and to any resident dependants.**

Reason: The site is in an area where residential development for purposes other than the essential needs of agriculture, or forestry, is not normally permitted.

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

Reason: In the interests of visual amenity.

- 4. 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) there shall be no extension or external alteration to any building forming part of the development hereby permitted.**

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations and so as to ensure the dwelling remains at a size commensurate to the functional requirement of the holding.

- 5. 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), other than the garage shown on the approved plans, no other 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.

- 6. At no time shall any business activities be carried out from the agricultural holding and/or dwelling (including providing any Bed and Breakfast accommodation) other than the agricultural operation to which the dwelling hereby approved relates, without the prior written approval of the local planning authority in the form of a planning permission in that behalf.**

Reason: To ensure that the access to the site from Ashton Road

is not used for vehicular traffic over and above that associated with the agricultural enterprise.

7. 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.

8. 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) there shall be no rooflights, windows or other form of opening introduced into the roof structure of any building that forms part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for external alterations of this type and so as to ensure the dwelling remains at a size commensurate to the functional requirement of the holding.

9. 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) the roofspace in both the dwelling and the garage shall not be used as habitable accommodation and shall only be used as indicated on the approved plans as general storage space.

Reason: In order to ensure the usable internal floorspace of the dwelling remains at a size commensurate to the functional requirement of the holding.

- 1e 10/03885/FUL & 10/03886/LBC - The Mansells, Upper Minety, Minety, SN16 9PY - Extension to Existing South Elevation to Create Two Storey Bay

The following people spoke in favour of the proposal:

Mr Omar Malik, applicant
Mr David Stirling, applicant's agent

Cllr Graham Thorne, Chairman of Minety Parish Council

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval subject to conditions and drew Members' attention to the late items.

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

On hearing the views of Cllr Carole Soden, the local Member who spoke in favour of the application and after discussion, Cllr Peter Hutton proposed and Cllr Toby Sturgis seconded that planning permission be granted subject to conditions. On the taking of a vote the Motion was lost, two members voting in favour of the Motion, four Members voting against the Motion and one Member abstaining.

139. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.20 pm)

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

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

Wiltshire Council – Area North

Planning Committee

26th January 2011

Forthcoming Hearings and Public Inquiries between
17/01/2011 and 31/03/2011

Application No	Location	Parish	Proposal	Appeal Type	Date
10/01657/FUL	Land at Chelwoth Lodge, Cricklade, Swindon, Wiltshire, SN6 6HP	Cricklade	Change of Use of Land to Accommodate 16no. Gypsy and Traveller Pitches and Associated Works.	Public Inquiry	01/02/2011

Planning Appeals Received between 02/12/2010 and
06/01/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Procedure	Officer Recommendation
10/01243/FUL	1 The Tynings, Corsham, Wiltshire, SN13 9DE	Corsham	Erection of Dwelling	DEL	Written Representations	Refusal
10/03055/FUL	Land at Brynards Hill, Binknoll Lane, Wootton Bassett, Wiltshire, SN4 7ER	Wootton Bassett	Residential Development of 50 Dwelling Houses and Associated Works	DEL	Public Inquiry	Refusal
10/03022/FUL	62 Park Avenue, Chippenham, Wiltshire, SN14 0HA	Chippenham	Extension to Provide New Attached Dwelling	DEL	Written Representations	Refusal
10/03673/FUL	35 Hallsfield, Cricklade, Wiltshire, SN6 6LR	Cricklade	Erection of Attached New Dwelling	DEL	Written Representations	Refusal

Planning Appeals Decided between 02/12/2010 and 06/01/2011

Application No	Location	Parish	Proposal	DEL or COM	Appeal Decision	Officer Recommendation	Appeal Type
10/01232/FUL	Land off B4696, Flaxlands, Wootton Bassett, Wiltshire	Lydiard Tregoz	Erection of Agricultural Building Including Hardstanding and Repositioning Field Gate	DEL	Appeal Dismissed	Refusal	Written Representations
10/02370/FUL	12 Bewley Lane, Lacock, Chippenham, Wiltshire, SN15 2PG	Lacock	Erection of Two Storey Front Extension	DEL	Appeal Dismissed	Refusal	Written Representations
10/00426/FUL	Glen Avon, Hornbury Hill, Minety, Malmesbury, SN16 9QH	Minety	Demolition of Existing Dwelling and Erection of 8 No. Dwellings, Vehicular and Pedestrian Access, Parking and Landscaping	COMM	Appeal Withdrawn	Delegated to Implementation Team Leader	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 26/01/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	10/03885/FUL and 10/03886/LBC	The Mansells, Upper Minety, Wiltshire. SN16 9PY	Extension to Existing South Elevation to Create Two Storey Bay (Resubmission of 10/00825/FUL and 10/00826/LBC).	Refusal
7b	10/03160/FUL	Land to Rear of Farrells Field, Cold Harbour Lane, Yatton Keynell, Wiltshire	Small Scale Development of Two B1 Office Buildings with Associated Parking & Landscaping	Delegated to Implementation Team Leader
7c	10/04349/FUL	2 Hartham Lane, Biddestone, Chippenham, Wiltshire. SN14 7EA	New Two Storey Side Extension & Demolition of Existing Single Storey Detached Garage to Rear of Property	Permission
7d	10/04463/FUL	Hill Brook House, Quemerford, Calne, Wiltshire. SN11 8LF	New Dwelling - Amendment to 04/03639/FUL	Permission

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	26 th January 2011		
Application Number	N.10.03885.FUL and N.10.03886.LBC		
Site Address	The Mansells, Upper Minety, Wiltshire, SN16.9PY		
Proposal	Extensions to existing south elevation to create 2 storey bay (resubmission of 10.00826.LBC)		
Applicant	Mr. O. Malik		
Town/Parish Council	Minety		
Electoral Division	Minety	Unitary Member	Carole Soden
Grid Ref	400614 191374		
Type of application	Planning and Listed Building Application		
Case Officer	Andrew Robley	01249 706 659	Andrew.robley@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Soden has requested that the Committee consider the effects of the proposal upon the character of the building.

These applications were considered at the Northern Area Planning Committee on 15th December 2010. Due to a technicality in the voting rules the procedure for determining the application was not followed correctly and it is therefore necessary for it to be reconsidered by the committee.

The following report is exactly as reported to the meeting on 15th December, except that two further letters of support have since been received and some formatting changes have been introduced to improve consistent presentation of reports across the Council.

1. Purpose of Report

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

Minety Parish Council support the application and no letters of support or objection have been received.

2. Report Summary

The application is for the removal of two original windows and fabric below and between them from the 1700 wing and the construction of a two storey bay. The key points to consider are as follows:

- Implications on DC Core Policy HE4, PPS 5 policy HE9, PPS 5 English Heritage Guidance
- The irreversible loss of original fabric
- The justification in respect of residential amenity.

The proposal is identical to the applications that were refused planning permission and listed building consent at the Northern Area Planning Committee on 19th May 2010. A revised justification statement has been submitted.

The Parish Council support the application and two letters of support have been received.

3. Site Description

The Mansells forms part of a small historic group which includes Mansells Coach House to the north and a separately listed barn to the west. From the outside, the house is a picturesque mix of stone, plaster and half timbering in a roughly “H” shaped plan form of blocks of varying height under steeply pitched stone roofs. The variety of form, detail and materials displayed within the house is fundamentally representative of the three main historical phases but also to an extent due to the somewhat whimsical and eclectic nature of the north (Victorian) wing.

Historically the most significant part is the central 1656 linear core which runs roughly north south and the 1700 east addition to it . The Victorian north wing is less significant in historical terms but has more architectural pretensions rather than the earlier parts which are more simple and vernacular. However, the Victorian wing does internally contain some introduced historical fabric including a C15th traceried timber ceiling which although out of context is clearly a significant historic feature.

Externally, the windows to the north Victorian wing are generally relatively large and of varying architectural styles from the 3 light stone mullioned window on the north elevation to the very large 5 light oriel window on the east elevation.

The early central core retains original window openings at first floor and attic level, but ground floor windows are largely not original, having largely been deepened or replaced with gothick style traceried bays. The Victorian and later additions are not all well conceived.

The 1700 range alone retains all its original windows. It comprises a single room on each of its three floors and each room has a complete set of three original windows, one to each external aspect. These are described in the list description as 3-light oak mullions with small leaded pane casements. Close inspection shows them to be good quality heavy section hand carved oak ovolo moulded mullions, subtly lighter in section on the first floor, the mouldings matching those on the main interior beams, also of heavy section and good quality. There is no doubt that these are the original frames and thus over 300 years old. It is understood that there is no dispute in this regard by the applicant. It is understood that the leaded lights have been progressively reglazed during the owner’s tenure and that there is now little or no original glass. It is not disputed either that the bottom rails and lower sections of the frames have been attacked by death watch beetle. However, it was stated in the earlier refused application design and access statement which accompanied the application, that they were capable of repair, although in a later supplementary statement it is stated that the ground floor window was not capable of repair. The current design and access statement now categorically states that neither the ground floor window nor the first floor window on the south elevation are capable of repair although all the other windows in the two affected rooms are.

4. Relevant Planning History		
Application Number	Proposal	Decision
N.87.517.LB. and 0458.F	Erection of bay window.	Granted
N.87.1318.LB	Alterations.	Granted

N.87.2007.LB	Extensions and alterations.	Granted
N.94.0543.LB	Alteration of drawing room window on west elevation.	Granted
N.94.2105.LB	Alterations to glazed frontage of garden room/conservatory.	Granted
99.01455.FUL and 01456.LBC	Demolition of modern porch and erection of new porch.	Granted
N.10.00825.FUL and 00826.LBC	Extension to existing south elevation to create 2 storey bay	Refused

5. Proposal

The proposal is for a two storey flat roofed bay window 2.275 M wide by 1.510M deep by 4.63M high. This would be situated on the south elevation of the 1700 range. It would be constructed of lime roughcast pillars and spandrel panels onto a stone plinth and under a stone cornice. The windows at first floor would comprise a 3- light casement to the front with 2 No. single light casements to the sides. On the ground floor, the arrangement would be similar but the windows would be taller, each having transom lights at high level. The window frames would be of oak, glazed with leaded lights in metal frames.

In order to accommodate the new bay, two of the original windows would be removed and the fabric beneath and between them (0.6 M thick presumed plastered stone) would be removed (total area removed approximately 3.68 sq.m).

6. Planning Policy

Policy HE4 of the North Wiltshire Local Plan 2011(Development, Demolition or Alterations involving Listed Buildings)

PPS5 and accompanying Practice Guide by English Heritage.

7. Consultations

Minety Parish Council – Support the proposal

8. Publicity

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

No letters of objection have been received. Since the meeting on 15th December 2 letters of support have been received.

9. Planning Considerations

Policy and Legislative Background

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

Government advice is now under the new PPS5 and accompanying Practice Guide by English Heritage which replace PPG15.

Particularly relevant sections are HE7, HE9 of PPS5 and clauses 72, 79, 149, 152, 178,179,180 and 186 of the English Heritage practice guide to it.

Discussion

The reasons for the proposal are stated in detail in the applicant's design and access statement.

The primary reason is to improve the levels of daylight and sunlight into the ground floor room of the 1700 wing. The applicant works from home and uses this room as his study/office. He argues that there is insufficient natural light by which to work and insufficient sunlight which would help to heat the space by solar radiation.

The secondary reason is that he considers that the south elevation of the house is undistinguished and would benefit from the addition of the bay as an architectural feature. A further reason is that decay that in both the first and ground floor windows to the south elevation renders them irreparable. Appendix 2 of the Design and Access statement contains supporting evidence for this in the form of quotations from two joinery firms.

It is argued in the statement that the building has several different historical phases and has had a number of later additions and alterations particularly to windows, that have enhanced the house, the proposals are described as another such addition which would enhance this part of the house. It is further argued that there is no suitable alternative room within the house which could serve as the office. The agent also argues that the special character of the building derives from the eclectic mix of later variations rather than in any of the original fabric.

Clearly the removal of the two windows and the 2.5 sq. Metres of stonework between them would be a significant loss to the historic and architectural character of the building. The window frames are hand made in oak, with good mouldings. They are over 300 years old and contemporary with this wing of the house, which is agreed to be circa 1700. They contribute to the architectural character, which in this wing is remarkably consistent.

PPS5 HE7.1 says that in considering applications, ".... the significance of any element should be taken into account....".

HE9.1 says ".....there is a presumption in favour of conservation of heritage assets..... that once lost they cannot be replaced and that significance can be.... harmed or lost by alteration or destruction..... Loss affecting any heritage asset should require clear and convincing justification."

The Practice Guidance provides further guidance.

Clause 149 states that " original materials only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour helps maintain authenticity....."

Clause 152 is specific to repair of doors and windows and states ".....doors and windows are frequently key to the significance of a building. Change is therefore advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail....."

Clause 178 says "...It would not normally be acceptable for new work to dominate the original asset or its setting in either scale or material...."

Clause 180 Says "...Where possible it is preferable for new work to be reversible so that changes can be undone without harm to the historic fabric...."

Clause 186 Says "...New features added to a building are less likely to have an impact on the significance if they follow the character of the Building...."

Clause 179 says "The fabric is always an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new". The work proposed involves loss of original fabric and is therefore irreversible and thus not in accordance with clause 180.

The applicant and his agent argue that the proposed bay would enhance the building and in particular that the south elevation is plain and undistinguished. In fact this elevation and specifically the 1700 wing is largely unaltered, unlike the majority of the building, having features of overhanging bracketed eaves, boldly ovolo moulded beams and cornices and bold ovolo moulded window frames, all characteristic, of a piece and dateable to the period. The proposed two storey bay is a strong introduction of a major vertical element, whereas clause 186 of the practice note advises that "new features added to a building are less likely to have an impact on the significance if they follow the character of the building.....". Certainly whatever its architectural merits, it would diminish the architectural unity and completeness of the 1700 wing and the other alterations proposed to unify the south elevation could be done whether or not the bay is added and indeed the bay would tend to lead to disunity.

In summary, the evidence in the design and access statement is not that repair of the windows is completely impossible but that it is difficult and not economically viable. It should be noted that both joinery firms have nevertheless offered a quotation for repair.

In view of the revised information regarding the state of repair, the windows were looked at again by the case officer. It was noted that the sills are significantly eroded and that in the first floor window the right hand jamb has been previously splice repaired up to a height of 150mm but not the left hand jamb nor the two mullions, whereas the ground floor window had no previous splice repairs. It is understood from the applicant that the windows were filled and painted internally approximately 4-5 years ago, yet there are no tell tale flight holes. Similarly there are none on the exterior which was decorated 13 months ago. The case officer's view remains that the windows are probably repairable and that therefore this should be attempted before discarding them due to their age and significance.

If indeed it were the case that the windows are completely irreparable, the correct course of action would be to replicate them to maintain the wholeness and reduce the loss of authenticity of the 1700 wing of the buildings. Similarly if one had a circa 1700 table with one irreparable leg, one would not take the opportunity to replace it with a larger leg of different design.

The proposed damage to the building has to be weighed against the applicant's justification argument which is made in detail in the design and access statement and summarised above.

The main justification argument is that there is insufficient sunlight and daylight in which to work and that the lack of solar radiation penetration renders the room cold, bearing in mind that the applicant works at home. Supporting information in the design and access statement is given in respect of the amount of sunlight that enters the room in February.

There is no reason to doubt the figures given. However, the room does benefit from triple aspect and two of the three windows, facing south and east do admit sunlight. The windows are small and the area of glass compared to floor area as given in the statement is low by modern standards. There is no doubt that supplementary electric light would be required to work in the room.

The argument over solar radiation is less easy to understand. During winter, when more heat is needed, normally more is lost through window glass, which is a relatively poor insulator than would be gained by solar radiation and a room with bigger windows such as the three sided bay proposed will be colder and therefore require more heat input on all but the sunniest days. The 600mm thick walls should serve to retain heat having reasonable insulation value and high thermal capacity and therefore the room should not be inordinately difficult to heat and would not be improved by addition of the bay.

In summary, the room does receive relatively low levels of sunlight and daylight but can function adequately as an office with supplementary electric light, which is fairly normal. However, the perception of adequacy of daylight and sunlight is a subjective thing and the applicant clearly feels the room is unsuitable as it stands.

The justification for the loss of the first floor original window and associated masonry is less supportable in any case, as this would be to a bedroom, where the need for daylight and sunlight is less. The reasoning in the design and access statement is that a single storey bay would be unsatisfactory in architectural terms. However elsewhere on the building there are several single storey ground floor bays and first floor oriels and only one double storey bay (on the west elevation).

Officers have sought to discuss with the agent alternative proposals that might be less damaging to the building, for example using a room elsewhere in the building as the office. In particular it is considered that parts of the Victorian wing are less important historically. The first floor north east room is more spacious than the existing office (23 sq. M as opposed to 20 sq. M), well located, already well lit from a large 7 light east facing oriel window and a two light south facing window and has potential for the addition of a further south facing window; the ground floor is currently split into several small rooms and further re-ordering of this 1899 interior to create a room of similar size to the above or a smaller 17 sq.M, would be less damaging than the loss of circa 1700 fabric as proposed (the pantry larder, store and hall are divided by relatively thin partitions, partly of modern blockwork). These options were explored further at a meeting between the case officer and the agent during the first application consultation period and at a site meeting following the new application, (although access to the above first floor room was not available on that day) but regrettably they have proved unacceptable to the applicant. It should be noted that the design and access statement does not acknowledge the proposal for the first floor north east room although this is undoubtedly an oversight.

It is implied in the design and access statement that the elevation most affected by the proposals is relatively unimportant because it is not readily visible from the public road and is not the principle entrance elevation. That it is not readily visible from the public road or indeed neighbouring properties is undisputed but it is nevertheless important because this elevation contains both the early phases of the building and is relatively simple and uncluttered by later additions and because the 1700 phase is the most complete and original part of the building.

10. Conclusion

The proposed two storey bay would result in disruption to the 1700 wing, which at present has survived largely in its original form, unlike other parts of the building. In particular, two original 300 year old oak framed windows would be irretrievably lost. The irreversible loss of these very early frames is a serious matter, only to be considered as a matter of last resort. The two quotations now supplied by the applicant indicate that repair would be difficult and that much of the original timber would be lost. The officer view remains that they are probably reparable and PPS 5 guidance advises that in cases of total loss of windows, they should in any case be replicated to the same design and in the same material.

The justification put forward is that the windows are too small and that there is insufficient daylight or sunlight and that the bay would constitute an enhancement . The windows are typical in size to many rural historic buildings in the district and the rooms concerned do benefit from triple aspect. Furthermore, this is a large house with many rooms on three levels and later wings of less importance. Insufficient consideration has been given to utilising other spaces, which either already benefit from more natural light or could be altered to provide more with much less damage to the significance of the building, particularly the north east first floor room in the Victorian wing. The existing south elevation is a pleasing amalgam of historical periods as part of a vernacular building and the proposed two storey bay is over dominant and would not achieve the harmonisation of the facade as suggested in the statement.

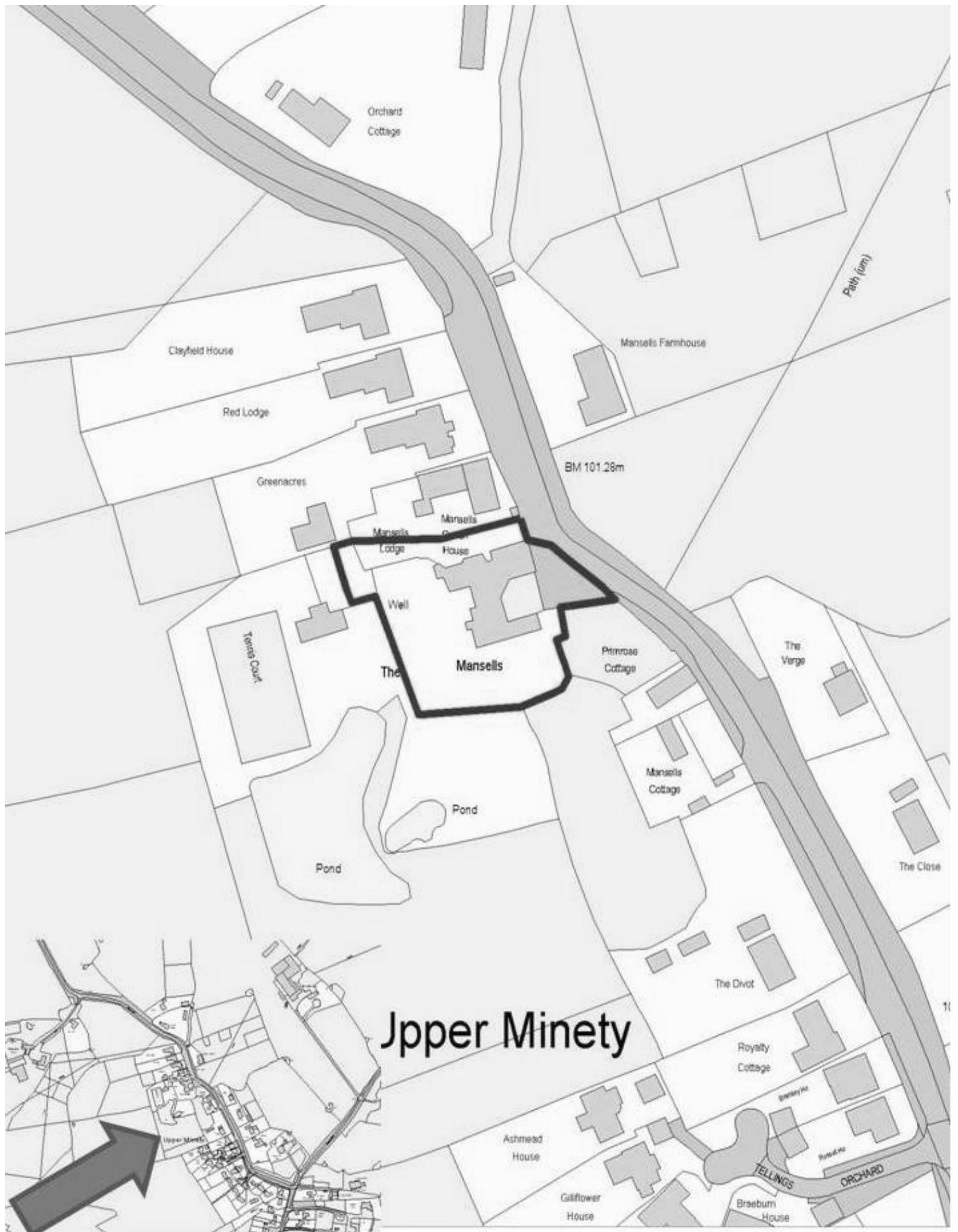
This proposal is not adequately justified, given that the rooms remains useable and that there are other alternative rooms within the house with larger windows or which are capable of being equipped with larger windows with less damage to significant features.

It is therefore recommended that the applications are refused in respect of policy HE4 because the proposed extension and alteration would not preserve or enhance the building, its setting or features of special interest that it possesses i.e. the loss of 2 No. 1700 window frames and associated stonework between them would not be adequately justified. In addition the proposal would not comply with PPS5 policies HE 9.1, 9.2 and 9.4 and 179 of the practice guide in these respects.

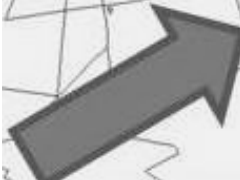
11. Recommendation

Listed Building Consent and Planning Permission be REFUSED for the following reasons:

1. The proposals would damage the listed building and features of special architectural and historic interest without sufficient justification and is therefore not in accordance with the Planning (Listed Building and Conservation Area) Act 1990.



Jpper Minety



Upper Minety

TELLINGS

ORCHARD

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	26 th January 2011		
Application Number	10/03160/FUL		
Site Address	Land to rear of Farrells Field, Cold Harbour Lane, Yatton Keynell		
Proposal	Small scale development of two B1 office building with associated parking and landscaping		
Applicant	Mr Avent		
Town/Parish Council	Yatton Keynell		
Electoral Division	ByBrook	Unitary Member	Cllr Jane Scott
Grid Ref	386947 175974		
Type of application	Full		
Case Officer	Simon T. Smith	01249 706633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Scott has requested that this application be considered by the Development Control Committee so that the scale of development together with its potential impact upon the surrounding area may be considered.

1. Purpose of Report

To consider the above application and to recommend that, subject to the submission of required surveys of the site to demonstrate the absence of protected species to the satisfaction of the Council Ecologist, the planning application be DELEGATED to the Area Development Manager for Planning Permission to be granted subject to conditions.

The Parish Council objects to the application. 49 letters of objection have been received and a further 7 letters objecting to the revised plans. In addition a petition objecting to the application with 94 signatories has been received.

2. Main Issues

The application is for the development of two B1 office buildings with associated parking and landscaping. The key points to consider are as follows:

- Implications on DC Core Policies C3, C4, NE15 and national policy within PPS4
- Principle of development
- Visual impact of proposal vs. local employment
- Impact upon residential amenity
- Other matters

3. Site Description

The application site is positioned to the East of Yatton Keynell village and directly abuts the Settlement Framework Boundary and the residential development known as Farrells Field. The site is currently a 5310m² open field and is accessed from the adjoining fields also under the control of the applicant.

4. Relevant Planning History		
Application Number	Proposal	Decision
86/2358/OL	Industrial estate, light industrial units, car parking and landscaping	Refused 12/01/87
88/0022/OL	Industrial estate	Granted
89/1198/F	Industrial estate	Granted
91/2616/F	Change of use of light industry to associated industrial uses	Granted
92/2248/F	Industrial units	Granted 15/03/93
93/0109/F	Change of use of light industrial to associated industrial uses	Granted 15/03/93

5. Proposal

The proposal is for layout out of B1 office development, complete with parking and new access from B4039. The office development is to take the form of two separate two-storey blocks of 465m² each. Each block is identical in appearance and layout (albeit handed) and approximates a central position on the site with access road and parking provision either side. Additional landscaping is proposed for all boundaries, with the deepest belt of planting proposed to the West adjoining the boundary with the Farrells Field residential development.

6. Consultations

The Town/Parish Council

In respect of the original plans, object on the following grounds:

- Proposed development is of a scale that is out of proportion with the existing village
- Proposed buildings present a far more uniform and regular non-domestic character that offers only limited variation in roof and appearance
- Development would profoundly alter the character and appearance of this entrance to the village.
- Does not comply with Policies C3 and BD4 of the adopted North Wiltshire Local Plan
- Business establishments have decreased over years in Yatton Keynell, but the development would provide employment for 140 and is clearly out of proportion with village.
- Poor and infrequent transport links to Chippenham would limit accessibility to proposal. Cycle and pedestrian links are limited.
- Potential increase in traffic - close proximity to school and doctors surgery – B4039 is a busy road with increased traffic volumes likely to cause an impact upon highway safety and therefore contrary to Local Plan policy.
- Site is not allocated for employment development in local plan.

- No evidence of demand for employment development on this location – significant vacant accommodation at nearby Bumpers Farm and other locations.
- Development would not take account of surrounding development and landscape and would be contrary to Policy NE15 of adopted Local Plan.
- Aware of 1993 permission – however at that time the adjoining sites were used for Countrywide Farm store and associated workshops, but are now development for residential purposes. The previous permission has no validity as a precedent.

Comments still awaited in respect of revised plans reducing number of offices blocks to 2 units.

Highways

In light of the fact that the site is located outside of the Settlement Framework Boundary to Yatton Keynell, object on the grounds of sustainability.

However, in the event of the proposal satisfying other policies within the adopted Local Plan, advise that a visibility splay of 2.4m x 90m should be demonstrated in both directions.

Land Drainage Engineer

There is a history of drainage problems on the highway at Tiddlywink and the adjacent development at Farrells Field when this development required drainage pipe work installation in a southerly direction. This drainage disappears into a swallow hole and has been forgotten. I would like to see details how they intend dealing with surface water.

Environmental Health

No adverse comments provided development is for office use only.

Wessex Water

The development is located in an area with both foul and surface mains drainage. The developer will need to agree a point of connection with Wessex Water prior to the commencement of development.

Pipelines Agency

Government pipeline does cross a small section of the site. The development will need to be made aware of the requirements for a way leave around the infrastructure where development would be expressly prohibited by separate legislation.

Council Ecologist

An ecological survey has been carried out which has identified that the site has the potential to support nesting birds, commuting/foraging bats, amphibians and reptiles. No further survey work has been carried out to confirm their actual presence/absence. Recommends that the application is supported by sufficient ecological information to assess the sites value as a habitat.

7. Publicity

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

In total 49 letters of objection received. 94 signatories in form of a petition objecting to the proposal. The revised plans have resulted in 7 specific letters of objection. Main issues:

- Large buildings at the entrance to Yatton Keynell inappropriate
- Scale of development is not small and is out of proportion to Yatton Keynell
- Drainage problems exacerbated.

- Highway safety compromised as a result of additional traffic close to school and doctors surgery – overflow of parking onto main road and surrounding residential area
- Loss of natural habitat for birds and animals
- Impact upon privacy of nearest residential properties
- Lack of accessibility to site
- Previous permissions are historic and relate to a time when the site was set in a very different context (in particular Farrells Field was not built at that time). Therefore have no bearing and do not set a precedent.
- Reduction in building numbers does not alter previous objections – development is still inappropriately large in context of Yatton Keynell village

8. Planning Considerations

Principle of development

The application site is positioned on agricultural land immediately adjoining the southernmost extent of the Settlement Framework Boundary to Yatton Keynell. In this context, Policy BD4 of the adopted North Wiltshire Local Plan 2011 is applicable.

Policy BD4 does envisage that the principle of new business development on land that adjoins villages would be acceptable provided the scale, form and character of the development is appropriate to the village and there is no adverse impact upon the surrounding highways. Accordingly, the prime purpose of this policy is to allow for the possibility of appropriate new employment opportunities to be created for residents of those villages deemed to already possessing a range of local services (ie. as is denoted by the drawing of a Settlement Framework Boundary around such villages, defined within the adopted Local Plan).

This site has been the subject of proposals for development in the past, culminating in the 1993 permissions for light industrial units. Although never implemented and granted some 17 years ago under different planning policy, the principles underpinning such planning policy remain substantively unchanged. Therefore, despite its age, the previous planning history of the site is a material to the determination of this application. The fact that the context to the site has since altered (primarily the creation of Farrells Field estate in place of the previous workshops) is not considered to be critical since the correct application of planning policy only requires a consideration with the application site's relationship with the Settlement Framework Boundary itself. The likely level of impact upon residential amenity is correctly assessed against separate policy.

The principle of development of this site for employment purposes is considered to be established. The relative success or failure of the scheme therefore rests upon the appropriateness of its form, scale and impact upon residential amenity. Such matters are considered below.

Visual impact of proposal vs. local employment

Amongst other requirements, Policy BD4 requires new business development to be both "small scale" and be appropriate to the village in scale and character. For the purposes of assessing the visual impact of the proposal, these requirements are largely similar. In the absence of any definition within the Local Plan, it is left to individual interpretation as to what "small scale" is, and whether a proposed development is appropriate to the character of settlement.

To this extent, it is judged that whilst Yatton Keynell is one of the smallest villages within the District, the southern entrance to the village is rather dominated by the Farrell's Field residential development. Although there are a number of buildings evident along B4039 prior to reaching the sign for Yatton Keynell (which coincides with the Settlement Framework Boundary), the Farrells Field development does play the role of a definitive and highly distinguishable threshold between countryside and (built up) village. Its built form is both immediate to the B4039 and in depth from the road frontage.

It could be argued that even quite intensive development on the application site would simply have the effect of moving the already highly defined threshold between village and its countryside hinterland slightly further out. However, this approach is considered to be a mistake, and is the reason why revised plans have been submitted (reducing the number of office units from 3 to 2 and consequent reduction in parking space). Revised plans attempt to provide a degree of transition or “feathering” of the transition between countryside and built form of the main village.

The success or failure of such a reduction in built form so as to achieve a “feathered” entrance to the village as opposed to a blunt one, is of course open to individual debate. Indeed, objectively, the proposal still results in a dramatic visual change from present green field to built development. However, this is a situation that would, to one degree or another, result from most proposals for development being considered against Policy BD4 and in this particular instance the proposal, as is now configured, would allow for development of a reduced scale (both from the previously submitted plans and that permitted in 1993) set in a site that would be highly landscaped with a significant degree of such along all boundaries. The design of the buildings themselves, approximating a domestic height and alluding to accommodation created from converting a rubble stone barn, is thought to aid a site performing the function as an entrance to Yatton Keynell.

To consider whether the proposal is “small scale” and appropriate to Yatton Keynell in terms of the amount of new employment floorspace being created, as opposed to its visual effect considered above, is equally problematic. Yatton Keynell is a relatively small village virtually devoid of any/all existing employment floorspace, therefore rendering this proposal for 930m² new floorspace as undeniably a significant addition. To use this as the only measure of schemes acceptability, however, would be to precisely ignore the positive benefits of provide employment opportunities where there is currently none.

Echoing adopted Local Plan policy C4, National planning policy advice in PPS4: Planning for Sustainable Economic Growth (2009), whilst acknowledging the need to take account of the quality and character of the area within which a development would sit, does state (at EC10.1):

Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

Clearly, there is very little development that is more sustainable, in the broadest sense of the word, than development that would provide opportunities for local employment within a village where there is currently very little.

Impact upon residential amenity

The application is submitted on the basis that the new accommodation would be used for (B1) office purposes only. The B1 Office use class is often defined as only encompassing activity that can be undertaken in a residential area without unacceptable impact upon amenities. In the event of planning permission being granted, suitably worded planning conditions can confirm provide adequate control over those uses permitted.

The concerns of the nearest neighbours are acknowledged and sympathised with as many views from Farrells Field will alter from open fields to built development, car parking access road. However, a change to a view across land is simply that. It would not constitute a detriment to living conditions that the planning system can take account of. Indeed, the proposal does include a sizeable depth of landscaped land between Farrells Field and the car parking/office buildings that is considered adequate to protect against any potential noise and disturbance from the increase in activity. There is also sufficient distance to Cold Harbour cottages to the East of the site.

The Council’s Environmental Health Officer has raised no objections to the proposal.

Other matters

Concerns have been raised regarding the accessibility of the site and how “sustainable” development upon it might be. To an extent this matter is acknowledged by the Highway Officer, who raises concerns over the factual positioning of the site in open countryside and the relative lack of opportunity to access the site other than via the private car. However, as is noted above, the site directly adjoins a village identified within the Local Plan as being suitable for such development, and in such locations, Policy BD4 does indeed envisage the principle of such development to be acceptable. To this extent it is reasonable to assume that a proportion of any future employees would come from Yatton Keynell itself.

Subject to the provision of adequate visibility splays at the junction with B4039, the Highway Officer does not raise objections to the proposal on the grounds of highway safety. Similarly, the suggested on site parking provision has not been raised as an objection. In this context, and notwithstanding the concerns raised by local residents and the Parish Council, it is not considered to be reasonable to refuse planning permission on these grounds alone.

Drainage and flooding has been raised as a concern by local residents. It is considered entirely possible for planning conditions to be imposed that would require a scheme for surface and foul water disposal to be agreed prior to the commencement of development. Connection to mains drainage is available, subject to agreement with Wessex Water.

9. Conclusion

Planning policy does not provide clarity as to what constitutes “small scale” or appropriate business development on the edge of villages. An assessment has been made that while acknowledging the dramatic visual shift from the present condition of the site as a green field to built form, does conclude that the form and scale of development would not be so incompatible in the context of forming the southern gateway to Yatton Keynell village, that would result in a reason to refuse planning permission.

10. Recommendation:

Subject to the submission of required surveys of the site to demonstrate the absence of protected species to the satisfaction of the Council Ecologist; then:

DELEGATE to the Area Development Manager for

Planning Permission to be GRANTED for the following reason:

Whilst acknowledging the dramatic shift from the present condition of the site as a green field to built form, it is considered that the form and scale of development would not be incompatible in the context of adjoining residential development and forming the southern gateway to Yatton Keynell village. As such the proposal is of an appropriate form and scale in accordance with Policies C3, C4 and BD4 of the adopted North Wiltshire Local Plan 2011 and national planning guidance in PPS4.

Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

6. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 4.5 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the north and 90 metres to the south from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

7. The development hereby permitted shall not be first brought into use/occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for

use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

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

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

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

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

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

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

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

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

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

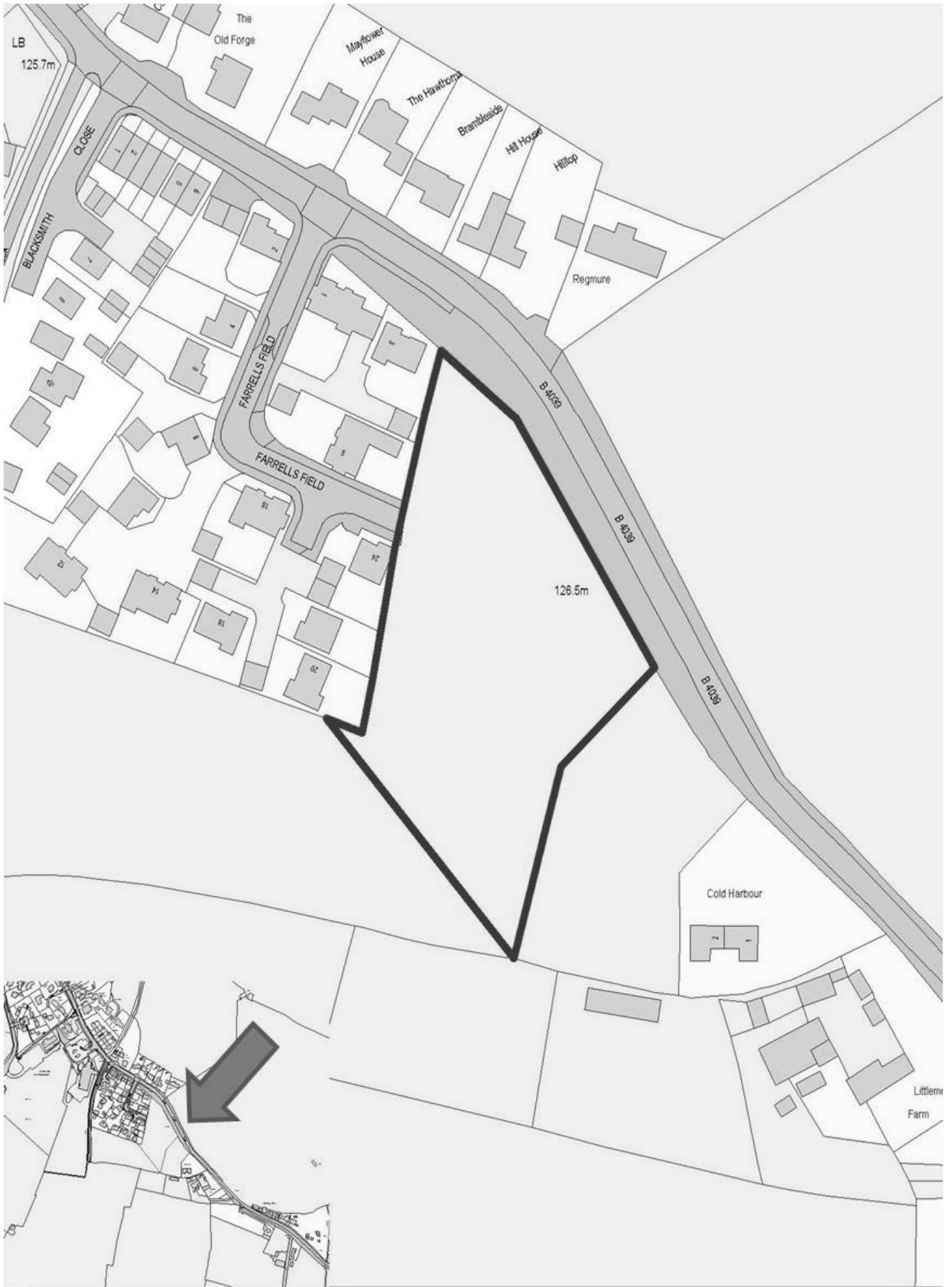
REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

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

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

14. 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.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	26th January 2011		
Application Number	10/04349/FUL		
Site Address	2 Hartham Lane, Biddestone, Chippenham		
Proposal	Two Storey Extension & Demolition of Single Storey Detached Garage		
Applicant	Miss L Myles		
Town/Parish Council	Biddestone Parish Council		
Electoral Division	By Brook	Unitary Member	Jane Scott
Grid Ref	385946 173296		
Type of application	FUL		
Case Officer	Mandy Fyfe	01249 706685	Mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision at the request of Councillor Jane Scott because of the planning history on the site (An earlier application was called to Committee to assess the size and scale of the proposed extension and the impact upon other properties within the area.)

1. Purpose of Report

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

2. Summary of Report

This application is for the erection of a two storey extension and demolition of a single storey detached garage, to the rear of the property. The site lies within the framework boundary of Biddestone and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Residential Extensions H8
- Affect of the residential amenity of existing properties
- Design and scale of the development

Biddestone and Slaughterford Parish Council object to the application.

Four letters of objection have been received

3. Site Description

The dwelling is semi detached and constructed of stone walls exposed at ground level and rendered in a lime render at the first floor. The existing garage is located to the rear of the dwelling and set off to one side. (This is to be demolished prior to construction of any extension). The property is also situated within the Cotswold AONB.

4. Relevant Planning History		
Application Number	Proposal	Decision
05.0495.FUL	Single Storey Extension	Permit
09.02155.FUL	Two Storey Extension	Permit

5. Proposal

Permission is sought for a two storey side extension, following demolition of the detached garage at the rear of the property. The proposed extension has a gable on the front elevation and follows through to a gable on the rear elevation. The proposed roofline is lower than that of the host dwelling. The proposal incorporates an integral garage within the extension. The application also includes fenestration and door alterations on the rear elevation. The extension will provide a kitchen and garage on the ground floor and two bedrooms on the first floor. The plans are similar to those originally submitted as an application 2009, however following a number of objections from local residents the plans were amended ground floor was reduced in size, principally to ensure that the front part of the extension was pulled away from the boundary with 3 Hartham Lane and the projection at the front of the property did not extend beyond the existing front elevation. Members resolved to grant permission for that revised proposal (09/02155/FUL) in February 2010.

The applicants have found that it would be practically difficult and potentially costly to implement the scheme as permitted and are seeking to amend the proposal.

6. Planning Policy

Policies C3 (Development Control Core Policy) and H8 (Residential Extensions) of the North Wiltshire Local Plan 2011.

7. Consultations

Biddestone Parish Council Object on the grounds that the resulting work would be overbearing, there would be no rear access, parking would be a problem, there would be a loss of amenity to the neighbouring property and it would be right up to the boundary. There would be difficulties should the emergency services need to attend. This appears to be a similar submission to the original application which was objected to last year and for which amended plans were requested, submitted and approved..

Highways has no objections and is satisfied that there have been no material changes from the previously approved application. (the highways team commented on the previous approved application: “ *this garage extension would not create a significant issue with regard to lack of turning. The neighbouring property No.3 has had an extension with no turning area. In any case with regard to the proposal it is currently not a huge area for turning and it appears that vehicles currently parking at the property may already turn in the carriageway in any case.* ”)

7. Publicity

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

4 letters of objection have been received.

Summary of key relevant points raised:

- Highways safety resulting from more cars using the property as it increases from 3 to 5 bedrooms.
- Insufficient parking
- Visual impact on village and AONB
- Symmetry of Victorian cottages will be lost if extended.
- Extension will look cramped
- Extension will be overbearing
- No access to rear of property
- Construction impossible without access to neighbours garden
- Maintenance of extension

8. Planning Considerations

The planning application site lies within the defined framework boundary of Biddestone. Any development should satisfy the Policies outlined in C3 and H8 of the North Wiltshire Local Plan 2011.

The original plans submitted under reference 09/2155/FUL showed the proposed extension as built right up to the boundary with 3 Hartham Lane and the garage element forward of the host dwelling by 1.2 metres. It was considered, due to the orientation of the houses that the extension could have an adverse impact on the neighbouring property and the applicants agreed to amend the plans. Revised plans were received showing the front extension 100mm behind the existing front elevation of the house (a reduction of 1.3m) and the extension also been pulled away from the boundary (rather than following the boundary of the property the flank wall is perpendicular to the front elevation), squaring up the front section which now looks more in proportion than being on the boundary line. Members agreed with Officers that the revised plans were acceptable in that the amenities of adjoining neighbours would not be unacceptably harmed by the proposals and the changes would have an adverse impact on the character and appearance of the street-scene. This permission is a significant material consideration.

The current application seeks to amend the permitted proposal to the extent that it reinstates the 1.2 metre projection to the front of the property at ground floor, but the extension is (as per the approved scheme) still built away from the boundary. In effect the front elevation remains of the same width as permitted, with only an additional amount of roof visible above the integral garage. The side elevation (facing 3 Hartham Lane) is 1.3 metres longer at ground floor level (accommodating the front part of the garage under a pitch roof).

Whilst most of the concerns raised by objectors are issues that were considered as part of the previous proposal (highways, parking, access to the rear of the property etc) and have not been revisited, the principle issues that Members need to consider in terms of this application (given that permission exists for a slightly smaller extension) is whether the increase in length of the garage has an impact on the amenity of the neighbouring property (No 3 Hartham Lane) and whether the amendments adversely affect the appearance of the dwelling and surroundings.

This increase in length is considered to be a minimal change and has little additional impact upon the amenity of neighbouring property.

In terms of the impact on the appearance of the property, the cottage (and its neighbour) have a great deal of charm and are attractive buildings in this part of Biddestone. The permitted scheme is considered to be subservient to the existing dwelling with its lower ridge and set back. Bringing the ground floor forward does make the extension more prominent and is not a traditional approach to extending a Victorian property. However, the extension is nicely detailed and it is a fine judgement as to whether the amended scheme would have an adverse impact on the appearance of the cottage or the wider street-scene. Officers consider that the scheme is acceptable and meets the criteria for extensions set out in Policies C3 and H8

Concerns have been raised that the development will have an impact on vehicle movements and parking within Hartham Lane. The Highway Authority takes the view that in this particular location the proposal would not create a significant issue.

9. Conclusion

The proposal is considered an acceptable addition to the host building, in terms of scale and design and is considered in character with the host building and the area in general.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the streetscene will not be detrimental to the amenities of adjoining occupiers and acceptable in terms of highway safety. On that basis, the proposal accords 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.

POLICY: C3 and H8

2. The wall materials to be used on the side elevation shall match those proposed on the front elevation (i.e exposed random stone (cavity) wall construction to the ground floor and a lime rendered finish to the first floor including stone quoin details).

REASON: In the interests of the appearance of the host dwelling and the character and appearance of the area.

POLICY: C3, H8

3. 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, H8

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

Plans

Location plan 034/ 100; Block Plan 034/101A; Existing survey 034/ 110; 111; 112; 120; 121; & 122; Proposals 034/ 115B;116B; 117B; 125B; & 126B Dated 19th November 2010
Block Plan 034/102 Dated 4th January 2011

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

Informatives:

1. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take our own independent advice with regard to the requirements of the Party Wall Act, 1996.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	26 th January 2011		
Application Number	10/04463/FUL		
Site Address	Hill Brook House, Quemerford, Calne		
Proposal	New dwelling – Amendment to 04/03639/FUL		
Applicant	Mr R Willis		
Town/Parish Council	Calne		
Electoral Division	Calne South & Cherhill	Unitary Member	Councillor Alan Hill
Grid Ref	401782 169724		
Type of application	FULL		
Case Officer	S T Smith	01249 706 633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application is submitted by a relation of an elected member of the Council. An objection has been received in respect of the proposal. As such, and under the terms of the Council's adopted Scheme of Delegation specific to planning, this application does need to be considered by the Development Control Committee.

1. Purpose of Report

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

2. Summary of Report

To consider a proposal for a new dwelling in the Settlement Framework Boundary of Calne in the context of an 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 in context of previous refusal under 10/03360/FUL

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, building works have recently 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 required to be widened to allow cars to pass. It is understood that those works have now been completed.

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 placed the new dwelling on the part of the site which is within the SFB.

4. Relevant Planning History		
Application Number	Proposal	Decision
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
10/03360/FUL	New dwelling – amendment to 04/03639/FUL	Refused 25/11/10

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.

This application is ostensibly submitted so as to overcome reasons for refusal attached to the previous application 10/03360/FUL.

6. Planning Policy

The site is substantively situated within the Settlement Boundary of Calne, where the principle of new residential development is accepted. As such Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 are relevant.

7. Consultations

Calne Town Council

“...Members discussed this application in depth and listened to both the applicants comments and neighbours concerns. The main concern members had related to the height, bulk and mass of the proposed build and the impact this will have on the neighbouring property. Members were divided in their opinions and unanimous decision could not be reached. One proposal was put forward but was not carried, a second proposals (sic) was then put forward by the Town mayor and was carried. On reflection however, the Town mayor had already declared an interest stating that she would debate this application but would not vote, therefore the proposal cannot stand.....It was agreed to r-consider this application at the next Town Development & Planning meeting on 25 January 2011, prior to it being dealt with by the Wiltshire Council Planning Committee on 26 January 2011.”

8. 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):

'It appears that little or nothing has changed between the refused application 10/03360 and the revised application 10/04463.

Our objection is based solely on the fact that Mr Willis wishes to increase the bulk and mass of the roof on all three sections of his development. This is essentially the same application as that refused at Committee on 24th November 2010 and continues to contravene the previous approved schedule, Policies H8 & C3. Further additions to any of the roof bulk and mass over and above that already approved within the scope of the original permission, 04/03639 will cause extreme loss of light, overshadowing and oppressiveness to 381 Quemerford and therefore the revised application sits outside of the remit of the policies quoted above.

We have studied the drawings for both applications and there appears to be little difference between this revision and the latest refusal, apart from the fact that Mr Willis has submitted an incorrect drawing which seems to indicate approved ridge heights of both the centre and lower section. When placed alongside the refused elevations drawing no 2 of 10/03360, the proposal is misleading and incorrect insofar as the overlay to both the centre and conservatory element of the proposal is not shown. What is actually shown is the roofline that Mr Willis would wish to have permission for without an overlay line to show the difference between that already permitted and the proposal.

Mr Willis is requesting a roof pitch of 30 degrees which is equal to that which was refused in November. As there seems to be no further removal of block work how can this be achieved if we are to believe Willis previous claims that he needed the extra height to achieve this pitch?

The conservatory element is now being constructed as a sitting room, the open view window/doors have been omitted and have now been built in red brick. Fundamentally the design is being changed to suit the introduction of a chimney breast which is already under construction within the room and which will obviously need a chimney stack/pipe to be erected externally through the roof. The bulk and mass of the roof element is being increased to vault the ceiling to enable the internal erection of the chimney breast and future introduction of means of exhaust and for no other reason.

If the applicant is successful obtaining permission for this revision, there will be, without doubt, further amendments to the original design to include a chimney stack. We would find the addition of a chimney stack totally unacceptable in this position and for the reasons of increased bulk and mass and the obvious future requirement for a chimney stack we ask that this application be refused.

As this development is less than 1.2M from our boundary, we would obviously oppose any chimney puffing smoke across our garden fence. None of this has been submitted for clearance and undoubtedly will be applied for under the radar as a minor amendment in the future if the permission currently being sought is allowed. Although minor changes, these would have major visual and pollution effects on 381 Quemerford.

We have measured the distance between our bedroom window and the proposed landing window opening in the new development and it is 14 metres. I would respectfully remind you and the councillors on the Development Control North panel of conversations that took place within the DC North meeting on 24th November when it was deemed that 21 metres was in fact the acceptable minimum distance between window openings in existing dwellings and proposed openings in new development. Again the illustration of 30M on previous plans is knowingly misleading and incorrect as the window will not be sited at this point. Therefore, the planning officer should be left in no doubt that this window should not be permitted.'

9. 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.

The 2004 permission remains extant and is capable of implementation. This is the starting point for all further considerations on this revised 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, with similar parking and manoeuvring arrangements, and garden area. Equally the dwelling would continue to be formed through three interlinking sections with a progressively dropping eaves and ridge heights. There would, however, be differences between the existing and proposed dwelling:

- With only minor internal rearrangements, in plan and footprint the proposed dwelling remains similar – albeit with the previous garage becoming habitable accommodation.
- Stylistically the dwelling has altered with consequent differences to windows and fenestration on elevations – introducing dormer windows, porch feature and rationalisation of external materials to brickwork, Oak feather edged boarding, render together with clay plain tiles for the roof boarding and render.
- Entirely new window openings are proposed for south-west and north-east elevations together with a single new rooflight on south-west and south-east roof slopes respectively.
- The eaves and ridge height of the lowest and middle sections of the proposed dwelling are now identical to that permitted under 04/03636/FUL. The largest two storey section of the dwelling would, however, alter from that approved in 2004 in respect of the profile of the roof and eaves.

Impact upon neighbour amenity in context of previous refusal under 10/03360/FUL

As per the previous 2010 application, the 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.

Going further, this revised proposal seeks to address the objections raised by the previous 2010 refusal in several ways:

- It is understood that the singular rooflight in the rear roof slope (facing the nearest neighbour No.381 Quemerford – previously acknowledged to be the property most affected by the proposal) would be fitted with obscure glazing. This is considered to be reasonable since it is a secondary window only serving a landing area. Planning conditions can secure its implementation as such, so as to limit any potential unacceptable levels of overlooking.
- The revised proposal does now reduce the scale and mass of the lowest and middle sections of the dwelling to no greater than that previous approved under the 2004 permission.

- This revised proposal continues to demonstrate a change to the ridge and eaves profile of the largest section of the dwelling. Whilst the overall height of the ridge would not be increased, the proposal would result in a greater amount of that roof being at that highest extent (ie. the ridge is longer). Due to an associated steepening in the pitch of the roof, this revised proposal also results in a general lowering in the eaves height (including the elevation facing No.381 Quemerford). In combination, this has resulted in this section of the proposed dwelling to comprise both an increase and reduction in mass when compared with the 2004 permitted dwelling. However, both the increases and reductions are minor and in this context, their net impact upon the nearest neighbour, are unlikely to be realistically perceived – either as an improvement or degradation of amenity. This situation would seem to suggest that there would be no legitimate ground to refuse planning permission on grounds of impact upon amenity.
- Perhaps due to the inevitable stretching that occurs when plans are copied multiple times, it is evident that the claimed approved ridge height of the largest block is 100mm higher than can be actually scaled from the 2004 plans themselves (ie.6.8m as shown on the now submitted plans, compared to 3.7m on the 2004 plans). However, since it is clearly the intent of the applicant to build a dwelling no taller than allowed under the terms of the 2004 permission, it is considered reasonable to impose a suitably worded condition that will remove any element of doubt on this matter.

Collectively, the above situation is considered to overcome the concerns over the potential impact upon amenity of the nearest neighbours, as expressed by the Development Control Committee in refusing the earlier planning permission under 10/03360/FUL.

10. Conclusion

As before, 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.

This revised proposal does comprise some modification to the profile of the roof of the largest part of the dwelling. However, the modifications are minor, and include both an increase in mass and a reduction. It is therefore arguable whether the proposal would represent an improvement or degradation in terms of its impact upon neighbour amenity. It follows that the net effect of such a modification upon amenity must also be considered negligible

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development comprises a dwelling that would have no greater impact upon amenities of surrounding residential occupiers than that of the extant planning permission. As such, the proposed dwelling would comply with the provisions of Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011.

And subject to the following conditions:

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

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

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

Plans

Site location plan 1:1250; Boundary Plan 2010-30/05; Elevations sheet 1 2010-30 03B; Elevations sheet 2 2010-30 04B. All dated 1st December 2010.

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

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

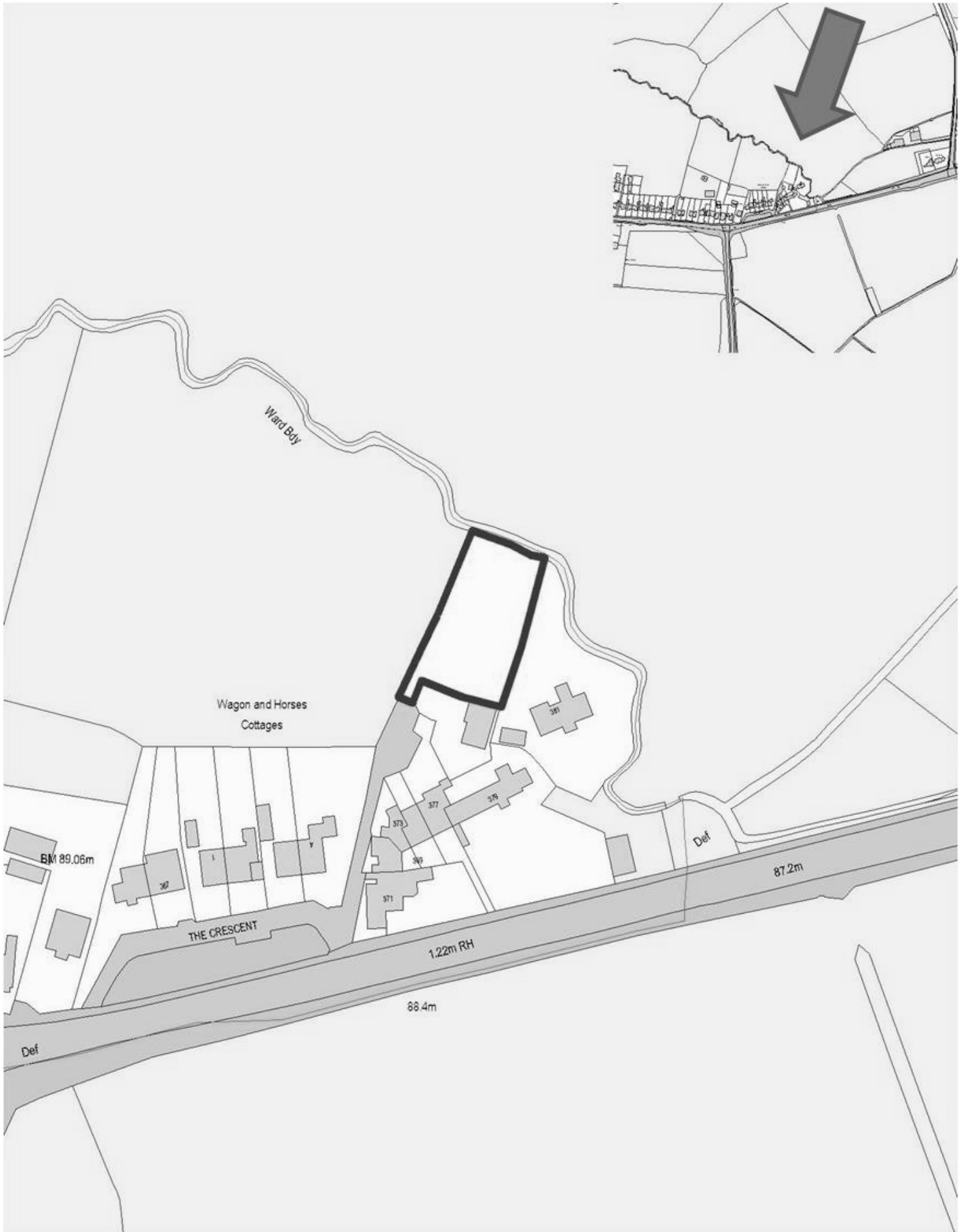
REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

4. Prior to the first occupation of the dwelling hereby approved, the rooflight in the south east slope of the roof shall be glazed with obscure glass only and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

5. In complete accordance with the annotations demonstrated on the submitted plans, the largest (southernmost) two floor element of the dwelling hereby permitted shall have up to a maximum ridge and eaves height of 6.7m and 5.0m respectively, as measured from ground level.

REASON: For the avoidance of doubt and in the interests of ensuring development has no greater impact upon the amenities of neighbouring occupiers than that of the existing 2004 planning permission.



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