

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Monkton Park, Chippenham
Date: Wednesday 9 March 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 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 16 February 2011. (copy attached)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

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

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of

Resources) no later than 5pm on (4 clear working days, e.g. Wednesday of week before for a Wednesday meeting). Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Planning Appeals** (*Pages 9 - 10*)

An appeals update report is attached for information.

7. **Planning Applications** (*Pages 11 - 12*)

To consider and determine planning applications in the attached schedule.

- 7.a **10/04039/REM - Land off Sandpit Road, Calne - Erection of 285 Dwellings & Associated Works** (*Pages 13 - 26*)
- 7.b **11/00385/FUL - Ratford Hill Farm, 3 Ratford Hill, Ratford, Calne, SN11 9JY - Erection of Agricultural Storage Building** (*Pages 27 - 36*)
- 7.c **10/04645/FUL - 2 Portal Close, Malmesbury Road, Chippenham, SN15 1QJ - Alterations, Relocation of Garage and Replacement Extension** (*Pages 37 - 42*)
- 7.d **10/03072/FUL - Land at Stanton, Chippenham - Use of Land for the Stationing of Touring Caravans & Tents** (*Pages 43 - 60*)
- 7.e **10/04596/FUL - Barncroft, Upper Common, Kington Langley, Chippenham, SN15 5PF - Erection of 3 Detached Dwellings** (*Pages 61 - 66*)
- 7.f **10/03993/FUL - Roundhouse Farm Outbuildings, Marston Meysey, SN6 6LL - Change of Use to Storage and Distribution** (*Pages 67 - 82*)
- 7.g **11/00250/FUL - Peterborough Farm, Dauntsey, Chippenham, SN15 4HD - Erection of Dwelling** (*Pages 83 - 88*)
- 7.h **11/00064/FUL & 11/00065/LBC - The Stables, Pinkney Court, Pinkney, Malmesbury - Alteration & Conversion of Stable Building to Provide a New Independent Dwelling** (*Pages 89 - 94*)

8. **Urgent Items**

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

Part II

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

None

NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 16 FEBRUARY 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM.**

Present:

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

Also Present:

Cllr John Thomson

1. **Apologies for Absence**

Apologies were received from Councillor Peter Doyle.

2. **Minutes**

Resolved:

To confirm and sign the Minutes of the meeting held on 26 January 2011.

3. **Declarations of Interest**

There were no Declarations of Interest.

4. **Chairman's Announcements**

The Chairman announced that application 10/04558/FUL – 57C Kington St Michael, Chippenham SN14 6JE – had been withdrawn by the applicant and as such would not be considered by the Committee.

5. **Public Participation**

Members of the public addressed the Committee as set out in Minute Nos. 7a and 7b below.

6. **Planning Appeals**

The Committee noted a list of appeals as follows:

Forthcoming Hearings and Public Inquiries between 07/02/2011 and 30/04/2011.

Planning Appeals Received between 13/01/2011 and 03/02/2011.

Planning Appeals Decided between 06/01/2011 and 03/02/2011.

7. **Planning Applications**

7a **10/03442/LBC & 10/03443/FUL - Pulens, Church Road, Luckington, Chippenham, SN14 6PG - Add New Porch to Side Entrance Door**

The following person spoke in support of the application.

Mr Dennis Parsons, the agent.

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the applications for planning permission and listed building consent. He introduced the report which recommended that both applications be refused 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 their views regarding the applications.

On hearing the views of Cllr John Thomson, the divisional member, and after discussion, it was,

Resolved:

To delegate authority to the Area Development Manager to approve the application for planning permission for the following reason:

The proposals will preserve the character, appearance and setting of the listed building and the amenity of the conservation area and would comply with the advice contained within The Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement (PPS) 5 and policies C3, HE1 and HE4 of the 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.

General Detail Drawing: Dated 14th September 2010
Elevation as existing; elevations as proposed; and existing and proposed floor plans: Dated 15th October 2010

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

And to delegate authority to the Area Development Manager to approve the application for listed building consent for the following reason:

The proposals will preserve the character, appearance and setting of the listed and amenity of the conservation area and would comply with the advice contained within The Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement (PPS) 5.

And subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

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

2. 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.

General Detail Drawing: Dated 14th September 2010

Elevation as existing; elevations as proposed; and existing and proposed floor plans: Dated 15th October 2010

REASON: To ensure that the development is implemented as approved

7b 10/04113/FUL & 10/04114/LBC - The Close, Great Somerford, Chippenham, SN15 5JG - Two Storey Extension Plus Associated Alterations to Ground Levels

The following person spoke in favour of the application:

Mr James Slater, the agent.

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the applications for planning permission and listed building consent. He introduced the report, which recommended that both applications be refused.

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

On hearing the views of Cllr Toby Sturgis, the divisional Member and after discussion, it was,

Resolved:

To delegate authority to the Area Development Manager to approve the application for planning permission for the following reason:

The proposals would preserve the character, appearance and setting of the listed building and amenity of the conservation area. These proposals would comply with advice contained within The Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement (PPS) 5 and the policies C3, HE1 and HE4 of the 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.

Site location and Plan numbers 10-40-100/101/102/103/104 and 105
Dated 1st November 2010

REASON: To ensure that the development is implemented as approved

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

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

4. The natural stonework to be used externally on the proposed development shall match that of the existing building in terms of type, colour, size and bedding of stone, coursing, type of pointing and mortar mix.

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

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

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

And to delegate authority to the Area Development Manager to approve the application for listed building consent for the following reason:

The proposals would preserve the character, appearance and setting of the listed building and amenity of the conservation area. These proposals would comply with advice contained within The Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement (PPS) 5.

And subject to the following conditions:

- 1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

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

- 2. 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.**

**Site location and Plan numbers 10-40-100/101/102/103/104 and 105
Dated 1st November 2010**

REASON: To ensure that the development is implemented as approved

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

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

- 4. The natural stonework to be used externally on the proposed development shall match that of the existing building in terms of type, colour, size and bedding of stone, coursing, type of pointing and mortar mix.**

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

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

REASON: In the interests of visual amenity and the character and appearance of the listed building

7c **10/04558/FUL - 57C Kington St Michael, Chippenham, SN14 6JE -
Erection of Single Storey Dwelling with Accommodation in Roof Space**

This application for planning permission had been withdrawn by the applicant and as such was not necessary to consider or determine by the Committee.

7d **10/04207/FUL - Stanton St Quintin Primary School, Stanton St Quintin,
Chippenham, SN14 6DQ - Extension to Rear of Property to Create an
Extended Services Room**

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 that the planning application be refused.

Members of the Committee then had the opportunity to ask technical questions. There were no members of the public wishing to speak in relation to the item.

After discussion, it was,

Resolved:

To delegate authority to the Area Development Manager to approve the application for planning permission for the following reason:

The flat roof kerb Velux rooflights would not be out of character with this part of the Stanton St Quintin Conservation Area and would comply with Policies C3 and HE1 of the North Wiltshire Local Plan 2011.

INFORMATIVE TO APPLICANT

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

Plan Ref 1:1250 OS location plan; Dwg Nos: 291246-100; 291246-02; 291246-12 C; and 291246-11 B - Dated 19th November 2010

8. Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 6.45 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services,
direct line (01225) 713058, e-mail chris.marsh@wiltshire.gov.uk

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

**Wiltshire Council – Area North
Planning Committee
9th March 2011**

Forthcoming Hearings and Public Inquiries between 28/02/2011 and 31/05/2011

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	26/04/2011
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.	Public Inquiry	05/04/2011

Planning Appeals Received between 03/02/2011 and 24/02/2011

Application No	Location	Parish	Proposal	DEL or COM	Officer Recommendation	Appeal Procedure
09/03766/FUL	Land To Rear Of 13 Church Street, Wootton Bassett, Wiltshire, SN4 7BQ	Wootton Bassett	Detached Double Garage	DEL	Written Representations	Refusal
09/03976/FUL	14 Granger Close, Chippenham, Wiltshire, SN15 3YH	Chippenham	Two Storey and Single Storey Extension to Rear of Property	DEL	Written Representations	Refusal

Planning Appeals Decided between 03/02/2011 and 24/02/2011

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
09/02062/S73A	Nables Farm, Upper Seagry, Chippenham, SN15 5HB	Seagry	Retention of Existing B2 & B8 Uses, Alterations to Access and Proposed Landscaping	DEL	Appeal Dismissed	Refusal	Informal Hearing
10/00947/FUL	Site 2, Colerne Airfield, Bath Road, Colerne, Wiltshire	Colerne	Erection of New Employment Building in Substitution for Approved Extensions to Existing Hangars (Revision of 09/01380/FUL)	DEL	Appeal Dismissed	Refusal	Written Representations

10/01123/LBC	6 Keynell Court, Yatton Keynell, Chippenham, Wiltshire, SN14 7EH	Yatton Keynell	Internal & External Alterations including Installation of 3 Rooflights & Flue Pipe, in Association with Use of Roofspace as a Bedroom	COMM	Appeal Dismissed	Refusal	Written Representations
10/01908/FUL	Stanton St Quintin Primary School, Stanton St Quintin, Wiltshire, SN14 6DQ	Stanton St Quintin	Erection of Single Storey Extended Services Room (Revision of 09/02323/FUL)	DEL	Appeal Withdrawn	Refusal	Written Representations

Agenda Item 7

INDEX OF APPLICATIONS ON 09/03/2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	10/04039/REM	Land off Sandpit Road, Calne, Wiltshire	Erection of 285 Dwellings & Associated Works	Permission
7b	11/00385/FUL	Ratford Hill Farm, 3 Ratford Hill, Ratford, Calne, Wiltshire SN11 9JY	Erection of Agricultural Storage Building	Permission
7c	10/04645/FUL	2 Portal Close, Malmesbury Road, Chippenham, Wiltshire, SN15 1QJ	Alterations, Relocation of Garage and Replacement Extension	Permission
7d	10/03072/FUL	Land at Stanton, Chippenham, Wiltshire	Use of Land for the Stationing of Touring Caravans & Tents	Permission
7e	10/04596/FUL	Barncroft, Upper Common, Kington langley, Chippenham, Wiltshire, SN15 5PF	Erection of 3 Detached Dwellings	Refusal
7f	10/03993/FUL	Roundhouse Farm Outbuildings, Marston Meysey, Wiltshire, SN6 6LL	Change of Use to Storage and Distribution	Permission
7g	11/00250/FUL	Peterborough Farm, Dauntsey, Chippenham, Wiltshire, SN15 4HD	Erection of Dwelling (Resubmission of 10/04280/FUL)	Refusal
7h	11/00064/FUL and 11/00065/LBC	The Stables, Pinkney Court, Pinkney, Malmesbury, Wiltshire	Alteration & Conversion of Stable Building to Provide a New Independent Dwelling (Resubmission of 10.04218.FUL and 10.04219.LBC).	Refusal

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th March 2011		
Application Number	10.04039.REM		
Site Address	Land of Sandpit Road, Calne		
Proposal	Erection of 285 dwellings and associated works		
Applicant	Redrow Homes		
Town/Parish Council	Calne / Calne Without		
Electoral Division	Calne Chilvester & Abberd	Unitary Member	Tony Trotman
Grid Ref	400579 171607		
Type of application	REM		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been called to committee by Councillor Trotman due to the size of the application together with issues of design of the houses, access into the site and highways impact.

1. Purpose of Report

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

Calne Town Council express concern in respect of parking and road widths and note the requirement of some residents for a green buffer along the western edge.

11 objections have been received.

2. Main Issues

This application follows the granted of outline permission allowed at appeal in 2009. The outline approval for 350 dwellings on the site based on a masterplan reserved all matters with the exception of access and thus the principle of development and its general form together with main access to the site has already been established.

The reserved matters which form part of this application comprise: appearance, landscaping, layout and scale.

In light of the above the main issues considered in the determination of this application are:

- Impact on the character and appearance of the area
- Scale, Design and layout
- Impact of residential privacy and amenity
- Access, highway safety and parking
- Ecological impact

3. Site Description

The application site is located on the north eastern edge of Calne, less than 1km from the town centre. It is situated between Sandpit Road in the north east and Woodhill Rise in the south west and Abberd Lane in the south with a change in levels of some 12 metres between these areas.

Sandpit Road is located to the east of Oxford Road (the A3102), which links Calne, via Wootton Bassett, to the M4 motorway in the north. The road serves an existing waste site.

The site is surrounded by existing residential development to the north west, west and south west. Fields and farm houses are situated to the north east, east and south east.

Abberd Lane and existing mature hedgerow vegetation define the southern boundary of the site.

There is little discernible style or character in the immediate surrounding context. The existing dwellings comprise a range of types and sizes, including detached, semi detached and terraced houses.

The dwellings are predominantly 2 storey's high with some 2.5 and 3 storeys' and some bungalows. The surrounding context is of a medium density.

There is a large industrial development apposite the roundabout junction on Oxford Road with Sandpit Road. This development comprises brick and metal profiled cladding. Looking further afield, in the heart of Calne there are many well designed traditional buildings and streets that create a distinctive character in this area.

The site comprises approximately 10 hectares.

4. Relevant Planning History		
Application Number	Proposal	Decision
08/02438OUT	Outline application for residential development, including infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access.	Allowed at appeal.

5. Proposal

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

The application has been the subject of revision since its original submission with changes principally made in respect of the internal layout in respect of plots, road widths, parking areas including courtyards and landscaping along the north eastern boundary. At the time of writing this report, potential further amendments are in discussion in respect of the landscape buffer along Sandpit Road together with the insertion of additional ground floor windows for two units adjacent parking courtyards.

The proposed development seeks to provide some 285 dwellings, considerably less than the maximum of 350 dwellings approved at outline. The developer has confirmed that this reduced number which represents 33 dwellings per hectare has been proposed as a result of a number of factors such as decreased land values in the current climate, changes to Government guidance regarding densities and the need to adapt to the demands of the public returning to houses which

have parking on plots rather than shared parking courtyards highlighting the return of the suburban renaissance.

The development is to be accessed via Sandpit Road as approved via the outline permission.

The development comprises largely 2 storey dwellings. There are some 2.5 storey dwellings arranged formally around the formal green and several other 2.5 and 3 storey buildings are used to respond to key spaces or views.

The dwelling mix is as follows:

Open Market

- 15 x 2 bed apartment
- 18 x 2 bed house
- 78 x 3 bed house
- 80 x 4 bed house
- 4 x 5 bed house
- 4 x 6 bed house

Affordable - Social Rent

- 14 x 1 bed apartment
- 34 x 2 bed house
- 14 x 3 bed house
- 7 x 4 bed house

Affordable - Intermediate Tenure

- 9 x 2 bed house
- 8 x 3 bed house

The affordable housing is distributed across the site in clusters of no more than twelve dwellings.

There are 3 character areas proposed. These will add legibility to the scheme and help create a varied public realm.

The Central Green - This is the largest area of open space on the site in which a Locally Equipped Area of Play (LEAP) will be provided as required by the legal agreement approved as part of the outline permission. A formal arrangement of tree planting will define the open space. A regular arrangement of dwellings will front onto the open space, set behind new hedgerow planting which will define the front gardens of the properties. The buildings will be finished in brick and render.

The Village Green - The Village Green is an informal open space defined by existing hedgerows and new dwellings, located in the centre of this application. The new planting will be informal with groupings of trees, shrubs and some wildflower and bulb planting. The existing public footpath will meander through this space and the view down to the existing church, along the alignment of this path, will be retained. Buildings will front onto the open space providing natural surveillance. The buildings will be predominantly finished in brick and render.

The Formal Green - This rectangular open space is defined by the formal disposition of the detached dwellings, the formal arrangement of tree planting and together with black metal railings creates a space quite distinctive to the two other areas. The buildings framing the space will be rendered. The materials proposed to be used include brick, render, reconstructed stone detailing with some timber effect boarding together with a mix of Double Roman and plain concrete tiles. The development facilitates a bus loop within the site and it is anticipated that some services may be diverted into the site.

The existing public right of way is facilitated within the development with the existing entrance/exits from the site maintained.

There are no proposals to do any works to Woodhill Rise or Abberd Lane.

Hedgerows are to be retained with some limited cut back as shown on the plans.

All trees along the existing north eastern boundary, some of which are the subject of preservation orders are to be removed to enable the adoption of the highway and to provide visibility splays. Substantial planting to compensate for this loss is proposed on that part of the development which fronts Sandpit Road.

6. Planning Policy

North Wiltshire Local Plan Policies C3 and NE15

7. Consultations

Calne Town Council – The design is not objectionable but concerns need to be addressed/further investigated in respect of:

- Access to the development – only one route in and out.
- Impact on highway from increased traffic
- Possibility of provision of a green buffer zone around the southern and eastern boundary as suggested by the Save Calne Marsh Group.

Highways Officer – following negotiations and submission of revised plans no objections subject to conditions.

Landscape Officer – following negotiations and submission of revised plans no objections subject to conditions.

Urban Design Officer – following negotiations and submission of revised plans no objections.

Drainage Engineer – comments waited.

Environmental Health officer – no objections subject to conditions regarding noise mitigation measures compliant with the approved Noise Assessment submitted and approved as part of 08/02438OUT.

Principal Ecologist – no objections.

Environment Agency – no objections.

Wessex Water – confirm that options for foul drainage are currently being explored with the developer following modelling to ascertain the scope and nature of off-site reinforcement necessary to support the development. Accordingly, conditions regarding the submission of a foul and surface water drainage strategy.

Wiltshire Police Architectural Liaison Officer – no objections subject to the insertion of windows the side ground of plots 84 and 85.

8. Publicity

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

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

- No need/demand (due to housing market/availability of RAF Lyneham)
- Drop in property values
- Provision of a 4 metre green buffer needed along western edge of development together with a 6ft high wooden fence
- Drainage – buffer to absorb run off
- Highways impact including that of additional quarrying at High Penn
- Ecological impact
- Flood risk
- Foundations – piling needed and noise levels would be intolerable
- Lack of local jobs
- Loss of privacy
- Loss of security
- Allotments should be provided
- Increased use of unadopted Oxford Road
- Ecological Impact
- Concern hours of construction – noise nuisance
- Poor location of access
- Insufficient infrastructure to cope with development

CPRE submitted detailed comments which can be viewed on the file. Questions were raised regarding the layout, refuse collection points, over provision of green spaces, general landscaping and the failure to employ a local landscape architect, energy saving, design and lack of outstanding design pattern, materials, unsuitability of the site for 3 storey development, need for two storey terraces, small house types of Plymouth and York being too small, public realm and whether there will be encouragement for a community land trust so residents take ownership of the public realm around them.

9. Planning Considerations

Principle of development

This application relates solely to the details appearance, landscaping, layout and scale in respect of 285 dwellings.

The development of the site for up to 350 dwellings with the access as proposed has been allowed at appeal and thus matters of need, loss of countryside, general visual impact, impact on highways, ecology and drainage are not factors which can be considered at this juncture.

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

The development will be constructed to required Building Codes. Higher levels cannot be secured via this application and thus comments regarding energy saving cannot be considered further.

In relation to impact on infrastructure, a legal agreement attached to the outline permission secures the provision of affordable housing, education contributions and provision of open space. Highways contributions have also been secured in terms of public transport revenue support and off-site works if and where necessary and could be used to provide pedestrian crossings with the approval of the Area Board.

In terms of surface water and foul drainage, details have been submitted and discharged in conjunction with the Environment Agency for the site, together with an application having been submitted and approved for an attenuation pond, access and sewers (10/03389FUL refers).

In accordance with condition 6 of the outline permission an Ecological Management Plan has been prepared and is supported by the Council's Principal Ecologist. The plan subject to on-going discussions regarding the maintenance and management of hedgerows across the site before it can be discharged.

Character and Appearance of the Area

The principle of development has been approved as mentioned above. Therefore the fundamental change to this part of Calne and the rural character and appearance has been approved.

The applicants have confirmed their reasoning for seeking permission for a considerably less dense development than the 350 dwelling limit. This has been to secure a more suburban development rather than slavishly adhering to high densities which have now been removed from Government guidance.

Existing hedgerows are to be largely retained on the site with some limited cut back and removal for access purposes largely within the site but also along the north eastern boundary.

It is unfortunate that all the trees along the north eastern boundary is required, some of which have tree preservation orders. However, many of the trees are planted above existing services; and or are required to secure the adoption of the road and provide the necessary visibility splay.

A significant tree belt is to be provided along the site frontage with the road and this will mitigate the loss of the trees without undermining highway safety or the visual impact of the site within the immediate or wider landscape so as to warrant a refusal.

Having regard to factors such as the density of the development, retained landscape features and proposed landscape mitigation, it is considered that the change is not detrimental, having regard to adjacent residential character.

Scale, Design and Layout

The design and layout of the development has been the subject of considerable negotiations prior and since its submission, the effect of which is that it has been the subject of numerous revisions. Calne as an evolving town has developments which reflect all period of growth from the historic core to the estates and developments of the inter and post war years, most recently with the significant expansion of North Calne. North Calne enclosed by the road contains a variety of house types and densities which largely reflect the high density requirements of the late 1990's, early 2000's.

The scheme as proposed is no longer objectionable on highways, urban design or landscape grounds. Additionally, the Architectural Liaison Officer from Wiltshire Police is unable to sustain an objection as the scheme is proposed.

The scheme represents a low density development of some 33 dwellings per hectare. The majority of the development comprises 2 storey dwellings, with limited 2.5 and 3 storey (23%). This is considerably less than approved in the design and access statement submitted with the outline application.

The development is set out in to distinct character areas as highlighted above and responds to the character and topography of the site.

The palette of materials proposed which include predominantly brick and concrete tiles/slate of varying shades as per the outline details.

These materials are reflected in the immediate built context. The development does not attempt to create a Cotswold pastiche but draws reference to the adjacent context and aspects of the central historical context which is also reflected in towns to the north and east.

The development has been designed to facilitate a bus loop through the site should services be diverted/extended into the site. Pedestrian access to Woodhill Rise is facilitated which in turn will link into Penn Hill Road and Oxford Road.

As with most major development proposals of this nature, some loss of hedgerow is proposed as mentioned above and reflects the masterplan and design and access statement submitted with the outline application.

Furthermore, it should be noted that such features need to be considered in the context of their future management and liability with a balance between ensuring their retention together with the viable and not too onerous management for either the Council or existing and potential residents.

The approach of the scheme in respect of hedgerow retention is supported by landscape and ecological officers and reflects that approved at outline.

A buffer has been sought along the north western boundary of the site to the rear of the Kilns and running parallel with Oxford Road. The hedge has been requested on privacy, amenity and drainage grounds.

The provision of such a buffer would cause significant concern in terms of future management and maintenance. The existing hedge along this boundary is to be retained in any event, albeit it marginally reduced in width. Additional tree planting in the vicinity of The Kilns is also proposed.

The creation of such a buffer is not needed for privacy reasons as is discussed below and as an expansion to Calne it need not be separated to this extent. Such an approach as not been sought in respect of other expansions in recent years in the town or other towns such as Corsham or Wootton Bassett.

Furthermore, the Inspector did not consider a buffer to be necessary when considering the design and access statement and masterplan.

Affordable housing has been laid out in a variety of clusters with the largest being 12 dwellings and the smallest being 3 dwellings.

Accordingly, the scale, design and layout of the development reflects the approved masterplan together with the design and access statement submitted with the outline application and its acceptable having regard to the character of the site and residential amenities, the latter discussed in more detail below.

Residential Amenity and Privacy

Given the outline permission, the view for many residents will be forever changed as is the way with urban extensions such as this.

The development is very true to the illustrative masterplan submitted with that application and plans contained within the design and access statement.

The scheme proposes minimum window to window distance of at least 22 metres between the existing and proposed dwellings backing onto properties on Oxford Road and The Slades. This distance applies to a handful of properties and where this occurs the distance is not wholly direct.

The retention of existing hedgerow features will assist in mitigating this further but the distance is acceptable. Conditions regarding levels will be attached to any permission to ensure levels are as per the cross section details submitted. These minimum distances are only acceptable if the existing and proposed plots at this location are at the same or very similar level and the developer should be mindful of this when discharging the condition. As the hedgerows are shown to be retained as part of the landscaping proposals, permission would be required for their removal.

Access, Highway Safety and Parking

The access to the site in terms of its location has been approved as part of the outline permission and its location is not for consideration as part of these matters.

Additionally, the highways impact of this scale of development is not a matter for consideration with the site having been considered acceptable for up to 350 dwellings. This applies notwithstanding future quarrying activities at High Penn which have recently come about. The extant outline permission cannot be revisited as part of this application.

The development does represent a departure from the high density residential schemes approved over the last five years within the northern part of the Council and the associated parking courtyards where parking is generally hidden from view.

This scheme delivers a more suburban development with a return to attached and detached garages within curtilage, with some formal on street parking and some pockets of parking courtyards.

The road widths and pedestrian routes through the site have taken account of this. The existing right of ways is preserved through the site. Highways officers under their own legislation (Section 38) have secured the provision of a footway to be provided in the existing verge on the northern side of Sandpit Road which will link into the existing footpath/bus stop on Oxford Road.

The development has been scrutinised in terms of garage and parking sizes and is not considered to be objectionable either in this respect or on any other highways grounds.

In the absence of any objections on highways grounds, the scheme is considered to be acceptable.

Impact on Ecology

The site contains no nationally or locally designated wildlife features or species

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

Details have been submitted in respect of Condition 6 of the outline permission and discussions are ongoing in respect of the Plan which has the support of the Council's Principal Ecologist who also raises no objections to this application.

Bat and bird boxes are required and are proposed to be secured via condition.

10. Conclusion

The reserved matters of appearance, layout, scale and landscaping accords with the outline permission granted under 08/02438OUT and would not result in the detrimental impact on any residential amenities, landscape, ecology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The reserved matters of appearance, layout, scale and landscaping accords with the outline permission granted under 08/02438OUT and would not result in the detrimental impact on any

residential amenities, landscape, ecology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

- (1) finished floor levels of all buildings;
- (2) finished levels across the site;

Where the development permitted is to be carried out in a phased manner, the development of each phase shall not start until details of the matters listed above have been submitted to and approved in writing by the local planning authority insofar as they relate to that phase.

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

POLICY – C3 NE15

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

This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

POLICY – C3

3. Prior to the occupation of the 1st dwelling hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) details of the play equipment to be installed on the "LEAP" in the position indicated on the drawing number PL-01 Revision Z.

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

POLICY – C3 NE15

4. The north eastern landscape buffer fronting the residential development along Sandpit Road shall be carried out in the first planting and seeding season following the commencement of development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the

approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY- C3 NE15

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

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

POLICY- C3 NE15

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

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

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

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

POLICY- C3 NE15

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

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

POLICY – C3

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

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

POLICY – C3

9. The development hereby permitted shall be constructed in accordance with the noise mitigation measures contained within paragraph 5.2.3 of the Noise Assessment prepared by ANV dated October 2008 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of those residents fronting/adjoining Sandpit Road.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), 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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to plots 70-84 inclusive and plots 246-257 inclusive.

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

POLICY-C3

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

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

13. Notwithstanding the submitted plans, no permission is given for any access to the sales office. Such an access would require separate planning permission.

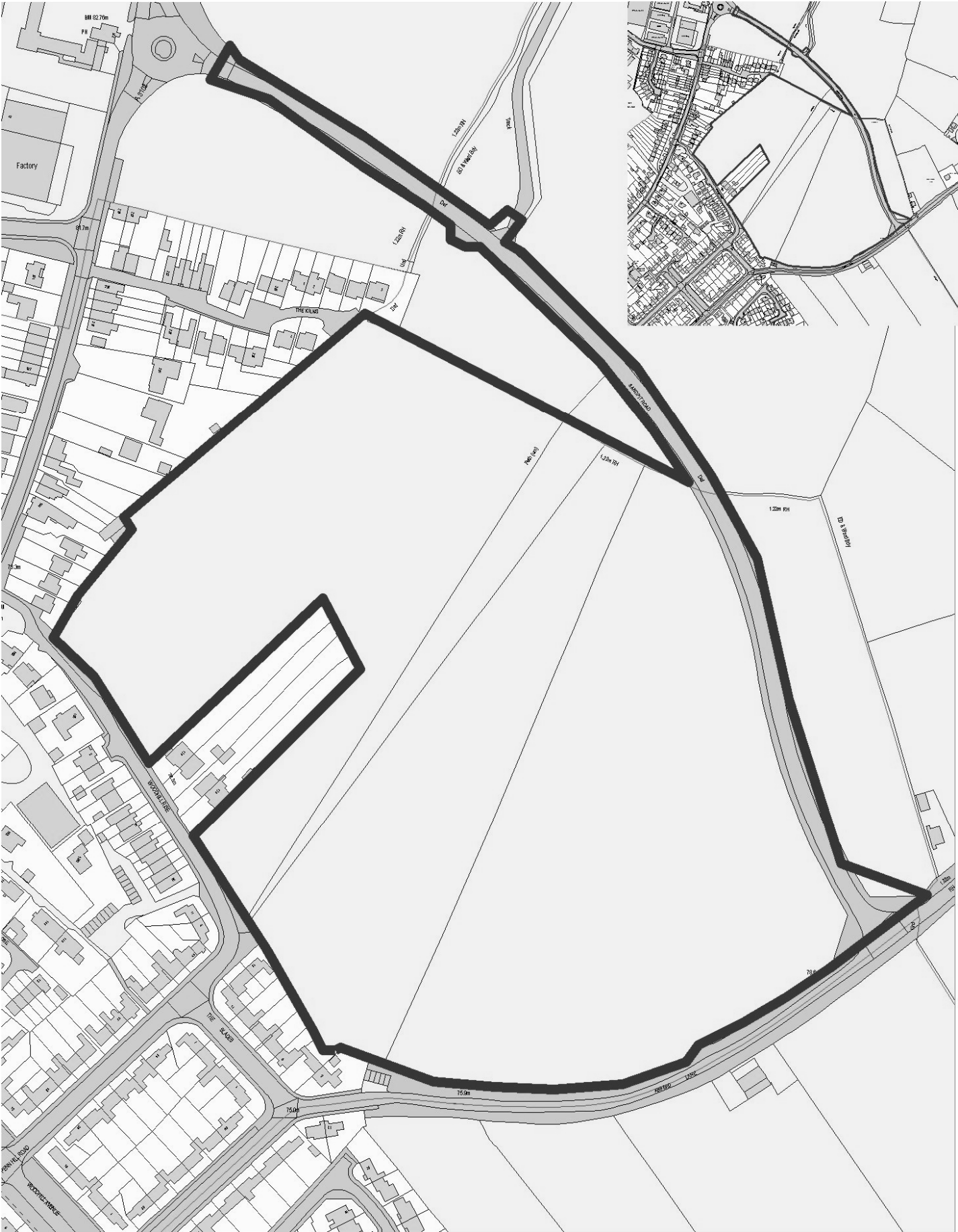
Reason: For clarification in the interests of highway safety and the provision and retention of the landscape buffer along this boundary.

14. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed in informative 2. 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.

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

INFORMATIVES:

1. This decision should be read in conjunction with decision 08/02438OUT and the S106 agreement approved therein.
2. List of plans to follow as late observations.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th March 2011		
Application Number	11/00385/FUL		
Site Address	Ratford Hill Farm, 3 Ratford Hill, Ratford, Calne, Wiltshire SN11 9JY		
Proposal	Erection of Agricultural Storage Building		
Applicant	Mr D Mehaffy		
Town/Parish Council	Bremhill		
Electoral Division	Calne Rural	Unitary Member	Christine Crisp
Grid Ref	398104 172221		
Type of application	FULL		
Case Officer	Brian Taylor	01249 706 683	Brian.taylor@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Crisp has requested that this application be considered by the Planning Committee in order that Members can consider the impact of the proposed building on the surrounding area and because the applicant's partner is a member of staff within planning services.

1. Purpose of report

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

2. Report summary

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

- The need for the proposed building
- Design of the building
- The impact of the building upon residential amenity and privacy
- The impact of the building upon the setting of listed buildings and the landscape

The application has generated support from Bremhill Parish Council (subject to some comments), 4 letters of objection and 3 letters of support from the public. A petition objecting to the application signed by 13 individuals from 8 addresses has also been received.

However, the consultation period does not 'expire' until 3rd March (that is after this report was drafted) and any additional comments or observations will be reported via the additional information pages.

3. Site Description

The site is part of an agricultural holding associated with Number 3 Ratford Hill (known as 'Ratford Hill Farm'). It comprises a number of agricultural buildings which are in generally traditional in character (excepting a nissen hut used for storage) and in varying states of repair. It is understood that these buildings were originally the farm buildings associated with No 4 Ratford Hill (now known as 'Dovetail Cottage') but at some time in the past the farm and house were separated.

The owners of No 3 Ratford Hill now own the buildings and associated areas of land and have started to operate an agricultural business.

The site is located on land that rises up from Ratford Bridge (to the south). Numbers 2 and 3 Ratford Hill (semi detached thatched cottages), No 4 and No 6 are all listed buildings located close to the road. Land to the east of the road is generally open countryside with only the existing agricultural buildings extended eastwards into the landscape.

An access track leads from a gateway to the south of No. 1 Ratford Hill to the land and buildings at the rear of No. 3 Ratford Hill. Whilst a gateway had always existed here the access track was implemented in 2010 following the granting of planning permission in December 2009.

4. Relevant Planning History		
Application Number	Proposal	Decision
09//01986/FUL	Improvements to and widening of existing access, surfacing of farm track and creation of hardstanding for cars for adjoining dwelling	Permit
10/03259/AGN	Erection of Shed for Storage of Farm Produce & Associated Machinery and associated access.	VOID*
10/04427/AGN	Erection of Shed for Storage of Farm Produce & Associated Machinery and associated access.	VOID*
* Void AGN (agricultural notification) see explanation in following paragraphs		

5. Proposal

The application is for an agricultural building (with associated hardstanding and access). The issues raised are not unusual nor particularly complex when compared to many similar applications the Council deals with.

However determination of the proposal has perhaps been complicated by the recent history on the site, which is explained in the following paragraphs.

The applicant owns a house along with some agricultural buildings and land at 3 Ratford Hill. Which, with his partner, he is developing an agricultural business. In 2009 a planning application was submitted for permission to widen an access and to create an access track. The application was permitted with no objections having been received (09/01986/ful).

Members will be aware but certain works carried out for 'agricultural purposes' do not require planning permission. The Town and Country Planning (General Permitted Development) Order 1995 – which has been amended several times over the years – sets out in Part 6 (Agricultural Buildings and Operations) what is defined as 'permitted development (that is development that does not require planning permission).

The relevant parts of the order indicate that on an agricultural unit of 5 hectares or more in size the erection of a building is 'permitted development' subject to certain conditions being satisfied. The principal conditions, set out under Section A.1, in this case would be that it must be used for agricultural purposes (c); it should not exceed 465 sq metres (d); it should not be higher than 12metres (f); it should not be within 25 metres of a classified road (g). One additional condition set out in Section A.2 requires that before beginning the development the 'developer' has to apply to the local planning authority for a determination as to whether prior approval of the authority will be required for the siting, design or external appearance of the building. This is not the same as applying for planning permission (as permission already exists) it is a process whereby the

planning authority can require further details on the 'siting, design or external appearance of the building'. This is known as an agricultural notification and there is no requirement to consult in the same way as there is for a planning application. The local planning authority must make a decision within 28 days of receiving the notification, if not then the developer can commence work in any event. Being a time-limited, notification procedure the scheme of delegation does not provide for these applications to be determined by the Area Planning Committee.

In 2010 the applicant submitted an agricultural notification (AGN) to erect a building on the site to store hay and machinery (10/03529/AGN). The case was dealt with by one of the Area Team Leaders. To ensure that the application was rigorously assessed the team leader took independent advice from an agricultural advisor, who concluded that the building was appropriate (in its design and size) for a holding of that size. The AGN was therefore approved and no further details required.

However, when construction started on site, a neighbour contacted the Council raising concerns to the effect that construction was taking place and they were not aware of any permissions being applied for or granted. Officers explained that the building did not need planning permission and had been dealt with under the 'notification' procedure which does not involve neighbour notification or site notice.

The neighbours then engaged a planning consultant who identified that (contrary to the conclusions of the Council's planning team) the building would have required planning permission. The consultant highlighted that in calculating the area of the 'building' the Council had omitted to include the hardstanding and access track to the building. In addition, to the extracts of the regulations set out above paragraph D2 explains that in calculating the area of a building in section A1 this should include *"the ground area which would be covered by the proposed development, together with the ground area of any building..., or any structure, works, plant, machinery...within the same unit which are being provided and any part of which would be within 90 metres of the proposed development."* When the area of hardstanding around the proposed building and the proposed access track were taken into account the ground area exceeded the 465 sq metres limit, and therefore the proposal could not be dealt with as a notification, but a planning application would be required. Officers accepted that an error had indeed been made and apologised to both applicant and complainants.

Officers met with the applicant and it was agreed that if the size of the building were reduced and some of the hardstanding omitted this could reduce the new works below the 465 sq metre threshold and this revised proposal could then be dealt with as a notification (rather than a planning application). A revised notification for a building of 331 sq metres and a total 'ground cover' (including track and hardstanding) of 461 sq metres, was received on 29th November 2010 (10/04427/AGN).

However, the neighbour's consultant picked up a further error in this approach. The regulations not only require that the ground area of any works proposed should be taken into account, but also any works which "have been provided within the preceding two years and any part would be within 90 metres of the proposed development." As referred to above, planning permission had been granted for an access track to the farm in December 2009 and implemented in early 2010. When the area of this track was taken into account the resultant 'ground area' again exceeds 465 sq metres.

So even in its reduced form, the agricultural building and its associated track and hardstanding required planning permission.

Unfortunately, the applicant, acting in good faith (based on the initial 'permission' given under reference 10/3529/AGN and the advice of officers), had already commenced work on the building (ground works have commenced and some materials had been delivered to the site).

The applicant was advised that in order to regularise the situation a planning application should be submitted for the agricultural building. Work at the site halted as soon as the Council advised the applicant of the situation (3rd December 2010).

The applicant has been particularly co-operative through out this process, despite the fact that the situation has arisen through errors made by the Council. The regulations are particularly tortuous and even the complainant's advisor acknowledges that a large proportion of agricultural notifications are wrongly administered by local authorities. In effect neither notification should have been accepted or determined.

An application has now been received for an agricultural building of 30.65m x 11.5 m (352 sq.m) with associated concrete hardstanding (85.7 sqm) and access track (around 87 sq m). The building will be 4.26 m to the eaves and 5.3 m to ridge. The building itself is slightly smaller (in footprint) than that proposed in the original AGN, but slightly larger than that proposed in the second AGN.

6. Planning Policy

North Wiltshire Local Plan: policies C3 Development control Core Policy); NE15 (Landscape character) HE4 (development affecting the setting of a listed building).

The site lies within the countryside with no specific landscape designation.

Central government planning policy: PPS7

7. Consultations

Bremhill Parish Council

Support the application subject to the following conditions:

- Screening with trees already grown to a reasonable size on the southern and western elevations.
- Subject to the applicant's sole use for agricultural farming with no sub-letting.
- Consideration should be given for the door of the building to blend sympathetically with the colour of the steel cladding on the south elevation.

Ecologist

Following concerns raised locally about a site of local conservation interest, badger setts and other wildlife issues the county ecologist has been consulted his comments are:

Nature Conservation Sites of Local Importance: Having consulted our databases, I note that the closest County Wildlife Site (CWS) is located approximately 150m south of the application. Given the nature, scale and location of the proposals I do not anticipate any impacts upon this or other CWSs in the locality as a result of the development and do not consider that Policy NE7 is relevant to the application.

Badger Setts: Setts are reported to be present at the site, indeed we do hold a badger record close to the site and I would expect this species to be present in the locality given its current abundance in the landscape. Badgers and their setts are protected under the Wildlife and Countryside Act (1981) and the Badger Act (1992). If badger setts are present at the site, any potential damage to burrows would be restricted to ground works and site preparation activities; given that such works are understood to have been undertaken already, I do not consider that any grant of permission would lead to impacts upon this species, therefore any such consent could be issued in accordance with Policy NE9.

Other Local Wildlife: The site does not appear to support any suitable habitats (buildings or mature trees) which would support nesting barn owl or bats. Small patches of scattered scrub could potentially have supported a small number of active bird nests, however such areas would have been removed as part of ground works and in any case their loss would not be significant or detrimental to local wildlife given the context of the site in an agricultural landscape with abundant patches of scrub and hedgerows.

It is therefore considered that the proposed development would not adversely affect BAP species and the application could be granted in line with Policy NE11.

Agricultural advisor

Following comments from an objector raising concerns about the report commissioned by the Council regarding the necessity for the building, the consultant has been requested to revisit the proposal. No response has yet been received. Comments will be reported through the additional information pages

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation (the consultation expiry date is 3rd March, additional responses will be reported via the additional information pages).

A petition has been received signed by 13 individuals from 8 separate addresses in Ratford. The petition describes the proposal as 'large industrial building on pasture land opposite number 3 Ratford'. And raises five specific objections:

- Building larger than would reasonably be required.
- Building is of an industrial design not appropriate to location or setting of cottages.
- Will dominate landscape and listed buildings
- Detrimental to privacy and amenity of residents
- Not in keeping with host dwelling or rural character and appearance of area

4 letters of objection received (Please note: One of the letters of objection is a detailed six page assessment which, by necessity, has had to be summarised considerably for this report. The full text is available on the website and on the working file)

Summary of key relevant points raised:

- Need for a building of this size has not been established (the conclusions of Council's advisor are questioned)
- Building too large for its surroundings
- Concerns about use of building and its use by third parties
- Privacy and amenity issues
- Potential fire hazard storing hay and machinery together
- Impact on listed buildings
- Options for repairing existing buildings or reducing size of proposed building should be explored.
- Adjacent to a nature conservation site of local importance, there are badger setts in the vicinity and development will have adverse effect on other local wildlife.

2 letters of support received

Summary of key relevant points raised:

- Impact of this building on appearance has to be considered against the existence of the Calne by-pass (including lights) and sewage treatment plant.
- Building design is no different to any other agricultural building.
- Holding has been farmed for many years
- Applicants should be supported to farm this holding

9. Planning Considerations

Need for the building

One of the main objections raised regarding this application appears to be that there is no requirement for a building of this size. As explained in the 'Proposal' section above when the original agricultural notification was received the Council sought the advice of an independent agricultural advisor. The report was based on the original agricultural building (which was 30.5m by 12.2 m an area of 372 m²) which is very slightly larger than the building now proposed but the area divided similarly into machinery store (with small office) and open sided hay barn.

The report (which the applicants have also included in their supporting information for this application) concludes that 'Overall, I consider that the proposed building is reasonably necessary for the purposes of agriculture within the unit.' The report acknowledges that there are existing buildings on site, but still concludes that this building is reasonably necessary. On this assessment officers have dealt with the application on the basis that the building is not in itself too large or inappropriate for this holding. However, as objectors have raised detailed concerns about the accuracy of the report the consultant has been approached for any updated comments.

Design

The building has been described as having an 'industrial' design. The building is proposed to be constructed as a fairly typical utilitarian agricultural building – concrete blockwork with plastic coating box profile side cladding (olive green) to the walls, with a fibre cement roof in 'anthracite' (with transparent roof panels to provide light). This is a typical approach to modern agricultural buildings. Indeed the manufacturers (Webcox Engineering of Calne) have written to the Council to confirm that building is constructed to meet agricultural specifications (BS 5502 Class 2).

The design of the building is appropriate to the use of the building – that is it is not unusual and would not suggest the building is to be used for anything other than agriculture.

The Parish Council have requested that the roller shutter door blend in with the cladding of the building.

Impact on amenity and privacy

The building is located on a holding that has been farmed for many years. Originally using the existing buildings on the site, and more latterly, the land was farmed remotely from Compton Bassett as part of a larger holding and all the produce and machinery was stored at the main farm, not at Ratford. Agriculture is a use which is well established in the vicinity, the holding has an agricultural holding number. The existing buildings are located close to the boundary with No 4 Ratford Hill. Intensification of these buildings for agricultural purposes may cause some disturbance but would not be subject to any control under planning legislation. The proposed building would be located about 45.0m to the east of the rear boundary with No 4; and 55m away from the boundary with No 2 (the cottage adjoining the applicants dwelling) and No 1 Ratford Hill. Given that an agricultural use is established on this site it is not considered that this building will give rise to further vehicular movements or activity that would cause a problem in terms of amenity.

Similarly given the distances involved there will be no increase of overlooking or any adverse impact on privacy.

Impact on setting of the listed buildings

Ratford comprises a number of dwellings and farms which are strung out along the C113. Generally buildings are traditional in character and many are listed, including Numbers 2 and 3, Number 4 (Dovetail Cottage) and Number 6.

In terms of the listed buildings, the setting is not just defined as the curtilage, or what can be seen from the listed building but should take into account the view of the listed building in relation to the new development as seen from other positions.

Planning Policy Statement 5 'Planning for the Historic Environment' (PPS5) contains a policy specifically referring to the setting of historic assets (including listed buildings). Policy HE10 states that: "When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval."

The building is over 45 metres from the curtilage of any of the listed buildings. The impact upon these buildings or their immediate curtilage is likely to be minimal. However, when approaching this group of listed buildings from the south clearly the fields and countryside to the east and the trees to the north of the site form part of their setting. There are two assessments that have to be made: firstly, how important this setting is to the listed buildings and, secondly, how much impact the proposed building will have upon the setting.

Viewed from the south the excavations that have been undertaken are visible and it is easy to assess the location of the proposal in relation to the existing buildings on the site. Four listed buildings (Nos 2, 3, 4 and 6) are clearly visible when viewed from Ratford bridge. Also within that view is the unlisted bungalow (Number 1 Ratford Hill), the existing agricultural buildings to the east of the dwellings and telegraph poles and other paraphernalia. Ratford has a very agricultural character and this part of the village nestles in a small valley and presents an attractive rural scene. However, it is not without modern development or intrusion. Whilst the rural setting certainly does contribute to the character of the individual buildings, Officers do not consider that this should prevent any development from taking place.

Clearly public views are not the only consideration, but in this case the most important views and setting would, in the view of officers, coincide with the public views from Ratford Bridge and further to the south along the C113.

The building proposed is functional and utilitarian, but it is typical of modern day agriculture and reflects the needs of the holding. Set as it is 40 metres or so away from the curtilages of the listed buildings it is not considered that the setting of the buildings will be so negatively impacted as to outweigh the benefit offered in terms of the agricultural operation.

Impact on the landscape.

The previous section assesses the impact of the building upon the setting of the listed buildings. Because of the nature of the landscape (Ratford is set within a small shallow valley) the impact of the building on the wider landscape (that is beyond the public views described above) is minimal.

It will certainly impact upon the appearance of the valley, but it is not considered to be so detrimental that it would conflict with Policy NE15. The Parish Council have suggested that some screening take place along the southern and western elevations. The applicants have agreed to

some planting, although totally screening the building from view is unlikely to be achievable, careful planting that will eventually break up the outline of the building and assist in it becoming part of the landscape is certainly achievable. A condition is proposed to secure this.

Other matters

Some residents have raised concern that the building may be used for uses other than agriculture or that the building may be let to a third party.

The building applied for is an agricultural building. Whilst agriculture can be applied to a number of uses any industrial, commercial or retail use of the building would require planning permission in itself. The small office that is included within the building is a reasonable use, but if it were to be used or occupied by a person not associated with the holding or for use not associated with agriculture then planning permission would be required. Selling farm goods from any agricultural premises is generally considered acceptable without the need for permission. It is understood that the applicant already sells produce and this does not appear to have caused concern. However, if the retailing element were to evolve so that goods were being sold that were not produced on the holding, then this would require planning permission. The building is proposed to be used for purposes associated with agriculture and should the building be used for any other uses in the future this will be investigated and appropriate action to resolve the situation taken. It would not be reasonable to refuse an application on the basis that in future the building may be used for an unauthorized use. The Parish council have suggested that a condition should be attached. Officers do not feel that this is necessary – the application is specifically for an agricultural storage building.

The second matter that has caused some concern has been whether at some future date, irrespective of whether planning permission is granted a similar sized building could be dealt with as an agricultural notification. However, members are advised that they should assess this application on its own merits rather than what might be proposed should they refuse the application.

Clearly at some point in the future an agricultural notification could be submitted for a building (falling within the limits set out in the General Development Procedure Order) on this holding. The notification procedure could not be used for the building subject to this application (as combined with the proposed access track it exceeds the 465 sq m limit – the total area of this proposal is around 524 sq m). There is some uncertainty as to whether the prior notification procedure could be used where some ground works have already been undertaken (legal advice is being sought on this matter). And of course, whilst the agricultural notification procedure is markedly different from a planning application procedure, the procedure does not necessarily guarantee an approval of the design, siting or external appearance of any given building. Any future proposals will be dealt with in the appropriate way.

Concerns have been raised regarding the potential fire hazard caused by storing farm machinery next to hay, particularly in close proximity to thatched properties. The fear of fire in traditional thatched properties is understandable, however it is not considered that the proposed building poses any particular threat in this regard and the arrangement is typical of arrangements in most agricultural holding. The closest thatched dwelling is that of the applicants.

Ecological issues raised by objectors (regarding an adjacent site of nature conservation interest, badger setts and other wildlife habitat) have been considered by the Council's Principal Ecologist who considers that the proposal would not harm any habitats or species and raises no objection on these grounds.

10. Conclusion

The proposed building is a typical modern agricultural storage building, providing space for hay/produce, machinery and a small office. The site is located in open countryside, adjacent to existing, smaller, agricultural buildings, and a series of traditional listed cottages.

The building will undoubtedly be visible in the landscape from public and private vantage points. However, given that the building is considered to be reasonably necessary for the needs of the holding (further comments from the Council's advisor are awaited), any adverse impact is considered to be outweighed by the needs of the agricultural holding.

Subject to any further issues and comments being raised by the expiry of the consultation period (3rd March) and the further comments awaited from the agricultural advisor the recommendation is to permit the application.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed building is a typical modern agricultural storage building, providing space for hay/produce, machinery and a small office. The site is located in open countryside, adjacent to existing, smaller, agricultural buildings and a series of traditional listed buildings. The building will undoubtedly be visible in the landscape from public and private vantage points. However, given that the building is considered to be reasonably necessary for the needs of the holding any adverse impact is considered to be outweighed by the needs of the agricultural holding. The proposal is considered to comply with the requirement of policies C3 (Development Control Policy); NE15 (Landscape character) HE4 (development affecting the setting of a listed building) of the North Wiltshire Local Plan 2011 and the policies contained in PPS7 and PPS5.

Subject to the following conditions:

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

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

2. No further development shall commence on site until a scheme of soft landscaping (planting) has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include 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;

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

POLICY C3 and NE15

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

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

POLICY C3 and NE15



REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	9 th March 2011		
Application Number	10/04645/FUL		
Site Address	2 Portal Close, Malmesbury Road, Chippenham SN15 1QJ		
Proposal	Alterations, Relocation of Garage and Replacement of an Extension		
Applicant	Mr C Woods		
Town/Parish Council	Chippenham Town Council		
Electoral Division	Chippenham	Unitary Member	Paul Darby
Grid Ref	391477 174441		
Type of application	FULL		
Case Officer	Sue Hillier	01249 706685	sue.hillier@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Paul Darby has requested that this application be considered by the Committee to consider the visual impact of the proposed garage upon the surrounding area.

1. Purpose of report

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

Chippenham Town Council object and 18 letters of objection have been received.

2. Main Issues

The application is for relocation of garage, a replacement of an extension and alterations to boundary treatments. The site lies within the framework boundary of Chippenham and therefore the key points to consider are as follows:

- Design and Scale of the development
- Affect on visual amenity
- Highway Safety

3. Site Description

The dwelling is detached and is situated on a corner plot within Portal Close, which is adjacent to Malmesbury Road. The property is built of reconstructed stone and has a concrete tiled roof. The existing garage is located to the side of the property. Opposite the dwelling, outside of the formal residential curtilage, there is a grassed area which borders and fronts Malmesbury Road, enclosed with a mature laurel hedge of approximately 2.5 metres in height. The dwelling and the land is separated via a drive, the use of which is shared with the adjacent dwelling, no. 1 Portal Close.

4. Relevant Planning History		
Application Number	Proposal	Decision
03/02452	Conservatory	Granted

5. Proposal

Permission is sought for the relocation of a garage, a replacement extension and alterations to the boundaries of the property.

The proposed extension is to be sited on the west elevation following demolition of the existing conservatory. It protrudes forward by 4 metres and is 4.9 metres in length. It is to be built of reconstructed stone and has a hipped, concrete tiled roof. The internal area of the existing garage is to be separated into two sections, one for storage and the other a hobbies room. The existing garage doors are to be removed and will be replaced with windows. The existing pedestrian door remains in the same position.

The newly proposed garage is to be sited on the grassed area which is adjacent to Malmesbury Road. The garage measures 6 metres x 6 metres and has a bin and store area which extends to the side by 900mm. The roof is hipped and the building measures 4.6 metres to the central apex. All the materials throughout the scheme, match that of the host dwelling.

The application also includes the erection of a 1.8 metre stone wall, which will run from the existing garage along the site boundary, enclosing the garden.

6. Planning Policy

North Wiltshire Local Plan 2011 – Policies C3 and H8

7. Consultations

Chippenham Town Council recommends refusal as the relocation of the garage would be unsightly and detract from the visual amenity of the area.

The Highway Authority has no objections to the proposal.

8. Publicity

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

18 letters of letters of objection have been received.

Summary of key relevant points raised:

- Outside of building line.
- Will make access/visibility poor.
- All other walls on estate are curved.
- Means of access over shared driveway.
- Criminal damage to property.
- The proposed garage will spoil current outlook/views and loss of visual amenity.
- Erode open character of the estate.
- The potential use of the building.
- Safety hazard.
- Height of proposed garage.
- Running private business from the dwelling.

- Roofline will be visible above the current 2.5 metre hedge line.
- Set precedent.

9. Planning Considerations

The planning application site lies within the defined framework boundary of Chippenham thus any development should satisfy the policies outlined in C3 and H8 of the North Wiltshire Local Plan 2011.

Design and scale of the development

The proposal seeks to relocate the existing detached garage to the frontage of the property, to Malmesbury Road, where currently land is not used. The land is bisected by the access road leading into number 1 Portal Close, where the applicants have the right to use this access. The existing garage is to be converted to a store/shed/hobbies and garden room, the existing hardstanding being dug up and laid to lawn and patio slabs. The boundary wall will be repositioned and extended to close off the existing access to the garage and to enclose the garden area alongside Portal Close. It will be constructed at the same height to create an extended private garden. The conservatory to the rear of the dwelling is to be removed and replaced with an extension in matching materials.

The original plans submitted showed the proposed wall being straight along the boundary and squaring off at right angles. Amended plans have been received curving the wall on both the east and west sides of the property which makes the wall more in character with the rest of the development. The proposed gravelled area adjacent to the proposed garage has also been altered to tarmac, as this is considered more appropriate for the area. Amended plans have also been received stepping the wall capping down to 1.8 metres where abutting the frontage of the garage of Portal Close. The steps will reflect the existing arrangement.

The garage will be visible from Malmesbury Road as well as Portal Close, but it is an appropriate design (reflecting in both size and design the existing garage). Being located at the entrance to Portal Close it will be prominent, but the impact will be lessened by existing hedging and walls. Accordingly, it would not be an incongruous addition and would not detrimentally impact the host dwelling, the estate and the street scene and accords with Policies C3 and H8 in this respect.

Impact on visual amenity

The principle objections have been regarding the proposed garage impact upon the visual amenity and loss of respect for the local character of the area. The proposed garage is set down 500mm lower than the existing shared surface and the garage slab level being set at 82.7m.

It is considered the proposed garage is acceptable in terms of design and scale. By reason of its scale and siting it would not have an overbearing impact on the amenity on neighbouring properties or the visual amenity of the area to such an extent as to warrant a refusal. It is accepted that views from properties will be altered but this is not considered to be harmful notwithstanding that there is no right to a view.

As mentioned above the design and scale of the development would not be detrimental to the character and appearance of the estate and wider residential development at this location and the general visual amenity of the area.

Highway Safety

Concerns have been raised regarding highway issues. The Highway Authority has noted that the wall has been curved and is satisfied that this change will not affect the existing visibility at the existing or internal access and the rounding of both walls should aid the pedestrian visibility. Therefore, there are no objections to the scheme.

Other matters

Some objections have raised concerns about the use of the proposed (and existing) garage, potentially for commercial use. The garage is proposed to be used in association with the residential use of the dwelling; any commercial use of the property (beyond what is 'ancillary') will require planning permission. This can be controlled via condition.

10. Conclusion

The proposals are considered acceptable in terms of scale and design and are also considered in character with the host building and the area in general in accordance with Policies C3 and H8 of the North Wiltshire Local Plan 2011.

11. 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 street scene, 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.

Policies - C3 and H8

2. The building hereby permitted shall not be occupied at any other time than for the purposes ancillary to the residential use of the dwelling known as 2 Portal Close.

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

Policy - C3

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 Ref: 713/CAM/2010/2 Rev C, 713/CAM/2010/4 Rev A, 713/CAM/2010/2 Rev B, 713/CAM/2010/1, 713/CAM/2010/5, 713/CAM/2010/3, 713/CAM/2010/2 Rev D and Elevation of Boundary Wall Adj. 3 Portal Close

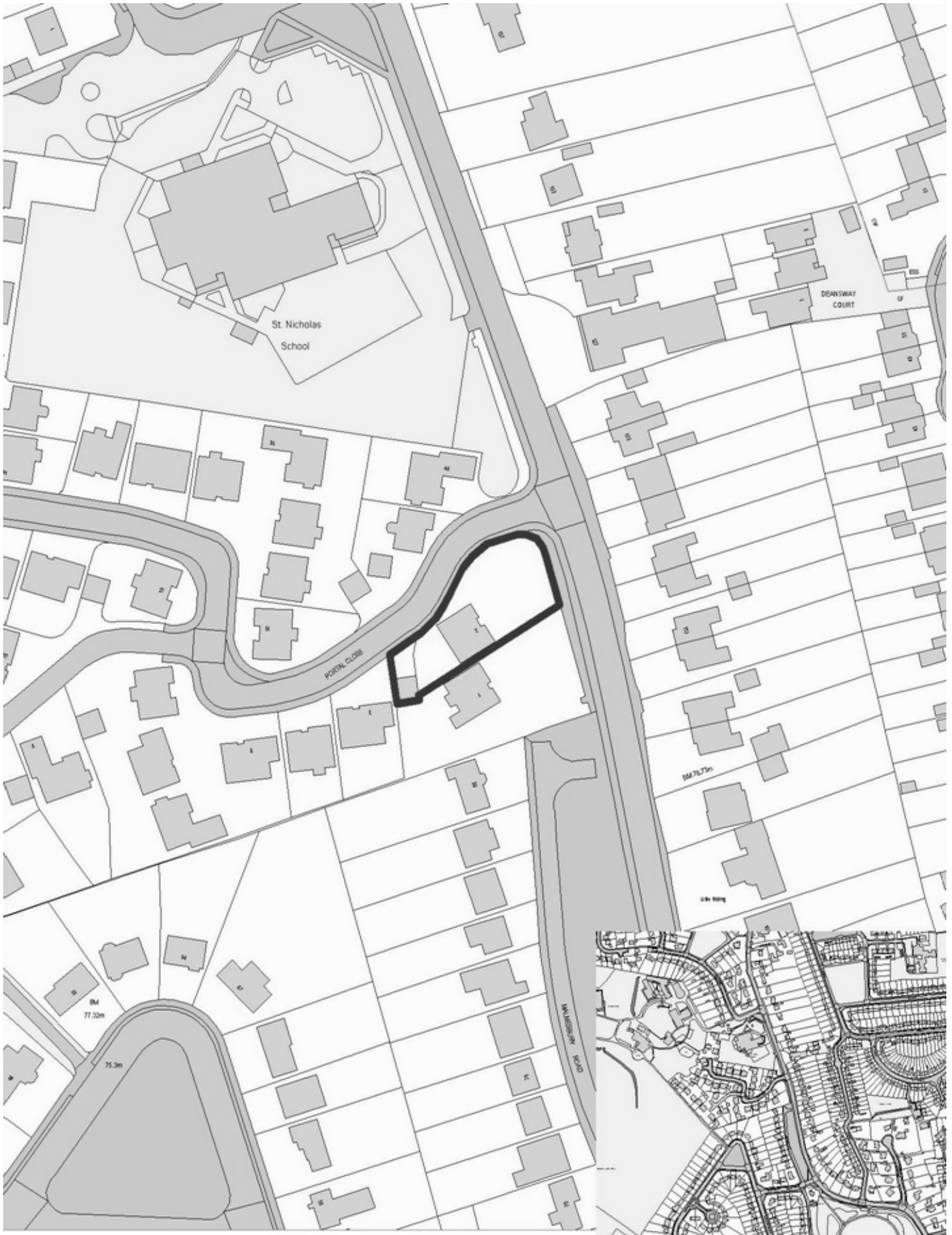
REASON: To ensure that the development is implemented as approved.

Informatives

1. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land

outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th March 2011		
Application Number	N/10/03072/FUL		
Site Address	Land at Stanton, Chippenham, Wilts		
Proposal	Use of Land for the Stationing of Touring Caravans and Tents		
Applicant	Mr Ridout		
Town/Parish Council	Stanton St Quintin/Seagry		
Electoral Division	Kington	Unitary Member	Cllr Howard Greenman
Grid Ref	392395 179784		
Type of application	FULL		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Greenman to consider the scale of the development, visual impact and the environmental/highway impact.

1. Purpose of Report

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

Stanton St Quintin Parish Council raise objections and Seagry Parish Council express concerns.

Some 151 objections have been received together with a petition containing some 211 signatures.

2. Main Issues

The application site has been the subject of various planning applications and an appeal against enforcement action. Planning permission was allowed at appeal in 2001 in respect of 00/01776FUL and following an enforcement appeal in respect of the bunds, these have been completed in accord with the 2000 application to the satisfaction of the Local Planning Authority. The appeal decision which allowed and related to 100-130 caravans, camper vans and tents is a material consideration and the following the main issues must be considered in this context as to whether or not there have been any significant policy, highways, landscape, drainage considerations since 2001:

- Scale and location of tourism development
- Impact on highways
- Impact on landscape
- Ecological considerations
- Drainage/contamination considerations

3. Site Description

The site lies some 600m to the east of the A429 on the Seagry Road, immediately to the north of the M4 motorway. The land has been the subject of significant landscaping with the formation bunds to the periphery of the site. To the southern boundary with the M4 the bunds rise to approximately 5.0metres and around 3.0 to 4.0 metres elsewhere. The bunds are authorised following enforcement action in 2004 (see below).

4. Relevant Planning History

The following history is of most relevance:

Application Number	Proposal	Decision
00/01776FUL	Use of land for the stationing of touring caravans and tents. The scheme was for some 100-130 caravans/motorhomes and tents (details confirmed at the Hearing). A copy of the appeal decision is contained in Appendix I. The Inspector found the appeal proposal acceptable on all grounds.	Allowed at appeal.
04/00350FUL	Use of land for the stationing of touring caravans and tents (revised landscaping and access details). The application was refused solely on the grounds of the scale of the landscape bunds which were between 2 and 3 metres higher than approved by the Inspector.	Refused.
04/03083ENF	Appeal against enforcement – importation and deposit of waste, including earth and other construction waste, construction of bunds and other engineering operations.	Upheld

5. Proposal

The application is for the change of use of the land from agriculture to use for the stationing of touring caravans and tents.

For clarification:

- The 2000 permission has lapsed and cannot be renewed.
- The bunds, which comprise an engineering operation in their own right, have been constructed to the satisfaction of the Local Planning Authority following an enforcement appeal in 2004 being upheld.
- The access to the site has been constructed in accordance with the approved 2000 scheme and this subsequently enabled the import of materials in respect of the bund.
- The material important was done so in conjunction with the Environment Agency.

- The change of use from agriculture relates to its original use since no other change of use has been implemented. Due to the changes that have taken place the land has no agricultural value.

6. Planning Policy

National Guidance:

PPS7 Sustainable development in rural areas 2004

DCLG Good Practice Guide for Planning for Tourism July 2006

Wiltshire and Swindon Structure Plan 2016 – Policy RLT10

North Wiltshire Local Plan 2011 Policies C3 and NE15

7. Consultations

Stanton St Quintin Parish Council – there are some significant differences to the original application despite what the applicant says. The original plan had no mention of tents. No need demonstrated, especially as there is a site one mile down the road in Seagry also owned by the applicant. There is a lack of compliance with the original agreement which allowed six months for the building of the bunds around the site which took 7.5 years and then were massively above the original height. The height was later reduced but the bunds were widened and no actual waste was taken off the site. There has been no contamination report despite the tons of waste tipped here. There are no amenities and the evidence does not say anything about employees so we would ask who would be running the site to oversee bookings, taking money etc.

The contours of the site are not as the original plan which stated that topsoil would be brought in. No topsoil has ever been brought in.

The road leading to the site is a narrow country road with no appropriate passing space for larger touring caravans or camper vans. There is also no mention of camper vans on the application. In fact, the entire site has lacked compliance with the original planning application, in spite of stating that there is no change to the original permission.

Seagry Parish Council - raise no objections on highways grounds but have serious concerns with the road to the site from the A429 Malmesbury Road which is considered to be poorly delineated at the junction and narrow with local drivers having difficulty making this right turn without either cutting the corner or ending in the hedge. Cars towing caravans would find this manoeuvre catches them unaware with potentially dangerous repercussions. In addition, the left hand bend at Clanville Mowers is set at a sharp angle, is blind to traffic approaching from Seagry and suffers from severe reverse camber.

In respect of the bunds/site management, the Parish Council seeks reassurance that the material imported prior to the previous application declared inert by the Environment Agency has recently been tested and is not toxic. Conditions are required in respect of toilet/washroom facilities for tent users in particular and that waste and water disposal proposals are adequate. A strong management plans to avoid unacceptable noise or anti-social behaviour which would affect nearby neighbours is needed. Details of the sketched shop and any other buildings should be available for the Parish Council to comment.

Highways Officer – no objection subject to conditions. The Highways Officer comments as follows in response to one detailed objection on highway safety matters:

“Since that date (of the 2001 appeal decision), traffic flows on the A429 has remained fairly constant, in fact, flows in 2009 were about 5% lower than in 2001.

The local safety scheme mentioned by the objector was implemented 5 years ago and since then there has been a significant reduction in accidents at the junction, from an average of 3 injury accidents per year down to only 1 injury accident in the last three years. This was the 4 vehicle accidents referred to, a four vehicle shunt.

The motor cycle fatality occurred between Corston and Malmesbury near the junction with Grange Lane (nowhere near Stanton St Quintin). It was a loss of control in the early hours with no other vehicles were involved.

The fire service log only refers to one matter of A429 at Stanton. There was one other incident at Stanton, location unspecified, and all other A429 references are at Malmesbury or north thereof.

The recent speed limit review proposed no changes to the speed limits on this section of A429.

In order to recommend refusal on highways grounds it would be necessary to be able to demonstrate significant changes since the Inspector's decision. Such changes that have occurred have been for the better, not adversely affected highway safety."

Principal Ecologist – No objection subject to a condition to secure an Ecological Habitat and Management Plan for the site. This is due to the biodiversity of the hedgerows and adjacent grassland.

Environment Agency – objected originally but following the submission of a flood risk assessment have now withdrawn their objection subject to conditions in respect of surface water drainage and foul water disposal

Environmental Health – no objections. Confirmed that a site license will need to be applied for and information relating to drainage and other matters will be needed for any license to be issued regardless of whether or not planning permission has been granted. Actual numbers will also be controlled via the site license.

Drainage Engineer – no objections.

Highways Agency – "have reviewed the application and its associated documentation and have concluded that the proposal would have no detrimental impact on the strategic road network; therefore we are offering a no objection response to this application."

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation. The consultation period was also extended to allow for additional consultation at the request of Parish Council's, landowners and residents in surrounding villages.

With the exception of the failure to consult Seagry Parish Council at the outset of the application, the consultation was considered to be appropriate and compliant with national requirements having regard to the nature of the development, previous consultations associated with previous applications and the appeal decision.

Neighbouring Parish Council's have also provided comments:

Sutton Benger Parish Council – the original condition requiring closure between November and February to prevent permanent occupation should be imposed as a strict and enforceable condition. It should also be useful to include a maximum period of occupation, say 2-4 weeks. Should planning be approved, if the concerns of Stanton St Quintin Parish Council have not been addressed and the conditions associated with 00/01776 are not included, then in co-operation with the PCs of the affected villages, SBPC will seek to have the decision called in.

An application of this magnitude should, in my view have been circulated to nearby villages earlier. This would have avoided finding out via rumours of a petition raised by Stanton St Quintin Parish Council leaving little time to respond.

Kington Langley Parish Council – object on the grounds the proposal is contrary to Policies C1, C4, T1, BD4, TM1.

James Gray MP – has written on behalf of his constituents objection of grounds of no need for tourism; proximity to the M4 would make it an unattractive destination; highways congestion and safety; covert application for gypsy and traveller encampment in the future.

Some 151 letters of objection have been received together with a petition with 211 signatures objecting on the following grounds:

- Highways impact on the road network
- Highway safety and junction and due to condition of roads suitable for towing caravans
- Potential for Gypsy and Travellers
- No need/demand
- Inappropriate/poor location – adjacent M4, no footpaths
- Too large
- Lack of detail re waste/electricity/amenity/shop etc
- No information of length of stays
- Impact on existing infrastructure and schools due to new residents
- Double existing population
- Rigorous enforcement needed so as to avoid being unlike Burton Hill site.
- Poor consultation
- No benefit to the local community
- Existing touring sites available in the vicinity
- Contrary to Policies C2, C3, C4, T1, H9 and TM11 of the local plan
- Lapse of previous permission due to failure to comply with conditions
- Materials dumped on site – health and safety concerns
- Loss of agricultural land
- Impact of countryside/landscape

8. Planning Considerations

The application is seeking permission for the use of the land for the stationing of touring caravans and tents. Based on the previous permission the site is capable of accommodating between 100 and 130 caravans and tents.

The application has been submitted with very basic information since no end user/operator is known at this time. The plans show indicatively that a shop and reception building is to be provided. This would require a separate planning application.

Other details not available at this time are not considered to be crucial to the consideration of the application and can be conditioned. It should be noted that a Site Licence will be required for the operation of the site and the development will be required to also comply with the relevant legislation set out in the 1960 Caravans Act (as amended). This includes number of caravans etc on the site, on-site facilities including foul and surface water waste and overall site management.

The previous permission which was allowed at appeal is a key material consideration in the determination of this application, a copy of which is contained in Appendix I. In light of this the proposal needs to be considered in the context of whether there have been any significant changes in policy since that decision in October 2001.

Scale and location of Tourism Development

The Inspector in 2001 considered the proposal against Policies RLT10 of the Structure Plan and Local Plan Policy RTM2 in addition to national guidance contained in PPG7 and PPG21 "Tourism".

All the above documents have been superseded by more recent policies and national guidance outlined above in section 6.

Local Plan Policy RTM2 was replaced by Policy TM1 in the 2011 North Wiltshire Local Plan. As part of the review of the Local Plan through the Local Development Framework, Policy TM1 has not been saved and is no longer relevant in the determination of planning applications.

Policy RLT10 remains in a very similarly worded form in the 2016 Wiltshire and Swindon Structure Plan on the grounds that it was merely an alteration to the 2011.

Policy RLT10 relates to proposals for the development of additional camping and touring caravans and requires that such developments should have regard to their impact on the countryside.

In this respect the application remains the same as the previous appeal proposal which was considered by the Inspector to not have a harmful effect on the visual qualities and rural character of the surrounding area compliant with the then Policies RLT10 and RTM2. It is noteworthy that that decision was made in the context of both the use and the bunds, the latter now being in place and lawful.

Furthermore, its scale and location was not objectionable on sustainability grounds or having regard to its positioning adjacent the M4 and associated noise issues for potential occupants.

Objections arising regarding noise and nuisance commensurate with the scale were not considered to be an issue by the previous Inspector and as nothing has materially changed, the proposal cannot be considered to be objectionable on these grounds.

In both National, Structure and Local Plan policies, the need for this development is not a planning consideration.

Standard conditions can be imposed to ensure the site is not occupied as permanent residence; such conditions are applied to tourism developments across Wiltshire and are compliant with national guidance in this respect.

Accordingly, the principle of tourism development is policy compliant.

Highways Impact

Both Highways Officers and the Highways Agency have been consulted in respect of this application. The detailed response of the Highways Officer is set out above and confirms the reasoning behind their being no highways based objection to this application.

The Inspector also considered impact on highways in his decision noting the characteristics of the area and the need for a reasonable degree of care in the operation of the site and concluded that no undue harm to highway safety would result from the proposal. The junction arrangements between the lane and the A429 were considered and concluded that an increase in turning movements would not be unduly hazardous.

Impact on Landscape

As stated above the Inspector when considering the 2001 application for both the use and the proposed bunds considered there was no detrimental impact on the landscape.

There has been no significant change to the landscape or new specific designations arising which would enable a different conclusion to be reached in this respect.

Ecological Considerations

No objection is raised by the Council's Principal Ecologist but a recommendation is made for an ecological management plan to be provided for the site via condition.

Drainage and Contamination Considerations

Both the Council's Environmental Health Officers and the Environment Agency have been consulted in respect of these matters. It is acknowledged that inert materials were brought onto the site for the creation of the bunds with the full knowledge of the EA who granted the license. In the knowledge of this, the EA express no concerns in this respect subject to conditions re surface water and foul drainage.

Other considerations

Concerns have been raised in respect of who might occupy this site with specific reference to Gypsy and Travellers. The application has not been submitted on this basis and cannot be considered as such.

As mentioned above, conditions are recommended to ensure the temporary occupation of the site for holiday use and not as a permanent residence. No conditions can be imposed on who may occupy the site within these parameters.

The imposition of enforceable conditions in turn mean that concerns raised in terms of capacity at local schools and infrastructure, are not valid planning considerations.

The application cannot be considered on what a decision may or may not lead to in the future.

In response to comments raised on the application forms, the omission of some details is addressed in the conditions listed below.

9. Conclusion

The previous appeal decision of 2001 remains of significant relevance to the determination of this appeal. A full consideration of the proposals, policies and key issues such as scale, location, highways impact and drainage and contamination issue leads to the same conclusions as the Inspector's in 2001 and to diverge from this would be unreasonable in these circumstances.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development by reason of its scale and use would not have a harmful effect on the visual qualities and rural character of the surrounding area. The proposal would not result in any undue harm to highway safety. Accordingly, the proposed development is considered to comply with Policies C3 and NE15 of the North Wiltshire Local Plan 2011 and Policy RLT10 of the adopted Wiltshire and Swindon Structure Plan 2016.

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 a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

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

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

POLICY: C3, NE15

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

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

POLICY: C3, NE25

4. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved details.

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

POLICY: C3, NE15

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve protect water quality and ensure future maintenance of the surface water drainage system in accordance with PPS25.

6. Development shall not begin until details of foul water disposal from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be include details of construction design and materials, siting and maintenance responsibilities and schedules. The scheme shall be implemented as approved.

REASON: To prevent pollution of the water environment in accordance with PPS23 and Circular 03/99.

7. Prior to the commencement of development an Ecological Habitat and Access Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All development shall take place in accordance with the approved details and maintained thereafter.

REASON: In the interests of ecology and biodiversity.

8. No caravan shall remain on the site between 1 November in any one year and 1 February in the succeeding year.

REASON: The site lies within an area in which caravans would not normally be permitted except for occupation as holiday accommodation only.

POLICY: C3, H4 (NWLP 2011), RLT10 (WSP 2016)

9. The owners/ operators of the site shall maintain an up -to -date register of the names of all owners/occupiers of individual caravans, tents on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY: C3 H4 (NWLP2011) RLT10 (WSP 2016)

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

Plans

Plans LDC.1397.001 and 002 dated 30 July 2010
Flood Risk Assessment dated 29 December 2010
Additional Supporting Statement dated 29 September 2010
Waste Audit dated 14 January 2011

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

INFORMATIVES

1. The proposed surface water drainage scheme relies on the suitability of soils for infiltration. Usually, we would require percolation tests to be submitted prior to the planning application being determined to ensure that such a scheme is feasible. However, given the conclusions and calculations within the FRA, together with the nature of the development and the scale of impermeable area proposed, we are satisfied that such details can be agreed under a condition which will meet the relevant tests.



APPENDIX ONE
2367



Appeal Decision

Hearing held on 06 September 2001

AD2367

by **Roland Punshon** BSc(Hons), MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Plan
4/09 Kite
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inspectorate.gsi.gov.uk

Date

23 OCT 2001

Appeal Ref: APP/J3910/A/01/1065390
Land at Stanton, nr Chippenham, Wiltshire

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr G Ridout against the decision of North Wiltshire District Council.
- The application (Ref. 00/01776/FUL), dated 15 June 2000, was refused by notice dated 29 November 2000.
- The development proposed is use of land for the stationing of touring caravans and tents.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. A number of plans were submitted with the appeal documents. It was agreed by the main parties at the Hearing that drawings nos. LDC.407.A.002, 003, 004 and 005 had been superseded, the latter 2 drawings having been amended by drawings LDC.407.A.004A and 005A. It was, therefore, on the basis of drawings nos. LDC.407.001A and LDC.407.A.004A, 005A, 006A and 007 that the Local Planning Authority made its decision. I will consider this appeal on the same basis.
2. In response to the Local Planning Authority's notification of the Hearing details, a letter was received querying the appellant's ownership of part of the appeal site. I was informed at the Hearing that this query had arisen due to a mistake on the plan attached to the Local Planning Authority's letter and the appellant confirmed that the whole of the development, including the access, would be on land in his sole ownership. I will deal with the appeal on that basis.
3. I was informed at the Hearing that the bunds which it was proposed to construct around the site would need to be 4-6 metres high in order to adequately protect users of the site from motorway noise. I was also informed that the site would provide 100-130 pitches for caravans, camper vans and tents.

Main Issue

4. I consider that the main issue in this case is the effect of the proposal on the visual qualities and rural character of the surrounding area.

Planning Policy

5. The development plan for the area includes the Wiltshire Structure Plan 2011 and the North Wiltshire Local Plan Review 1995, which were approved and adopted in 2001. Structure Plan Policy RLT10 states, amongst other things, that proposals for camping and touring caravan sites should have regard to their impact on the countryside. I note that paragraph

- 8.36 states that the increase in such accommodation is a strategic aim which requires proper assimilation in the countryside and that careful development of tourism in the countryside could do much to improve the economy of rural areas.
6. Local Plan Policy RTM2 states that tourist accommodation will be permitted in the countryside provided that the rural character and appearance of the surroundings is protected. Proposals should be designed and sited to minimise the impact on the open landscape, should provide adequate access, should not compromise highway safety and should avoid serious harm to nearby neighbours.
 7. I have taken national guidance into account in my consideration of the appeal, particularly that contained in Planning Policy Guidance (PPG) 7: The Countryside - Environmental Quality and Economic and Social Development, and PPG21: Tourism.

Reasons

Effect on visual qualities and rural character.

8. At the Hearing the Local Planning Authority did not argue that the proposal could be accommodated within a town or village. In the Local Planning Authority officers' report to committee on the appeal application it was stated that, by its nature, such caravan and tented accommodation lies in the countryside.
9. The appeal site was on the northern side of the M4 motorway, close to Junction 17. The surrounding area was made up of irregularly shaped fields divided by tall, mature hedges, interspersed with small areas of woodland. The area had no special designation and, while it comprised a generally attractive rural landscape, the motorway with its associated engineering works, facilities and structures had a significant effect on the character and appearance of the rural scene.
10. From the public highways to the north and west, the site was hidden behind dense hedgerows. A belt of woodland to the east prevented public views of the site from that direction. It was agreed by the main parties at the Hearing that the main effect of the proposal would be on views towards the north from the motorway. The proposed bunds would screen the caravans, camper vans and tents associated with the proposed use from public view. To travellers on the motorway the surrounding landscape and its appreciation varies. To the east, where the motorway crosses the valley of the River Avon and is raised above the level of the surrounding land, there were views over the hedgelines and the open character of the countryside could be appreciated. However, closer to the site, the motorway cut through the more undulating terrain. In this area views to either side were much more restricted by the sides of the cuttings and the hedges and woodlands which enclosed the road. Even in locations where the motorway was less confined, the undulations in the ground largely prevented extensive views over the countryside or any wider appreciation of the quality of the landscape. While the appeal site was generally flat, the cutting to the west of the site and woodland and hedges prevented any significant appreciation of its wider context or its relationship to surrounding land and topography.
11. In these circumstances, I do not consider that the proposed bunds would cause any significant harm to the overall appreciation of the quality of the countryside by users of the motorway. Provided that they were sensitively designed, contoured and planted, I consider that the bunds would blend with the undulations of the landscape. They would not, in my

opinion, appear out of keeping with the general context of confinement of the road experienced by motorway users in this area.

12. The creation of the proposed access to the site would involve the removal of part of the roadside hedge and an additional part would need to be removed or cut back to provide adequate driver visibility. However, I noted during my site visit that the hedge was particularly thick and that, in the vicinity of the access, the road was straight. In these circumstances, I do not consider that the necessary alterations to the hedge would, in themselves, be so significant that they would harm the character and appearance of the countryside to the extent that the refusal of planning permission would be justified.
13. Any additional fences required to protect the amenities of the occupiers of adjacent dwellings would be largely hidden from public view by existing hedges and proposed planting and would not be unduly harmful provided that their designs were appropriate to the rural surroundings. I consider that this could be adequately controlled by the imposition of suitable planning conditions on any permission granted.
14. On the main issue, therefore, I conclude that the proposal would not have a harmful effect on the visual qualities and rural character of the surrounding area. It would, therefore, comply with Structure Plan Policy RLT10 and Local Plan Policy RTM2.

Other matters.

15. Construction of the proposed bunds would require the importation of about 35-37000 cubic metres of material to the site, about 1800 lorry loads. The movement and shaping of this quantity of material would involve a considerable amount of activity. However, provided that the operations were limited to a normal working day and were confined to a defined period, I consider that the degree of nuisance which would be caused to local residents by reason of noise, dust and traffic movements would be reduced to an acceptable level. These matters could be controlled by the imposition of appropriate conditions on any permission granted.
16. The Highway Authority raised no objection to the granting of planning permission subject to conditions. During my site visit I noted the alignment of the lane which would be used to gain access from the A429. While the carriageway was narrow in places and there was an awkward bend outside Clanville, I consider that, provided that drivers exercised a reasonable degree of care and that vehicles associated with the construction and operation of the site used only the proposed site access, no undue harm to highway safety would result from the proposal. I also examined the junction between the lane and the A429. While traffic speeds on the A429 were relatively high and there were a number of cars parked in the vicinity of the junction, visibility in both directions was good. Given the road markings in the area, I do not consider that an increase in turning movements at the junction would be unduly hazardous.
17. As part of my site visit I inspected the nearby Plough Lane caravan site. At the time of my visit pitches on this site were substantially occupied and the site seemed to be generally busy. I consider that the proposed site would be well located to serve holidaymakers passing through the area on the M4 and A429/A350 routes, as well as those seeking longer stays in the area. I neither saw nor heard any evidence which clearly demonstrated to me that there was no demand for the proposal or that the location of the site in relation to the remainder of the farm would make it difficult to operate. I have taken into account the emphasis

contained in recent government guidance concerning the need to encourage diversification of the agriculture industry and the contribution that tourism can make to the local rural economy. In my opinion, the proposal would comply with the provisions of the development plan and national guidance in this regard.

18. Being close to the motorway, the site was subject to high noise levels. However, I am satisfied that bunds of the type proposed would be sufficient to reduce noise levels on the site to acceptable levels. No clear evidence was put before me to show that any noise reflected by the bunds would make living conditions at Clanville noticeably worse.
19. I have taken into account all the other matters raised but none are sufficient to outweigh my conclusions on the main issue which have led to my decision on this appeal.

Conditions

20. I have considered the list of conditions suggested by the Local Planning Authority in the light of the advice contained in Circular 11/95. I have imposed the standard time limit condition appropriate for a full planning permission. The submitted details do not include details of the reception building shown on the plans. As agreed at the Hearing, I have imposed a condition clarifying that a separate permission would be required for that structure. In the interests of highway safety, I consider that conditions are necessary to ensure that the proposed access is constructed before any other part of the proposal is commenced and to require that all vehicles associated with the construction and subsequent use of the site employ only that access. I consider that conditions requiring the proper surface treatment of the junction and drive are necessary to ensure the acceptable appearance and convenient use of the site access. I have also imposed a condition requiring visibility splays at the junction between the site access and the public highway. Conditions requiring the implementation and maintenance of an approved landscaping and planting scheme are required to ensure the satisfactory appearance of the development. Conditions are necessary to ensure that the proposed bunds are constructed in an approved manner before the use is commenced in order to screen the site from motorway noise and view.
21. I have already referred to the need for conditions regarding boundary fences and limiting the bund construction operations. I was informed at the Hearing that an on-site sewage treatment plant is intended. No details have been submitted and I consider that these need to be assessed in order to ensure that no nuisance is caused to neighbours. I have, therefore, imposed an appropriate condition. Maintenance of the plant would be ensured under other legislation.
22. I have imposed a condition preventing occupation of any of the pitches on the site between the beginning of November and the beginning of February in order to prevent their occupation on a permanent basis. This would be contrary to national guidance which seeks to limit new dwellings in the countryside whilst encouraging tourism.
23. I have made a number of minor alterations to the wording of some of the conditions to bring them in line with Circular advice and to reflect the particular circumstances of the case.

Conclusions

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision


25. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for use of land for the stationing of touring caravans and tents at land at Stanton, nr. Chippenham, Wiltshire in accordance with the terms of the application [Ref. 00/01776/FUL], dated 15 June 2000, and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) Notwithstanding any details shown on the approved plans, this permission does not give any approval for the indicated reception building. Construction of such a building would require a separate planning permission.
 - 3) Development shall not begin until details of the surfacing and drainage of the proposed access road and its junction with the highway have been approved in writing by the Local Planning Authority.
 - 4) Before the access hereby permitted is brought into use, visibility splays at the junction of the access with the public highway shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. No objects exceeding 0.6 metres in height above the level of the public highway shall be placed within the visibility splays and when provided the visibility splays shall thereafter be retained in accordance with the approved details.
 - 5) No other part of the works hereby permitted, including any works involved in the construction of the permitted bunds, shall be commenced before the means of vehicular access to the site has been constructed and surfaced in accordance with the approved details.
 - 6) All vehicular access to the site associated with the construction of the permitted bunds, the laying out of the site and the operation of the site for the permitted purpose, shall be by way only of the access hereby permitted and constructed in pursuance of condition 5) of this permission.
 - 7) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include existing trees and hedges; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); and, proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
 - 8) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
 - 9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within 12 months of the completion

- of the bunds in accordance with condition 14) of this permission or in accordance with a programme agreed in writing with the Local Planning Authority.
- 10) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
 - 11) No development shall take place until details of earthworks and bunds, including details of materials and profiling, have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details before the use hereby permitted is commenced.
 - 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details and completed before the use hereby permitted is commenced.
 - 13) The use hereby permitted shall not be commenced until works for the disposal of sewage have been provided to serve that development in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
 - 14) All operations involved in the construction of the permitted bunds, including the delivery of materials to the site, the shaping of the bunds and the spreading of topsoil, shall be undertaken only between the hours of 0800 and 1800 on Mondays to Fridays inclusive and between 0800 and 1300 on Saturdays. No such operations shall be undertaken on Sundays or Bank Holidays.
 - 15) The appellants shall give written notice to the Local Planning Authority of the date of commencement of the construction of the permitted bunds no later than 14 days before that date. All operations involved in the construction of the permitted bunds shall be completed within 6 months of the notified date of commencement of their construction.
 - 16) No pitch on the site shall be occupied by a caravan, camper van or tent between 1 November in any one year and 1 February in the succeeding year.

Information

26. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
27. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.
28. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted

conditionally or if the authority fails to give notice of its decision within the prescribed period.

A handwritten signature in black ink, appearing to read "S. Smith", is written over a horizontal line.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr D R Pearce BSc (EstMan), Appellant's agent
FRICS
Mr R Brown BSc(Hons), MRICS Agricultural advisor
Mr G Ridout Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr L Robertson MA, DipUD, Senior Planning Officer
BSc(Hons), MRTPI

INTERESTED PERSONS:

Mr D H Sugden Clanville, Stanton St Quintin
Mrs N Bird Chairman, Stanton St Quintin Parish Council

DOCUMENTS

Document 1 List of persons attending the Hearing
Document 2 Copy of letter informing interested persons of the Hearing details
Document 3 Statement by the Local Planning Authority
Document 4 Statement and appendices by the appellant's agent
Document 5 Copy of letter to the appellant's agent from Thring Townsend Solicitors
Document 6 2 letters of support for the appellant's proposal provided by the appellant
Document 7 Plan showing the agricultural holding provided by the appellant

PLANS

Plan A Drawing no. LDC.407.001
Plan B Drawing no. LDC.407.A.002 Superseded
Plan C Drawing no. LDC.407.A.003 Superseded
Plan D Drawing no. LDC.407.A.004 Superseded
Plan E Drawing no. LDC.407.A.005 Superseded
Plan F Drawing no. LDC.407.A.004A Amended
Plan G Drawing no. LDC.407.A.005A Amended
Plan H Drawing no. LDC.407.A.006A
Plan I Drawing no. LDC.407.A.007

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th March 2011		
Application Number	10/04596/FUL		
Site Address	Barncroft, Upper Common, Kington Langley, Chippenham, SN15 5PF		
Proposal	3 detached dwellings		
Applicant	Mrs Sylvia Sutton		
Town/Parish Council	Kington Langley		
Electoral Division	Kington	Unitary Member	Cllr Greenman
Grid Ref	39100 176623		
Type of application	FULL0		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by planning committee:

Cllr Greenman has requested that the application be considered by Committee to assess the scale of the development, its visual impact upon the surrounding area and to assess the affordable housing requirement.

1. Purpose of report

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

2. Report summary

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

- Principle of development
- Impact upon visual amenity
- Affordable Housing requirements
- Impact upon neighbour amenity
- POS contribution.

The application has generated no objections and has the support of the parish council

3. Site Description

The site is approx. 0.16ha in size and is relatively flat and mainly rough grass. However, there is a garage owned by the property opposite that cuts the site in two. There is a public footpath which runs along the existing driveway to Barncroft to the East. The roadside boundary is poor quality walling.

The site contains the foundations of dwelling that was commenced in the 1970's and remains an extant permission.

The Barton makes up traditional cottage housing to the southeast and there is more modern housing facing the road to the south west with traditional type housing opposite

4. Relevant Planning History		
Application Number	Proposal	Decision
04/02168/FUL	15 dwellings	Withdrawn
05/02043/FUL	15 dwellings	Dismissed at appeal
08/0855/FUL	5 dwellings	Withdrawn
10/00967/FUL	3 dwellings	Refused on grounds of lack of provision of affordable housing and contribution to POS

5. Proposal

The proposal is for three detached dwellings, two of which are large 4 bedroomed houses with integral garages and a modest 2 bed cottage with no garage. The existing garage which serves the property opposite will remain. A single vehicular access will be formed to serve the two new detached dwellings and the smaller dwelling will be accessed from the existing driveway to Barncroft.

6. Planning Policy

North Wiltshire Local Plan: policies H4; C3; HE1, CF3 and H6.

The site lies within the Kington Langley conservation area.

7. Consultations

Kington Langley Parish Council support the application.

The Highways team do not object subject to conditions which include the creation of visibility splays by re-location of a telegraph pole and electricity pole, post box and village notice board.

The Housing team state that a proposal of 3 houses within the framework boundary of Kington Langley triggers Affordable Housing Policy H6, where the Council will seek to negotiate 50% of the dwellings to be affordable subject to local needs and site characteristics.

There is a demonstrable need for affordable housing in Kington Langley with over 30 people on Choice Based Lettings. The Kington Langley Housing Need Survey 2005 confirmed support for affordable housing. Therefore they seek one affordable housing dwelling on site.

There has been considerable discussion and negotiation including meeting the agent to discuss the financial viability of the scheme and the applicants offer to make an off site contribution. The financial information supplied includes Barncroft within the valuation of the land, but Officers' view is that as the Council has no control over Barncroft (as it falls outside the development site) and that it should be excluded. Whilst the presence of a "started" unit on the site skews the figures, it will still increase the profit on the scheme should the development be built including the affordable unit.

In conclusion, Housing state that it has been demonstrated through an open book process that this scheme is viable to provide an affordable unit in line with adopted planning policy.

8. Publicity

The application was advertised by site notice and neighbour consultation.

2 letters of letters of objection have been received on the following:

- Number and design of properties.
- Overbearing and overdevelopment in conservation area.
- Increase in traffic and parking on the road, which is a dangerous bend in this location.
- Damage to verges from parked cars.

9. Planning Considerations

The site lies within the framework boundary of Kington Langley where housing is permissible subject to a number of caveats and other policies. As the site lies within the Kington Langley Conservation Area any development must preserve or enhance its character. The other relevant policies in this case are H6 and CF3 (Affordable Housing and Public Open Space).

The surrounding dwellings are built in a variety of forms and styles from a mixture of natural and recon stone. The proposed dwellings are to be built in natural stone with recon stone tiles. The rooflines of the two larger dwellings are broken to give a less imposing development and the windows arranged to minimise overlooking of adjacent properties. Plot 1 has been pulled forward to prevent restricting light to a side window in the adjacent property. Their overall height is approx. 0.3m-0.5m higher than the nearest property, but there are a range of roof heights in the street and the properties are considered to preserve the character of the conservation area, which as a piece of neglected land does little to enhance the area. The proposal is thus considered to be compliant with policy HE1 of NWLP 2011.

Plot 3 is designed as a more modest 2 bed cottage with lower overall height and traditional dormers to the first floor accommodation.

There are the foundations of a house which was commenced in the 70s and as such could be completed at any time. Policy H6 requires a 50% contribution so in the case of 3 dwellings the contribution should be 1 unit plus a S106 contribution of £26k. However, when the existing extant permission is taken into account the net gain is only 2 dwellings and the requirement is reduced to the provision of a single unit.

The agent has provided some evidence (estate agent valuations and costs and comparisons with and without the affordable unit) as to why this would not be workable, in that an affordable unit next to two open market houses would devalue those houses and Barncroft itself to an extent whereby the owner of Barncroft would be £30k better off selling the bungalow alone with the result that the new houses would not be built. There is no suggestion that the scheme itself is not viable. All the information provided against provision of an affordable unit takes into account the value of Barncroft, which does not fall within the development site. It should therefore not form part of the financial considerations as the local planning authority has no control over it.

The suggestion by the applicant is that a £52k payment is made to help fund another (unspecified) scheme. However, Kington Langley is hugely restricted on the land that is available to build affordable housing and as such it is highly unlikely the money could ever be spent for its intended purpose. Kington Langley has an identified need for affordable units and it would be unfortunate if this opportunity to provide a unit were to be missed. It would also be contrary to Local Plan Policy H6 and is a situation and argument that could be repeated too often in this and other villages. The Council's adopted Supplementary Planning Document on affordable housing states in para 5.8.3 that an off site contribution will only be considered in exceptional circumstances and to be used within the same local area as the original development. There are no proven exceptional circumstances and the money is highly unlikely to be able to be used in the local area due to lack of land.

The applicant has expressed willingness to enter into the relevant S106 agreement to secure the POS payment, but has not supplied any legal agreement with the application.

It is considered that including the financial considerations pertaining to Barnroft, which is not within the development site, within the justification of lack of viability is incorrect. The Council's Housing section has confirmed that, although it does not increase land value to build the 3 new units (with one as an affordable unit) rather than the one which is currently at footings stage on site, it does increase the profit on the scheme. It is the applicant's choice as to whether they wish to bring forward the scheme.

11. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposal makes no provision for affordable housing as required by policy H6 of the North Wiltshire Local Plan 2011 and the Council's Affordable Housing Supplementary Planning Document (Adopted August 2007) and where no acceptable financial justification has been made to make a departure from the policy and where the Council has demonstrated a need for such housing.
2. The proposal does not include any public open space provision or financial contribution, contrary to Policy CF3 of the North Wiltshire Local Plan (2011).

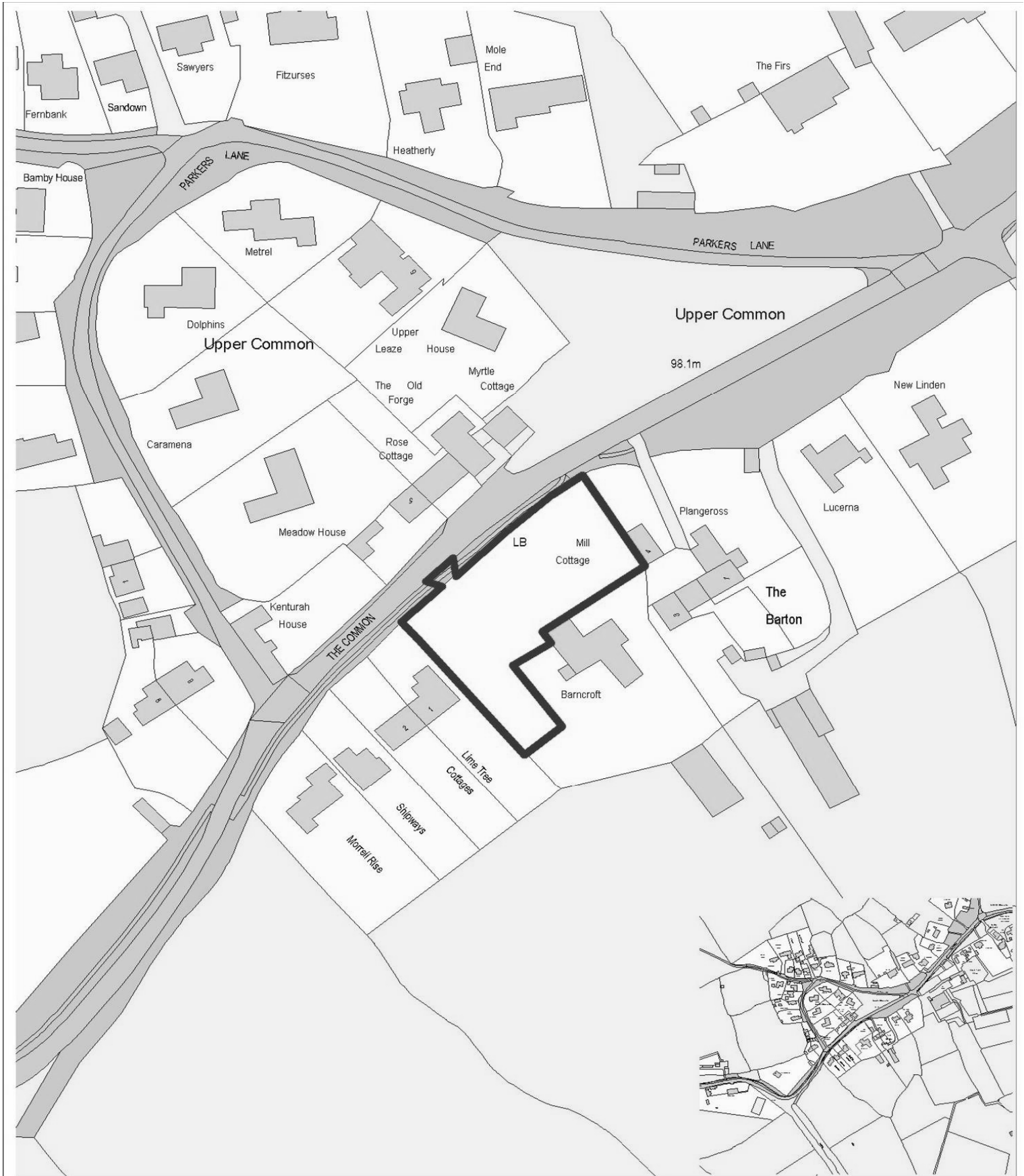
INFORMATIVE

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

Plan Numbers

Site Location Plan
333/1; 333/2; 333/3; 333/4; 333/5

All Dated 17/12/10



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th March 2011		
Application Number	10/03993/FUL		
Site Address	Roundhouse Farm Outbuildings, Marston Meysey, Wiltshire, SN6 6LL		
Proposal	Change of use to storage and distribution		
Applicant	Moreton C Cullimore (Gravels) Ltd		
Town/Parish Council	Marston Meysey Parish Council		
Electoral Division	Cricklade & Latton	Unitary Member	Councillor Peter Colmer
Grid Ref	413128 196488		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Colmer has submitted a request for the planning application to be considered by the committee to assess the environmental and highway impact of the proposal.

1. Purpose of report

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

2. Report summary

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

- Principle of development;
- Impact upon highway safety and sustainability;
- Impact upon noise and disturbance;
- Impact upon flood risk; and
- Impact upon ecology

The application has generated objection from Marston Meysey Parish Council; Campaign for the Protection of Rural England; County Highways and 6 letters of objection from the public.

3. Site Description

The application site lies just south of the C116 (Cricklade to Kempford Road), in open countryside approximately two miles north east of Cricklade and a quarter of a mile south of Marston Meysey. The former Roundhouse Farmhouse is located to the east of the site. The Round House, a grade II listed, residential dwelling is situated some 120 metres to the south. A public right of way runs along the western boundary of the site.

The site comprises three buildings and a former stables.

Building 1 has a floorspace of 767.43 square metres, is a steel portal framed asbestos cement clad building with an eaves height of approximately 5.1 metres and doors of approximately 4.7 metres wide and 4.5 metres high.

Building 2 has a floorspace of 164.73 square metres and is a steel framed shed believed originally to have been a hay barn which had been adapted to a grain drying store. This is also constructed with steel portal frame and corrugated metal cladding, with internal eaves height of approximately 5.46 metres and doors approximately 3.9 metres wide.

Building 3 has a floorspace of 865.88 square metres and is constructed of two sheds joined together and incorporated into one building. This is constructed with portal frame, asbestos cement roof cladding, and block and concrete panel walls. It has an eaves height of approximately 3.2 metres and a door approximately 4.5 metres wide to one bay.

The former stables block is attached to building 1 and has a floorspace of 115.10 square metres. This is constructed of block walls and a corrugated metal sheet clad roof and has approximately ten stalls.

The total floorspace of the site is approximately 1,913.14 square metres and the site area extends to approximately 0.56 hectares.

4. Relevant Planning History		
Application Number	Proposal	Decision
06/2860/COU	<p>Change of use of buildings to vehicle workshop (B2) – Refused for the following reasons:</p> <ol style="list-style-type: none"> 1. <i>The site is in a rural location remote from services and not well served by public transport.</i> 2. <i>The building is in a generally poor condition and not in sympathy with the rural character of this part of the countryside. The continuation and re-use of the building is therefore considered not to respect the local character, distinctiveness and setting of the area.</i> 3. <i>The proposed use is likely to result in the increased use of a substandard access with a resulting prejudicial effect upon highway safety.</i> 4. <i>Insufficient information has been submitted with the application to assess the effect the proposal would have upon the bats and their habitat.</i> 5. <i>The use of the building for B2 use class would be likely represent an unacceptable level of noise and disturbance to the occupiers of the nearest dwelling (Roundhouse Farmhouse).</i> 	Refused
02/02413/COU	<p>Change of use of units 1, 2, 3, 4 and 5 to B1 – Refused for the following reasons:</p> <ol style="list-style-type: none"> 1. <i>The site is in a countryside location remote from services and not well served by public transport. The proposal would, therefore, generate additional journeys by private car.</i> 	Refused

01/02907/COU	<p>2. <i>The buildings are unattractive, in generally poor condition and not in sympathy with the rural character of the countryside.</i></p> <p>Change of use to B1 (Business) – Refused for the following reasons:</p> <ol style="list-style-type: none"> 1. <i>The site is in a countryside location remote from services and not well served by public transport. The proposal would, therefore, generate additional journeys by private car.</i> 2. <i>Any increased use made of the sub-standard access generated by the proposed development would be prejudicial to road safety.</i> 3. <i>The buildings are unattractive, in generally poor condition and not in sympathy with the rural character of the countryside.</i> 	Refused
92/1534/S73	Retrospective change of use of former grain store to B1(c) purposes	Approved
87/2580/F	Change of use of grain store building to agricultural engineering workshop	Refused

5. Proposal

The applicant seeks consent for change of use from agricultural to storage and distribution (use Class B8). The development is speculative but it is anticipated that at least 2 employees would be required on site.

No external alterations are proposed.

The application form states that the proposed hours of operation are 07:00 to 18:00 Monday to Friday and 08:00 to 17:00 on Saturdays with no Sunday working. There is a slight discrepancy in the application documents with the supporting statement stating that the opening hours would be 08:00 to 17:00 Saturday **and** Sunday.

8 parking spaces and 2 disabled parking spaces are proposed to the front of the site.

The following documents have been submitted in support of the application:

- Bat Roost Inspection – Final report 25 November 2010.
- Noise Impact Study, dated 2nd May 2000
- Flood Risk Assessment, dated January 2007
- Planning Statement, dated October 2010
- Building Survey Report, dated 10th January 2011

6. Planning Policy

North Wiltshire Local Plan:

C3 – Development Control Policy
C4 – Business Development Core Policy
NE9 – Protection of Species

NE18 – Noise and Pollution
T1 – Minimising the Need to Travel
BD5 – Rural Business Development

Central government planning policy

Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Statement 7 – Sustainable Development in Rural Areas
Planning Policy Statement 9 – Biodiversity and Geological Conservation
Planning Policy Guidance 13 – Transport
Planning Policy Guidance 24 – Planning and Noise
Planning Policy Statement 25 – Development and Flood Risk

7. Consultations

County Highways – There is a history of similar applications on this site which were refused. The current permission of B2 use of one of the units was a specific use permission for the repair of shopping trolleys and this use ceased several years ago (pre 2006 when the last application was made).

The site is located in open countryside and the only bus service in the vicinity provided only a once daily shopping journey to Swindon or Cirencester. They are not suitable for journey to work purposes in connection with the proposed use.

It is recommended that the application is refused for the following reason:

- The proposal, located remote from services and not well served by public transport, is contrary to the key aims of Planning Policy Guidance 13 which seeks to reduce growth in the length and number of motorised journeys.

County Highways have considered the additional information received from the applicant and wish to maintain this objection as it is considered unlikely that the majority of employees will live near enough to walk or cycle to this site.

Council's Agricultural Advisor – It is understood that the buildings previously served the farmland at Roundhouse Farm. Following planning permission the farmland is now in use for gravel extraction. It is understood that there is no continuing agricultural activity on the farmland. At present the buildings are wholly unused for agriculture. The nature of their construction suggests that they served a small arable and beef unit, with buildings 1 and 2 equipped for grain and building 3 suited for use by livestock.

It is considered that all the buildings are still capable of agricultural use, both for arable enterprises and for livestock. The question then is what the demand would be for such use. Clearly the main source of demand was from the use of the agricultural land at Roundhouse Farm. That demand has now ceased, with the use for gravel working. The Council's Agricultural Advisor is not aware of any continuing local demand for off-site buildings from other farmers. In the event that such demand existed then it would usually be met on-farm through new buildings. There is often seasonal demand for grain storage; however, the nature of the storage at the subject site is small scale.

Overall, the buildings are small scale and capable of agricultural use, however, demand for such use is likely to be extremely limited.

Environmental Health – The noise impact study submitted with the application has no relevance to this specific proposal. It is the 2000 noise report for the proposed mineral extraction at Roundhouse Farm.

It is recommended that the hours of operation suggested in page 6 of the accompanying statement be incorporated into a suitably phrased condition, with the exception of Sunday use. Sundays, should be treated the same as Bank Holidays and therefore operations should be restricted to Monday to Saturday only.

It is recommended that the physical control and management measures stated on page 9 of the statement be incorporated into a suitably phrased condition to be attached to any consent. Provided the points summarised above are conditioned, no adverse comments on noise grounds are raised.

District Ecologist – Having reviewed the available information, the findings of the bat survey are agreed and no objections are raised in relation to ecology.

Environment Agency – The buildings are located in Flood Zone 2 (medium risk) therefore no objections in principle are raised to the proposed storage use at the site. However, flood risk does need to be considered carefully as the site is extensively surrounded by Flood Zone 3b (functional floodplain), which carries a risk of user's being stranded on site should a flood occur.

It is not considered that the proposed development will increase flood risk at the site or to third party land. It will not increase the vulnerability use of the building or extend the building footprint. Given the proposed storage use, it is unlikely that people will be on site should a flood occur. Therefore conditions are recommended relating to finished floor levels, a Flood Warning and Evacuation Plan, development to be carried out in accordance with the Flood Risk Assessment and details of Surface Water Draining.

The above comments are based on there being limited users on site due to the storage use. The Council may wish to consider limiting permitted development rights, specifically for change of use, as some B1, B2 uses are likely to increase the number of users on site and make evacuating the site an unviable option from a safety point of view.

The Environment Agency appreciate that the proposed conversion will not increase flood risk as stated in the FRA. However, PPS25 encourages opportunities to reduce flood risk wherever possible through the use of SuDs. Notwithstanding this, the site is in a sensitive location overlying Source Protection Zone 1 (SPZ1 – the inner catchment for a local borehole supplying potable drinking supplies). Drainage needs to be carefully considered and the Environment Agency would expect surface water to be treated before it is introduced into the ground. Foul drainage should be directed to mains sewer as indicated on the application forms. The LPA should seek confirmation from the Sewerage Undertaker that they are happy to accept these flows. If this is not the case the Environment Agency must be re-consulted as non-mains systems are generally not accepted in SPZ1.

Thames Water – Does not require a build over agreement.

Marston Meysey Parish Council – There have been a number of planning applications at this site which are believed to have a bearing on the current application: 92/1534/S73, 01/2907/COU, 02/2413/COU, 06/2860/COU, and 07/1905/CLE.

Footpath MMEY6 travels along the western side of the site. No mention is made of the impact of the planning proposal on the footpath which is a key access to the Wildlife Conservation Area with reed beds to which the Roundhouse Farm sand and gravel quarry is to be restored. There would be a serious safety issue for walkers sharing the site within HGVs and the proposal would not provide a quiet and peaceful access to the nature reserve.

Vehicle Parking is shown as 'existing' the parking area shown on the site map is part of the curtilage of Roundhouse Farmhouse.

Sewage is shown as mains sewer, there is no mains sewer. The site floods. There is a hedgerow on the site adjacent to the C116 and there are a row of mature trees along the entrance road to

the Roundhouse, a listed building which are an important part of the local landscape character. The proposed gross internal floor space is 1,913.14 square metres, as opposed to 767.43 square metres for which restricted B1(c) was retrospectively granted. This is an increase to 2.5 times. The site is in a rural location remote from services and not well served by public transport. The buildings are in a generally poor condition and not in sympathy with the rural character of this part of the countryside. The proposed use of these buildings of significant scale is likely to result in the increased use of a substandard access with a resulting prejudicial effect on highway safety.

The proposal would likely represent an unacceptable level of noise and disturbance to the occupiers of a listed building The Roundhouse. The proposal would result in a significant number of commercial vehicle movements on the site and therefore an unacceptable risk of accidents to members of the public using the footpath. A number of errors, omissions and suppositions in the supporting document have been noted. In summary these include:

- The site is connected to the A419 via the C116 and C124.
- The adjacent Roundhouse Quarry is designated to be restored to reed beds and a Wildlife Conservation Area
- Building 1 was granted permission solely for trolley repairs and no other purpose within B1(c).
- The site is extremely visible from the surrounding countryside.
- At least 3 of the bus services shown no longer exist.
- The buildings are in various stages of dilapidation.
- There are definitely bats on the site.

Creating 2 or even a few low income jobs cannot be considered as a positive contribution to the local economy and does not outweigh the harm associated with this form of development. There is a substantial local business accommodation available in the area at Cirencester, Cricklade, Fairford and Lechlade plus various localised industrial estates. No material harm to local economic prospects will therefore occur if planning permission is refused.

Campaign for the Protection of Rural England – object commenting specifically on transport, listed buildings and landscape issues.

Transport and Access – The C116 is a fairly narrow rural road with little or no verges and deep ditches on either side. It is not a safe route and is already used by mineral workings, agricultural suppliers or commercial / private. Any further increase would be detrimental to local residents and further damage the environment through verge and road degradation.

Listed Buildings – The former Canal worker's circular house and adjacent canal bridge are Listed Buildings. They along with Footpath 6 which runs directly south from Marston Meysey to this bridge, and the former canal crossing, form an important historic entity. The towpath of the disused and partially filled Wiltshire and Berkshire canal form major features of the distinctive low lying wet landscape and the agricultural history of this part of North Wiltshire.

If change of use to B2/B8/A1 were permitted the opportunity to recreate the canal / historic buildings complex as a whole, and as part of a potentially greater restoration scheme for tourist and visitor venue use, would be lost and not recoverable. The area is one with sparse population and despite the minerals workings still retains an overriding sense of tranquillity.

Landscape - In the longer term it is intended that after the gravel workings have ceased, in phases, the area will revert to a rural setting albeit of reed beds and ponds rather than wetland meadows. The adjacent land, to the south and east, is designated under the Minerals extraction

agreement as a restoration area of reed beds, trees and shrubs as a wildlife haven. This, under a S73 Agreement in December 2009 relating to restoration works, was to have been fully restored by the end of December 2010. So far only one third of the area has been restored. Moreover the access to the proposed site area would be by an internal track, from a gate used by the minerals company, running west parallel to the C116 and along part of what is the restoration area. This would suffer from the proximity of the internal road bringing the noise, visual intrusion and dust accompanying any commercial use of the site, all of which would be detrimental to the success of the wildlife aspiration.

8. Publicity

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

6 letters of objection have been received in response to the application publicity. The comments raised are summarised below:

- A public footpath MMEY6 runs through the site. Recently, an order was made diverting MMEY10 limiting access to the restored gravel pit. This resulted in a number of objections and it is likely that further restrictions on the use of existing footpaths will also be strongly contested.
- Noise and disturbance to occupiers of Roundhouse Farmhouse, the Roundhouse, to users of MMEY6 and to those wishing to enjoy a Wildlife Conservation Area;
- Negative impact on the adjacent Wildlife Conservation Area
- Would result in a significant number of commercial vehicle movements to / from the site and give rise to a significant number of accidents to members of the public using MMEY6.
- The site is in a rural location and is not served by public transport. The proposal would therefore give rise to a significant number of journeys by private car and by commercial vehicles;
- The buildings referred to in the application appear to be in poor condition and are not in sympathy with the rural character of the countryside or planned Wildlife Conservation Area. The continued use / re-use of these buildings does not respect the current character of the area or future character of the area;
- The scale of use proposed is likely to result in increased use of an inadequate site access and this may worsen highway safety;
- In the past, several similar applications have been made with the objective of using the site for non-agricultural purposes. All were dismissed with the exception of a retrospective application relating to the limited use of one building in 1992. Circumstances have not changed significantly and the reasons for rejection given previously are still valid;
- The site is on the outskirts of Marston Meysey and its many listed buildings;
- It might be argued that at present the site is compatible with the gravel workings nearby but this will not be the case when reed beds have been planted and the restoration to a Wildlife Conservation Area has been completed; and
- The buildings are claimed to be in good condition but the photograph provided by the estate agents clearly shows that they have no aesthetic appeal.
- Unacceptable impact on the grade II listed Round House and Marston Meysey Bridge;
- If there was a genuine appetite for local industrial land the application would not be speculative;
- The bat survey is incomplete;
- The parking spaces are not existing and are part of the farmhouse property not part of the farm site;
- The applicants account of public transport is mis-leading; and
- 3 lorries left the road within 200 metres of the entrance when building 1 was being used for trolley repairs.

9. Planning Considerations

Principle of development

Policy BD5 of the North Wiltshire Local Plan is of particular relevance to this application and states that development proposals for business uses (Use Classes B1, B2 and B8) in the countryside will be permitted where development:

- i) Involves the re-use of existing rural buildings suitable for conversion, where the architectural and historical interest of the original building is not compromised; or
- ii) Involves limited new building located within or well related to an existing group of building's which respects local building styles and materials, and is in keeping with its surroundings; or
- iii) Involves the limited expansion or replacement of an existing premises, where the development would be more acceptable and sustainable than might otherwise be achieved through conversion;

And in all cases;

- iv) The proposal does not lead to dispersal of business uses that would be detrimental to town and village vitality and economic viability; and
- v) Due consideration is given to the impact on the road network in the vicinity of the development.

The reasoned justification to this policy states that whilst proposals in the open countryside, remote from settlements, are not normally appropriate, opportunities for the re-use of existing, or new / replacement buildings may be acceptable where the development is of appropriate scale and situated within or are well related to an existing complex of buildings. Buildings suitable for conversion comprise those that are not ruinous and where conversion would not perpetuate a rural eyesore, nor lead to over intensive development or unsightly external storage. A new / replacement building may be viewed as being more acceptable and sustainable if for instance the development would bring about an environmental improvement in terms of the impact of the development in its surroundings and landscape. A proposal which is extensive in size and scale, or which is unsympathetic to its surroundings will not be considered appropriate in this context.

The proposed development must be compatible with the rural surroundings and may provide opportunities to promote the local rural economy through change of use to business uses which can have a positive impact on local employment.

Policy EC12 of PPS4 states that local planning authorities should approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of a number of criterion including (v) the suitability of the building(s), and of different scales, for re-use recognising that replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion.

The applicants have confirmed that the site has been marketed for over 2 years by Alder King LLP. A 'Schedule of Interest' has been submitted in support of the application. This details all of the enquiries into the lease of the buildings from 02/08/08 to the time of submitting this application for a variety of uses including A1, B1, B2, B8, D1, D2 and sui generis. These could not be progressed due to planning restrictions

A Building Survey Report has been submitted in support of the application. This concludes that the property is suitable for B8 use (storage and distribution), provided that the materials for storage will not degrade subject to the normal range of humidity and temperature.

The report details that some general maintenance would be beneficial for the most effective use of the site and its buildings and these include:

- Refurbishment of the electrical service and lighting installations;
- Maintenance and making secure to the doors and cladding of each of the three main buildings; and
- Refurbishment of the tar paved areas for lorry and pedestrian access.

The survey goes on to state that these outbuildings will require general improvement as part of a maintenance effort. This is typical in buildings of this age and type.

These buildings were historically associated with Roundhouse Farm which is now a sand and gravel quarry. The Council's Agricultural Advisor has considered the scheme and has confirmed that whilst the buildings are small scale and capable of agricultural use, demand for such use is likely to be extremely limited.

The buildings are large open plan buildings with wide and high doorways making them suited to the proposed B8 storage use.

The buildings are situated in a prominent location adjacent to the C116. These are agricultural buildings of a type and design which you would expect to see within a rural setting such as this and the Council would have no control over these being re-instated for agriculture. On balance, and in consideration of the above, it is considered that the re-use of vacant farm buildings for employment development would be acceptable in this case. The issue of sustainability is addressed below.

Impact upon Highway Safety and Sustainability

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria, including inter alia: promote sustainable patterns of development that will reduce the overall need to travel and support increased use of public transport, cycling and walking; and have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

Paragraph 43 of Planning Policy Guidance 13: Transport (PPG13) states that in order to reduce the need for long-distance out-commuting to jobs in urban areas, it is important to promote adequate employment opportunities in rural areas. Further stating that Local Planning Authorities should be realistic about the availability, or likely availability, of alternatives to access by car. Similarly, they should not reject proposals where small-scale business development or its expansion would give rise to only modest additional daily vehicle movements, in comparison to other uses that are permitted on the site, and the impact on minor roads would not be significant.

The applicants have submitted a Swept Path Analysis to demonstrate that there is sufficient space for vehicles (including articulated vehicles) to leave the site in a forward gear. On this basis, County Highways have withdrawn their objection regarding highway safety. Their objection on the basis of sustainability still stands.

Conditions requiring the parking to be laid out and the turning space to be provided prior to use are recommended.

The application site is relatively closely related to the village of Marston Meysey which provides a variety of services, situated approximately a quarter of a mile to the south and linked via a public footpath. The proposal is expected to employ 2 members of staff and create approximately 2 HGV movements (two in and out) during am and pm peak periods each day (one every 30 minutes).

Previous applications for change of use to B1 and B2 have been refused on the basis of sustainability. Retrospective consent was granted for the change of use of building 1 to B1(c) (ref: 92/1534/S73), this was restricted to trolley repair. A B8 use is less intensive than either a B1 or B2

use and a number of vehicle movements would be generated through the agricultural use of the buildings.

It is certainly unusual for officers to disagree with the recommendation of the Highways team. However in this case, given the proposed use of the site, and the limited number of vehicle movements associated with such a use, the guidance contained in PPG13 and the proximity of the site to the village of Marston Meysey, it is not considered that a refusal on the basis of sustainability could be sustained. The proposed development is therefore considered acceptable in this regard.

Impact upon Noise and disturbance

Policy NE18 of the Local Plan states that development will only be permitted where it would not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.

A noise impact study dated 2nd May 2000 has been submitted in support of the application. The agent advises that although this does not include a specific assessment of anticipated noise from the proposed change of use, it does however highlight background noise levels which are typically experienced at the nearest residential property to the site, namely Roundhouse Farm.

Background noise levels are highlighted in Table 1 of the report – taken between 10:45 am and 11:30 am at position 1 (identified as Weystone Bridge in the site location appended to the Noise Impact Study). Position 1 is highlighted as having a background noise level range of between 36dB LA90 and 40dB LA90. The agent has states the since undertaking the Noise Impact Study the mineral extraction operations at Roundhouse Farm Quarry have now commenced and as a result a rise in background noise levels in the area is likely.

The agent has drawn the officers attention to section 7 of the Noise Impact Study headed 'Road Traffic Noise'. This section highlights that the typical average two way traffic flow on the C116 / 124 is 130 vehicles per hour with 7% being HGVs – 134 per hour if HGV movements associated with the neighbouring minerals working are counted. This section concludes that, *'considering the prevailing noise environment at the properties adjoining the C116/124 which in LA eq (1 hr) terms is dictated already by the noise from HGVs; in the very 'worst case' the noise levels would increase by 1.5 dB LA eq (1hr). Such an increase is not significant and would likely not be noticeable against the existing traffic noise climate.'*

The applicant acknowledges that additional noise associated with the proposed use from vehicles engines and from reversing vehicle alarms has the potential to impact upon residential amenity.

The applicant proposes to minimise the potential for complaint by adopting the following noise control and management measures:

- When waiting to be unloaded vehicle engines will be switched off;
- When possible, particularly during any early morning and evening deliveries, audible reversing alarms to be switched off and night silent alarms to be used; and
- Drivers to be advised not to sound horns unless in an emergency.

The applicant has confirmed that they are willing to accept a condition in relation to the above in addition to a reasonable condition relating to the restriction of working hours or noise emitted from the site.

To ensure that the amenities of neighbouring occupiers are protected conditions restricting external storage and external lighting are also recommended.

Environmental Health have considered the proposals and have raised no objections subject to the imposition of conditions relating to the physical control and management measures referred to

above and hours restricted to 07:00 to 18:00 Monday to Friday and 08:00 to 17:00 on Saturdays with no Sunday or Bank Holiday working. Conditions to this effect are recommended and the proposed development would not therefore have an unacceptable impact in terms of noise and disturbance in accordance with policy NE18 of the Local Plan.

Impact upon Flood Risk

Planning Policy Statement 25: Development and Flood Risk (PPS25) states that all forms of flooding and their impact on the natural and built environment are material planning considerations. Local Planning Authorities should ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

The buildings are situated within Flood Zone 2 (medium risk) and the site is extensively surrounded by Flood Zone 3b (functional floodplain). In accordance with the requirements of PPS25, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The Environment Agency consider that the proposed development will not increase flood risk at the site or to third party land. It will not increase the vulnerability use of the building or extend the building footprint. Given the proposed storage use, it is unlikely that people will be on site should a flood occur. The Environment Agency have recommended a number of conditions relating to: finished floor levels, Flood Warning and Evacuation Plan; work should be in accordance with the FRA; and a surface water drainage scheme. They have also stated that their comments are based on there being limited users on site due to the storage use and a condition removing permitting development rights for change of use should be considered. Conditions in relation to the above are recommended, including a condition restricting the use class to B8.

It is not considered that the proposal would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere and the proposal would therefore be in accordance with PPS25.

Impact upon Ecology

Policy NE9 states that planning permission will not be granted for development which would have an adverse effect on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 as amended by Section 74 of the Countryside and Rights of Way Act 2000 or Schedule 2 of The Conservation (Natural Habitats) Regulations (1994) and Protection of Badgers Act 2000.

A bat roost inspection report has been submitted in support of the application. This concludes that based on evidence found during the inspection the majority of the affected buildings are considered to be of negligible value for bats with little or nothing in the way of suitable opportunities. No evidence was found to suggest any of the affected barns support a maternity, summer or winter roost for bats. Only the single storey extension in Barn 1 has limited evidence of past use by single or low numbers of Pipistrelle and Natterer's bats. The evidence suggests this room as only ever being used as a sporadic feeding station.

The report recommends the following mitigation measures:

- Remove, block up or cover with mesh the ventilation pipe in the single storey extension thereby prohibiting future bat access to this foraging area; and
- Ensure all buildings are sealed from bird access outside the bird breeding season or do not interfere with nesting birds if present within the buildings when in operation.

The applicants' agent has confirmed that the applicant would adopt both of these recommendations if planning consent is granted.

The Council's ecologist has reviewed the above, agrees with the findings of the bat survey and has no objections in relation to ecology. A condition is recommended ensuring that the mitigation measures set out in the bat roost inspection report are implemented on site.

10. Conclusion

The agricultural buildings were historically associated with Roundhouse Farm which is now a sand and gravel quarry, and demand for future agricultural use is therefore likely to be extremely limited. The buildings are large open plan buildings with wide and high doorways making them suited to the proposed B8 storage use. Subject to conditions, the proposed development would neither have an unacceptable impact in terms of noise and disturbance nor be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere, nor be detrimental to highway safety, nor have an unacceptable impact on protected species in accordance with policies C3, C4, NE9, NE18 and BD5 of the North Wiltshire Local Plan 2011.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The agricultural buildings were historically associated with Roundhouse Farm which is now a sand and gravel quarry, and demand for future agricultural use is therefore likely to be extremely limited. The buildings are large open plan buildings with wide and high doorways making them suited to the proposed B8 storage use. Subject to conditions, the proposed development would not: have an unacceptable impact in terms of noise and disturbance; be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere; be detrimental to highway safety; or have an unacceptable impact on protected species in accordance with policies C3, C4, NE9, NE18 and BD5 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. The mitigation measures detailed on page 9 of the Bat Roost Inspection Final Report dated 25 November 2010 shall be carried out in full prior to the first occupation of the development and / or in accordance with the approved timetable detailed in the Ecological Assessment.

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

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

3. Prior to the use or occupation of the development hereby permitted, the car parking areas shown on the approved plan(s) shall be provided and shall thereafter be kept available for the parking of vehicles at all times.

REASON: In the interests of road safety.

Policy: C3 of the North Wiltshire Local Plan 2011

4. No development shall commence until details of a consolidated and surfaced vehicle turning space has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall thereafter be retained and kept clear of obstruction at all times.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

POLICY – C3 of the North Wiltshire Local Plan 2011.

5. The development hereby approved shall operate in accordance with the 'physical control and management measures' set out on page 9 of the Planning Statement produced by David Jarvis Associates and dated October 2010.

REASON: In the interests of the amenity of neighbouring occupiers in accordance with policies C3 and NE18 of the North Wiltshire Local Plan 2011.

6. 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.

POLICIES - C3 and BD5 of the North Wiltshire Local Plan 2011.

7. The delivery and despatch of goods to and from the site shall be limited to the hours of 07:00 am and 18:00 pm Monday to Friday and 08:00 am and 17:00 pm on Saturdays, and at no time on Sundays and Bank or Public Holidays.

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

8. The use hereby permitted shall only take place between the hours of 07:00 am and 18:00 pm Monday to Friday and 08:00 am and 17:00 pm on Saturdays, and at no time on Sundays and Bank or Public Holidays.

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

9. Finished floor levels of the development shall be set no lower than the existing floor levels.

REASON: - To ensure flood risk is not increased in accordance with Planning Policy Statement 25: Development and Flood Risk.

10. No part of the development shall be occupied until a Flood Warning and Evacuation Plan has been submitted to, and agreed in writing by, the Local Planning Authority.

REASON: - To reduce the risk of flooding to users of the development in accordance with Planning Policy Statement 25: Development and Flood Risk.

11. No development shall commence until details of surface water drainage based on sustainable drainage principles have been submitted to, and agreed in writing by, the Local Planning Authority.

REASON:- To reduce flood risk, improve biodiversity and water quality, and to protect controlled waters in accordance with Planning Policy Statement 23: Planning and Pollution Control and Planning Policy Statement 25: Development and Flood Risk.

12. The site shall be used for storage and distribution and for no other purpose (including any other purpose in Class B8 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 re-voking or re-enacting that Order with or without modification).

REASON: - The proposed use is acceptable in flood risk terms but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the number of users on site in accordance with Planning Policy Statement 25: Development and Flood Risk.

13. 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 thereafter be maintained in accordance with the approved details.

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

POLICY – C3 of the North Wiltshire Local Plan 2011.

14. 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.

- Figure 1/R1 – Site Location, date stamped 4th November 2010
- 1771 Figure 2 – Block Plan, date stamped 22nd October 2010
- 1771 Figure 1 – Site Location, date stamped 22nd October 2010
- D172/1 – Vehicle Swept Path Analysis, date stamped 22nd December 2010

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

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2007 and the following mitigation measure detailed within the FRA:

1. There will be no new buildings or extensions to the existing building and no new walls or other enclosures shall be built.

REASON: - In the interests of the amenity of the area, to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions / extensions or external alterations and to prevent any increase in flood risk on site or downstream of the site by ensuring there is no reduction or disruption of the floodplain in accordance with Policy C3 of the North Wiltshire Local Plan and Planning Policy Statement 25: Development and Flood Risk.

16. 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.

POLICY- C3

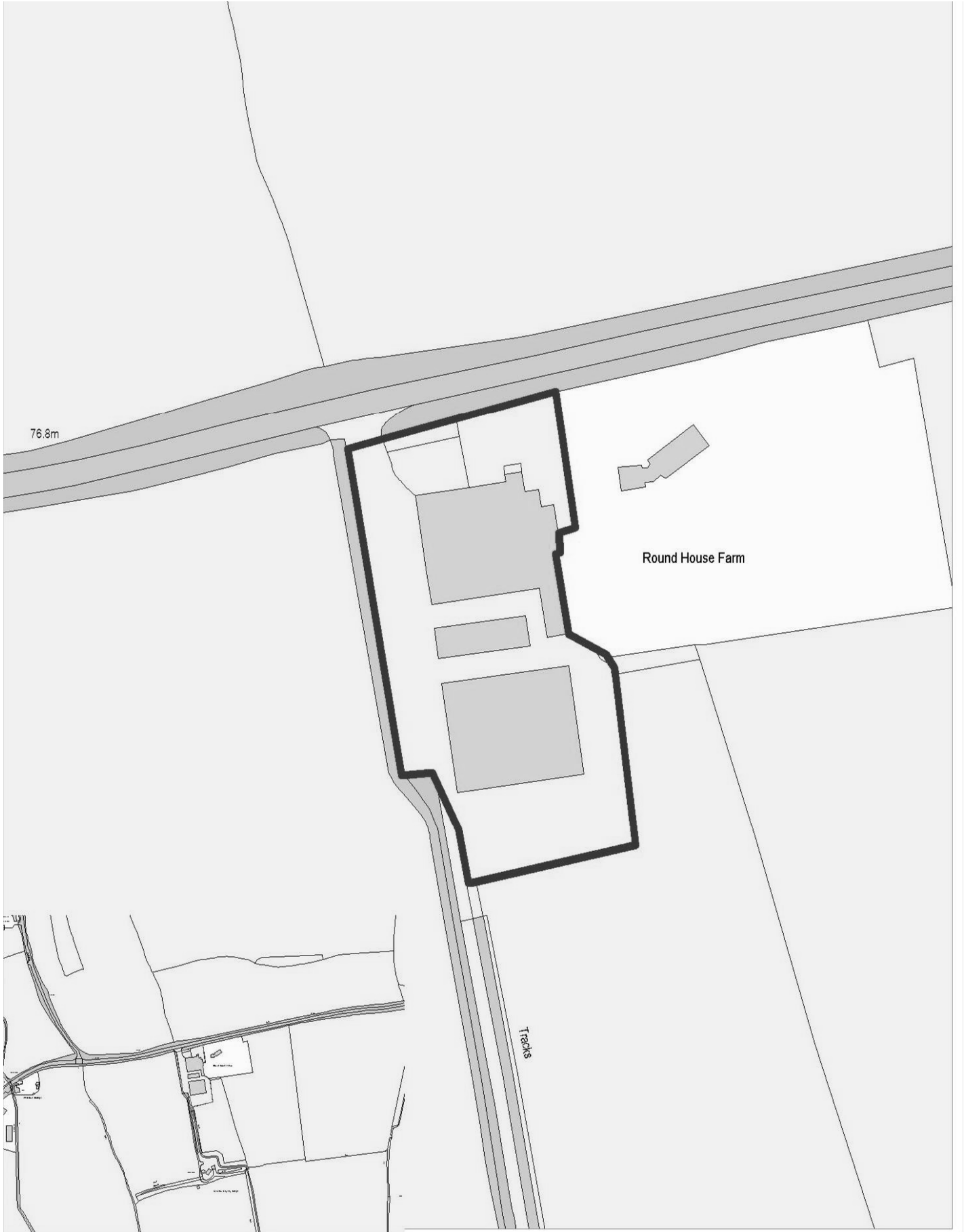
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

POLICY-C3

Informatives

1. The FRA has included a Flood Plan, however, a robust site specific plan must be drawn up to ensure that people are off site prior to a flood occurring as this is the primary means of protecting people at this site. The development should sign up to the Environment Agency's Floodline service (0845 988 1188) which is available in the area and can consider fitting their own flood warning system to protect the development and its contents further.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 th March 2011		
Application Number	11/00250/FUL		
Site Address	Land and buildings at Peterborough Farm, Dauntsey Lock, SN15 4HD		
Proposal	Erection of dwelling (resubmission of 10/04280/FUL)		
Applicant	Mr & Mrs R W Bond		
Town/Parish Council	Dauntsey		
Electoral Division	Brinkworth	Unitary Member	Toby Sturgis
Grid Ref	399661 180153		
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

Requested that the application be considered by Councillor Sturgis to allow consideration of whether, in this particular instance, a new dwelling should be allowed in the open countryside as an exception to normal planning policy.

1. Purpose of Report

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

Six letters of support have been received. The Parish Council have yet to respond.

2. Main Issues

This is an application for the erection of a new dwelling in the open countryside. As such the main issues to consider are as follows:

1. Principle of development
2. PPS7

3. Site Description

The site is described as being 0.4Ha in area and is part of a farm building complex that has apparently been severed from any extended farm land holding. The farm buildings are no longer used. The entire site is situated in the open countryside outside of any identified Settlement Framework Boundary.

4. Relevant Planning History		
Application Number	Proposal	Decision
07/03330/COU	Change of use of barn to form dwelling with associated external works	Permission
09/02254/FUL	Erection of new dwelling on footprint or original agricultural buildings	Refused by DC Committee 17/03/10
10/04280/FUL	Erection of new dwelling on footprint or original agricultural buildings	Withdrawn

5. Proposal

The proposal is for the erection of a new dwelling in the open countryside, outside any Settlement Framework Boundary identified within the adopted North Wiltshire Local Plan 2011.

The application contends that the proposed dwelling will be an exemplar in sustainability “in terms of water, sewerage and energy” to deliver a neutral carbon footprint. It is suggested that this alone should provide the special justification required by paragraph 11 of PPS7

The proposed dwelling is a substantial five bedroom property over two storeys. The proposal is to approximate the footprint of existing farm buildings, although its form radically departs from the existing, consisting of two elements of a rectangular flat roof block connected to a roundel of some 16.0m diameter and 9.5m height to its conical peak.

This application is submitted following the refusal by the DC Committee of another proposal for the erection of a new dwelling on this site on 17th March 2010.

6. Consultations

Dauntsey Parish Council

None yet received. However, no objections raised to previous application.

Highways Officer

Recommend that the application be refused on the grounds that the proposal would be located remote from services, employment opportunities and being unlikely to be well served by public transport. Subject to the imposition of appropriate conditions requiring the works to improve the access to B4069, raises no objections on the grounds of highway safety.

7. Publicity

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

Six (6) letters of support received. Summary of key relevant points raised:

- Land being put to good use
- Development would improve overall look and profile of Dauntsey
- Good to see new buildings on site of old hay barn
- Would benefit local community

8. Planning Considerations

Principle of development and PPS7

The proposal is for the erection of a new dwelling in the open countryside. Although on the general footprint of existing agricultural buildings, the scope of this application is clearly not for their conversion. The applicant does not dispute the nature and scope of the application.

Paragraph 10 of PPS7: Sustainable Development in Rural Areas states:

“Isolated new houses in the countryside will require special justification for planning permission to be granted.”

The substantive thrust of PPS7 follows this principle as does the entire direction of national and local planning policy. Planning policy relating to new dwellings in the open countryside is well established and unequivocal in purpose. Planning policy at all levels seeks to achieve sustainable new development which is to be focused on established settlements and towns.

The application contends that the proposal will be an exemplar in sustainable development, delivering a neutral carbon footprint. The applicant suggests that this, combined with the design of the dwelling, provides the “special justification” demanded by policy. By way of limited explanation, a singular paragraph within PPS7 states thus:

“Very occasionally the exceptional quality and innovative nature of the design of the proposed, isolated new house proposed may provide this special justification for granting planning permission. Such design should be truly outstanding and ground breaking...”
(para.11).

This paragraph should be correctly interpreted as simply reinforcing the application of established planning policy as the default position. Not the reverse. In this particular instance the fact that the design of the new dwelling is unusual should be seen as merely that, and not automatically equate to being seen as outstanding or ground breaking, as suggested by paragraph 11. Indeed, the proposal has received no external plaudits or acclaim that would suggest that it could be regarded as being truly outstanding and ground breaking. Previous schemes for “PPS 7” houses have sought support from organisations such as CABE (Commission for Architecture and Built Environment) or the South West Regional Design Panel. Similarly, a cursory glance through architectural journals of the past decade reveal that carbon neutral development is *de rigueur* and can no longer be regarded as ground breaking.

The existence of substantial agricultural buildings on the site is merely incidental to the fundamental consideration required. The existence of buildings on the site does not in itself justify their replacement with a new dwelling.

As there is a fundamental objection to the principle of the dwelling no further consideration of the detailed design and appearance has been given beyond the observation that acceptance of a scheme so obviously departing from architectural norms would, firstly, be largely subjective (ie. would one unusual design be more appropriate than another); and, secondly, would give credence to a wholly incorrect view of planning policy whereby new dwellings in the open countryside are acceptable so long as they replace existing buildings.

Although decisions based purely on the concern of precedent should rightly be treated with caution, it is nonetheless the case that there are many redundant farm complexes in the countryside where similar arguments could easily be forwarded by their owners.

9. Conclusion

New residential development in the open countryside is strictly controlled. Planning policy at both the national and local level is well established and clear in its purpose and scope. No special justification for this development has been provided by the applicant that would warrant making an exception to the normal application of planning policy.

The existence of farm building of a similar footprint on the site is in no way a reason to diverge from well established planning policy.

The proposal has not moved on, in concept, from that proposal already considered and refused planning permission by the Development Control Committee on 17th March 2010.

10. Recommendation

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

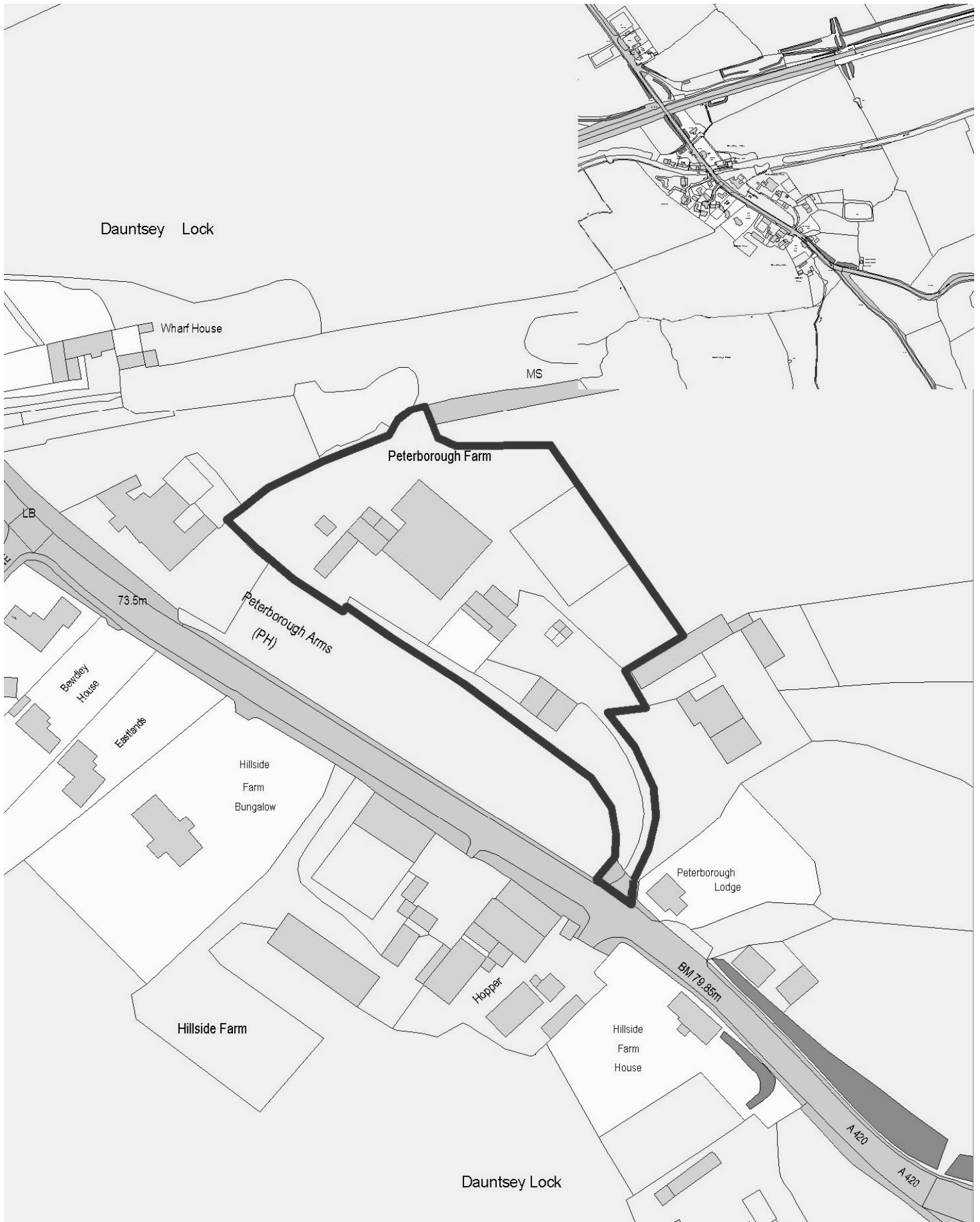
1. The proposed development is a new dwelling in the open countryside with no special justification. As such, the development is contrary to well established planning policy at the national and local level, notably PPS7, PPG13 as well as Policy H4 of the adopted North Wiltshire Local Plan 2011.

Informative

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

Existing access drawing 1:100
Proposed access drawing 1:100
2008-39-6
2008-39-7
2008-39-8

All dated 24th January 2011



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9 March 2011		
Application Number	11.00064.FUL and 11.00065.LBC		
Site Address	Pinkney Court, Sherston		
Proposal	Alteration and Conversion of Stable Building to Provide New Independent Dwelling (resubmission of 10.04219.LBC & 10.04218.FUL)		
Applicant	Mrs Silver		
Town/Parish Council	Sherston		
Electoral Division	Sherston	Unitary Member	John Thomson
Grid Ref	386240 187282		
Type of application	Full application//Listed Building Consent		
Case Officer	Caroline Ridgwell	01249 706 639	Caroline.ridgwell@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 Cllr J Thomson in order to consider issues related to the scale of development; Environmental/Highway impact; relationship to adjoining properties; visual impact and design in respect of bulk, height and general appearance.

1. Purpose of Report

To consider the application and to recommend that Planning Permission be REFUSED and Listed Building Consent be REFUSED

2. Report Summary

Pinkney Court Is a Grade II listed building. Pinkney Court stable is a former agricultural building which is on the opposite side of the (unclassified) road, but was historically functionally-related to the farm house, and is considered to be curtilage-listed building. The site lies within the AONB, in open countryside. The proposal is to convert the building to form a separate dwelling. It is considered the main issues are:

- Scale of development
- Implications on Housing Policy H3
- Design of the development and its effect on the special character of the listed building
- Impact on the AONB
- Visual impact upon the surrounding area
- Affect of the residential amenity of existing properties
- Impact on traffic and parking in the local area

Sherston Parish Council raises no objection.

1 letter of support received.

3. Site Description

Pinkney Court stable is a late C19 former open-fronted farm building, constructed in rubble stone with stone piers and a tiled roof. It is a single storey range divided into 5 bays, approximately 17m long x 6m wide with a 2m eave height with 80.31 sq m floor area. It lies immediately adjacent to the road, and originally the principal elevation faced eastwards. However, at some time in the C20 the openings were enclosed in rendered blockwork, and the orientation effectively reversed when it was converted to form a stable and tack room, with openings facing westwards into the paddock. The tack room is in the north bay, with external access via a boarded door. The rear stone wall to the other 4 bays has been removed and replaced with timber boarded posts and studding for the 4 looseboxes. There is a projecting slate-covered canopy in front of the loose boxes, supported on posts. To the south there is a timber lean-to used as a hay store. The roof construction is mostly new, although oak purlins survive in the tack room.

4. Relevant Planning History		
Application Number	Proposal	Decision
10.03586.FUL	Alterations & conversion of stable block to provide new independent dwelling	Refused
10.03587.LBC	Alterations & conversion of stable block to provide new independent dwelling	Refused
10.04218.FUL	Alterations & conversion of stable block to provide new independent dwelling (revision of 10.03586.FUL)	Refused
10.04219.LBC	Alterations & conversion of stable block to provide new independent dwelling (revision of 10.03587.LBC)	Refused

5. Proposal

This is a resubmission of a proposal that was refused under delegated powers in December 2010 (10/04218 and 10/04219). The proposal has not been amended in any way. The proposal does represent an amendment to the scheme that was refused permission by Committee in November 2010 (10/03586 and 10/03587); the differences are highlighted in the following section.

The proposal is to convert the building to form a substantial 3-bedroom house with additional study/guestroom. To achieve this, it is proposed to lower the finished floor level within the building by 500mm, introduce a 1st floor just below wall plate level and substantially extend the building. The lowering of the floor level implies underpinning the whole building. Externally, the elevation to the road will be unchanged (other than removal of a modern door within the infill to the north bay) but the increase in height will be evident on the south and west elevations; there will be a stone facing to the new lower sections of masonry which will be visible externally.

At ground floor level, the tack room becomes an entrance hall. The remainder of the building is widened by an extension which occupies the footprint of the former canopy, and provides a substantial 9.1m x 6.2m (internal dimensions) kitchen/family room and dining room at ground floor level, with 2 bedrooms and bathroom above. An 8m x 6m extension attached to the north gable provides a living room and utility/boot room with master bedroom and en-suite above. The extension would be constructed in natural stone, and the whole building would have a natural slate roof covering. The new extension has been set into the ground, and carefully designed to appear subservient in scale from publicly-visible elevations (ie east and north), although to the rear where the ground level has been lowered and terraced, the increased eave height is evident.

It is also proposed to replace the hay store with a lean-to attached to the south gable to serve as a study. The agent advises that alternative stable facilities will be provided in the buildings adjacent to Pinkney Court. There is an existing field gate to the northwest north of the stable, with a

manège just beyond. In order to accommodate the extension, it is proposed to reposition the access further to the north, with access and parking parallel to the side elevation of the extension; this implies removal of the manège. The agent advises that the dwelling is needed to provide accommodation for the applicant's daughter and her family.

The extension has been reduced in length by 2metres since these applications were last considered by committee (3rd November 2010). The only other alterations to the proposals are:

1. The living room and kitchen have swapped location;
2. The study has become a dining room;
3. The logs/oil store is now proposed as a study.

As a result of these changes, there is now no storage associated with the proposed new dwelling. There is also no attic space due to the creation of a first floor where the rooms will be open to the ridge in order to maximise head room.

Apart from the listed building Design and Access Statement and structural report, the application has been supported by a Viability Appraisal, Protected Species Assessment and Bat Emergence Survey.

The Viability Appraisal acknowledges that the current stables are of a size conducive with normal domestic ancillary use. It considers alternative uses from a developer's perspective, and suggests the building is suitable for development for offices, industrial workshops/storage, holiday accommodation or residential use; it discounts community uses in this location. It argues that there is no market for small commercial properties (either office or workshop) in the current economic climate. It suggests it could be converted to a one-bed or small 2-bed holiday let, providing an annual income of £10,000 - £12,500pa; but conversion would cost the same as a residential conversion and provide an investment only c50% the market value of a dwelling (and this would not be considered commercially viable by a developer).

The Protected Species Assessment found evidence of bats, owls and swallows near the site. No bats were recorded emerging from the stable, although 3 species of feeding bats were recorded in the vicinity, with bat droppings found in front of the stables. The report recommends actions to protect any species during construction works, and to achieve biodiversity enhancement; the application takes account of these, including provision of "bat bricks" in the extension to encourage bats.

6. Planning Policy

North Wiltshire Local Plan: Policies C3 (DC Core Policy); NE4 (Area of Outstanding Natural Beauty); HE4 (Listed Buildings); H4 (Residential Development in the Open Countryside); BD6 (Re-Use of Rural Buildings)

Planning Policy Statement 5 (Planning and the Historic Environment)

7. Consultations

Sherston Parish Council: Comments unchanged from the previous application - No objections and development looks very tasteful.

County Highways: Recommend refusal on sustainability grounds. If the Council is mindful to approve, they ask for adequate drawings demonstrating the new access and adequate parking provision for two vehicles; with these to be provided prior to first occupation of the dwelling.

County Ecologist: Recommends conditions to provide suitable conditions for bats, owls and swallows (unchanged from previous application).

8. Publicity

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

One letter of support has been received.

- Summary of key relevant points raised:
- Building is currently unused and dilapidated
- Development would ensure building will be maintained and improved
- Will encourage younger residents to community

9. Planning and Listed Building Considerations

This application has been described as alteration and conversion of a stable building, and as such in the first instance it needs to be considered in the context of Local Plan Policy BD6. This states:

“In the countryside, the re-use of buildings will be permitted provided that:

i) The proposed use will be contained within the building and does not require extensive alterations, re-building and or extension; and

ii) The proposed use respects both the character and setting of the subject building and any distinctive local building styles and materials; and

iii) Consideration is given to whether a building by reason of its design and or location would be more appropriately retained in or converted to, in order of preference, employment, community, or residential use; and

iv) There being no abuse of the concession given to buildings erected with the benefit of permitted development rights; and

v) The proposal will not have an adverse impact upon the surrounding road network.”

Scale of Development: During preliminary discussions your officer advised that a small residential use could be considered if it could be demonstrated that alternative preferred uses would not be appropriate here but that there should be no extension other than the proposed store. The agent in his covering letter advises that “it is not possible to significantly reduce the scale of the building’s extension...and provide a reasonable family dwelling”. The proposal is for a substantial extension which increases the footprint of the building by 80% and the lowering of the floor level in order to increase the useable floor area represents a further significant enlargement of the building. Moreover, this intervention could potentially cause structural damage to surviving historic fabric (and as such the proposal is clearly contrary to policy BD6.i).

The viability appraisal has demonstrated that commercial use is unlikely to be viable, but that a small 1 or 2 –bed tourist unit could be feasible. Such a use would be more compliant with policy BD6.iii. Equally, the building could be converted to provide a small dwelling with no or minimal extension.

Implications on Housing Policy H4: Due to the amount of extension and alteration this fails to be considered as a conversion. This proposal is essentially a new dwelling in the countryside. It is not a replacement for an existing dwelling or needed in connection with agriculture or forestry, and is thus clearly contrary to Local Plan Policy H4.

Design and its effect on the special character of the listed building: This is a curtilage-listed building although its significance has been diminished by the C20 interventions. However, it still has an essentially agricultural character, with a subservience to the principal farmhouse and associated range of farm buildings adjacent to Pinkney Court. The alterations to the publicly-visible elevations have been well-considered to minimise the harm to the publicly-visible elevations, and removal of the modern door to the north elevation, with use of natural slate for

roofing will enhance the appearance of the listed structure. However, the projecting lean-to “canopy” to the west elevation is an alien feature that compromises its special character as a small-scale farm building; this is exacerbated by the number of roof lights in the rear elevation. The change to internal finished floor level is a major intervention which could cause structural damage to the building.

Visual impact upon the surrounding area: The current use of the site for stables/paddock is low-key and appropriate to the character of this part of the AONB and the site is well-integrated by indigenous planting to its boundary. The inevitable domestication of the site following a change to residential use will cause harm to the character of the AONB, although this could be mitigated by conditions re: landscaping and removal of permitted development rights.

Affect of the residential amenity of existing properties: It is not considered that the proposal would cause harm to residential amenity.

Impact on traffic and parking in the local area: Apart from the sustainability argument, it is considered that suitable conditions could be imposed to ensure there is adequate parking and access to the site.

10. Recommendation

Planning permission N/11/00064/FUL be REFUSED for the following reasons:

1. The proposal is tantamount to a new dwelling in the open countryside. It is contrary to policy H4 in the North Wiltshire Local Plan 2011.
2. The proposal includes a substantial extension and intervention to the building; and moreover it is considered that conversion to tourist accommodation would be a more suitable use for this building. The proposal is therefore contrary to policy BD6.i., ii and iii in the North Wiltshire Local Plan 2011.
3. The proposal would cause harm to the curtilage-listed building by virtue of the alterations associated with reduction of the internal floor level, and introduction of the lean-to extension and 4 no roof lights to the “front” (south west) elevation. It is therefore contrary to policy HE4 in the North Wiltshire Local Plan 2011 and the advice contained in PPS5.

Listed Building Consent N/11/00065/LBC be REFUSED for the following reason:

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

