

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 4 April 2012
Time: 6.00 pm

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

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

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

Membership:

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

Cllr Simon Killane
Cllr Howard Marshall
Cllr Mark Packard
Cllr Toby Sturgis
Cllr Anthony Trotman

Substitutes:

Cllr Desna Allen
Cllr Chuck Berry
Cllr Paul Darby

Cllr Bill Douglas
Cllr Mollie Groom
Cllr Bill Roberts

Part I

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

1. Apologies for Absence

To receive any apologies for absence.

2. Minutes (Pages 1 - 22)

To approve and sign as a correct record the minutes of the meeting held on **14 March 2012**.

3. Declarations of Interest

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

4. Chairman's Announcements

To receive any announcements through the Chair.

5. Public Participation and Councillors' Questions

The Council welcomes contributions from members of the public.

Statements

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

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda **no later than 5pm on Wednesday 28th March 2012**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. **Planning Appeals** *(Pages 23 - 24)*

An appeals update report is attached for information.

7. **Planning Applications** *(Pages 25 - 26)*

To consider and determine planning applications in the attached schedule.

7.a **11/02322/FUL - 6 Battlewell, Purton** *(Pages 27 - 40)*

7.b **11/04173/FUL - Mount Syclla Farm, North Wraxall, Ford, Nr Chippenham** *(Pages 41 - 46)*

8. **Urgent Items**

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 MARCH 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen (Substitute), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Peter Doyle, Cllr Peter Hutton, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Chris Caswill and Cllr Jacqui Lay

9. Apologies for Absence

Apologies for absence were received from Cllrs Alan Hill, Howard Marshall, Mark Packard and Simon Killane.

Cllr Packard was substituted by Cllr Bill Douglas, and Cllr Marshall was substituted by Cllr Desna Allen.

10. Minutes

The minutes of the meeting held on **22 February 2012** were presented.

It was,

Resolved:

To approve the minutes as a correct record.

11. Declarations of Interest

Cllr Toby Sturgis declared a personal interest in Minute 16e: N/11/02514/FUL and N/11/03731/LBC - *Scarrott's Yard, Adjacent to 6 Old Court, Royal Wootton Bassett*, as the applicant's fairground business had been held on his land, but with no financial relationship. He stated the connection would not prejudice his decision.

12. Chairman's Announcements

The Chairman explained the process of the meeting for those present.

The Chairman then noted the passing of former district and unitary Councillor, Peter Green, whose funeral was the day of the meeting, and invited Cllr Crisp to make a short statement. A minute's silence was then held in respect.

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

The Committee noted the rules on public participation.

14. **Proposed Diversion of Purton Bridleway 104 - Known as Mud Lane**

Public Participation:

Mr Alan Roberts spoke in objection to the item.

Dr Richard Pagett spoke in objection to the item.

Mr Brian Freegard spoke in objection to the item.

Mr Richard Moseley spoke in support of the item.

Mr George Hawksworth spoke in support of the item.

Cllr John Crawford, Purton Parish Council, spoke in objection to the item.

The Rights of Way Officer introduced the item and presented the report, which recommended the Order be referred to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation it be confirmed as made. Attention was also drawn to the late list of observations provided at the meeting.

The Rights of Way Officer outlined the history of the order and the current condition of the original and diverted bridleways, stressing that the diversion order had been made in the interests of the general public and the landowner, and that the legal criteria to support the order had been met.

The officer clarified that the options available for the Committee were to abandon the order, or to go with the officer's recommendation.

Members of the public then had the opportunity to address the Committee on the item, as detailed above.

The Committee then had the opportunity to further discuss the proposals.

It was,

Resolved:

That the Order be referred to the Secretary of State for DEFRA for determination with the recommendation that it be confirmed as made.

15. **Planning Appeals**

The Committee noted the update on the latest appeals.

16. **Planning Applications**

16 a) **N/11/03790/FUL - Rose Field, Hullavington**

The Planning Officer introduced the report which was recommended for approval. He drew attention to the late list of observations provided at the meeting, which altered the recommendation from temporary to permanent permission.

The Officer discussed previous objection to the site on highway grounds and efforts made to resolve these, and informed the Committee that approval would lead to an overprovision of Gypsy and Traveller pitches, but this was not considered detrimental to the Council's overall Core Strategy. Attention was also drawn to a recent appeal decision for a similar site near Semington.

The Committee then had the opportunity to ask technical questions to the officers. In response to queries, the Highways Officer clarified that the C1(South) junction, where all the traffic from the site would be diverted, had not been improved, and as the land was owned by a third party, further adjustments to the junction were not planned.

Cllr Toby Sturgis, representing the views of the Local Member, Cllr Jane Scott, then spoke in objection to the application.

A debate followed, where junction visibility, traffic increase and detrimental effect on local farmers were discussed.

It was,

Resolved:

That the application be REFUSED for the following reason:

The C1n/C1s junction has substandard visibility to the left (south) and is considered to be "seriously deficient". Notwithstanding that although development would only give rise to modest additional daily vehicles movements at this junction, it is considered that the adverse impact on the highway would be material. The proposal fails to accord with Policy C3 of the North Wiltshire Local Plan 2011.

16 b) **N/11/03802/DEM and N/11/03798/LDC - Chippenham Railway Station, Cocklebury Road, Chippenham**

Public Participation

Mrs Clare Evans spoke in support of the application.

Mrs Maureen Lloyd spoke in support of the application.

Mr Eric Stubbs spoke in support of the application.

The Planning Officer presented a report which recommended approval. He explained the current lack of lift facilities at Chippenham station and adequate provision for disabled or frail railway users. It was clarified that, at present, there were no plans for lift access on the north side of the station.

The Officer also stressed the presence of the Listed Building of the main station was a consideration, as was the appearance of the design, but that the plans had been amended several times during the planning process.

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

Members of the public then had the opportunity to address the Committee on the application, as detailed above.

The Local Member, Cllr Chris Caswill, requested the Committee defer the item to encourage a more appropriate visual design to be presented.

A debate followed, wherein the utilitarian design of the bridge was discussed, and specific materials for the cladding of towers and bridge assessed. Access to the lifts at night was also raised as a concern, which was clarified as a management issue for Network Rail. The environment consideration to reduce Wiltshire's carbon footprint by encouraging increased rail usage, and the need to provide for those currently unable to easily use the station was also discussed.

It was,

Resolved:

In respect of 11/03802/DEM:

NO OBJECTION for the following reason:

The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building and the Chippenham Conservation Area. The replacement footbridge is considered likely to cause some harm to the Conservation Area and setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of PPS5, with specific

reference to Policy HE9.4. and Policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.

Subject to the following condition:

1. No development shall commence on site until details of the stone work and zinc cladding to the lift towers and finish of the footbridge to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

In respect of Listed Building Consent 11/3798/LBC:

Listed Building consent be GRANTED for the following reason:

The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building. The replacement footbridge is considered likely to cause some harm to the setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of PPS5, with specific reference to Policy HE9.4.

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. No development shall commence on site until details of the stone work and zinc cladding to the lift towers and finish (including painted) of the footbridge to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved

details.

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

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.

Site location plan; drawing Numbers 1031314/CHI/EAR/DRG: 001b; 002C; 003E; 004E; 005F; 006E; 008; and 008.1 and Drawing number 1031314/CHI/A/226 Rev F

Planning Statement Incorporating Design and Access Statement and Heritage Statement

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

INFORMATIVE:

Network Rail and the Train Operating Company should have consideration for the need to ensure that the lifts are made available for their timely use prior to and after the first and last trains of the day.

16 c) N11/02514/FUL and N/11/03731/LBC - Scarrott's Yard, Adjacent to 6 Old Court, Royal Wootton Bassett

Public Participation:

Mr Vines spoke in support of the application.

Cllr Christopher Wannell, Royal Wootton Bassett Town Council, spoke in support of the application.

The Planning Officer presented the report and drew attention to the late list of observations provided at the meeting. The officer highlighted the highly visible nature of the site and the listed barn, inadequate provision of parking as a result of the lack of confirmed clear path to the proposed car ports with the in use depot, and the impact on amenity for neighbouring properties.

The Committee then had the opportunity to ask technical questions of the officers, where the closeness to the pavement of the proposed houses was queried.

Members of the Public then had the opportunity to address the Committee, as detailed above.

A debate followed, wherein the lack of likely traffic increase was mentioned, the right to dictate on the applicant's traditional way of life and human right's concerns was raised, and the lack of detrimental effect on the conservation area.

After discussion, it was,

Resolved:

In respect of 11/02514/FUL

To DELEGATE to the AREA DEVELOPMENT MANAGER to APPROVE

For the following reasons:

The proposed development is considered to be in keeping with the character and appearance of the area, would not be detrimental to any residential amenities, highway safety or the setting of the Listed Building. Further the circumstances of the applicants have been taken into account as Travelling Showpeople and their need to continue to live and work on the site in the manner proposed. The development is thus considered to accord with Policies C3, HE1, HE4 and CF3 of the North Wiltshire Local Plan together with Core Policy 47 of the Wiltshire Core Strategy Pre-submission Document February 2012.

Subject to a S106 agreement to secure off site public open space provision together 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.Contamination – see below as not able to cut and paste into this due to size.

3. Notwithstanding the approved drawings, no development/works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning

Authority:

- (1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).**
- (2) Full details of the new roofs, including sections, eaves & verge details at 1:5.**
- (3) Full details of the new chimneys, including elevations at no less than 1:5.**
- (4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.**

Items 1 to 4 shall be completed prior to the commencement of any works.

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

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

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

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

5. No development/works 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, the character and appearance of the area and the Listed Building.

6. No development/works shall commence on site until a sample panel of the render to be used on the external walls has been made

available 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, the character and appearance of the area and the Listed Building.

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

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

8. The dwellings hereby permitted shall not be occupied at any time other than by members of the Scarrott family in association with the use of the adjacent yard, known as Scarrotts Yard.

REASON: The dwellings are 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 dwellings in conjunction within the retained business use of the yard in which the dwellings are located.

9. The car ports hereby permitted shall not be converted to a garage. There shall be no erection of doors/gates or lockable device against the car port.

Reason: to ensure that adequate car parking is provided at the site in the interest of highway safety.

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 carports 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.

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

Dwg no: 2011-11-1, 2, 3A, 4A, 5 and 6 dated 25 July 2011

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

INFORMATIVES:

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

2. The applicant's attention is drawn to the contents of the attached letter from Wessex Water received 3 August 2011.

In respect of 11/03731/LBC

To APPROVE for the following reason:

The proposed development by reason of its scale, design and detailing would be out of keeping with the character and appearance of the area; would fail to preserve the setting of the Grade II Listed Building contrary to National Guidance contained in PPS5.

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.

Plans:

**Dwg no: 2011-11-1, 2, 3A, 4A, 5 dated 25 July 2011
2011-11-6 6 dated 31 October 2011**

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

3. Notwithstanding the approved drawings, no development/works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- (1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).**
- (2) Full details of the new roofs, including sections, eaves & verge details at 1:5.**
- (3) Full details of the new chimneys, including elevations at no less than 1:5.**
- (4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.**

Items 1 to 4 shall be completed prior to the commencement of any works.

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

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for

comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

5. No development/works 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, the character and appearance of the area and the Listed Building.

6. No development/works shall commence on site until a sample panel of the render to be used on the external walls has been made available 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, the character and appearance of the area and the Listed Building.

16 d) N/11/03912/S73A - The Old Dairy, Market Place, Box, Corsham

Public Participation:

Mrs Patricia Simpson spoke in objection to the application.

Mrs Lucy Wright spoke in support of the application.

Mrs Kate Smith spoke in support of the application.

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

The Planning Officer introduced the report which recommended approval and drew attention to the late list of observations provided at the meeting. It was clarified that the application was to vary several conditions from a previous application to permit additional usage of the application site only.

The Officer explained the key issues as in relation to highways impacts, neighbour amenity, impact on the conservation area, and the impact of increase noise and odour.

The Committee then had the opportunity to ask technical questions of the officers. Specifics on how noise levels would be compared were sought, and the circumstances of the applicants were also sought.

Members of the public then had the opportunity to address the Committee, as detailed above.

The Local Member, Cllr Sheila Parker, spoke in objection to the application.

A debate followed, wherein the number of days the applicants could conduct business beyond 8pm was discussed, and it was clarified that a monthly plan for which nights would be extended would have to be submitted to Council officers, and how the conditions could be monitored was asked.

After discussion, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The proposed variation to conditions, by virtue of the nature of the activities and hours of operation proposed, will not adversely affect the character or appearance of the site or its setting in a Conservation Area, and will not detrimentally affect highway safety or the residential amenity enjoyed by neighbours. The proposal therefore accords with Policies C3, HE1, HE4 and R5 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The coffee shop use shall only take place between the hours of 0800 hrs in the morning and 2300 hrs in the evening until 17 March 2013, after which date the hours of operation shall revert to 0800 hrs in the morning till 2000 hrs in the evening. The site shall then be used for a coffee shop and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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 and to enable monitoring of noise, nuisance and activity.

1. The following uses:

- Private dinner or breakfast functions;
- Craft workshops;
- Cookery classes; or
- Children's parties

Are permitted in connection with the existing business only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) for a period of 12 months ceasing on 17 March 2013 for the hours of 0800 hrs in the morning to 2300 hrs in the evening.

REASON: The Local Planning Authority wish to monitor the nature of the uses having regard to the circumstances of the case including the impact upon local residents and the local highway network.

3. The coffee shop business and building shall not be sold, let or rented separate from the dwelling house (known as The Old Dairy).

REASON: In order to minimise traffic generation and preserve the amenities of the occupiers of the dwellinghouse.

4. The operation of the premises between the hours of 2000-2300 hereby permitted until 17 March 2013 shall be limited to not more than eight evenings per calendar month. The specific evenings per month for the duration of the permission shall be submitted to and approved in writing by the Local Planning Authority within one month of this permission. Such details shall also be kept on the premises.

REASON: In the interests of residential amenity and to avoid nuisance.

5. The operation of the premises for the hours of 2000 -2300 and activities hereby permitted until 17 March 2013 shall apply only to the following persons and their resident dependants:

Mr Simon Wright

Mrs Lucy Wright

REASON: Regard has been paid to the personal circumstances of the applicant given the operation of the existing permitted use and the relationship with the adjacent dwelling within their ownership. The Local Planning Authority shall wish to consider separately any such proposal made by another applicant.

6. The level of noise emanating from the premises shall at no time exceed a rating level of 35dB (BS4142:1997) at the site boundary.

REASON: In the interests of residential amenity

INFORMATIVES

1. Planning Permission has been and continues to be granted based on the uses within the red line. External areas outside the red line site boundary are being used in association with the business and this is unauthorised. As such the applicant is requested to cease such use and apply for planning permission.
2. In the event changes to the evening operations beyond 8pm, a formal application will be required to vary condition 5.
3. The applicant is reminded that notwithstanding this permission, any nuisance complaints can still be investigated under the Environmental Protection Act 1990.

16 e) N/11/04105/FUL - Land to the Rear of Jugglers Cottage, Cherhill

Public Participation:

Mr Rob Pickford spoke in objection to the application.

Mr Derek Weakford spoke in support of the application.

Mr Mike Quilter spoke in support of the application.

Mr Arlene Mudie spoke in support of the application.

Cllr David Willett, Cherill Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended the

application be delegated to the Area Development Manager to allow the signing of S106 agreements to cover Public Open Space and Affordable Housing. Attention was drawn to the late list of observations provided at the meeting.

The long distance from the Listed cottage and subservience to neighbouring properties of the application was highlighted and was of a modest design with separate access.

The Committee then had the opportunity to ask technical questions of the Committee, and the acceptability of the access was discussed.

Members of the public then had the opportunity to address the Committee, as detailed above.

A debate followed, wherein it was clarified that appropriate development is permitted within conservation areas, and that the local area had seen many developments in recent decades.

After discussion, it was,

Resolved:

That the application is DELEGATED to the Head of Development Control to GRANT Planning Permission for the following reason:

The plans for the dwelling have now been significantly amended so that they reflect a simpler cottage style to be built in good quality brick with a grey slate roof, with traditional proportions and detailing. It is considered that the proposal now will preserve the character of the conservation area whilst allowing a new home and retention of the open character of the area. The proposal is therefore considered to comply with policies C3, H2, HE1 and HE4 of the North Wiltshire Local Plan 2011.

Subject to the signing of a S106 agreement in respect of Public Open Space and Affordable Housing

And subject to the following conditions:

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

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

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

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

POLICY: C3

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;

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

POLICY: C3

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY: C3

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

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

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

REASON: To enable the Local Planning Authority to ensure the

retention of trees on the site in the interests of visual amenity.

POLICY: C3

6. 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

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

8. No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY: C3

9. No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads,

sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

10. No development shall commence within the area indicated on the location plan outlined in red until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: C3

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

REASON: In the interests of highway safety.

POLICY: C3

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

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

POLICY: C3

13. The gradient of the access way shall not at any point be steeper

than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

POLICY: C3

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.

306/001RevA, A11/SA193/01RevA, 02RevB, 03RevB, 04RevB dated 27th February 2012, Topographical survey 20th Dec 2011

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

16 f N/12/00198/S73A - Phelps Parade, Unit 2, 119 The Pippin, Calne

Public Participation:

Mr Mike O'Brien spoke in support of the application.

The Planning Officer presented the report which recommended approval. The Officer explained the history of the application, which had come before the Committee in November 2011.

The Committee then had the opportunity to ask technical questions of the officers. It was clarified that there are nearby establishments open until at least 11pm, and that there were no police concerns regarding anti-social behaviour specific to this application's location and business.

Members of the public then had the opportunity to address the Committee, as detailed above.

After discussion, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The proposal, due to its town centre location and limiting conditions, is considered to be compliant with policies C3, HE1 and NE9 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiry 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 (Compulsory Purchase) Act 2004.

- 2. The use hereby permitted shall be for the sale of pizzas only and other hot food takeaway. There shall be no cooking or sale of food outside the hours of 09:00-23:00 on any day.**

REASON: To protect the amenity of the area.

- 3. Any fixed plant associated with the proposed development shall be sited and designed as to not exceed the following criteria: 45dB LAeq(1hr) and noise rating (NR) curve 40dBA, when measured 1m from any residential window.**

REASON: To protect nearby residential amenity.

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

Plans:

C4728-A5-03, 02, 01, 04 and 05 dated 11th August 2011.

17. Urgent Items

There were no urgent items.

(Duration of meeting: 6.00 - 9.25 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

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

Wiltshire Council
Northern Area Planning Committee
04 April 2012

Forthcoming Hearings and Public Inquiries between 22/03/2012 and 30/09/2012

Application No	Location	Parish	Proposal	Appeal Type	Date
10/04575/OUT	Ridgeway Farm, Common Platt, Purton, Swindon, Wiltshire SN5 9JT	Purton	Residential Development (Up to 700 Dwellings), 10.6 Hectares of Green Infrastructure Including Public Open Space, Associated Works, Up to 560 Square Metres of D1 (Non-Residential) Floorspace, Primary School and Demolition of Existing Buildings.	Public Inquiry	09/05/2012
11/01852/FUL	Land of B4040 at Stonehill, Charlton, Malmesbury, Wiltshire, SN16 9DY	Charlton	Use of Land for Stationing of a Mobile Home for Essential Workers for 3 Years	Informal Hearing	17/04/2012
11/01853/FUL	Land of B4040 at Stonehill, Charlton, Malmesbury, Wiltshire, SN16 9DY	Charlton	Change of Use of Agricultural Building to Mixed Use Agricultural and Equine Dentistry and Veterinary Facility, Construction of Menage, Horsewalker and Change of Use of Land to Mixed Use Agricultural and Equestrian.	Informal Hearing	17/04/2012
11/02574/OUT	Land at Widham Farm/Widham Grove, Station Road, Purton, SN5	Purton	Outline Planning Application for up to 50 Dwellings, Access and Associated Works Following Demolition of Two Dwellings	Public Inquiry	11/04/2012

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Planning Appeals Received between 01/03/2012 and 22/03/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/02193/LBC	The Anchorage, Christian Malford, Chippenham, Wiltshire, SN15 4BQ	Christian Malford	Replacement of Two Windows & Addition of Two Rooflights	DEL	Refusal	Written Representations
11/03003/FUL	Land at Curlew Drive, Chippenham, Wiltshire, SN14 6YQ	Chippenham	Erection of Two 4 Bed Dwellings and Associated Access	DEL	Refusal	Written Representations
11/03223/FUL	15A Court Street, Sherston, Malmesbury, SN16 0LL	Sherston	Renovation & Extension to Dwelling	DEL	Permission	Written Representations
11/03486/FUL	15/16 High Street & 83A The Pippin, Calne, Wiltshire, SN11 0BS	Calne	Erection of One Bedroom Dwelling	DEL	Refusal	Written Representations
11/03523/FUL	Workshop at Chelworth Manor Farm, Chelworth, Malmesbury, Wiltshire, SN16 9SG	Crudwell	Conversion of Redundant Workshop to Dwelling and Associated Works (Resubmission of 10/04403/FUL)	DEL	Refusal	Written Representations

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11/03592/LBC	15/16 High Street & 83A The Pippin, Calne, Wiltshire, SN11 0BS	Calne	Erection of One Bedroom Dwelling	DEL	Refusal	Written Representations
11/03734/FUL	OS 437, Bremhill, Calne	Bremhill	Erection of Temporary Agricultural Dwelling	DEL	Refusal	Written Representations
11/03745/FUL	Dew Pond Barn, Milbourne Lane, Milbourne, Malmesbury, SN16 9JQ	St Paul Malmesbury Without	Extension to Existing Dwelling, Erection of Detached Garage, Creation of Stables & Change of Use of Land to Domestic Garden	DEL	Refusal	Written Representations
11/03992/FUL	Wall Ground, Sopworth Road, Sherston, Malmesbury, Wiltshire SN16 0QB	Sherston	Proposed Replacement Building & Change of Use from Vehicle Repairs to B1 Business Use	DEL	Refusal	Written Representations

Planning Appeals Decided between 01/03/2012 and 22/03/2012

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
11/01382/OUT	Land off Park Road, Malmesbury, Wiltshire, SN16 0QW	Malmesbury	Outline Planning Consent for Residential Development (77 Dwellings); Community Building (Use Class D1); Public Open Space; and Associated Works including Construction of New Access	DEL	Appeal Dismissed	Refusal	Public Inquiry
11/01769/S73A	The Dairy, Sodom Lane, Dauntsey, Wilts, SN15 4JA	Dauntsey	Use of Ancillary Residential Accommodation as Self Contained Independant Residential Class C3 Unit (Retrospective).	COMM	Appeal Dismissed	Permission	Written Representations
11/02318/REM	Coach House, Church Road, Heddington, Wiltshire, SN11 0PQ	Heddington	Demolition of Industrial Buildings and Erection of 9 Dwellings (Resubmission of 10/04628/REM)	COMM	Appeal Dismissed	Permission	Informal Hearing
11/02950/FUL	1 Barns Piece, Box, Wiltshire, SN13 8LE	Box	Extension, Alteration and Conversion of Detached Garage to Provide Self Contained Dwelling.	DEL	Appeal Dismissed	Refusal	Written Representations

Agenda Item 7

INDEX OF APPLICATIONS ON 04/04/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	11/02322/FUL	6 Battlewell, Purton, Swindon, SN5 9BT	Demolition of Existing Dwelling & Erection of 5 No New Dwellings	Delegated to Area Development Manager
7b	11/04173/FUL	Mount Syccla Farm, North Wraxall, Ford, Nr Chippenham, Wiltshire, SN14 8RR	Closure of Existing Vehicular Access and Raising of Roadside Walling, Creation of New Access Arrangement and Drive Together with Renovation and Adaptation of Existing Domestic Outbuildings and Removal of 3No. Detached Buildings.	Refusal

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	4 th April 2012		
Application Number	11/02322/FUL		
Site Address	6 Battlewell, Purton, Swindon, SN5 9BT		
Proposal	Demolition of existing dwelling and erection of 5 no. new dwellings		
Applicant	Hannick Homes Ltd		
Town/Parish Council	Purton		
Electoral Division	Purton	Unitary Member	Cllr Jacqui Lay
Grid Ref	408049 187302		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to committee by Cllr lay to consider: the standard and ownership of the private road, its width and its egress out onto Restrop Road; the right to upgrade the road when others who use it may not want this; the density and size of new properties to the plot size; ownership of hedges and banks; public rights of way over the top section of the lane and along the western boundary of the site; and public use of the remainder of this private road.

1. Report Summary

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager subject to conditions and subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space.

2. Main Issues

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

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

The application has generated an objection from Purton Parish Council as well as 38 letters of objection from 36 different properties.

A petition with 198 signatures objecting to the proposed development has also been received.

3. Site Description

The application relates to a plot of land currently forming the curtilage of No.6 Battlewell. No.6 Battlewell is a detached two storey property set at the western end of Battlewell. Battlewell itself comprises a private road with right of way partially along it. The site is roughly rectangular in shape and extends to an area of 0.259 hectares, set within the defined Settlement Framework Boundary. The site is bound by residential to the north, east and west, with open countryside to the south. A public right of way runs along the western and southern boundaries of the site.

4. Relevant Planning History – there is no history of relevance to this application.

5. Proposal

The applicant seeks consent for the demolition of the existing property and the erection of 5 detached four bedroom properties. A detached double garage is proposed for plots 1, 2 and 5 and plots 2 and 4 would each have an integral double garage.

Amended plans have been received in relation to initial concerns raised by highways, these adjust the size of the proposed garages and amend proposals to Battlewell itself which would be widened and incorporate 2 passing bays.

6. Planning Policy

North Wiltshire Local Plan 2011

C2 – Community Infrastructure

C3 – Development Control Policy

HE5 – Scheduled Ancient Monuments and Nationally Important Features

H3 – Residential Development within Framework Boundaries

CF3 – Provision of Open Space

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Guidance 13: Transport

Planning Policy Statement 25: Development and Flood Risk

7. Consultations

Purton Parish Council – Objects to the application for the following reasons:

The unsuitability of the access – The junction onto Restrop Road has restricted visibility and cutting the hedge back as suggested in the application is not sufficient to overcome this problem. It will also be dependent on the land owner cutting the hedge back on a regular basis and this cannot be guaranteed.

This section of Restrop Road is at the entrance to the village and only just falls within the 30 mph speed limit and some motorists are still travelling faster when they draw parallel with the entrance to Battlewell.

Battlewell is a narrow single track lane the increase in traffic along its length to reach the development site to accommodate 5 dwellings does not seem feasible. It is appreciated the increase will only be for 4 dwellings given a dwelling already exists on the site but this could still generate another 10-12 vehicles using the lane on a regular basis. The proposals put forward to

increase the width of the lane in places goes some way to help but it is not clear if this work is achievable as the land is not within the ownership of the applicants. Also, if lay-bys are provided as suggested in two places there will be nothing to stop walkers using these pull-ins to park in whilst out for a walk thus defeating their object. This is a regular occurrence on the lay-by at the bottom of Battlewell and results in blocking an entrance to a property they will have no regard for parking in a lay-by on a track hence it is a real problem. If drivers are turning into Battlewell from Restrop Road and there are no usable passing points it is likely to result in motorists backing out onto Restrop Road. This is a very dangerous situation to create given the nature of Restrop Road. The upkeep of the land falls to the residents of Battlewell as it is an un-adopted road therefore an increase in traffic will be an added burden on the wear and tear on the road surface. Arguably you could say there will be more residents to pay for it but somebody will have to organise this and not all may be in agreement hence it is of no benefit to existing residents.

The lane is used frequently by pedestrians gaining access to the open countryside and by children and parents / carers walking to school as the land leads onto Ringsbury Close and Restrop View. To add significant traffic to this lane will be dangerous, in particular at the top of the lane closest to the entrance to the development site as this part is very narrow and pedestrians will have nowhere to get out of the way of vehicles.

Number of dwellings – The Parish Council is of the opinion that there are too many dwellings proposed for this site and will result in overdevelopment. Also the style of the properties is out of keeping with other dwellings in Battlewell.

Environmental and ecological assessments – The Parish Council would also like to see an environmental and ecological assessment carried out as the removal of hedges etc will impact visually on this very rural setting.

Core policy C3 – The Parish Council believes that this development is contrary to policy C3, criteria i, ii, iv, vii, and viii of the Local Plan.

Amenity and Fleet Team – It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required. This development generates a need for £29,600 in offsite Open Space Contribution to be used to provide Open Space within the Parish of Purton.

Council's Land Drainage Engineer – The use of soakaways, permeable surfacing for access road and attenuation / storage beneath access road as set out in the preliminary drainage report are ideal. Detailed calculations, including soakaway tests and layout will be required prior to any development on site.

County Archaeologist – No objection subject to the imposition of an appropriately worded condition.

Highways – Following the receipt of revised and additional plans, no highway objection subject to conditions relating to details of the access road, visibility splays, parking and turning areas to be laid out and a restriction on the garages being converted to habitable accommodation.

Public Rights of Way Team – Footpath 96 runs along the western side of the access road. Please ensure that there is sufficient visibility and width for pedestrians to pass. It has been suggested that residents walk along the access road to the village, perhaps the developer could be asked to dedicate this length as a public footpath.

English Heritage – The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Thames Water – With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed

to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water advise that with regard to sewerage and water infrastructure they would not have any objection to the application.

An informative in relation to water pressure is recommended.

8. Publicity

The application was advertised by site notice and neighbour consultation.

A petition with 198 signatures objecting to the proposed development has been received. This objects on the grounds that the proposal would have a dramatic effect on the local community who currently use the footpaths surrounding the property and Battlewell Lane. The proposal would have an increased safety risk to walkers to the local ancient camp as well as all pedestrians using the lane as a right of way into the village. As this is an unadopted road there will be no speed limit and there is no proposal to add street lighting.

38 letters of letters of objection have been received from 36 different occupiers. The concerns raised are summarised below:

- Out of character with the surroundings;
- Over-development;
- Could involve removal or alterations to ancient hedgerows;
- Would substantially increase traffic and make it dangerous for pedestrians;
- The narrow road also forms the footpath, and many school children, elderly people and dog walkers use it. Battlewell is used by more pedestrians than cars;
- Widening the road would degrade the character of this ancient path;
- Capacity of the drainage system;
- Access to the highway is not satisfactory;
- The majority of cars on Restrop Road do not stick to the 30 mph speed limit;
- Overlooking;
- There is a question of ownership land to the north of the site bounding Orchard Gardens. Orchard Gardens approach is a convoluted and congested route with commercial parking, high density housing with small children and a number of sharp turns and restricted width roadways;
- Affordable homes would aggravate the traffic problem;
- Loss of open garden area;
- There is no street lighting along the lane;
- Hedges would never be cut regularly enough to decrease the danger at the access;
- The safer access would be the one to the north of the site near Orchard Gardens;
- Additional noise, dust and traffic pollution;
- Loss of view;
- Reduction in property value;
- Several mature oak and horse chestnut trees were felled before the application was made;
- Battlewell is unsuitable for heavy goods vehicles;
- Purton needs affordable housing not more large detached houses;
- The proposed passing place at the chicane area already exists;
- The inclusion of a turning head is not a material planning improvement as each property along Battlewell (save for number 4 whose access is from Orchard Gardens) has its own turning area; and
- There is currently no maintenance arrangement in place regarding the upkeep of the lane and the increase in traffic will lead to greater wear and tear.

9. Planning Considerations

Principle of Development

Policy H3 of the Local Plan states that proposals for residential development, including residential institutions and applications to renew permissions for residential development, within the Framework Boundaries will be permitted provided that a number of criteria are met including: priority is given to the re-use of previously developed land and buildings; and the most efficient use of the land is achieved compatible with the site's location, its accessibility and its surroundings. Planning Policy Statement 3: Housing (PPS3) was amended in June 2010 through a Ministerial Statement to exclude private residential gardens from the definition of previously developed land in Annex B.

The application site would therefore be classified as greenfield land and the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. The Ministerial Statement does not create a policy presumption against development in private residential gardens, but it does, alter the weight to be given to factors to be considered, in particular, development needs to be judged against the prevailing character of an area.

The basic policy set out in PPS3 is unchanged and paragraph 36 states that the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment.

The Wiltshire Core Strategy pre-submission document has been prepared following consultations during the autumn 2009 and summer 2011. Between 20th February 2012 and 2nd April 2012 comments are invited on the 'soundness' of the draft plan and whether correct legal processes have been followed. It is anticipated that this document be adopted towards the end of this year and this will supersede some of the policies contained within the current North Wiltshire Local Plan 2011 including policy H3.

When adopted Core Policies 1 and 2 of the Core Strategy would replace policy H3 of the Local Plan. Core Policy 19 of the draft Core Strategy defines Purton as a large village. Core Policy 2 states that within the limits of development, as defined on the proposals maps, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Whilst limited weight can be given to the Core Strategy in relation to this application but it is a material consideration and it is important to note that the proposal complies with the requirements of Core Policy 2.

In terms of density, based on the site plans submitted, the site would be approximately 0.259 hectares and the density would therefore equate to approximately 19 dwellings per hectare. This is below the minimum density set out within policy H3, however, it is acknowledged that the Chief Planning Officer Letter dated 15th June 2010 deleted the national indicative minimum density of 30 dwellings per hectare from PPS3 stating that this change together with private residential gardens being excluded from the definition of previously developed land (as referred to above) emphasise that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas.

In addition, PPS3 states that in respect of density Local Planning Authorities should have regard to, amongst other things: the characteristics of the area, including the current and proposed mix of uses; and the desirability of achieving high quality, well-designed housing.

The surrounding area is generally characterised by relatively large properties within large plots and a density of 19 dwellings per hectare is considered acceptable in this instance.

The site is situated within the Settlement Framework Boundary and in relatively close proximity to Purton High Street and the range of services and facilities associated with this. The proposal would represent the more efficient use of land and is considered to be acceptable in principle.

Design and Appearance

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

The surrounding residential area is characterised by properties of a mixture of architectural styles and designs, with a number of bungalows within Ringsbury Close to the west. The properties would each be two stories in height measuring approximately 5 metres to the eaves. Plot 3 would have a maximum ridge height of approximately 8.5 metres, plots 1 & 5 would have a maximum ridge height of 8.7 metres and plots 2 & 4 would have a maximum ridge height of 9.2 metres. The scale of the properties would be appropriate within the context of the surrounding area.

The properties would be constructed of reconstituted stone, plots 2 & 4 with reconstituted stone cills and headers and plots 1, 3 & 5 with tiled cills and brick arched headers. Plots 2 & 4 would have a reconstituted slate roofing tile and plots 1, 3 & 5 would be constructed using a roman roofing tile, colour brindle. A condition requiring the submission of sample materials is recommended to ensure they are of sufficient quality.

The scale, massing and layout of the proposed dwelling would be acceptable and in accordance with policy C3 of the Local Plan.

Amenity

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

Plot 2 would be situated approximately 13 metres from the south side elevation of No.6 Orchard Gardens and approximately 12 metres from the rear garden. This property has a single storey extension which is not shown on the submitted layout plan and 2 kitchen windows and a sitting room window exist in the side elevation at ground floor level. There are no first floor windows in the south side elevation. Kitchens are not regarded as habitable rooms and in addition this room benefits from a further window in the west elevation. With regard to the sitting room window, this is a secondary window with further windows and patio doors situated in the west elevation. On the basis of the above, it is not considered that the proposed development would result in any material overlooking or overshadowing of No.6.

Plot 2 would maintain an adequate separation distance from No.24 Ringsbury Close of approximately 26 metres.

No.5 Orchard Gardens is set at an oblique angle to plot 4 and an adequate separation distance of approximately 20 metres would be maintained between the rear elevation of plot 4 and the rear elevation of No.5.

Plot 4 proposes 2 first floor bedroom windows in the east elevation facing the rear gardens of Nos. 4 & 5 Battlewell, These properties benefit from rear gardens extending to approximately 45 metres in length and any overlooking resulting from the proposed development would be to an area of garden situated some distance from the properties themselves. On this basis, it is not considered that any overlooking could be regarded as significant. The windows would be situated approximately 15 metres from the rear gardens of No.3 Battlewell and Pippins.

Plot 5 would be situated approximately 3.5 metres from the side elevation of No.5 Battlewell. This property has no first floor windows in the side elevation facing the application site but has a ground floor high level window set towards the rear of the property. Given the slightly staggered nature of the properties, it is considered that any harm caused would be limited.

Plots 1 & 5 have first floor secondary bedroom windows in their east and west elevations respectively at a distance of approximately 10 metres. These windows are secondary in nature and would be set at a slightly oblique angle. It is not therefore considered that any overlooking could be regarded as significant.

In consideration of the above the proposed development would not be materially detrimental to the amenities of neighbouring occupiers in terms of overlooking or overshadowing.

Parking and Highway Safety

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

In December 2010, new minimum car parking standards were introduced. As part of these standards, the Council has taken the view that garages are no longer allocated parking provision, except where there are overriding design considerations (size of 3m x 6m, 2.4m height to ensure that a large vehicle (i.e. 4 x 4) can park, including a level of storage). Three car parking spaces are required for a four bedroom property.

Amended plans have been received showing 3 parking spaces per dwelling together with a visitor parking bay. Further amended plans have been received increasing the size of the detached and integral garages in order that they fully reflect the specified internal measurements to ensure that the garages could realistically be used for the parking of vehicles. The plans show that 3 car parking spaces would be provided per dwelling and the proposal is acceptable in this regard.

Additional highways plans have been submitted in support of the application following initial concerns raised by highways, in summary these indicate:

- 5.5 metre width carriageway into Battlewell for the first 10 metres;
- Arrangements shown on a topographical survey (as opposed to OS);
- Proposed visibility splay towards Restrop (south) shown to tangent point with associated works to fence, hedge and verge;
- Hedge along the north channel retained (pushing the whole initial section of land south); and
- Footpath links at the end of the lane recognised and shown as retained.

A stretch of the public right of way extending to approximately 28 metres runs along the southern side of the existing lane and would be retained as part of the proposal. Concern has been raised by objectors and the Parish Council regarding the safety of pedestrians using this stretch of the right of way and also the remainder of Battlewell, although the remainder is not a designated public right of way. This situation exists at present although it is proposed that the vehicular access be moved approximately 11 metres further west, in addition the proposal would create an additional 4 dwellings with their associated vehicular movements. The proposal would facilitate improvements to the existing lane, including increases in width and 2 new passing opportunities. On balance, it is not considered that the introduction of a further 4 properties would exacerbate the existing situation to such an extent as to create material harm to highway safety or warrant refusal of planning permission.

Archaeology

Policy HE5 of the Local Plan considers that permission will not be granted where a proposal would have an adverse effect on a scheduled ancient monument or other nationally important feature of archaeological or historic interest or their setting.

The proposed development sites lies 50 metres south of the location where a substantive Roman building and several kilns were excavated in 1975.

In response to initial concerns raised by the County Archaeologist, an Archaeological Evaluation has been submitted in support of the application. This revealed some good, well-preserved evidence of Roman activity, including a corn drying oven. The County Archaeologist has advised that finds of pottery and ceramic building material hints at the possibility of a Roman Building in the near vicinity. It is advised that further investigation recording will be necessary to enable this.

The proposed development would not have an adverse impact on archaeology subject to the imposition of an appropriately worded condition.

Planning Contributions

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

This development generates a need for £29,600 in offsite Open Space Contribution to be used to upgrade facilities at Church Street Open Space and Play Area.

The applicants have confirmed that they are willing to enter into a Section 106 agreement under the terms outlined above and subject to this, the proposal would be acceptable in this respect.

The Council have produced "Waste Collection Guidance for new developments" to compliment the Waste Core Strategy adopted in July 2009. A contribution of £120 per dwelling is sought for the provision of various bins required for each dwelling. The developer could choose to provide these himself but in any event such bin provision needs to be secured via a legal agreement.

Drainage

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: avoid overloading of existing or proposed services and facilities, the local road network and other infrastructure.

The site is situated within flood zone 1 (lowest probability of flooding). Flood Risk Assessments are not required by Planning Policy Statement 25: Development and Flood Risk (PPS25) on sites within flood zone 1 unless they exceed 1 hectare in size. The site extends to approximately 0.259 hectares.

Although the site is situated within flood zone 1, the Environment Agency do not show flooding from surface water on their published maps just fluvial flooding.

An Initial Site Drainage Appraisal has been submitted in support of the application. This concludes that the site is capable of being successfully drained and a number of drainage options are available. The Council's drainage engineer has advised that the use of soakaways, permeable surfacing for access road and attenuation/storage beneath access road as set out in the preliminary drainage report are ideal. Detailed design calculations, including soakaway tests and layout will be required prior to any development on site, this can be secured through condition.

A condition requiring a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details and the detailed design calculations, including soakaway tests and layout is recommended.

On the basis of the above, it is not considered that the proposed development would be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere in accordance with PPS25.

10. Recommendation

Subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space, as required by policy CF3 of the adopted North Wiltshire Local Plan 2011, it is recommended that planning permission be GRANTED for the following reason:

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway or pedestrian safety. The proposed development would not have a detrimental impact on archaeology and it would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere. In this way the proposed development is considered to comply with the provisions of policies C3, HE5, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within Planning Policy Statement 3: Housing and Planning Policy Statement 25: Development and Flood Risk.

Subject to the following conditions:

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

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

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

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

3. 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;
- (h) hard surfacing materials;

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

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

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

5. No development works, (including construction works) shall commence on site until full details of access road improvements (H346 / 06 Rev A) for the access road (Battlewell) from the C414 have been submitted to, and approved in writing by, the Local Planning Authority in line with drawing (H346 / 06 Rev A). The access road improvements shall be completed in accordance with the approved drawings prior to the development (including construction works) taking place and have been provided in accordance with the approved details.

REASON: To enable vehicles to pass / stand clear of the highway in the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

6. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres in both directions from the centre of the access in accordance with the approved plans (H346 / 06 Rev A). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding;
 - wheel-washing facilities in order to prevent the deposit of mud on adjacent highways;
 - measures to control the emission of dust and dirt during construction; and
 - a scheme for recycling/disposing of any waste resulting from construction works.

REASON: In the interests of amenity and highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

8. Prior to the occupation of the dwellings hereby approved, notices shall be erected in the passing bays confirming their status and that no parking is permitted. These shall be maintained as such thereafter.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

9. No part of the development hereby permitted shall be first brought into use until the parking and turning areas have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any other 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 in accordance with policy C3 of the North Wiltshire Local Plan 2011.

11. No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details and detailed design calculations, including soakaway tests and layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained in accordance with policy C3 of the North Wiltshire Local Plan and Planning Policy Statement 25: Development and Flood Risk.

12. No development shall commence on site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest in accordance with policy HE5 of the North Wiltshire Local Plan 2011 and Planning Policy Statement 5: Planning for the Historic Environment.

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

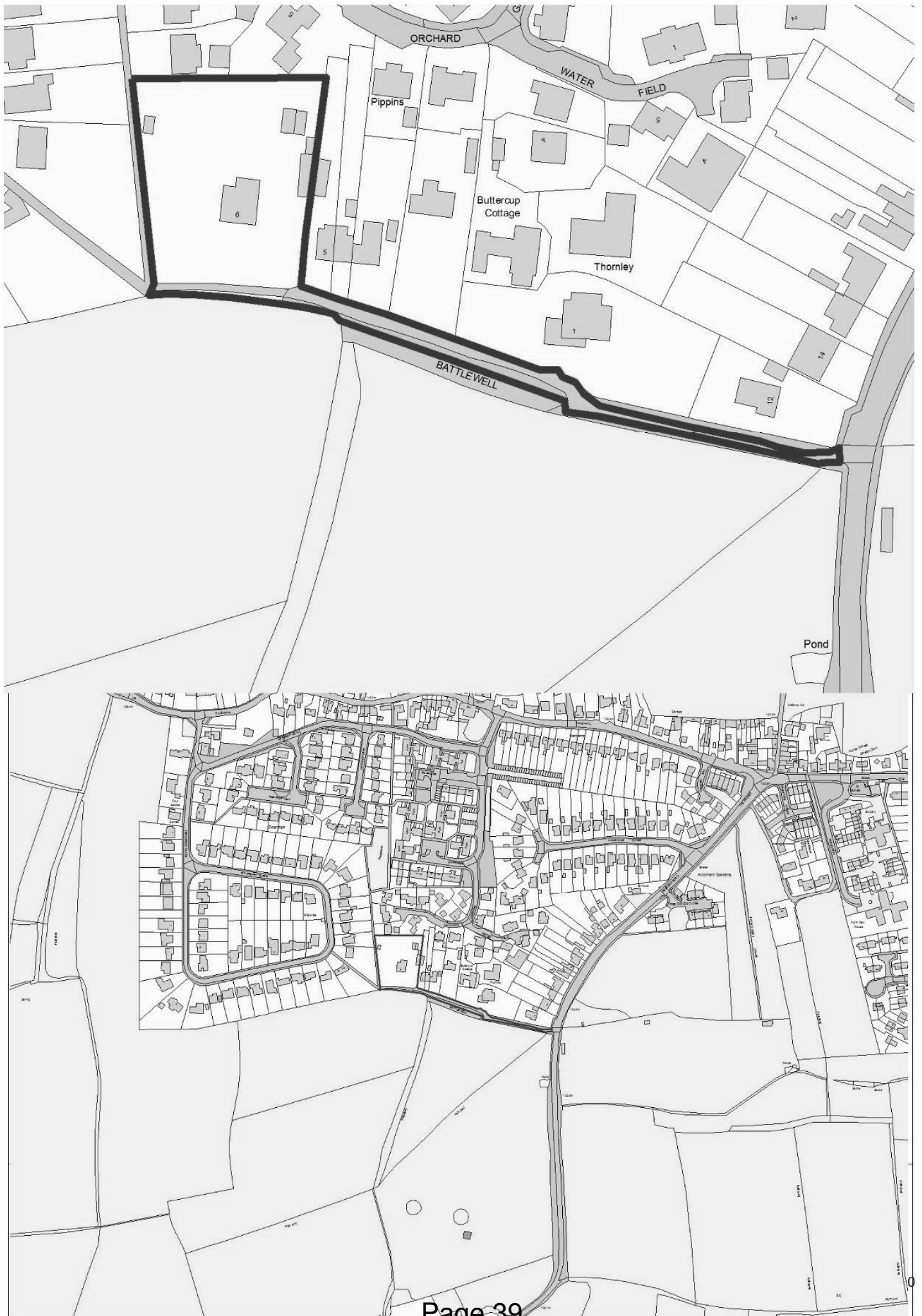
- 10.101.101 – Site location plan, date stamped 15th July 2011
- H346/05 – Vehicle swept path analysis plan, date stamped 15th July 2011
- 10.101.100 Rev H – Site layout, date stamped 9th November 2011
- 10.101.015 Rev D – Floor plan and elevations – double garage, date stamped 9th November 2011
- 10.101.012 Rev D – Elevations, plots 2 & 4 (plot 4 handed), date stamped 9th November 2011
- H346/06 Rev A – Accommodation works (incorporating topographical survey), date stamped 9th November 2011

- 10.101.011 Rev C – Floor plans – plots 2 & 4 (plot 4 handed), date stamped 9th November 2011
- 10.101.013 Rev B – Floor plans and elevations - plot 3, date stamped 15th July 201
- 10.101.010 Rev B – Floor plans – plots 1 & 5 (plot 1 handed), date stamped 15th July 2011

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

Informatives

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	4 th April 2012		
Application Number	11/04173/FUL		
Site Address	Mount Sylla Farm, North Wraxall, Ford, Chippenham, Wilts. SN14 8RR		
Proposal	Closure of Existing Vehicular Access and Raising of Roadside Walling, Creation of New Access Arrangement and Drive Together with Renovation and Adaptation of Existing Domestic Outbuildings and Removal of 3no. Detached Buildings		
Applicant	Mr and Mrs King		
Town/Parish Council	North Wraxall		
Electoral Division	By Brook	Unitary Member	Cllr Jane Scott
Grid Ref	383634 174641		
Type of application	Ful		
Case Officer	Mrs Emma Pickard	01249 706 637	Emma.pickard@wiltshire.gov.uk

This application has been referred to the Northern Area Planning Committee at the request of Councillor Jane Scott to consider the affect on the local environment.

1. Purpose of Report

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

2. Main Issues

The impact of development on;

- highway safety;
- the character and appearance of the Conservation Area;
- the Area of Outstanding Natural Beauty; and
- development plan policies C3, HE1, NE4, H8.

North Wraxall Parish Council raise no objections to the application.

3. Site Description

Mount Scylla Farm occupies an elevated site on the north side of the road from Ford to Colerne. The dwelling is to the west of the village of Ford and is within the open countryside.

To the west of the farmhouse are a number of agricultural outbuildings. Two of these buildings, a large lambing shed with attached garage building at a lower level and roadside frontage building (old farm stores), are identified as being in the residential curtilage of the dwelling following the grant of a certificate of lawfulness in 2009.

The existing vehicular access to the site is within a 30mph limit but has poor visibility in both directions.

The site slopes steeply and overlooks the Ford valley. The dwelling is within a Conservation Area and Area of Outstanding Natural Beauty.

4. Relevant Planning History		
Application Number	Proposal	Decision
09.02050.CLE	Use of Yard and Access for Domestic Purpose Including the Parking and Turning of Cars, Together with the Ancillary Domestic Use of the Adjacent Outbuildings.	Permission

5. Proposal

The works involve removal of two of the four outbuildings on the site. The existing yard will be levelled and the roadside wall will be raised and a pedestrian access and bin store will be constructed on the road frontage

The existing garage/store/lambing shed will be converted to create a large games room and store on the upper level and garaging/store to the lower level.

In order to gain a safer access to the property, the proposal also includes the construction of a 210 metre long driveway and new vehicular access. . The driveway will run to the west of the dwelling on the line of an existing field access, and through the fields to the west. The track will be cut into the hillside to provide a level surface and will be finished with a macadam and bonded gravel surface. An existing stone retaining wall will be removed to provide a new entrance with stone walls and entrance gates set back from the highway.

6. Consultations

North Wraxall Parish Council supports the application.

Wilts and Swindon Biological Records Centre commented there are bat and badger records in the vicinity.

Council's ecologist confirms that a bat and badger survey will not be required.

Highways comments on the proposed access are as follows;

'The proposed access further up the C road is located in a position on the road afforded a better level of visibility (than the existing access). I am willing to accept the agent's presumptions with regards to the available visibility. Though in both directions the measurements are sub-standard I am happy that the splays offer better visibility than that is achievable at the existing.'

I note that there are level differences between the carriageway and the proposed access track. It is usual practice to request the access should be not more than 1 in 15 over the first 5-10m and I would require this to be engineered into the new access. I am happy to offer no highway objection subject to condition.'

Highways were also asked to provide a view on the potential for improvements at the existing access, particularly in view of the fact that this application proposes works to this area which would remove a roadside building and some of the grass bank to the west of the existing vehicular access. Highways commented further that: *'whilst visibility at the existing access is very poor, there is scope for improvement with all the land in question being under the control of the applicant.'*

Although the wall to the east is a retaining structure there appears to be no reason why it cannot be set back behind a visibility splay. The removal of the old farm stores building will enable the bank to be regarded to the west to give a significant increase in available visibility, probably in line with manual for streets guidance.

Based on the information supplied it is probable that 2m x 43 x splays could be provided in each direction and highways would accept splay to a point 1m into the carriageway if necessary

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. No representations have been received.

8. Planning Considerations

Acceptable elements of the proposals

There are no objections to the removal of the existing buildings on site which are not considered to be out of place in this rural setting but are modern and are utilitarian in appearance.

The games room/store will be constructed using timber boarding, rubble stone with ashlar quoin detailing and a slate roof. The current building by virtue of the 2009 permission is within the residential curtilage of the dwelling. The bulk of the new building will be similar to that as existing. It is considered that the character and appearance of the conservation area will be preserved and the natural beauty of the AONB conserved by this part of the development.

Impact on Highway Safety

The Council's Highway Officer has no objection to the formation of the new vehicular access (subject to condition) because it represents an improvement on the existing situation, despite the fact that the access would be below the standard usually required.

However, the highways officer also recognised that significant improvements are possible at the existing vehicular access.

Impact on the character and appearance of the Conservation Area and AONB

Whilst it is recognised that the new access would provide a significant improvement to the existing access arrangement, this has to be balanced with any harm that would be caused by the development.

The application suggests that the track will be screened and will blend in to the lower contours of the field. However, the tree line is very sparse in large sections and it is considered that the driveway will be readily visible from the adjacent road from the east and west at various points, particularly so during the winter months.

The driveway would rise immediately from the new access into the field and would be up to a maximum of approximately 6-7 metres above the height of the adjacent highway.

Photographs submitted with the application to demonstrate the visual impact of the development are taken from across the valley and appear to be taken from a lower level than Mount Scylla Farm. Although there will be fewer buildings visible on site it is considered that the assessment does not give a full analysis of the visual impact of the entire proposal. It is not considered that the removal of the farm buildings and subsequent 'tidying up' of the site, would outweigh the harm caused by the construction of the access driveway.

Part of the driveway would be within the Long Dean, Ford, Slaughterford Conservation Area and the entire driveway within the AONB. Officers consider that the introduction of such a long driveway cutting through agricultural land for a length of 210 metres would be extremely harmful to the rural character of the area. The proposal would not, therefore, be in accordance with policy NE4 of the NWLP 2011 which requires development in an Area of Outstanding Natural Beauty to 'conserve or enhance the natural beauty of the area including its open rural character'. It is also considered to be contrary to policy NE15 (The Landscape Character of the Countryside) which requires development to take into account the topography of the area avoiding sensitive skylines and hills, and contrary to policy HE1 (Development in Conservation Areas) which states that development will only be permitted where the proposal will preserve or enhance the character or appearance of the area.

In view of the harm considered to be caused to the by the proposed driveway the agent was asked to look at the potential for improvement works at the existing access. However, the applicants are unwilling to change the existing access as they are concerned that this may exacerbate what they say is an existing problem by encouraging passing cars to use it as a refuge, endangering their use of the access. It is considered that this could also happen with the new access.

As part of this application works are proposed at the site of the existing access which includes removal of the old farm stores building and works to remove part of the roadside bank. It is proposed to create a bin store and pedestrian access in this location. It is considered that if the same works along with some additional removal of the bank and works to the retaining wall to the east were undertaken, significant improvements could be made to visibility and highway safety at the existing access which would remove the need for the new access driveway.

9. Conclusion

It is considered that the construction of the proposed access and driveway would be harmful to the natural beauty of the area and would not preserve or enhance the conservation area contrary to Policies C3, NE4, NE15 and HE1 of the adopted North Wiltshire Local Plan 2011. Improvements to highway safety and/or the visual appearance of the site are not considered to outweigh the harm caused to the character and appearance of the countryside and the special landscape designation in which the site is located.

10. Recommendation

Planning Permission is REFUSED for the following reason:

1. The proposed new driveway would be harmful to the natural beauty of the area of outstanding natural beauty and would not preserve or enhance the character or appearance of the conservation area, contrary to policies C3, NE4, NE15 and HE1 of the North Wiltshire Local Plan 2011.

Informative:

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

Plan Ref: 1815- SLP, EP 01, EP 02, ESP, EE01 Rev A, EE02, PSP, PP01, PP02, PE01 REVA, PE02RevB, SK/AR/06, SK/AR/07, SK/AR/08, A3 Access Road Layout Long Section and Cross Section, GA07revC



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