

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 6 June 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 Desna Allen	Cllr Peter Hutton
Cllr Peter Colmer	Cllr Simon Killane
Cllr Christine Crisp	Cllr Mark Packard
Cllr Peter Davis	Cllr Toby Sturgis
Cllr Peter Doyle	Cllr Anthony Trotman (Chairman)
Cllr Alan Hill (Vice Chairman)	

Substitutes:

Cllr Chuck Berry	Cllr Howard Marshall
Cllr Bill Douglas	Cllr Bill Roberts
Cllr Mollie Groom	Cllr Judy Rooke

AGENDA

Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes (Pages 1 - 18)**

To approve and sign as a correct record the minutes of the meeting held on **16 May 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. Once a speaker's time is concluded, they may not address the meeting further.

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 Monday 28th May**. 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 19 - 20)**

An appeals update report is attached for information.

7 **Planning Applications (Pages 21 - 22)**

To consider and determine planning applications in the attached schedule.

7a **11/02688/FUL - Land at Abbey View Farm, Malmesbury, SN16 9DA**
(Pages 23 - 32)

7b **12/00715/FUL - 4 Kent End, Ashton Keynes, SN6 6PF** (Pages 33 - 40)

7c **12/00889/FUL - Land Adjacent to 8 Tern Close, Calne, SN11 8NG**
(Pages 41 - 48)

8 **Urgent Items**

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

Part II

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

None

This page is intentionally left blank

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 16 MAY 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute),
Cllr Peter Doyle, Cllr Peter Hutton, Cllr Simon Killane, Cllr Mark Packard, Cllr Toby Sturgis
and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Howard Marshall, Cllr Sheila Parker, Cllr Judy Rooke, Cllr Jane Scott OBE, Cllr Carole
Soden and Cllr John Thomson

34 Apologies for Absence and Changes to Committee Membership

- 1) Following full Council on **15 May 2012**, there were the subsequent changes to the Committee:

Cllr Desna Allen (Formerly Sub) was appointed a full Member.

Cllr Howard Marshall (Formally Full Member) was appointed a Substitute Member.

Cllr Paul Darby was removed as a Substitute Member.

Cllr Judy Rooke was appointed a Substitute Member.

- 2) Apologies were received from Cllr Desna Allen.

Cllr Allen was substituted by Cllr Bill Douglas.

35 Minutes of the Previous Meeting

The minutes of the meeting held on **25 April 2012** were presented. It was,

Resolved:

To approve as a correct and true record and sign the minutes.

36 Declarations of Interest

Cllr Peter Doyle declared a personal interest in Minute Number 40a: *Westwood Farm, Rode Hill, Colerne* - by virtue of being a member of the Cotswold

Conservation Board, but stated the connection would not prejudice his decision and he would contribute and vote with an open mind.

Cllrs Tony Trotman and Alan Hill declared a personal interest in Minute Number 40b: *Land at Station Road, Calne* - by virtue of being members of Calne Town Council. They declared they would consider the matter impartially in debate, but would abstain from voting.

37 **Chairman's Announcements**

The Chair gave details of fire exits, asked the public to switch off their mobile phones, and explained the procedure of the meeting.

38 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation. There were no questions submitted.

39 **Planning Appeals**

The Committee noted the contents of the appeals update, in particular noting the Public Inquiry for Ridgeway Farm, Application number 10/04575/OUT which was currently ongoing.

40 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, and attached to these minutes, in relation to items **7c**, and **7e**.

40 a) 12/00732/FUL - Westwood Farm, Rode Hill, Colerne, SN14 8AR

Public Participation

Mrs J Keevil spoke in objection to the application.

Mr Robert Alderman spoke in objection to the application.

Mr Graham Brewster spoke in objection to the application.

Mr Jonathan Rainey, agent, spoke in support of the application.

Cllr Richard Campbell, Box Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended planning permission be granted. It was established that the main issues were the principle and visual impact of the design within the context of the surrounding area and main property.

Members then had the opportunity to ask technical questions of the officers. The ground level of the proposed Greenhouse compared to the main property and the visibility of the new build were raised, and it was clarified that a condition had been included to ensure horticultural anti-glaze glass.

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

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

A debate followed, during which the purpose of the Greenhouse was discussed, along with the scale of the proposed build in proportion to the existing property. It was noted that Colerne Parish Council were supportive of the application.

After debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

In the context of the existing formal garden, water features, terracing and substantial house, the proposed development is no considered to result in an unacceptable impact upon the AONB or Green Belt and as such is in accordance with Policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011 and the guidance contained in the National Planning Policy Framework at the national level.

Subject to the following conditions:

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

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

2. No development shall commence on site until details of anti-glare glazing to be used on the south and east facing roof and side elevations 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.

Plans: BRS.2189_02-1, BRS.2189_04-1, BRS.2189_07, BRS.2189_07-1c, BRS.2189_15-A, GA 001 D, GA 002A, GA 002A all dated 16th March 2012.

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

40 b) 12/00239/FUL - Land at Station Road, Calne, Wiltshire, SN11 0JW

Public Participation

Mr William Kay spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions.

The main issues in relation to the application were the principle of the development, the impact upon residential and visual amenity and the provision of additional community, recreational facilities through the proposed extension to the skate park.

It was noted that the application as supported by Calne Area Board, and there were no objections from the Public Protection Team.

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 with their views, as detailed above.

The Local Member, Cllr Howard Marshall, then spoke in support of the application.

A debate followed, where the objections in relation to anti-social behaviour at the site was discussed. It was stressed that the anti-social behaviour related to those congregating at and misusing the site principally at night, and not to users of the facilities which were to be expanded. It was also noted that Calne Town Council had taken several steps to address the problem of anti-social behaviour in the area.

After discussion, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The proposed extension to the existing skate park will ensure the continued use of a well supported local recreation facility which

accords with the Policy C3 and CF2 of the North Wiltshire Local Plan and the aims of the National Planning Policy Framework 2012.

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. Prior to the first use of the proposed skate bowl a 2.0 m high feather-edged lapped timber fence of 15 kg/m² minimum density, with no holes shall be erected on the boundary of the site in a position to be first agreed in writing with the local planning authority. The fence as erected shall be maintained in a good condition thereafter.

REASON: the fence is necessary as a noise attenuation measure to protect the amenity of local residents from the noise generated by use of the skate bowl and to comply with policy C3.

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

Plans

Site Location Plan (17/02/12), Sections (17/02/12), Dimensions/Block Plan (17/02/12), Computer Generated Visual (17/02/12), Typical Construction Details (5182-4-1 and 5182-4-2) (27/01/12)

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

40 c) 11/02071/S73A - Field 7860, Lower Fosse Farm, Crudwell

Public Participation

Cllr Ian McKay, Chairman of Crudwell Parish Council, spoke in objection to the application.

The Planning Officer introduced the report, which recommended that planning permission be granted subject to conditions. It was noted that the application was retrospective, as planning permission is not required if the existing rifle range is used for 28 days or less per year.

The main issues in respect of the application related to the noise and impact on nearby Rights of Way, visual amenity and highways considerations and

range safety. It was stressed that many of the concerns around safety, for example appropriate certification of the owner, were not relevant to the planning authority from a developmental control perspective.

The Committee then had the opportunity to ask technical questions of the officers. The gradient of the rifle range, height of the butt stop to catch bullets, orientation of the site, impact of unexpected noise on walkers and horses, and the distance to public Rights of Way were all raised.

The public bridleway was clarified as being 400m from the firing point of the range, and that management of the site was the responsibility of the site owner. It was also noted that most firearms used at the site were moderated for sound, and that the police firearms licensing department regarded the range as safe.

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

The Local Member, Cllr Carole Soden, then spoke in objection to the application.

A debate followed, during which the impact on the Rights of Way from increased and unexpected noise was discussed, along with the appropriateness and effectiveness of the site design and the suitability of highways access with increased traffic.

After debate, it was,

Resolved:

To REFUSE planning permission for the following reason:

The proposed development would prejudice the use and enjoyment of the bridleway contrary to Section 130 of the Highways Act. In the absence of any specific development plan policy applicable in this instance, this is considered to be a significant material consideration.

40 d) 12/00286/FUL - Brethren Meeting Room, Goldney Avenue, Chippenham, Wiltshire, SN15 1ND

Public Participation

Mr Peter White (statement presented by Cllr Judy Rooke on his behalf) spoke in objection to the proposal.

Mrs Natalie Cook spoke in objection to the application.

Mr Salvatore Mallia spoke in objection to the application.

Mr Paul Cormen, agent, spoke in support of the application.

The Planning Officer presented the report which recommended that authority be delegated to the Area Development Manager to grant permission subject to conditions and the signing of a Section 106 legal agreement. The main issues were identified as the principle of the development and the impact on privacy and amenity of existing neighbours and potential occupants.

The Committee then had the opportunity to ask technical questions of the officers. Questions were raised regarding the provision of parking and the section 106 money being tied to development of John Coles Park. It was clarified that parking was considered reasonable for the area, and that public space contributions had to be designated to specific locations, which must be relative and reasonable for the development location, with John Coles Park the nearest such space.

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

The Local Member, Cllr Judy Rooke, then spoke regarding the application, which she wished to see deferred for more information to be gathered on and negotiations with developers made.

A debate followed, during which the orientation and scale of the detached dwelling of the application was raised, and the necessity of reversing onto the highway highlighted.

After debate, it was,

Resolved:

To DEFER for one cycle for the following reasons:

To obtain highways clarification and their attendance at the next meeting;

To seek to negotiate alterations to the proposed detached dwelling either in terms of its re-orientation or reduction in scale.

40 e) 12/00293/FUL - 22 Milbourne Park, Milbourne, Malmesbury, Wiltshire, SN16 9JE

Public Participation

Mr Barry Gibbs spoke in objection to the application.

Mr Gareth Lambert-Jones, applicant, spoke in support of the application.

Cllr Roger Budgen, St Paul Without Parish Council, spoke in objection to the application.

The Planning Officer introduced the report, which recommended that authority be delegated to the Area Development Manager to grant planning permission subject to an acceptable legal agreement and the conditions proposed in the report.

The main issues for the Committee to consider were identified as the principle of the development, the impact on the character and appearance of the area and the impact on the amenity of existing neighbours and potential occupants.

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 with their views, as detailed above.

The Local member, Cllr John Thompson, then spoke in objection to the application.

A debate followed, during which the issue of garden builds was raised. It was clarified that there is no local policy prohibiting house builds in gardens. In response to queries, it was also stated that the greenfield or brownfield nature of the site was not relevant to the application as it lay within the framework boundary.

It was further discussed that there were no Tree Protection Orders in place at the site, that the proposed building would be screened, and there was discussion of the scale and attractiveness of the design in the context of the area.

After debate, it was,

Resolved:

That authority be DELEGATED to the Area Development Manager to GRANT Planning Permission for the following reason subject to an acceptable legal agreement and the conditions set out below:

It is considered that the high quality bespoke design of the proposed new dwelling will be a striking addition to the settlement whilst not impacting negatively on the character and appearance of the established residential estate. The local planning authority has therefore determined that the development is considered to be acceptable on its planning merits as the proposal is compatible and complimentary to policies C3 and H3 of the North Wiltshire Local Plan 2011 and meets the Governments overarching aim for achieving sustainable development. Having regard to all other matters raised, planning permission is granted subject to the following conditions.

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. 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 including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional structures.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

5. 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) hard surfacing materials.

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

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

6. 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.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

7. 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 in accordance with policy C3 of the North Wiltshire Local Plan 2011.

8. 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.

Block plan - date stamped 22.03.12 (Revised plans)

Floor plan - date stamped 30.01.12

South and east elevations - date stamped 30.01.12

North and west elevations - date stamped 30.01.12

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

9. The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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.

40 f) 12/00534/FUL - The Old Hall, The Street, Grittleton, Chippenham, Wiltshire, SN14 6AP

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions. The main issue was noted to be the principle of development and impact on amenity. It was stressed the main extension had already been approved, and that it was the additional expansion of that extension which was to be decided. It was noted that the application had been altered since submission.

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

The Local Member, Cllr Jane Scott, then spoke regarding the confusion arising from the application, and noted that building work had already begun on the site.

A debate followed, wherein the need to vary conditions as a result of work having already started was discussed.

It was,

Resolved:

To DELEGATE to the Area Development Manager for APPROVAL

Subject to the following conditions:

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

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

2. No further development shall commence on site until 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, NE4, HE1, HE4, H8

3. No further development shall commence on site until a sample wall panel, 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.

POLICY: C3, NE4, HE1, HE4, H8

4. No further development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, 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, NE4, HE1, HE4, H8

5. No further development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use / occupied.

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

POLICY: C3, NE4, HE1, HE4, H8

6. 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).

- (a) 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.

- (b) 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, NE14

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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: C3, NE4, HE1, HE4, H8

8. Before the development hereby permitted is first occupied, the first floor gable end window on the north elevation shall be glazed with obscure glass only and the window permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: C3 and H8

9. The granny annexe here by permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as The Old Hall, The Street Grittleton Wiltshire.

REASON: The additional accommodation is sited in a position where the Local Planning Authority having regard to reasonable standards of residential

amenity, access and planning policies pertaining to this area would not permit a wholly separate dwelling.

POLICY: C3 NE4, HE1, HE4 H8

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

Plans

DJR/NG/100, 101, 102, 103, 104, 105/B, 106, 107 and 108/A all dated 21st March 2012

REASON: To ensure that the development is implemented as approved

Informative:

It has come to the Council's attention that development has commenced on the site in breach of the discharge of conditions attached to 11//02918FUL, hence the necessity for the conditions to be worded as outlined above.

Further, the Council will consider the issue of a temporary stop notice unless an application is submitted within the next 10 days for their discharge.

40 g) 12/00599/FUL - The Town Local, 51 Station Road, Royal Wootton Bassett, Wiltshire, SN4 7ED

Public Participation

Mr Vines, agent, spoke in support of the application.

The Planning Officer introduced the report which recommended that authority be delegated to the Area Development Manager to grant permission subject to conditions and the approval of the submitted Unilateral Undertaking in respect of the provision of a financial consideration towards public open space.

It was noted that the officers were satisfied that attempts to market the property as a public house business had been made and had been unsuccessful, and that with other nearby public houses there would not be an appreciable loss of amenity from the proposed change of use.

The Committee then had the opportunity to ask technical questions of the officers. The provision of a public footpath was raised.

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

Cllr Peter Doyle, as Local Member, expressed some concern about the extent of attempts to retain commercial use for the site.

A discussion followed, during which the design of the new build, provision of parking and limited number of building plots were raised.

It was,

Resolved:

That authority be DELEGATED to the Area Development Manager to GRANT Planning Permission for the following reason subject to an acceptable legal agreement to secure contributions to Public Open Space and the conditions set out below:

The Council are satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made. 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. In this way the proposed development is considered to comply with the provisions of policies C3, H3, R6 and CF3 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

REASON: To comply with 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 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 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 and the character and appearance of the area.

POLICY: C3 of the North Wiltshire Local Plan 2011.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), 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 including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

5. 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional structures.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

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

- (a) 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; and**
- (h) hard surfacing materials.**

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

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

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

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

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

8. 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 in accordance with policy C3 of the North Wiltshire Local Plan 2011.

9. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:

- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.**
- b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease all work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.**
- c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.**

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

in accordance with policy NE17 of the North Wiltshire Local Plan 2011.

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

- 2011-05-1 – Site plan and existing site survey
- 2011-05-6 – Existing ground and first floor layout plan
- 2011-05-7 – Existing elevations
- 2011-05-8 – Proposed elevations
- 2011-05-10 – Proposed layout plans
- 2011-05-11A – Proposed elevations
- 2011-05-12A – Site layout plan
- 2011-05-13A – Proposed ground and first floor layout plan

All date stamped 28th February 2012

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. The Building Regulations are applicable to this proposal. Unless you have already properly deposited a Building Regulations application, and a written notice of commencement has been given by your builder, you should not start work on site.

41 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.05 - 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
6th June 2012

Forthcoming Hearings and Public Inquiries between 24/05/2012 and 30/11/2012:

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	22/10/2012
10/04575/OUT	Ridgeway Farm, Common Platt, Purton, Swindon, Wiltshire SN5 4JT	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
11/02485/FUL	Gable End Farm, Grittleham, Chippenham, Wilts. SN15 4JY	Brinkworth	Retention of Temporary Agricultural Workers Dwelling for a Further One Year Period (Renewal of 07/01681/FUL)	Informal Hearing	17/07/2012
11/03524/OUT	Land off Oxford Road, Calne, Wiltshire, SN11 8AW	Calne/Calne Without	Outline Planning Application for up to 200 Dwellings and Associated Works	Informal Hearing	03/07/2012
11/03628/OUT	Land at Silver Street & White Horse Way, Calne, Wiltshire	Calne/Calne Without	Outline Application for Development of Around 154 Dwellings with Associated Vehicular Access to Residential Development	Informal Hearing	04/07/2012

Planning Appeals Received between 14/04/2012 and 24/05/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/02602/S73A	Malford Farm, Main Road, Christian Malford, Wiltshire, SN15 4AZ	Christian Malford	Removal of Agricultural Occupancy Condition.	DEL	Refusal DEL	Informal Hearing
11/03576/FUL	Mead Cottage, The Ley, Box, Corsham, Wiltshire, SN13 8EH	Box	Conversion of And Extension to Detached Double Garage to a Detached Single Storey Dwelling	DEL	Refusal	Written Representation
11/03790/FUL	Rose Field, Hullavington, Wilts. SN16 0HW	Hullavington/ St Paul Without	Change of Use to a Caravan Site for Occupation by Six Gypsy and Traveller Families with Associated	DEL	Permission	Informal Hearing

			Works.			
11/04145/FUL	29 Silver Street, Colerne, Wiltshire, SN14 8DY	Colerne	First Floor Extension	DEL	Refusal	Written Representations
12/00209/FUL	54 Brook Drive, Corsham, Wiltshire, SN13 9AU	Corsham	Demolition of Existing Garage & Erection of Dwelling	DEL	Refusal	Written Representations
12/00318/S73A	Fir Tree Cottage, Hook, Swindon, Wiltshire, SN4 8EA	Lydiard Tregoz	Use of Existing Residential Annex as Self Contained Dwellinghouse (Class C3)	DEL	Refusal	Written Representations
12/00667/FUL	WOODMANS COTTAGE, BOWDEN HILL, LACOCK	Lacock	Removal of Existing Conservatory & Erection of Two Storey Rear Extension	DEL	Refusal	Written Representations
12/00690/ADV	Station Yard, Union Road, Chippenham, Wiltshire, SN15 1HW	Chippenham	Three Internally Illuminated Fascia Signs (Resubmission of 11/00078/ADV)	DEL	Refusal	Written Representations

Planning Appeals Decided between 14/04/2012 and 24/05/2012

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
1/02851/FUL	Fox Fire Lodge, Rudloe, Corsham, Wiltshire SN13 0PG	Box	Erection of Single Storey Oak Framed Link Extension	DEL	Appeal Dismissed	Refusal	Written Representations
11/02852/LBC	Fox Fire Lodge, Rudloe, Corsham, Wiltshire SN13 0PG	Box	Alterations and Erection of Single Storey Oak Framed Link Extension	DEL	Appeal Dismissed	Refusal	Written Representations
11/03157/FUL	Swinley Paddocks, Stanton St Quintin, Wiltshire, SN14 6DG	Kington St Michael	Installation of 10 Solar Panels to Roof	DEL	Appeal Dismissed	Refusal	Written Representations
11/03158/LBC	Swinley Paddocks, Stanton St Quintin, Wiltshire, SN14 6DG	Kington St Michael	Installation of 10 Solar Panels to Roof	DEL	Appeal Dismissed	Refusal	Written Representations

Agenda Item 7

INDEX OF APPLICATIONS ON 06/06/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7(a)	11/02688/FUL	Land at Abbey View Farm, Malmesbury, Wiltshire, SN16 9DA	Erection of Permanent Agricultural Workers Dwelling and Agricultural Building	Refusal
7(b)	12/00715/FUL	4 Kent End, Ashton Keynes, Wiltshire, SN6 6PF	Alterations and Extensions to Existing Detached Annex. Erection of Two Sheds and Greenhouse	Permission
7(c)	12/00889/FUL	Land Adjacent to 8 Tern Close, Calne, Wiltshire, SN11 8NG	Two Dwellings & Associated Works (Revision to N/11/04061/FUL)	Refusal

This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	6th June 2012		
Application Number	11/02688/FUL		
Site Address	Land at Abbey View Farm, Malmesbury		
Proposal	Erection of permanent agricultural workers dwelling and agricultural building		
Applicant	Mr P Neal		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Cllr Simon Killane
Grid Ref	393801 187132		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to committee by Cllr Killane to consider the: scale of development; visual impact upon the surrounding area; relationship to adjoining properties; design – bulk, height, general appearance; environmental / highway impact; and car parking.

1. Report Summary

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

2. Main Issues

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

- The principle of development;
- The design and appearance and impact on the character and appearance of the Conservation Area;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety; and
- Planning Contributions

The application has generated objection from Malmesbury & St Paul Without Residents' Association, and support from Malmesbury Town Council, 26 letters of support and 5 letters of objection.

3. Site Description

The application sites forms part of Abbey View Farm. Abbey View Farm lies to the east of Malmesbury between the town edge and the bypass within the Malmesbury Conservation Area and outside of the defined Settlement Framework Boundary. The immediate surrounding land use is agricultural, with residential properties to the south. A public right of way runs from south west to north east across the site.

Abbey View Farm was purchased by the applicants in May 2002. The alpaca farming enterprise was begun with the purchase of the foundation herd which were initially kept at livery until November 2002 when the farming operation moved to Abbey View Farm. By the end of 2010 there were 12 breeding female alpacas together with 3 working stud males.

There are a variety of livestock enterprises on the holding. The principal enterprise is the breeding and keeping of alpacas. There are 12 breeding females and 3 stud males, together with various progeny and an overall herd of 36 head. The alpacas are kept to produce breeding stock for sale and halter trained pets for sale, together with sales of fibre.

The other livestock enterprises comprise:

- A flock of soay sheep, comprising 6 ewes, 2 rams and 2 wethers;
- A herd of Kuhni pigs, comprising 2 sows and 2 boars;
- 4 pygmy goats;
- Some 70-80 head of sundry poultry, for sale as pets;
- Ducks and geese for eggs and the sale of breeding stock;
- Quails for the production of eggs and as table birds; and
- 10 turkeys for the Christmas market.

The applicant indicates that the alpaca will be increased to an overall herd of 40 head.

There are two non-agricultural buildings at the site which have planning consent for light industrial. These are occupied by:

- Malmesbury Strippers;
- Athelstan Autos; and
- Country Wide.

A proportion of one shed is currently used to accommodate animals in loose boxes.

There is an existing mobile home stationed on the site. This is used as a rest room, but not for overnight accommodation.

4. Relevant Planning History		
Application Number	Proposal	Decision
06/00294/S73A	Change of use of existing building to light industrial (class B1(c)) (retrospective)	Permitted
98/01338/F	Change of use of existing agricultural buildings for warehouse workshop and limited ancillary retail use	Refused and dismissed at appeal

5. Proposal

The applicant seeks consent for the erection of a permanent three bedroom agricultural workers dwelling.

Permission is also sought for the erection of an open fronted agricultural building measuring 12 metres wide and 5 metres deep. This would provide a field shelter for the animals as well as an area for them to be cared for and kept at night.

6. Planning Policy

C2 – Community Infrastructure
C3 – Development Control Policy
H4 – Residential Development in the Open Countryside
HE1 – Development in Conservation Areas
CF3 – Provision of Open Space

7. Consultations

Public Rights of Way Team – No comments.

Malmesbury & St Paul Without Residents' Association – Strongly objects to the application.

Whilst acknowledging the applicant's desire to live on site, it is believed that the pertinent issue here is the size and footprint of the dwelling being requested. It is understood that there are guidelines detailing the maximum size for agricultural dwellings and the dwelling would be almost 50% larger than that recommended should be approved. The fact that the application also makes provision for a garden and car park adds to the suspicion that this application is simply a vehicle to increase the value of the land and possibly put a marker down for additional urbanisation at some point in the future.

The dwelling would not, as suggested in the application, be hidden from public view as much as possible. The development would be unnecessary and overly intrusive.

County Highways – The proposal offers adequate parking and turning and the access is suitable for the traffic movements associated with a dwelling. However, the location of the dwelling is outside policy boundaries and as such raises issues of sustainability. Based on the location of the dwelling, a highway objection is raised and it is recommended that the application be refused on highway grounds.

Principal Ecologist – No objection in relation to ecology.

Malmesbury Town Council – Support subject to removal of mobile home.

The Council's Agricultural Consultant's response is including in the content of this report.

Environmental Protection – No adverse comments.

Amenity and Fleet – The proposal would generate a public open space contribution of £5,800 to be directed towards a number of projects at St Aldhems Mead.

8. Publicity

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

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

- Having a large dwelling could potentially ease any future application for change of use of the land;
- Dwelling should be of a much smaller scale;
- Loss of privacy;
- The number of animals and type of care does not warrant a property and could be tended without living on site;
- Would encourage further encroachment upon the land and conservation area;
- Insufficient ingress and egress for the property;

- It is noted that the supporters of this application are not directly affected by the development as some live out of the area;
- There is a large existing barn that could be utilised; and
- Would further erode the Conservation Area.

26 letters of support have been received in response to the application publicity from 19 different properties. The comments raised are summarised below:

- Over the last few years many improvements have been made to the structures and surroundings with care and attention to detail;
- Local businesses need support;
- Great benefit to community;
- Need to be on site to care and protect the business interest and livestock in this isolated area;
- The development would not interfere with anyone else;
- The applicants' have exhibited sustained commitment to this venture and are devoted to its continuation;
- Soay sheep are a rare breed of sheep and it is down to smaller breeders like the applicants to keep the gene pool going;
- With the footpath running through the site many people come just to see the array of rare breed animals, chickens, ducks and geese and school children are always delighted to see the alpacas and llamas;
- The proposed development would not make any substantial difference to the arrangements already in place; and
- The site is adjacent to a busy road so have to be alert of trespass.

1 comment has been received in response to the application publicity. This raises concern that there will need to be appropriate and sufficient drainage made which does not cause excess water to flow off the fields on the water boards access road which then cascades onto Baskerville.

9. Planning Considerations

Principle of Development

Policy H4 of the Local Plan states that new dwellings in the countryside outside the framework boundaries will be permitted provided that it is in connection with the essential needs of agriculture or forestry or other rural based enterprises.

Applications for agricultural workers dwellings would previously have been considered against the criteria set out in Annex A of Planning Policy Statement 7, however, this was replaced by the National Planning Policy Framework (NPPF) in March 2012.

Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside.

The guidance in the NPPF is simplified from that set out in Annex A of PPS7 (and prior to that PPG7 and Circular 24/73). It is the view of the Council's Agricultural Consultant that an essential need for accommodation such as that described can only arise from an economic activity in the countryside. It is therefore very relevant that the circumstances of the business, its degree of establishment, profitability, financial soundness and economic viability must all be considered in order for the planning authority to be satisfied that the essential need will continue for a reasonable

period of time. The size and cost of the dwelling in relation to the established 'essential need' is also relevant. It is therefore his opinion, that the guidance set out in Annex A of PPS7 remains a strong basis for the assessment of planning applications for occupational dwellings in the countryside, as the issues it covers are highly relevant to the continuation of the essential need, to be met by the permanent dwelling.

The applicants agent has stated that neither policy H4 of the Local Plan or the NPPF allows the local planning authority to apply any financial test. The Council's advisor has already conceded that there is a need for a worker to be available at most times to deal with the livestock, which is the only test in the NPPF and the local plan.

The majority of day to day tasks associated with good husbandry of the livestock, including alpacas can be undertaken without a dwelling on site. The important exceptions to this are the care of sick animals and calving. It is accepted that animals which are sick or close to, during or immediately after calving may well require essential care at short notice. It is noted that calving dates are variable, as the animals run with the stud and are not artificially inseminated. Additionally, calving dates can be very variable, with the animal showing few external signs of birthing.

Cria, when first born are weak and require attention to ensure they receive Colostrum, also that their navel is sprayed with antibacterial / antiseptic spray to prevent infection. In this regard they are no different to other domesticated stock.

The Planning Inspectorate has paid close attention to the variability of calving dates and the need for quick intervention at calving. Accordingly there are a number of appeal decisions in which Inspectors have formed the view that the functional test, previously set out within Annex A to PPS7 is met by enterprises of an equivalent size to that proposed by the applicant.

The conventional measure of viability is a level of profit that rewards the otherwise unpaid full time labour of the proprietor. The usual measure of that cost is the minimum agricultural wage. The current minimum agricultural wage for a Grade 2 general worker is £13,729 per annum.

2 years of accounts for trading years ending 31st October 2009 and 2010 have been provided. These indicate that the agricultural enterprise achieved a net profit in each of these years and the level of profit is substantially in excess of the minimum agricultural wage. Of the profit identified in both years, 105% in 2010 is due to the increase in the value of the livestock and 77% of the 2009 profit is derived in the same fashion. The applicants agent has submitted additional information identifying that the advice from Her Majesty's Revenue and Customs is clear that the value of the livestock retained must be included in the accounts. It is further advised that the textbook on which all agricultural consultants rely, the John Nix Farm Management Pocketbook 42nd Edition 2012 states that the enterprise output must include 'the market value of production retained on the farm'.

It must be noted that the increase in the value of the herd does not equate to income as no sales have been made to realise that increase. The Council's Agricultural Consultant does not consider that such an increase in the value of the herd should be recognised as profit.

No financial projections have been provided for the next 5 years. The applicants' accountant has stated that in their experience the trading activity of Abbey View Alpacas enable them to say that the business outlook remains positive with reasonable expectation that the current level of profitability will be retained into the foreseeable future.

The application submission includes 4 appeal decisions (PINS refs: APP/X0360/A/09/2103514; APP/G2713/A/08/2080523; APP/Y0815/A/08/2075800; and APP/X1118/A/08/2083511). Each were allowed and sought consent for a temporary dwelling.

The key issues at the heart of appeal ref: APP/X0360/A/09/2103514 related to: functional need; and availability of suitable alternative accommodation which are not under dispute here.

Paragraph 14 of the inspectors report for appeal ref: APP/X1118/A/08/2083511 states that 'Given the lengthy gestational period and high stock value of alpacas, it seems to me that the absence of any cash profit in early years while the herd is still being built up is only to be expected, and should not be taken as an indication of unsound financial planning in the particular circumstances of this enterprise.'

This proposal differs to the appeal proposals in that this application is for a permanent dwelling and that, as such, the business has been established for approximately 9 years. Whilst it may well be reasonable to consider the increase in the value of the herd during the early years while herd numbers are growing, for an established business with a herd of 36, the Council would reasonably expect to see profit generated from actual sales.

The nearest properties to the application site are situated to the south in Baskerville Hill. Owing to site topography, these properties are set at a much lower level than the application site and therefore have limited visibility and would not be within site of the farm. A report from Fielder and Jones has been submitted which concludes that there are presently no local dwellings which are both suitable and available to serve the functional need.

The size of the proposed dwelling has been reduced following negotiations from approximately 230 square metres to 160 square metres. On this basis, the size of the dwelling is not unusually large.

The design and appearance and impact on the character and appearance of the Conservation Area

Policy HE1 of the Local Plan considers that in Conservation Areas, proposals for development will preserve or enhance the character or appearance of the area.

The dwelling would be one and a half stories and constructed of timber. The supporting statement states that the building has been positioned to ensure that the occupants have clear views over the fields and the proposed agricultural building as well as the access to the site and the route of the footpath to maximise security and ensure sight of the animals. The proposed dwelling would be visible from the wider public realm given the sites elevated position, however, the use of timber cladding and its location adjacent to the existing industrial buildings ensure that it would not be harmful to the character or appearance of this part of the Malmesbury Conservation Area.

In relation to the proposed agricultural building, the Council's Agricultural Consultant notes that in view of the permitted alternative uses of the two other buildings at the site, together with the overall quantity of livestock, the proposed building is warranted by the current agricultural practice. The building would be constructed of timber boards and timber cladding with a profiled sheet roof. A large concrete apron is proposed approximately 12 metres wide by 6 metres deep. The building would be visible from the public right of way that runs through the site. Although the building would not be situated adjacent to existing buildings within the site, it would be situated adjacent to an established hedgerow and in this respect, it is considered that on balance the proposed agricultural building would be acceptable.

There are two metal storage containers on the site, partly within the curtilage of the B1 element of the site and the red line associated with application ref: 06/00294/S73A and partly on the agricultural land. Condition 3 of application ref: 06/00294/S73A states that there should not be any items stacked or stored outside any building on the site without the prior written approval of the local planning authority. The condition was applied to safeguard the amenity of the area and the character and appearance of the Conservation Area. The siting of the containers within the approved site is a breach of condition 3 of the planning permission. The siting of the containers on agricultural land must be reasonably necessary for the purpose of agriculture. If they are to be permanently sited, planning permission is required otherwise the containers will need to be regularly moved around the site.

The metal containers do not look traditionally agricultural and as such it is likely that any planning application to retain these containers would be likely to be refused.

The application form does not indicate that planning permission is sought for these units and they are situated outside of the red line but the site plan indicates that these units are to remain. An informative is recommended to advise the applicant that planning permission is required for their retention and that any application would be likely to be refused.

The impact of the development on the amenity of neighbouring occupiers

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: 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.

The proposed dwelling would be situated some 50 metres from the nearest residential property and although the site is set at an elevated level, an established hedgerow forms the southern boundary of the site and in consideration of the above, the proposal would not result in any significant overlooking or overshadowing of neighbouring properties.

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: promote sustainable patterns of development that will reduce the overall need to travel and support increased use of public transport, cycling and walking.

In terms of the access and vehicle movements to and from the site, the applicants' agent asserts that living on the site at most times would, minimise traffic movements to and from the site. The application involves an existing business and the vehicles needing to deliver and access the site would not significantly alter from that found at present. It is argued that if the applicant lives on site it would remove the need for her to frequently commute to and from the site at all hours of the day.

However, County Highways have advised that the location of the dwelling is outside policy boundaries and as such raises issues of sustainability.

In consideration of the above, the proposed residential use of the site would not generate any particular increase in vehicle movements over and above that already generated by the alpaca business and it is not therefore considered reasonable to refuse the application on this basis.

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.

For a 3 bedroom property the level of public open space contribution required would be £5,800. This would be directed towards facilities at St Aldhems.

No legal agreement has been submitted in support of the application.

The applicant has (by failure to complete a legal agreement) therefore failed to address policy CF3 or to demonstrate that the proposed development would not generate a need for new or improved facilities in this respect and it is recommended that the application be refused on this basis.

10. Recommendation

Planning Permission be REFUSED for the following reason:

1. The proposed dwelling cannot be justified in connection with the essential need for a rural worker to live permanently adjacent to Abbey View Farm. Therefore, the erection of a dwelling in the open countryside, outside the framework boundary of any established settlement, would be contrary to policy H4 of the North Wiltshire Local Plan 2011 and guidance contained within the National Planning Policy Framework.
2. No Section 106 Agreement has been secured therefore the proposed development does not include or bring forward adequate provision for public open space as is required by policies C2 and CF3 of the adopted North Wiltshire Local Plan 2011 and supporting guidance contained within the North Wiltshire Open Space Study 2004.

Informatives

1. This decision relates to documents/plans submitted with the application, listed below.
 - 2215/01 – Location plan, date stamped 5th August 2011
 - 2215/02A – Plans and elevations as proposed, date stamped 16th November 2011
2. The applicant is advised that planning permission is required for the retention of the storage units and is unlikely to be granted.



This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	6 th June 2012		
Application Number	12/00715/FUL		
Site Address	4 Kent End, Ashton Keynes, Wiltshire, SN6 6PF		
Proposal	Alterations and Extensions to Existing Detached Annex. Erection of Two Sheds and Greenhouse		
Applicant	Mrs S Cripps		
Town/Parish Council	Ashton Keynes		
Electoral Division	Minety	Unitary Member	Cllr Carole Soden
Grid Ref	405012 194398		
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706643	lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to committee by Cllr Soden to consider: the scale of development; visual impact upon the surrounding area; relationship to adjoining properties; and design – bulk, height and general appearance.

1. Report Summary

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

2. Main Issues

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

- Design, appearance and impact on the conservation area;
- Impact on residential amenity;
- Impact on trees; and
- Development and flood risk

The application has generated an objection from Ashton Keynes Parish Council as well as 1 letter of objection.

3. Site Description

The site extends to an area of approximately 0.29 hectares and is situated to the north of the village of Ashton Keynes within the Conservation Area, Flood Zone 3 and adjacent to a scheduled ancient monument. The site is situated within the Settlement Framework Boundary. A public footpath runs through the site and immediately to the south of the existing annex.

4. Relevant Planning History		
Application Number	Proposal	Decision
None.		

5. Proposal

The applicant seeks consent for alterations and extensions to the existing detached annex, and the erection of a potting shed, machinery store and greenhouse.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy

NE14 – Trees and the Control of New Development

HE1 – Development in Conservation Areas

HE5 – Scheduled Ancient Monuments and Nationally Important Features

H8 – Residential Extensions

7. Consultations

Ashton Keynes Parish Council – The so called ‘existing annex’ is, as far as the Parish Council are aware, an unauthorised adaption of a stable with loft over, by a previous owner of this site, and was solely used as an office. The application is contrary to policy HE1 in that it would neither preserve nor enhance the character or appearance of the area. This applies to both the annex and the erection of two sheds and the greenhouse. The application is contrary to policy H8 as it is not in keeping with the host building in terms of scale, design and use of materials. The application would, due to its scale and design, be detrimental to this part of the Ashton Keynes Conservation Area.

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.

Environment Agency – The proposal falls within the scope of the Environment Agency’s Flood Risk Standing Advice.

County Archaeologist – No comments or objections.

Highways – On the basis that the case officer is satisfied that this proposal is ancillary to the main building, 4 Kent End, no highway objection is raised subject to conditions.

8. Publicity

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

1 letter of objection has been received in response to the application publicity. The concerns raised are summarised below:

- Overlooking;
- Will open the possibility to it becoming a second dwelling, there is car parking allocated to the annexe on the plans; and
- The planning statement advises that the community has been consulted but this is not the case.

9. Planning Considerations

Design, appearance and impact on Conservation Area

Policy HE1 of the Local Plan states that in Conservation Areas, proposals for development will only be permitted where the proposal will preserve or enhance the character or appearance of the area. Open spaces, village greens, gaps between buildings, fields, gardens and trees that provide attractive views and vistas to, from and within public areas will be protected from development that would fail to preserve or enhance the character or appearance of a Conservation Area.

Policy H8 of the Local Plan considers that household extensions and development within a residential curtilage will be permitted provided that a number of criteria are met including amongst other things: it is in keeping with the host building in terms of scale, form, materials and detailing, other than in the exceptional case of historic buildings, where a change of style and / or materials might be desirable to indicate the evolution of the building.

The reasoned justification to this policy states that where proposals for annexe accommodation are put forward these should be of scale that is proportionate to the existing dwelling and no larger than is functionally required.

The existing building incorporates a double garage, living room, WC and store at ground floor level and study / bedroom at first floor level. The existing garage element presently has a parapet wall to its southern elevation with a shallow lean to roof constructed of profiled metal. It is proposed that a pitched roof matching the height of the existing pitched roof be erected over the garage element. The existing single storey store on the north elevation would be increased in size slightly from 1.6 metres in depth to 2.6 metres and from 3.8 to 4.1 metres wide. This element has already been partially constructed on site.

The existing building appears as an outbuilding ancillary to the use of the main dwelling. The proposed works would largely retain the footprint of the existing building but would add a pitched roof over the garage element. The proposal is simply designed and would successfully retain the appearance of an ancillary outbuilding.

The following amendments have been made to the scheme following pre-application discussions and negotiations as part of the planning application process:

- The dormer windows have been removed from the northern elevation and replaced with 3 conservation roof lights that are smaller than the two initially proposed;
- All roof lights have been removed from the south elevation;
- The design of the proposed roof has been simplified now incorporating a gable end;
- The external joinery in the east elevation better reflects the existing arrangement; and
- The door has been removed from the south elevation.

The Conservation Officer has reviewed the revised proposals and has raised no objection. Conditions are recommended relating to material samples, details of timber finishes, external joinery details, and rooflight details. Further conditions restricting the annex to ancillary accommodation and restricting any alterations and extensions are recommended.

It is proposed that the machinery store and potting shed be constructed of timber with cedar roof shingles and the greenhouse be constructed using a timber frame above a stone plinth.

The applicant proposes to cover the northern roof slope with natural slate and the southern roof slope with solar effect pv tiles. The southern elevation is prominently located immediately adjacent to a public right of way and visible from the wider Conservation Area. The acceptability of the use of solar slates on this elevation given its prominence depends on the quality of the product proposed and the applicant has been asked to provide details of the proposed solar slates in order to come to a view on their acceptability. The applicants agent has advised that the tiles would

have a natural slate appearance but before deciding on the exact tiles to be used the cost efficiency of the different makes of tiles needs to be examined. It is therefore requested that a condition be attached to any planning consent requiring approval of the exact type of tiles.

On balance, and further to the submission of amended plans, it is considered that the design of the proposed development would be acceptable and would not compromise the character or appearance of this part of the Ashton Keynes Conservation Area in accordance with policies C3, HE1 and H8 of the adopted Local Plan.

Impact on residential amenity

Policy H8 of the Local Plan states that householder extensions and development within a residential curtilage will be permitted provided that a number of criteria are met, including amongst other things: it does not result in unneighbourly development, which would result in loss of light, overshadowing, loss of privacy, oppression or other harm to amenities of occupiers of either adjacent dwellings or the application property itself.

No new openings are proposed in the south elevation of the annex and the proposal would not therefore result in any overlooking of the neighbouring property The Willows. The annex is situated approximately 27 metres from The Willows and the proposal would not therefore result in any material overshadowing of this property.

The proposed machinery store would be situated approximately 0.8 metres from the boundary with The Willows but its limited height of 2.2 metres to eaves level with an overall height of 3.2 metres ensure it would not result in any material overshadowing.

Impact on trees

Policy NE14 states that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes / ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

The Council's Arboriculturist and Landscape Officer initially raised concern regarding the position of the new machinery store which was proposed to be situated within the Root Protection Area of an established Lime Tree. The two Lime Trees positioned on this site have a significant contribution to Ashton Keynes Conservation Area and their importance is so great that their contribution has been mentioned in the Ashton Keynes Conservation Area.

Amended plans have been received moving the machinery store outside of the Root Protection Area and the proposed development would not therefore cause harm to existing trees on the site.

Development and flood risk

The site is situated in flood zone 3 (high risk of flooding). Buildings used for dwelling houses are classified as 'more vulnerable' and a Flood Risk Assessment (FRA) was therefore required in support of the application. In relation to flood risk assessments, the Agency's standing advice considers that to be acceptable the FRA must satisfactorily address the following requirements: finished floor levels; management of surface water; flood resilience and resistance; and other sources of flooding.

The submitted FRA states that records indicate that the site has not been subject to flooding in recent years. Nevertheless the proposal will include provision for surface water run-off, which is an improvement on the existing situation, as currently the run-off from the building drains directly onto adjacent ground surfaces. Furthermore, the internal finished floor level of the building has been raised by 150mm.

In light 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.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable and would be in keeping with the character and appearance of the area, and will have no adverse impact on the amenities currently enjoyed by the neighbouring residents or on the character or appearance of this part of the Ashton Keynes Conservation Area. The proposal would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere and is in accordance with Policies C3, HE1 and H8 of the adopted North Wiltshire Local Plan (2011).

Subject to the following conditions:

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

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

2. No development shall commence on site until details of the materials to be used on the walls and roof of the proposed development, including details of the proposed solar slates 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.

POLICIES: C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

3. No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The new rooflights shall be of a design which, when installed, do not project forward of the general roof surface.

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

POLICIES: C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

4. 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 this part of the Ashton Keynes Conservation Area.

POLICIES: C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

5. No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the potting shed, machinery store and greenhouse have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use / occupied.

REASON: In the interests of visual amenity and the character and appearance of this part of the Ashton Keynes Conservation Area.

POLICIES: C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

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.

POLICIES: C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

7. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Kent End, Ashton Keynes.

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

POLICIES: C3, HE1 and H8 of the North Wiltshire Local Plan 2011.

8. 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.

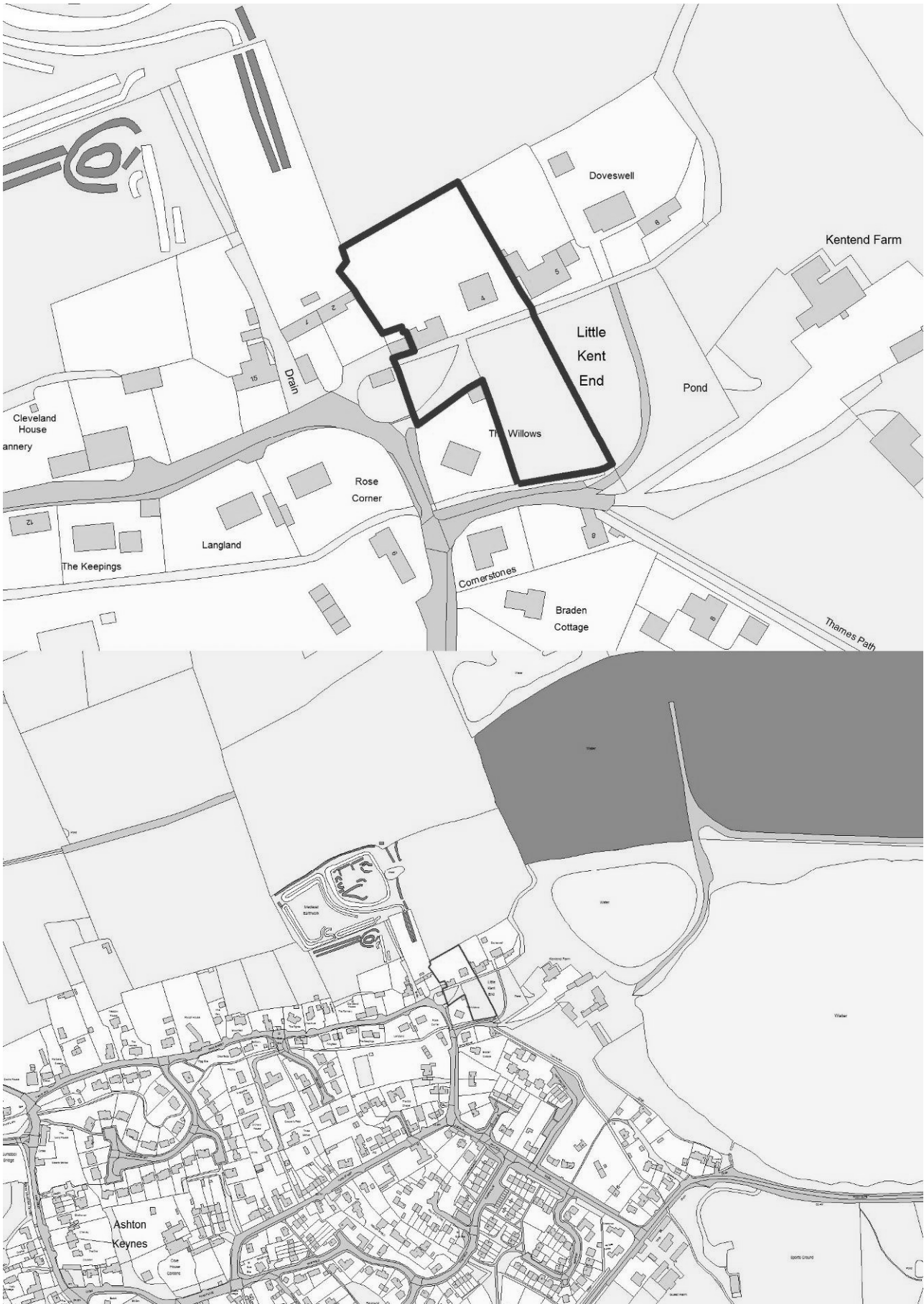
- 120106-08 A – Design scheme, date stamped 2nd May 2012
- 120106-09 A – Site plan block plan and garden buildings, date stamped 2nd May 2012
- 120106-01 – Location plan, date stamped 9th March 2012

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

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

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

POLICY: C3 of the North Wiltshire Local Plan 2011.



This page is intentionally left blank

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	6 th June 2012		
Application Number	12/00889/FUL		
Site Address	Land adjacent to 8 Tern Close, Calne SN11 8NG		
Proposal	Two Dwellings & Associated Works (Revision to N/11/04061/FUL)		
Applicant	Mr R Bond		
Town/Parish Council	Calne		
Electoral Division	Calne Central	Unitary Member	Howard Marshall
Grid Ref	400628 170998		
Type of application	FULL		
Case Officer	Mandy Fyfe	01249 706638	mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been referred to the Northern Area Planning Committee by the Chairman of the Planning Committee having discussed this matter with the local member due to the great deal of interest from neighbours in Tern Close concerned with ridge heights and distances shown between adjacent buildings due to the gradient of the site.

1. Purpose of Report

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

Calne Town Council has objected

9 letters of objection

3 letters of support

1 letter of comment

2. Main Issues

The main issues in considering the application are:

- Principle of development Policies C3, H3 NE14 and CF3 of the adopted North Wiltshire Local Plan 2011
- Previous Planning History of the site
- Impact on the character and appearance of the area
- Affect on the privacy and amenity of existing neighbours and potential occupants
- The current proposal in the context of Inspector's decision (10/04562/FUL)
- Impact upon the Protected Trees
- Other matters

3. Site Description

The application site is approximately 0.0045ha and is situated at the eastern end of Tern Close between the terraces of Nos 5 to 7 and a pair of semi-detached dwellings of 8 & 9 Tern Close. The Close itself comprises of 23 terraced and semi-detached brick and concrete tiled dwellings. There is a block of garages and parking near the entrance to the Close. There are two areas of

grass; one at the front of the site and the application site which is a slightly sloping site rising from north to south. Beyond the application site is a footpath with a hedge behind backing onto open farmland. There are three trees on the site: an ornamental hawthorn and 2 common ash trees. The ash trees are the subject of a Tree Preservation Order.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/04061/FUL	Erection of two dwellings & associated works	Withdrawn
10/04562/FUL	Erection of 2No semi-detached dwellings	Refused Appeal Dismissed
10/00340/FUL	Proposed detached house, double garage, access and fencing	Permitted

5. Proposal

The proposal is to erect a pair of semi-detached two storey 3-bed dwellings in the centre of the site. The dwellings would be constructed of facing brick with Redland 50 Double Roman Interlocking tiles with white UPVC joinery. No garages are proposed, just parking areas to the side of each unit with a central parking and turning area between the two protected ash trees and the front of the units. The plans show that the ground levels which slope from north to south would be reduced so that the majority of Unit 1 would be at ground level, but Unit 2 is shown being cut into the ground by 500mm. The footprint of the dwellings would be 8.8m deep by 5.9m wide each (giving an overall width of 11.8m.) The ridge height of the dwellings would be 7.1m high, but with the slight drop in level, the ridge height would appear as 6.6m. The eaves height would be 5.1m.

Details of the boundary fencing have been submitted indicating that along the northwest boundary there would be a 900mm high post and rail timber fence, whereas along the northeast and southeast boundaries and rear boundary there would be 1800mm high timber close boarded fences. The rear gardens of the units would face onto the communal footpath at the back of the site and have a depth of 7.1m and a width of 9.2m.

6. Consultations

Calne Town Council: Object. In the light of the new photographic evidence which was made available to members at the meeting, members objected to the application on grounds of Local Plan Policy C3(i) and (iii).

Highways: *Original Comments:* Object on the grounds that the proposal does not demonstrate that suitable car parking and turning is available and would be likely to encourage parking on the highway with consequential highway issues in the vicinity. *Amended comments on amended plans:* I am now satisfied with the parking and turning illustrated for the two properties. Recommend no highway objection subject to a condition.

Tree Officer: Due to the lack of information supplied with regard to the trees on the site, I am unable to make any comments. I understand that no tree survey and Impact Assessment have been submitted to support this application. Until the assessment is submitted, I am unable to assess the impact this development will have on the TPO. From Dwg No: 2011-31-4 Rev B, the applicant intends to finish the private driveways in permeable Jubilee Infilta block paving. Please indicate whether this block paving will be encroaching on the Root Protection Areas (RPA) of these two ash trees. Due to the lack of information supplied with regard to the trees on site, I would

request that this application is refused. (The Trees Officer has been discussing these comments with the applicants agent)

Public Open Space: This development generates a need for £11,600 in offsite Open Space Contribution to be used to upgrade facilities at Anchor Road Calne.

Environmental Health: No adverse comments

Ecology: Consider that there is a low risk to reptiles. No objection in relation to ecology, but recommend that an informative be added.

Wessex Water: *Original comments:* It appears that the development proposals will affect existing public surface water sewer. Building over the existing public surface sewer will not be permitted without agreement from Wessex Water under Building Regulations. *Amended comments:* I can confirm that the developer of the site has been in contact with us to discuss their proposals and the following has been agreed in principle: (1) That the public surface sewer shown on our records crossing the site is redundant (CCTV has established that there are no live connections); (2) That the surface water sewer can therefore be abandoned to enable construction of the proposed dwellings. A formal legal de-vesting agreement will be required before any works can be undertaken to the sewer or any construction works within 3m of the sewer: (3) Surface water flows from the site can be discharged into the public surface water system at a flow rate to be agreed. A formal connection application will be required; (4) Foul flows from the site can be discharged to the public system; the exact point of connection is to be agreed and will again be subject to formal application.

7. Publicity

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

2 letters of support

1 letter requiring confirmation of the Committee date

9 letters objecting on the following grounds:

Summary of key relevant points raised:

- The land is used as a children' play area and should not be developed
- Has slow worms and other reptiles in the vicinity, this development could destroy their natural habitat.
- Concern that building works would destroy potentially endangered species and would like to ensure that proper investigations are taken and the results published to protect local wildlife
- The red brick wall covering our front windows will be very oppressive resulting in little natural daylight and will cause overshadowing at midday
- Loss of sunlight into 8 Tern Close would cast a long shadow over the garden
- New dwellings would overlook houses causing loss of privacy
- The proposed dwellings have a lower pitched roof, but are higher in the plot, so the roof is still the same height at Number 8
- Large utility vehicles already have to reverse up the Close due to the congestion in the road and development will result in further obstructions
- New gas main that runs through the centre of the site is said to be redundant, but within the expansion of Calne, it is more likely that it will be used in the future
- Additional pollution problems from exhaust fumes and household utilities
- Need to limit times of deliveries and work on site to prevent disturbance to neighbours
- Impact on water pressure from new development
- Development would prevent emergency vehicles from accessing rear of Tern Close which is used as an entry point for fields to east and land used for air ambulance to land
- Storm drain not shown on plans which is between the proposed dwellings and field

- Development is out of scale with the existing land available, both in terms of overall size and access required to accommodate them
- Proposed area already at maximum capacity with residents vehicles and this development will not only add to this but will also render at least 2 existing parking spaces unavailable

8. Planning Considerations

Principle of development

The land is located wholly within the Settlement Framework Boundary of Calne and Policy H3 therefore applies. Policy H3 encourages proposals for residential development within the Framework boundaries. The principle of development has already been established through the approval of the previous scheme for one dwelling (10.00340/FUL refers).

Policy C3 requires that all development has to respect the local character and appearance of the area with regard to its design, size, scale, density, massing, materials, siting and layout. There is a further requirement that applies to this development that of avoiding creating developments with unacceptable low levels of privacy and amenities and avoiding the unacceptable loss of privacy and amenities to the detriment of the existing occupiers in the adjacent dwellings.

H3 deals with residential development within Framework Boundaries and stresses the importance of well designed development.

Finally Policy CF3 deals with provision of Public Open Space, as new housing development is required to make provision for open space either on-site or off-site by way of a financial contribution and legal agreement.

Previous planning history of this site

An application for two dwellings on this site was submitted under 10.04562/FUL and this was refused for the following reasons:

1. The proposed development would by virtue of its scale, bulk and form result in a cramped form of development which would be detrimental to the open nature of Tern Close and out of character in the locality adversely affecting visual amenity in the street scene. As such the proposal would be contrary to Policies c3 of the adopted North Wiltshire Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3 Housing.
2. The proposed development would by reason of its siting be overbearing, resulting in an unacceptable and oppressive outlook for the occupiers of Nos 6 and 8 Tern Close which would be detrimental to the amenities of the occupiers of this property. As such the proposal would be contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011.
3. The application fails to provide a means of providing a contribution of public open space as required by Policy CF3 of the adopted North Wiltshire Local Plan 2011.

The subsequent Appeal was dismissed on the following grounds:

- (i) The effect that the development would have on the character and appearance of the surrounding residential area and
- (ii) The implications for the living conditions of neighbours with particular regard to overbearing.

With regard to the first issue in relation to the appeal proposal, the Inspector considered that whilst

“there are blocks of two storey terraced housing in the vicinity of the site, their set-back, orientation and general space around them are such that Tern Close presently retains a very open and spacious ambience.

The approved scheme would impact to some extent upon the existing open nature of the site. However the proposed pair of semi-detached dwellings would be far wider than the approved development and would occupy most of the site frontage. Although the garage attached to the Plot 2 dwelling would have a flat roof, due to its height and bulk its physical impact would be far greater than a fence or wall as permitted, across the site. Notwithstanding the space that would remain to either side of the pair of houses, the perception of open land beyond the appeals site and the contribution that it makes to the spacious character of the area would be significantly reduced. Given the prominent position at the head of the cul-de-sac, the proposal due to its bulk and proximity to the side boundaries would appear visually dominant and out of keeping in the street scene.”

“Although the density of the approved scheme would be significantly less than that of the surrounding area, the desirability of making more efficient use of land in line with the advice set out in PPS3: Housing is strongly outweighed in this case by the harm which I have identified. I conclude that the development would materially detract from the spacious character and appearance of the surrounding area, contrary to North Wiltshire Local Plan Policy C3.”

Affect on the privacy and amenity of existing neighbours and potential occupants

With regard to the second issue, the Inspector took the view that:

“..the two storey side elevation of the proposed Plot 2 would be some 7.2m from the first floor bedroom window in the north side elevation of No 8 Tern Close. Notwithstanding the hipped roof design, at this separation distance the new house would have a significant overbearing impact on the outlook from No 8.”

“The front elevation of No 6 Tern Close would face the two storey side of the proposed Plot 1 at a distance of about 9.8m. The appellant acknowledges that the dwelling on Plot 2 would be closer to the boundary which faces the front of No 6 than the approved dwelling. He submits that since the appeal proposal has a shallower pitched roof and is slightly lower at the ridge, the line of sight from either ground or first floor windows from No 6 would not materially be different. Since the level of the land rises from north to south, the new building would sit at a higher level than No 6. Bearing in mind the differences in levels and the orientation of the respective dwellings, this change in siting of the proposed built environment would result in an oppressive outlook for the occupants of No 6. I conclude that the development would have an unacceptable adverse impact on the living conditions of neighbours contrary to North Wiltshire Local Plan Policy C3”.

Last year an application was submitted by the current applicant for two dwellings & associated works (11.04061/FUL refers). The application was withdrawn as officers did not consider it overcame the Inspectors comments..

The principle material considerations to be taken into account in determining the current application are the extant planning permission (10/00340) and the Inspectors comments on the appeal proposal (10/04562)

With regard to the first issue on the character and appearance of the surrounding area, the current proposal does not propose attached garages to the gable ends of each of the dwellings. Nevertheless a block of some 11.8m wide across the plot sited centrally on a site that is only 18.6m wide would reduce the spacious character at the end of the Close.

Although it is acknowledged that the design of the units is more sympathetic to the dwellings in the existing Close, the depth of the roofscape compared to the elevations is deeper than the existing dwellings such as Number 8 which has a roof depth of less than 1m compared to the roof depth as proposed here of 2m.

Furthermore if the proposed block is compared to that dismissed at appeal, it is clear that what is currently proposed is materially higher than what was considered unacceptable in 2010. The current proposal has a higher roofline across the width of the entire 2 units compared to the appeal scheme that showed just the gable end of Unit 2 being higher. Thus the proposed ridge height would arguably have a greater impact and be visually dominant even without the garages to each side.

The appeal plan (which also showed a change in levels) shows that the ridge height for the gable end for Unit 2 would be 7.4m high, the remainder of the roof being 7m in height. The eaves for the gable end element are shown as 5.4m and for the rest of the roof are indicated as 5.5m high.

The current scheme show that the ridge line would be 7.1m as measured on the south side of the block closest to No 8 Tern Close, whereas measured on the other gable end it would be 7.5m high due to the change in levels. The eaves for the southern unit are measured as 5.1m whereas for the northern unit it would be 5.5m high.

The implications of this increased ridge height is not only that the proposal would have an impact on the spacious character of the open space, but also that the development would be visually dominant compared to the existing terraced properties.

This proposal fails to satisfactorily address the concerns detailed by the Inspector.

There are two elements of the second issue that concerned the Inspector. With regard to the impact of the development on 8 Tern Close, this dwelling has a side first floor bedroom window that looks out over the application site. As indicated above, the Inspector specifically referred to the separation distance between this north (side) elevation of No 8 and the gable end of the proposed Unit 2 of the appeal scheme. He found that at a distance of 7.2m that this separation distance would result in the new house having a significant overbearing impact on the outlook of No 8.

What is currently proposed would reduce this separation distance from 7.2m to 5m. Therefore if 7.2m was considered unacceptable to the Inspector, a reduction of 2.2m is likely to be even more objectionable. There is a further objection because of the proposed ensuite bathroom window proposed in the new gable end of unit 2 that would further reduce the privacy of both dwellings especially if the window was not fixed obscurely glazed.

The second part of the Inspectors concern is the effect that the development would have on the occupiers of No 6 Tern Close. This dwelling is one of a three terraced properties which are sited to the north of the application site. Unlike No 8 which has its eaves facing onto Tern Close, these properties are at right angles so that their front windows face south.

The distance as shown on the appeal plans show a separation distance of 9.8m and that this was unacceptable as it would result in an oppressive outlook to the occupants of No 6 due to the change in levels as the land rises from north to south and therefore the development would have an unacceptable adverse impact on the living conditions of the neighbours being contrary to Policy C3.

Under the current submission, the separation distance shown on the revised plans (received 22nd March 2012), the distance measures 11.8m from the front elevation of No 6 and the side gable end of Unit 1. Although another drawing submitted, the measurement is shown as 12.1m. (a discrepancy of 300mm between the two plans.) It is considered that even 11.8m is not sufficiently far away to prevent the some loss of light and increase the oppressive outlook for the occupants of No 6 which is exacerbated by the change in levels between the terraced dwellings and the proposal.

Impact on the Protected Trees

Earlier this year the two ash trees in the northwest corner of the site were protected by a Tree Preservation Order made on 30th January 2012. They were protected during the processing of the previous scheme because concern was raised that the previous development did not show sufficient detail with regard to the tree's protection or how the change in levels proposed cross the site was going to affect their root protection areas (RPA).

The agent has confirmed “ *Both trees will remain as part of the proposals and will be protected during the construction period with the approved protection methods*”. However no formal tree survey or impact assessment has been submitted that shows in large scale how the root protection areas will be protected from both the changes in levels as proposed and the excavation works to construct the driveway/access through the site. This is the reason why the Tree and Landscape Officer has objected to the plans. However, the tree officer is in discussion with the agent and it is hoped that an update can be given prior to Committee.

Other Matters

The agent has submitted revised highway plans that now show that 3No parking spaces within the site in addition to the spaces either side of the dwellings. A second plan shows the tracking that would be necessary to turn within the site. Highways have now accepted the revised plans as satisfactory and have withdrawn their objection subject to conditions.

With regard to the Public Open Space contribution, the agent confirmed that in his accompanying documents that his client will be prepared to enter into a Legal Agreement for the payment of £11,600 as required by the Open Space Team.

9. Conclusion

The proposal is considered to be unacceptable because it does not overcome the Inspector's concerns and for those reasons, the Council is not in a position to negotiate any further. The recommendation can only be one of refusal.

10. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed development would by virtue of its scale, bulk and form result in a cramped form of development which would be detrimental to the open nature of Tern Close and out of character in the locality adversely affecting the visual amenity of the street scene. As such the proposal would be contrary to Policy C3 of the adopted North Wiltshire Local Plan.
2. The proposed development by reason of its siting would be overbearing resulting in an unacceptable and oppressive outlook for the occupiers of Nos 6 and 8 Tern Close which would be detrimental to the amenities of the occupiers of these properties. As such the proposal would be contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011.

Informative

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

Plan Ref: Dwg No: 2011 -31- 1 Rev B	Dated 22nd March 2012
Dwg No: 2011 -31- 2 Rev B	22nd March 2012
Dwg No: 2011 -31- 3 Rev B	22nd March 2012
Dwg No: 2011-31- 5 Rev B	22nd March 2012
Revised Dwg No: 2011 - 31 - 4 Rev C	10 th May 2012
Revised Dwg No: 2011 - 31 - 4 Rev C1	10 th May 2012

