

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 31 October 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713948 or email kirsty.butcher@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 of the previous Meeting** (*Pages 1 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 10 October 2012.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

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

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 24 October 2012.** Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides

that the matter is urgent.

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

6 Planning Appeals (Pages 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 **11/02978/FUL - Mardrea, The Hyde, Purton SN5 4DX (Pages 23 - 38)**

7b **12/03017/S73A - 2 Gibbs Cottages, Castle Combe, Chippenham, Wiltshire SN14 7NQ (Pages 39 - 44)**

7c **12/00850/OUT - Royal Arthur Park, Westwells, Corsham, Wiltshire SN13 9SF (Pages 45 - 56)**

7d **12/01914/S73A - Land at Harrow Grove, Lyneham, Wiltshire SN15 4AB (Pages 57 - 64)**

8 Urgent Items

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 10 OCTOBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Chuck Berry (Substitute), Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Peter Doyle, Cllr Peter Hutton, Cllr Simon Killane, Cllr Mark Packard, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Alan MacRae, Cllr Howard Marshall and Cllr Dick Tonge

94 **Apologies**

Apologies were received from Cllr Hill.

Cllr Hill was substituted by Cllr Berry.

95 **Minutes of the previous Meeting**

The minutes of the meeting held on 19 September 2012 were presented.

Resolved:

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

96 **Declarations of Interest**

Cllr Trotman declared an interest in agenda item no. 7b as a member of Calne Town Council. He declared he would not vote on this item.

Cllr Sturgis declared an interest in agenda item no. 7a as he had employed the applicant in October 2011. He declared he would participate in the debate and vote for the item with an open mind.

Cllr Davis declared an interest in agenda item nos. 7c and 7e as a member of Corsham Town Council. He declared he would participate in the debate and vote for each item with an open mind.

97 **Chairman's Announcements**

There were no Chairman's announcements.

98 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

99 **Planning Appeals**

The Committee noted the contents of the appeals update.

100 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a, 7b, 7d** and **7e** as listed in the agenda pack.

101 **11/03051/S73A - Whites Farm, Grittenham, Chippenham, Wilts., SN15 4JW**

Public Participation

Mr George Threlfal and Ms Kate Minter spoke in objection to the application.

Mr Tony Doyle spoke in support of the application.

Councillor Owen Gibbs, Chairman of Brinkworth Parish Council spoke in objection to the application.

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

It was explained that this was a retrospective application as the track had already been created. Noise complaints had already been received regarding the activity and the Committee noted that noise levels varied with wind speed and direction. The works were considered to have limited impact and the conditions were sufficient to address the concern over noise. The Committee were reminded that activities such as these can be carried out up to 14 days per year without planning permission.

The Committee then had the opportunity to ask technical questions and it was explained that the permission was for the works, and if refused the works could

be removed however the site could still be used for the activity for up to 14 days per year.

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

The Local Member, Councillor Toby Sturgis spoke in support of the application.

A debate followed during which the need to state a maximum decibel level for the engines was discussed, whether there could be a guarantee on no weekend racing or an informative added which discouraged racing on Sundays, whether a programme could be made available to all, especially residents, and suggested the removal of permitted development rights.

At the end of the debate it was:-

Resolved:

To DELEGATE to the Area Development Manager to grant the application, subject to additional conditions which shall be agreed with the Local Member and shall include noise limits at source, removal of permitted development rights and contents of management plan to be submitted before any use is made of the track.

The proposal is considered to be an acceptable form of development in this particular location. Whilst comprising an alteration to the landform of an agricultural field, the visual effect of development is not considered to be unacceptable in the context of the adjoining M4 corridor. Furthermore, subject to the imposition of appropriate planning conditions, the characteristics of the proposed use of the land would not have an unacceptable impact upon the amenities of neighbouring residents nor upon highway safety. As such the proposed development is considered to comply with the provisions of Policies C3, NE15 of the adopted North Wiltshire Local Plan 2011 and guidance contained in the National Planning Policy Framework.

Subject to the following conditions:

- 1 The land subject to this permission shall be used for the racing and/or practice of motocross motorcycles up to a maximum of 14 days in any one calendar year. Between the months of April and September such racing and/or practice of motocross motorcycles shall not exceed 1 day per calendar month. Between the months of October and March such racing and/or practice of motocross motorcycles shall not exceed 2 days per calendar month.**

REASON: In the interests of securing a use that does not unreasonably present a noise nuisance to surrounding residential occupiers.

- 2 The racing and/or practice of motorcycles specified in condition 1 shall only take place between the hours of 14:00hrs and 20:00hrs, with absolutely no running of such motorcycles (be it either the running of engines whilst the bike is stationary or otherwise) outside of those times.

REASON: In the interests of securing a use that does not unreasonably present a noise nuisance to surrounding residential occupiers.

3. The use hereby permitted shall cease and the land restored to its original conditions within 28 days of the date of the failure to meet any one of the requirements set out in (i)-(v) below:

- (i) Within one month of the date of this planning permission a Event Management Plan (EMP) shall have been submitted for the written approval of the Local Planning Authority. The Event Management Plan shall be a comprehensive document detailing how the site and each event upon it will be managed, and in particular, shall include measures to keep noise levels generated by the use of the site to an absolute minimum. The Event Management Plan, as a minimum, shall include details of how bikes are to be individually checked for compliance with relevant governing body noise emission (Auto Cycle Union) limits prior to use; specification of maximum numbers of motorcycles being run at the site at any one time; a detailed plan for the installation and intended use of PA system during events; a commitment to the provision of at least one period during each of the 14 days the site is used when no motorcycles are in use (such a period shall be of at least 1 hour in length); details of measures for ensuring public health and safety; measures to avoid site contamination; detailed commitment to remove all temporary structures from the site and the restoration of the land to its former condition as agricultural land upon the permanent cessation of motocross (or any other form of motorized vehicle racing and/or practice) and details on how the programme will be made available to residents.

- (ii) Within one month of the date of this planning permission a plan detailing the measures to manage arrivals and departures from the site on each of the 14 days this permission allows for, shall have been submitted for the written approval of the Local Planning Authority. Such details shall include a commitment to implement and enforce phased arrivals and departures from the site. Future use of the site shall be entirely in accordance with the details

contained within the submitted and agreed Noise Management Plan.

- (iii) Within four months of the date of this decision the Event Management Plan (referred to in (i)) and the arrival and departure details (referred to in (ii)) shall have been approved in writing by the Local Planning Authority or if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to the, and accepted as validly made, by the Secretary of State.
- (iv) If an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted Event Management Plan and arrivals/departures plan shall have been approved by the Secretary of State.
- (v) The approved scheme shall be carried out and operated in complete accordance with the approved details and timetable set out in this condition.

REASON: In the interests of securing a use that does not unreasonably present a noise nuisance to surrounding residential occupiers and to ensure the use of the site does not result in the surrounding highway network becoming being placed under strain in the event of participants and spectators arriving and departing from the site within a short timeframe.

- 4. The temporary “porta-loo” block on the site shall be completely removed from the site in the event of events ceasing to take place for a period of 6 weeks or longer. At which time it shall be removed permanently from the site and shall not be reinstalled on the site until the recommencement of events on the site thereafter.

REASON: To ensure the removal of a temporary structure when the site is not in use.

To be advised as additional information.

Informative:

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

Site location plan, date stamped 11th October 2011
LPC/2798/2 – Site layout plan, date stamped 9th September 2011
LPC/2798/3 – Sections 1, date stamped 9th September 2011

REASON: To ensure that the development is implemented as approved

102 **12/02124/FUL - Calne Rugby Club, Anchor Road, Calne, Wilts., SN15 8DX**

Public Participation

Mr Charles Boase, Mr Peter Stubbs and Mr Paul Davis spoke in objection to the application.

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

It was explained that this application was on existing open space and that it was aimed at addressing existing anti-social behaviour issues. Concern over noise had been partially addressed by the use of noise reduction fencing. The Committee's attention was drawn to the late observations which detailed slight changes to the wording in the conditions after legal advice.

The Committee then had the opportunity to ask technical questions and it was explained whilst litter and bins were not specifically mentioned details of maintenance were required as part of the management plan.

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

The Local Member, Councillor Toby Howard Marshall spoke in support of the application.

The ensuing debate highlighted concerns over noise, the site of the target game on the outside wall and the need for a six month review. It was noted that it was for Calne Town Council to manage and care was needed not to micro-manage through conditions. It was suggested that the applicant seek to involve the local schools.

At the end of the debate it was:-

Resolved:

To GRANT Planning Permission for the following reason:

The proposed development, by virtue of its siting, scale, design and materials, will not harm the character or appearance of the site or result in loss of residential amenity to neighbours. The proposal represents a

valuable piece of community infrastructure and therefore accords with Policies C3 and CF2 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. The fences shown on the approved plans shall be erected prior to the first use of the facility hereby permitted and retained in perpetuity thereafter and shall incorporate the neoprene dampening feature as detailed in the Design and Access Statement accompanying the application.

REASON: In the interests of the amenity of the area and the prevention of noise nuisance.

3. No development shall commence on site (including any works of demolition), until a Management Plan, which shall include the following:
 - a) details of any CCTV system to be installed;
 - b) details of proposed hours of operation, including the means by which the facility is to be secured, if applicable;
 - c) details of any schedule of routine inspections/maintenance;
 - d) details of any anticipated Police involvement with the facility; and
 - e) details of any anticipated ongoing dialogue with neighbours of the facility
 - f) details of a review of the facility after the first six months of operation (to assess, amongst other things, opening times, arrangements for security and the locking of gates, site maintenance, litter, weekend staffing arrangements, use of the external target (street snooker) boards and any requirement to remove the boards due to noise disturbance)

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to thereafter. The development shall not be carried out otherwise than in accordance with the approved Management Plan without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general.

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

**Site Plan
Tarmac/Groundwork Specification
Proposed Elevations, Plans and Details
Design and Access Statement**

Received 16 July 2012

**Sports Fencing Specification
Street Snooker Structural Specification
Fencing Noise Dampener Specification**

Received 25 September 2012

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

To be advised as additional information:

Informative:

1. No permission has been sought or given in respect of any external lighting. Thus in the event it is needed, planning permission is required.

Wiltshire Council would encourage the applicants to involve both local residents and local schools in the development of the management plan (which is required in condition 3 of the decision notice) to ensure that as many of their concerns and requests as possible are adequately addressed.

103 **12/01504/FUL - 1 Brockleaze, Neston, Corsham, Wilts., SN13 9JT**

Public Participation

Mr John Raynor and Mrs Margaret Raynor spoke in objection to the application.

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

It was explained there was no impact to neighbouring properties and concerns over the garage had been partially addressed by moving the position of the garage to align with the garage of the neighbouring property.

There were no technical questions asked.

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

The Local Member, Councillor Dick Tonge spoke in objection to the application.

A debate followed during in which concern was raised over the loss of amenity space. Clarity was sought over the ridge height difference and the total m² of the extension, and confirmation was given that a separate application would be needed for a dropped kerb. The Committee noted there were no highways objections.

At the end of the debate it was:-

Resolved:

To GRANT Planning Permission for the following reason:

The proposed development will not have a detrimental impact on the character of the host building or area in general. The proposal will not have an unacceptable adverse impact on the amenities currently enjoyed by the occupants of the neighbouring residential properties. The proposal can accommodate the required amount of parking and will not result in a detrimental impact upon highway or pedestrian safety. The proposal therefore accords with policies C3 and H8 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

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

Plan reference 1908/S01 received on 31st May 2012, additional plans 1908/ garage received on the 11th July 2012 and revised plans 1908/L01A received on the 17th August 2012.

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

3. The development hereby permitted shall not be first brought into use until the access 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

4. No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the door 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

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

- 5 Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the external materials 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.

Informatives :

1. Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
2. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

- 3. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**
- 4. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.**

104 **12/01966/FUL - Deceuninck, Stanier Road, Calne, Wilts., SN11 9PX**

Public Participation

Mrs Jennifer Dunthorne and Mr Beverley Michael Barnes spoke in objection to the application.

Mr Dale Evans spoke in support of the application.

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

It was explained that this application for change of use was related to the existing building only. The Committee's attention was drawn to the changes detailed in the late observations and to condition 15 which detailed the need for an operational statement before any use under the new class. The Committee heard that the existing permission had elements yet to be implemented which included B2 use already and that there were other B2 use operators in close proximity.

The Committee then had the opportunity to ask technical questions and it was explained that neighbouring properties were built after the existing planning permission. A query on conditions clarified that the application sought to extend the range of use, not change it, which limited the conditions that could be placed and concerns raised over car parking were not found as highways had raised no objections. The Committee noted the existing B2 use available on the existing permission.

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

The Local Member, Councillor Chuck Berry spoke in support of the application.

The ensuing debate highlighted the need to continue consultation with residents and concern was raised over granting permission with no confirmed end user. The need to give every opportunity in the future for the site to be used was noted.

At the end of the debate it was:-

Resolved:

To GRANT Planning Permission for the following reason:

The proposed development is considered to be sustainable and appropriate to the location in principle and the attached conditions provide sufficient mitigation to ensure that there will be no harm to residential amenities. The proposal is in accord with policies C3 and BD3 of the adopted North Wiltshire Local Plan 2011 and Paragraph 14 and Section 1 of the National Planning Policy Framework.

Subject to the following conditions:

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

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

POLICY-C3

- 2. The level of noise emitted from the site shall not exceed a Rating level of 45 dB (1hr)(i.e. LAeq(1hr) and free from acoustic features) between 0700 and 2300 hrs Monday to Saturday and a Rating level of 35 dB(5 mins) (i.e. LAeq (5 mins) 35 dB and free from acoustic feature) at any other time as measured on all boundaries of the site at any position where the boundary is contiguous with any part of the curtilage of a residential property.**

REASON: In the interests of protecting the amenity of residents.

POLICY: C3

- 3. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local**

Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY-C3

- 4. No development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.**

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

POLICY-C3

- 5. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority in the form of a separate planning permission in that regard.**

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

POLICY C3

- 6. No further external lighting shall be installed on site whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.**

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

POLICY: C3

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

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

POLICY: C3

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

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

9. a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

POLICY-C3

10.No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions in accordance with the limits defined in condition 2) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building/extension hereby approved is first occupied and shall thereafter be maintained in accordance with the approved details.

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

POLICY-C3

11.The change of use hereby permitted shall be implemented in complete accordance with plans relating to “Building A” granted planning permission under reference 02/01280/FUL and shall retain parking provision and manoeuvring spaces in accord with 02//01280/FUL. The extant and as yet unbuilt extensions to the building subject to this application shall be constructed strictly in accordance with the relevant plans approved under reference 02/01280/FUL unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard or through the discharge of Condition 15 in respect of the layout of the external areas of the site.

Reason: To define the parameters of the planning permission for the avoidance of doubt.

12.Notwithstanding that shown on the submitted plans, there shall be no further doors, windows or any other form of opening whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: For the avoidance of doubt and so as to ensure the amenity of neighboring residents is not adversely affected by the proposal.

13. Prior to the first use of the building or site for the permitted purpose, a 2.0m high close boarded acoustic fence shall be erected in a position adjacent the southern and south western site boundaries adjacent neighboring residential properties.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

14. Prior to the first use of the building for any purpose within Class B2 an Operational Statement shall be submitted to an approved in writing by the Local Planning Authority. The statement shall include but not be limited to:-

- A detailed description of the processes to be undertaken
- An internal and external layout of the building showing how the manufacturing areas will be laid and will operate, the location of storage and offices and the areas for lorry parking, manoeuvring, loading and unloading
- An assessment of the noise emitted from the building assessed on all boundaries of the site at any position where the boundary is contiguous with any part of the curtilage of a residential property and based on the full operational activities of the proposed occupant to assess compliance with condition 2 and noise rating levels contained therein.
- A description of any dust, fumes or odour likely to be produced by internal or external activities and how they will be monitored and mitigated.
- Hours of operation and servicing patterns
- Number of employees and shift patterns

The use shall thereafter operate in accordance with the approved statement.

REASON: in the interests of safeguarding the residential amenities of neighbouring properties.

POLICY: C3

15. 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: 0158/73855; PL/01; PL/02 Dated 09/07/2012

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

Informative:

- 1. Wiltshire Council would encourage any commercial operator seeking to occupy the site to carry out consultation with local residents before occupation in an effort to establish working patterns that seek to minimise the impact upon the surrounding area and in particular the impact on those neighbouring residential properties nearest to the site boundary.**

105 **12/01537/FUL - Fieldhouse, 2 Pickwick, Corsham, Wilts., SN13 9JB**

Public Participation

Mr Williams spoke in support of the application.

The Planning Officer introduced the report which recommended that planning application be refused.

It was explained that the application property was sited in a conservation area and the original planning permission for the terrace had been granted partly due to the fact that the design had been of high quality and reflected that it was in the garden of a listed building, within the Pickwick Conservation area and noted the listed buildings located all around it.

The Committee then had the opportunity to ask technical questions and it was clarified that the application was for an air source heat pump and installation of solar panels.

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

The Local Member, Councillor Alan MacRae spoke in support of the application.

A debate followed during which the need to have balanced approach was highlighted. Concern was raised over caring for the conservation area and development within and the need to generate clean energy was discussed. Guidance on the standard of solar panels was suggested.

At the end of the debate it was:-

Resolved:

To GRANT planning permission for the following reason:

“The proposed retro-fitting of this relative large solar array on the road facing roofslope of this recently erected mid-terrace dwelling is not considered to result in material and substantial harm to the building, adjacent listed buildings or this part of the Pickwick Conservation Area. The proposal complies with Policies C1, C3, NE18 and HE1 of the North Wiltshire Local Plan 2011, Paragraphs 19, 56 and 95 of the National Planning Policy Framework 2012.”

Subject to the following condition:

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

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

106 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.05 - 9.05 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line (01225) 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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

Wiltshire Council
Northern Area Planning Committee
31st October 2012

Forthcoming Hearings and Public Inquiries between 16/10/2012 and 31/05/2013

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

Planning Appeals Received between 26/09/2012 and 16/10/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/04126/OUT	Land South of Filands, Malmesbury, Wiltshire.	Malmesbury/ St Paul Without	Outline Application For Residential Development Comprising of 180 Dwellings and Provision of Land for Primary School	DEL	Refusal	Public Inquiry
12/00089/FUL	The Hirstfield, Hay Lane, Wroughton, Swindon, Wiltshire, SN4 9QS	Lydiard Tregoz/ Swindon BC	Erection of Barn/Implement Shed/Tractor Store & Access Track (Resubmission of 11/02648/FUL)	DEL	Refusal	Written Representations
12/01321/FUL	Sheldon Business Park, Sheldon Corner, Chippenham, Wiltshire, SN14 0SQ	Chippenham Without	Erection of Commercial Building & Associated Parking & Landscaping	DEL	Refusal	Written Representations

Planning Appeals Decided between 26/09/2012 and 16/10/2012

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
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 Works.	COMM	Allowed with Conditions	Permission	Informal Hearing
11/02574/OUT	Land at Widham Farm/Widham Grove, Station Road, Purton, SN5	Purton	Outline Planning Application for up to 50 Dwellings, Access and Associated Works Following Demolition of Two Dwellings	SOS	Appeal Dismissed	Non Favourable Observations forwarded	Public Inquiry
11/02602/S73A	Malford Farm, Main Road, Christian Malford, Wiltshire, SN15 4AZ	Christian Malford	Removal of Agricultural Occupancy Condition.	DEL	Appeal Dismissed	Refusal	Informal Hearing
11/03855/FUL	17 Vale View, Wootton Bassett, Swindon, Wiltshire, SN4 7BY	Wootton Bassett	Erection of Detached House & Garage Including New Vehicular Access (Resubmission of 11/01506/FUL)	DEL	Appeal Dismissed	Refusal	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 31/10/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	11/02978/FUL	MARDREA, THE HYDE, PURTON, SN5 4DX	Erection of 4 no. Detached Houses	Delegated to Area Development Manager
7b	12/03017/S73A	2 Gibb Cottages, Castle Combe, Chippenham, Wiltshire, SN14 7NQ	Change of Use From Existing First Floor From Storage to Tourist Accomodation (Retrospective)	Refusal
7c	12/00850/OUT	Royal Arthur Park, Westwells, Corsham, Wiltshire, SN13 9SF	Amendment to Existing Planning Consent 10/04093/FUL Comprising a Hybrid Application of a Detailed Submission for 36 Assisted Living Units and a Central Village Core Building made up of 22 Linked Assisted Living Units, 38 Close Care Bedrooms, 36 Care Bedrooms, Restaurant, Bar & Cafe Areas, Library, Shop, GP Surgery and Wellness Centre (Pool, Sauna, Treatment Rooms etc) With Associated Landscaping and Infrastructure; The Outline Application Consists of The Surrounding Remainder of the Site for a Further 216 Assisted Living Units with Associated Landscaping and Infrastructure.	Delegated to Area Development Manager
7d	12/01914/S73A	Land at Harrow Grove, Lyneham, Wiltshire, SN15 4AB	Change of Use From Open Space to House Commercial Waste, Erect Fence & Gates (Retrospective)	Permission

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	31 October 2012		
Application Number	11/02978/FUL		
Site Address	Mardrea, The Hyde, Purton, SN5 4DX		
Proposal	Erection of 4 no. detached houses		
Applicant	Mr Jackson		
Town/Parish Council	Purton		
Electoral Division	Purton	Unitary Member	Cllr Jacqui Lay
Grid Ref	409670 187722		
Type of application	FULL		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Lay has requested that the application be considered by the committee to assess the private road serving many other houses. The access road is designated as a public footpath and there is no public vehicular access along the footpath only private access to the houses already on the route. There are also concerns about existing private sewers not being adequate to take further connections. With the new legislation for Water Authorities to take responsibility of private sewers reassurance is needed that the private sewers in this area will be a priority before any further developments take place. There are also concerns that one of the houses will be over powering to the host property.

1. Report Summary

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager for APPROVAL subject to:

- conditions; and
- subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space; refuse/recycling bin provision on site and an indemnity agreement whereby vehicular access is permitted to all properties on the site.

2. Main Issues

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

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

The application has generated objection from Purton Parish Council and 22 letters of objection.

3. Site Description

The application relates to a plot of land currently forming the curtilage of Mardrea. Mardrea is a detached bungalow set at the eastern end of The Hyde, a private road. The site is roughly rectangular and extends to an area of 0.3 hectares, set within the defined Settlement Framework Boundary. The site is bound by residential to the north, south and west and characterised by a combination of bungalows and houses. Open countryside lies to the east.

4. Site History

There is no history of relevance to this application.

5. Proposal

The application seeks permission for the erection four, detached, two storey 4 bedroom properties. Each property would benefit from a detached double garage.

Since submission the scheme has been revised in respect of increasing the garage sizes, visibility splay details and more recently the revision of the access arrangements to provide further separation from those properties along the western boundary. In respect of this latter change immediate neighbours are currently being consulted on this change at the time of preparing this report.

The access within the site is to be maintained at 5.5 metre wide access incorporating turning facilities proposed to the west of this access. The development will facilitate turning for refuse vehicles.

The dwellings will have north/south aspects and will be constructed of render and reconstructed stone along with grey slate and plain brindled tiles.

The dwellings are all proposed to be uniform in appearance.

In terms of drainage the site itself is not served by public surface or foul water sewers. This is the same for many other properties in the vicinity. Considerable negotiations have taken place in respect of drainage to ascertain the acceptability of foul and surface water drainage in principle to enable conditions to be imposed in respect of this.

To this end the applicant submitted in September 2012 a Drainage Feasibility Study prepared by CPLC Water Ltd this considered mainly surface water drainage and confirms in respect of foul that connection to Thames Water mains is the preferred method.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy
NE14 – Trees and the Control of New Development
H1 – Required level of Residential Development
H3 – Residential Development within Framework Boundaries
CF3 – Provision of Open Space

NPPF

7. Consultations

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

The Parish Council is of the opinion that the proposed development contravenes Policy C3 of the Local Plan. The layout and scale is for four two storey dwellings being some 10 metres to the eaves, 16.5 metres to the ridge, there are open fields, large gardens on two sides and bungalows on the other two sides of the development site. Plot four is of particular concern as it is on higher ground and only 16.5 metres from the nearest bungalow (Mardrea). The Parish Council is concerned that the two storey dwellings will have an overbearing effect on the neighbouring bungalows and have a detrimental effect on the amenity value of the bungalows.

With regard to the access it would be preferable for a turning circle to be provided where the private drive adjoins Hyde Lane and should be suitable for heavy vehicles. Likewise if granted permission the access drive should be able to sustain heavy vehicles as it may have to accommodate fuel delivery vehicles as there is no gas supply in the area, also refuse vehicles etc.

Hyde Lane is an un-adopted road and is a designated footpath (No. 72) which raises questions about its use by vehicles. The lane is poorly surfaced with sporadic street lighting, the width of the lane is not consistent being only 2.7 metres (hard tarmac surface) wide at its narrowest points. There is no footway hence walking along the lane is hazardous for pedestrians. The access onto the junction of Church Street, The Square / Station Road is difficult. There is very limited visibility at this point due to the lack of visibility splays.

The existing sewerage network in the immediate area is already overloaded with dwellings in Kings Acre suffering problems due to the poor condition of pipe work and volume of sewage. Storm water discharge from the proposed dwellings and driveways is of concern and the effect it will have on Mardrea and No.24 The Hyde as both properties are lower than the development site.

Drainage Engineer – the application has been the subject of considerable discussions and negotiations in respect of the matter of drainage, correspondence in respect of this is available on the planning file.

Following the receipt of the Drainage Feasibility Study, the Drainage Engineer has confirmed the following in respect of surface water treatment:

“The use of permeable block paving for access road and driveways as well as garden areas will allow the proposed site to remain as greenfield. The houses and garages make up 20% of the site and surface water from here will be controlled via a well sized soakaway, unlike many other properties in Hyde Lane. This is the next item to point out is that all calculations and subsequent SUDS designs within the report cater for 100-year storm events plus a 30% allowance for climate change increase and; discharge from the site is not expected to exceed 2 litres per second during a 100yr event with 30% climate change allowance. Most new developments will only design drainage up to 30yr events as it is otherwise costly and pretty much difficult to defend against such events. Based on this, the proposed site will control normal rainfall events easily. Failing this, there is an option to use storage tanks (10m x 5m x 2m), which provides storage for 100m³ or split into 2 or 3 tanks.

*As for overland flows from the proposed site, I believe the report has covered this also, with a number of individual options or combined options. Overland flows created south of the site can be deflected towards the open fields with a bund. ... the scoping report shows surface water management required can be achieved. The **detailed** drainage report will determine the exact method of **how** this will be achieved.*

A detailed drainage scheme/report will be required prior to development commencing as drainage consent will be required from us.

The receiving ditch does not require reconditioning and no work is required on the culvert downstream to increase its capacity. Drainage consent will be required for discharge into the watercourse and this is provided by Wiltshire Council.

My recent investigations in Purton for my report update, suggest that existing drainage problems in Hyde Lane are caused by a poor (dated) drainage system, which is poorly maintained, including a poorly maintained ditch that has been piped in places with undersized pipes. This is without considering the condition of private systems, soakaway and pipes.

In terms of foul drainage, the applicant has confirmed their preference is for a connection to the mains and Thames Water sewers. Following this as well as the report, the officer comments this is the Council's preferred method also but also:

"...The sewage treatment plants are an option, but discharge to the spring fed watercourse may not be as the flow in the stream is quite low at times. The best option for STP discharge is into the field north of the site. However, recent enquiries have revealed that the current owner of the field has deceased and the new owner will need to be determined and approached."

County Highways – Recommends that no highway objection be raised subject to conditions which include retention of parking, turning spaces, visibility splays as well as a Construction Method Statement. Discussions with highways in response to questions being raised regarding the dual use of the private lane and footpath confirm that for private roads the frontages have rights off access and any dwellings by association.

Public Rights of Way Team – The only public right of way that is in the vicinity is Purton Footpath No.72 which basically runs along Hyde Lane, north of the planned development. From a public rights of way perspective there would be no objection to the application except to comment that once the entrance / exit is created that there is good visibility for all. Normally mechanically propelled vehicles are not allowed on public footpaths and would need permission from the landowner.

Given the footpath also serves as a private road, this is not wholly applicable.

Senior Waste Technical Officer – in response to questions raised regarding the current means of refuse collection in the area where this part of The Hyde requires a refuse vehicle to reverse down to collect refuse from properties including Mardrea:

"We maintain that our drivers have had to alter the way they collect from existing because of access problems. We have had to respond to a number of missed bin cases in the area because of our inability to get along the access roads. These instances are inconvenient to residents and they add a cost to running our service because we have to divert vehicles from elsewhere in north Wiltshire to attempt to collect the next day.

However, given comments from colleagues in highways and further consultation of the plan, we can see that access to the site is technically feasible and therefore it would be difficult for us to justify objecting to the plans.

Our experience shows that what is technically feasible in plans and what happens in practice are often different things; one inappropriately parked car can hamper our operations significantly, as the missed bin cases show. The concerns we have expressed were offered with the intention of making sure that we can deliver services to customers effectively on their collection day.

The issue of the indemnity, as discussed in emails earlier, still applies to ensure that we can make collections from within the new development."

Principal Ecologist – No objections.

Public Open Space – It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required.

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

Thames Water –has no objection in principle to the development but does have concerns regarding how the development will dispose of sewage. We would recommend that if the development is granted planning approval it is done so with a Grampian planning condition along the following lines.

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed”.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

The consenting of sewage treatment package plants is a matter for the Environment Agency and I would therefore recommend you contact them for comment on the developer’s proposal

It would be Thames Water’s preference that the developer connect the development via gravity, to our assets but draw your attention to the fact that our assets are located some distance away. If a gravity connection was not appropriate then our second preference would be for the development to be pumped to public network.

8. Publicity

22 letters of objection have been received in response to the original proposals. In summary, the following concerns have been raised:

- The access road is private and residents have to maintain the surface;
- Foul water drainage facilities, there is no main sewer within 200 metres of the site;
- Construction and large vehicles and emergency vehicles will struggle to gain access;
- Increase in vehicular traffic;
- Density of development, would be out of keeping with surrounding area;
- The development would not make a contribution to improving the quality of life for existing residents;
- Loss of privacy;
- Loss of amenities due to additional traffic, noise and light pollution;
- Highway safety – Hyde Lane has no separation for pedestrians and vehicles;
- Application 09-1918 was rejected by the highways department on the basis of Hyde Lane being unsuitable for increased vehicular movements;
- Refuse vehicles will still have to reverse down this part of the lane because they are not able to turn right from The Hyde;
- The lane exit turning left in The Hyde / Parkside is a blind corner and not suitable for an increase in traffic;
- Shining of headlights into objectors property;
- The access point for the proposed development is close to the exit point of the driveway for No.25 The Hyde which is a blind exit onto the road;
- Believe it will affect the habitat of bats, deer, foxes and hedgehogs;
- Loss of light; and
- The road is a public right of way used by walkers and horses.

No consultation responses have yet been received in respect of the revised access arrangements.

9. Planning Considerations

Principle of Development

Policy H3 of the Local Plan states that proposals for residential development, including residential institutions and applications to renew permissions for residential development, within the Framework Boundaries will be permitted provided that a number of criteria are met including: priority is given to the re-use of previously developed land and buildings; and the most efficient use of the land is achieved compatible with the site's location, its accessibility and its surroundings.

Paragraph 53 of the NPPF states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The emerging Wiltshire Core Strategy will supersede some of the policies contained within the current North Wiltshire Local Plan 2011 including policy H3. Core Policies 1 and 2 would replace policy H3 of the Local Plan. Core Policy 19 of the draft Core Strategy defines Purton as a large village. Core Policy 2 states that within the limits of development, as defined on the proposals maps, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

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

In terms of density, based on the site plans submitted, the site would be approximately 0.3 hectares and the density would therefore equate to approximately 13 dwellings per hectare. This is well below the minimum density set out within Policy H3; however, it is acknowledged that the National Planning Policy Framework states that planning policies and decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

The surrounding area is generally characterised by relatively large properties within large plots and a density of 13 dwellings per hectare is considered acceptable in this instance.

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

Design and Appearance

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

The surrounding residential area is characterised by properties of a mixture of architectural styles and designs, with some bungalows including the host property Mardrea and some two storey properties.

The properties would each be two stories in height measuring approximately 4.7 metres to the eaves and 8.4 metres to the ridge and constructed of natural colour render with stone lintels on a multi-red brick plinth and grey slate and plain brindled tiles. A condition requiring the submission of sample materials is recommended to ensure they are of sufficient quality.

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

Residential Amenity

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

In terms of the affects of development on the host property, Mardrea is a bungalow. Plot 4 would retain a distance of approximately 16.5 metres from the rear wall of Mardrea and would include no ground or first floor habitable room windows in the east elevation facing this property.

Plots 2 and 3 are some 30 metres distance of the rear elevation of Mardrea and this is considered well in excess of the 21 metres usually advocated and as such this is not considered objectionable.

The recently revised internal access is now some 11 metres from the western end of Mardrea and this is considered to be sufficient to avoid any noise nuisance concerns.

Turning to residential amenity considerations for adjacent properties, the properties to the west are considered first.

In response to officer concerns in respect of the proximity of the new access to 23b The Hyde, and Collingdale, the access was moved eastwards to ensure a separation of no less than 10 metres. This amendment enables the provision of suitable landscaping to assist in buffering the development from the above properties in the interests of neighbour amenity.

The first floor window in the front elevation of Plot 1 will have an oblique outlook towards the property known as Collingdale (a bungalow); however in light of the angle and distance of some 28 metres, this is considered to not be harmful. A first floor window in the side elevation of Plot 1 serves a bathroom and will be conditioned in respect of the need for it to have a limited ventilation stay as well as being obscure glazed.

Plots 2 is some 60 metres distance to the rear of Bramble Lodge and whilst the west elevation of plot 3 would include a first floor bedroom window facing Hyde View House, this elevation is situated approximately 51 metres from the rear elevation of this property. Accordingly, no loss of amenity is considered to be found in respect of this development on those existing dwellings.

For the avoidance of doubt in light of consultations on householder permitted development rights, it is considered appropriate to withdrawn permitted development rights for the 4 new dwellings.

It is accepted that the new access arrangements will result in an increase in activity in the vicinity of 24 and 25 The Hyde, but this is not considered to be sufficiently harmful as to warrant a refusal on this ground.

In consideration of the above the proposed development would not be materially detrimental to the amenities of neighbouring occupiers in terms of overlooking or overshadowing to substantiate any reason for refusal and its defence at appeal.

Parking and Highway Safety

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

In December 2010, new minimum car parking standards were introduced. As part of these standards, the Council has taken the view that garages are no longer allocated parking provision, except where there are overriding design considerations. Three car parking spaces are required for a four bedroom property.

Each property would have a double garage and space to park at least two vehicles.

The Hyde is a private road with public footpath. Frontages (not specific properties) of land off the lane automatically benefit from access rights. The highways team advise that considering the number of properties that are located using Hyde Lane / The Hyde, it is not considered that an additional four dwellings would represent a significant number of additional movements relative to the number of existing properties served off the Hyde and Hyde Lane, nor would it cause significant harm to the footpath and any users. On entering this part of the The Hyde it will be apparent to users of the residential properties and their associated accesses to treat the area with caution.

On balance, it is not considered that the introduction of a further 4 properties would exacerbate the existing situation in respect of the private road or footpath to such an extent as to create material harm to highway safety or warrant refusal of planning permission.

The concerns of residents in respect of the effects of the construction process and vehicles visiting the site are appreciated and to this end it is proposed to attach to any permission a condition in respect of the provision Construction Method Statement.

There will be no change to current refuse vehicle movements, however, the site does facilitate collection of refuse and waste and the ability to enter the site and leave it in a forward gear. Thus after much consideration, no objection is raised in this respect. The applicant is required to enter into an agreement whereby future owners will not deny access to such vehicles.

Drainage

The site is situated within flood zone 1 (lowest probability of flooding). Flood Risk Assessments are not required on sites within flood zone 1 unless they exceed 1 hectare in size. The site extends to approximately 0.3 hectares.

Although the site is situated within flood zone 1, the Environment Agency does not show flooding from surface water on their published maps just fluvial flooding. The area is well known, has very poor drainage and experiences flooding problems particularly downstream of the site. The soil is not well drainage as it is made up of clay and there is a high water table. As a result any increase in runoff will add to the problem downstream.

The issue of drainage has been discussed at length between the officers, local member and the applicant's drainage agent.

Arising from these negotiations was the need for percolation tests which were carried out in accordance with BRE365, the industry standard method to determine size and site suitability for Soakaways. These tests were supported by documented results and then informed the Drainage Feasibility Report.

The report concluded that full attenuation may be achieved through a combination of methods, according to the percolation test information provided. It was the purpose of the report to establish broad principles in light of overwhelming objection to the proposals. Given the cost implications for the applicant in light of objections not solely on drainage grounds, there is reluctance to undertake more detailed assessment. Further following the establishment of principles, a detailed design assessment can be conditioned.

All drainage calculation and design has accounted for a 100 yr return period design event including a 30% allowance for climate change. The scheme has been designed through the use of permeable block paving for the access road and driveways and grassed garden areas to allow the site to remain as greenfield for the purpose of calculating run-off rates.

The houses and garages make up 20% of the site and surface water from here will be controlled via a well sized soakaway Thus the standard of surface water drainage that can and will be

applied to this development is better than much of the surrounding development and will not exacerbate the already poor situation. Accordingly, the proposed sites will control normal rainfall events easily and there is also an option for the use of storage tanks (10m x 5m x 2m) which provides storage for 100m³ or split into 2 or 3 tanks.

Overland flows can be managed and the detailed drainage report will determine the exact method of how this will be achieved.

A receiving ditch does not require reconditions and work is required on the culvert downstream to increase its capacity. Separate drainage consent is required for discharge into the watercourse and this is provided by Wiltshire Council.

The detailed drainage assessment to be conditioned and as part of this assessment further site specific tests i.e. borehole tests to check for clay pockets, levels depth and groundwater. This will provide further clarification and identify the potential for deeper storage solutions/soakaway areas and/or the necessity to use impermeable storage structures. Such tests cannot locate springs; there is no assured method to defend against springs which are reported in the area.

In terms of the foul drainage, the applicants maintain their preference for mains connection to the Thames Water system and Thames Water raises no objections subject to conditions. There are some 9 properties in The Hyde in need of mains connection. The nearest connection point to Mardrea and the proposed houses would be through the gardens of Collingdale and Sunnyside to reach the Hyde at manhole 5603.

However, a sewage treatment plant (STP) is considered as another option in the event no mains connection can be achieved. STPs do not require discharge onto land for infiltration. To determine suitability Independent Drainage were instructed to advise both by CPLC Water as well as the Council's Drainage Officer who confirmed the operation could take place at the site.

There are known problems upstream of Mardrea which have septic tank systems which be causing existing problems. Mardrea has a system which is not causing problems.

In response to ongoing concerns from neighbours, water from STPs will probably not get piped to a watercourse. However, this would be for the determination of the Environment Agency. The flow in the stream is anticipated as being too low and thus land might need to be acquired from the adjacent agricultural field which is an ideal alternative to the watercourse if landowner consent is established. The Environment Agency would approve the STPs.

The stream would not need reconditioning or reinstatement.

Questions have been raised by neighbours regarding the credentials of the plumbing comments made in the Study regarding time constraints. These time constraints are essentially related to the application process and the need for a resolution to the issues relating to this site.

Sufficient information has been submitted to establish that surface water management required can be achieved. As such a condition relating to the detailed drainage report will determine the exact method for foul disposal and surface water drainage. In light of other in principle objections from residents and the Parish Council to this development, it would be unreasonable to require the applicant to submit a detailed study, drainage design and recommendations at this stage. No such approach has been required by officers in respect of any other development of a comparable scale in Purton.

Trees

Policy NE14 of the Local Plan 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 the development.

A tree survey has been submitted in support of the application, this includes an Arboricultural Implications Assessment, a Preliminary Arboricultural Method Statement and a Tree Protection Plan.

It is proposed that 8 trees be felled as part of the development to facilitate the proposed new access. These trees include: an overgrown Hawthorn hedge alongside Hyde Lane; 4 Norway Spruce; a Laburnum; and 2 Norway Maple. Each of these trees is categorised as a Category C tree (those trees of low quality and value). The Council's tree officer has advised that none of these trees are considered worthy of retention as they are growing very close to each other and their visual amenity has been compromised as a result.

It is proposed that a Field Maple to the east of the existing driveway and a Silver Birch on the boundary with 23b Hyde Lane be retained. These are both categorised as Category B trees (those trees of moderate quality and value). The tree officer has advised that the Silver Birch does have a high amenity value and is currently physically separated from the rest of the tree ground by a section of close boarded fencing. This should be retained, as should the Field Maple which is a mature specimen and has a good shape even though its root area is limited due to the current access onto the site.

Conditions relating to a landscaping scheme, tree protection and submission of a detailed arboricultural method statement are recommended. Subject to these conditions, the proposed development would comply with the requirements of policy NE14 of the Local Plan.

Additionally, since the conditions referred to above are only relevant once development commences, another condition is proposed to prevent removal regardless of development commencing.

Planning Contribution

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

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

In addition, a contribution is required in respect of waste and recycling provision based on guidance contained in the Wiltshire Council Waste Collection Guidance for New Developments published in 2011. The contribution is £121 per dwelling, totalling £484.

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

10. Recommendation

DELEGATE to the Area Development Manager for APPROVAL subject to:

- the receipt of a revised red line plan to include the new access provisions;
- the expiry of the associated consultation period in respect of the revised red line on the basis that no new issues are raised; and
- subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space, refuse/recycling bin provision on site and an indemnity agreement.

For the following reason:

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway, rights of way or pedestrian safety. The proposed development would not be harmful to existing trees and would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere. In this way the proposed development is considered to comply with the provisions of policies C3, NE14, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within the National Planning Policy Framework.

And Subject to the following conditions:

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

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

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

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

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

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

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

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

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

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

POLICY - C3 of the North Wiltshire Local Plan 2011.

5. No retained trees shall be cut down, uprooted, or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place at a size and species planted at such time that must be agreed in writing with the Local Planning Authority.

The protective fencing shown on Tree Protection Plan Dwg No. 111114-MHL-TPP-LI&AM shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen, or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity in accordance with policy NE14 of the North Wiltshire Local Plan 2011.

6. No demolition, site clearance or development shall commence on site until a Detailed Arboricultural Method Statement prepared by an arboricultural consultant providing comprehensive details of construction in relation to trees shall be submitted to and approved in writing by the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following :-

- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005;
- Details of general arboricultural matters such as the area for the storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and

procedure for notifying the Local Planning Authority of the findings of the supervisory visits;
and

- Details of all other activities which have implications for trees on or adjacent to the site.

REASON: In order than the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with policy NE14 of the North Wiltshire Local Plan 2011 and the current best practice and Section 197 of the Town and Country Planning Act 1990.

7. The development shall be carried out as specified in the approved Arboricultural Method Statement and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works in accordance with policy NE14 of the North Wiltshire Local Plan 2011.

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

REASON: To ensure that the development can be adequately drained in accordance with policy C3 of the North Wiltshire Local Plan and the guidance contained with the National Planning Policy Framework.

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

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

10. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (LPC 2805.11.03 'Proposed Residential Development' dated 3rd August 2011). 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.

11. The development hereby permitted shall not be first brought into use until the first ten 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 in accordance with policy C3 of the North Wiltshire Local Plan 2011.

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

REASON: To safeguard the amenities and character of the area and in the interest of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

13. 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.

14. Before the development hereby permitted is first occupied all bathroom and ensuite windows at first floor level shall be glazed with obscure glass only and fixed with a ventilation stay restricting the opening of the window and shall be permanently maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

15. 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.

- LPC.2805.10A – Site plan, date stamped 27 September 2012
- PLC.2805.10A – Site plan with red line date stamped 16 October 2012
- LPC.2805.11.04A – Site plan visibility splay and refuse vehicle, date stamped 27 September 2012
- LPC.2805.11.05A – Floor plans, plots 1, 2 & 3 – plot 4 handed, date stamped 3rd October 2011
- LPC.2805.11.06 – Elevations plot 3, plot 4 handed, date stamped 1st September 2011
- LPC.2805.11.07 – Elevations plots 1 & 2, date stamped 1st September 2011

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

Informatives

1. Thames Water will aim to provide customers with a minimum pressure of 10 m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	31 October 2012		
Application Number	N/12/03017/S73A		
Site Address	2 Gibb Cottages, Castle Combe, Chippenham, Wiltshire SN14 7NQ		
Proposal	Change of Use From Existing First Floor From Storage to Tourist Accommodation (Retrospective)		
Applicant	Mr R Neale		
Town/Parish Council	Castle Combe		
Electoral Division	By Brook	Unitary Member	Cllr Jane Scott OBE
Grid Ref	384305 178293		
Type of application	Retrospective		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Scott in order to consider the impact on the proposal on the environment

1. Purpose of Report

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

The proposal is supported by the Parish Council.

2. Main Issues

The main issues in considering the application are:

- Principle of development under the existing and emerging development plan
- Impact on the character and appearance of the area and AONB
- Impact on the local economy
- Impact on highway safety

3. Site Description

No.2 Gibb Cottages is the central of a terrace of three modest dwellings located adjacent to the B in open countryside approximately one mile North of Castle Combe. The site is located within an Area of Outstanding Natural Beauty and is, for the most part, surrounded by agricultural land. To the southwest of the residential curtilage of no.2 is a modern timber-clad barn/workshop, with a separate vehicular access from the adjacent land and pedestrian access from the rear garden of the dwelling. The building is one-and-a-half storeys in scale and approximately 17.5m in length, with large timber double doors at intervals along its northwest elevation, and external steps to the first floor from its southwest end. Four rooflights have been installed into the southeast plane of the roof, which is otherwise finished in weathered double roman tiles. To the immediate southwest of the building is a gravelled parking area sufficient in size to accommodate two vehicles, and the area parallel to the northwest frontage is also used for this purpose. The area to the North and West of the building is now rather domestic in appearance; laid to lawn, with a surrounding gravelled vehicular track.

In line with the original permission for the erection of the building (see planning history, below), the ground floor remains in use for the business run by the occupant of no.2 Gibb Cottages and could be termed a mixture of workshop, office and storage space. Above, the first floor has been converted into a self-contained unit, which is intended for use as a holiday let independent of the main dwelling. The accommodation is set out on a linear arrangement comprising (from southwest to northeast) living space, kitchen, double bedroom and en suite bathroom.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/08/02609/COU	Change of Use of First Floor of Outbuildings to Tourist Accommodation	Refused
N/06/02640/FUL	Erection Of External Staircase, Insertion Of Doorway and Increase Height of Existing Workshop	Permission
N/05/00807/FUL	Erection of Workshop and Storage Building	Permission
N/05/00005/FUL	Erection of Workshop and Storage Building to Replace Existing Stables	Withdrawn

5. Proposal

The application seeks to change the use of the upper floor of the building from B8 (storage), as originally permitted, to tourist accommodation only. No details on when or for how long at a time the accommodation is to be available have been put forward by the applicant. There are no further changes to the fabric of the building proposed, given that the internal arrangement is already adequate to serve the proposed purpose. The ground floor space is proposed to remain as B1 (light industrial/office) and B8 use as per the original permission.

6. Consultations

Castle Combe Parish Council – support, however noting some concern in respect of the mixture of uses proposed

Highways Officer – objects on grounds of the increased use of an inadequate access

7. Publicity

The application was advertised by site notice and press advert.

Three letters of support received.

Summary of key relevant points raised:

- Lack of harm to rural environment and residential amenity
- Contribution to rural economy

8. Planning Considerations

Principle of development

The proposal is considered incompatible with principles of tourism development as set out under the current policy framework. It is notable that Policy TM1 of the North Wiltshire Local Plan has not been saved and is therefore irrelevant. The relevant policies, RLT9 of the adopted Wiltshire and Swindon Structure Plan and Core Policy 39 of the emerging Wiltshire Core Strategy are unequivocal in their approach to tourism development and form the basis of the recommendation.

Both policies stipulate that holiday let-type accommodation should be focused on the existing settlements, where it is well connected to local shops and services. Exceptions to this approach may be found where there is particular justification, such as proximity to a specific tourist attraction and/or shortfall of alternative accommodation, for example. However, there is no evidence to suggest that this is the case in this instance.

Impact on the character and appearance of the area and AONB

The proposal does not seek any further alterations to the building and, conversion already having taken place, is only noticeably evident from the installation of rooflights in the southeast roof plane. Conversion of the building itself, therefore, is unlikely to significantly alter local character.

However, it is reasonable to expect some degree of outdoor amenity space to be associated, however informally, with the accommodation. The impact of increased activity and domestication of the surrounding space is a relevant consideration, and it is likely that this effect, which has already occurred to some extent, would be perpetuated if this application were successful, to the detriment of its rural setting and the character of the AONB.

Impact on the local economy

Given the remote location of the site, there is little to suggest that tourist accommodation at the site would bring any meaningful economic benefit to the immediate local area. Alternative accommodation around Castle Combe, a significant attraction, is available, with at least 36 hotels and B&Bs within 5 miles of the village and a hotel within 500m of the site itself.

The proposal relates to the change of use of business floor space; the original application for a workshop/storage building having been justified as an exception to planning policy and regarded as B1/B8 use, subject to a personal tie. It is considered that in fact the proposal could be detrimental to the local economy by undermining the viability of the existing business, both through the physical loss of space and through incompatibility of uses in respect of nuisance and amenity.

Impact on Highway Safety

The previous application for a similar scheme was refused in part due to a highways objection, owing to the limited visibility at the access junction with the main road and therefore the increased use of an inadequate access. Since the time of that application, it is suggested that the owners of the adjacent property, Woodbury House, have cut back the hedge that previously obstructed views northwards from the junction, improving visibility. However, as the aforementioned hedge and associated land is in the control of neither the applicant nor the Local Authority, this cannot be considered a permanent and material improvement to the situation, and its maintenance cannot be secured by condition. For this reason, the previous highways objection still stands.

Conclusion

It is considered that the proposed conversion constitutes inappropriate development in this location, and is incompatible with the relevant planning policy considerations relating to the distribution of tourist accommodation. The loss of the commercial floor space on the grounds of which the building was originally permitted is considered unacceptable, and could render the occupant local business unviable. The inevitable domestication of the adjacent land would further erode the rural character of the site, to the detriment of the wider AONB.

Concerns raised at the refusal of the previous application, in respect of inadequacy of access to the site, have been withdrawn by the Highways Officer in acknowledgement of the improvement works that have been undertaken to the verge to the northeast of Gibb Cottages. However, the location of the site for these purposes remains inherently unsustainable, and this is a relevant consideration.

Regard has been paid to the content of the National Planning Policy Framework, in particular Section 3 '*Supporting a prosperous rural economy*'. This document places an emphasis on sustainable rural tourism supporting local business and communities, and also development generating local employment. As the proposal satisfies neither of these criteria, it is considered that the application fails to justify the material harm in which the proposed development would result, as set out above.

9. Recommendation

Planning Permission be REFUSED for the following reason:

The proposed development, by reason of its location, siting, and associated amenity space will harm the character and appearance of the site and the rural setting of the AONB. The proposal represents an unjustified new development in the open countryside at the expense of a local business. Tourist accommodation in this inherently unsustainable location will also lead to the increased use of an inadequate access, to the detriment of highway safety. The proposal is therefore contrary to Policy RLT9 of the adopted Wiltshire and Swindon Structure Plan, Policies C3, NE4 and BD2 of the adopted North Wiltshire Local Plan 2011 and Core Policy 39 of the emerging Wiltshire Core Strategy.



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WILTSHIRE COUNCIL

NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	31.10.2012		
Application Number	N12.00850.FUL		
Site Address	Royal Arthur Park, Westwells, Corsham, SN13 9SF		
Proposal	Amendment to Existing Planning Consent 10/04093/FUL Comprising a Hybrid Application of a Detailed Submission for 36 Assisted Living Units and a Central Village Core Building made up of 22 Linked Assisted Living Units, 38 Close Care Bedrooms, 36 Care Bedrooms, Restaurant, Bar & Cafe Areas, Library, Shop, GP Surgery and Wellness Centre (Pool, Sauna, Treatment Rooms etc) With Associated Landscaping and Infrastructure; The Outline Application Consists of The Surrounding Remainder of the Site for a Further 221 Assisted Living Units with Associated Landscaping and Infrastructure.		
Applicant	Mr H Chan, Lunney Assets Corporation, Castletown, Isle of Man, IM9 1AX		
Town/Parish Council	Corsham		
Electoral Division	Corsham Without & Box Hill	Unitary Member	Councillor Tonge
Grid Ref	385155 168412		
Type of application	Full		
Case Officer	S T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Under the Council's Scheme of Delegation Specific to Planning, Councillor Tonge has requested this application be considered by the Northern Area Planning Committee to enable the consideration of traffic issues in relation to other approved applications.

1. Purpose of report

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

2. Report summary

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

- Principle of development – previous permission
- Recent permissions and applications in vicinity of site
- Impact upon highway safety
- Design and appearance
- Ecology

The application has generated 31 letters of objection from residents. The Corsham Town Council support the proposal, but remain concerned about increased traffic upon Westwells and Neston.

3. Site Description

Located at the southern end of Westwells Road, the 10.0Ha Royal Arthur site is an ex. Royal Navy training centre now in private ownership. The site has remains disused since 1995 with many of the existing buildings now being in a poor state of repair. The site is largely covered with hard surfaces and is defined from the wider agricultural land by a wire mesh perimeter fence.

The Royal Arthur site is accessed from Westwells Road via a private lane, understood not to be under the control of the applicant.

The site is poisoned outside of any Settlement Framework Boundary defined in the adopted North Wiltshire Local Plan 2011, therefore by default being part of the countryside in planning policy terms. The site is not part of the Cotswolds AONB or the Bath and West Wiltshire Green Belt.

4. Relevant Planning History		
Application Number	Proposal	Decision
05/02094/OUT	Retirement care village – 72 bed care home and 304 assisted living apartments	Refused 19/12/05 Appeal dismissed 09/11/06
08/00133/FUL	Continuing care retirement community – 75 bed care home and 221 extra care apartments	Permission 11/11/08
10/04093/FUL	Application to extend time limit for implementation of permission 08/00133/FUL	Permission 22/06/11

5. Proposal

This application seeks permission for the redevelopment of the ex. HMS Royal Arthur site for retirement or continuing care type village development. The application is submitted pursuant to the recent grant of a replacement planning permission under 10/04093/FUL and the earlier permission under 08/00133/FUL for similar.

Broadly comparable with the earlier permissions on this site, this application comprises a 97 bed nursing home together with 221 “assisted living units” (similar in concept to the “extra care apartments” referred to in the earlier permissions). The proposal again includes the provision of on-site restaurant, bare, cafe, library, shop, GP surgery and wellness centre.

Conceptually the application remains as that approved under 10/00133/FUL, providing for a spectrum of care needs for the elderly including a degree of independent living. The quantum of development also remains similar: 97 bed care home (albeit now described as 36 “care beds”, 38 “close care units” and 23 “linked assisted living units”, all contained within a single care home type building) together with 221 separate apartments (ie. flats that are individually occupied and owned, but still retaining a varying degree of care provision from the operator). What has altered is the layout of the development and the scale, design and massing of its built form. It is understood that this is to reflect the differing operating model of the new prospective care operators.

The application is submitted as a hybrid in that detailed permission is sought for the central part of the site (including the 97 bed nursing building, ancillary facilities, open space and 36 of the assisted living units). The remainder of the development has been submitted as an outline application with all matters except access for later consideration.

6. Planning Policy

North Wiltshire Local Plan 2011 Policies:

C3 (general development control policy)
NE15 (landscape character of countryside)
NE9 (protection of species)
NE20 (re-use of military establishments in countryside).

7. Consultations

Corsham Town Council – *“Resolved: that the application be approved. Councillors were concerned about the impact of increased traffic on Westwells and Neston of this and other applications on the area and would ask that Highways be made aware of these concerns.”*

Highway Officer – *“On my assessment this proposal reduces the number of care beds by one but adds an additional 52 residential units in comparison to the existing permission.*

I have examined the Transport Assessment and also the Transport Assessment for the approved scheme. These show that current scheme will generate an additional 16 movements in the morning peak, 22 movements during the busiest hour and 12 movements in the evening peak. The traffic generation figures were agreed in respect of the previous permission and I see no reason to dispute them. In view of the small levels of additional traffic I consider that the effect on the highway network will be insignificant.

Clearly the location is another issue. The proposal introduces additional dwellings into a green field location which is remote from existing facilities and a lengthy walk from the nearest bus stops. I note that some core facilities are to be provided on site and a demand responsive transport facility will also be provided. In addition the principle of this use on the site has already been established. In view of this I do not consider that an objection on sustainability grounds is appropriate.

Although the number of units is increasing, no increase in parking provision is proposed. Given the distance of the site from the public highway any parking problems would be confined on site and would not affect the highway. However the applicant may wish to consider the identification of suitable areas where additional parking can be provided if a need is established.

Subject to a S106 agreement in the same terms as the previous permission there is no highway objection to this application. Conditions 13 – 16 of the previous permission should also be imposed for this application.” (Note: the above comments were produced in relation to originally submitted plans. New amended plans reduce unit numbers further to 97 bed nursing home and 221 assisted living units).

Environmental Health Officer – No objections subject to conditions.

Council Ecologist – *“Following on from the recent resubmission of revised landscape plans and additional bat survey information for the above site, please see attached a revised copy of the appropriate assessment for the site. We will still need to discuss and agree suitable wording for conditions to be attached to any permission granted in the event that you / committee are minded to approve the application, in order to secure the mitigation set out in Part D. Given that the proposals could affect a SSSI, please forward this on to Natural England and allow the statutory*

21 days for them to respond before issuing any formal recommendation / decision on the application.”

Natural England – Following the preparation of the Appropriate Assessment referred to above, final comments awaited.

Wessex Water – No objections subject to conditions.

Ministry of Defence – No objections.

Environment Agency – No objections subject to conditions.

English Heritage – No objections

8. Publicity

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

31 letters of comment and concern received from local residents. Relevant main issues raised:

- Concerns about existing levels of traffic using lanes in and around Neston – any future development in the village is unacceptable.
- Need to take account of collective impact of all proposal for development in Westwells and Neston.
- Why so much development in Corsham is concentrated around Neston?
- Huge amount of traffic on Westwells and is not safe.
- Traffic assessment documents are out of date.
- Application is submitted prior to Core Strategy being adopted.
- Buses too wide to pass each other on lane in Neston.
- No mention of lighting plan or measure to deal with footpaths.
- Application is much greater in scale than previous permission.
- Combined effect of this application that development proposed for the adjoining Sands Quarry site.
- Basil Hill development already created a traffic safety problem.

9. Planning Considerations

Principle of development – previous permission

From 2008 the Royal Arthur site has benefitted from planning permission for the creation of a care community type development. The permission granted was comprehensive in nature and resulted in the complete redevelopment of the site, demolishing existing buildings and erecting new. The permitted development is substantial, comprising a large 75 bed nursing home and ancillary facilities building sited in a central position in the site, together with 5 pairs of apartment blocks spaced evenly around the remainder of the site. The central and apartment blocks were of a contemporary architectural aesthetic being of a flat-roof design with regular geometric layout and fenestration. Predominantly two storey in height, elements of three-storey construction were to be incorporated into the central nursing home and facilities block. The perception of massing and density of development was to be neatly reduced by the concentration of built form in zones, with expansive green space between. Total footprint permitted was to be 13,737m².

The previous planning permission for this site remains extant. The existence of a planning permission should rightly be viewed as a significant material consideration when determining this new planning application. To this extent the principle of similar development on this site has

already been established as acceptable and, therefore, considerations should be confined to differences between the existing and proposed situations.

It is anticipated that in the event of the Committee resolving to grant planning permission, similar restrictions would be imposed so as to ensure minimum age criteria for residents, a compulsion of a minimum level of care need and the consequent assurance that the development would remain within the C2 (residential institution) use class and not evolve into an unfettered C3 (residential) housing scheme.

Recent permissions and applications in vicinity of site

The vicinity of Westwells and Park Lane has been the subject of relatively large development in recent years. The vast majority of which has been Ministry of Defence related development at the Basil Hill site, but also elements of the commercial Spring Park site on the opposite side of Westwells have been completed (thereby rendering the balance of that planning permission extant into the future).

In addition, several planning applications for a variety of development have been submitted in the vicinity and remain undetermined. Most notably these include residential development on the engineering works site at Moor Park (bottom of Westwells), major development at the Sands quarry site (B1, B2 and B8 use classes). Permission also exists for the conversion to residential flats of the old Pink Flamingo nightclub mid way along Westwells, although this has not been implemented.

In this context the concerns of residents at Neston are understood since it must feel that the locality has been bombarded with proposals for not inconsiderable amounts of development in recent years. However, factually, permission for similar type and quantum of development exists on the Royal Arthur site and whilst account must rightly be taken of changing circumstances when considering new planning applications, it is the case that the last permission for development on the Royal Arthur site as recently as 2011 and prior to that in 2008. Critically, in both 2011 and 2008, all of the other development built, permitted or proposed in the Westwells vicinity were either known about or were in existence.

The ability to resist development on this site which, in large part, is merely a stylistic modification of a permission that is already in existence does not exist. To refuse planning permission simply because of other permissions and applications in the locality would be considered unreasonable. In contrast, however, proposals for development on other nearby sites which do not already benefit from permission must take account of the wider planning and development situation in Westwells and conclusions reached accordingly.

Impact upon highway safety

The planning application has been informed by a submitted Transport Assessment and comes complete with Travel Plan providing a commitment to sustainable access to the site into the future. The development would provide for X no. car parking spaces.

In considering the above submission, the Council's Highway Officer has rightly had regard to the existing planning permission on the site and has focussed on the differences. He has concluded that the increase in traffic would be minor and the consequent impact upon the highway network to be insignificant.

It is evident that this new application does introduce the concept of the "linked assisted living units", and that they are largely responsible for the increase in accommodation provided by the main nursing home element of the scheme (previously 72, increasing to 97 now proposed). Such units perhaps may be seen as an intermediate level of care provision occupying the ground between the previously proposed clear distinctions of care home and separated extra care units.

Although not explicitly referred to within the Highway Officer's comments, it is perhaps obvious to state that although the "close care units" and "linked assisted living units" take the form of a self-contained flats (as opposed to a bedroom only) the new units are to deliver an enhanced level of care and would still be positioned within the main nursing home/ancillary facilities building and therefore likely that potential occupiers would not be car owners/users.

The concerns of the local residents in respect of a potential increase in traffic. However, in the absence of an objection from the Council's own Highway Officer and the factual position set out in the section above in respect of other permitted and proposed schemes in the locality, it is not thought reasonable to refuse planning permission on highway safety or capacity grounds.

In common with the previous two permission on this site, it is expected that an associated legal agreement will be entered into prior to the grant of planning permission. That agreement will, amongst other matters, deliver a financial contribution to the Council which is to be spent on highway improvements in the locality – such as pedestrian and cycle way improvements, carriageway reshaping, signage and road makings, traffic management etc.

Design and appearance

The proposal now under consideration offers an alternative vision as to how the accommodation could be laid out and designed. In contrast to the existing permission's contemporary aesthetic, the proposed plans demonstrate a more conventional approach and one that is more closely associated with typical nursing home architecture: pitched roofs, bays, balconies and chimneys making use of render, stone (natural and reconstituted), timber boarding and a mix of stone and natural slate roofs.

The site is discreet, removed from Westwells and well screened from most public vantage points. Consequently, the site does not play a role in defining the character of the wider locality and in this context the shift in architectural style, in itself, can be regarded as a matter of personal taste only since the visual effect of such a change is without wider effect.

The change to architectural style is accompanied by a change to the massing and layout of the development. The proposal now takes the form of a greater diffusion of development across the entire site, but each of the new blocks of development being of a less intensive scale and massing. The central main building remains the focus being 3 and 4 storey in height, but the remaining assisted living units being of a more domestic scale at 2 storey height.

Consideration should rightly be given to the appearance likely future use of the assisted living units, which by all accounts are now proposed to take a form that would be indistinguishable from conventional C3 housing development on a housing estate (in both architecture and arrangement in short terraces). In this particular case, however, the new units would still be physically and operationally related to the main nursing home, plus of course planning conditions and associated legal agreement can still provide certainly over what precisely planning permission is being granted for. It continues to be the case that appeal decisions on such matters consistently conclude that over time such "care village" type schemes that include a component of independent living will become increasingly institutional in character and feel, rather than less so.

The outline element of this hybrid application does not include detailed plans for layout and appearance of development, but this will need to be the subject of a subsequent Reserved Matters application.

Ecology

The site is in close proximity to a SSSI and Box Mines SAC. Amongst other things, the site is known to perform an important role in migration, feeding routes and as a habitat in itself for bats. For this reason the scheme includes mitigation measures to ensure a negative impact is avoided.

The final comments of the Council's Ecologist and Natural England are awaited in respect of the amended plans, which reduce the spread of the proposed development across the site (including a reduction in unit numbers), and will be reported at the meeting.

10. Conclusion

Conceptually, the proposed development of a "continuing care retirement village" broadly follows that already granted planning permission. It differs in how that concept is to be delivered and those differences are considered to be acceptable when assessed against adopted local Plan policy and guidance in the National Planning Policy Framework. The quantum of development is marginally greater than that previously considered to be acceptable and that increase is considered not to have an unacceptable effect upon highway safety, ecology and the wider landscape.

11. Recommendation

Subject to no new and substantive issues being raised by the Council's Ecologist and Natural England, including the additional and/or alteration of planning conditions

And

Subject to all parties entering into a legal agreement under s106 of The Act in respect of (and following the covenants set out in existing legal agreement associated with permission 10/04093/FUL): age restrictions, provision of communal facilities, highway improvements, travel plan and minimum care requirements, then:

The application be delegated to Officers for Planning Permission to be GRANTED for the following reason:

The site has a lawful use as a residential training centre (Class C2) and in common with previous permissions on this site, the proposal overcomes the reasons for dismissal of the later appeal. The associated legal Agreement secures the nature of the use, sustainable travel and highway improvements. The design respects the character of the site and provides significant landscape improvements. The proposed buildings are innovative, high quality and sustainable. Traffic generation compares favourably with the lawful use and will be lower than alternatives. The biodiversity of the site, including protected species, will be preserved and enhanced. The proposal complies with policies C1, C2, C3, NE5, NE9, NE11, NE14, NE15, NE17, NE29, T1, T2, T3 and T4 of the North Wiltshire Local Plan 2011 as well as guidance contained within the National Planning Policy Framework.

Subject to the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3. The approved landscaping scheme shall be implemented in accordance with a phased scheme of implementation to be submitted to and approved by the local planning authority before development commences. The landscaping shall be maintained thereafter for a period of not less than five years from the implementation of each phase. This maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

4. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority. Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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 written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

5. No service trenches, pipe runs or drains shall be sited within the root protection zone defined in the submitted arboricultural survey tree without the prior written approval of the local planning authority.

Reason: To maintain a vigorous and healthy root system to ensure the retention of trees in a safe and healthy condition.

6. Before any development commences, other than that approved under conditions 9, 10 or 11, details of walls, fences or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timescale to be approved by the local planning authority.

Reason: In the interests of amenity.

7. Before development commences a scheme for remediation of ground contamination shall be submitted to and approved by the local planning authority. The approved scheme shall be completed in accordance with timescales to be contained within the scheme. A remediation validation report shall be submitted to and approved by the local planning authority within three months of completion of the approved remediation works.

Reason: To avoid risk of contamination.

8. The development shall be carried out and completed wholly in accordance with the mitigation measures and landscape management plan contained within the Protected Species Survey, dated September 2008, received on 16th September 2008, prepared by Applied Ecology Ltd, including any timescales contained within the measures unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

9. Buildings 2, 8 and 9 shall not be partially or wholly demolished until the bat houses(s) approved under condition 11 have been provided and any demolition shall be carried out in accordance with a timescale which shall first be submitted to and approved by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

10. Before development commences details of the wildlife ponds, owl box(es) and bat house(s) proposed in the mitigation measures approved under condition 9 shall be submitted to and approved in writing by the local planning authority. The ponds, box(es) and bat house(s) shall be provided in accordance with a programme to be first submitted to and approved by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

11. Before any external lighting (including any lighting installed for security purposes or used during construction) is installed details, including positioning, levels of luminance and hours of illumination, shall be submitted to and approved in writing by the local planning authority. The lighting shall thereafter be installed and operated in accordance with the approved details, unless otherwise first approved in writing by the local planning authority.

Reason: In the interests of amenity and nature conservation.

12. Prior to the erection of any building (except any structures approved under condition 11), details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

13. On first occupation of the site, a demand responsive bus service for the use of residents and staff shall commence and be provided in perpetuity. Specific details of type of bus, days / hours of operation and area to be covered by the service shall be agreed in writing with the local planning authority prior to commencement of the service.

Reason: In the interests of highway safety and accessibility.

14. Prior to the commencement of any development on site, other than that approved under conditions 9, 10 or 11, detailed schemes for the access road, junctions and footways along the access road (to include the installation of street lighting on the access road), shall be submitted to, and agreed in writing, by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in accordance with those details approved.

Reason: In the interests of highway safety and accessibility.

15. Prior to the commencement of any development, other than that approved under conditions 9, 10 or 11, detailed schemes for the upgrading of rights of way Box 49, Box 50, Box 51 and Corsham 63 within 1500m of the site shall be submitted to, and agreed in writing by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in accordance with those details approved.

Reason: In the interests of highway safety and accessibility.

16. Prior to first occupation of any of the buildings, the access road, access road footway, access road street lighting, junctions and rights of way improvements shall be completed.

Reason: In the interests of highway safety and accessibility.

17. Before development commences a construction method statement including phasing of development in relation to nature conservation interests shall be submitted to and

approved by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

Reason: In the interests of nature conservation.

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 and the Deed of Variation dated 21/06/2011.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	31 October 2012		
Application Number	N/12/01914/S73A		
Site Address	Land at Harrow Grove, Lyneham, Wiltshire SN15 4AB		
Proposal	Change of Use from Open Space to House Commercial Waste, Erect Fence & Gates (Retrospective)		
Applicant	Mr Curtis. Modern Housing Solutions		
Town/Parish Council	Lyneham and Bradenstoke		
Electoral Division	Lyneham	Unitary Member	Councillor Alison Bucknell
Grid Ref	402541 178843		
Type of application	Retrospective		
Case Officer	Lee Burman	01249 706668	lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

The application was called to Committee to allow consideration of the visual impact on the surrounding area and relationship with adjoining properties.

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions including a condition granting temporary consent for a 6 month period.

2. Report summary

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

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated objections from Lyneham & Bradenstoke Parish Council; and 15 letters of objection from the public.

3. Site Description

The site of the retrospective application is located on informal public open space functioning as amenity land adjacent to existing residential properties forming a small estate within the town of Lyneham, well within the defined settlement framework boundary. The open space is of a substantive size providing usable informal amenity space for residents and is subject to some limited mature planting but is otherwise open and level in character. Directly adjacent the site is an area of off street car parking serving the adjacent residential properties. The open space is surrounded on all sides by the residential access road of Harrow Grove physically separating it from the adjacent properties.

4. Relevant Planning History

None directly relevant to this specific site.

5. The Proposal

The proposal is a retrospective application for the change of use of public open space to storage of commercial waste and for the erection of fencing and gates to create the storage compound. The waste material is stored in skips located within compound.

6. Planning Policy

North Wiltshire Local Plan: policies C3; CF2; CF3

Central Government Planning Policy: National Planning Policy Framework

7. Consultations

Amenity and Fleet

The Council's Amenity and Fleet Team have responsibility in respect of the management and maintenance of Public Open Space provision within the Wiltshire area. Officers identify that the application relates to 90m² of POS within a wider area of 2300m² for the purposes of the North Wiltshire open space survey this equates to local park. Assessed against standards adopted under policy CF3 there is no overprovision of POS in the locality. The POS is the only provision in the immediate locality and Officers have received numerous complaints regarding its loss and is therefore considered to be highly valued by the local community. Officers identify that adopted Local Plan policies CF2 and CF3 resist the loss of existing public open space that result in a deficiency in provision without suitable alternative replacement. Officers identify when assessed against adopted standards open space provision is inadequate and that the loss of the existing open space to the proposed use would worsen this position. Consequently the Amenity and Fleet Team object to the proposal. As an alternative to replacement provision should consent be granted based on other material considerations Officers require that financial provision be made for the enhancement of open spaces elsewhere in the vicinity.

Highways

Highways Officers raised no objections to the proposals.

Defence Infrastructure Organisation (MOD)

No safeguarding objections were raised.

Public Protection

Environmental Health Officers raised no objections to the proposals.

Lyneham & Bradenstoke Parish Council

Object to the development due to its harmful visual impact, noise, loss of open space and as a potential health hazard. Skips should be located away from residential areas.

8. Publicity

The application was advertised by site notice and neighbour consultation.

15 letters of objection received

Summary of key relevant points raised:

- Harmful visual impact
- Inappropriate use in a residential area
- Generates vehicular movements by large scale vehicles on residential use causing highway safety hazard and damage to the road surfaces
- Results in over spill rubbish storage

- Loss of Public Open Space
- Danger to the public and safety concerns
- Loss of value of residential properties

One letter was submitted to the Council's Enforcement Team confidentially raising objections to the scheme proposals. The objector requested that the comments be taken into account in the determination of the application whilst remaining confidential. It is not possible under national legislation and guidance to give weight to representations submitted in this way. Letters of objection or support must be public documents in order to allow a full and fair consideration of the proposals by all interested parties. Consequently no weight has been given to this letter or the comments contained therein.

9. Planning Considerations

Principle of Development

The adopted policies of the North Wiltshire Local Plan allow for the change of use of open space to other uses subject to a range of criteria, including replacement provision or that the loss of the space would not result in a deficiency of POS in that locality when assessed against adopted standards. Neither criteria are met in this instance and the proposal is therefore not acceptable. In addition the location of employment related storage facilities is directed to established employment locations under the terms of general development control policies such as C3 which seek to protect existing residential amenities and the visual character and amenity of a locality.

The facility is required to support the employment related activities in the locality currently accommodated within former residential properties close to the application site. There is no record of an application for or consents being issued for the change of use of these residential properties to B1 office/light industrial uses. It should be noted that the activities have been in operation for some time (albeit undefined) with skips stored and lorries parking on the residential parking space adjacent the open space and residential properties previously. The retrospective application relates to the creation of a compound on the open space immediately adjacent this parking area and was an attempt by the applicant / operator to try to address concerns regarding the activities in this locality.

It is also important to note that the National Planning Policy framework is supportive of employment related development and requires that Local Planning Authorities do not place unnecessary obstacles in the way of sustainable employment development. The NPPF also introduces a presumption in favour of sustainable development. In addition the NPPF requires that new development creates and contributes to high quality environments and public spaces through good design and securing development that functions well within the existing environment. In addition the need to support employment related development in the current economic climate is a material consideration and must in this context be given due weight. Whilst the NPPF is highly supportive of sustainable employment related development the requirement to secure high quality design and place shaping indicates that economic and employment requirements do not override the assessment normal material planning considerations.

Impact upon highway safety

Concerns have been raised about the impact of larger vehicles on the condition of the road surface. This is not a material planning consideration and would not provide a sound reason for refusal. Similarly concerns have been raised regarding speeding vehicles, again this is not a material planning consideration. As regards the traffic generated by the proposals and activities at the site and parking implications Highways Officers have raised no objections. On this basis whilst the traffic generated may be considered inappropriate in to the residential location and with negative impacts in respect of residential amenities, it must be acknowledged that these are public roads and that vehicles of this type can legally use such roadways. Highways Officers do not consider that the volume and nature of vehicular movements generated by the proposals are so harmful as to highway safety or so unsustainable as to warrant the refusal of permission. Similarly it is not considered that the vehicular movements are so disruptive and harmful to existing

residential amenities in terms of general disturbance, noise generation or other pollution as to warrant or justify the refusal of permission on these grounds.

Impact upon visual amenity and landscape character

The site character is described above and is very clearly a large centrally located open and flat public open space serving the neighbouring residential properties. Whilst there is limited mature tree planting within the space this is relatively sparse and provides no significant visual screening of the space. There are no other structures, fences, railings or planting on the space that would provide any visual screening of the erected compound. As a consequence the compound is very visually prominent. Without doubt the proposed storage compound is visually intrusive and wholly out of character with the otherwise open space itself and the neighbouring residential properties. The proposal makes use of basic materials including timber fencing and herras style metal wiremesh. From the front elevation the wiremesh fence treatment leaves the compound visually open with the stored materials/skips visually prominent. It is considered that the erected compound does have a harmful visual impact on the character and visual amenity of the open space itself and the locality.

Impact upon neighbour amenity

The compound is erected in close proximity to neighbouring residential properties and results in the loss of public open space serving those dwellings. The application incorporates very little detail as to the type of materials which are stored at the site simply referring to these as commercial waste. This is likely to include materials and contents from residential properties that are the subject of works of repair. In this context the removal emptying and filling of skips is considered to result in disturbance in terms of noise and general movement and activity. The type of employment activity can be found in close proximity to residential properties in other localities it is important to note that these are generally laid as employment estates adjacent to residential areas rather than converted residential properties with public open space and residential parking functioning as ancillary employment land. The employment use/activity is laid out in an opportunist and haphazard manner, rather than being the result of a planned fully designed development. It is considered that the use and activity is more appropriately suited to a purpose built employment area such as an industrial estate. The combination of the lost open space, the visual impact and harm to the character of the area, the disturbance caused by operation of the facility through noise and general movement and activity is harmful to the amenities of the residents of existing properties in the locality.

10. Conclusion

The change of use and erection of the storage compound results in a loss of public open space; is visually intrusive and out of character with the locality; and harmful to existing residential amenities through noise and general disturbance from movement and activity. The employment related use and activity is more appropriate to an employment area and the neighbouring site office does not appear to benefit from a formal grant of planning permission. The proposal is however a genuine attempt to regularise a more harmful situation that has been occurring for an unspecified period of time. The change of use and erection of the compound relates to an employment based activity and the recently adopted National Planning Policy Framework is very supportive of employment development reflecting the need to support development that contributes to enhancing and improving the economy. An outright refusal of planning permission would result in the need to pursue enforcement action with potentially negative impacts for the operation of the business. Whilst harm to interest of acknowledged importance is identified sufficient to warrant a refusal of planning permission this needs to be considered and weighed against the need to support economic development given the poor state of the economy. The level of harm caused is sufficient to warrant a refusal of consent particularly in respect of the visual impact and the loss of the public open space. However when considered against the need to support employment development and the economy the level of harm caused is not considered to be so significant and severe as to warrant an outright refusal and immediate action that could harm the business itself. As such it is considered that a grant of consent for a limited period to allow the applicant a limited period of time to find alternative premises and relocate the activities is considered to be a reasonable and

appropriate response to the situation. In this regard it is considered that a period of 6 months is adequate and would not result in significant additional harm to neighbouring residents.

11. Recommendation

Planning Permission be GRANTED FOR A TEMPORARY PERIOD OF SIX MONTHS for the following reason:

The change of use and erection of the fencing and gates to create the storage compound would result in a loss of open space contrary to policies CF2 and CF3 of the North Wiltshire Local Plan. The operation and use of the compound would result in harm to existing residential amenities through noise and general disturbance contrary to policy C3 of the adopted North Wiltshire Local Plan 2011. In addition the erection of the fencing and gates would be visually prominent and out of character with the locality and is visually harmful to the locality contrary to policy C3 of the Adopted North Wiltshire Local Plan. The proposed development is contrary to adopted Local Plan policies and inappropriate in this location. A permanent consent for the proposed development in this location is inappropriate and harmful. The grant of a temporary consent for a limited period to allow the relocation of the employment activity to an appropriate location is considered acceptable and appropriate in the context of the support for economic and employment development contained within the National Planning Policy Framework, in particular paragraphs 18 – 22 of the NPPF.

Subject to the following conditions:

1. The delivery and despatch of waste materials to and from the site shall be limited to the hours of 7am and 7pm on Mondays to Fridays Saturdays, and at no time on Sundays and Bank or Public Holidays.

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

POLICY-C3

2. The building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition on or before 6 months from the date of this permission (Decision Letter) in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on the basis of a special temporary need.

POLICY – C3

3. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside of the storage compound hereby approved for a temporary period of six months .

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

POLICY--C3

4. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored above the maximum height of the erected fencing forming the storage compound hereby approved for a temporary period of six months.

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

POLICY-C3

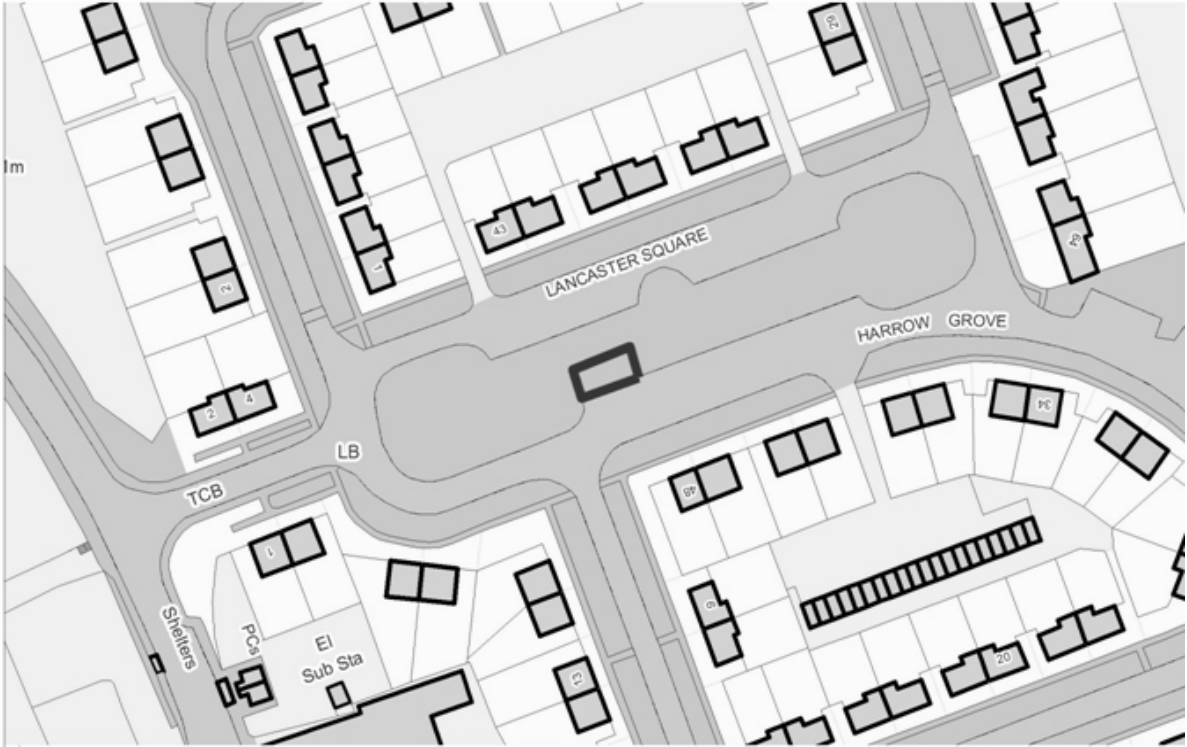
5. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: 1914/1; 1914/2; 1914/3 Dated: 24/8/12

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

INFORMATIVE

1. It is recommended that the applicant contacts the Council's Economy & Enterprise Team to discuss relocation options and potential site availability information.



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