

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 10 July 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Alexa Smith, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01249) 706610 or email alexa.smith@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 Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Howard Marshall	

Substitutes:

Cllr Desna Allen	Cllr Howard Greenman
Cllr Glenis Ansell	Cllr Simon Killane
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Nick Watts

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 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 19 June 2013.

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 Chairman.

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 3 July 2013.** 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 7 - 8*)

An appeals update report is attached for information.

7 **Planning Applications** (*Pages 9 - 10*)

To consider and determine planning applications in the attached schedule.

8 **N/13/00755/FUL - Land Adj 2 Box Cottages, Sutton Benger, SN15 4RD**
(*Pages 11 - 16*)

9 **N/13/00011/FUL and N/13/00012/CAC - Hazelwood Farm, Sutton Benger, SN15 4RX** (*Pages 17 - 36*)

10 **N/12/03816/FUL - Land Adjacent 57c Kington St Michael, SN14 6JE** (*Pages 37 - 42*)

11 **N/13/00622/FUL - The Annexe, 6 Elm Hayes, Corsham, SN13 9JW** (*Pages 43 - 48*)

12 **N/13/01090/S73A - Dominos, 119 The Pippin, Calne, SN11 8JQ** (*Pages 49 - 52*)

13 **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 19 JUNE 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Desna Allen (Substitute), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst,
Cllr Peter Hutton (Vice-Chair), Cllr Howard Marshall, Cllr Mark Packard, Cllr Sheila Parker,
Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Cllr Howard Greenman

61 **Apologies**

Apologies were received from Councillor Bill Roberts and Councillor Dick Tonge.

Councillor Bill Roberts was substituted by Councillor Desna Allen.

62 **Minutes of the Previous Meeting**

The minutes of the meeting held on 19 June 2013 were presented.

Resolved:

To approve as a true and correct record, with the amendment that Councillor John Gundry, Malmesbury Town Council, spoke in SUPPORT of application N/12/00165/FUL – land to rear of Avon Mills, and sign the minutes.

63 **Declarations of Interest**

There were no declarations of interest.

64 **Chairman's Announcements**

There were no Chairman's announcements.

65 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

66 **Planning Appeals**

The Committee noted the contents of the appeals update.

67 **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 and 7b as listed in the agenda pack.

Late List of Observations

68 **N/13/00795/FUL and N/13/00870/LBC- 8 Monks Lane, Neston, Corsham, SN13 9PH**

Public Participation

Mr Mark Lewis spoke in support of the application.

The planning officer explained that this application had returned to the committee after the previous meeting because the materials proposed for a glazed link were different to those reported. The application sought replacement of a garage and outbuildings and construction of a glazed link in timber to stand on a stone plinth between the dwelling and an outbuilding. The rest of the application remained the same as before.

The committee then had the opportunity to ask technical questions of the officer. There were no questions raised.

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

The local councillor, Councillor Dick Tonge, had presented his apologies, after speaking at the previous meeting.

A short discussion took place regarding ensuring the development remained as a garage and controlling the use of materials.

Resolved:

For Application N/13/00795/FUL

That planning permission be APPROVED for the following reason:

The proposed development, by reason of its siting, scale, massing, design and materials, will conserve the character or appearance of the listed building and its setting and therefore accords with Policies C3, HE4 and H8 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 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.

2. 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 extension hereby permitted shall not be converted to habitable accommodation.

REASON: In the interests of highway safety and the character and appearance of the listed building.

3. The development hereby permitted shall be carried out in accordance with the following approved plans with approval by the planning officer of materials to be used prior to commencement of development:

2079/2 - Plans & Elevations Proposed

Received 21 March 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

For Application N/13/00870/LBC

That planning permission be APPROVED for the following reason:

The proposed works, by reason of their siting, scale, massing, design and materials, will not harm the listed building or its setting and therefore accord with the provisions of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Subject to the following conditions:

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

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

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

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

3. The works hereby permitted shall be carried out in accordance with the following approved plans:

2079/2 - Plans & Elevations Proposed

Received 21 March 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

Public Participation

Mr Michael Sideras spoke in objection to the application.

Mr Wynne-Davis spoke in objection to the application.

Mr Bruce Groves spoke in objection to the application.

Mr John Gregory spoke in support of the application.

Miss Sophia Thorpe spoke in support of the application.

Councillor Cathy Smedley spoke in objection to the application.

The planning officer presented a report which recommended that planning permission be granted, subject to conditions and completion of a Section 106 Agreement, and conservation area consent, subject to conditions for proposed redevelopment of redundant farm buildings and paddock to provide residential development comprising 21 houses with associated gardens, parking, pumping station, drainage and landscaping.

The committee then had the opportunity to ask technical questions of the officer. Questions raised included the following:

- The capacity of the balancing ponds and the proximity of the development to the brook in light of flooding issues – officers were content that in all but the most severe of flooding events, the various attenuation measures put forward would be adequate.
- The provision for rubbish bins on the access road – the intention was to adopt the whole of the access road and the highways officer was content with the refuse collection arrangements.
- The use of horizontal timber on the buildings – the urban designer was content with the mixed frontage and this design referenced a nearby property.
- The capacity of the local primary school – education officers would calculate the requirements of the development as part of the Section 106 Agreement.

The local councillor, Councillor Howard Greenman, then spoke in objection to the application. Although he felt the site could benefit from improvement, he voiced concerns over the capacity of the primary school, the visual impact of the development and flooding issues and damage to nearby properties in the recent floods of 2012.

Further discussion then took place regarding flooding issues, the maintenance of the brook and the design of the M4 discharge. The senior planning officer confirmed the development would not make an existing situation worse.

Resolved:

For Applications N/13/00011/FUL and N/13/00012/CAC

That planning permission be DEFERRED for the committee to be provided with further information regarding the consideration of the capacity of the brook and impact of motorway drainage on flood risk.

70 **Urgent Items**

There were no urgent items.

(Duration of meeting:1 hour 30 minutes)

The Officer who has produced these minutes is Alexa Smith, of Democratic Services,
direct line (01249) 706610, e-mail alexa.smith@wiltshire.gov.uk

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

Wiltshire Council
Northern Area Planning Committee
10th July 2013

Forthcoming Hearings and Public Inquiries between 26/06/2013 and 31/12/2013

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE & 11/00435/ENF	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	15/07/2013
12/03740/FUL	Land off Stanier Road, Calne, Wiltshire	Calne	Erection of 34 Dwellings	Informal Hearing	24/07/2013
12/00625/FUL	The Paddock, Hook, Swindon, Wiltshire, SN4 8EA	Lydiard Tregoz	Siting of Two Mobile Homes, Two Dayrooms & Hardstanding	Informal Hearing	09/07/2013

Planning Appeals Received between 05/06/2013 and 26/06/2013

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
12/04041/FUL	Wootton Meadows Farm, Marlborough Road, Royal Wootton Bassett, Wiltshire, SN4 7SA	Wootton Bassett	Erection of Four Bedroom Dwelling (Following Demolition of Existing Four Bedroom Dwelling)	DEL	Refusal	Written Representations
13/00040/S73A	9 Saddleback Close, Calne, Wiltshire, SN11 8HW	Calne	Erection of Car Port, Store & Sun Room (Retrospective)	DEL	Delegated to Area Development Manager	Written Representations

Planning Appeals Decided between 05/06/2013 and 26/06/2013

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
11/02071/S73A	Field 7860, Lower Fosse Farm, Crudwell, Wilts	Crudwell	Retention of Rifle Range, Shooting Shelter, Car Parking Area and Use of Land for Stationing of Portacabin (Retrospective Application)	COMM	Allowed with Conditions	Permission	Written Representations
12/01348/FUL	Land at 12 The Close Gastard, Corsham, Wilts. SN13 9PX	Corsham	Erection of Detached Dwelling, Conservatory, Carport/Workshop, Parking and Amenity Space	COMM	Appeal Dismissed	Permission	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 10/07/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	13/00755/FUL	Land Adj, 2 Box Cottages, High Street, Sutton Benger, Wiltshire, SN15 4RD	Dwelling & Garage	Refusal
02	13/00011/FUL 13/00012/CAC	Hazelwood Farm, Seagry Road, Sutton Benger, SN15 4RX	Proposed Redevelopment of Redundant Farm Buildings & Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage & Landscaping. Proposed Redevelopment of Redundant Farm Buildings & Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage & Landscaping.	Delegated to Area Development Manager Permission
03	12/03816/FUL	Land Adjacent to 57C Kington St Michael, Chippenham, Wiltshire, SN14 6JE	Detached House and Detached Double Garage.	Refusal
04	13/00622/FUL	The Annexe, 6 Elm Hayes, Corsham, Wiltshire, SN13 9JW	Change of Use of Self Contained Accommodation to Seperate Dwelling & Provision of 2 Parking Spaces.	Refusal
05	13/01090/S73A	Dominos, 119 The Pippin, Calne, SN11 8JQ	Variation of Condition 2 of 11/02734/FUL Relating to Variation in Trading Hours	Permission

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	19 June 2013		
Application Number	N/13/00755/FUL		
Site Address	Land Adj. 2 Box Cottages, Sutton Benger, SN15 4RD		
Proposal	Erection of Dwelling		
Applicant	Mr B Weetch		
Town/Parish Council	Sutton Benger Parish Council		
Electoral Division	Kington	Unitary Member	Cllr Howard Greenman
Grid Ref	394152 178539		
Type of application	Full		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in by Cllr Greenman, in order to consider the impact of the dwelling on the amenity of neighbouring properties and the character and appearance of the area.

1. Purpose of Report

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

No comments have been received from Sutton Benger Parish Council in respect of this application, which has attracted 4no. objections from neighbours and local residents.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area and Conservation Area
- Impact on the privacy and amenity of existing neighbours and potential occupants
- Impact on highway safety
- S106 contributions

3. Site Description

The application relates to a backland plot located at the western end of the village of Sutton Benger, lying between a pair of distinctive Victorian cottages and the agricultural land further to the West. The site is set back some 32m from the highway, with a loose stone access track running northwards from its splayed access and terminating in a turning head at the southwest corner of the plot. The development framework boundary, as set out in the adopted Local Plan, bisects the site in line with the western boundary of no.2 Box Cottages, extending northward as far as the wall of the Grade II-listed French Gardens to the rear of the site. The site is within a Conservation Area.

The site itself is currently bounded by a stone wall to the rear, behind which runs a strip of land associated with a nearby property, 'Appletrees', and is otherwise bounded by a post-and-rail fence. The land is covered by grass, with some evidence of previous digging of foundations.

4. Relevant Planning History		
Application Number	Proposal	Decision
07/00550/FUL	Single Storey Dwelling	Permitted
06/02579/FUL	Erection of Dwelling (amended description)	Withdrawn
03/00581/COU	Change of use to provide access to residential property (side of 2 Box Cottages)	Permitted
01/00645/OUT	Proposed Erection of Dwelling and Garage	Refused – Appeal dismissed
00/02149/FUL	New Agricultural Access to Replace Existing and Improvement to Agricultural Access	Permitted

5. Proposal

It is proposed to erect a detached two-storey, three/four-bedroom dwelling, with a single-storey projecting wing, detached garage and associated amenity space. The building is to be sited in the northeastern corner of the site, close to the boundary of the rear garden to no.4 Box Cottages, with its main two-storey section laid out on an east-west axis hard against the rear boundary of the site. This principal element is to be 14.2m in length, with a ridge height of 6.7m and eaves at 3.8m dropping to 1.7m as a porch at the southwest corner. A single-storey element is to project southward by 5m from the building's eastern end to provide a large ground floor living area. The remaining accommodation is to comprise a large open-plan kitchen/dining area with separate study/bedroom, utility, pantry, WC and hallway at ground floor level, with a further three bedrooms, one with ensuite and dressing room, and main bathroom above.

Externally, the building is to be finished in natural Cotswold stone, with reconstituted stone slates used for the roof covering, the main section of width is to be interspersed with conservation-type rooflights. A pair of triple-width casement windows are to be set in line with the rear build line at upper floor level in order to provide natural light and additional space to bedrooms 2 and 3, with each set into a pent-roof dormer measuring 1.8m in width. The ground floor is to feature full-height timber framed glazing along its central South-facing section and in the West gable end (which is to feature a Juliette balcony above, and West elevation of the projecting wing. Further high-level single pane windows are to be sited along the northern wall. A stone chimney stack is to be positioned on the eastern edge of the projecting roof.

Furthermore, a modest detached garage is to be situated in the southwest corner of the site, constructed from matching materials and with internal dimensions of 4.0 x 5.0m.

6. Consultations

No comments have been received from Sutton Benger Parish Council

Highways – no objection, subject to conditions

Conservation – objections on grounds of scale, massing and design

7. Publicity

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

Four letters of objection received

Summary of key relevant points raised:

- Excessive scale and massing
- Overbearing impact on adjacent properties
- Potential overlooking of neighbouring gardens

8. Planning Considerations

Principle of development

The principle of residential development in this location is established in part by majority of the site's inclusion within the development framework boundary for Sutton Benger. A previous application for a single dwelling located on a similar plot (N/07/00550/ FUL refers) was accepted on this basis when permission was granted. Whilst planning permission for this detached single-storey dwelling was granted, this expired at the end of its three-year period, with no conditions having been discharged prior to commencement of groundworks on site.

It is noted that unlike the previously-approved scheme relating to a smaller parcel of land, the site includes a section of adjoining agricultural land to the West, which appears to have been gradually incorporated into the apparent unit. A judgement must therefore be made in the first instance as to whether the change of use of this land and associated new residential development in the open countryside is acceptable in planning terms.

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

The site is located within the Sutton Benger Conservation Area, which extends marginally beyond the development framework boundary at this end of the village, but does not include the independently-listed French Gardens to the North. Any development on this site will be inevitably read in conjunction with the distinctive pairing of Box Cottages, together with the historic boundary of the walled Gardens nearby. The Conservation Area itself contains a diverse mixture of historic fabric, including Victorian houses as well as more traditional cottages and converted barns and stalls.

Throughout the course of negotiation and following the initial pre-application enquiry received in 2012, it has been made clear that a modestly-proportioned 'barn'-type dwelling would be the preferred design approach for this site, potentially offering a significant improvement upon the design character of the previously-approved bungalow. This would lend a subservient appearance consistent with the site's relationship to Box Cottages and the adjacent agricultural land, where such a building might already exist and be capable of conversion. However, it is not considered that this advice has been followed in full in this instance.

The Conservation Officer has raised a number of valid concerns in respect of the scale, massing and detailing of the proposed dwelling, which overlooks the site's context in order to provide more extensive living accommodation, particularly at first floor level. The resulting roof form appears extremely awkward, with a shallow pitch atypical of traditional rural fringe buildings and a large blank void between ground floor glazing and eaves on the principal South elevation. Although small half-roof dormers could be considered a sympathetic design approach to the rear roof plane, those proposed are unfortunately excessively large and prominent so as to compromise the modesty of the building's form further.

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

Consideration has been given to the impact of the proposal upon the residential amenity of neighbouring properties and in particular the adjacent dwellings at nos.2 and 4 Box Cottages and the strip of land associated with 'Appletrees' that runs between the northern site boundary and the French Gardens. Whilst 'clear' glazing is proposed, it is possible to address any potential issues of overlooking by condition, requiring that all windows in the North elevation and the upper floor window to the East are obscure-glazed and fixed shut. This would achieve an adequate level of natural light and general amenity to the proposed accommodation without any views between the dwelling and adjacent domestic curtilage.

It is, however, considered that the current scale of dwelling proposed, with a rear eaves height not short of 3.5m above the adjoining ground level, would have some degree of overbearing effect on the land associated with Appletrees to the North. Whilst it is accepted that any development close

to the boundary, including the bungalow previously approved, will have some impact on the sense of enclosure experienced along that strip of land due to its width and presence of the garden wall to the North, this would be reduced significantly with a correspondingly reduced eaves height. The effect of the building currently proposed would be to obstruct a substantial amount of sunlight, particularly during the winter months, and compromise the enjoyment of the land. Despite the land's distance from Appletrees itself, thereby perhaps indicating a secondary garden use, it is nonetheless considered important to protect what residential amenity is currently afforded.

The East gable end is sited some 1.3m from the boundary with no.4 Box Cottages, from which it will appear as a modest two-storey scale elevation. However, due to its unobtrusive position and amount of amenity space at the neighbouring property, this will not incur the significant loss of amenity by overbearing or overlooking. Likewise, a suitable separation is maintained from the rear of no.2, which engages little with the land to the North.

Impact on highway safety

The access arrangements in place have previously been agreed, securing a suitable junction with the main road for the purposes of serving a single dwelling on site. These existing arrangements also make provision for a loose stone turning head to the immediate South of the plot, such that interaction with the highway can always be achieved in a forward gear.

By incorporating land to the West of the original plot, the proposal makes provision for three on-site parking spaces, excluding the garage building, the internal floor space of which is too small to be taken into consideration in this respect. Two parking bays are to be provided to the North, with additional suitably-surfaced space available to the southeast.

S106 contributions

As the site is located outside of the principal urban settlements, Policy H6 of the adopted Local Plan applies to the development. As such, a contribution of £26,000 toward the provision of off-site affordable housing would be required if the application were approved. Likewise, the size of the unit proposed equates to a contribution of £7,407.42 toward public open space under Policy CF3 of the adopted Local Plan. Both would be administered through a Section 106 Agreement.

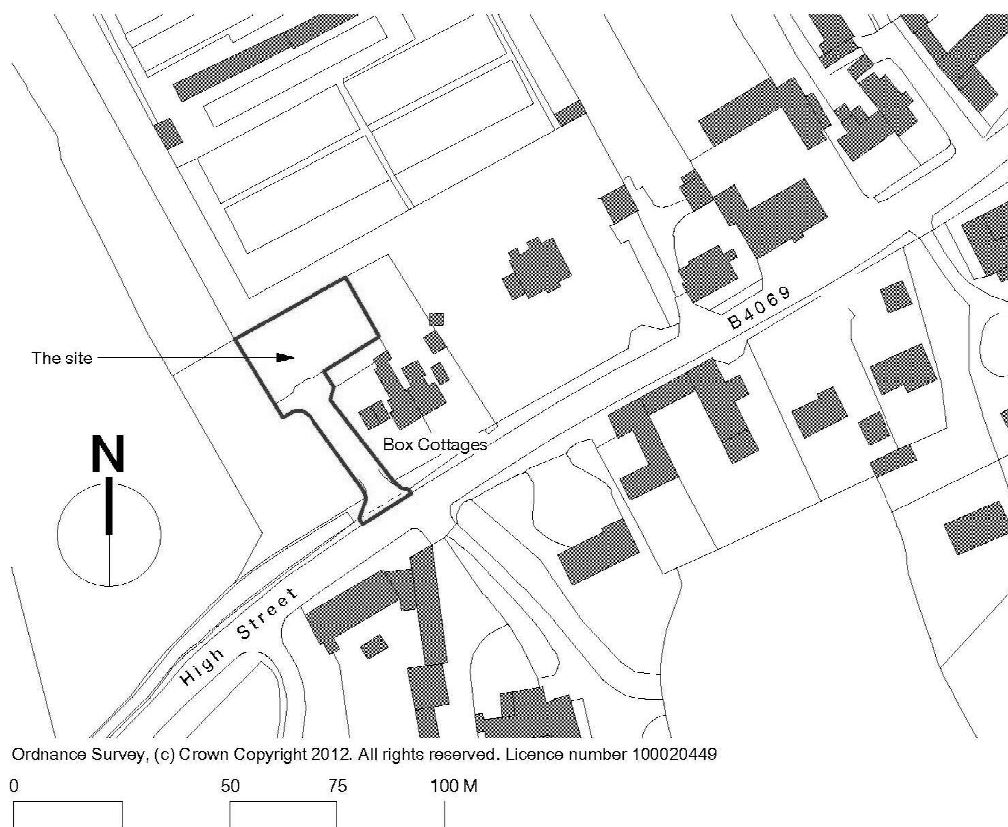
Conclusions

Whilst residential development over a reduced plot area consistent with the adopted framework boundary is considered acceptable in principle, the proposal both transgresses this limitation and, by reason of its scale, massing and design, represents an intrusive and unsympathetic new building in the Conservation Area. The scheme will negatively impact upon the residential amenity of neighbouring properties but more crucially fails to bear any cohesive relationship to its immediate setting or the wider area.

9. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed development, by reason of its siting, scale, massing and design, represents an unjustified intrusion into the countryside and would be detrimental to the character and appearance of the site and its setting in a Conservation Area. The proposal will also negatively impact upon the residential amenity of neighbouring properties and therefore fails to accord with Policies C3, NE15, HE1 and H3 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
2. In the current absence of a Section 106 Legal Agreement in respect of the relevant off-site financial contributions, the proposal also conflicts with Policies H6 and CF3 of the adopted North Wiltshire Local Plan 2011.



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Site location plan
Scale 1:1250

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	10 July 2013		
Application Number	N/13/00011/FUL & N/13/00012/CAC		
Site Address	Hazelwood Farm, Seagry Road, Sutton Benger, Wiltshire SN15 4RX		
Proposal	Proposed Redevelopment of Redundant Farm Buildings & Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage & Landscaping		
Applicant	Miss Thorpe, Gleeson Developments Ltd		
Town/Parish Council	Sutton Benger		
Electoral Division	Kington	Unitary Member	Cllr Howard Greenman
Grid Ref	394513 178879		
Type of application	Full Planning and Conservation Area Consent		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application was previously deferred by the Committee in order to obtain further information regarding the capacity of the Seagy Brook and the impacts of runoff from the M4 motorway.

1. Purpose of Report

To consider the above application and to recommend that the decision be delegated to the Area Development Manager to GRANT planning permission, subject to conditions and completion of a Section 106 Agreement, and conservation area consent subject to conditions.

Sutton Benger Parish Council has not objected to the application, but has raised a number of concerns, as summarised in this report. 6 objections and 5 comments have been received from local residents.

2. Main Issues

The main issues in considering the application are:

- Principle of development under Policies C3, HE1 and H3 of the adopted North Wiltshire Local Plan 2011
- Impact on the character and appearance of the area and Conservation Area
- Impact on the privacy and amenity of existing neighbours and potential occupants
- Impact on site ecology and biodiversity
- Impact on site drainage
- Affect on highway safety
- S106 contributions

3. Site Description

The application relates to an area of land located at the northern edge of the village of Sutton Benger, within the development framework boundary and principally accessed from the C-classified Seagry Road. The site comprises a total of approximately 0.7ha of agricultural land currently used in conjunction with Hazelwood Farm, incorporating associated buildings and hard

standing but predominantly comprised of informal grazing land used for keeping ponies, although site drainage is restrictive in this regard.

The site's unusual shape is dictated by the exclusion of Hazelwood Farmhouse, which occupies a substantial plot inset from the midpoint of the site boundary with Seagry Road, from the application site, along with the meandering route of the brook that defines its northern limit. The western edge of the land is separated from the highway by a narrow grass verge and traditional stone wall. A public footpath runs in close proximity along the southern boundary to the West of the farmyard, turning northwards around the western end of the paddock, and is understood to be used mainly by dog-walkers.

Due to drainage issues attributable partially to recent poor weather, the dependency on untreated surface runoff from the adjacent factory site and inadequate maintenance of the brook by the landowner, the site and environs have been liable to flooding in recent weeks and in one instance a considerable amount of damage was caused to a nearby property. The extent of flood risk zones 2 and 3 insofar as they relate to the application site has recently been clarified by the Environment Agency; ending roughly in line with the northern boundary of Hazelwood Farmhouse across the span of the paddock.

Mirrored by low-density but high-quality housing on the opposite, Eastern side of Seagry Road, the site is located within the framework boundary for Sutton Benger, of which the northern site boundary forms the furthest extent. Additionally, the village Conservation Area extends as far at the northernmost point of the established farmyard, incorporating a traditional brick and slate cow byre and, further West, similarly fashioned stables amongst other more modern utilitarian farm buildings. These include a large open-sided barn along with a smaller reconstituted stone and timber chicken shed.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/05/02883/OUT	Demolition of Existing Farm Buildings and the Residential Redevelopment of Existing Farmyard	Withdrawn
N/05/00264/OUT	Outline Residential Development	Refused

Fundamental to the refusal of previous outline applications for residential development of the land has been the issue of incompatibility with the adjacent industrial use and associated loss of residential amenity. Having reached the end of its serviceable lifespan and identified as an allocated housing site in the Local Plan, the adjacent facility is currently subject of a separate reserved matters planning application (N/12/04072/REM refers) for residential development as approved in outline under application reference N/11/02286/OUT.

5. Proposal

The proposal comprises the development of 21no. detached and semi-detached residential dwellings, utilising both the previously developed and paddock land in the southern portion of the site.

A strip of land approximately 8m in width is to be retained as an open but actively maintained ecological area adjacent to the brook at the northern boundary, linking to the larger area that includes the balancing ponds and pumping station at the northeast corner.

6. Consultations

Sutton Benger Parish Council has raised the following concerns:

- Impact on local highways in terms of traffic volume and pedestrian safety;
- Potential to exacerbate drainage issues in the vicinity;

- Overprovision of affordable housing, delivering more units than are required locally;
- Incompatibility of the proposed density, design and layout with the existing village;
- Provision of a distinct pathway route between the site and the neighbouring Faccenda site; and
- Targeting of S106 contributions towards local infrastructure

Highways – no objection, subject to conditions

Landscape – no objection, subject to conditions

Urban Design – no objection, subject to conditions

Drainage – no objection, subject to conditions

Ecologist – no objection, subject to conditions

Environment Agency – no objection, subject to conditions

The Housing Officer has accepted the applicant's submission that a 50% on-site affordable housing provision would exceed the level of local need, although not necessarily render the scheme unviable. It is instead proposed that a contribution of 30% provision, comprising 80% social rented and 20% affordable market accommodation, should be required.

The County Education Officer has concluded that on the basis of the dwelling mix proposed and availability of existing facilities within the village, the development generates a requirement for a contribution of £140,185 toward the provision of local primary and secondary education facilities.

As no public open space is to be provided on site, the substantive areas of non-residential land being essential to site drainage, ecological conservation and maintenance of the brook, a contribution of £111,111 is to be sought, equating to an off-site provision of 0.126Ha.

7. Publicity

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

6 letters of objection and 5 letters lending support in principle but raising certain concerns have been received from local residents

Summary of key relevant points raised:

- Impact on traffic volume and local highway safety;
- Impact on local flood risk and adequacy of drainage;
- Impact on local infrastructure and services;
- Design, layout and impact on the Conservation Area;
- Level of affordable housing provision.

8. Planning Considerations

Principle of development

Policy H3 of the adopted North Wiltshire Local Plan 2011 makes clear that residential development in this location is supported in principle within the framework boundary for Sutton Benger, which this site is located. Whilst the land in question abuts the current development framework boundary for the village, it is notable that Sutton Benger is identified in the emerging Wiltshire Core Strategy as a large village toward which limited infill residential development should be targeted. The application should further be considered in context with the adjacent Faccenda site, at which outline permission for 63no. dwellings remains extant, with implementation a realistic prospect.

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

The developed yard area at the southeast corner of the site falls within the northern boundary of the Sutton Benger Conservation Area, and owing to its scale and significance, it is reasonable to consider the impact of the development as a whole on the designated heritage asset.

Amongst several lower-quality structures, the proposal includes the removal of a pair of traditional agricultural buildings – a stables and cattle byre – both of which offer some benefit to the setting of the Conservation Area despite their dilapidated condition. Echoing the approach of its predecessor, PPS5, Paragraph 130 of the National Planning Policy Framework emphasises that in any cases, the deliberate neglect of such buildings should not be considered a material factor supporting the case for their removal. The question, therefore, is whether the proposed redevelopment of this part of the site serves to conserve or enhance the Conservation Area.

It is considered that the historic farm buildings should be considered in context with their operational neighbours, namely the large open-sided barn, small reconstituted stone building, large timber shed and even the severely dilapidated building immediately South of the site boundary (the replacement of which has recently been approved, subject to a legal agreement – N/12/03709/FUL refers), in order to assess their collective value. As a grouping, the array of buildings at the existing farmyard does little to enhance the street scene of Seagry Road, with the brick building making the only meaningful contribution in this regard. On balance, therefore, no objection is raised to the buildings' removal, subject to a suitable redevelopment of the land.

It is considered that the area of foremost importance in terms of visual impact is the site frontage directly adjoining Seagry Road. To this end, the applicant has proposed a generally high-quality finish to the proposed dwellings, which are the smaller semi-detached two-bedroom units, featuring a predominance of traditional materials. Natural stone is to be used extensively, drawing upon the materials already observed in the vicinity, with traditional cottage-style proportions and appropriate detailing to the road-facing elevations. Slate tiles are to be used for both the main roofs and canopy porches of these eight buildings, consistent with the local vernacular.

Further West, into the site itself, the palette of materials varies with the introduction of limestone-through-colour render, reconstituted stone and clay roof tiles, particularly for the larger detached properties at plots 12, 14, 18 and 19. Although these properties are undoubtedly very large, this is not an alien form of development in the context of the local area and does not compromise the sense of a distinct street scene within the development. It is considered that the proposed design approach also makes some concession to this issue with the introduction of set-backs and varied scale that serves to break up what might otherwise appear as expansive elevations.

Efforts have been made to secure suitable boundary treatments and integral garden storage outbuildings to the smaller units, in order to provide a suitable setting for the development as a whole. The modest timber and clay tile garden buildings are subservient but of a high quality design in themselves and make reference to the kind of historic structure found in the area. Likewise, the introduction of stone walls where appropriate will reinforce the built pattern of the development as a whole and increase legibility.

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

The scheme has been considered to provide adequate residential amenity to future occupants and neighbouring properties, with the siting and orientation of properties within the application site arranged in such a way as to avert any overlooking or overbearing effect. The proposed dwellings all maintain adequate amenity space and separation from one another so as to provide a definitive street frontage without any sense of overcrowding.

Consideration has been given to the impact of the dwelling to be sited on plot nos.7 and 8 of the development site on the building to the immediate South, which has permission for residential conversion, and vice-versa. Whilst it is apparent that the interaction of these properties will be somewhat closer than elsewhere, with some limited potential for overlooking, it is considered that this would not result in a detrimental loss of amenity and that due to the timings of development prospective occupiers would be aware of the arrangements.

For these reasons, it is considered that the development affords an acceptable level of amenity.

Impact on site ecology and biodiversity

The site's most recent use has been as a working farm, comprising buildings and hard standing with associated pasture/paddock to the North. Owing to its substantial scale, which includes demolition works, the proposed development will impact upon on breeding birds and reptiles likely to inhabit the site to a significant extent. The proposal includes the provision of two ponds at the northeast corner of the site together with a reasonably wide landscape buffer running alongside the river, reinforcing this element as an ecological corridor. On balance, therefore, the landscaping measures employed in tandem with the scheme itself offer sufficient mitigation for the loss of habitat likely to occur elsewhere on the site. The ongoing maintenance of these elements of the scheme can be secured by condition.

Impact on site drainage

The site lies in part within flood risk zones 2 and 3, and this has heavily influenced the emerging scheme. It is appreciated that in recent months in particular, most notably in December 2012, the nearest section of Seagry Road and environs were subject to prolonged flooding, which incurred substantial damage to one property in particular. Whilst it could be argued that recent weather events have been exceptional, this is nonetheless an issue that warrants careful consideration.

It is important that the drainage implications of the proposal are considered in the context of the redevelopment of the Faccenda site, given that at present the latter takes in substantial areas of concrete with no managed drainage provision as such. The scheme approved in outline incorporates substantial areas of green space as well as SUDS measures that represent a significant improvement in respect of the management of surface water, in particular reducing its uncontrolled runoff. This obviously has beneficial implications for the Hazelwood Farm site.

Further to the initial application submission, the applicant has undertaken further studies and analysis into the site's drainage capacity and anticipated impact of the development. Owing to the extent of development and the mitigation measures proposed, it is possible to control discharge of surface water without placing undue strain on the adjacent watercourse. Further detailed information is to be provided as part of a comprehensive drainage strategy to be secured by condition; however at this time the Council's Drainage Engineer is satisfied in principle that a realistic drainage solution can be implemented, mitigating against the impact of the development.

It is considered possible to manage the drainage of the site in such a way that does not exacerbate the risk of flooding through suitable conditions, protecting both the proposed dwellings and nearby properties from adverse impact in this respect and thereby complying with the relevant policy, as set out in Section 10 of the National Planning Policy Framework. The Environment Agency has approved this approach and recommended Conditions 9-11. When taken in context with the adjacent site, it is likely that the development could afford a marginal benefit to flood risk.

Further to the application's consideration by Committee on 19 June 2013, the applicant has prepared further information in respect of the discharge of surface water from the M4 motorway and the assessment of the capacity of the adjacent Seagry Brook. This information is contained in an explanatory note attached at Appendix 1.

Impact on highway safety

The site is relatively well connected in terms of public transport availability, with a bus service running from the stop close to All Saints Church at the Southern end of Seagry Road at regular intervals on weekdays, with a reduced service on Saturdays and no service on Sundays. The regular routes run variously between the village and Chippenham, Malmesbury, Seagry, Kington Langley and Great Somerford, with a single return service to Swindon and Castle Combe on Fridays.

The proposed access arrangements are considered adequate in terms of their visibility and the relative levels of pre-existing and anticipated transport movements along Seagry Road. A visibility splay of at least 43m in either direction can be achieved at the site entrance, with the adjoining boundary walls kept to a height of 600mm to preserve this in perpetuity. The area shown as tarmac toward the Eastern end of the site on the layout plan is to be adopted by the local authority, enabling refuse collection, etc, with the shared surfaces to the South and West to remain the responsibility of the developer.

The proposed site arrangement makes adequate provision for parking, in line with countywide standards. Spaces are incorporated to the rear of each of the street-facing properties, with driveways and private garages within the larger plots. Parking areas are to be surfaced in resin-bonded gravel as per the unadopted areas of highway, softening their appearance whilst maintaining highway safety by avoiding any loose surface that could spill onto the access. An additional unallocated visitor parking provision of four spaces is also included in the scheme.

Whilst concerns have been raised in respect of the cumulative impact of the proposed development and that of the neighbouring Faccenda site, it is not considered that the existing road network should be incapable of accommodating the combined additional traffic generated. Unlike this scheme, the Faccenda site's only vehicular access to the village is directly onto the High Street, alleviating pressure on the junction between the High Street and Seagry Road. A 30mph speed limit remains in force throughout the village and any issues of speeding would be a pre-existing problem and not relevant to the determination of the application.

In recognition of the circulation of the site and its relationship to the adjacent Faccenda site, a link footpath has been incorporated at the southwest corner of the site, at the turning head between plots 8 and 9, providing pedestrian access to the adjacent public footpath and anticipated public open space. This measure will further alleviate pressure on the junction with Seagry Road, which does not benefit from a pavement, with a consequent benefit to highway safety.

S106 contributions

The Council has accepted a reduced level of affordable housing provision on the site, on the basis that the application site and the neighbouring site have the combined capacity to accommodate the immediate local affordable housing need. This equates to a level of on-site provision of 6no. affordable units, equivalent to a 30% allocation. No off-site contribution is sought in respect of affordable housing in addition to this provision.

Other off-site contributions have been calculated on the basis of the Council's general approach and consistent with Core Policy C2 of the adopted Local Plan (Community Infrastructure Core Policy). Public open space and leisure provision are calculated as a proportion of the number and size of the units, with a cost multiplier applied and local sites targeted to accommodate the immediate demand of the development. Education contributions have been sought as a standard cost multiplier in respect of all 15 units of open market housing. This makes provision for four secondary places at the local secondary school, Hardenhuish, which is consistently at capacity, whilst generating a requirement for five places at the local primary school, Sutton Bengel, less the single available space on the current roll.

These contributions are summarised in the following schedule:

Area	Contribution (£)	Target
Education	£140,185	5no. primary places and 4no. secondary places
Public Open Space	£111,111	0.126Ha off-site provision (target site TBC)
Leisure	£10,731	Sports hall, artificial turf pitch

These heads of terms form the basis of the draft Section 106 Agreement and have the agreement of the applicant to pursue if the application is successful.

9. Conclusion

The proposed development addresses all relevant policy considerations and meets an acceptable standard of S106 provision that meets the immediate needs of the village. The design and layout reflects the flooding limitations of the site and achieves the best balance of pragmatism and visual quality. Access, drainage and ecological measures are considered adequate and can be addressed fully through suitable conditions. The scheme is of a good quality overall and as such, the proposed development is considered acceptable in planning terms.

10. Recommendations

N/13/00011/FUL

Planning Permission be delegated to the Area Development Manager to be GRANTED, subject to completion of the Section 106 Agreement for the following reason:

The proposed development, by reason of its siting, layout, access, design and materials, will not harm the character or appearance of the site or its setting in a Conservation Area. The proposed drainage and ecological mitigation measures are adequate, as is the level of S106 provision. As such, the proposal accords with Policies C3, NE11, HE1, H3, H6 and CF3 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 10, 11 and 12 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.

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

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

- 3 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 buildings 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.

- 4 No part of the development hereby permitted shall be first brought into use until the access (road width at entrance to site 5.5m width), and layout have been completed in accordance with details shown on the approved plans ITB6118-GA-006 Revision B 'Proposed Site Access Arrangements'. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 5 No part of the development hereby permitted shall be first brought into use and parking spaces have been completed in accordance with the details shown on the approved plans (drawing ITB6118-GA-010 Revision A titled 'Proposed Parking Arrangements' and parking schedule included in Table 1 of the Technical Note – Post Application Matters). The areas shall be maintained for those purposes at all times thereafter.

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

- 6 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility as detailed on drawing ITB6118GA-009 Revision B 'Proposed Site Access Arrangements'. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. In line with (Drawing 'Service Margin Provision' numbered ITB6118-GA-12 Rev B).

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

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

REASON: To safeguard the character and appearance of the area and mitigate against flood risk.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no extensions, fencing, walls, outbuildings, sheds, greenhouses or any other type of building shall be erected, no orchards or other extensive planting, and no raising of ground levels, shall be permitted within Flood Zone 3, as delineated on the Flood Map in Appendix D and the Site Layout Plan in Appendix E of the Flood Risk Assessment.

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of overland flood flows and/or reduction of flood storage capacity and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions.

- 10 No materials, including spoil arising from the excavation of the conservation ponds, shall be deposited (either permanently or temporarily) within Flood Zone 3 as delineated on the Flood Map in Appendix D and the Site Layout Plan in Appendix E of the Flood Risk Assessment during the course of development.

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

11 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 scheme shall also include details of how the scheme shall be maintained and managed after completion. 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.

12 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer 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 and does not increase the risk of flooding or pose a risk to public health or the environment.

13 The development hereby permitted shall not be first occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

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

14 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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

- 15 Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- (i) Full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including timetable for provision of such works unless an alternative timetable is agreed in the approved details;
 - (ii) Submission of a Landscape and Ecological Management Plan, to include details of pre and post-construction measures together with monitoring details; and
 - (iii) Full details and samples of all external materials.

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

REASON: In the interests of the character, appearance, amenity and highway safety of the area.

- 16 Notwithstanding the approved drawings, the development hereby permitted shall not be first occupied until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- (i) Full details of the improvements to Public Footpath 8 (including specification details and in line with drawing titled 'Indicative Footpath 8 Improvements' numbered ITB6118-GA008 Revision A); and
 - (ii) Full details of the Seagry Road traffic calming measures including specification details (in line with drawing titled 'Potential gateway feature and visual narrowing on Seagry Road' numbered ITB6118-GA-007 Revision C).

The 10th (tenth) dwelling shall not be first occupied until the Seagry Road traffic calming measures have been provided in accordance with the approved details;

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

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

- 17 Finished floor levels shall be set no lower than 55.305 metres above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 18 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- (iii) the parking of vehicles of site operatives and visitors;
 - (iv) loading and unloading of plant and materials;
 - (v) storage of plant and materials used in constructing the development;
 - (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vii) wheel washing facilities;
 - (viii) measures to control the emission of dust and dirt during construction;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - (x) measures for the protection of the natural environment.
 - (xi) hours of construction, including deliveries; and

(xii) demolition works and disposal of demolition materials

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

19 The development hereby permitted shall be carried out in accordance with the following approved plans:

121207-HF-TPP rev A-AM - Tree Protection Plan

Received 21 December 2012

1117.11 A - House Type 'B': Plot nos. 15, 16, 17, 20 & 21
1117.12 A - House Type 'C1': Plot nos. 1 & 9
1117.13 A - House Type 'C2': Plot nos. 2 & 3
1117.14 A - House Type 'E': Plot nos. 8 & 13
1117.15 A - House Type 'F1': Plot no. 19
1117.16 A - House Type 'F2': Plot no. 14
1117.17 A - House Type 'G1': Plot no. 18
1117.18 A - House Type 'G2': Plot no. 12
1117.20 A - Garages to Plot nos. 13, 14 & 19

Received 11 February 2013

MWA 1117.22 - Garden Stores: Typical Design

Received 27 February 2013

274/P4 rev B - Landscape Strategy

Received 11 March 2013

1117.10 B - House Type 'A': Plot nos. 6 & 7
1117.19 B - House Type 'D': Plot nos. 4, 5, 10 & 11

Received 19 March 2013

1117.06 H - Proposed Site Plan
1117.21 C - Proposed Site Plan

Received 15 May 2013

ITB6118-GA-006 Revision B - Proposed Site Access Arrangements
ITB6118-GA-010 Revision A - Proposed Parking Arrangements
ITB6118-GA-009 Revision B - Proposed Site Access Arrangements
ITB6118-GA-008 Revision A - Indicative Footpath 8 Improvements
ITB6118-GA-007 Revision C - Potential gateway feature and visual narrowing on Seagry Road

Received 21 June 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

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 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 4 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures (including any surface water drainage outfall) in, under, over or within 8 metres of the top of the bank of the Sutton Benger Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of the Environment Agency's controls.

N/13/00012/CAC

Conservation Area Consent be GRANTED, for the following reason:

The proposed development, by virtue of the extent, type and quality of buildings to be demolished and prospect of a suitable replacement, will not harm the character or appearance of the Conservation Area or its setting. As such, the proposal accords with Policies C3 and HE2 of the adopted North Wiltshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.

And subject to the following conditions:

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

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

- 2 No building operations shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

- 3 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (xiii) the parking of vehicles of site operatives and visitors;
- (xiv) loading and unloading of plant and materials;
- (xv) storage of plant and materials used in constructing the development;
- (xvi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (xvii) wheel washing facilities;
- (xviii) measures to control the emission of dust and dirt during construction;
- (xix) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (xx) measures for the protection of the natural environment.
- (xxi) hours of construction, including deliveries; and
- (xxii) demolition works and disposal of demolition materials

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Red Line Plan

Received 21 December 2012

1117.21 C - Proposed Site Plan

Received 15 May 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

Appendices

Appendix 1 – Supplemental Note on Drainage (26 June 2013)



Land at Seagry Road, Sutton Bengier



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Land at Hazelwood Farm, Sutton Benger
Planning application reference: 13/04038/FUL
Gleeson Developments Ltd

Supplemental note on drainage, dated 26th June 2013.

This note should be read in conjunction with the Flood Risk Assessment (FRA) submitted with the planning application in December 2012, and the FRA Addendum dated 29th May 2013, both prepared by R.J. Fillingham Associates on behalf of Gleeson Developments Ltd.

Drainage strategy overview:

- The flood risk to the proposed development from all sources is low
- The proposed development area is located within Flood Zone 1, which means there will be no displacement of flood water
- The implementation of Sustainable Urban Drainage (SUDs) strategy will ensure that there is no increase in flood risk to surrounding areas through the disposal of surface water run-off post development scenarios under normal circumstances
- The proposed development will reduce the existing surface water discharge rate into Seagry Brook by 50%
- Assuming the implementation of the mitigation measures, then residual flood risk to the proposed development will be at a minimum, and there will be no increase in residual flood risk to other areas
- The attenuation ponds illustrated on the proposed site layout (to the north of Hazelwood House) do not serve any drainage purpose, only ecological enhancement
- The restriction by 50% of the average surface water discharge rate from the existing site, with the balance of flows attenuated on site up to the 1 in 100 year climate change event
- The present flooding risk to adjacent properties will be reduced for the majority of less intense storms and will remain unchanged for the very few more severe floods.
- The Environment Agency and Wiltshire Council drainage engineers have no objection to this planning application subject to the use of Planning Conditions
- With the inclusion of the suggested Conditions this application has an Officers Recommendation for approval
- Planning Conditions will be used by Wiltshire Council and the Environment Agency to ensure that the drainage strategy is appropriately designed and implemented

This planning application is supported by a site specific Flood Risk Assessment (FRA). The FRA has been prepared in accordance with the NPPF Technical Guidance for residential development, classified as “more vulnerable” development. More vulnerable development uses are appropriate within Flood Zones 1, 2 and 3 subject to the application of the Exception tests.

The FRA references the Environment Agency’s hydraulic model of the Seagry Brook. This model takes account of it’s catchment, including any tributaries such as the Seagry Hill Brook, and also the receiving River Avon. This model has been considered appropriate to use in respect of the proposed development, with no further site specific modelling being requested by the Environment agency under consultation. Indeed, a conservative approach has been adopted within the FRA Addendum by assuming that the functional floodplain (usually the 1 in 20 year event) extends as far as the 1 in 100 year climate change floodplain.

The proposal has no objections from the Environment Agency and Wiltshire Council Drainage Engineers, and this application has an Officers Recommendation for Approval.

On the basis that the developable area of this application site is within Flood Zone 1, the exception test is not necessary for this application. Paragraphs 100 and 101 of the NPPF state that the risk based sequential test should be applied at all stages of the planning process to steer new development to areas with the lowest probability of flooding. The sequential approach has been applied to this application scheme at a local level with all proposed homes located within Flood Zone 1, and is therefore at the lowest probability of flooding.

The Environment Agency flood mapping demonstrates that the proposed development sites does fall within flood zones 2 and 3, but the proposed homes are all located outside of the zones identified as being subject to flood risk. As noted within the FRA the 1 in 100 year floodplain does extend onto Seagry Road to the south of the site towards the High Street, and the FRA acknowledges that Seagry Road is susceptible to highway flooding where it crosses Seagry Brook.

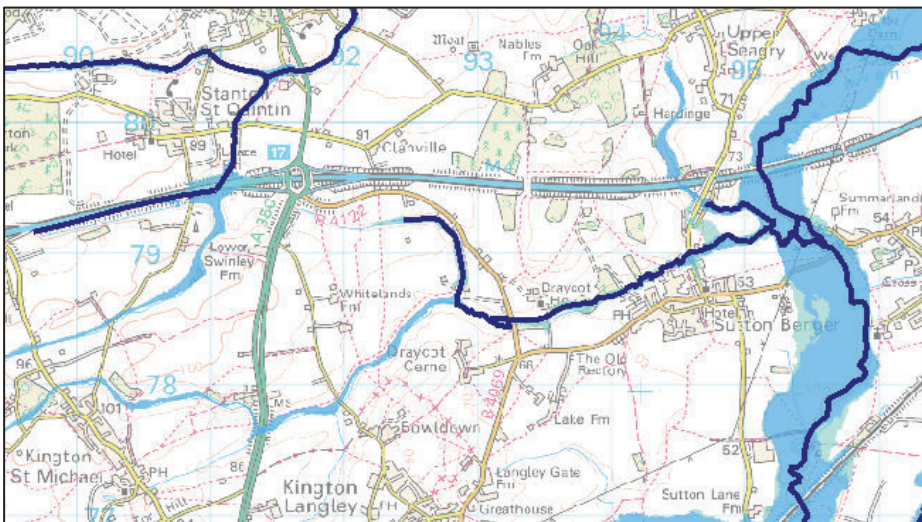
As outlined within the submitted FRA Addendum it has been agreed with the Wiltshire Council Drainage Engineer and the EA that the maximum surface water discharge from the proposed development to the Seagry Brook will be restricted to 50% of the average current discharge from the existing site. The balance of the flows will be attenuated on the site, up to the 1 in 100 year climate change event. As well as offering the 50% reduction in flows, this restriction will also provide significant betterment in more severe rainfall events. The attenuation will be accommodated within a network of oversized pipework, located outside of the flood plain extents with the discharge restricted by a vortex flow control device. The outfall to the Seagry Brook will be fitted with a flap valve to prevent backing up.

It should be noted that the attenuation ponds illustrated on the proposed site layout (to the north of Hazelwood House) are intended only as an ecological enhancement measures and do not serve any purpose in drainage attenuation.

The implementation of the sustainable surface water drainage strategy will ensure that there is no increase in flood risk to surrounding areas through the disposal of surface water run-off after development completion under normal circumstances. Due to the provision of on-site attenuation there will be a reduction in flood risk during more extreme rainfall events.

The Environment Agency flood data (shown below) shows the areas liable to flooding and also the alignment of significant water courses. Using this mapping it is possible to see that the flows travel from west to east along Seagry Brook, a natural channel which flows into the River Avon. To the north of Sutton Benger is the Seagry Hill Brook which is identified as a Main River and provides an outfall from Brookside (adjacent to the southern side of the M4 motorway) towards the River Avon. From the mapping provided by the Environment Agency there is no indications to suggest that run-off from M4 motorway discharges into Seagry Brook, but instead discharges into the Seagry Hill Brook to the north east of Sutton Benger. With no evidence to suggest that the run-off from the M4

will have any direct impact on the site, this has not been considered specifically within the FRA. In any event, the EA hydraulic model will take account of the run-off from the M4, whatever the outfalls.



Environment Agency flood mapping <http://maps.environment-agency.gov.uk/wiyby/wiybyController#x=394542&y=177452&lq=1.&scale=8>



Environment Agency flood mapping <http://maps.environment-agency.gov.uk/wiyby/wiybyController#x=394542&y=177452&lq=1.&scale=8>

The Planning Conditions recommended by Wiltshire Council and the Environment Agency are:

Condition 11

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 scheme shall also include details of how the scheme shall be maintained and managed after completion. 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.

Condition 12

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer 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 and does not increase the risk of flooding or pose a risk to public health or the environment.

Condition 13

The development hereby permitted shall not be first occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

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

Condition 14

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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

Condition 15

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

- (i) Full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including timetable for provision of such works unless an alternative timetable is agreed in the approved details;
- (ii) Submission of a Landscape and Ecological Management Plan, to include details of pre and post-construction measures together with monitoring details; and
- (iii) Full details and samples of all external materials. The works shall be carried out in accordance with the approved details.

REASON: In the interests of the character, appearance, amenity and highway safety of the area.

Condition 17

Finished floor levels shall be set no lower than 55.305 metres above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

Conclusion

The SFRA has been reviewed by the statutory authorities and there are no technical reasons why this application should be considered further. The statutory consultees, including the Environment Agency and County Drainage Engineer have determined that this scheme would provide betterment to the existing drainage position for existing residents and the implementation of this scheme can be adequately approved through the discharging of conditions.

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	10 July 2013		
Application Number	N.12.03816.FUL		
Site Address	Land Adjacent to 57C Kington St Michael, Chippenham, Wiltshire, SN14 6JE		
Proposal	Detached House and Detached Double Garage		
Applicant	Mr John Bigwood		
Town/Parish Council	Kington St Michael		
Electoral Division	Kington	Unitary Member	Howard Greenman
Grid Ref	390282 177473		
Type of application	FULL		
Case Officer	Vicky Hodgson	01225 713932	Victoria.hodgson@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision at the request of Councillor Howard Greenman.

1. Purpose of report

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

2. Report summary

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

- Impact upon visual amenity and character of the conservation area and the residential character of the locality

The application has generated 2 letters of objection from the public.

3. Site Description

The application site is a small plot of open green space comprising 0.067ha located to the rear of the main road through the village of Kington St Michael. The site is within the defined Framework Boundary and Conservation Area for the village.

4. Relevant Planning History		
Application Number	Proposal	Decision
N.10.04558.FUL	Erection of single storey dwelling	Withdrawn
N.10.03378.FUL	Erection of single storey dwelling	Withdrawn
N.03.02231.OUT	Erection of single storey dwelling	Permitted

5. Proposal

Erection of Single Storey Dwelling with Accommodation in the Roof Space.

6. Planning Policy

The site falls within the framework boundary and Conservation Area for Kington St Michael. Policies H3 and HE1 of the North Wiltshire Local Plan 2011 apply.

7. Consultations

Highways Officers raised no objections to the proposals subject to a condition.

New Housing Team identified a requirement for affordable housing provision to be met by off-site financial contributions. has advised that an affordable housing contribution of £26,000 is to be sought in respect of a new dwelling on this site. This would both be sought through a S106 legal Agreement.

Conservation Officer - raises an objection to the proposal because they consider that the impact of the ridge height, dominant roof slopes, together with the overlarge areas of glazing results in an unacceptable proposal which would have significant harm on the conservation area. A dwelling of a more sympathetic scale and design would be more acceptable for this location.

8. Publicity

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

2 letters of objection were received.

Summary of key relevant points raised:

- The proposed new development would be very visible from the highway and would affect the setting of the traditional cottages along the high street.
- The height of the new dwelling should not exceed the height of the neighbouring bungalows and the building line of the garage should not go beyond that of the garage of 57A.
- The design is unsympathetic constructed of modern materials which will have a direct impact on the character and setting of the conservation area.
- The proposal is inconsistent with national and local planning policies (both the existing North Wiltshire Plan and those proposed in the Core Strategy) which aims to protect, conserve and enhance the historic environment.
- The new development will not preserve or enhance the conservation area.
- The development will result in the further loss of open spaces that are important features of the conservation area.
- The private access is inadequate for additional traffic movements.

- Emergency vehicles and delivery vehicles already experience difficulties manoeuvring therefore concerns are raised with regard to future accessibility especially with regard to emergency vehicles.

9. Planning Considerations

Principle of Development

The application site is a small plot of open green space comprising 0.067ha located to the rear of the main road through the village of Kington St Michael. The land appears to be currently used as informal play space but has previously been used as allotments and has featured a number of small shed structures in the past. An outline planning permission with all matters reserved was granted in 2003 for a new single storey dwelling (with accommodation in the roofspace) on this plot. This application preceded changes to the planning system in respect of the information required to support outline planning applications and consequently included no details such as footprint, siting and appearance. As such the application established that the proposal was acceptable in principle subject to approval of the detailed design. That application has since lapsed without any reserved matters application being submitted. Two full planning applications were submitted in 2010 proposing very similar schemes as is now before the committee. The first application was withdrawn after it was identified to the applicant that the design of the scheme was considered inappropriate in the Conservation Area. The second 2010 application was to be determined at the Northern Area Planning Committee, but was withdrawn prior to determination. The officer's report recommended refusal because the proposed scale and design of the dwelling would not preserve and / or enhance the character and amenity of the conservation area or the residential character of the locality and as a result of its scale in relation to plot size would not provide adequate usable private amenity space and would therefore not secure an acceptable level of private amenity space. This matter is addressed further below.

The site falls within the defined framework boundary and Conservation Area of Kington St Michael. Policies H3 and HE1 of the North Wiltshire Local Plan apply. Both policies allow for new development in principle subject to certain considerations. Policy H3 gives priority to the reuse of previously developed land, however it does not preclude new residential development on land even where it is not considered to be previously developed land. It is not considered that the proposal would be contrary to policy H3.

Impact on the Conservation Area

Policy HE1 requires that new development within Conservation Areas preserves and enhances the character of the area. It is considered that the proposed scheme would not meet this requirement.

Kington St Michael has a long main street that is lined with mostly historic buildings, many of which are listed. The land adjacent to 57C is set back from the main road behind older cottages that front the street. There are some modern houses around this area of land where the new dwelling is proposed. The design and materials of the new houses is typical of the late C20 but not of the vernacular architecture in the village. The development site is visible from the main street and any new dwelling on the site would also be seen from the public highway and footpath.

The original scheme submitted has been revised to include a reduction in the height of the ridge line of the dwelling (by 1 metre) as well as a reduction in the height of the detached garage. The chimney stack has been omitted and a roof light added to the north west elevation.

The proposed dwelling appears to be far wider in footprint than the historic houses in close proximity to the site. The roof pitches shown on the proposed drawing are very dominant and the approach to the design style of the building is somewhat uninspired and not in keeping with its surroundings or sympathetic to the Conservation Area. As with the previously unsuccessful applications the proposed site plan shows the dwelling filling its plot providing little in terms of

private external amenity space. The development in terms of footprint is therefore considered to bear little relationship with other properties in the Conservation Area.

Although the actual design of the proposed dwelling has altered since the previous applications (to include the removal of the link between the dwelling and garage resulting in the detached garage now proposed) the overall footprint of the building has not significantly changed. The issues of size and massing as well as how the dwelling related to the plot size were contentious issues with regard to the previous application and which have not been addressed in the current proposal. The applicant was made aware of this by the case officer in a letter dated 3rd April 2013. In their responding letter dated 30th April 2013 the agent explains that the layout of the proposed dwelling and size of its footprint has not changed because 'this is the layout which the applicant has requested'. This aspect of the proposal has not been addressed and therefore remains a contentious issue with regard to the current proposal.

The Conservation Officer has raised objections to the proposal because they consider that the the impact of the ridge height, dominant roof slopes, together with the overlarge areas of glazing results in an unacceptable proposal which would have significant harm on the conservation area.

On this basis it is considered that the proposed dwelling would be inappropriate in scale, design and materials for the location and would not enhance or preserve the Conservation Area. This would be contrary to policies C3 and HE1.

Other Considerations

Given the scale and form of development, the size of the development plot and the scale and form of neighbouring properties and the character of properties in the wider locality it is considered that the proposed dwelling fails to respect or relate well to the residential character of the locality contrary to policy C3. Given the relative orientation of the proposed dwelling and neighbouring properties and the relationship between windows to habitable rooms and areas where there is a reasonable expectation of privacy it is not considered that there would be any significant loss of residential amenity. However given the limited amount of private amenity space proposed and the scale of the dwelling in relation to the plot size it is not considered that the proposed dwelling would secure an acceptable level of residential amenity for future occupants.

Highways officers have raised no objections to the proposal and therefore the access arrangements are considered acceptable for the level of development proposed.

Under the terms of policy H5 a requirement for affordable housing to meet local needs has been identified, given the scale and nature of development proposed a financial contribution of £26,000 toward provision in the locality was identified as appropriate.

A section 106 agreement would therefore be required. In the absence of any such completed agreement the scheme is objectionable.

10. Conclusion

The proposed scheme is very similar to those submitted in 2010 and which were unsuccessful and still fails to address the issues raised at that time. As a result the current scheme is considered unacceptable and has resulted in an unfavourable recommendation. The applicant has been made fully aware of these issues during the processing of the current application and also during the previous applications. However, unfortunately they appear unwilling to address these issues raised and negotiate an improved scheme.

It is therefore considered that the proposed scale and design of the dwelling would not preserve and / or enhance the character and amenity of the conservation area of the residential character of

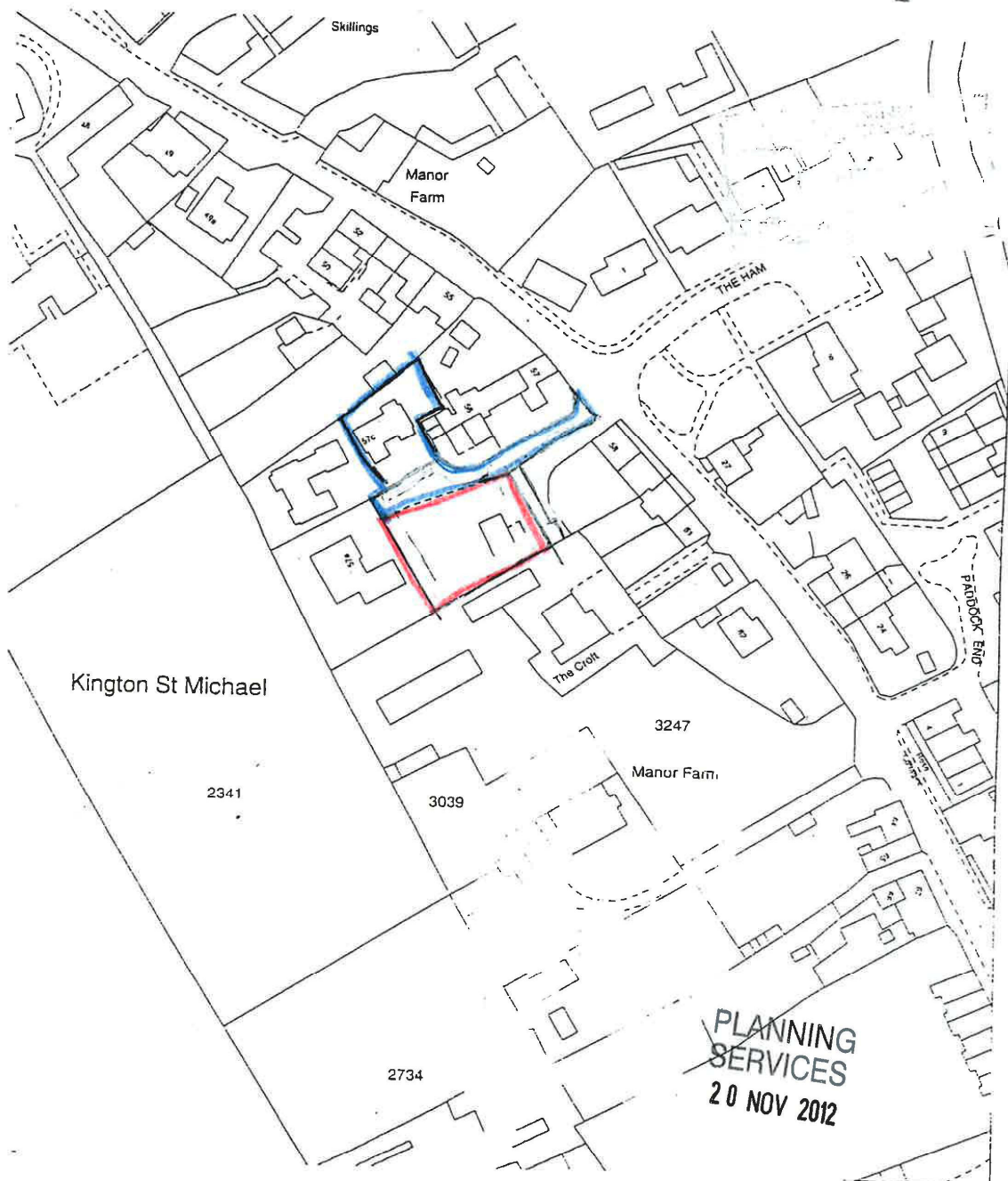
the locality. The proposed dwelling by virtue of its scale in relation to plot size would not provide adequate usable private amenity space and would therefore not secure an acceptable level of private amenity space. The proposal is therefore contrary to policies C3 and HE1 of the North Wiltshire Local Plan 2011.

11. Recommendation

Planning Permission be REFUSED for the following reason:

1. The proposed scale and design of the dwelling would not preserve and / or enhance the character and amenity of the conservation area of the residential character of the locality. The proposed dwelling by virtue of its scale in relation to plot size would not provide adequate usable private amenity space and would therefore not secure an acceptable level of private amenity space. The proposal is therefore contrary to policies C3 and HE1 of the North Wiltshire Local Plan 2011.
2. The proposed development does not make any provision for securing a contribution to affordable housing or public open space. No information has been submitted to justify why policies C2, H6 and CF3 of the Local Plan have not been complied with. In the absence of an agreement to secure such contributions or information justifying why such contributions should not be sought, the application fails to comply with policies C2, H6 and CF3 of the North Wiltshire Local Plan 2011.

12/03816



LAND ADJACENT TO 57c, KINGTON ST. MICHAEL

MR + MRS J. BIGWOOD

SCALE 1:1250.

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	10 July 2013		
Application Number	N/13/00622/FUL		
Site Address	The Annexe, 6 Elm Hayes, Corsham, Wiltshire SN13 9JW		
Proposal	Change of Use of Self Contained Accommodation to Separate Dwelling & Provision of 2 Parking Spaces		
Applicant	Mrs Irene Simpkins		
Town/Parish Council	Corsham Town Council		
Electoral Division	Corsham Town	Unitary Member	Cllr Phillip Whalley
Grid Ref	387201 169418		
Type of application	Full		
Case Officer	Chris Marsh	01249 706657	chris.marsh @wiltshire.gov.uk

Reason for the application being considered by Committee

The application was previously called in by Cllr Peter Davis in order to consider the relationship of the annexe to nearby properties.

1. Purpose of Report

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

Corsham Town Council has objected to the application on grounds of inadequate amenity space.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the privacy and amenity of existing neighbours and potential occupants
- Impact on highway safety
- S106 contributions

3. Site Description

The application relates to a detached annexe building sited to the rear of no.6 Elm Hayes, an end-of-terrace property located in a suburban area at the southern end of Corsham. The site lies within the development framework boundary and is part of an established residential area with a strong built pattern of terraced and semi-detached properties, some of which have been converted to flats in recent years. The annexe is sited on land at the northeast side of the residential curtilage to no.6, with its blank rear elevation backing directly onto an array of garages. Access can be obtained either through no.6 itself, along a pathway to the side of the dwelling or via a large timber gate, to which a right of access has been granted over the large garage complex further northeast.

The single-storey annexe is constructed over a footprint of 10.3 x 4.0m, providing a bedroom, bathroom and open-plan kitchen/living area. The building is faced in reconstituted stone under a hipped double roman concrete tile roof, with uPVC glazing contained to its principal southeast elevation. A low timber fence has been erected in line with the southwest end of the building, maintaining an access along the concrete slab pathway that links the patio area of no.6 to the shingle parking space at the northeast end of the site. The latter currently provides an off-street parking space for a single vehicle, but no turning space.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/07/01502/FUL	Erection of Self-Contained Relatives Accommodation	Permitted
N/06/03096/FUL	Self Contained Relatives Accommodation	Refused

5. Proposal

The proposed development comprises the division of the garden at no.6 to establish the ancillary accommodation instead as an independent dwelling. Parking provision for the main dwelling is to be reconfigured with the provision of 2no. parking spaces to the front of the property, allocating the existing parking space at the northeast end of the site to the proposed new dwelling. A fence is to be erected in place of the existing and extending further to entirely separate the two elements of accommodation, each with separate amenity space.

6. Consultations

Corsham Town Council – *“object to the application on the grounds that there would be a lack of amenity space for two separate dwellings”*

Highways – no objection, subject to conditions

7. Publicity

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

Nine letters of support received from local residents.

Summary of key relevant points raised:

- Local need for small housing units
- Adequate amenity space

8. Planning Considerations

Principle of development

In principle, new residential development is supported under the extant Local Plan, which includes this site within the framework boundary for Corsham. The site is well placed for local shops and services, together with good public transport links. A small number of additional properties – either achieved by attaching additional dwellings to the ends of terraces or by separation of houses into flats – have been observed within close proximity in recent years. Notwithstanding this, the separation of annexe accommodation with this close a relationship to its host dwelling is rarely considered acceptable. The use of appropriate conditions specifically prohibiting separation of such accommodation are necessary where routinely granting such permissions.

Impact on the character and appearance of the area

As the scheme does not require any extensions or alterations to the building itself, it is not considered that the development will significantly alter the appearance of the area, excepting the proposed fence treatment between the two buildings. The additional associated activity and domestic paraphernalia within the confined amenity space introduced would, however, be somewhat out of keeping with the general visual character of the area.

Consideration has been given as to whether a new-built residential dwelling would be supported in this location as, for the purposes of planning, no concession should be given to the building's current existence. In these terms, it is considered that a new dwelling would be detrimental to the character and appearance of the local area, both in terms of its unusually confined and overlooked arrangement and due to the increased domestic activity associated with a wholly independent unit.

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

Condition 4 to the original permission for the annexe (N/07/01502/FUL refers) explicitly precludes the occupation of the building other than in wholly in conjunction with and ancillary to no.6 itself, for reason that *"There are insufficient space and facilities for the creation of an additional separate dwelling on this site."* No justifiable reason is given as to why the planning considerations leading to the original decision should not be materially relevant in this instance, such that the absolute level of amenity space should now be considered adequate. It is also noted that in order to meet parking requirements, which have since been revised to require an increased on-site provision, a further area of amenity space to the front of no.6 has to be committed.

The relationship between the two buildings is such that both would be adversely affected by a wholly separate dwelling in the rear garden. At an absolute level, whilst previously the shared use of the outside area afforded a reasonable sense of space, the constraints are such that in any configuration the scheme would result in inadequate amenity. Taking into account the parking provision at the northeast end of the site, the annexe building would benefit from only a limited and very narrow useable amenity space.

Furthermore, the orientation of no.6 is such that the upper floor windows to the habitable rooms of its rear elevation would directly overlook almost all outside space associated with the annexe building, and vice-versa. This is unacceptable and is significantly different to the oblique views of neighbouring gardens currently afforded to almost all properties in the vicinity, including those properties that have been subdivided or attached to earlier terraces.

Impact on highway safety

The proposal includes the additional provision of two off-street parking spaces to the front of the property, enabling the rear access to serve the annexe building in exclusivity. This will mitigate against the material harm that would otherwise be incurred by a likely increase in vehicular movements and enable both properties to comply with countywide parking standards. These works will also require the installation of a dropped curb onto the adjacent highway.

The highways officer has advised that although access rights across the neighbouring land, which is understood to be housing association-owned, may be limited, there is no need to provide on-site turning. As such, the single space indicated is considered adequate provision in relation to the single-bedroom annexe building.

S106 contributions

The proposed development of a small single-bedroom dwelling generates a requirement for a contribution of £1,058.21 toward the provision of off-site public open space, taking into account a small site discount of 50%. However in this instance it is understood that the applicant is unwilling or unable to secure this through a Section 106 legal Agreement, as would be required if planning permission were granted.

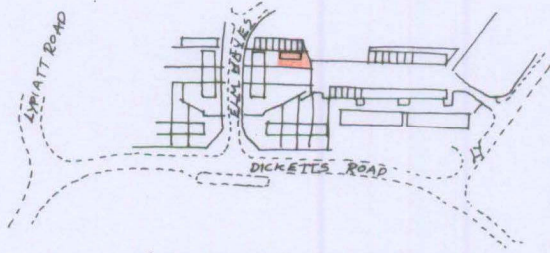
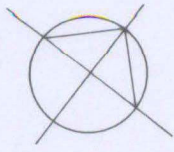
Conclusion

Owing to the confined nature of the site and the extremely close relationship between the two buildings, the proposed development would be entirely out of keeping with the character of the area and would result in the detrimental loss of residential amenity to occupiers and neighbours. For this reason, and owing to the lack of a forthcoming financial contribution toward public open space provision, the proposal is unacceptable in planning terms.

9. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed development, by reason of its siting, orientation, size, use and lack of outside space, would result in the unacceptable loss of residential amenity to both future occupants and neighbouring properties, contrary to Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 and Section 6 of the National Planning Policy Framework.
2. The development fails to make adequate provision for an open space contribution and as such the proposal fails to accord with Policy CF3 of the adopted North Wiltshire Local Plan 2011.



Location Plan 1:2500

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REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	10 th July 2013		
Application Number	13/01090/S73A		
Site Address	Domino's Pizza, 119 The Pippin, Calne, SN11 8JQ		
Proposal	Variation of Condition 2 of 11/02734/FUL to vary trading hours		
Applicant	Domino's		
Town/Parish Council	Calne Town Council		
Electoral Division	Calne	Unitary Member	Cllr Howard Marshall
Grid Ref	399816 171216		
Type of application	S73A		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application is being brought before the planning committee at the discretion of the Director of Development Services as the application is to amend a hours of operation condition imposed by Committee Members

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:

- Impact upon neighbourhood amenity and privacy.

The application has generated objections from Calne Town Council and 7 letters of objection from the public.

3. Site Description

The proposal relates to an existing Domino's Pizza outlet which has been in situ for approximately 15 months within Calne Town Centre, just within the secondary shopping centre. The surrounding uses are retail with Sainsbury's opposite and M&Co adjacent.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/02738/FUL	Change of use of unit to A5 (takeaway and associated works)	Permission with a condition restricting hours of use to 09:00-22:00
11/02983/FUL	Adverts	Consent
12/00198/S73	Variation of hours to allow pizza sales 09:00- 23:00	Granted

5. Proposal

The proposal is to vary the hours that the unit operates, both in terms of sales and then deliveries. The proposal is for sales from the unit to be able to operate until 12 midnight with the addition of delivery sales until 01:00 on Friday and Saturday nights only.

6. Planning Policy

Policies C3 and NE18 of the North Wiltshire local Plan 2011 are applicable along with Core Policy 57 of the Emerging Wiltshire Core Strategy and advice in section 8 of The National Planning Policy Framework 2012.

7. Consultations

Calne Town Council strongly object the application quoting policies C3 (iii), (ix) and Topic Area Policy NE18. They are concerned about the impact of the proposal on neighbouring properties and residents, who are already experiencing problems with anti-social behaviour, excessive noise and disturbance with the current opening hours. Members felt strongly that conditions would worsen should permission be granted to further extend trading hours. Members also noted that the unit is located within the conservation area.

Environmental Health does not object (having consulted with the police about anti-social behaviour) subject to an initial temporary time limit for one year.

8. Publicity

The application was advertised by site notice and neighbour consultation.

7 letters of objection have been received.

Summary of key relevant points raised:

- Increase in noise and general disturbance.
- Increase in traffic movements and noise including deliveries.

In support of the application the agent responds that the anti-social behaviour is not because of the Domino's unit and Domino's have not received any complaints. The unit is subject to a licence which can be revoked at any time and is an ongoing regulatory control. There is no factual evidence to support the complaint.

9. Planning Considerations

The proposal relates to an existing unit for sale of pizzas. The unit has been running for approximately 15 months with anecdotal nuisance problems, which the police do not verify. The unit is sited in the town centre where other takeaways exist and uses which operate into the evening.

The unit has been operating with the hours 09:00-23:00 hours on any day and the proposal is to extend this to 24:00 on any day with deliveries allowable until 01:00 on Fridays and Saturdays. Environmental Health do not oppose this change in hours as the unit is in the town centre where other comparable uses already take place. However, because of the expressed concerns they do suggest that temporary 1 year consent is given so that should any nuisance arise, this can be monitored.

None of the anti-social behaviour reported relates specifically to the application site and are those found in town centre locations in any event. It is not considered that extending the hours as proposed would compound this and the recommendation is to allow a temporary 1 year permission.

10. Recommendation

Planning Permission be GRANTED

Subject to the following conditions:

- 1) The variation of hours contained within condition 2 of this permission shall be discontinued and the hours of operation returned to those approved under planning permission 12/00198/S73A on or before 30th July 2014.

Reason: To allow monitoring of the revised opening times

- 2) The use hereby permitted shall be for the sale of pizzas only and no other hot food takeaway. There shall be no cooking or sale of pizzas outside the hours of 09:00-24:00 on any day except Fridays and Saturdays when cooking and delivery of pizzas shall be permitted until 01:00 hours.

Reason: To protect the amenity of the local residents.

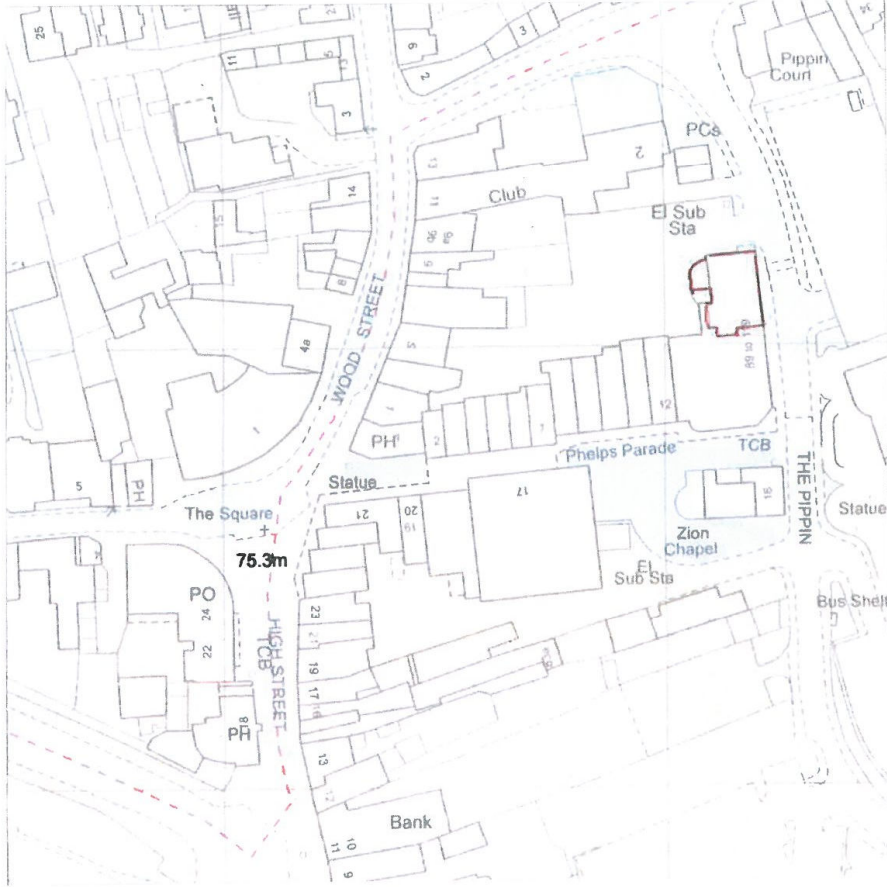
- 3) Any fixed plant associated with the proposed development shall be so sited and designed as to not exceed the following criteria: 45dBA_{3q}(1hr) and noise rating (NR) curve 40dBA, when measured at 1m from any residential window.

Reason: To protect the amenity of nearby residents.

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

Plans: Location plan dated 10th April 2013.

REASON: For the avoidance of doubt and in the interests of proper planning.



**Dominos
Unit 2
119 The Pippin
Calne SN11 8JQ**

Site location plan

Scale 1/1250