

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 31 July 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713948 or email kirsty.butcher@wiltshire.gov.uk

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

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

Membership:

Cllr 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 - 16*)

To approve and sign as a correct record the minutes of the meeting held on **10 July 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 24 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 17 - 18)

An appeals update report is attached for information.

7 Planning Applications (Pages 19 - 20)

To consider and determine planning applications in the attached schedule.

7a **13/01483/FUL - 1 Chestnut Road, Chippenham, Wiltshire SN14 0EY**
(Pages 21 - 26)

7b **13/01147/FUL - Glen Echo, Lower Kingsdown Road, Corsham SN13 8BB** (Pages 27 - 34)

7c **13/01174/FUL - The Forge, High Street, Malmesbury, Wiltshire SN16 9AT** (Pages 35 - 42)

7d **13/01254/FUL - Garages at Stubbs Lane, Kington St Michael, Chippenham, Wiltshire SN14 6HX** (Pages 43 - 54)

8 Urgent Items

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 10 JULY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Chuck Berry (Substitute), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst,
Cllr Sheila Parker, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Cllr Howard Greenman

71 Apologies

Apologies were received from Councillor Bill Douglas, Councillor Peter Hutton
and Councillor Mark Packard.

Councillor Peter Hutton was substituted by Councillor Chuck Berry.

72 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 and sign the minutes, with the
amendment that Councillor Desna Allen and Councillor Mark Packard left
the room after the first item for urgent business at Chippenham Town
Council.**

73 Declarations of Interest

There were no declarations of interest.

74 Chairman's Announcements

There were no Chairman's announcements.

75 Public Participation and Councillors' Questions

The Committee noted the rules on public participation.

76 **Planning Appeals**

The Committee noted the contents of the appeals update.

77 **Planning Applications**

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

Additional Information 10.07.13

78 **N/13/00755/FUL - Land Adj 2 Box Cottages, Sutton Benger, SN15 4RD**

Public Participation

Mr James Bolton spoke in objection to the application.
Mr Brian Weetch spoke in support of the application.
Mrs Elaine Weetch spoke in support of the application.

The area development manager introduced the application. There had been permission for a single storey dwelling on the site but this had since lapsed. Concern was raised over the size and height of the proposed dwelling.

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 Howard Greenman highlighted the applicants had been involved in a lengthy process to work with the planning department from the pre-application stage and to address their concerns.

A short discussion took place regarding communication with the planning department, whether this was a suitable proposal for the plot and the want for a clearer drawing of the proposal.

Resolved:

For Application N/13/00755/FUL

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.

79 **N/13/00011/FUL and N/13/00012/CAC - Hazelwood Farm, Sutton Benger, SN15 4RX**

Public Participation

Mr Michael Sideras spoke in objection to the application.

Mr Groves spoke in support of the application.

Miss Sophia Thorpe spoke in support of the application.

The development control team leader introduced the application. The application had been brought back from the previous planning committee meeting to provide the additional information requested regarding the capacity of Seagry Brook and the situation with regards to M4 drainage. It was clarified that the proposed development would reduce the existing surface water discharge rate into Seagry Brook by 50% and M4 water did not affect the brook.

The committee then had the opportunity to ask technical questions of the officer. This covered whether the road surfaces in the proposal would be permeable, which could not be guaranteed.

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

The local councillor, Councillor Howard Greenman commented the information provided by the Environment Agency was inadequate and he requested the detailed capacity of the brook before the M4 was constructed and in the present day.

A short discussion took place regarding the site not being in a major flood risk area, whether the proposed development was considered suitable in terms of its nature and location, maintenance of the brook and links proposed with the former chicken factory site .

Resolved:

For Application 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 & 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.

Resolved:

For Application 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.

80 **N/12/03816/FUL - Land Adjacent 57c Kington St Michael, SN14 6JE**

The area development manager introduced the application. He described the site as an undeveloped one that appeared prime for development. Permission for a dwelling had been granted in the past but this had since lapsed. The proposal was for a 4 or 5 bedroom property with a detached garage and the area development manager believed this proposal to be too much build for the site.

The committee then had the opportunity to ask technical questions of the officer. There had been no calculations regarding the footprint of the proposal in comparison to neighbouring properties, although the plans did give a rough guide.

There were no comments from members of the public.

The local councillor, Councillor Howard Greenman stated there may be room for negotiation with regards to the size of the dwelling.

Resolved:

For Application N/13/00755/FUL

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.

81 **N/13/00622/FUL - The Annexe, 6 Elm Hayes, Corsham, SN13 9JW**

Public Participation

Mr Peter Davis spoke in support of the application.

Mrs Irene Simpkins spoke in support of the application.

Mr Marc Willis spoke in support of the application.

The development control team leader introduced the application. The site had an annexe and the proposal was for this to be made into an independent dwelling. There would be little change in terms of visual impact and the main concern was the relationship between the existing dwelling and the proposed independent one. It was confirmed in an amendment to the report that the applicant was content to contribute towards the provision of off-site public open space.

The committee then had the opportunity to ask technical questions of the officer. It was confirmed the building had initially been allowed as it was tied to the original property.

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

The local councillor, Councillor Philip Whalley then spoke in favour of the application. He underlined that the building already existed and had been occupied for six years without any problems. It was a small and modern dwelling that could be put to good use adapted as it was for a disabled person with its own pedestrian access and vehicular access.

A short discussion took place regarding the amenity space of the properties concerned and the need to bring unused properties back into use. Concern was raised regarding setting a precedent in the neighbourhood.

Resolved:

For Application N/13/00622/FUL

Planning Permission be DELEGATED to the area development manager to put in suitable conditions, including for boundary design and for any vegetation to be native species, and in addition to remove permitted development rights.

82 N/13/01090/S73A - Dominos, 119 The Pippin, Calne, SN11 8JQ

The area development manager introduced the application. Dominos pizza in Calne proposed to increase sales from the unit to be able to operate until 12 midnight with the addition of delivery sales until 1.00am on Friday and Saturday nights only. Letters had been received regarding anti-social behaviour, however the environmental health department did not object to the proposal.

The committee then had the opportunity to ask technical questions of the officer. It was confirmed the change in hours could be agreed for a temporary period and then not be brought back to the committee, but delegated for an officer to agree or otherwise.

The local councillor, Councillor Howard Marshall highlighted the Town Council were strongly opposed to changing the hours, however licenses of nearby comparable businesses suggested there were not grounds for refusal.

Resolved:

For Application N/13/00755/FUL

The area development manager introduced the application. There had been permission for a single storey dwelling on the site but this had since lapsed. Concern was raised over the size and height of the proposed dwelling.

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 Howard Greenman highlighted the applicants had been involved in a lengthy process to work with the planning department from the pre-application stage and to address their concerns.

A short discussion took place regarding communication with the planning department, whether this was a suitable proposal for the plot and the want for a clearer drawing of the proposal.

Resolved:

For Application N/13/01090/S73A

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 with a review in 12 months by the area development manager and the application not to be brought back to the committee, unless called in by the local councillor.

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.

83 **Urgent Items**

There were no urgent items.

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
31st July 2013**

Forthcoming Hearings and Public Inquiries between 18/07/2013 and 31/01/2014

Application No	Location	Parish	Proposal	Appeal Type	Date
12/03740/FUL	Land off Stanier Road, Calne, Wiltshire	Calne	Erection of 34 Dwellings	Informal Hearing	24/07/2013

Planning Appeals Received between 26/06/2013 and 18/07/2013

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
13/00460/FUL	2 Albion Terrace, Box Hill, Box, Corsham, SN13 8HR	Box	Rear Flat Roof Dormer	DEL	Refusal	Written Representations
13/00995/FUL	17 Malmesbury Road, Chippenham, Wiltshire, SN15 1PS	Chippenham	Alteration of Building Frontage (Amendment to 12/03592/FUL)	DEL	Refusal	Written Representations
13/00446/FUL	Land at Ashley, Box, Corsham, Wiltshire, SN13 8AN	Box	Temporary Agricultural Workers Dwelling, Erection of an Agricultural Building & Formation of Hardstanding (Revision of N/13/00225/FUL)	DEL	Refusal	Informal Hearing

Planning Appeals Decided between 26/06/2013 and 18/07/2013

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
12/00871/FUL	Southernwood Farm, Sheldon, Chippenham, Wiltshire, SN14 0RE	Chippenham Without	Demolition of Existing Buildings and Erection of 2 No. B8 Storage Buildings	DEL	Allowed with Conditions	Refusal	Written Representations
12/01716/LBC	61 The Pippin, Calne, Wiltshire, SN11 8JG	Calne	Structural Repairs to West Gable, Re-Roofing, Repairs to Stacks & Dormer Windows, Replacement Windows & Dormers in Gable Elevations; Repairs to Boundary Wall & Internal Alterations (Part Retrospective).	DEL	Allowed with Conditions	Permission	Written Representations
13/00040/S73A	9 Saddleback Close, Calne, Wiltshire, SN11 8HW	Calne	Erection of Car Port, Store & Sun Room (Retrospective)	COMM	Allowed with Conditions	Delegated to Area Development Manager	Written Representations

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
12/01009/FUL	58 Bristol Road, Chippenham, Wiltshire, SN15 1NS	Chippenham	Erection of Proposed Detached Dwelling & Provision of Parking	DEL	Appeal Dismissed	Refusal	Written Representations
12/02230/FUL	58 Bristol Road, Chippenham, SN15 1NS	Chippenham	Erection of Proposed Detached Dwelling & Provision of Parking(Resubmission of N/12/01009/FUL)	DEL	Appeal Dismissed	Refusal	Written Representations
12/03228/ADV	1A BLACKCROSS, CHIPPENHAM, WILTSHIRE, SN15 3LD	Chippenham	One Externally Illuminated Fascia Sign and One Double Sided Freestanding Advertisement Display	DEL	Appeal Dismissed	Split Decision	Written Representations
12/03630/CLP	The Old Woodshed, Prospect, Kingsdown, SN138AY	Box	Rear Extension	DEL	Appeal Withdrawn	Refusal	Written Representations

Agenda Item 7

INDEX OF APPLICATIONS ON 31/07/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	13/01483/FUL	1 CHESTNUT ROAD, CHIPPENHAM, WILTSHIRE, SN14 0EY	Erection of Detached Dwelling	Permission
7b	13/01147/FUL	Glen Echo, Lower Kingsdown Road, Corsham, Wiltshire, SN13 8BB	Replacement Dwelling	Permission
7c	13/01174/FUL	The Forge, High Street, Malmesbury, Wiltshire, SN16 9AT	Conversion of Forge to Dwelling, Addition of Glazed Gables, Porch & Garden Room	Permission
7d	13/01254/FUL	Garages at Stubbs Lane, Kington St Michael, Chippenham, Wiltshire, SN14 6HX	New Dwelling	Refusal

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	31 July 2013		
Application Number	N/13/01483/FUL		
Site Address	Land Adj. 1 Chestnut Road, Chippenham, SN14 0EY		
Proposal	Erection of Detached Dwelling		
Applicant	Mr G Lyus		
Town/Parish Council	Chippenham Town Council		
Electoral Division	Chippenham Lowden & Rowden	Unitary Member	Cllr Linda Packard
Grid Ref	391059 173833		
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 Packard, in order to consider the design and highways impact of the proposed development.

1. Purpose of Report

To consider the above application and to recommend that the application is delegated to the Area Development Manager to APPROVE the application, subject to conditions and a legal Agreement.

Chippenham Town Council has objected to this application, which has also attracted 15no. objections from neighbours of the site.

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

Chestnut Road is a cul-de-sac located a short distance to the South of the Bristol Road in central Chippenham, an area characterised by its distinctive 1930s semi-detached properties. No.1 occupies a corner position close to the junction between Chestnut Road and the adjacent Plantation Road and benefits from a generous triangular plot to the rear that serves predominantly as domestic garden. The land is at present bounded by a mature hedgerow to the pavement side and otherwise by close-boarded timber fencing to the neighbouring properties.

The site is located within the development framework boundary for Chippenham, and otherwise undesignated under the adopted development plan.

4. Relevant Planning History

There is no planning history relevant to the site.

5. Proposal

The proposed development comprises the subdivision of the plot in order to accommodate a new detached dwelling, more closely related to no.3 in terms of orientation and access than to no.1 itself. The proposed dwelling appears fairly similar in terms of style and proportion to the nearby properties, although obviously differing in terms of its detached form, and is to be set over a full two-storey scale with a hipped roof over, modest projecting porch and rear single-storey lean-to. The internal accommodation is to comprise of an open-plan lounge/diner toward the rear of the property with separate kitchen, hallway and WC at ground floor level and three bedrooms and a bathroom above. Externally, the dwelling is to be finished principally in painted render, with a brick plinth and matching central string course and a hipped concrete roman tile roof covering. Two allocated parking spaces, connected to a newly-created access directly adjacent to no.3, are arranged in tandem next to the building. The land to the rear is to be used in conjunction with the property as amenity space, with the existing garden space to the East retained as ancillary to no.1 and incorporating a suitable boundary treatment to be agreed later.

6. Consultations

Chippenham Town Council – objections, citing the highways impact and unsuitable design

Highways – no objection, subject to conditions

Public Open Space – confirmed that a contribution of £5,820 should be sought

7. Publicity

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

15 letters of objection received

Summary of key relevant points raised:

- Insufficiency of proposed parking provision
- Overdevelopment of the site
- Inappropriate design
- Overlooking and loss of light

Concerns have also been raised in respect of the potential impacts of construction work on sewerage and neighbouring foundations; however these are civil matters and not material planning considerations.

8. Planning Considerations

Principle of development

The site is located within the development framework boundary for Chippenham; within which new residential development is supported in principle. The plot is well connected to local services and transport, with the B-classified Bristol Road a short distance away.

Impact on the character and appearance of the area

Whilst the prevalence of semi-detached properties in the vicinity of the site cannot be ignored, the general form of the proposed dwelling is otherwise in keeping in terms of scale and proportion. Later development consisting of additional detached dwellings is not uncommon, and examples can be seen nearby at High Gables and Woodside, a short distance to the East, in the immediate area. The general scale and proportion of the proposed dwelling is considered to be entirely in

accordance with the consistent template set by neighbouring properties, including the hipped roof that typifies many properties of that era. Likewise, the set-back position of the property and tandem parking arrangements are typical of the surrounding properties, including no.1 itself.

Following negotiation, the external finish has been amended so as to be predominantly painted render, similar to that of no.5 Chestnut Road, with brickwork contained to course detailing only. Other details including the front porch have been amended to reflect the hipped coverings to the ground floor bay windows directly opposite, although it should be acknowledged that a slight variation in architectural details – including bays and porches – already exists in the near vicinity. The proposed timber-framed fenestration is consistent with the original materials of the surrounding properties, as are the concrete tiles to be used for the roof covering.

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

Owing to the siting and orientation of the proposed dwelling, the scheme will not result in the detrimental loss of amenity to neighbouring properties. The dwelling is orientated in such a way as to avoid direct overlooking of adjacent properties, particularly the gardens of nos.3 and 1 Chestnut Road, with which the building is to have a relationship similar to those seen throughout the street. The main front and rear elevations maintain a separation of 17.5m and 12.5m respectively from the boundaries of the properties opposite and this is considered entirely adequate as well as in keeping with the general pattern of development seen in the vicinity.

Impact on highway safety

Whilst it is appreciated that Chestnut Road itself may suffer from sporadic parking problems, planning proposals can only address the direct impacts of development and cannot be expected to remedy a pre-existing situation. In this instance, the proposed level of parking and access arrangements are considered adequate for the development proposed. The level of parking provision at no.1 itself is not a relevant consideration, although it is worthy of note that the reduction in the size of this property may yield a slight reduction in vehicular movements.

For the above reasons, the Highways Officer has recommended that the proposed access and parking provision are adequate in relativity to the dwelling. Due to the very limited traffic flow through the cul-de-sac and visibility afforded by the highway verge, it is considered acceptable to reverse onto the driveway or out into the road. The ownership of the verge remains unclear, however – being neither under the control of the applicant or the Council – and therefore obtaining access is dependent upon securing suitable rights in this regard. This is a civil matter and not relevant to the determination of the application.

S106 contributions

As the site is located within the framework boundary for Chippenham and relates to a single dwelling, no affordable housing contribution is applicable under Policy H5 of the adopted Local Plan. The size of the unit proposed equates to a contribution of £5,820 toward public open space under Policy CF3 of the adopted Local Plan, which must be administered through a Section 106 Agreement. This contribution is to be targeted toward the upgrading of facilities at John Coles Park, Chippenham.

Conclusions

It is considered that the application site is suitable for limited infill development of the type and scale proposed. The scheme demonstrates a suitable regard for its context in terms of layout, scale, design and materials and will not appear unduly out of place in the street scene. The proposed parking and access arrangements are adequate and will not result in detriment to highway safety, the current issues in respect of on-street parking being outside of the control of the applicant.

9. Recommendation

Authority to be delegated to the Area Development Manager to APPROVE the application, subject to completion of a Section 106 legal Agreement, for the following reason:

The proposed development, by virtue of its location, siting, scale, massing, design and materials, is acceptable in principle and will not harm the character or appearance of the site or its setting. The proposal will not result in detriment to residential amenity or highway safety and as such accords with Policies C3 and H3 of the adopted North Wiltshire Local Plan 2011 and Sections 6 and 7 of the National Planning Policy Framework.

And subject to the following conditions:

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

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

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

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

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

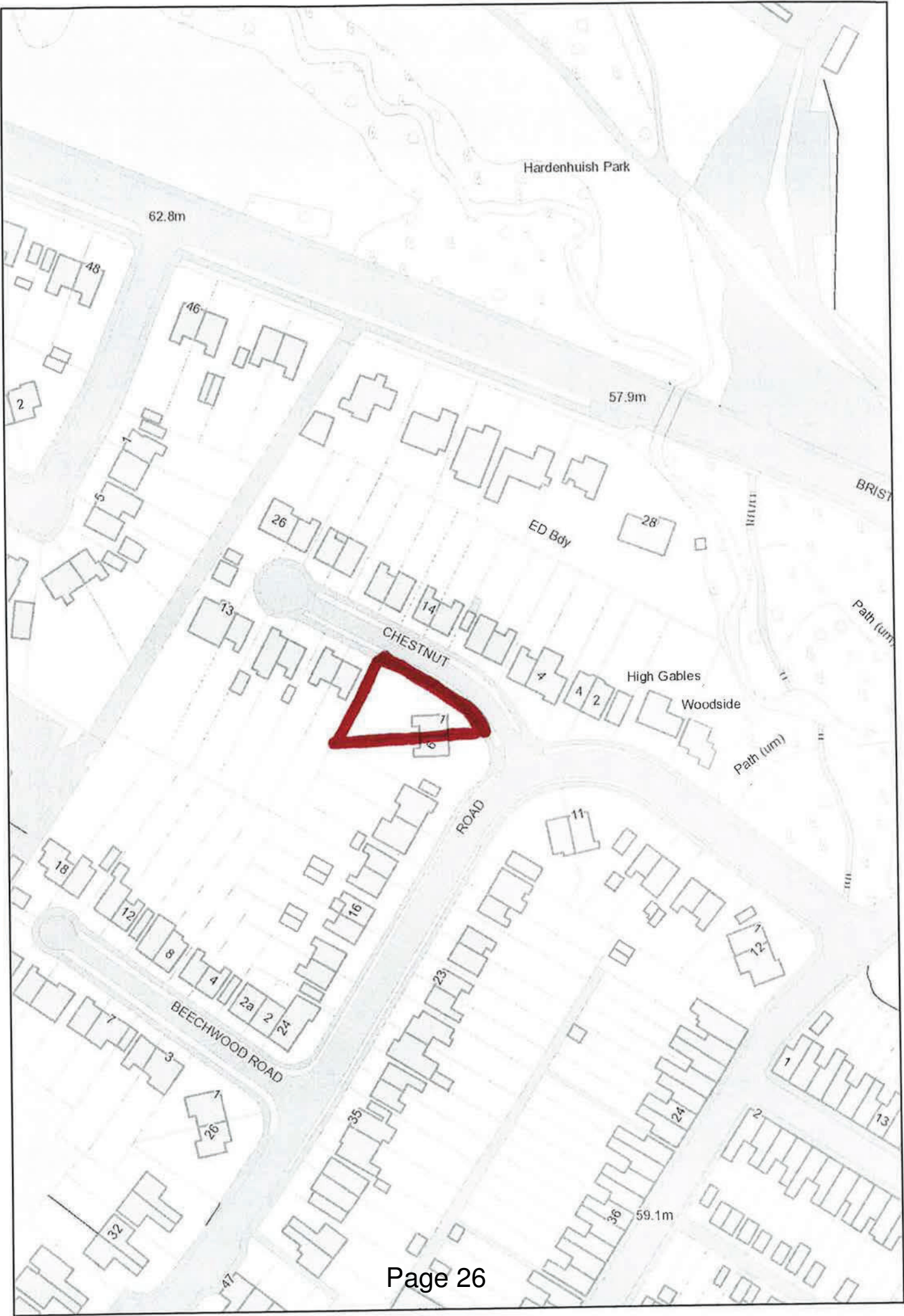
REASON: To ensure that the development can be adequately drained.

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

788/CAM/2013/1 rev A – Proposed Plans and Elevations

Received 16 July 2013

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



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	31 July 2013		
Application Number	N/13/01147/FUL		
Site Address	Glen Echo, Lower Kingsdown Road, Corsham, SN13 8BB		
Proposal	Replacement Dwelling		
Applicant	Mr K Stevens		
Town/Parish Council	Box and Colerne Council		
Electoral Division	Box and Colerne	Unitary Member	Cllr Shelia Parker
Grid Ref	381087 167213		
Type of application	Full		
Case Officer	David Cox	01225 716774	david.cox@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Parker, to discuss the design and scale of the development and its relationship with other properties.

1. Purpose of Report

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

2. Main Issues

The main issues in considering the application are:

- Principle of Development in the Green Belt.
- Impact on the openness of the Green Belt.
- Impact on the visual amenity of the street scene.
- Impact on the Area of Outstanding Natural Beauty.
- Impact on neighbouring amenity.
- Land Stability.

3. Site Description

Glen Echo is a detached dwelling located on steep sloping ground. Therefore on approach from the main road it is a bungalow but as the ground slopes away, the rear sections of the building are two storey.

The site is within the Green Belt and Area of Outstanding Natural Beauty.

4. Relevant Planning History

79/594	Extension to Rear	Permitted
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5. Proposal

The proposal is to demolish the existing building and build a replacement dwelling. The dwelling would be of a contemporary design featuring three levels of modular style blocks. Some sections would overhang others with large sections of glazing and a mixture of natural stone walls and vertical and horizontal western red cedar boarding breaking up the elevations. The flat roofs would be green roofs. The footprint of the dwelling has also been re-orientated by approximately 15 degrees to allow for views down the valley .

6. Consultations

Box and Colerne Parish Council - Objection, this is a new dwelling in the Green Belt and ANOB and if allowed would set a precedent.

Highway Officer – The proposal will result in a 4 bed property and will require 3 parking spaces. I am happy that in dimension they are able to accommodate the required level of parking.

The access roads are narrow but as this is a replacement dwelling and of only residential use I do not wish to raise any concerns in regards to vehicle movements.

Concern with the level of the new parking areas and a plan demonstrating cross and long sections of the areas concerned should be submitted to satisfy that the levels will be useable/manageable.

No objection following submission of the approved plan.

7. Publicity

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

2 letters of objection, 1 letter of support and two letters of a mixture and support and objection received.

Objections:

- The proposal would be materially larger than the one it would replace.
- This will be harmful to the openness of the Green Belt.
- The dwelling of this size and design will be out of keeping with the area, Green Belt and Area of Outstanding Natural Beauty.
- Concerned over the groundwork's because of previous insurance right off of Glen Echo. Our property is 15-20 feet above and don't want any landslip (Kingsdown Livery).
- Concerned over the height, bulk and orientation of the top floor results in the south west windows to overlook our garden (Pinewood).
- This will ruin the view from my house (Kingsdown Livery).
- The third level will have a devastating impact on our north west outlook (The Chapels) from our lounge window and greatly impeded on privacy with windows on similar levels.

Support:

- Accept repair is not an option.
- Happy with the scale of the development.
- The design is sensitive to its location.

8. Planning Considerations

Principle of Development in the Green Belt:

The Coalition Government through the new National Planning Policy Framework has given its full commitment to protecting the Green Belt from inappropriate development. Paragraph 89 states

that the replacement of a building should not be materially larger than the one it replaces. Where there is inappropriate development, applications should not be approved except in very special circumstances (p87).

Policy H4 of the Local Plan states that the replacement dwelling should be of a similar size and scale to the existing dwelling within the same curtilage.

The term 'materially larger' was tested in the courts in R (Heath & Hampstead Society) v Camden LBC [2008]. The case concluded that 'materially larger' was a test of size and not of relevant impact.

Therefore when determining size, it is considered that volume, scale and proportions are the best way to measure 'size'. Providing the test of size is acceptable, this will determine whether the replacement dwelling is 'materially larger' or not. The Council has no adopted policy for guidance but delegated powers, Committee and appeal decisions have generally allowed for 30% increases in the past. Additionally, the Council has previously allowed cumulative extensions to original buildings in the Green Belt of 104% in application N/11/01416/FUL at 'The Retreat, Henley, Box'.

Looking at volume calculations first, the applicant has submitted volume calculations generated by computer packages and is therefore far more accurate than that available to the case officer via the planning portal. The existing dwelling has a volume of 775m³ and the proposed dwelling 970m³, an increase of 25%.

It is considered that a 25% increase in volume is a more than reasonable amount and it would not be excessively wider, deeper or taller than the existing dwelling. As the red dotted outline of the existing dwelling shows, the majority of the bulk, mass and volume of the building is within the red dotted lines. Therefore it is considered that the replacement dwelling is not materially larger than the dwelling it will replace. The Council has also approved similar volume extensions/replacements in the past.

Although the proposal is considered to be a modest increase in volume, small increases in volume and proportions could have had an impact on whether the proposal was acceptable or not. Therefore the permitted development rights for extensions and further outbuildings will be removed.

Policy H4 of the Local Plan is also considered to be satisfied as the building does appear to be in a very poor state of repair and from the neighbour consultation where they confirmed that it had been an insurance right off because of subsidence.

Impact on the openness of the Green Belt:

It is considered that on balance, the openness of the Green Belt would not be adversely affected. This follows logically from the 'materially larger' assessment, as a materially larger proposal would also have an adverse impact on the overall openness of the Green Belt.

Although the volume will increase and have a slightly larger building outline, it is not considered to be excessive enough to be harmful to the openness of the Green Belt.

Impact on the visual amenity of the street scene:

Many of the correspondents from the neighbour consultation raised concern over the design impact on the proposal and being out of character with the other dwellings. The proposal would have a contemporary design, which would be very different to anything else in the area. It would have three levels and different sections and materials.

Whilst the design would not match anything in the area, it is not considered that this design would cause any harm to the visual appearance of the street scene. Paragraph 60 of the NPPF states

that “decisions should not attempt to impose architectural styles and they should not stifle innovation, originality or initiative. It is, however, proper to seek to promote local distinctiveness.”

It is considered that this contemporary design is acceptable and preferred over imposing a design such like a direct replacement of the existing dwelling. The existing dwelling is considered to be of poor quality and design and does little for the appearance of the street scene. Whilst within an Area of Outstanding Natural Beauty, the dwellings on Lower Kingsdown Road are not considered to be of any particular ‘local distinctiveness’ other than being two storey, gable ended dwellings built with stone. There are cottages built with natural Ashlar stone, but there are other dwellings built with reconstituted stone of no particular architectural merit.

Additionally, upon arriving at the site, the existing single storey detached garage is quite imposing on the narrow lane. The north east elevation plan 316.06 B shows that the dwelling would be slightly lower than the garage ridge and set back a further metre from the road. This would reduce the built form immediately on the road and ensure that the impact of the replacement dwelling would be acceptable.

The scale of the building would be slightly larger than the building it would replace, mainly the top floor section against the existing pitched roof, but not to an excessive extent. Large sections of the building would be built into the slope, minimising its overall impact and would be subservient to The Chapels and screened by existing hedgerow.

This proposal would seek to blend natural stone with timber cladding, which addresses both the stone of the surrounding buildings whilst also respecting rural backdrop of the valley.

Impact on the Area of Outstanding Natural Beauty:

The neighbour consultation also raised concern over the impact on the landscape character of the Area of Outstanding Natural Beauty.

The proposal would be contemporary and have a slightly higher roof line and a lot of glazing, but it is considered that this would not be excessive enough in which to cause harm to the landscape character of the Area of Outstanding Natural Beauty, particularly given the context of existing development at the site.

Impact on neighbouring amenity:

Two neighbours have expressed concern over the impact on their outlook and privacy (The Chapels and Pinewood).

In regards to Pinewood, the first floor (top floor) plan shows that the master bedroom and study windows would be approximately 25 metres from Pinewood itself and approximately 30 metres from its rear garden. Although Pinewood is on a slightly lower ground level, the distances and that the view into the rear garden would be minimal through the gap between Wansdyke Cottage and Pinewood itself, the level of overlooking cannot be considered as being detrimental.

The Chapels main objection is also with the top floor level of the proposal stating it will impede on outlook and privacy. There will be an approximate 8-9 metre gap between The Chapels and the replacement dwelling. First and foremost this is a sufficient gap to allow for sufficient daylight to reach the Chapels living room.

The submitted photograph from The Chapels lounge window also helps demonstrate that the proposal would not have an adverse impact on it. This is because the existing conservatory roof would be approximately 700mm lower than the sedum roof. The study ‘block’ would be predominately to the east (right) of the ridge of Glen Echo. The Master Bedroom block would be visible and level with head height in The Chapels Lounge but would be approximately 13 metres away. What also aids the application is that the replacement dwelling will be re-orientated, which

actually takes the top floor away from The Chapels. No windows would look directly into The Chapels lounge room.

The letter of objection received from Wansdyke Cottage only related to design and appearance and not on loss of privacy, yet they are arguably more directly affected by the proposal than any other neighbour.

The upper ground floor (middle) would be approximately 4 metres from the boundary with Wansdyke and the master bedroom/study (top floor) 7 metres away. The site section plan relies on a 4 metre tall mixed hedgerow to prevent the view into Wansdyke's front/side garden. On the site visit, this hedgerow has been reduced to 3.8 metres after a recent cut. The applicant has submitted an email to confirm that the hedge will be kept at 4 metres in the future.

The habitable windows of the proposed dwelling would only overlook the garden area that is also visible from the access road. Wansdyke does not have any habitable windows facing Glen Echo. Wansdyke's patio area and main area garden is also on the other side and is screened by the building itself and will remain private. Therefore whilst the study and master bedroom would overlook Wansdyke's side garden, it would not cause harm to warrant the refusal of the application.

The neighbour response from Kingsdown Livery regarding loss of views cannot form as a reason for refusal because there is no provision to take this into account in planning law. Protecting individual views and vistas, such provision would restrict almost all development.

Land Stability:

Land stability would normally be an issue for building control to consider but being on a significant slope and from having suffered subsidence, land stability is a material consideration in this application.

The applicant has submitted a report from a structural engineer to confirm that whilst the site has difficulties, this proposal can be built without causing risk to surrounding properties. Comments from Building Control will be added to the late observations list.

Car Parking:

The plans show that there are three off road parking spaces which meets adopted Council standards. The Highways Officer requested levels of the parking areas to ensure that they are manageable.

An additional plan has been submitted by the applicant to demonstrate that the difference in levels between the driveways and the access road and Highways are happy with the additional information.

9. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development will not be materially larger than the dwelling it will replace and will preserve the openness of the Green Belt. The proposal would have a contemporary design but would not cause harm to the area or the landscape character of the Area of Outstanding Natural Beauty. The proposal would also not result in the loss of neighbouring residential amenity.

The proposal therefore accords with Policies C3, H4, NE1, NE4 and NE14 of the adopted North Wiltshire Local Plan 2011 and Sections 7, 9 and 12 of the National Planning Policy Framework.

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 samples and full details of the stone, timber and sedum roofs to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY- C3.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of protecting the Green Belt from Inappropriate Development.

POLICY: National Planning Policy Framework.

4. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

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

POLICY- NE14.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

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.

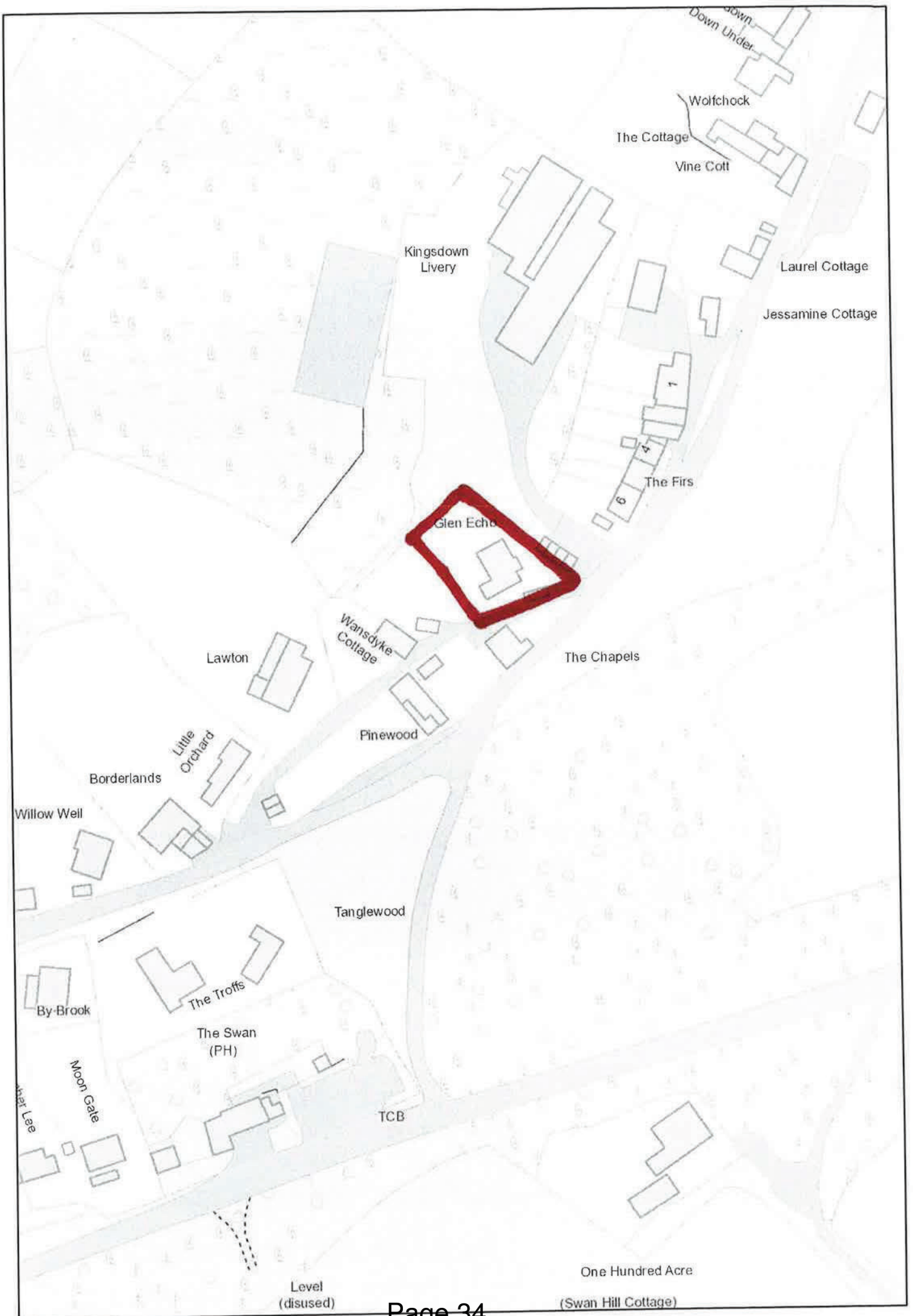
POLICY – C3.

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

Design and Access Statement – Received 19 April 2013.
Location/Block Plan 316.01 B – Received 19 April 2013.
Existing Floor Plans 316.02 B – Received 19 April 2013.
Existing Elevations 316.03 B – Received 19 April 2013.
Proposed Upper and Lower Ground Floor Plans 316.04 B – Received 19 April 2013.
Proposed First Floor Plan and Roof Layout 316.05 B - Received 19 April 2013.
Proposed Elevations 316.06 B - Received 19 April 2013.
Proposed Site Sections 316.07 B - Received 19 April 2013.
Shared Access/Parking Cross Sections 316.08 A – Received 21 May 2013.
Land Stability Report – Received 6 June 2013.
Email from applicant – Received 12 July 2013.

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

POLICY- C3, H4, NE1, NE4 and NE14



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	31 July 2013		
Application Number	N/13/01174/FUL		
Site Address	The Forge, High Street, Malmesbury, SN16 9AT		
Proposal	Conversion of Forge to Dwelling, addition of glazed gables, porch and garden room.		
Applicant	Mr Poynton		
Town/Parish Council	Malmesbury Town Council		
Electoral Division	Malmesbury Central	Unitary Member	Cllr Simon Killane
Grid Ref	393440 186961		
Type of application	Full		
Case Officer	David Cox	01225 716774	david.cox@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Killane, as the primary issue is the change of use from retail to residential and allowing a business near the town centre converting to residential and setting a precedent and its economic impact. The relationship with surrounding properties should also be considered.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to a S106 agreement and conditions.

Malmesbury Town Council has deferred their recommendation subject to clarification as to whether the site needs to be marked for B1 use or not?

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the host building
- Impact on the conservation area
- Impact on neighbouring amenity
- S106 contributions

3. Site Description

The Forge is a former telephone exchange building that was converted and now used as a Farriers workshop. The application site is within the Malmesbury conservation area and is located on a slope with properties to the north being on higher ground and those to the south being on lower ground. The site is outside both the Town Centre Primary Frontage Area and the Secondary Areas of Malmesbury.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/92/0693/F	Change of use from telephone exchange to Farriers Workshop	Permitted

5. Proposal

The proposal includes extending the hip roofs into gables and inserting glazing in the end elevations. On the southern side elevation another glazed gable would be introduced into the roof.

Additional and revised plans have been received from the applicant following concerns with the design of the front porch and the impact of the front gable end on the neighbouring property to the north.

6. Consultations

Malmesbury Town Parish Council - Defer recommendation subject to clarification as to whether the site needs to be marketed for B1 use.

Public Open Space Officer – Contribution of £5,820 required.

7. Publicity

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

6 letters of objection and 7 letters of support received.

Objections:

- The front bedrooms will overlook my garden (No 72).
- The family room glazing will overlook my property (No 94 & 96 High Street).
- Our garden is approx 4-5 lower at the east end and the garden would become a family garden and overlook our garden. Would prefer a privacy screen to be erected (10 St John Street).
- The site is within the primary retail frontage of Malmesbury.
- The loss of this business will harm the vitality and viability of the high street.

Support:

- This will help with the security of the area.
- People won't even realise the building is there.
- Residential use would be more in keeping with the area.
- No harm to the commercial aspect of the town.
- The design is superb.

8. Planning Considerations

Principle of Development:

The application site is outside of the Malmesbury Town Centre and therefore Policies R1 and R2 of the Local Plan do not apply in this instance. Additionally, the business is not retail and the loss of the Farrier business will not harm the vitality or viability of the town centre.

However, the Town Council make a very relevant point in regards as to whether the site needs to be marketed to meet policy BD2 of the Local Plan. Policy BD2 states that buildings in existing business use of B1, B2 or B8 should be safeguarded for these uses unless;

- i) The continued use as a business raises unacceptable environmental or traffic problems; or
- ii) An alternative use offers greater benefits to the community; or
- iii) The retention of the site for business use has been explored fully without success for at least 1 years and the site is no longer required to meet economic development needs.

The Forge is used as a Farrier Business, where horses are brought into the building to have their horse shoes replaced. A Farrier is a specialist in equine hoof care and is professionals in their own right who happen to use blacksmiths skills.

A blacksmiths is considered to fall within use class B2 but a Farrier is considered to be Sui-Generis which means that the application falls outside the scope of policy BD2.

Even if Policy BD2 did apply, it is highly unlikely that the Forge would find another business use. This is because the access is only a single car width wide which is not ideal for business use. The Farrier use is not currently a problem because single horse boxes arrive at certain pre-arranged times. Other business uses will have very different vehicle patterns.

Although the car park is fairly large, its shape only lends itself to the parking of 4-5 vehicles with limited turning space. There would also be substantial conversion costs that would put off prospective buyers. There is also the potential noise and disturbance impact on neighbouring amenity from another business use. The access passes between two dwellings and the building is surrounded by other dwellings. The existing noise of the Farrier is contained within the building but another business use could involve external loading of lorry's for example. Therefore the site isn't really suitable for an alternative business use.

Finally, in application N/92/0693/F – Change of Use from Telephone Exchange to Farriers Workshop – condition 3 inserted a personal condition to the named applicant, Mr Poynton. The condition was added for the reason that “permission would not have been given for the proposed development but for the personal circumstances of the applicant”. This effectively means that in 1992 the Council considered the site to be un-suitable for business use. Therefore it would be unreasonable to change this position now.

Being located within a residential area, it is therefore logical to convert the building into residential use. As the site is within the framework boundary of Malmesbury the principle of new residential development is supported.

Impact on the host building:

It is not considered that the porch, changes to the roof or introduction of the glazed gables would cause any harm to the host building.

Impact on the conservation area:

It is considered that the proposal would preserve the character and appearance of the conservation area.

The historic character of the building will be preserved because it would be converted rather than demolished and a new building built in its place. The existing large front door opening would be respected by its replacement with large glazed doors.

The changing of the hips to the gables would not harm this character and some domestic features like the glazed gables and roof lights would be limited to the roof only, leaving the main form of the building unaltered. The revised plans have also included a far more appropriate porch design that respects the industrial character of the building.

The appearance of the conservation area would also be preserved by the use of matching materials and the use of Neo rooflights that would be flush with the roof slope.

Impact on neighbouring amenity:

Additional and revised plans have been received, following the neighbour consultation.

The parapet wall on the front elevation will not be dropped by 500mm as previously intended. The additional cross section plan shows that the brick wall would be 1.5 metres (4.9 feet) above the floor level and would be 400mm deep. Whilst most people's head heights would still be able to look out and over the wall, the general outlook from bedrooms 2 and 3 would be dominated by looking at the wall rather than excessively over it.

There would be a small balcony but only at a depth at which the bedroom doors can open. Therefore, for the majority of the year, the glazed doors would be 1 metre back from the 1.5 metre tall and 400mm deep wall. This also means that the roof overhang would obscure approximately 20 degrees of view from the centre of the door looking towards No 72. Whilst this would only protect the rear end of the garden, the actual view of the garden would diminish the deeper into the bedroom occupants go. The 1.5 metre tall wall would also be likely to discourage any willingness to look outwards; and the glazing would mostly allow for views upwards towards the sky. There will be some instances where visitors arrive and are greeted by occupants looking out over the wall and down into the driveway, but such occurrences would be rare.

It is therefore acknowledged that some overlooking would occur on the garden area of the neighbouring property No 72, but not to the extent to warrant the refusal of the application.

The 1.5 metre parapet wall would also work to the same effect for the proposed family room and would only allow for views of the sky and rooftops of the town and not of the gardens to the south. The cross section plan also confirms that the roof lights would only allow for views upwards and not down and over neighbouring gardens.

One objection has also been received regarding bedroom 1 and the new rear garden overlooking a rear garden of No 10 St John Street. Unlike on bedrooms 2 and 3 the wall will be dropped to allow for views over their own garden. However, the window would be 20 metres away from the boundary with the neighbouring garden and therefore this is a more than reasonable distance to ensure a fair level of privacy. The rear garden would now be a residential garden for the first time and the concern is noted. However, there are a number of small trees and bushes that appear to be in the ownership of No 10 as they are on the other side of the fence. This already provides a decent screen and should it be allowed to grow further will completely screen the two gardens from each other.

The ground floor windows are also quite high level and when combined with the boundary fence, no overlooking down into the neighbours gardens should occur.

S106 contributions:

The applicant has confirmed that they are willing to enter into a S106 agreement to secure the £5,820 public open space contribution subject to gaining approval to the recommendation.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development, by virtue of its design and revised appearance, will not harm the character or appearance of the host dwelling or its setting in a Conservation Area and will not in any case result in the loss of residential amenity. The proposal therefore accords with Policies C3,

H3, CF3 and HE1 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

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

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

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, D and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

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

Design and Access Statement - Received 18 April 2013.

Site Location and Block Plan - Received 18 April 2013.

Plan View Existing - Received 18 April 2013.

Plan View Proposed - Received 18 April 2013.

Existing Elevations - Received 18 April 2013.

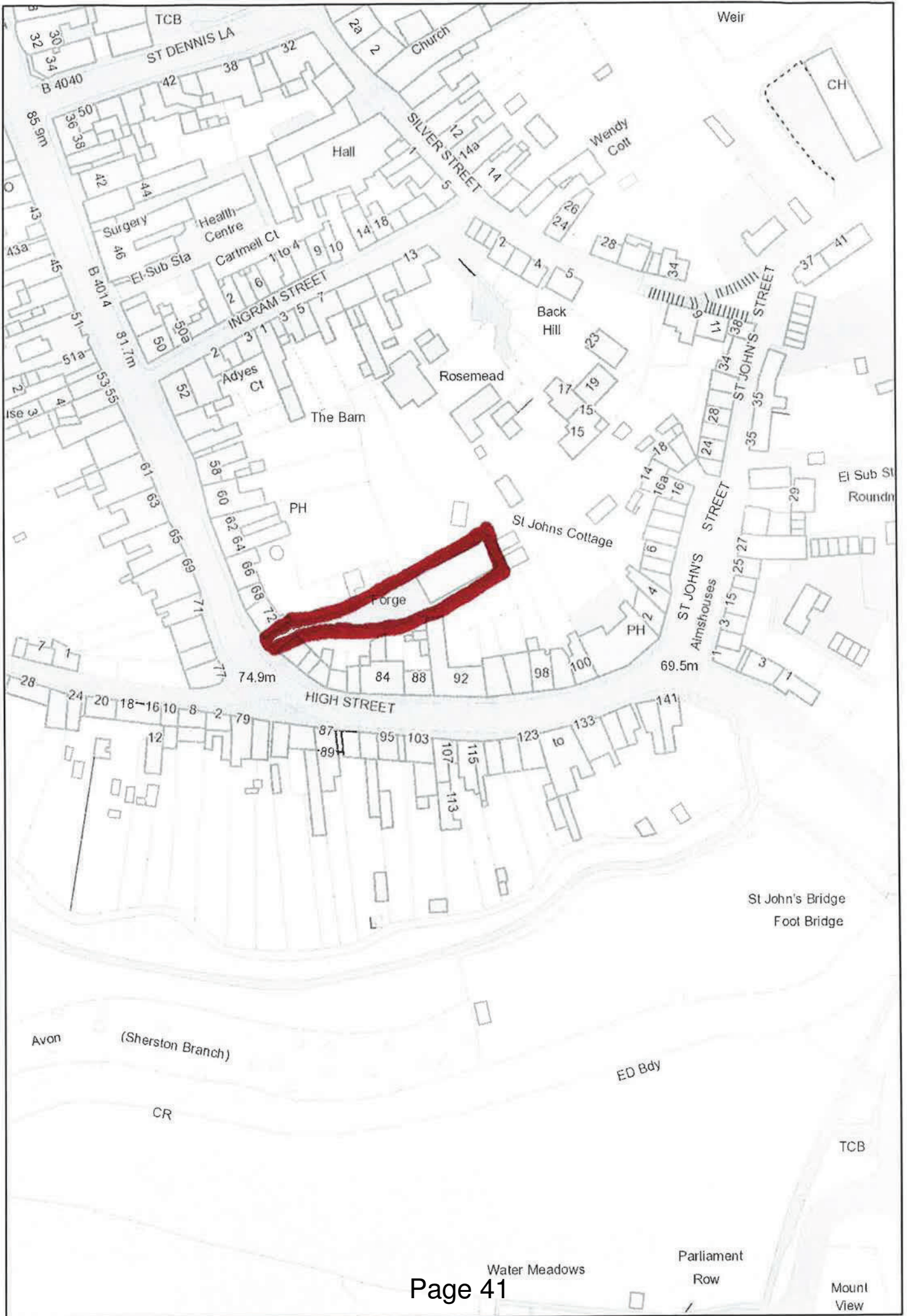
Section Plan - Received 9 June 2013.

Revised Proposed Elevations - Received 11 June 2013.

Email from applicant - Received 12 June 2013

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

POLICY- C3, H4, BD2 and HE1 of the North Wiltshire Local Plan 2011.



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REPORT TO THE NORTH AREA PLANNING COMMITTEE

Report No.

Date of Meeting	31 July 2013		
Application Number	N/13/01254/FUL		
Site Address	Garages at Stubbs Lane, Kington St Michael, Chippenham SN14 6HX		
Proposal	New Dwelling		
Applicant	Mr C Labourchere		
Town/Parish Council	Kington St Michael		
Electoral Division	Kington	Unitary Member	Councillor Howard Greenman
Grid Ref	90436 177160		
Type of application	Full Planning		
Case Officer	Lee Burman	01249 70668	

Reason for the application being considered by Committee

To consider the visual impact and environmental synergy of the proposed dwelling against the existing planning consent.

1. Purpose of report

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

2. Report summary

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

- The Principle of Development
- Design Character and The Impact on the Setting of the Listed Church of St Michael and Kington St Michael Conservation Area
- Drainage and Flooding
- Nature Conservation
- S.106 Matters

The application has generated support from Parish Council; and 27 letters of support from the public. 44 representations were received in total with those not explicitly stating support for the proposals largely also positive and not objecting.

3. Site Description

The site is located within the defined framework boundary and the Conservation Area for the village of Kington St Michael. The site is a low lying open paddock which features an existing access with vehicular garaging, small shed structures and some undergrowth. The site boundaries feature some mature vegetation including trees. To the south is a small stream/brook with open agricultural land on rising ground beyond. To the east is a small area of informal public open space adjacent to the stream with residential properties beyond, to the west open agricultural land and to the north on higher ground and elevated above the application site is the Grade II Listed parish Church of St Michael including its separately Grade II listed Lychgate. This is separated from the application site by Stubbs Lane itself.

4. Relevant Planning History		
N/11/00353/FUL	Demolition of Existing Garages & Erection of 3 bed Dwelling with Detached Garage	Withdrawn
N/11/00354/CAC	Demolition of Existing Garages & Erection of 3 bed Dwelling with Detached Garage	Withdrawn
N/11/03343/FUL	Demolition of Existing Garages & Erection of 3 bed Dwelling (Resubmission of N/11/00353/FUL)	Permitted
N/11/03344/CAC	Demolition of Existing Garages & Erection of 3 bed Dwelling (Resubmission of N/11/00354/CAC)	Permitted

5. Proposal

The proposal is for the demolition of the existing garage structure on site and erection of a 4 bed room dwelling. The demolition of the garages already benefits from Conservation Area Consent under N/11/03344/CAC and has been considered and approved through N/11/3343/FUL and so is not re-applied for here. The proposed dwelling would be 4 bed property arranged over three floors including a basement and a first floor in the elevated roof space.

6. Planning Policy

North Wiltshire Local Plan: policies C3 NE 9 NE11 H3 HE 1HE4 CF3 H6

Central Government Planning Policy: National Planning Policy Framework

7. Consultations

English Heritage Recommends that the application be determined in accord with national and local guidance and on the basis of the Council's own specialist conservation advice.

Conservation Officer Recommends refusal and identifies that the scale, bulk, mass, layout, form and design character are inappropriate to the site and locality and will result in harm to the Grade II* Listed St Michael Church and Grade II Listed Lychgate and not preserve or enhance the character and appearance of the Conservation Area. The design of the proposed dwelling is identified as of particular concern in not responding to the historic character of the locality and being an agglomeration of design styles typical of modern housing development throughout the country.

Housing Officer No objection but identifies that under policy H6 of the Adopted NWLP an off-site financial contribution of £26,000 is required. There are 10 households in Kington St Michael and adjoining villages seeking an affordable home as a first preference.

Natural England No objection but highlights that there is evidence from third parties of the possible presence of protected species on site. In this context it is expected that the LPA assesses and considers possible impacts of the development on protected species and their habitats. In order to support his Natural England identify that supporting survey information should be submitted prior to determination.

Council's Ecologist Raises no formal objection but requires that a condition be added to any permission to secure an exclusion buffer zone of 5 metres from the top bank of the watercourse to ensure no development takes place in order to protect potential water vole burrows from the effects of any building works.

Environment Services (Open Spaces) Identify that under policy CF3 of the Adopted NWLP and supporting supplementary guidance and studies the development generates a requirement for open space provision. Given the form and nature of the development and site this can be secured via an off-site financial contribution of £7,400 toward the upgrading of Kington St Michael Recreation Ground.

Highways Identifies a requirement for 3 parking spaces instead of the two proposed but considers the required level of provision can be accommodated on the site and so raises no formal objection subject to the imposition of appropriate conditions to secure sufficient parking space. No objection is raised in respect of the access and none was raised in respect of the previous proposals.

Drainage Engineer Identifies that the site is subject to a 1:30 year flood risk event and that evidence available to both the Council and the EA indicates conforms flood risk problems at and adjacent the site contrary to submission by the applicant. It may be the case that proposed works by Wessex Water adjacent the site and affecting the stream referred to by the applicant can assist with localised flooding problems and ensure that the property will not be the subject of flooding. At this stage however there is insufficient evidence submitted with the application to demonstrated that flooding can be satisfactorily addressed sufficiently to be able to recommend approval.

Kington St Michael Parish Council Supports the application and considers the proposal an improvement on the permitted scheme but identifies reservations including the use of aluminium window frames in a conservation area where frames should be of wood; the use of Bradstone in a conservation area – approval of details required; concerns over flooding re-iterated from previous application.

8. Publicity

The application was advertised by site notice and neighbour consultation.

28 letters of letters of support received. 1 letter of objection.

Summary of key relevant points raised:

- Current site is an eyesore and demolition and proposed development will be an enhancement
- The proposed design is of a high quality and appropriate to the locality
- The approved scheme is not appropriate or in accord with the design character of the locality and the current proposals are significantly better
- Previous scheme should never have been approved
- The proposals are of a traditional design character appropriate to the locality
- The site is within the village boundary
- The proposed development is energy efficient and high specification
- Support the approved scheme but consider the use of natural stone is essential to blend in with the locality
- The approved scheme is unwelcome as it resembles a trailer park static caravan not in accord with the locality
- The current proposals would nestle within the landscape and incorporate a design and materials sympathetic to the locality
- Proposal is in a traditional Cotswold style appropriate to the design character of the village and is well integrated to the locality
- Proposal is of an appropriate design and character to the historic context
- Application fully accords with the NPPF and the Council's emerging Core Strategy in particular CP1 CP2 CP57 CP58
- Previously approved scheme looks like cross between a mobile home and portacabin and is not appropriate to the village. The artist's impressions submitted in support of the current scheme demonstrate that it is sympathetically site and blends well with other buildings in the vicinity
- The applicants are active in the local community and the church activities and the approval of the proposals will assist with this commitment
- There is a need in the village for modest houses for older residents with disabled facilities, a proposal for a dwelling for multi generational is innovative
- A pitch roof design is more sustainable

- The proposal is aesthetically pleasing but aluminium window frames are not suitable for the conservation area. Similarly the proposed reconstituted Bradstone finish is not prevalent or appropriate to the Conservation Area. It is unclear how the large basement will affect the local water table especially given local flooding issues. It may also impact on the habitat of water voles which are known to live in the stream.
- Bay window in rear elevation out of character with the locality and will harm the setting of the church when viewed from Tor Hill
- Windows should be made of wood frame in a conservation zone. The roof should be tiled or of natural slate.
- The proposal will be sustainable using renewable energy and rainwater collection
- The proposal has a lot of local support

9. Planning Considerations

Background

It is important to note the background to the consideration of the current application. Two previous application proposals for the demolition of the existing garages on site and erection of a new dwelling were permitted. Application references are listed above in the planning history. The first proposals were for a standard two storey house design and very much reflective of the current proposals. The application received objection from the conservation team and the case officer as not responsive to the site constraints and characteristics and not sympathetic and in fact harmful to the historic context. In particular the application proposals were considered to be harmful to the setting of the Grade II * Listed Church of St Michael, Grade II Lychgate and the Kington St Michael Conservation Area. The consultation exercise also raised concerns regarding the impact of the proposals on nature conservation interest adjacent the site and the potential flood risk of the development and increased flood risk off site as a result of development. Consequently significant additional supporting assessment information – Flood risk and Ecological survey – were identified as necessary. The applications were withdrawn.

Subsequently the site owner employed consultants to undertake the additional surveys and assessments. In addition a process of pre-application consultations with officers was undertaken to identify site constraints and an appropriate design response to these. The constraints were identified as:-

- the setting of the adjacent listed church of St Michael
- the character and appearance of the Kington St Michael Conservation Area
- the low lying nature of the site and rising ground surrounding and stream adjacent forming a river valley character
- open agricultural land beyond the stream on rising ground forming a prominent viewpoint across the site to the Listed Church
- Existing mature planting in the site boundaries
- Informal Public Open Space directly adjacent the site
- Local experience and evidence of flooding of the site
- Local evidence of protected species of flora and fauna within and adjacent the site

To respond to these identified characteristics and constraints officers considered that any proposal should:

- Either be modern and innovative in character or of a traditional Cotswold rural building vernacular
- Be low-lying and of minimal height – preferably single storey
- Unobtrusive and low impact
- Utilise natural materials
- Incorporate on site flood risk and surface water attenuation measures
- Incorporate ecological mitigation and compensation measures as necessary

Revised scheme proposals were developed and new applications based on this approach submitted. Additional site surveys and assessments were submitted in support of the applications. It was considered that the proposals accorded with the above requirements and clearly sought to respond to the identified site constraints and characteristics. A section 106 agreement to meet the identified requirements was entered into by the applicant and consents were issued.

The site was then marketed for sale and officers received extensive expressions of interest and queries regarding the permitted scheme. It is fair to say that the approved design solution was not popular with purchasers. All enquiries were informed that there was an approved scheme. This was not considered to be the only appropriate approach and design solution but a standard two storey dwelling was unlikely to be supported given the site characteristics and constraints. Again it is fair to say that almost all interested parties wanted to secure a standard two storey detached house type and so did not pursue their interest. The current applicant contacted officers with the same queries and received the same response. However it became clear that the applicant had already purchased the property. The architects for the applicant contacted the Council and were again given the same message, with the further clarification that alternative designs may be appropriate but these would need to respond to the site characteristics and constraints. Officers received no further draft proposals or sketch schemes. Concerns were submitted to the Local Ward Member regarding the design approach being adopted by officers and it was again reiterated that Officers would be willing to consider, discuss and respond to alternatives but in the context of identified site constraints and circumstances. No further correspondence was received until the formal submission of the current application proposals.

Principle of Development

It is important to bear in mind that the current proposals must be considered on their own merits based on the development plan and all material considerations including the impacts that the proposals would have on interests of acknowledged importance. It is not appropriate to approve a scheme merely because some members of the local community express a preference for one particular scheme over another. This general approach has been set out in "The Planning System: General Principles" and established through the courts.

The site is located within the defined settlement framework boundary of Kington St Michael and features existing built development. As such the proposals are in accord with policy H3 of the adopted local plan in terms of location and making use of previously developed land. Such proposals must be considered against other relevant policies also including general development control policy C3, HE1 development within a conservation area and HE4 development affecting a listed building, including its setting. Proposals for development are acceptable where they do not result in harm to the interests of acknowledged importance protected under these policies. As such further assessment is required and this is set out below.

The emerging policies of the Wiltshire Core Strategy are subject to current examination in public and consideration of a range of outstanding objections to the draft document. The Council considers that the policies accord with the NPPF but this is a matter for examination and consideration by the Inspector. It is not considered that the relevant policies of the emerging WCS are fundamentally different from the relevant policies of the adopted NWLP as they pertain to this site and development proposal. It is not considered that the draft emerging policies provide any greater support for the proposals than the current proposals and certainly not that would override the relevant material considerations considered in detail below.

Design Character and The Impact on the Setting of the Listed Church of St Michael and Kington St Michael Conservation Area

The site characteristics and constraints that are considered to be relevant to any proposal to develop this site are detailed above in the background history section. Policy C3 criterion (iii) requires that all proposals have respect for and reflect the local character. Policy HE1 requires that proposals for development preserve the character and appearance of the Conservation Area. If possible proposals should also secure an enhancement to the conservation area. Policy HE4

requires that proposals for development do not cause harm to Listed Building by virtue of harm to their historic fabric or context i.e. their settings.

The site sites very low with land around it rising to higher level. Adjacent the site is a small stream to which much of the surrounding land drains. The adjacent road of Stubbs Lane runs past the site leading downward to the lower lying land. The land directly adjacent the historic parish church is used for burial plots. A small informal public open space lies adjacent the site. In effect this is a low point at the centre of open land that rises in height and over which towers the magnificent grade II * Listed church. A right of way runs across the agricultural land to the south of the site. This affords excellent views of the Church. The right of way, the roads in the vicinity, adjacent public open space and the entrance way to the church itself all afford prominent views of the site. As a result the site is especially sensitive in terms of local character, the conservation area and the setting of the church. Development in this location potentially has a significant and almost disproportionate impact on these interests of acknowledged importance.

There is an approved scheme for a dwelling at this site and many supporters have referred to this in their representations. Whilst the previous consents at the site are a material consideration officers have sought to point out to interested parties that there may be other appropriate design solutions to the constraints and characteristics of this particular site. It is however considered that the current scheme is not one such example for the reasons set out below.

The proposed dwelling is arranged over three floors and incorporates four bedrooms – albeit this includes a basement and accommodation in the roofspace and the applicant considers this to be a 1.5 storey dwelling. It has a footprint of at least 108 square metres and reaches a height of 6.2 metres at ridge and 3 metres at eaves. It is also arranged in an L shape and features extensive solar panels on the south west elevation roofscape. The proposal is of a scale that is visually prominent, particular the bulk, massing and height. Whilst the proposal attempts to mask and disguise its true form and layout by placing the first floor in the roof and utilising dormer roof extensions, the height is close to that of a standard two storey dwelling and remains visually prominent. Indeed the dormer extensions themselves add considerably to the bulk and massing of the roofscape. The visual prominence of this form of development is somewhat perversely increased and the overall height is only reduced from the normal two storey dwelling by approximately 1.3 metres.

Little attention has been paid to the floorspace of the proposals in the context of the existing garages on site. The proposed dwelling as noted would have a footprint of 108 square metres with the garage block approximately 57.75 square metres a 47% increase. This excludes the extensive hardstanding areas which the Conservation Officer has, alongside the boundary treatment, also identified as uncharacteristic, visually prominent and harmful to heritage assets. It should be noted that the parking area has been identified as inadequate in scale by Highways Officers and would need to increase to the three spaces with a commensurate increase in visual prominence and harm to the setting of the Listed Church and the Conservation Area.

The visual prominence is further increased by the use of materials. Contrary to the assertion of some supporters of the proposal the development does not use natural stone. The materials proposed are very much of the type to be found in a lot of modern residential development including aluminium and Bradstone. The Bradstone walling finish appears from the artist impression in the Design and Access Statement bright in tone and colour. It is considered that this would be clearly prominent and most certainly could not be considered muted or in harmony with the context, which is formed by open agricultural land, the burial ground of the church and the adjoining stream and grassed public open space. Similarly the choice of the applicant to remove mature hedges from the site has already increased its openness and visual prominence. The proposed white powder coated aluminium window frames shown in the artist impression further add to the visual prominence of the structure. Finally the use of solar panels which clearly is not a historic form of development and is not characteristic of the locality will also raise prominence by virtue of this conflict of character but also by virtue of reflection from the surface of the panels when viewed from the footpath to the south. Without doubt it is considered that the proposed design does not seek to be unobtrusive or to minimise impact on the setting of the listed building,

Conservation Area or the open character of the locality. The principle aim of the design very much appears to be to secure the desired living accommodation rather than responding to and minimising impacts on interests of acknowledged importance.

The demolition of the existing vehicular garaging on the site will undoubtedly result in an enhancement to the Conservation Area and the setting of the listed Church. This of course does not mean that any replacement development automatically also results in an enhancement. The existing garages, whilst in a somewhat poor condition and visually unattractive, are very low lying and to a certain extent were screened by existing planting and boundaries on site. The form and materials further minimised their visual prominence. Given the visual prominence of the proposed dwelling by virtue of its scale, bulk, use of materials and design character it is not considered that the development would preserve and enhance the character and appearance of the Conservation Area. Furthermore, and possibly more importantly the setting of the grade II * Listed Parish Church of St Michael would be harmed. Openness would be lost and a new prominent structure would draw the attention. In views from the south the foreground would be dominated by the prominent new structure. It is important to note that this is the Parish Church of St Michael, it is of great local historical significance and importance in this context. Forming the very heart of the village and parish for a great many years the approaches to and views of the church are fundamental to its historical significance. Similarly the Church forms the heart and centre of the Conservation Area and is of crucial importance to its character and appearance. The harm caused to these heritage assets is therefore also increased in importance and weight. The NPPF identifies that the significance of a heritage asset is crucial to any assessment of development and its impact. Clearly the Church of St Michael is of great significance and in this context every effort should be made to minimise harm and detrimental impact if development is to be approved.

The character and design of this dwelling is not considered to reflect the historic form and character of dwellings in the locality i.e. Cotswold villages and certainly not those which sit in the context of and close proximity to the Church itself. The scale, form, bulk and massing and use of materials are wholly different. The proposal is resolutely that of a new build dwelling that could be found in a great many locations and new developments throughout Wiltshire and indeed the Country as a whole. It is wholly unclear from the submitted information in the design and access statement how the proposal seeks to respond to the constraints and characteristics of the site or how it has been designed to reflect local vernacular.

Drainage and Flooding

The Council's Drainage Engineers have reviewed the proposals and the submitted supporting information. Based on their local knowledge and experience and evidence they have collected themselves and which has been submitted by third parties Officers do not consider that it has been satisfactorily demonstrated that the development is not at risk of flooding. The applicant and the architect team have submitted a flood appendix to the Design and Access Statement. This identifies that the "culvert" is obstructed further downstream by a sewer pipe. The applicant considers that this is the cause of local flooding and has been in liaison with Wessex Water to identify that works are planned to take corrective action. Further the applicant considers that detritus can build up adjacent a stock proof fence in the adjacent agricultural land and this can cause flooding. They identify that effective maintenance can address this cause of flooding. The applicant considers that the maximum water level at times of flooding is 86.02AD and that Finished Floor Levels will be at 86.75 AD. The Council's engineer identifies that the Ordnance Survey datum for the site is 87.01 AOD and that photographic evidence clearly demonstrates flooding above this level.

The applicant disputes the findings of the Flood Risk Assessment of Cole Easdon (Civil Engineers) submitted in support of the previous application and states that this was flawed. It is unclear on the basis of what evidence this assertion is made. Indeed it is unclear from the applicant's submission the status of the assessment undertaken, whether this meets required standards and the qualifications or even name of those that prepared the statement. It is unclear from the information contained therein how the assessment concludes that the development will have a finished floor level of 86.75 AOD when the proposals incorporate a basement. This element of the proposal is

not detailed specifically within the flood risk assessment and the relationship to flood risk is not referenced or assessed in any way.

In this context it is important to note that the approved scheme incorporated a range of measures that arose from the disputed flood risk assessment of Cole Easdon. Finished Floor levels were set 1 metre above the adjacent water course level at 86.80 AOD; the proposals did not include a basement; on site water attenuation measures include a cellular storage system underneath the patio of the property (adjacent the side/south elevation); the inclusion of a flow control device from the storage to the watercourse (Garastor Orifice); and a green roof would be installed. Whilst in and of itself the green roof would not be sufficient to address flood risk and surface water drainage requirements at the site the combination of measures does achieve the necessary control. The current scheme proposals and submitted flood risk appendix make no such provisions.

It is essential to note that Wessex Water do not have responsibilities relating to surface water drainage and are the authority that provides water services i.e. sewage disposal and treatment; and provision of water for consumption and use. The consultation response of Wessex Water in relation to the application proposals make no reference to consultations with the applicant or to flood risk and surface water attenuation measures in support of the development. The Council's Drainage Engineer specifically identifies that on the basis of the current submissions Officers cannot recommend approval as it has not been adequately demonstrated that the development is not at risk of flooding. This contrasts with the consideration of the previous application where the Council's Drainage Engineers reviewed the submitted evidence and Flood Risk Assessment in detail and considered it appropriate and adequate such that consent could be granted. This was in the context of significant submissions and representations of objection from various parties including the Parish Council.

Officers have not sought to put the applicant to the expense of preparing and submitting additional Flood Risk Assessment and Surface Water Drainage Strategy proposals given the other objections that relate to this proposal. Also Officers are aware from Members that the applicant has sought for the proposals to be reported to Committee at the earliest opportunity.

Nature Conservation

The applicant has made no submissions in respect of the Ecology of the site or any receptors (species and their habitats) that could be affected by the development. The public record including the previous application files and the data of the Swindon and Wiltshire Biological Records Centre as well as the current application online record all highlight the potential for development of the site to affect protected species and their habitat. In particular water vole have been recorded in the adjacent stream. The Water Vole is a protected species and are known to live in burrows up to 5 metres in depth from the riverbank. The proposed block plan submitted with the application shows the edge of the building within this 5 metre zone. Given the construction of a basement there is potential to cause disruption and harm to the habitat of a protected species. The proposed site layout shown on the block plan is therefore in conflict with the recommended condition of the Council's ecologist in that it would allow development including construction of a basement within the 5 metre exclusion zone which is sought. Certainly without supporting Ecological Survey and Assessment to demonstrate that there are no water vole burrows affecting this section of the stream riverbank it would not be safe to issue a consent for the scheme proposals on the basis of the proposed layout. The Council's Ecologist has confirmed that an updated Ecological survey would be required as the previous survey dated May 2011 is two years old and Water Voles are highly mobile and regularly relocate.

The key difference with the approved scheme in this respect is that the approved dwelling did not incorporate a basement.

Section 106/Planning obligation

The Council's Environment Services (Open Spaces) and New Housing (Affordable Housing) teams have in accordance with adopted NWLP policies CF3 and H6 identified requirements for off-

site financial contributions to meet open space and affordable housing needs. This is entirely consistent with the input to and comment on the previous application submissions. It should be noted that this is a matter of public record. The previous applicant entered into a Section 106 agreement in this regard and this was registered as a local land charge which the applicant would have been informed of at the point of purchase. The applicant has not entered into a Section 106 agreement or submitted draft heads of terms with their application. Indeed at no point in the submission documentation is any reference made to S.106 requirements or the agreement of the applicant to meeting those requirements. The Design and Access Statement does refer to the policy context for the proposals but specifically excludes reference to these adopted Local Plan policies. Officers have not raised this matter further with the applicant or his agents given the other fundamental objections to the scheme proposals.

10. Conclusion

The proposed demolition of unsightly and slightly decayed vehicular garaging from within the Conservation Area and the setting of the Grade II * Listed Church will result in an enhancement. This does not automatically mean that any replacement structure of any form, scale and character will also result in an enhancement. The site is the subject of well established and clearly defined characteristics and constraints. These include its low lying nature, the open and rising character of surrounding land, the Heritage importance of the locality, flood risk and surface water drainage issues and Ecological interests. Officers have identified how a design for new development must respond to these constraints and the form and character of development that would not address these matters. It is recognised that the approved scheme is not universally welcomed and officers do acknowledge that there may be other design solutions appropriate to this site. However, the current scheme proposals resolutely do not respond to the identified site constraints and characteristics. Instead the development aspirations and accommodation requirements of the applicant are the driving force behind the scheme design and scant regard is paid to site constraints including, heritage, drainage and ecological matters. The design character of the proposed dwelling is more appropriate and akin to a modern housing estate and could be readily identified and seen in such locations throughout the country. The proposals are not supported by detailed assessment of their impact in relation to flood risk and surface water drainage or ecology. The inclusion of a basement floor is of particular concern in both respects and requires such specific detailed assessment. Without this information in place planning permission cannot safely be granted. No provision is made for addressing public open space and affordable housing requirements via a Planning Obligation/S.106 agreement.

11. Recommendation

Planning Permission be REFUSED for the following reasons:

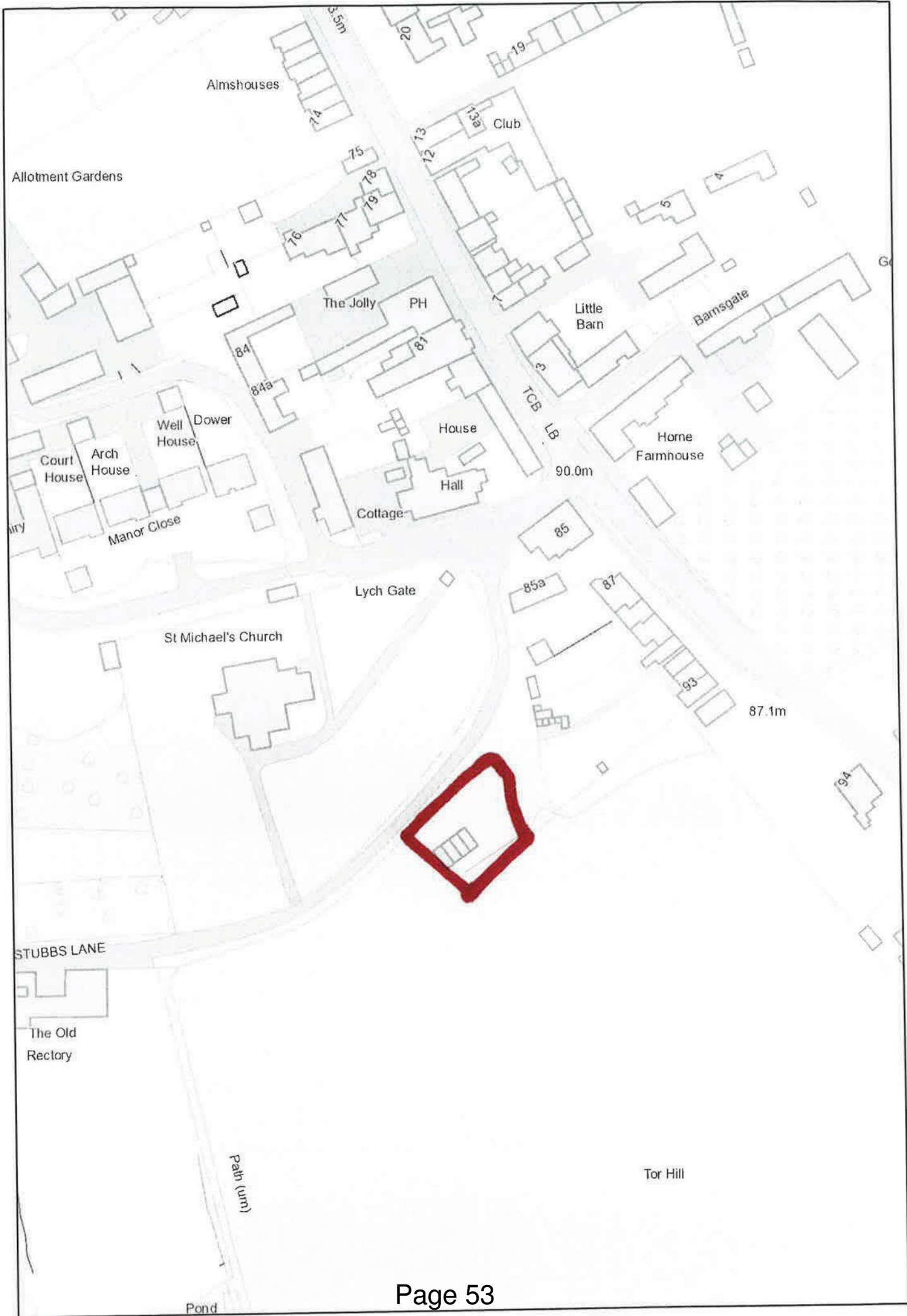
In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

The application is not supported or accompanied by sufficient evidence and information in respect of Flood Risk, Surface Water Drainage and Ecology (protected Species and their habitats – Water Vole) to allow a full and thorough assessment of the scheme proposals. Consequently it is not possible to issue a grant of planning permission as the risk of flooding to the proposed dwelling and potential harm to water vole habitats is not known. The proposal is contrary to policies C3 NE9 NE11 of the NWLP and Paragraph 7; Section 10 and paragraph 102; Section 11 of the NPPF.

The development by virtue of its scale, form, layout; massing, use of materials and design character does not respect and reflect the character of the locality or preserve the character and appearance of the Conservation Area and will have a harmful impact on the setting of the Grade II* Listed Church of St Michael and its Grade II Listed Lychgate. The proposal conflicts with

policies C3, H3, HE1 and HE4 of the Adopted NWLP 2011 and Paragraph 7 and sections 7 and 12 of the NPPF.

The proposed development does not make provision for affordable housing and open space requirements arising as a result of the proposals contrary to policies CF3 and H6 of the adopted NWLP 2011 and paragraph 7 of the NPPF.



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