

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 25 June 2014  
**Time:** 6.00 pm

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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](mailto:kirsty.butcher@wiltshire.gov.uk)

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

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### Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Mollie Groom	Cllr Sheila Parker
Cllr Chris Hurst	Cllr Toby Sturgis
Cllr Peter Hutton (Vice-Chair)	Cllr Anthony Trotman (Chairman)
Cllr Simon Killane	Cllr Philip Whalley
Cllr Howard Marshall	

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### Substitutes:

Cllr Desna Allen	Cllr Bill Douglas
Cllr Glenis Ansell	Cllr Dennis Drewett
Cllr Chuck Berry	Cllr Howard Greenman
Cllr Mary Champion	Cllr Jacqui Lay
Cllr Terry Chivers	Cllr Nick Watts
Cllr Ernie Clark	

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the previous Meeting** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on **4 June 2014**.

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 18 June 2014**. 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 Applications**

To consider and determine the following planning applications:

- 6a **13/05214/FUL - Malmesbury Tennis Club, Tetbury Hill Gardens, Tetbury Hill, Malmesbury, SN16 9JP** (*Pages 11 - 22*)
- 6b **14/03544/FUL - Land At Hazelwood Farm, Seagry Road, Sutton Benger, Wiltshire** (*Pages 23 - 38*)
- 6c **14/03953/FUL - Flistridge Farm, Upper Minety, Malmesbury, Wiltshire, SN16 9PY** (*Pages 39 - 42*)

## 7 **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**

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**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 4 JUNE 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES,  
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

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

**Also Present:**

Cllr Chuck Berry and Cllr Jane Scott OBE

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57 **Apologies**

All members were present.

58 **Minutes of the previous Meeting**

The minutes of the meeting held on 14 May 2014 were presented.

**Resolved:**

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

59 **Declarations of Interest**

Cllrs Hurst and Killane declared an interest in agenda item 6c both having previously worked for Dyson. They declared that they would participate and vote with an open mind.

60 **Chairman's Announcements**

There were no Chairman's announcements.

61 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

62 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting in respect of applications **6b** and **6c** as listed in the agenda pack, and available in Agenda Supplement 1.

63 **14/03701/FUL - Beckett House, Nettleton Green, Nettleton, Chippenham, SN14 7NU**

**Public Participation**

David Pearce, Claire Holt and Cllr David Kerr, Nettleton Parish Council all spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused. He explained that the site was in an Area of Outstanding Natural Beauty (ANOB), and the impact of the change of use would be significant on the surrounding natural environment which was harmful in visual terms to the character and appearance of the landscape and the ANOB.

There were no technical questions asked.

Members of the public than addressed the committee as detailed above.

The local member, Cllr Jane Scott OBE then addressed the committee and urged members to support the application with conditions to ensure it was used for parking only, that no buildings could be placed on the site and that a sympathetic surface / materials were used.

In the debate that followed the Committee noted that legal parking requirements already exist at the site. The importance of highways safety was acknowledged. Concern was raised over the size and shape of the site of the site, and the lack of linkage to the curtilage.

**Resolved:**

**To REFUSE the application for the following reason:-**

**The proposed development results in a significant change to the open rural nature of the area and does not preserve the character or appearance of the landscape and defined Area of Outstanding Natural Beauty which is harmful and not justified by any overriding material considerations. The proposal is in conflict with policies C3(ii), NE4 and NE15 of the North Wiltshire Local Plan 2011 and Section 11 of the National Planning Policy Framework.**

64 **13/00958/VAR - Oaksey Park, Lowfield Farm, Oaksey, Wiltshire.**

**Public Participation**

Mark Crocker, Johnathan Hall and Cllr Richard Moody, Chairman – Oaksey Parish Council spoke in objection to the application.

Dr Cooper, Paul Groves and Simon Chambers spoke in support of the application.

The officer introduced the report which recommended that authority be delegated to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and conditions

He explained that the application had been previously deferred at the meeting held on 12 March 2014 to enable officers to seek additional information and provide additional comment. The holiday let scheme had been unviable as a business and there had been no proceedable interest in purchasing with restrictive occupancy attached. An independent report had also concluded that business was unviable.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that although difficult to speculate if grounds aren't substantive there was a risk of costs.

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

The local member, Cllr Chuck Berry then addressed the committee, noting the two sides being a family in significant financial stress and the objection of the parish council with support from the village on the issue of non-viability and the impact on amenities and services within the village. He drew attention to the availability of business rates relief of 50%.

In the ensuing debate the Committee raised concern over lowering the numbers of holiday lets available and debated the relevance of the tourism development policy 39 given the lack of viability of the business. The re-use of existing units was welcomed.

**Resolved:**

**To DELEGATE to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and subject to the following conditions:**

- 1. Notwithstanding the provision of the Town and Country Planning General Development Order no fences, walls or other means of enclosure other than those shown on the approved plans shall be erected anywhere on site.**

**REASON:** To ensure that the open areas of the site remain in communal use.

2. The area between the nearside carriageway edge and lines drawn between a point 2.4 metres back from the carriageway edge along the centre line of the access and points on the carriageway edge 160m back from and on both sides of the centre line of the access shall be kept clear of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and maintained free of obstruction at all times.

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

3. The development hereby permitted shall be served solely from the access shown in drawing c310/1.

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

4. The workshop / estate yard shall be used only for purposes ancillary to the golf course.

**REASON:** To prevent an inappropriate independent use.

5. The development hereby permitted relates solely to units 12 – 19 Inclusive as shown on site layout plan Ref 958/10 date stamped 01/08/2013.

**REASON:** To clarify the extent of the permission.

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

**REASON:** To safeguard the character and appearance of the area.

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



**no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.**

**REASON: In the interests of residential amenity and privacy.**

- 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.**

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

- 9. Within one month of the date of this permission proposals for the provision and on-going retention of space for the storage of Wheelie Bins at the collection point agreed with Wiltshire Council refuse and waste collection services. The proposals shall include details and arrangements for the management of the space to ensure adequate provision for wheelie bins to serve all properties at the site.**

**INFORMATIVES:**

- 1. Any alterations to the 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. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.**
- 3. 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.**
- 4. 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.**

**Public Participation**

Iris Thompson, David Longridge and Gavin Grant spoke in objection to the application.

Kim Power, Nigel Whitehead, Chris Miles, Cllr John Gundry – Malmesbury Town Council and Cllr Robert Tallon – Brokenborough Parish Council spoke in support of the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions. He noted the scheme included amended plans which showed an adequate landscaping buffer. Highways improvements had been conditioned to be completed prior to first occupation, and there would be no development over the gas pipeline which ran through the site.

He drew attention to an error in the report which was missing condition 13 relating to archaeological works which would be required if the Committee was minded to approve, and this could be delegated to the Area Development Manager.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that at present the sports facility was not open to the community but the intention was to allow some sort of use. Traffic assessments had been completed with forecasting to allow for additional commitments. Beuttell Way works were not part of the application however officers understood that Dyson were in negotiations with owners to alter the access, and if granted works would happen. An additional grampion condition could be added for details to be agreed prior to the commencement of development. Light pollution was covered under condition 5. The helipad had been sited to cause minimal disturbance and had conditions limiting it for the use of Dyson employees only and limiting the time of day it can be used in. The pelican crossing was not part of the original planning application, but addressed residents concerns. It was estimated that circa 3000 jobs would be created with the new development, not including the knock-on effect.

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

The local member, Cllr Simon Killane then addressed the committee and spoke in support of the application, highlighting it as a model of positive engagement and working together.

In the debate that followed the committee highlighted the need to add an additional condition relating to archaeological works and informatives on the highways works, in particular those around Beuttell Way and the Nurdung roundabout. The benefit to the whole county was noted.

**Resolved:**

**To APPROVE the planning application subject to the following conditions:**

- 1. Details of the appearance, layout, and scale of the development hereby permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.**

**REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.**

**REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004**

- 3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.**

**REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 4. The development shall comply with the following requirements:**
  - i. the gross internal floor space of the indoor sports facility shall not exceed 1850 sq m.**
  - ii. the gross internal floor space of the building to be used for an energy centre shall not exceed 600 sq m.**
  - iii. the gross internal floor space of the buildings to be used for Research and development (B1(b)) shall not exceed 25800 sq ms.**
  - iv. the gross internal floor space of the buildings to be used for non Research and development (B1(a)) shall not exceed 10000 sq ms.**
  - iv. the gross internal floor space of the buildings to be used for an ancillary cafe and reception shall not exceed 1700 sq ms.**
  - v. The total number of parking spaces shall not exceed 1414**

**REASON: For the avoidance and in the interest of proper planning.**

5. An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to and agreed in writing by the local planning authority no later than the first submission for approval of any of the reserved matters.
  - a. The location, orientation and heights of buildings;
  - b. The format of pedestrian routes and vehicular routes within the site;
  - c. Tree and hedgerow protection plan
  - d. Landscaping details including planting plans, species and density of planting
  - e. Hard and soft landscaping details
  - f. Landscape phasing plan which shall include cut & fill ground modelling and advanced structure planting.
  - g. Landscape Management Plan setting out the long-term ecological management of all semi-natural habitat types and the maintenance of the protected species populations.
  - h. Materials to be used in the construction of the external surfaces of the structures of the buildings
  - i. External lighting details including, type of light appliance, the height and position of fitting, illumination levels and light spillage

Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.

**REASON:** To ensure the satisfactory appearance of the development.

6. Before any application for approval of reserved matters is submitted a Phase 2 botanical survey and a reptile survey shall be submitted to and approved in writing by the local planning authority. The plan shall include recommendations for appropriate and proportionate mitigation compensation measures for losses of priority / BAP habitat and the protection of reptile populations. Development shall be carried out in accordance with these details.

**REASON:** To ensure that the development does not have an adverse impact on the ecology of the area.

7. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for improvement to the Tetbury Hill/Tetbury road, Tetbury Road A429 and Whychurch junctions. The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

**REASON:** To ensure that adequate highway capacity is available to accommodate the additional traffic generation by the proposed development.

8. No development shall commence on site until details of the improvements to pedestrian crossing facilities on Tetbury Hill have been submitted to and approved in writing by the Local Planning Authority. Those improvements shall be completed in accordance with the approved details prior to the first occupation or use of any part of the development hereby permitted.

**REASON:** In the interests of highway safety.

9. No building on the development hereby approved shall be occupied until the appropriate parking spaces together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles associated with the use of the site or for the purpose of access.

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

10. Aircraft movements within the site shall take place only between 07:00 and 20:00, except in an emergency.

**REASON:** In the interest of the residential amenities of adjoining properties

11. The Helicopter pad hereby approved shall be only be used for purposes ancillary to the use of the site.

**REASON:** in the interest In the interest of the residential amenities of adjoining properties.

12. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

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

**13. No development shall commence within the application site until:**

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

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

**INFORMATIVES:-**

- 1. The applicant is advised that the Local Planning Authority consider that the detailed designs for the development hereby permitted including traffic junctions and related highways works should be the subject of comprehensive public engagement and consultation.**
- 2. The applicant is advised that the Local Planning Authority consider that the detailed design for traffic junction works at the proposed Nurding roundabout/junction scheme should be the subject of comprehensive engagement and consultation including a site meeting with the residents of the neighbouring residential property known as Inglenook, Crudwell Rd, Malmesbury SN16 9JL. Also that the design of the proposed secondary egress from the site at Beuttel Way should be the subject of comprehensive engagement and consultation with neighbouring properties including any residents and businesses.**

**66 Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.25 pm)

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

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

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	25 June 2014
<b>Application Number</b>	13/05214/FUL
<b>Site Address</b>	Malmesbury Tennis Club Tetbury Hill Gardens Tetbury Hill Malmesbury SN16 9JP
<b>Proposal</b>	Additional Tennis Courts with Flood Lighting & Associated Works (Resubmission of 13/00526/FUL)
<b>Applicant</b>	Mr Miles Edmeston
<b>Town/Parish Council</b>	MALMESBURY
<b>Ward</b>	MALMESBURY
<b>Grid Ref</b>	392924 188118
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lydia Lewis

### Reason for the application being considered by Committee

Councillor Killane has submitted a request for the planning application to be considered by the committee to allow Councillors to have the opportunity to hear neighbour concerns.

### 1. Purpose of Report

The main issues in the consideration of this application are the principle of development and the impact of the proposal on highways, residential amenity and ecology.

The application has generated objection from the Malmesbury & St Paul Without Residents' Association and letters of objection from 11 different properties. A petition in support has been submitted with 89 names. Letters of support have been received from Dyson, the Head of PE at Malmesbury Secondary school and the Headteacher of Malmesbury Church of England Primary School. Individual letters of support have been received from 26 different properties.

### 2. Report Summary

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

### 3. Site Description

The site is roughly 'L' shaped and is situated at the end of Tetbury Hill Gardens, a narrow private access road in poor condition with no footpath. The existing club benefits from three tennis courts, a clubhouse and a car park with space to park 8 vehicles.

### 4. Planning History

N/01/02272/FUL Erection of floodlighting for tennis courts – Permitted.

Condition 3 of the consent states:

*'The flood lights hereby permitted shall not be used before 09:00 hours nor after 21:00 hours on any day.'*

*Reason: In the interests of residential amenity.'*

N/13/00526/FUL Proposed replacement clubhouse, additional tennis courts, installation of additional flood lighting and associated works - Withdrawn

### 5. The Proposal

The applicant seeks consent for 2 additional full sized tennis courts and 1 mini court with flood lighting for each of the new courts and associated works including a new practice wall. Each tennis court would measure approximately 11 metres wide and 23.5 metres deep and be orientated on a north – south axis. The proposed mini court would be orientated on an east – west axis and measure approximately 5 metres wide and 10.5 metres deep. The practice wall would be situated to the west of the proposed mini court and would comprise a concrete block wall 10 metres wide, 2.5 metres high, painted green.

The previously withdrawn application included an extension to the car park facilitated by the demolition of the existing clubhouse and its re-siting elsewhere on site. These aspects of the proposal have now been removed.

The proposed use is for the members of the tennis club and Malmesbury Primary School. At present years 3 and 4 use the facilities, the school Head wishes to increase the age group and numbers of pupils using the coaching programme to include all age groups. Currently the junior programme takes up all the court space at present from 4:00 pm to 7:00 pm week days and all day Saturday, leaving limited play for adults. There has been an increase in the demand at all levels for tennis and the club has reached its capacity.



## **6. Planning Policy**

Saved policies from the North Wiltshire Local Plan 2011 (NWLP) represent the adopted development plan. Relevant policies include:

C3 – Development Control Policy

NE9 – Protection of Species

NE14 – Trees and the Control of New Development

NE18 – Noise and Pollution

T1 – Minimising the Need to Travel

CF2 – Leisure Facilities and Open Space

Draft Wiltshire Core Strategy Submission Document (July, 2012):

- Core Policy 60: Sustainable Transport
- Core Policy 62: Development Impacts on the Transport Network

The National Planning Policy Framework (hereafter referred to as NPPF).

## **7. Consultations**

Ecology – It is noted that the proposals for the additional courts are similar to the previously withdrawn application, but that the new club house and parking have been dropped. In this respect, no objection to the application is raised on ecological grounds subject to a suitably worded condition to address the potential impact of the tennis courts upon foraging bats.

Land Drainage Engineer – There are no known land drainage issues that require comment.

Environmental Health – Would consider supporting that the floodlighting on existing courts continue to go off at 9pm and new courts 9:30 pm subject to a condition if a guarantee can be provided from the applicants that these lights are on a timer that in no circumstances can be altered / extended by club members / players. Currently residents complain that lighting times can be overridden and sometimes stay on until 22:30/23:00 which is not acceptable. A noise report to satisfy that nearby residents will not be adversely affected by the newly created practise wall has not been submitted. Even though one wall has been removed from the plan such a report would still be expected. Alternatively, the Council could grant a temporary 12 month permission for the practise wall and 21:30 light curfew on the new courts to test the impact. A condition relating to hours of construction is recommended.

Tree officer – No objection subject to conditions.

Highways – Objections were initially received due to the increased use of a substandard access track, with no passing places and a substandard junction onto the C68 (Tetbury Hill). However, following lengthy negotiations, highways have now confirmed that the submitted travel plan is acceptable and addresses previous concerns.

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

Letters of objection have been received from 11 different properties. The concerns raised are summarised as follows:

- The documentation highlights the fact that Malmesbury Primary School will allow parking and access to the tennis courts using the schools' car parking facilities. Surely this will only be available in term time and could be withdrawn at any time;
- Where will additional cars park, if on Tetbury Hill this would be dangerous, especially around school drop off / pick up times;
- Tetbury Hill Gardens lane is an unadopted lane / track that has an uneven potholed surface and is not suitable for parking;
- Tetbury Hill Gardens exit onto Tetbury Hill is dangerous and is not suitable to have an increase in traffic;
- Planning permission was refused in 2001 (ref: 01/02266/OUT) and dismissed at appeal in 2004 (ref: 04/02000/OUT and APP/J3910/A/04/1167307) for further dwellings on Tetbury Hill Gardens due to highway safety;
- Increase in light pollution from the proposed floodlights;
- The existing floodlights are often operated until 10 pm and later than they have permission for;
- Increase in noise pollution;
- Impact on animals that inhabit the area;
- Trees were removed when the club bought the land;
- Proposed 8 foot high walls across the whole frontage of The Cott will dramatically alter the existing eco-system which has been cultivated over many years;
- Damage to the countryside to the west of Malmesbury. The proposal will disturb this distinctive rural area and dark environment;
- The use of practice walls would be uncontrollable by the club, as the courts are left unlocked with gates often ajar at present, and are accessible by youths even if locked;
- Although reference to additional car parking has been removed from the application, the gravelled areas within the club have been widened and resurfaced and is available for overflow parking;
- Cars may drop players off and then depart, returning later to collect them, doubling the number of journeys along the track;
- There are no street lights, drainage system or pavements in Tetbury Hill Gardens;
- The use of the 5 full size tennis courts at Malmesbury School should be investigated;
- Roe Deer make their home in the immediately adjacent land to the north as well as badgers and foxes. Roe Deer are often seen in the neighbourhood. Pairs of deer are often observed feeding and walking slowly across the site of the proposed expansion of the tennis club;
- The travel plan encourages extra parking on a dangerous stretch of road, relies on voluntary compliance, and is not enforceable in the long term;
- On average, 90% of players travel to Malmesbury Tennis Club by car, alone;
- Sunday club mornings and club evenings produce the heaviest traffic volumes; and
- Insufficient parking.

Letters of support have been received from 26 different properties. The points raised are summarised below:

- Malmesbury has very limited sporting facilities for the number of people in the town and surrounding area. Would allow the club to grow in line with recent residential development;
- The facilities offered are used by a large number of people of all ages, including the Malmesbury Schools;
- The tennis walls are a good way for beginners to practice and for warming up;
- The club has been at the site since 1934;
- Would allow for less waiting time for players, more coaching opportunities and reduce travelling 12 miles or more to a bigger club;
- The Wiltshire Core Strategy defines Malmesbury as a Market Town that ‘will continue to serve as an important service and employment centre for the community area.’ The expansion of the club is consistent with this Strategy and is explicitly endorsed by the Neighbourhood Plan;
- The club has achieved the Lawn Tennis Association Clubmark accreditation;
- The club is committed to creating solutions to the neighbouring residents’ concerns; and
- There are already 2 courts with floodlights so 2 more further away from the residents’ dwellings cannot pose a problem.

A petition in support of the application with 89 names has been received.

Letters of support have been received from Dyson, the Head of PE at Malmesbury Secondary school and the Headteacher of Malmesbury Church of England Primary School.

Malmesbury & St Paul Without Residents’ Association – The Association as a general rule tries to support the clubs and organisations in the town, however on this particular occasion the Association believes the impact upon local residents’ amenity and the deterioration in the highway safety environment that would occur if this proposal went ahead, leads them to register their opposition to the application. The draft Neighbourhood Plan suggests that land reassembly options exist in the vicinity of the Club that could both assuage the local residents’ amenity concerns and improve the traffic access issues and the Neighbourhood Plan should guide any redevelopment of the Club.

## **9. Planning Considerations**

### Principle of Development

Policy CF2 of the Local Plan states that proposals for leisure facilities and open space within or adjoining the Framework Boundaries of Towns and Villages as defined on the Proposals Map will be permitted. The reasoned justification to this policy makes it clear that proposals, no matter how desirable from a social and community point of view, will need to be sympathetically designed to take account of adjoining properties and the area in general.

Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as sports venues) the sustainability of community and residential environments; and ensure that established facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

The draft Malmesbury Neighbourhood Plan makes it clear that a key objective for play parks and leisure facilities is to support Malmesbury Tennis Club expansion and ensure this

expansion is in harmony in both size and build with the development and also the Primary School extension.

The application site adjoins the defined Settlement Framework Boundary for Malmesbury. The proposal relates to an existing tennis club which has a long established use on this site and from the letters of support received it can be seen that it is an important facility for youth activity and sport development.

### Impact on Highways

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

A letter has been received from Dyson stating that they support plans to increase the availability of tennis facilities to all members of the local community. It further states that they will give permission for tennis club members to use its Beuttell Way car park on Saturdays and Sundays until further notice. However, Dyson accept no responsibility for any loss or damage that may arise from the use of the car park by those attending the tennis club. If necessary, Dyson may revoke permission to use the car park at any time and without notice (though there are no current facts which lead Dyson to believe that the permission will be so revoked).

A travel plan has been submitted in support of the application. This confirms that membership is just under 200 and over 50% of the club's members live within 15 minutes walking distance of the club. It is anticipated that the club membership may grow by 50% in 5 years, however the majority of these are likely to be people joining who already use the facility as non-members.

A traffic survey was undertaken to inform the travel plan and identify the busiest and most concentrated events that result in movements to and from the Club:

- Saturday morning pay and play sessions;
- Holiday tennis camps; and
- Weekday junior coaching.

The travel plan outlines that to reduce the number of traffic movements, the Club intends to lock the car park for the Saturday pay and play sessions and holiday tennis camps.

In terms of the weekday coaching, the Club intend to stagger lessons, with a 15 minute gap between the end of one lesson and the beginning of another reducing the number of cars driving in opposite directions down the lane. The Club is also in negotiations with the burial board to provide a third passing place.

All new members of the Club will be encouraged to use the nearby long stay pay and display car park (approximately 560 metres to the south east) or the Primary School car park ensuring that an off-site parking habit is established from the outset of any new membership.

On balance, when weighed against the wider community benefit that would arise from the proposal, it is not considered that the introduction of a further 2 full sized tennis courts and 1 mini court would exacerbate the existing situation in respect of the private road to such an extent as to create material harm to highway safety or warrant refusal of planning permission.

### Impact on Amenity

Policy C3 of the Local Plan considers that new development will be permitted subject to a number of criteria, including amongst other things: avoid locations that would generate, or be subject to, a detrimental effect upon public health or pollution to the environment by the emission or production of excessive noise, light intrusion, smoke, fumes, effluent, vibration, waste or litter.

Policy NE18 of the Local Plan states that development will only be permitted where it would not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.

The original proposals included an additional practise wall to the north of the existing courts. Following concerns raised by the Environmental Health team, this wall has been removed from the proposals. A practise wall is still proposed to the west of the site, approximately 110 metres from the nearest residential property. No noise survey has been submitted. The Environmental Health team have recommended that in the absence of a noise report, a temporary 12 month permission be granted.

The existing tennis courts which are situated approximately 23 metres from the nearest residential property at their closest point benefit from existing floodlights, which have consent through application reference 01/02272/FUL to be operated until 21:00 pm. The proposed tennis courts, would be situated approximately 62 metres from the nearest residential property at their closest point and seek consent to operate until 21:30 pm. This is a reduction from the 22:00 pm originally proposed. A lighting survey has been submitted in support of the application.

The Council's Environmental Health team have stated that they would consider supporting that the floodlighting be turned off at 21:30 pm on the new courts if the applicants can guarantee that these lights are on a timer that in no circumstances can be altered / extended by club members / players.

The agent has confirmed that the proposed floodlights would be turned off at 21:30 pm and the existing floodlights by 21:00 pm by timer, these times will not be altered or extended by players or club members. They have also confirmed agreement to the practise wall and 21:30 light curfew being given a 12 month temporary permission to test the impact. It is recommended that conditions to this effect are attached to any planning consent.

### Impact on Ecology

An Extended Phase 1 Habitat Survey has been submitted in support of the application. The Council's Ecologist has reviewed this and has confirmed that no objection is raised on

ecological grounds subject to a suitably worded condition to address any potential impacts on bats.

## **10. Conclusion**

The proposed additional tennis courts, practice wall and floodlights would create additional traffic movements, and result in a degree of noise and light pollution. This must be weighed against the wider community benefit that would arise from the proposed development and on balance it is not considered that the harm caused would (subject to the necessary conditions) cause such significant harm as to warrant the refusal of planning consent. With regards the practice wall and floodlights it is recommended that these are approved on a temporary 12 month basis to test the impact.

## **RECOMMENDATION**

To recommend that planning permission be GRANTED subject to the following conditions:

- 1 The development of the tennis courts and mini court 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 practice wall and floodlights hereby approved shall be discontinued and the land restored to its former condition on or before a date 12 months from the date of this permission in accordance with a scheme of work, including a timetable for restoration, first submitted to and approved in writing by the Local Planning Authority.

REASON: The use may be potentially detrimental to the amenities of neighbouring occupiers in terms of noise and light pollution, but there is insufficient evidence to enable the authority to be sure of its effect.

- 3 The floodlights hereby approved shall not be illuminated outside the hours of 09:00 to 21:30 on any day and shall be controlled on a timer.

REASON: In the interests of residential amenity.

- 4 During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interests of residential amenity.

- 5 All development shall be carried out in accordance with the recommendations set out in Section 4 of the submitted Ecological Appraisal (Clarke Webb Ecology Limited, 8th November 2012), unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard protected species during the construction phase of development.

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

- " A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- " A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012
- " A schedule of tree works conforming to BS3998.
- " Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- " Plans and particulars showing the siting of the service and piping infrastructure this should also include details of the floodlighting;
- " A full specification for the construction of any no-dig specification and extent of the areas to be constructed using a no-dig specification;
- " Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- " Details of all other activities, which have implications for trees on or adjacent to the site.

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

- 7 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2012): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

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

- 3684/05 - Site location plan, date stamped 22nd October 2013
- Tree Constraints Plan, May 2014
- 3684/51 Rev C - Existing and proposed site layouts & existing photographs, received 2nd April 2014
- Malmesbury Tennis Club Travel Plan, received 3rd June 2014

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

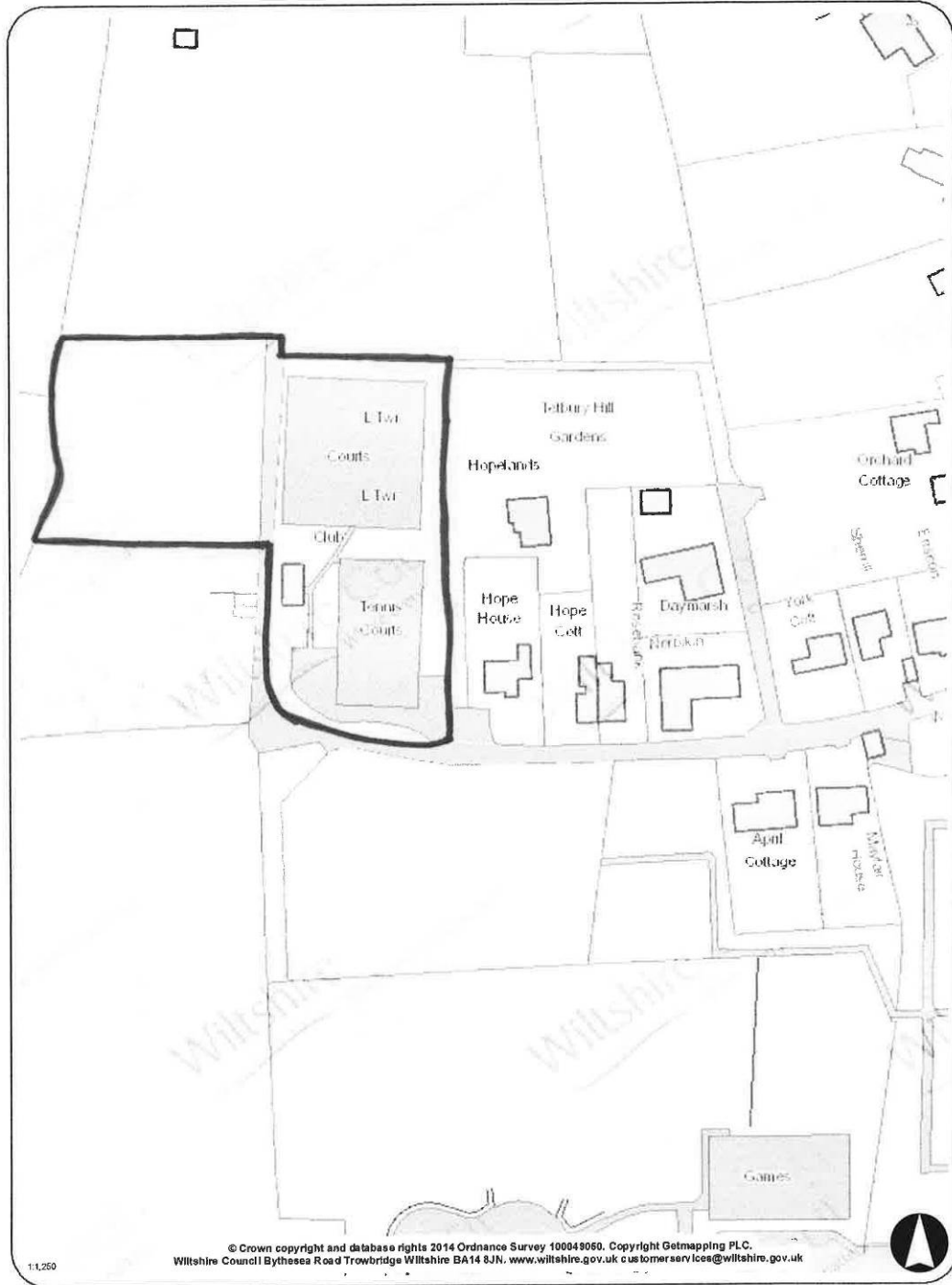
INFORMATIVE:

Any alterations to the 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.

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.





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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	25 June 2014
<b>Application Number</b>	14/03544/FUL
<b>Site Address</b>	Land At Hazelwood Farm Seagry Road Sutton Benger Wiltshire
<b>Proposal</b>	Proposed Redevelopment Of Redundant Farm Buildings And Paddock To Provide Residential Development For 21 Dwellings.
<b>Applicant</b>	Miss Jessica Barnes
<b>Town/Parish Council</b>	SUTTON BENDER
<b>Ward</b>	KINGTON
<b>Grid Ref</b>	394492 178828
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application has been called in by Cllr Greenman in order to consider the impacts of the development on local flood risk.

#### 1. Purpose of Report

To consider the above application and to recommend that subject to all parties entering into a legal agreement under S106 of The Act, then the decision be delegated to the Area Development Manager to GRANT planning permission, subject to conditions.

Sutton Benger Parish Council has initially objected to the application, raising a number of concerns as set out in this report. Eight objections have been received from local residents.

#### 2. Report Summary

The main issues in considering the application are:

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

### 3. Site Description

The application relates to an area of land located at the northern edge of the village of Sutton Benger, within the development framework boundary and principally accessed from the C-classified Seagry Road. The site comprises a total of approximately 0.7ha of agricultural land currently previously used in conjunction with Hazelwood Farm, incorporating associated buildings and hard standing but predominantly comprised of informal grazing land, although site drainage is restrictive in respect of the latter.

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

Due to drainage issues attributable partially to recent poor weather, together with the surface runoff from the yard and limited maintenance of the brook, the site and environs have been liable to flooding over successive winters and in one instance a considerable amount of damage was caused to a nearby property. The extent of flood risk zones 2 and 3 insofar as they relate to the application site has recently been clarified by the Environment Agency; ending roughly in line with the northern boundary of Hazelwood Farmhouse across the span of the paddock. In particular, the northeast corner of the site adjacent to the road bridge is susceptible to surface flooding, together with a substantial area to the East of the highway and a length of Seagry Road itself.

Mirrored by low-density but high-quality housing on the opposite, Eastern side of Seagry Road, the site is located within the framework boundary for Sutton Benger, of which the northern site boundary forms the furthest extent. Additionally, the village Conservation Area extends as far at the northernmost point of the established farmyard, incorporating a traditional brick and slate cow byre and, further West, similarly fashioned stables amongst other more modern and utilitarian farm buildings. These include a large open-sided barn along with a smaller reconstituted stone and timber chicken shed. Following the approval of planning and conservation area consent applications 13/00011/FUL and 13/00012/CAC, the site has been abandoned and the yard secured using metal fencing.

### 4. Planning History

N/13/00011/FUL	Proposed Redevelopment of Redundant Farm Buildings & Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage & Landscaping – Approved
N/13/00012/CAC	Proposed Redevelopment of Redundant Farm Buildings & Paddock to Provide Residential Development Comprising 21 Houses With Associated Gardens, Parking, Pumping Station, Drainage & Landscaping – Approved
N/05/02883/OUT	Demolition of Existing Farm Buildings and the Residential Redevelopment of Existing Farmyard – Withdrawn
N/05/00264/OUT	Outline Residential Development – Refused

## **5. The Proposal**

The proposal comprises the redevelopment of the farmyard and development of the majority of the land within the site falling outside of Flood Zones 2 and 3 to deliver 21no. dwellings, together with associated access and landscaping.

The overall layout of the development has been informed by the identified flood risk zones, which, having formed the gardens of larger units and a wildlife corridor in the previous scheme, are now to be undeveloped and offered as public open space. The residential units and associated access will therefore be contained to the southern part of the site, establishing a built limit loosely linking the southern boundary of Hazelwood Farmhouse to the northern extent of building at the Faccenda site. In broad terms, the distribution of units is not dissimilar to that of the approved scheme; large, detached open market housing occupying the eastern portion of the site, with a denser pattern of terraced units along the site frontage to Seagry Road and intermediate sizes close by.

This division of units is to be supported by a dual access comprised of an extended section of adopted highway from within the adjacent development and a relocated access onto Seagry Road, with no vehicular link between the two. The parking courtyard at the southeast corner of the site aside, the adopted access is to serve private driveways leading to the units themselves; the larger of which are to include detached single or double garages. Each unit is also to benefit from a modest private garden. The layout also consolidates the local array of public rights of way, linking these through the route through the site. This network ultimately connects both developments to the northern portion of the site, which is to be offered as public open space incorporating the brook corridor.

In design terms, the units themselves differ in their approach and material finishes according to the context in which they are to be read. The elevations fronting Seagry Road are to be treated with traditional detailing, avoiding the use of materials such as uPVC and render on the most prominent elements. Natural stone is to be used throughout the street-facing elevations and their returns at the site entrance and adjacent to Hazelwood Farmhouse, with a mixture of slate and clay tile roofs over. The stone boundary wall is to be reinstated using the existing material to complete the site frontage. Those units further back from the Conservation Area are to be of more standardised design, featuring a predominance of reconstituted stonework and concrete tiles, as these will be read more closely with the adjacent development.

Following the cancellation of the Conservation Area Consent procedure between the time of the previous applications and this, the current scheme incorporates the proposed demolition works and should be considered accordingly.

## **6. Planning Policy**

The following planning policies are relevant:

- Policy C1 of the adopted North Wiltshire Local Plan 2011 (Sustainability Core Policy)
- Policy C2 of the adopted NWLP 2011 (Community Infrastructure Core Policy)
- Policy C3 of the adopted NWLP 2011 (Development Control Core Policy)
- Policy NE17 of the adopted NWLP 2011 (Contaminated Land)
- Policy HE1 of the adopted NWLP 2011 (Development in Conservation Areas)
- Policy HE2 of the adopted NWLP 2011 (Demolition in Conservation Areas)
- Policy H3 of the adopted NWLP 2011 (Residential Development within Framework Boundaries)
- Policy H6 of the adopted NWLP 2011 (Affordable Housing in Rural Areas)

Policy T3 of the adopted NWLP 2011 (Parking)  
Policy CF3 of the adopted NWLP 2011 (Provision of Open Space)

Core Policy 1 of the emerging Wiltshire Core Strategy (Settlement Strategy)  
Core Policy 2 of the emerging WCS (Delivery Strategy)  
Core Policy 10 of the emerging WCS (Spatial Strategy: Chippenham Community Area)

Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

## **7. Consultations**

Sutton Benger Parish Council: Objections, relating specifically to:

- Impact of local flood risk and adequacy of drainage
- Impact on sewerage system
- Level of affordable housing
- Impact on traffic and pedestrian volume and local highway safety
- Design, layout and impact on the Conservation Area
- Public Open Space

Highways: No objection, subject to conditions

Environmental Health: No objection, subject to conditions

Drainage:

County Ecologist: No objection, subject to conditions

County Archaeologist: No objection

Environment Agency: No objection, subject to conditions

The Wiltshire & Swindon Biological Records Centre has noted the proximity of moving water at the adjacent brook, together with the recording of several bat species in the vicinity.

Wiltshire Fire & Rescue has recommended that contributions totalling £1,141.95 are sought in respect of the provision of local fire infrastructure.

## **8. Publicity**

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

Eight letters of objection have been received from local households.

Summary of key relevant points raised:

- Impact on site drainage;
- Impact on highways and pedestrian safety;
- Impact on the Conservation Area;
- Level of affordable housing;
- Availability of local facilities.

Other points have been raised in respect of the capacity of existing sewerage infrastructure; however it is noted that the operator of that infrastructure has not objected in this instance and in any case this matter falls outside the remit of the Council in considering the planning application.

## 9. Planning Considerations

### Principle of development

Policy H3 of the adopted North Wiltshire Local Plan 2011 remains the substantive policy consideration in respect of the site and makes clear that residential development in this location is supported in principle owing to its situation within the framework boundary for Sutton Benger. The application should further be considered in context with the adjacent Faccenda site, for which planning permission for 63no. dwellings has been implemented and the earliest completions are imminent.

Regard should also be paid to the content of the emerging Wiltshire Core Strategy, within which Sutton Benger is classified as a 'large village' in the context of the Chippenham Community Area (Core Policy 10). Initial expectations were that 500 new homes would be delivered over the plan period across the villages surrounding Chippenham, although these figures may increase slightly, and with the adjacent site the proposed development will make a substantial contribution to this.

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

Although the southernmost portion of the site currently occupied by the former farmyard lies within the Sutton Benger Conservation Area, its overall contribution is considered to be rather limited. The modern agricultural buildings and large area of hard standing in particular offer no meaningful character to the setting. No objection is therefore raised in principle to the wholesale redevelopment of the complex, provided a suitably-detailed scheme can be secured so as to conserve the overall character and appearance of the area.

The historic stables and cattle byre that remain on the site could in principle be considered to be undesignated heritage assets, bearing appealing traditional design and materials that do aid the comprehension of the historic evolution of the site. It is clear, however, that over an extended period these have fallen into a state of disrepair whereby their restoration would require extensive works, possibly necessitating large-scale replacement of original fabric. That this represents deliberate neglect or damage for the purposes of NPPF paragraph 130 is, however, a difficult case to make, especially as the demonstrably lower-quality farmyard fabric has seen a similar decline. Overall, therefore, the loss of this fabric is considered acceptable.

In general, the scheme follows many of the design principles secured under the extant permission insofar as it relates to the setting of Seagry Road and the Conservation Area. A predominance of traditional materials, including natural stone and slate, is evidenced throughout the built fabric fronting Seagry Road, with an active frontage that orientates the dwellings onto this route to provide greater engagement. By negotiation, the reinstatement of the existing boundary wall has, for the most part, been assured, with as much of the existing fabric to be re-used as possible. This will conserve the semi-rural aesthetic of the highway verge, with a new pathway to be neatly concealed immediately behind the stone frontage.

In terms of the proposed buildings, it is considered that all of those fronting Seagry Road and at the eastern point of access to the site have a significant role to play in conserving and, if possible, enhancing the Conservation Area and its setting. As the most southwestern of these will screen the area behind, occupied by a large parking area, it is considered that the latter is of a lower order in terms of the built hierarchy and does not warrant the same level of protection. Likewise, the key relationship of the 'coach house' unit is to the adjacent public open space, rather than the nearby historic fabric.

### Impact on site ecology and biodiversity

The site's most recent use has been as a working farm, comprising buildings and hard standing with associated pasture/paddock to the North. Owing to its substantial scale, which includes demolition works, the proposed development will impact upon on breeding birds and reptiles likely to inhabit the site to a significant extent. The current scheme differs from its predecessor in that public open space is to be provided on-site, occupying the land within the designated flood risk zones 2 and 3. This offers some considerable benefit as an ecological habitat and, it is considered, will readily offset any loss of biodiversity brought about by the demolition works. As such, the ponds initially submitted with the scheme represented purely an enhancement to habitat, and their omission on drainage grounds will not result in a situation worse than at present. The ongoing maintenance of the public open space and setting of the brook, which is likely to be a significant wildlife corridor, can be secured by condition. To this end, subsequent approval of a landscape and ecological management plan (LEMP) would be an appropriate means by which to address the issue.

### Impact on site drainage

In addressing the matter of site drainage, it is important to disseminate what impacts will be brought about as an immediate consequence of the development, given that the application comes in the context of an acknowledged pre-existing flood problem. Successive flood events in late 2012 and late 2013 have led to significant damage to properties on Seagry Road, whilst rendering a large section of the highway impassable for days. Mindful of this baseline position without any development having yet occurred on site, it is essential to take an informed view of what is reasonably necessary to address the impacts of development and, if possible, ensure an enhancement in this regard in accordance with paragraphs 100 and 103 of the NPPF.

The scheme broadly follows the principles set out in the previous application; retaining a flood zone 2 & 3 free from built development and setting minimum slab levels for residential units. The managed direction of surface runoff into the adjacent brook represents no fundamental change to the status quo, although this will provide some degree of attenuation and thus a potential betterment. As this approach will require a separate agreement under S104 of the Water Act, it is considered that for the purposes of planning sufficient information has been provided in this regard. Due to better connectivity to the Faccenda site than its predecessor, the scheme also offers safe pedestrian access through to the village centre in the event that water on Seagry Road temporarily prevents vehicular access to the eastern portion of the site.

By negotiation, a contribution has been agreed in respect of the separate undertaking of off-site works to improve drainage arrangements at the Seagry Road bridge, which currently acts as something of a 'pinch point' and serves to exacerbate the impacts of localised flooding. Estimations of cost based on comparable undertakings elsewhere are in the region of £30,000, and although no guarantee can be made in respect of absolute efficacy or feasibility this clearly offers some substantial local value. Unlike the previous scheme, the land adjacent to the bridge and brook is to be formally offered as public open space and, although not direct mitigation for the impacts of development, these off-site works will significantly improve the quality of that land by limiting flooding and improving its accessibility. These works therefore fall within the provision of 'New or improved public open spaces' and 'Environmental protection and enhancement' measures as set out at Policy C2 of the adopted Local Plan and are otherwise justified under that policy. These works will have an additional benefit in terms of reducing the flood risk to those properties situated Seagry Road that have recently been affected by flooding.



### Impact on highway safety

Further to the Highways Officer's initial comments regarding site access, layout, parking and other matters, it is considered that the scheme as a whole has been revised to an acceptable standard in these respects. Significantly, the linkage with the adjacent Faccenda site, through which the ten larger units toward the West side of the site will take access, relieves some of the pressure on Seagry Road that might otherwise be anticipated. Given the limited number and size of units reliant on this new access, it is not considered that the schedule of traffic calming measures secured under the previous application remain reasonable. Whilst some limited works remain a possibility, such as the provision of a speed restriction 'gateway' feature further North on Seagry Road, this is largely reliant upon the goodwill of the applicant at the time of securing S278 approval for the access works.

Both site accesses proposed will be offered for adoption, providing vehicular and pedestrian access in tandem before filtering into private driveways and a reinforced network of footpaths respectively. Through appropriate layout and landscaping, it is considered that this arrangement offers an improvement on the scheme for which permission is extant, with particular gains to pedestrian permeability and access between the village and surrounding countryside. Some concern has been raised previously in respect of the direct linkage between the driveway to plot 74 and Seagry Road itself. However, the layout has since been amended to include a turning area so that vehicles may enter and leave in a forward gear and, given that visibility has been agreed, this is considered an acceptable arrangement.

Whilst the driveways and dedicated parking areas indicated do not provide adequate parking in their own right, on-site parking levels will be ample once garage provision is factored in. The garages are to measure 3 x 6m in the case of single and 6 x 6 in the case of double units, meeting and in some cases exceeding the countywide standards, which take account of the likelihood of an element of storage. It is not considered that the proposals invite occupiers to park along Seagry Road, which narrows significantly at this point.

Pedestrian linkages have been well designed to take full advantage of the existing network of public footpaths that link the High Street, Seagry Road, public open space and the surrounding countryside. Those routes provided on site are to benefit from a reasonably high-quality landscaped setting and appear to be legible and safe for users.

### S106 contributions

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

Utilising the same methodology and with due regard to the extant planning permission, the same education contributions are sought as at the time of the previous application. These are to be targeted toward Sutton Benger CE Primary, at which 5 additional school places are required, and at Hardenhuish School, Chippenham and a further 4 secondary places. At the current cost multipliers, this equates to a total contribution of £140,185 toward education provision.

Other off-site contributions have been calculated on the basis of the Council's general approach and consistent with Core Policy C2 of the adopted Local Plan (Community Infrastructure Core Policy). Unlike the previous scheme, public open space is to be provided on-site and although occupying land within flood zones 2 and 3, this is of a reasonably good

standard and exceeds in size the amount of space strictly required. In tandem with this provision, an off-site contribution is sought in respect of improvements to drainage arrangements at the Seagry Road bridge. Targeted toward a suitable scheme, which has been identified between the Council's drainage and highways teams, such improvements offer a significant enhancement to the public open space by better regulating runoff and mitigating flooding around the bridge. Although costs are estimated at this stage, a contribution of £30,000 has been agreed in principle, with any additional cost to be met by the Council or, if works cost less, any unspent monies to be returned to the applicant.

In these exceptional circumstances, in exchange for an undertaking in respect of drainage contributions, an agreement has been reached to reduce the original requirement for play provision (off-site contribution of £52,865, equating to 141m<sup>2</sup>) to the provision of an additional pieces of play equipment at the neighbouring playground instead. The Council is also mindful of the effective over-provision of on-site public open space, which is also particularly well related to the development and, with the proposed drainage scheme, of a good standard. This approach is therefore considered reasonable and will offer the greatest local benefit overall.

Contributions toward leisure provision and education facilities remain unchanged and are calculated as a proportion of the number and size of the units, with spending to be targeted to the locality. Education contributions have been sought as a standard cost multiplier in respect of all 15 units of open market housing. This makes provision for four secondary places at the local secondary school, Hardenhuish, which is consistently at capacity, whilst generating a requirement for five places at the local primary school, Sutton Benger, less the single available space on the current roll.

Contributions can be summarised as follows:

On-site provision		
	Multiplier	Amount
affordable housing	30%	6no. units
public open space	48m <sup>2</sup> /2-bed 66m <sup>2</sup> /3-bed 84m <sup>2</sup> /4+ bed	>1,476m <sup>2</sup>
play equipment (adjacent site)	N/A	2 pieces

#### Off-site contributions

education (primary)	£11,516/place	£63,565
education (secondary)	£19,155/place	£76,620
leisure	£511/dwelling	£10,731
drainage	scheme estimate	£30,000
<b>TOTAL</b>		<b>£180,916</b>

As the contributions sought in respect of fire infrastructure are not considered compliant with the relevant CIL regulations, these are not to be pursued.

## 10. Conclusion

The proposed development as a whole represents a marginal improvement on the extant permission and will also deliver related benefits to the local community in relation to flood mitigation, public open space and pedestrian routes in particular. The scheme will conserve the character and appearance of the Conservation Area as a whole and will contribute

toward the meeting of an established housing need, including the provision of affordable housing. Highways and drainage issues have been adequately addressed, and the scheme will take account of related off-site impacts through a suitable S106 agreement.

## **RECOMMENDATION**

Subject to all parties entering into a legal agreement under S106 of The Act, then the decision be delegated to the Area Development Manager to GRANT planning permission, 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 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 until a sample panel of stonework to be used in the external surfaces of the development hereby permitted, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 4 No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample and retained as such in perpetuity.

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

- 5 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.

- 6 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 drawing RHSW.5320.02.SA001 'Site Access Arrangements'. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 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 and Parking Schedule submitted 10 June 2014). 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.

- 8 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 RHSW.5320.02.SA001 'Site Access Arrangements'. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 9 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 RHSW.5320.02.SA001 'Site Access Arrangements'

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

- 10 The dwelling known as Plot 74 of the development hereby permitted shall not be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 11 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) Full details of the improvements to Public Footpath 8;
- (iii) Submission of a Landscape and Ecological Management Plan, to include details of pre and post-construction measures together with

- monitoring details; and
- (iv) 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.

- 12 The ecological mitigation measures detailed in the approved Ecological Assessment [EAD Ecological Consultants, December 2012] shall be carried out in full prior to the first bringing into use/ occupation of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: National Planning Policy Framework paragraph 118.

- 13 The necessary parts of the East stone boundary wall shall be carefully dismantled and stored in a dry and secure place for re-use wherever possible in the works to construct the replacement East stone boundary wall. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of preserving the character and appearance of the Conservation Area and its setting.

- 14 Finished floor levels shall be set no lower than 55.305 metres above Ordnance Datum in accordance with the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002).

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

- 15 No development shall commence until a surface water drainage scheme for the site incorporating sustainable drainage details, in accordance with the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

- 16 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.

- 17 No materials, including spoil arising from excavation works, shall be deposited (either permanently or temporarily) within Flood Zone 3 as delineated by the red

line separating the development area and the informal public open space area shown on the 'Planning Layout' drawing in Appendix B, and the 'EA Flood Zone Mapping' in Figure 1 on page 4, of the Flood Risk Assessment (Hydrock, dated March 2014, Ref: R/C14161/002).

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.

- 18 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.

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

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition and Construction works;
- (viii) measures for the protection of the natural environment;
- (ix) hours of construction, including deliveries; and

(x) 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.

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

House Type Booklet (Proposed Floor Plans and Elevations)

Received 3 April 2014

RHSW.5320.02.SH001 - Storey Height Plan  
RHSW.5320.02.SL001 - Slab Levels  
RHSW.5320.02.SS001 - Site Section A-A  
RHSW.5320.02.SS002 - Street Scenes

Received 31 March 2014

RHSW.5320.02.AP001 rev B - Adoption Plan  
RHSW.5320.02.BM001 rev C - Boundary Material Plan  
RHSW.5320.02.DM001 rev B - Dwelling Material Plan  
RHSW.5320.02.LP001 rev B - Location Plan  
RHSW.5320.02.PL001 rev D - Planning Layout  
RHSW.5320.02.SA001 - Site Access Arrangements  
SB.LS.07 rev B - Proposed Planting Plots 64 to 84 and Associated Open Space

Received 10 June 2014

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

- 21 INFORMATIVE TO APPLICANT:  
Any alterations to the 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.
- 22 INFORMATIVE TO APPLICANT:  
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
- 23 INFORMATIVE TO APPLICANT:  
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.

24 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

25 INFORMATIVE TO APPLICANT:

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 our controls.

26 INFORMATIVE TO APPLICANT:

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.





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**REPORT TO THE AREA PLANNING COMMITTEE**

**Report No.**

<b>Date of Meeting</b>	25 June 2014
<b>Application Number</b>	14/03953/FUL
<b>Site Address</b>	Flistridge Farm Upper Minety Malmesbury Wiltshire SN16 9PY
<b>Proposal</b>	Conversion and extension to stable to form residential annex (Resubmission of 13/05885/FUL)
<b>Applicant</b>	Mr & Mrs Hans Kuropatwa
<b>Town/Parish Council</b>	MINETY
<b>Ward</b>	MINETY
<b>Grid Ref</b>	400301 191446
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Richard Sewell

**Reason for the application being considered by Committee**

The application is being presented to Committee at the request of Councillor Chuck Berry to consider the location of the proposed ancillary accommodation in relation to the main dwelling known as Flisteridge Farm

**1. Purpose of Report**

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

**2. Report Summary**

The main issues when considering this application are:

- The proposed ancillary accommodation being entirely divorced from the main dwelling with no shared facilities and tantamount to a new dwelling in the open countryside.
- Parish Council support proposal and no neighbour objections have been received.

**3. Site Description**

Flisteridge Farm is a large, detached dwelling set in generous gardens to the north west and outside of the development boundary of Upper Minety within the open countryside. Directly

opposite the main house approx 22m away lies an L shaped stable block alongside which is situated a detached double garage. The existing stable block consists of 4 stables with tack, wash and store room. A shared driveway and parking area serves the main dwelling house and stables. The existing stables are for the personal use of the family.

#### **4. Planning History**

- N/99/01781/COU Outdoor Riding Arena with post and rail fence for private use USE PERMISSION
- N/88/03138/FUL Extension and Alterations to Dwelling and Construction of Tennis Court. PERMISSION
- N/12/03148/FUL Garden Room to Rear of Property PERMISSION
- 13/05885/FUL Proposed stable extension to form one bedroom annex WITHDRAWN

#### **5. The Proposal**

The applicant seeks permission for an attached one bedroom annex situated on the south west corner of the existing stable block for the purpose of providing residential accommodation for elderly relatives. The front entrance to the accommodation will be situated on the west elevation facing the garage block with the main dwelling beyond. The accommodation will comprise an entrance hall way, open plan kitchen/dining area, double bedroom with ensuite and storage area. A new barn extension is also proposed on the rear of the existing stable block. The existing storage room in the front gable end extension of the stable block is to be converted into the ensuite bedroom with a window on the north elevation facing the stable entrances. The proposed kitchen/living area will feature a pitched roof and will extend out towards to the south of the stable block into the area that is currently used as a small paddock with fields beyond. The proposed accommodation will not be visible from the highway or surrounding countryside.

#### **6. Planning Policy**

NPPF Section 7: Requiring Good Design

C3 Development Control Policy

H8 Residential Extensions

NE12 Braydon Forest

NE15 The Landscape Character of the Open Countryside

#### **7. Consultations**

Minety Parish Council – NO OBJECTION

Public Protection- NO OBJECTION (Verbal Consultation)

#### **8. Publicity**

No letters of support or objection received.

## **9. Planning Considerations**

The proposed location of the accommodation entirely separate from the main dwelling is considered inappropriate for the purpose of providing ancillary accommodation for elderly relatives requiring care and assistance. The location of the proposed accommodation is considered tantamount to a new dwelling as it is entirely divorced from the main dwelling house with no shared facilities. Effectively the development forms a separate planning unit given the degree of separation and lack of any relationship between the use of the structures. The proposal is not considered to be ancillary to the main dwelling and will not function as an annex. Following the cessation of use by elderly relatives it is almost certain that there will be significant pressure to release this property as a separate dwelling. This is a location where new residential development is strictly controlled. Environmental Health have raised no objections but it is considered a poor design feature locating residential accommodation for elderly relatives directly attached to a working stable block separated from the main dwelling by approx 22metres and the stable block itself. The arrangement of residential accommodation for elderly persons adjoining large scale stables is not considered to achieve an acceptable level of residential amenity. The size of the plot and scale of the existing dwelling mean that there is adequate space to adjoin the proposed accommodation to the main dwelling. This is considered a more suitable option for the purpose of providing ancillary accommodation as it does not require an entirely separate unit

## **10. Conclusion**

The proposed ancillary accommodation is considered be entirely divorced from the main dwelling with no shared facilities and is therefore tantamount to a new dwelling is contrary to existing policies relating to development in the open countryside.

## **RECOMMENDATION**

The application be refused for the following reason:

The proposed location of the ancillary accommodation separate to the main dwelling house known as Flisteridge Farm is considered to be inappropriate for the purpose of providing ancillary accommodation for elderly relatives and does not achieve an adequate level of residential amenity for future occupants. By way if its design, scale and location the proposed extension is considered tantamount to a new dwelling in the open countryside remote from local services, facilities and transport services and is therefore unsustainable. Due to these reasons the development is contrary to policies NE15, C3 and H8 of the adopted North Wiltshire Local Plan 2011

