

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 1 April 2015
Time: 3.00 pm

Please direct any enquiries on this Agenda to Libby Beale, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email elizabeth.beale@wiltshire.gov.uk

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

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Sheila Parker
Cllr Peter Hutton (Vice Chairman)	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Philip Whalley
Cllr Mollie Groom	Cllr Terry Chivers
Cllr Chris Hurst	Cllr Howard Marshall
Cllr Mark Packard	

Substitutes:

Cllr Desna Allen	Cllr Dennis Drewett
Cllr Glenis Ansell	Cllr Howard Greenman
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Linda Packard
Cllr Ernie Clark	Cllr Graham Wright
Cllr Bill Douglas	Cllr George Jeans

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AGENDA

1 **Apologies**

To receive any apologies for absence or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 14*)

To confirm and sign as a correct record the minutes of the meeting held on 11 March 2015.

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 2:50pm 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 25 March 2015.** 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 planning applications as detailed below.

- 6a **N/13/01868/FUL- 52 Corn Gastons, Malmesbury, Wiltshire, SN16 0LY**
(Pages 15 - 24)
- 6b **N/13/01296/FUL - Land Adjacent to Sedgewick House, Old**
Hardenhuish Road, Chippenham, Wiltshire SN14 6HH *(Pages 25 - 48)*
- 6c **11/02514/FUL and 11/03731/LBC - Scarrott's Yard, adjacent to 6 Old**
Court, Royal Wootton Bassett *(Pages 49 - 64)*

7 Urgent Items

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

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 MARCH 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Chris Hurst, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Philip Whalley, Cllr Howard Greenman (Substitute) and Cllr Howard Marshall

23 Apologies

Apologies for absence were received from Cllr Jane Scott OBE, Cllr Terry Chivers and Cllr Mollie Groom who was substituted by Cllr Howard Greenman.

24 Minutes of the previous Meeting

Resolved:

To confirm as a true and correct record the minutes of the meeting held on 18 February 2015.

25 Declarations of Interest

There were no declarations of interest.

26 Chairman's Announcements

The Committee noted changes to its membership: Cllr Nick Watts and Cllr Simon Killane were no longer members of the Committee and had been replaced by Cllr Howard Marshall and Cllr Terry Chivers. Cllr Graham Wright and Cllr George Jeans had been appointed as substitute members.

27 Public Participation and Councillors' Questions

The Committee noted the rules on public participation.

28 **Rights of Way applications**

29a The Wiltshire Council (Parish of Purton) Path no.161 Definitive Map and Statement Modification Order 2014.

Alexandra Griffin spoke on behalf of Mr and Mrs Fletcher in objection to the Order.

Francis Sheppard and Richard Pagett spoke in support of the Order.

Cllr Greenaway, Purton Parish Council, spoke in support of the Order.

The Rights of Way Officer presented the report which recommended that “The Wiltshire Council (Parish of Purton) Path No.161 Definitive Map and Statement Modification Order 2014”, be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification. The officer explained an application to add the footpath to the definitive map and statement of public rights of way had been received in 2002. In 2014 a definitive map modification order was made to add the footpath to the definitive map and statement of public rights of way, however objections were received and, consequently, the order would fall to be determined by the Secretary of State. Photographs of the route and its access were shown.

The Committee then had the opportunity to ask technical questions and it was confirmed that there were no other footpaths leading from the southern section of Hoggs lane, which formed a link to the further rights of way network.

Members of the public then addressed the Committee as detailed above.

Following statements from the public, the officer confirmed that in this instance there was no evidence to suggest the landowner had granted permission for the public to use the land. The period of time when the footpath had not been used due to the Foot and Mouth crisis could not be taken into consideration, nor could the Committee consider the current or future use of the land.

In the debate that followed, the Committee commented there was no evidence to suggest that public use of the land as a footpath had been detrimental to the landowner and it was clear the path had been used for a long period of time. Members commented that use by irresponsible dog owners was unfortunate. The Committee considered the options presented in the report and, based on its consideration of the available evidence, supported the making of the Order and therefore recommended it be confirmed without modification

Resolved:

To forward “The Wiltshire Council (Parish of Purton) Path No.161 Definitive Map and Statement Modification Order 2014” to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Reason:

The Order has been made on the grounds that there is sufficient evidence for

it to be reasonably alleged that a right of way for the public on foot subsists, on the balance of probabilities. Following the making and advertising of the making of the Order, no further evidence has been submitted which would change this view. At the confirmation of an Order there is a more stringent legal test than the “reasonably alleged” test which is sufficient at the making of the Order. The test is whether public rights subsist on the balance of probabilities. It is considered that since the making of the Order, additional evidence has been provided sufficient to satisfy the more stringent test and therefore the Order appears capable of confirmation.

30 Planning Applications

30a 14/11318/VAR- Wiltshire Golf & Country Club, Vastern, Royal Wootton Bassett, Swindon, SN4 7PB

Mr Geraint Jones spoke in support of the application.

The planning officer introduced the report which recommended that planning permission be refused and explained his recommended reasons for refusal. The application was for a variation of condition to allow flexible use for retirement accommodation. Attention was drawn to the late observations available as an agenda supplement, a site plan and aerial photographs were also shown.

The Committee then had the opportunity to ask technical questions during which it was confirmed that the site was not currently included in the Strategic Housing Land Availability Assessment and the previous condition was for holiday accommodation.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Chris Hurst, spoke in support of the application as the club was a community facility with good links into the town.

In the debate that followed, Members considered that there was already permission for accommodation on the site and supported the variation of condition as the development was sustainable and well-served by a local bus service and on site leisure facilities, whilst the proposals also included contributions to public transport and cycling facilities. In addition, members considered that the proposals would result in local benefits including provision for those in need of retirement accommodation and affordable housing contributions. Members stressed that appropriate conditions should be implemented to restrict the use of the development due to its location in open countryside and expressed the need for securing affordable housing, bus service provision and cycle pooling as part of permission granted. The Committee considered that the proposed varied occupancy would not be so significantly different from the permitted use as to constitute unsustainable development in this location. Taking this position into account members considered that the benefits of the proposals outweighed the limited harm that could be identified and were on balance therefore acceptable.

Resolved:

To DELEGATE authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement to address affordable housing requirements, bus service provision and cycle pooling; and subject to necessary and appropriate conditions to be prepared by officers.

Reason:

The Committee considered that the benefits of the development outweigh the harm identified, and that the proposal is not so significantly unsustainable in this location given the permitted uses for Holiday Lets falling within residential use classes and proposed restrictive occupancy as to warrant refusal.

30b 14/12103/FUL - St Andrews Church, West Street, Castle Combe, Wiltshire, SN14 7HT- APPLICATION WITHDRAWN

The Committee noted the application had been withdrawn.

30c 15/00267/FUL - Land rear of Bay Tree Cottage, The Butts, Biddestone, SN14 7DT

George Brown, Janet Jones, and Alison Butler spoke in objection to the application.

Robert Elkins spoke in support of the application.

Ashley Juniper, Biddestone and Slaughterford Parish Council spoke in objection to the application.

The planning officer introduced the report which recommended that planning permission be granted, subject to conditions, as amended by the late observations. It was explained the application fell within a conservation area and only infill development was acceptable in this location. A location plan and photographs of the site were shown alongside a description of nearby listed building and access to the site. Attention was drawn to the late observations and photographs of the street scene and proposed elevations of the dwelling were presented. It was noted the conservation officer had expressed concerns over the design of the dwelling.

The Committee then had the opportunity to ask technical questions and it was confirmed the finished floor level of the property would ensure the height of the property would be as shown on the street scene elevation. The officer confirmed the use of high quality building materials and details of materials for car parking areas could be secured by condition. Condition 10 would require details of surface water drainage to be approved.

Members of the public then addressed the Committee as detailed above.

Following statements from the public it was confirmed the difference in ridge height from the proposed dwelling and a neighbouring property was 10cm. The officer advised that the Local Planning Authority had been told the parking area outlined was within the ownership of the applicant. If the number of bedrooms in the property was to increase it would have to meet the standard of parking required by the planning authority.

Cllr Toby Sturgis, spoke on behalf of the local member Cllr Jane Scott OBE. The Councillor sympathised with privacy concerns, however considered neighbours would still have adequate privacy and the height of the proposed dwelling was acceptable in relation to the rest of the street scene.

In the debate that followed the Committee expressed confidence in the officer's report, agreed the proposed dwelling was not overbearing and found no planning reasons for refusal.

Resolved:

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.

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

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

- 4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-**
 - a) location and current canopy spread of all existing trees and hedgerows on the land;**
 - b) full details of any to be retained, together with measures for their**

- protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) means of enclosure;
- e) all hard and soft surfacing materials;
- f) minor artefacts and structures

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

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

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

6. The development hereby permitted shall not be occupied until the the access and parking area has been consolidated and surfaced (not loose stone or gravel). The access and parking shall be maintained as such thereafter for the parking of vehicles associated with the use of the dwelling hereby approved.

REASON: In the interests of highway safety.

7. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres in either direction from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety

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 those Orders with or without modification),

no development within Part 1, Classes A-F shall take place on the dwellinghouse hereby permitted or within their curtilage.

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

9. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

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

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

11. No works shall commence on site until details of all rainwater goods and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

12. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

13. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drg No: 436/PL/S/1a
 - Drg No: 436/PL/3c
 - Drg No: 436/PL/7a
 - Drg No: 436/PL/8a
 - Drg No: 436/PL/D1
 - Drg No: 436/PL/D2
 - Drg No: 436/PL/D3

Drg No: 436/PL/D4

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

- 14. Before the development hereby permitted is first occupied the window in the first floor east elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing in perpetuity.**

REASON: In the interests of residential amenity and privacy.

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

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

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.

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.

30d 13/01483/FUL - 1 Chestnut Road, Chippenham, Wiltshire, SN14 0EY

Adam Lyus spoke in support of the application.

The planning officer introduced the report which recommended that planning permission be granted, subject to conditions. The application was originally brought to committee in 2013 when it was resolved to delegate to officers to approve the application subject to conditions and completion of a Section 106 legal agreement. However, since that time, changes to the Planning Practice Guidance relating to planning contributions warranted reconsideration of the application. An overview of the application was provided and it was highlighted that the design of the scheme had not changed, attention was brought to the late observations.

The Committee then had the opportunity to ask technical questions and it was confirmed the application required re-determination as the decision notice had not yet been implemented.

Members of the public then addressed the Committee as detailed above.

The Committee expressed support for the officer's recommendation and reasons provided in the report.

Resolved:

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. The development hereby permitted shall be carried out in accordance with the following approved plans: 788/CAM/2013/1 rev A - Proposed Plans and Elevations Received 16 July 2013**

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

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

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

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has**

been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

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.

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.

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.

31 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.35 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail elizabeth.beale@wiltshire.gov.uk

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

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	01 April 2015
Application Number	N/13/01868/FUL
Site Address	52 Corn Gastons Malmesbury Wiltshire SN16 0LY
Proposal	Erection of Two Dwellings With Parking Spaces Per Unit (Resubmission of 12/03895/FUL)
Applicant	English Rose Homes Ltd.
Town/Parish Council	MALMESBURY
Division	MALMESBURY – Cllr Simon Killane
Grid Ref	392540 187590
Type of application	Full Planning
Case Officer	Christine Moorfield

Reason for the application being considered by Committee

The application was considered by Committee on 8th January 2014, at which time Member resolved to delegate authority to Officers to approve the application subject to conditions and completion of a Section 106 legal agreement. However since that time changes to the National Planning Practice Guidance relating to planning contributions warrant reconsideration of the application.

This report has been updated with regard to revised material considerations brought about by the adoption of the Wiltshire Core Strategy. However, the body of the report remains virtually unchanged as the policies within the Wiltshire Core Strategy have not changed or altered the assessment of the scheme and/or the officers recommendation.

The section headed ‘S106 contributions’ and its final recommendation has been amended, the reference to the requirements for a 106 agreement has been removed and the officer recommendation is **APPROVE** subject to conditions.

1. Purpose of Report

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

APPROVED subject to conditions.

2. Report Summary

In summary the main issues in respect of this development are as follows:

- Access and parking
- Design
- Impact on amenity of adjacent residents occupiers.

3. Site Description

The proposed site is located to the rear of number 52 Corn Gastons. The site previously formed the end section of the rear garden belonging to the property. The site is located within a predominantly residential area. The area is characterised by two storey semi detached and terraced houses built in the 1950s

Access to the site is via a shared access to the school which is located immediately to the south east. The site has been cleared and there is close board fencing around it. There is a large conifer hedge along the south eastern boundary.

To the south east of the site is a school and the access route is used by pupils going to and from the school.

4. Planning History

There has been a lot of planning history on the site. Of most relevance is an outline planning permission approved in 2005 N05/00898OUT, this was for residential development and of particular note is the condition which required any development on the site to be single storey. It was also conditioned that any residential development would require two car parking spaces.

In 2007 application number 07/1315 sought permission for a block of four no. flats with 4 car parking spaces. This application was refused for the following reasons:

1. The proposal by reason of its siting, height, bulk and orientation will have a detrimental impact on neighbouring uses contrary to policies C3 and H3 of the North Wiltshire Local Plan 2011.
2. Adequate provision cannot be made on site for the parking of vehicles. The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point contrary to Policy C3 of the North Wiltshire Local Plan.

The applicant lodged an appeal and this was dismissed. The main issues considered by the inspector which lead to his decision were that the building was sited too close to the boundary (4m) and given its mass and bulk it would have an overbearing impact on the adjacent property. The first floor lounge windows would result in a loss of privacy to neighbours not just no. 50 but no. 48 as well. The proximity to the school was also unacceptable as the new development would impact on the school.

Since this decision the necessary car parking standards have changed. However in terms of local plans the relevant policies are still those contained within the Local Plan 2011.

5. The Proposal

This proposal is for 2 x two storey, three bedroomed, semi detached dwellings. Four car parking spaces have been provided for use in association with the dwellings.

6. Planning Policy

At the time the application was considered by committee on the 8th January 2014 the policies were referred to as:

Local Plan Policies C3, CF3 and H3

National Planning Policy Framework 2012.

Since the adoption of the Wiltshire Core Strategy (January 2015) the relevant policies are:

CP 60 i and CP61 ii sustainable transport and transport and development

CP57 Ensuring high quality design and place shaping.

CP1 The settlement strategy

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

7. Consultations

Malmesbury Residents Association strongly oppose the development for the following reasons:

1. The application does not conform with Policy C3(vii) of the Local Plan 2011 which requires new development to have a satisfactory means of access, turning, car parking and not have a detrimental impact upon highway or pedestrian safety.
2. The proposal is also in conflict with Policy C3 (iii) of the Local Plan 2011 which requires new developments to avoid creating an unacceptable loss of privacy and amenity to adjacent dwellings.
3. Thirdly we believe the proposal is in conflict with the progression of the Wiltshire Core Strategy and Malmesbury Neighbourhood Plan which does not identify this site as one on which future development should be delivered.

Drainage Engineer

We have no objections in terms of flooding. However, there appears to be little information about proposed drainage; apart from a Wessex Water sewer plan. If the proposed site plans to discharge to WW sewer then we like to see copy of agreement. If not then we will require

SuDS scheme to be considered, accompanied then b BRE 365 percolation tests and soak away calculations.

Environment Agency - No objection

Ecology - No objection, an advice in respect of any protected wildlife considered acceptable.

Public Open Space

It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required. This development generates a need for £11,640 in offsite Open Space Contribution to be used to upgrade facilities at Newton Grove.

Education

Malmesbury at primary level in particular, is currently the councils top pressure point for demand/supply of school places in the county, and as an exception to general policy (which is allowed for in the policy itself), all developments coming forward in this area which will generate a need for additional school places.

2 units generate a need for an additional 0.62 of a primary place (which is rounded up to 1 place), and for 0.44 of a secondary place, (which we round down to nil as it's below 0.5 of a place).

So our requirement here is for funding towards the provision of one primary place at the current cost multiplier of £12,713 per place. This figure will be valid as long at the relevant S106 is signed before the end of the 2012/13 financial year, after which it will be subject to review and updating.

This assessment is specific to the site location, number and mix of housing units described in the application form, and any changes to those will necessitate a new assessment.

Highways

The amended plans have addressed previous concerns relating to the parking and turning on site. The remaining issue is the conflict between pedestrians and vehicles on the access track. Objections have been received in respect of this; however a material consideration is the permission that has been previously granted for a single dwelling which would have used the same access.

It is likely that the track will be used in the main by the occupiers of the dwellings with casual visitors and deliveries finding it more convenient to park on Corn Gastons. The Highway Engineer is satisfied that the track is of adequate width for vehicles and pedestrians to pass each other. Residents of the dwellings will also be aware of the times of high pedestrian usage.

In view of the above the possible conflict between vehicles and pedestrians is not, on its own, sufficient ground for a highway refusal and thus there is no objection subject to conditions in respect of the parking being provided and with a consolidated surface and laid

out in accordance with the approved details. This area shall be maintained and remain.

8. Publicity

The application has been advertised in accordance with the council's consultation and neighbour notification protocol.

8 letters from neighbours have been received, the main reasons for objection

- Access and turning facilities unacceptable and dangerous.
- Conflict between children and vehicles as there is nowhere for a child to pass a car safely i.e. there is no footpath and no room for a footpath or any safe areas.
- Inadequate parking.
- Impact on wildlife and of note slow worms
- Large development cramped on site not in character with the area.
- The overdevelopment of this site could set a precedent for many other developments of this type in the area using peoples gardens.
- Design not in keeping with area.
- Loss of privacy for neighbours houses and school.
- During the construction period the local roads will have additional usage from heavy traffic resulting in considerable safety concerns for road and footpath users.
- Car parking spaces small.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The applicant has endeavoured to address the main issues in respect of this site and the concerns raised by the Planning Inspector. Subject to further discussions with the applicant and agent the scheme has been amended. The mass has been reduced further than that of the initial scheme submitted and as a result the height and length of the built mass is substantially smaller than that of the previously refused scheme. The proposed dwellings have a maximum height of 7.0m and the rear elevation has been modelled so that the first floor bedroom windows which are 6m from the boundary are roof lights and so do not result in direct overlooking of the adjacent gardens. The single storey rear element of the properties is only 4m from the boundary but this is not considered to have a detrimental impact on the adjacent residential properties and their occupier's amenity.

The Highway Engineer is satisfied that the parking and access arrangements are reasonable and acceptable given the fact that a single unit has been approved on the site.

The design of the units has been considered and care taken to minimise the impact that this built form will have on the adjacent neighbours. The Inspector in his decision raised certain matters, in particular the overlooking from first floor lounge windows of the gardens belonging to both number 48 and 50 Corn Gaston. In this respect the built form has been

moved back a further 2m from the boundary and the first floor windows are now bedroom windows and further amendments have changed these windows to roof lights. It is not considered therefore that loss of privacy to adjacent neighbour's properties would be a justifiable reason for refusal.

With regard to the school to the south there are no windows on this boundary other than those serving a bathroom and therefore it is not considered that this relationship between the new development and the school is unacceptable. At present there is a substantial hedge on this boundary which screens the development well but it is recognised this hedge could be removed.

The inspector considered the mass and bulk of the previous building to have a detriment impact on the amenity of neighbours. It is now considered that the mass and bulk has been reduced to such an extent that it is unlikely to have a detrimental impact on the neighbouring properties and therefore, refusal of this application on this basis is not considered justifiable. The previous single storey unit permission and the comments of the Inspector identified that a lower built form may be acceptable. The scheme as now submitted is relatively low and therefore is considered to be in line with these previous permissions/comments.

The applicant has agreed in principle to the payment of a Public Open Space and Education contributions.

10. Conclusion

The proposal was considered acceptable in terms of its mass, bulk, the level of parking and access provided and complied with the policies within the North Wiltshire Local Plan 2011. The scheme is now considered acceptable in terms of its mass, bulk, the level of parking and access provided and complies with CP60 i, CP61 ii, CP57 and CP1 of the Wiltshire Core Strategy 2015 and the guidance and policies within the NPPF 2012 and the NPPG 2014.

S106 contributions

At the time of its initial consideration by Committee, the scheme attracted a financial contribution toward the provision of local off-site public open space and educational requirements in accordance with the development plan. As of 28 November 2014 however, the National Planning Practice Guidance (NPPG) stipulates that such contributions should not be sought for developments of fewer than 10 units and 1,000m², except in Areas of Outstanding Natural Beauty or designated 'Rural Areas'. The Guidance is a material planning consideration and as such it is not considered reasonable to pursue the contribution in this instance. The recommendation is amended accordingly.

RECOMMENDATION APPROVE

Subject to conditions as agreed by committee on the 8th January 2014:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3802/01A and 04A, 3802/50A and 51.

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

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

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

4. Prior to the commencement of development details of the drainage of the site must be submitted and approved by the local planning authority. If the water will discharge to Wessex Water sewer then the applicant must submit a copy of the agreement to the council. If not then a SuDS scheme will need to be submitted to and approved by the local planning authority, these details to be accompanied by BRE 365 percolation tests and soak away calculations.

REASON: In the interest of ensuring the site is adequately drained.

5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The surface treatment of the parking areas to be a consolidated surface. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

7. Prior to any works commencing on the site the hedge along the northern boundary of the access to the site shall be trimmed and cut back to ensure that the maximum width of the driveway is available to ensure safe use by vehicles and pedestrians. The hedge shall be maintained as such thereafter to ensure adequate visibility and safe passage for all users.

REASON: In the interests of highway and pedestrian safety.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;

- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from construction works; and
- g) hours of construction, including deliveries; has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

INFORMATIVES:

1. The applicant is advised to consult with the Head Teacher and School Governors of Malmesbury School adjacent to the site in respect of any future proposals to erect gates or other enclosures to the site access.



REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	1 April 2015
Application Number	N/13/01296/FUL
Site Address	Land Adjacent to Sedgewick House Old Hardenhuish Road Chippenham Wiltshire SN14 6HH
Proposal	Erection of 2 Detached Dwellings
Applicant	Mr Robert Stacey
Town/Parish Council	CHIPPENHAM
Division	CHIPPENHAM CEPEN PARK AND REDLANDS- Cllr Nina Phillips
Grid Ref	390569 174390
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was considered by Committee on 16 July 2014, at which time Members resolved to delegate authority to the Area Development Manager to approve the application subject to conditions and completion of a Section 106 legal agreement. However since that time changes to the Planning Practice Guidance relating to planning contributions warrant reconsideration of the application.

In addition there have been changes to local planning policy and national planning practice guidance since that time. As such the original report to Committee is included at Appendix A and this all remains relevant except in respect of sections dealing with the Principle of development and S106 contributions.

Purpose of Report

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

Planning Policy

Since the previous report to Committee the Council has adopted the Wiltshire Core Strategy (January 2015). Policies CP50, CP57, CP60 & CP61.

In addition the Government has published and adopted national Planning Practice Guidance.

Planning Considerations

The site is within the framework boundary and the principle of residential development is not objectionable in principle subject to relevant criteria being satisfied contained in Policy CP57 of the Wiltshire Core Strategy Adopted January 2015.

Given the assessments undertaken previously as set out in the earlier report to Committee contained at Appendix A and as determined by Committee Members it is considered that there is no in principle conflict with the adopted WCS policies or requirements of the NPPF paras 14, 17, 128, 129, 131, 132, 133.

Section 106 agreement

At the time of its initial consideration by Committee, the scheme attracted a financial contribution of £11,640 to be used to the upgrade of facilities at Stainers Way, Chippenham. As of 28 November 2014 however, the national Planning Practice Guidance (PPG) stipulates that such contributions should not be sought for developments of fewer than 10 units and 1,000m², except in Areas of Outstanding Natural Beauty or designated 'Rural Areas'. The Guidance is a material planning consideration and as such it is not considered reasonable to pursue the contribution in this instance given that the proposal is for 3 dwellings of a combined floorspace of less than 1000 sq m. The recommendation is amended accordingly.

Conclusion

It is considered that the proposed design, impact on the neighbours, the impact on the wider area, the proposed access and parking arrangements, and ecology and flood risk issues would be satisfactory with appropriate conditions attached to the permission. Accordingly, the application complies with Wiltshire Core Strategy policies CP50, CP57, CP60 & CP61 and the relevant provisions of the NPPF and PPG.

RECOMMENDATION

Approve subject to the following conditions:

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

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

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

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

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

Authority, the details of which shall include:

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

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

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

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

5. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

6. The existing hedge between Nos 12 and 14 Bythebrook and the application site shall not be removed and shall be retained at a height of at least 3:00 metres. Should any section of the hedge be removed or die it shall be replaced with appropriate planting during the next planting season.

REASON: To preserve the visual amenity and privacy of the development.

7. Prior to the commencement of development details of any proposed retaining walls to be built on the site shall be submitted to and approved in writing by the local planning authority and implemented and maintained strictly in accordance with the approved plans.

REASON: To safeguard the visual amenity of the area and in the interests of highways safety.

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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

9. No part of the development hereby permitted shall be first brought into use/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.

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

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

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk assessment dated September 2012 by PBA and the following mitigation measures detailed in the FRA:

1. Finished floor levels are set no lower than 68.25 above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

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

12. No development shall commence on site until details of the works for the disposal of

sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

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

13. The mitigation measures in paragraphs 5.4 and 5.6 of the approved Ecological Assessment prepared by BSG Ecology and received 8th May 2013 shall be carried out in full prior to the first occupation of the development and/or in accordance with the timetable detailed in the Ecological assessment.

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

14. No development shall be undertaken within 8 metres of the bank of the Hardenhuish brook which would restrict access for the purposes of maintenance by the water authority.

REASON: To safeguard access for maintenance of the watercourse.

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

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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.

16. Prior to the occupation of the development the proposed dwellings an area from which refuse bins can be collected shall be agreed in writing by the local planning authority.

REASON: In the interests of public and visual amenity.

17. Notwithstanding the submitted plans planning permission is not granted by this decision for the erection of gates at the proposed entrance to the site at Bythebrook.

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

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

Site Location plan

P538-01-01

Tree Survey

T12/0128/p/0014; T12/0128/p/01-0001 through T12/0128/p/01-000113

P538-01-03

P538-01-04

P538-01-05

P538-01-06

P538-01-07

P538-01-10

P538-01-13

P538-01-14

Design and Access Statement

All dated 22/5/13

P538-01-02A

P538-01-09A

P538-01-08A

All Dated 09/10/13

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

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 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
- 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.

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.

Appendices:

Committee Report 16/7/14

Background Documents Used in the Preparation of this Report:

Application File

Committee Report 16/7/14



REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	16 th July 2014
Application Number	N/13/01296/FUL
Site Address	Land Adjacent to Sedgewick House Old Hardenhuish Road Chippenham Wiltshire SN14 6HH
Proposal	Erection of 2 Detached Dwellings
Applicant	Mr Robert Stacey
Town/Parish Council	CHIPPENHAM
Ward	CHIPPENHAM CEPEN PARK AND REDLANDS
Grid Ref	390569 174390
Type of application	Full Planning
Case Officer	Mandy Fyfe

Reason for the application being considered by Committee

This application has been called into Committee by Cllr Nina Phillips for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Impact on amenities and privacy to dwellings in Bythebrook
- Design – bulk, height, general appearance, layout
- Environmental/highway impact
- Car Parking (use) and noise issues
- Drainage issues
- Access
- Impact on wildlife

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

Chippenham Town Council have objected due to the poor access and notifying the Council that this application has been called in by the Local member. There have been 20 letters of objection.

2. Report Summary

The main issues in considering the application are:

- Principle of development Policies C3, H3 of the adopted North Wiltshire Local Plan 2011
- Impact on the character and appearance of the area
- Affect on the privacy and amenity of existing neighbours and potential occupants
- Impact upon Flood Plain
- Affect on highway safety
- S106 contributions

3. Site Description

The application site consists of a large slightly sloped land to the west of the secluded rear garden behind Sedgewick House which is surrounded by mature trees and hedgerows and has an area of 0.2ha. There are a number of immature shrubs spaced out in the centre of the garden. Sedgewick is a modern detached house set back from Old Hardenhuish Road via a driveway and includes a garage to the side. Alongside the eastern side of both the application site and the side of Sedgewick are a number of trees protected by Tree Preservation Orders and a 'main river' known as Hardenhuish Brook which runs along the entire eastern boundary getting very close to the boundary fence in places.

To the west of the application site is the estate of Bythebrook which includes a tarmaced driveway leading down to No 10 and 11. Beyond this is a close boarded fence that runs along the western boundary of the application site and forms the boundary with No 12 Bythebrook to the east of the driveway. No 11 has its side garden facing onto the application site and No 12 has its rear garden facing onto the application site. It should also be noted that this estate is on higher ground than the application site which is some 1.35m lower than the tarmac driveway. It would appear from historical maps that this raised ground level forming the western boundary of the applicant's garden is original suggesting that the ground to the east was originally purely floodplain.

4. Planning History

80/00314/OL Erection of detached dwelling with integral garage (Permit)

81/01338/D Erection of detached dwelling with integral garage (Permit)

87/02935/F Erection of garage extension (Permit)

89/02456/F Extension to form swimming pool wing (Permit)

94/02196/TPO Tree felling and surgery – 4No standard Oaks and 1 No

standard ash to be planted to replace the felled trees(Permit)

03/00483/FUL Extension to garage (Permit)

5. The Proposal

The proposal is to construct 2No chalet style dwellings with dormer windows to the first floor. Detached garages are proposed for each unit. The dwelling would be constructed to a Level 4 Sustainable Design Code with measures to enhance aspects such as water and energy use, materials, waste disposal, ecological features etc. The layout provides for a vehicular access to be created between No 11 and 12 Bythebrook to form an enclosed turning area leading off to drives and the garages to the north and south. Due to the changes in levels between the higher land of the housing estate compared to Sedgewick's garden, it is proposed to increase the ground levels nearest the western end of the site.

The scheme shows that the eastern side of the proposed dwellings would be supported on a 0.75m high stilt arrangement using a 'pin piling' technique with voids underneath to allow for any flood water displacement in accordance with the submitted Flood Risk Assessment. There would also be a 0.75m high retaining wall between the eastern corners of the proposed dwelling which would support the inert material referred to above on which the turning area would stand.

The footprints of the plots are different, so that Plot 1 would have a footprint of 121m² and with the first floor accommodation of 83m² would give a overall floor area of 204m². It would have an eaves height of between 2.5m and 3.2m depending on the slope which is higher to the west than the east and a ridge height of between 7.15m and 7.65m. The accommodation proposed would provide a porch leading towards a large hallway with a study, dining room, breakfast room, kitchen, wet room and utility room. Beyond the hallway would be a large living room of some 24m² internal measurements. At first floor there would be 3No bedrooms with individual ensuites plus a family bathroom with a gallery landing. The garage would have a floor area of 42m² and eaves of 2.5m and a ridge of 5.9m respectively and be sited to the north of the house.

Plot 2 on the other hand would only have a floor area of 153m² comprising of a footprint of 84.2m² and a first floor of 68.9m². It would have an eaves height of between 2.45m to 5.3m and a ridge of between 6.35m and 7.9m to the projecting gable. The accommodation would provide a central doorway between the kitchen and dining room. Off the hallway would also be a utility, wet room and living room. At first floor would be three bedrooms and a family bathroom. The garage would be sited to the south of the house and have a floor area of 33m². It would have an eaves height of 2.45m and a ridge of 5.5m

6. Planning Policy

National Planning Policy Framework (NPPF)

Para.14 - 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.'

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

Para.100 - 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

North Wiltshire Local Plan Policies (2011):

C3 - Development Control Policy

NE10 - Managing Nature Conservation Features

NE11 -Conserving Biodiversity

NE14 - Trees, Site Features and the Control of New Development

H3 - Residential Development within Framework Boundaries

CF3 - Provision of Open Space

7. Consultations

Chippenham Town Council: Recommend refusal due to poor access. It should be noted that the Ward Councillor has called in this application.

Highways Team: I note that there have been local objections raised on the grounds of highways and access. I do not consider that this proposal will create significant highway issues that would warrant a highway refusal in this location. I recommend no highway objection be raised subject to conditions.

Public Open Space Team: This site would either have to provide onsite amenity land or as it generates an Open Space requirement of less than 0.2H, it would be more appropriate for a contribution to improve local existing amenity land and/or play. 2 X 3 bed dwellings generate a need for 0.0132Ha of Open Space which equates to an Off Site Contribution of £11,640 to be used to the upgrade of facilities at Stainers Way Chippenham.

Archaeology: No issues relating to archaeological remains in this area

Ecology: The site is a small orchard forming part of a residential garden of Sedgewick. This area would not meet the criteria of a "Traditional Orchard" BAP habitat type to which policies NE10 and NE11 would be relevant. The adjacent watercourse 'Hardenhuish Brook' and associated riparian woodland habitats would qualify as BAP habitats NE10, NE11 and NE14 are relevant requiring their protection and possibly enhancement. It is important that the riparian corridor be protected from physical damaged e.g. bankside vegetation, pollution e.g. construction run-off, disturbance of wildlife and damage to protected species habitats e.g. water vole burrows. The extent of the proposed root protection areas will help to provide a buffer between construction activities and the brook, while the retention of the adjoining hedgerow and fence will also help to reduce the disturbance during the construction phase. While the development would impact onto the urban wildlife corridor, the impacts are considered to be of insufficient magnitude to trigger or uphold a reason for refusal. I therefore have no objection on ecological grounds.

Trees and landscape: (Original comments): Insufficient information has been submitted to make a detailed response so that it would appear that at least part of each slab level for each plot would be inside the root protection area as indicated on the submitted drawings and that taken with the raising of the ground levels would result in potential root compaction

and damage to the canopy the majority of the trees along this bank in the long term. Request that revised plans are submitted with a new tree survey and a cross section through the site to clarify where the ground will be raised with regard to the root protection areas as this is not clear on submitted drawings.

Additional comments – 1: It is noted that the two dwellings would be constructed on pile due to the change in levels. I have no objection to the pile construction but care should be taken to avoid damaging any root plates of trees on site. Where piling is to be installed near trees, the smallest practical pile diameter should be used, as this reduces the possibility of striking major tree roots and reduces the size of the rig required to sink the piles. The pile type should be selected bearing in mind the need to protect the soil and adjacent tree roots from the potentially toxic effects of uncured concrete e.g. a sleeved bore pile or screw pile. In addition not all the trees on the site have been plotted and we will need a plan showing the position of all the protective fencing too.

Additional comments – 2: Plans are still unclear and there is an objection from a neighbour about the removal of 38m of hedgerow including both walnut trees all the way from the proposed entrance to the far western boundary

Additional comments – 3: The property benefits from two separate Tree Preservation Orders; one was made in 1973 and the second one in 1989. As a result there is a need to submit a new full tree survey showing the full root protection areas of the protected trees.

Council's Land Drainage Engineer: (*Original comments*): It is clear that the site is plumb in the centre of the flood risk area generated by the Hardenhuish Brook. Building in this area will be tricky in that any proposed property will require a finished floor level well above the flood risk level that will be supplied by the Environment Agency. The Hardenhuish Brook is classed as a 'Main River' and the EA will no doubt require some form of flood compensation works to offset the loss of the floodplain caused by the proposed dwelling construction.

Additional comments -1: the proposed dwellings will be built in an area reserved for floodwaters, which means that for any building here, a volume earmarked for flooding will be unavailable and hence in any given future flood, the water level will be marginally higher. The most common way to maintain the status quo is to dig a hole in the flood plain with an equal volume to that which is being used by the proposed construction so that the flood risk remains unchanged and if the finished floor level of the proposed dwellings is above the flood level, this prevents flooding of their properties too.

Additional comments – 2: Putting the buildings on pile would make the development a degree better than if the building was just raised above the 1:100 year flood event level. The inert fill material will have a volume just like a soakaway filled with a stone material. Normally in these cases there is a requirement to have a 30% flood void ratio, so if the fill material occupies 1m³; 30% or 0.3 cubic metres would be available for flood water and 70% will not be available. So if your fill material occupies 10m³, some 7 cubic metres will need compensation measures.

Additional comments – 3: I have no further comments to make because the proposed flood compensation works are not required here as the flood waters will use the garage and space below the proposed floor levels, so there is no objection to the proposed application on drainage grounds.

Environment Agency (*Original comments*): We are satisfied that the hydraulic model undertaken is fit for purpose and the proposed finished floor levels (68.25mAOD) are set at an acceptable elevation. The modelled 100 and 1000 year floor outlines in the FRA report should be representative from the information submitted. We can take no responsibility for incorrect data or interpretation made by the authors. Accordingly we have no objection in principle to the application subject to a conditions and informatives.

Wessex Water (*Original comments*): Public sewers are shown on record plans within the land identified for the proposed development. It appears that the development proposals will affect existing public sewers as building over a public sewer will not be permitted (without agreement) from Wessex Water under Building Regulations.

No building will be permitted within the statutory easement width of 3m from the pipeline without agreement.

Where development proposals affect a public water main or sewer, it may be possible to divert by agreement with Wessex Water and diverting a water main/public sewer will be subject to satisfactory engineering proposals and a legal agreement under S185 of the Water Industry Act 1991.

Additional comments – 1: Wessex Water will require the applicant to submit a formal application and detailed drawings to consider further with a view to entering into a legal agreement. The issues are:

- a) The diversion may not be possible due to the potential differences in levels between the two foul systems;
- b) The foul sewers are between 1 and 2m deep and the storm sewer by the water course is shown only to be at 0.5m deep and at 225mm diameter have minimal cover.
- c) The diversion as shown would not be acceptable as the angle of the sewer from the rear to the manhole at front is tighter than 90 degrees thus is actually directing flow across the main line which could lead to blockages
- d) We have received no prior notification of the filling works and these are of major concern to Wessex Water with regards to protection of the existing sewers through the site and therefore we will need details as we will require protection and replacement in a more robust material than currently exists.

These arrangements should be agreed in principle prior to a formal application to satisfy any planning requirements.

Wessex water have had further discussions with the agent and have confirmed that a practical and acceptable solution has been found to protect the sewer asset at the site.

8. Publicity

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

23 letters of letters of objection (including several from the same occupiers) and 1 of support received

Summary of key relevant points raised:

- Access width is shown on plans as being 3.45m wide, when there is only 2.6m in reality as the deeds to neighbour's property show the boundary to fall to south east of pavement edge and therefore the extra 0.85m is on neighbours land, so the access route is too narrow for scheme. Bythebrook has clearly defined footways which would have to be removed for access to the proposed construction. The width of the footway is 1.89m at the narrowest point. The width of the highway is wider but the access to the proposed construction is no way wide enough compared to the highway let alone 2No footpaths. Consider that it would sheer folly to run an access point from existing road without widening the area and adding footways given the close proximity of the boundaries either side and to allow a large lorry to access and turn around within the site so as to exit in a forward gear
- Proposed 'access road' is not a road, but a shared drive for No 10 & No 11 who both own this drive and each have a legal right of way over the portion owned by the other. We have not given the applicant access to this portion of the drive to access the site. Consider that the highway authority have not taken this into account in their consultation response as neighbour does maintain this land as it owned by them too and no permission will be given for access here
- Consider that it is not fair that a house in a cul-de-sac now has prospect of a driveway outside.
- Concern about the slope of the drive which tends to get icy in winter towards the proposed scheme and foliage to one side that would reduce visibility resulting in hazard for both pedestrians and vehicles.
- This corner of the cul-de-sac is used for turning of lorries as it is the only suitable turning point such as refuse lorries
- Use of gates within the site will mean that lorries etc will be forced to reverse up narrow driveway
- Certificate of ownership signed on 7th May 2013 is incomplete as part of the land belongs to No 10 and no notice has been served.
- Lack of Parking for the private housing will cause additional hazard to proposed entrance.
- Lack of neighbour notification for Nos 7, 8, 9 and 21 Bythebrook
- Increase in traffic movements in estate
- Loss of wildlife habitat if trees or hedge backing onto site is removed as part of the scheme and would request that legally binding covenant be imposed retaining the hedgerow behind Nos 12 -14 at a level between 2.7m to 3.6m high
- Submitted plans do not include extensions that have been added onto adjoining neighbours properties and so the garden room in No 12 would be affected by loss of light
- Loss of privacy and nuisance as the garden of No 12 has been levelled and is 1m higher than the adjoining development, so the 2m fence is now only 1m high. The scheme will mean that driveway would need to be sloped to the original level, otherwise there is concerns over visibility into property resulting in loss of privacy and car lights causing a nuisance.
- Great concern about the size of trucks to be used to deliver the aggregate to raise the ground levels would not be acceptable past our driveway
- Wessex Water have two easements across neighbours properties which cannot be built on without permission and these strips of land extend under development site, but it does not appear that applicant has gained permission to build over them
- Increase amount of traffic exiting onto Bristol Road
- The Policy Framework sets out a list of criteria which deal with sustainability in including an obligation to take account of all material facts when making a decision as sustainability does not over ride all other relevant factors.
- In Paragraph 53 of the Framework, it states that policies should be provided to resist inappropriate development of residential gardens

- Design of dwellings would not integrate with existing estate houses in terms of design or materials and makes no effort to establish a sense of place that already exists in the Bybrook estate. Effectively this is just an 'add-on' at the end of a shared drive with gates and walls to separate them from the open plan estate, so request that this element is removed from the scheme.
- Due to the overall size of the chalet dwellings, there will be an overbearing issue and because the land is lower the dwellings should be lower too, to eliminate any overlooking to the houses and gardens of Bythebrook.
- Footprint of Plot 1 appears twice the size of the adjacent properties in Bythebrook, so how can the scheme enhance the surroundings in terms of design and materials used, so this should be reduced
- Lack of space for the storage of bins is due to the existing layout the bins for No 12 have to be sited in front of No 10, therefore this scheme would make the situation worse increasing the number of bins as well as restricting visibility.
- Applicants have not discussed the proposals with neighbours as required by the Framework under Paragraph 66.
- Very concerned about the proposed rumble strip as this will result in noise disturbance to adjoining properties.
- Request that electric gates are removed as not in keeping with area and will cause noise disturbance
- Request that the gravel is replaced with tarmac to match that of Bythebrook and to reduce noise disturbance
- Suggest that access is gained via Old Hardenhuish Lane instead of through Bythebrook as there appears to be sufficient land and this would increase the privacy and security for the new dwellings
- Development will cause noise and light pollution to surrounding estate and wildlife
- Construction work would result in chaos to estate

1 letter of support on the following grounds:

- No 11 have a covenant on their deeds which allows for a right of way at all times for purposes over the Accessway which serves any other part of the estate or any land adjoining the estate.
- No 11 consider that their neighbour's calculations are incorrect and that there is a width of 2.93m to 3.2m of access owned by them and thus legally permitted to grant access for the site.
- When residential development was first considered in 1991, highways took the view that a maximum of 40 dwellings at Bythebrook, so a further two dwellings would be acceptable and the development would also retain the cul-de-sac too.

9. Planning Considerations

Principle

The proposed dwellings would be Code Level 4 in terms of Design Sustainability and located within the framework boundary of the settlement with reasonable access to public transport. Hence the proposals are sustainable within the terms of the National Planning Policy Framework. In addition, although gardens are no longer viewed as 'brownfield land' in policy terms, it is considered that there are no overriding site specific objections to the development for the reasons set out below. Whilst the proposed development would be the first near the brook in this area, there are no policies in the Local Plan to retain urban green areas and in any case the site is a private garden and not public open space. Accordingly, it is considered therefore that there is no objection in principle.

Design

The design of the proposed houses is certainly different from the existing estate. However it is considered on balance to be acceptable, and being in a location that is not overly prominent it would not adversely affect the character of the wider area. It is considered that the design is on balance satisfactory subject to the imposition of suitable conditions including relating to the external finishes. A condition can be imposed seeking details of the electric gates proposed.

Impact on Neighbours

It is not considered that the windows of the proposed dwellings would cause problems in terms of privacy or overlooking to existing properties.

Concerns have been raised regarding potential disturbance to No.12 caused by the proposed access. There would be very little extra traffic in the vicinity of the existing dwellings and there are other similarly located private lanes nearby. The rumble strip has since been omitted from the scheme and gravel now replaced by brick paviours.

With regard to overbearing impact, whilst the windows of the rear single storey extension of 12 Bythebrook would be approximately 12 metres from the side of the proposed house on Plot 2, the proposed slab level would be approximately one metre lower than No.12, and the proposed dwellings would be only one and half storey high. It is considered therefore that on balance there would not be an overbearing impact and or unacceptable loss of light. As a further precaution a condition can be attached requiring the existing hedge to be retained at a minimum height of 3 metres in order to preserve the visual amenity and privacy of the rear gardens.

It is accepted that construction traffic and works have the potential to cause temporary disruption and disturbance to residents and therefore it is proposed to attach a planning condition requiring the submission and approval of a Construction Management Plan which in particular specifies that all construction traffic access and exit the site only via the entrance to Sedgewick House and that limits are placed on working hours.

Regarding refuse bins, the plans show that they would be stored within the site out of view of existing residents and only placed outside the site on collection days. An area from which collection would be undertaken can be agreed by attaching a planning condition. This arrangement would be no different from other properties within the area.

Impact on Surrounding Area

It is considered that the application site is well screened and with suitable conditions to protect and retain existing trees and hedgerows, the proposed development would have limited visual impact on the surrounding area.

Highways issues

The Highway Officer has raised no objection to the application subject to imposing conditions. Account has been taken therefore of the impact on highway and pedestrian safety and congestion within the adjoining estate. It should be noted that there are other private lanes providing access to houses nearby on the estate. Construction traffic can be limited to gaining access only via the entrance to Sedgewick by means of attaching a planning condition.

A proposed rumble strip has been omitted from the scheme and gravel has been replaced by brick paviours

Impact on Trees

The scheme has been negotiated that there would be no development within the defined root protection areas of the retained trees. In any event, all footings would be pin piled with a ring beam above which would allow for root expansion and avoid compression issues. The hedgerow between Plot 1 and 11 Bythebrook, including the Walnut trees, would be transferred into the ownership of 11 Bythebrook and is not part of the application site. Regarding the trees along the bank of the brook, 7 are protected by Tree Preservation Order 134. Any works proposed to the protected trees would be subject to a separate consent.

Nevertheless, it is considered that by attaching conditions requiring tree protection for the retained trees during the construction process and additional planting and landscaping subsequently there would no long term impact on the visual character of the area.

Ecology

The Council's Ecologist has raised no objection in principle to the proposed development, and whilst the application site is within a wildlife corridor next to the Hardenhuish Brook, it is considered that adequate mitigation for any impact on local wildlife can be achieved by attaching suitable conditions to the permission.

Flood Risk and drainage issues

The Environment Agency raised no objection provided construction is undertaken in accordance with the submitted Flood Risk Assessment and the prescribed finished floor levels. The Agency states that the application site is within a Flood Zone 3a) area where this more vulnerable form of development should only be permitted if the Exceptions Test is passed. It is considered that the proposed development passes the Exception Test because it provides wider sustainability benefits such as convenient access to shops and public services without reliance on car journeys being located close to public transport and within a main settlement. In addition, it is considered that there no need for a Sequential Test because the applicant is a private householder not a major residential developer and so would not have reasonable access to alternative development sites, against which the flood risks of this site could be compared.

The Council's Drainage Officer has commented that the amount of flood compensation is acceptable because of the proposed voids under the houses. It is considered therefore that there is no objection on flood risk or drainage grounds subject to attaching a condition requiring the prior approval of the proposed surface water and foul sewage drains.

Wessex water have also confirmed that they have accepted a proposal from the applicants which would provide suitable protection over the sewer in the vicinity. The applicants will need to formalise this through a separate agreement with Wessex water (outside the planning process)

Section 106 agreement

The applicants have indicated that they are content to enter into a legal agreement to secure the off site contribution of £11,640 to be used to the upgrade of facilities at Stainers Way, Chippenham.

Rights of access and covenants

The question of access rights over land not in the applicant's ownership and other covenants are civil matters and not a planning consideration. The residents objecting on this issue are clearly fully aware of the proposed development and the applicant has made counter claims regarding his rights of access, it is not within the Council's remit to adjudicate in these matters. Should Planning permission be granted it does not override any ownership, private rights or covenants. An informative may be added regarding third party rights over land.

10. Conclusion

It is considered that the proposed design, impact on the neighbours, the impact on the wider area, the proposed access and parking arrangements, and ecology and flood risk issues would be satisfactory with appropriate conditions attached to the permission. Accordingly, the application complies with Local Plan Policies C3, H3, NE10, NE11, NE14 and CF3. The applicant has agreed in principle to prepare a unilateral undertaking to pay the required planning gain contribution.

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 details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any to be retained, together with measures for their protection in the course of development;

- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;

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

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

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

- 5.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - (c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area

fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

6. The existing hedge between Nos 12 and 14 Bythebrook and the application site shall not be removed and shall be retained at a height of at least 3:00 metres. Should any section of the hedge be removed or die it shall be replaced with appropriate planting during the next planting season.

REASON: To preserve the visual amenity and privacy of the development.

7. Prior to the commencement of development details of any proposed retaining walls to be built on the site shall be submitted to and approved in writing by the local planning authority and implemented and maintained strictly in accordance with the approved plans.

Reason: To safeguard the visual amenity of the area and in the interests of highways safety.

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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

9. No part of the development hereby permitted shall be first brought into use/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.

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

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

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk assessment dated September 2012 by PBA and the following mitigation measures detailed in the FRA:

1. Finished floor levels are set no lower than 68.25 above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

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

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

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

The mitigation measures in paragraphs 5.4 and 5.6 of the approved Ecological Assessment prepared by BSG Ecology and received 8th May 2013 shall be carried out in full prior to the first occupation of the development and/or in accordance with the timetable detailed in the Ecological assessment.

Reason: To mitigate against the loss of existing biodiversity and natural habitats.

14. No development shall be undertaken within 8 metres of the bank of the Hardenhuish brook which would restrict access for the purposes of maintenance by the water authority.

Reason: To safeguard access for maintenance of the watercourse.

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

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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.

16. Prior to the occupation of the development the proposed dwellings an area from which refuse bins can be collected shall be agreed in writing by the local planning authority.

Reason; In the interests of public and visual amenity.

Informatives

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
2. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
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.

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.

Appendices:

Background Documents Used in the Preparation of this Report:

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	01/04/2015
Application Number	11/02514/FUL and 11/03731/LBC
Site Address	Scarrott's Yard, adjacent to 6 Old Court, Royal Wootton Bassett
Proposal	Erection of Three Terraced Dwellings Including Garage Accommodation and Associated Works (Resubmission of 11/01514/FUL)
Applicant	Mr and Mrs Scarrott
Town/Parish Council	Royal Wootton Bassett
Division	Wootton Bassett South – Cllr Chris Hurst
Grid Ref	406977 182408
Type of application	Full and Listed Building Consent
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was considered by Committee on 14 March 2012, at which time Members resolved to delegate authority to Officers to approve the application subject to conditions and completion of a Section 106 legal agreement. However since that time changes to the Planning Practice Guidance relating to planning contributions warrant reconsideration of the application.

In addition there have been changes to national and local planning policy since that time. As such the original report to Committee is included at Appendix A and this all remains relevant except in respect of sections dealing with the Principle of development and S106 contributions.

1. Purpose of Report

Recommend that permission be granted without preparation of a Section 106 agreement and subject to conditions.

Planning Policy

National Planning Policy Framework paras 14, 17, 128, 129, 131, 132, 133.

Planning Practice Guidance

Wiltshire Core Strategy CP57 CP58 CP61 CP61

Planning Considerations

Principle of Development

The site is within the framework boundary and the principle of residential development is not objectionable in principle subject to relevant criteria being satisfied contained in Policy CP57 of the Wiltshire Core Strategy Adopted January 2015.

Given the assessments undertaken previously as determined by Committee it is considered that there is no in principle conflict with the adopted WCS policies or requirements of the NPPF paras 14, 17, 128, 129, 131, 132, 133.

Section 106 Matters

At the time of its initial consideration by Committee, the scheme attracted a financial contribution of £17,400 towards old Court Play Area and Local Park. Albeit the officer report noted that this did not take into account the existing accommodation at the site. As of 28 November 2014 however, the national Planning Practice Guidance (PPG) stipulates that such contributions should not be sought for developments of fewer than 10 units and 1,000m², except in Areas of Outstanding Natural Beauty or designated 'Rural Areas'. The Guidance is a material planning consideration and as such it is not considered reasonable to pursue the contribution in this instance given that the proposal is for 3 dwellings of a combined floorspace of less than 1000 sq m. The recommendation is amended accordingly.

Conclusion

RECOMMENDATION

Approve both applications subject to conditions as follows:-

11/02514/FUL

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 an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:

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

agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

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

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

(1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).

(2) Full details of the new roofs, including sections, eaves & verge details at 1:5.

(3) Full details of the new chimneys, including elevations at no less than 1:5.

(4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.

Items 1 to 4 shall be completed prior to the commencement of any works. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, 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 and the Listed Building.

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

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

6. No development/works shall commence on site until a sample panel of the render to be used on the external walls has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

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), 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.

8. The dwellings hereby permitted shall not be occupied at any time other than by members of the Scarrott family in association with the use of the adjacent yard, known as Scarrotts Yard.

REASON: The dwellings are sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit dwellings in conjunction within the retained business use of the yard in which the dwellings are located.

9. The car ports hereby permitted shall not be converted to a garage. There shall be no erection of doors/gates or lockable device against the car port.

REASON: to ensure that adequate car parking is provided at the site in the interest of highway safety.

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

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

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

Dwg no: 2011-11-1, 2, 3A, 4A, 5 and 6 dated 25 July 2011

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

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. The applicant's attention is drawn to the contents of the attached letter from Wessex Water received 3 August 2011.

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.

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.

In respect of 11/03731/LBC

To APPROVE Subject to the following conditions:

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

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

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

Plans:

Dwg no: 2011-11-1, 2, 3A, 4A, 5 dated 25 July 2011
2011-11-6 6 dated 31 October 2011

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

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

(1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).

(2) Full details of the new roofs, including sections, eaves & verge details at 1:5.

(3) Full details of the new chimneys, including elevations at no less than 1:5.

(4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.

Items 1 to 4 shall be completed prior to the commencement of any works. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, 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 and the Listed Building.

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

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

6. No development/works shall commence on site until a sample panel of the render to be used on the external walls has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

Appendices:

Committee Report 14/3/12

Background Documents Used in the Preparation of this Report:

Application Files

Committee Report 14/3/12

Minutes of the Meeting 14/3/15

APPENDIX A COMMITTEE REPORT 14/3/12.



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**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No.

Date of Meeting	14th March 2012		
Application Number	11/02514/FUL and 11/03731/LBC		
Site Address	Scarrott's Yard, adjacent to 6 Old Court, Royal Wootton Bassett		
Proposal	Erection of Three Terraced Dwellings Including Garage Accommodation and Associated Works (Resubmission of 11/01514/FUL)		
Applicant	Mr and Mrs Scarrott		
Town/Parish Council	Royal Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Peter Doyle
Grid Ref	406977 182408		
Type of application	Full and Listed Building Consent		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

These applications have been called to Committee by Cllr Doyle to consider the applications and the impact upon the listed barn in the Conservation Area.

1. Purpose of Report

To consider the above applications and to recommend that Planning Permission and Listed Building Consent be REFUSED.

Royal Wootton Bassett Town Council raise no objection to the application.

No other letters of support or objection have been received.

2. Main Issues

This application seeks permission to erect three new dwellings and garage accommodation on Scarrotts Yard in Royal Wootton Bassett. The site is used for residential alongside a fairground business, registered scrap yard, hauliers yard and fuel depot, car restoration and storage of historic and antique items. The site contained a Listed Building and is located within the Wootton Bassett Conservation Area.

The main issues in considering the application are:

- Principle of development Policies C3, HE1, HE4 and H3 of the adopted North Wiltshire Local Plan 2011
- Impact on the character and appearance of the area and Conservation Area
- Affect on the privacy and amenity of existing neighbours and potential occupants
- Impact upon the Listed Building
- Affect on highway safety
- S106 contributions

3. Site Description

The application site comprises an established mixed use of residential (1 unit on the site) as fairground storage, scrap depot, haulier's yard and fuel depot within a residential area within the framework boundary of Royal Wootton Bassett.

The sites falls within a spur of the designated Conservation Area and contains Grade II Listed Barn which dates back to the 17th-18th Century comprising a timber framed barn with deep elm weatherboarding, on brick sills. It has a quarter-hipped corrugated iron roof and several openings. The barn has been extended and this is very modern in comparison.

The site has two frontages, Downs View and Old Court. The area is mainly post WWII 20th century development.

In terms of the former this part of Downs View is a cul-de-sac off the main Down View road and slopes downwards. The street scene is characterised by single storey bungalows some at street level and some, due to the topography, a slightly elevated position from the road. Due to the significant difference in levels from Down View and the land immediately to the south, all dwellings along that boundary are set down from the road, such that they appear as either single storey or one and a half storey dwellings on the street scene. None have frontage onto Down View and appear subservient or similar to the bungalows surrounding them.

The listed barn dominates the view of the site from Old Court and due to the gates, no views into the site are afforded from the road. However, the roofs of properties in Downs View can be seen stood back in Old Court due to the difference in levels.

When viewed from Downs View it is clear the site contributes little to the character and appearance of the area but it does appear open with the lower level storage largely obscured from view.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/01514FUL	<p>Erection of three terraced dwellings including garage accommodation and associated works.</p> <p>The application was identical to the current application with the exception that it failed to recognise the status of the barn as being listed and the works requiring Listed Building consent.</p> <p>The officer confirmed to the agent that the application was to be refused on grounds of it being out of keeping with the character and appearance of the area, detrimental to residential amenities of existing and proposed residents, highway concerns (on-site parking and turning) and the affect on and setting of, the Listed Building. The application was then withdrawn and no further discussions took place.</p>	Withdrawn

5. Proposal

Planning permission is sought for the erection of three terraced dwellings and associated works to include garage accommodation at Scarrots Yard, Wootton Bassett. The development would enable the whole Scarrott family to reside on the site and continue to operate their business on the site also.

The proposed dwellings would be three storeys in height with garage/car port accommodation in the basement. Due to the differences in levels, the dwellings would appear as two storeys at street level from Downs View.

The proposed dwellings would be sited slightly set back from the pavement.

The dwellings will provide three bedroom accommodation are proposed to be constructed of slate and brick.

The application is silent in plan form to show any specifics and how the garages/storage will be accessed in conjunction with the retained use for the family business together with any amenity land for the occupants such as gardens etc. The design and access statement does however state that the family members will continue their various historic businesses on the site and that there is an opportunity to tidy the site up.

A recent letter from the agent confirms that the site has special circumstances in the way it is used and the Scarrott Family and their workers have, in practice, always used the Yard for work, rest and play. The site has no formal layout and changes on a day to day basis with storage, vehicles, rides, equipment and mobile homes all being moved around to accommodate the activities and needs. For example, in the summer the Yard is largely clear as the Fair travels from event to event. In the autumn and winter the Yard is quite full as everything returns and general maintenance takes place read for the next year along with winter fuel rounds, etc.

This is confirmed to always be the case as the yard will be handed down generations with the traditions continuing.

The informal layout will continue however the agent considers that the basement level of the three proposed dwellings will be available for the parking of family cars, pick up trucks, vans etc which currently park in the yard.

In terms of the listed building the modern extension is proposed to be removed as part of the new development with the boundary wall reinstated and the external fabric of the barn made good with matching materials.

No pre-application discussions have taken place in respect of this application of the previous application to which 11/01514FUL relates.

6. Consultations

Royal Wootton Bassett Town Council – no objections

Highways Development Control Engineer – if a condition can be imposed to secure no gates or doors to the car ports so they remain available to parking then the previous objection in this respect to 11/01514FUL which related to lack of on-site parking can be overcome.

The other highways objection to 11/1514 remains due to the poor access and standard of Old Court Lane.

Senior Conservation Officer – recommends refusal due to the harm to the listed building.

Public Protection Officer EP – no objections subject to conditions regarding contamination.

Principal Ecologist – no objections.

Technical Officer Amenity and Fleet – same comments as per 11/01514 off-site contribution required of £17,400 towards the maintenance of Old Court Play Area and Local Park.

Thames Water – responsible for water supply only. An informative is suggested in respect of water supply and pressure to be provided by Thames Water.

Wessex Water – waste water connections needed from Wessex Water to serve this development and application forms can be provided or are on line and from 1 October 2011 a signed adoption agreement with Wessex Water is required for developments of more than a single dwelling before the connection can be made.

2011 Water Industry Regulations have meant that Wessex Water is now responsible for the ownership and maintenance of formerly private sewers and drains. The applicant is advised to survey and plot these in order to ensure these are not affected by development proposals.

7. Publicity

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

No letters of support or objection have been received.

8. Planning Considerations

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

Principle of development

The site is within the framework boundary and the principle of residential development is not objectionable in principle subject to relevant criteria being satisfied contained in Policy C3 of the North Wiltshire Local Plan 2011.

A key constraint of the site is the Listed Barn within the curtilage of the site as well as the CA designation to which Policies HE1 and HE4 relate.

The use within this residential area might be historic but is not considered to be compatible with its surrounds.

The proposal needs to be considered also in terms of the amenity of the proposed occupants who will retain the business use on the site to which Policy C3 relates.

Character and Appearance of the Area including Conservation Area

The scheme will provide a terrace of three storey dwellings across the northern boundary with a full two storeys fronting the road with limited set back and three storeys visible from Old Court .

The single terrace spanning virtually the full width of the site fronting Downs View will be a prominent feature and will effectively close down the openness of this part of Down View. Other two storey cottages are set down into the road with access from Old Court. When

viewed from Downs View they appear largely as single storey dwellings with the newer bungalows having evolved around them.

It is considered that the development of a terrace across the full frontage/northern boundary at two storeys would be detrimental to the character and appearance of the area. It is appreciated that the site when viewed from the elevated position of Down Views is not best pleasing, it nonetheless retains openness (hence the name Downs View). The scale and massing of the terrace would reduce its openness and result in a domination of the street scene by two storey dwellings.

The three storeys would be visible from Old Court, appearing above the fence and larger in scale than the existing listed bar. The scale and massing of the development when viewed from the south would be out of keeping with the character and appearance of the area.

Accordingly, the proposal is considered to fail to preserve or enhance the character and appearance of the Conservation Area in which it is located.

The proposal is thus contrary to Policies C3 and HE1 of the North Wiltshire Local Plan 2011.

Impact on residential amenity of existing residents and proposed occupants

Full two storey dwellings will be visible on the street scene with habitable rooms looking out onto the road and dwellings opposite.

No's 43 and 44 which fall directly to the north are some 15 metres distance, window to window. These semi-detached bungalows occupy an elevated position from the road and contain habitable windows on their front elevations which are open and visible from the street.

This spur of Downs View does not have the frontages of bungalows looking onto one another as does the main Downs View Road as they are all set at oblique angles to one another. The bungalows are set back some distance from the road within this spur as well as the main road.

It is also noted that no 43 and 44 have developments in close proximity to the rear. Whilst it might be said that these properties have such overlooking already, this was a situation in which residents were aware as that development was comprehensive, it was not imposed on them at a later date as this new development would.

Accordingly, it is considered that the proposed development would result in an unacceptable loss of privacy to both existing and proposed occupants as a consequence of the scale of the development (i.e. the second storey).

Furthermore, due to the two storey street level nature of development so close to the street and by reason of its being a terrace to the south of these properties, it is considered that there would be an overbearing impact on the residential amenity of these properties.

The residential amenity of proposed occupants is equally important as the amenity of existing residents. The development makes no attempt to provide any amenity space for the occupants who are family members. The agent has clarified that existing business activities and informal layout of the site will continue. The proposed block plans simply show a void which will be used to the applicant's requirements.

It is considered that for 3 bedroom houses some level of amenity space is required within the site even if it were to be shared regardless of the expectations and requirements of the intended occupants.

Thus the proposal is considered to be detrimental to the residential amenity of the proposed occupants contrary to Policy C3.

In the event the officer recommendation is not accepted on this occasion, in light of the poor level of amenity on the site, a personal permission would be considered necessary whilst the business use continued on the site.

Impact on the Listed Building

The section drawing submitted with the application shows how the ground will be excavated to accommodate the additional storeys. The new three storey dwellings (when viewed from the Yard and Old Court) by reason of their scale, design and detailing add to the prominence of the new dwellings and will detract from the listed building.

The new buildings have been designed to show the uninspired bulk housing style that has sprung up around the UK for the past 30 years. The proportions and details do not relate to vernacular details in this area of Wiltshire, nor do they reflect elements of the listed barn. The combination of bulk, design, materials and location would be very harmful to the setting of the listed barn and would be contrary to PPS5 as well as Policy HE4 of the adopted North Wiltshire Local Plan 2011.

Highways Impact

The proposed development is and can only be accessed via Old Court. This road is considered to be too narrow, has poor alignment and lacks pedestrian facilities and is thus considered unsuitable to cater from the increased vehicle movements associated with the proposed development, particularly as the business use will continue in operation.

As mentioned above, the business use of the site is to continue with the informal layout currently in operation. Whilst car ports are provided in the absence of any definitive plan which shows that vehicular access can be gained to them for the purposes of parking, it is considered that the scheme continues to fail to provide adequate parking as with the previous application and despite repeated requests for some managed layout.

The highways officer has suggested a condition to ensure no gates or doors are placed on the car ports, but it is considered that such a condition in the absence of any defined internal layout of the site in the context of the continuing business use, adequate on site parking will not be provided and the objection made to the previous application remains relevant.

S106 matters

An off-site open space contribution is required for this development towards old Court Play Area and Local Park. A contribution was sought for £17.4k based on three dwellings, however, this does not factor in the loss of the 2 bedroom dwelling on the site. In the event of the officer recommendation is not supported, this contribution would need to be secured via a legal agreement in advance of permission being granted

9. Conclusion

By reason of the scale, design and appearance of the proposed development alongside the intended continued use of the site for the family business, the proposal is considered detrimental to the character and appearance of the area; would fail to preserve the character and appearance of the Conservation Area, would be detrimental to the residential amenity of existing residents and proposed occupants as well as failing to provide adequate onsite parking. Further to access to the site via Old Court is not considered to be suitable for any intensification of use from this site. The development thus fails to accord with Policies C3, HE1, HE4 and CF3 of the adopted North Wiltshire Local Plan 2011.

10. Recommendation

In respect of Planning Permission 11/02514/FUL:

Planning Permission be REFUSED for the following reasons:

1. The proposed development by reason of its scale, design and detailing would be out of keeping with the character and appearance of the area; would fail to preserve the setting of the Grade II Listed Building contrary to Policies C3, HE1 and HE4 of the adopted North Wiltshire Local Plan 2011 and National Guidance contained in PPS5.
2. Old Court lane by reason of its restricted width, poor alignment and lacking pedestrian facilities is considered unsuitable as a means of access to cater for increased vehicle movements associated with the development.

INFORMATIVE

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

Dwg no: 2011-11-1, 2, 3A, 4A, 5 and 6 dated 25 July 2011

In respect of Listed Building Consent 11/03717/LBC

Listed Building Consent be REFUSED for the following reason:

1. The proposed development by reason of its scale, design and detailing would be out of keeping with the character and appearance of the area; would fail to preserve the setting of the Grade II Listed Building contrary to National Guidance contained in PPS5.

INFORMATIVE

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

Dwg no: 2011-11-1, 2, 3A, 4A, 5 dated 25 July 2011
2011-11-6 6 dated 31 October 2011

