

INDEX OF APPLICATIONS ON 24/02/2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	09/01805/FUL	Strathmore, Bristol Road, Allington, Chippenham, SN14 6NA	Conversion of Existing 5 Bedroom House to 6 Self Contained Flats Together with Parking and 2 Balcony Areas	Permission
02	09/02155/FUL	2 Hartham Lane, Biddestone, Chippenham, SN14 7EA	Two Storey Side Extension & Demolition of Single Storey Detached Garage to Rear of Property	Permission

**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 6 (1)

Date of Meeting	24 th February 2010		
Application Number	09/01805/FUL		
Site Address	Strathmore, Bristol Road, Allington		
Proposal	Conversion of existing 5 bedroom house to 6 self-contained flats together with parking and two balcony areas		
Applicant	Mr S Andrews		
Town/Parish Council	Chippenham Without		
Electoral Division	Kington	Unitary Member	Howard Greenman
Grid Ref	389011 174571		
Type of application	Full		
Case Officer	Simon T. Smith	01249 706633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Greenman has requested it be called to committee to so as to assess the scale of development and the environmental/highway impact from development.

1. Purpose of Report

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

2. Main Issues

The application is for the conversion of an existing house into 6 self-contained flats. The key points to consider are as follows:

- Implications on DC Core Policies C1 and C3
- Principle of development
- Physical alterations and access
- Sustainability
- Other matters

3. Site Description

“Strathmore” is a large detached residential property positioned in the open countryside, to the rear of an operating petrol filling station. The property has its own residential curtilage and shares a wide apron type vehicular access from A420 with the petrol filling station.

4. Relevant Planning History		
Application Number	Proposal	Decision
05/00167/OUT	Affordable residential development	<p>Refused 22/03/05</p> <p>Appeal allowed 17/05/06</p> <p>High Court Challenge Failed 13/03/07</p>

5. Proposal

Proposal is for the sub-division of an existing brick built detached residential property into 6 self-contained flats. On site parking, amenity space and bin storage is to be provided. Vehicular access would remain as existing from A420, via shared entrance/exit arrangements with adjoining petrol filling station.

6. Consultations

Chippenham Without Parish Council - objects on the following grounds:

- Building not suitable for large scale use. House in countryside where trees have been removed and is now within perimeter of petrol station.
- Access is shared with petrol station.
- Believe that there is a facility at petrol station for refuelling cars with gas. Could cause serious fire risk.
- Access to property via A420 which is a dangerous stretch of road with no pavement and 60mph limit.
- Fuel tankers filling pumps within feet of residents parking area which would be surrounded by wooden fence.
- The Design and Access Statement states that current septic tank foul drainage will be incorporated into plan. There is evidence of flooding onto nearby land and surface water has been known to flood.
- Wheelie bins full of rubbish will presumably be placed at roadside which would cause traffic hazard in high winds.
- Site plan incorrect and warrants visit by DC Committee.

Highways

Raises concerns about the remote location of development and the likelihood of an increased reliance on private car by future residents to access services and employment opportunities.

Raises no objections in respect of highway safety matters subject to the imposition of planning conditions in respect of surfacing of the access and laying out of proposed parking area prior to first occupation.

Environmental Health

No adverse comments.

Health and Safety Executive

No objections raised. Notes that the development is close to an existing LPG gas storage tank and dispenser. Advises that the safety requirements given in UKLPG Code of Practice 20 "Automotive LPG Refuelling Facilities" (November 2001) are not compromised by this development.

Fire Officer

Comments awaited.

7. Publicity

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

4 letters of letters of support received. Summary of key relevant points raised:

- House has stood empty for some time and is suitable for such a conversion
- Proposal would not affect petrol filling station business
- House already provide 4 bedrooms, and annexe each with separate bath/shower rooms
- Access to the site is perfectly safe
- Property would be tidied up

8. Planning Considerations

Principle of development

"Strathmore" is an existing residential property. Albeit of significant proportions with 5 bedrooms, 4 bedrooms and including a self contained annexe, it is currently only a single residence. It is a building which, in planning terms is located within the open countryside.

Being in the same use class as the existing, the proposed development does not fall to be considered against any specific Local Plan Policy that refers to such development. As such, the proposal must simply be viewed as a sub-division of an existing residential use class to form a more intensive form of residential occupation.

There is no policy objection to the principle of such development. Instead the proposal must be principally considered on the merits of the physical alterations, the adequacy of access arrangements to cope with additional traffic movements and the desirability of having an increased number of residents living in the open countryside.

Physical alterations

Configuration of the existing property is such that required alterations are relatively minor. Primarily involving internal blocking of doors and openings to allow for the sub-division. Addition kitchens and bathrooms would be created. External alterations are largely confined to changes to fenestration, openings and windows. More significantly two first floor balcony areas are created serving two of the first floor flats. Their creation involves the localised alteration to roof profiles.

In totality the proposed physical alterations do not fundamentally alter the character or appearance of the building, as is required by Policy C3 of the adopted Local Plan. Similarly, due to the scale of curtilage and distance from the nearest neighbouring residential property ("Fielding" some 50.0m to the rear/south), no additional or unacceptable levels of overlooking area created as a result of the alterations.

Access

Proposed vehicular access to the site is to remain as existing – via the shared apron type access also serving the existing petrol filling station fronting A420. Although a heavily used and fast stretch of road, visibility is good in both directions. Furthermore, in the context of existing number of vehicles accessing the petrol filling station, the additional traffic associated with the proposed development is unlikely to constitute an identifiable highway safety hazard in itself. On this basis WC Highways have raised no highway safety objections to the proposal and in the absence of any compelling argument to the contrary, there is no justifiable reason to diverge from this view.

Separate communal bin storage and cycle storage facilities have been provided within the site. On site parking would be provided for 11 cars.

Sustainability

This proposal will inevitably result in more independent people living in the open countryside. It is reasonable to assume that despite the size of the existing property as an existing single dwelling, more people are likely to be residing in a series of 6 self-contained flats. Equally, although limited bus services are available along A420, it is also reasonable to assume that most journeys to access shops, services, places of work would need to be undertaken by private car.

In the above context, WC Highways have raised concerns about the proposal constituting a more intensive form of residential development in the open countryside, that would be unsustainable – more particularly being in conflict with the aims of national policy in PPG13 that seeks to limit the growth in length and number of motorised journeys.

Nevertheless, this proposal is seeking to make optimal use of an existing building. In itself such a proposal would be a sustainable use of an existing building, given that it provides accommodation that would otherwise have to be provided by building new dwellings – albeit that planning policy ordinarily would require such new dwellings to be built in established settlement such as Chippenham.

Fortunately the matter of how sustainable the application site is for new residential development has been commented upon before by the appeal Inspector for 05/00167/OUT. In paragraphs 10-18 of his decision letter the Inspector, *inter alia*, considers the distance of the site from the boundaries of Chippenham, the number of buses that pass the site and the attractiveness of the route between the site and Chippenham for cycling and walking opportunities. In paragraph 16 he concludes:

“It is clear from all the information I have been provided with that the site is not in a highly sustainable location. However, in my view, there would be opportunities for residents living on the site to walk, cycle or use public transport for some of their journeys.”

Ultimately, the Inspector granted outline planning permission for residential development on this site. A subsequent challenge to the High Court over that decision failed. The fact that the planning permission related to affordable housing is not a material difference that would inhibit comparison.

In light of the earlier appeal decision, it is not thought reasonable to refuse planning permission for residential development on this site on sustainability grounds alone.

Other matters

Concerns have been raised about the safety of future residents from the operation of the adjoining petrol filling station. However, even if considered to be so, this is already a latent “risk” to existing residents.

Clearly there will be health and safety rules and regulations that the owner/operator of the petrol filling station will need to continue to adhere to. This would not change as a result of development and is controlled through legislation separate to planning legislation. It is the responsibility of the applicant (who is also the owner of the adjoining petrol filling station) to ensure compliance.

Provided the Environmental Health Officer is satisfied that the proposed development will not present an additional risk to occupiers as is required by PPS23: Planning and Pollution Control, there would be no reason to refuse planning permission.

The observations of the Health and Safety Executive can form an informative on any planning permission granted.

9. Recommendation:

Planning Permission be GRANTED for the following reason:

The proposed development for the sub-division of an existing residential property into 6 self-contained flats is considered to be a reasonable intensification of an established use without detrimental impact upon surrounding amenities, highway safety or the wider countryside. As such the proposal is considered to comply with the provisions of Policies C1 and C3 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

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

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

POLICY- C3

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) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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

POLICY- C3

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

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

POLICY- C3

5. The development hereby permitted shall not be first occupied until the first ten metres of the access, measured from the edge of 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.

6. No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

7. 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 brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY- C3

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

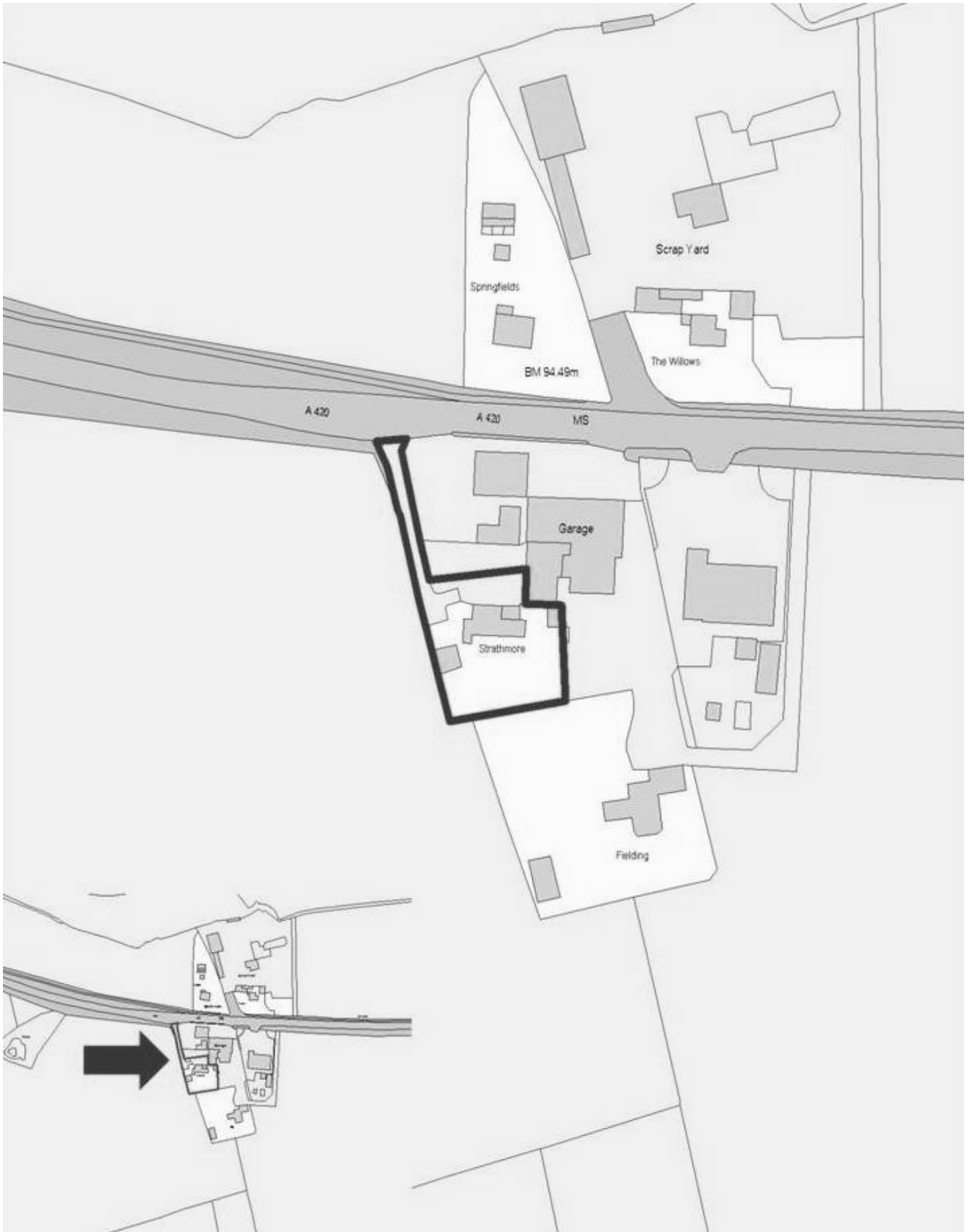
POLICY – C3

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 first 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.

POLICY- C3

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 3.03; 3.04; 4.02; 4.03; 4.07; 5.04



**REPORT TO THE NORTHERN AREA
PLANNING COMMITTEE**

Report No. 6 (2)

Date of Meeting	24th February 2010		
Application Number	09/02155/FUL		
Site Address	2 Hartham Lane, Biddestone, Chippenham		
Proposal	Two Storey Extension & Demolition of Single Storey Detached Garage		
Applicant	Miss L Myles		
Town/Parish Council	Biddestone Parish Council		
Electoral Division	By Brook	Unitary Member	Jane Scott
Grid Ref	385946 173296		
Type of application	FUL		
Case Officer	Sue Hillier	01249 706685	sue.hillier@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision at the request of Councillor Jane Scott to assess the size and scale of the proposed extension and the impact upon other properties within the area.

1. Purpose of Report

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

2. Main Issues

This application is for the erection of a two storey extension and demolition of a single storey detached garage, to the rear of the property. The site lies within the framework boundary of Biddestone and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Residential Extensions H8
- Affect of the residential amenity of existing properties
- Design and scale of the development

3. Site Description

The dwelling is semi detached and constructed of stone walls exposed at ground level and rendered in a lime render at the first floor. The existing garage is located to the rear of the dwelling and set off to one side. (This is to be demolished prior to construction of any extension). The property is also situated within the Cotswold AONB.

4. Relevant Planning History		
Application Number	Proposal	Decision
05.0495.FUL	Single Storey Extension	Granted

5. Proposal

Permission is sought for a two storey side extension, following demolition of the detached garage at the rear of the property. The proposed extension has a gable on the front elevation and follows through to a gable on the rear elevation and the proposed roofline is lower than that of the host dwelling. The proposal incorporates an integral garage within the extension. The application also includes fenestration and door alterations on the rear elevation. The extension will provide a kitchen and garage on the ground floor and two bedrooms on the first floor. The plans have been revised following objections from local residents.

6. Consultations

Biddestone Parish Council considers that:-

- The extension is an overdevelopment of the site; in particular the roofhang will be on the boundary with 3 Hartham Lane.
- Lack of external access from the front to the rear of the property.
- Reduction in symmetry of the frontage of a pair of Victorian cottages, including increasing the number of first floor windows from one to three.
- No guarantee that the garage will be used for a car, thus exacerbating parking and turning just off a busy road.
- The plot is not large enough, particularly at the rear to accommodate an extension.

County Highways has no objections and state that *this garage extension would not create a significant issue with regard to lack of turning. The neighbouring property No.3 has had an extension with no turning area. In any case with regard to the proposal it is currently not a huge area for turning and it appears that vehicles currently parking at the property may already turn in the carriageway in any case.*

7. Publicity

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

11 letters of letters of support have been received.

9 letters of objection have been received.

Summary of key relevant points raised:

- Detrimental to village
- Generate More traffic

- Deprive village of affordable housing
- Destroy symmetry of cottages
- Extension should be at the rear
- Impact on the amenity of the neighbouring property
- Overshadowing of neighbouring property
- Detract from the appearance of Hartham Lane
- Visual impact
- Parking Implications
- No side access

8. Planning Considerations

The planning application site lies within the defined framework boundary of Biddestone thus any development should satisfy the Policies outlined in C3 and H8 of the North Wiltshire Local Plan 2011.

The original plans submitted showed the extension right up to the boundary with 3 Hartham Lane and the garage element forward of the host dwelling by 1.2 metres. It was considered, due to the orientation of the houses that the front elevation could be oppressive to the neighbouring property and the agent was asked to amend the plans. Revised plans have been received showing the front extension 100mm behind the existing front elevation of the house, (a reduction of 1.3m) and the extension has also been pulled away from the boundary, squaring up the front section which now looks more in proportion than being on the boundary line. The revised plans are considered acceptable and the amenities of adjoining neighbours would not be unacceptably harmed by the proposals and it would be difficult to argue that the changes would have an adverse impact on the character and appearance of the streetscene.

Concerns have been raised that the development will have an impact on vehicle movements and parking within Hartham Lane. The Highway Authority takes the view that in this particular location the proposal would not create a significant issue.

9. Conclusion

The proposal is considered an acceptable addition to the host building, in terms of scale and design and is considered in character with the host building and the area in general.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the streetscene, will not be detrimental to the amenities of adjoining occupiers and acceptable in terms of highway safety. On that basis, the proposal accords with Policies C3 and H8 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

POLICY: C3 and H8

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: 034/100, 034/101/A, 034/110, 034/111, 034/112, 034/120, 034/121, 034/122 received by the Local Planning Authority on the 30th November 2009 and 034/115/A, 034/116/A 034/125/A, 034/126/A, 034/127/A received by the Local Planning Authority on the 5th January 2010

2. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

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

Appendices:	
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.02; 4.07

