

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
14th March 2012

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

The text in bold is additional/amended information to that circulated to Members on Tuesday 13th March 2012

Item 6 – Proposed Diversion of Purton Bridleway 104 – Known as Mud Lane

Page 37 of the Agenda should read ‘ Representations Supporting the Proposal = 83’ and not 39 as printed.

Item 8 - Planning Applications

Area Development Manager

Our attention has been drawn to incorrect plans attached to the reports for the following items:

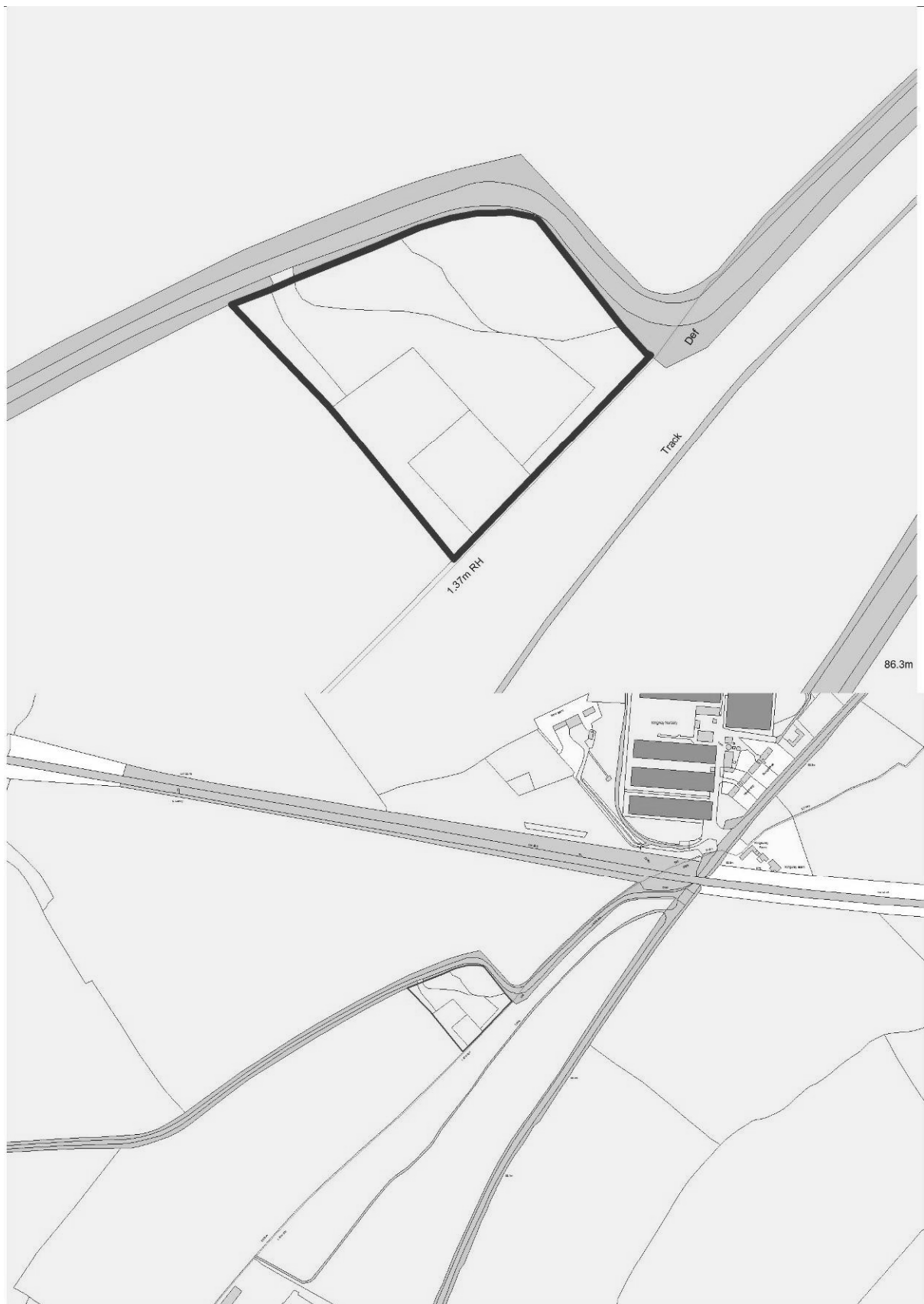
8(a) Rose Field, Hullavington

Which contained the plan for item 8(c)

8(c) Scarrotts Yard, Royal Wootton Bassett which contained the plan for item 8(b) Chippenham Station.

For the avoidance of doubt the correct plan is attached for item 8(a).

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Item 8(a) - 11/03790/FUL – Rose Field, Hullavington

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Revised plans have been submitted which show the existing right hand verge to be built up behind Titan high containment kerb system with 12m x 2m of elevated verge.

Senior Highways Engineer comments on revisions:

The combination of the high kerb at the entrance and the raising of the opposing verge will make the right turn out of the site impossible to achieve in a single manoeuvre. This will, in effect, prevent the right turn out of the site and the use of the junction at A429 adjacent to the railway, thus addressing the highway safety concerns at this location.

The width of the carriageway will be unchanged although there will be a small length where the over running of the verge will not be possible. I don't think that this will affect the use of the lane by agricultural vehicles.

Condition 4 to be amended as follows:

Within two months of this decision the access works shall have been completed in accordance with the details shown on the approved plans.

Comments of Area Development Manager

Further consideration has been given in respect of the proposed reason for the temporary permission which has been proposed in light of the emerging DPD. Further discussion has taken place with Spatial Plans who have in turn confirmed that:

“An over provision of 2 pitches would not be detrimental to the core strategy as the figures are generally viewed as a minimum. What I was concerned about was the location in relation to the criteria – particularly access to a range of basic facilities. The reason for temporary was to test the site properly through the process (all temporary sites will be assessed)....”

The Semington costs decision, contained in Appendix II to the report is of particular significance to this application with the decision issued less than a month ago. At paragraph 30 the Inspector confirmed:

30. The second reason for refusal is based on grounds that permanent permission could prejudice the emerging *Gypsy and Travellers Site Allocations Development Plan Document (DPD)* which is in effect an argument on prematurity. However, Government Guidance in *The Planning System: General Principles* requires reasons for refusal on these grounds to be supported by clear evidence on how the grant of permission would prejudice the outcome of the DPD process. The Council's evidence in support of this ground of refusal is notably sparse and does not specifically address relevant considerations such as the scale of the development and cumulative effect. It amounts to little more, therefore to an assertion that harm would arise. The view that the credibility of the DPD would be undermined by a permission in this case has insufficient regard to the weight that can currently be attached to the emerging DPD.

Given the view that the increase in provision as a consequence of this site would not be detrimental to the Core Strategy and in light of the above as well as other well

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documented appeal decisions at Framptons Farm and Bridge Paddocks, the weight that can be attached to the DPD remains limited and should not form the basis for only permitting a temporary permission at this time.

Accordingly, the recommendation is changed as follows:

Planning Permission be **GRANTED** for the following reason:

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011), PPS3 "Housing" and advice contained in Circular 01/2006.

Subject to the following conditions:

1. Within two months of this decision the access works shall have been completed in accordance with the details shown on the approved plans.

REASON: In the interests of highway safety.

2. Within 2 months of this decision the 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.

3. The site shall not be occupied by persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4. Within three months of this permission an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

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

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

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investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

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

6. Notwithstanding the details submitted, within 3 months of the date of this permission details shall be submitted and approved in respect of surface water and foul sewage disposal. The development shall be undertaken and implemented in accordance with those details within 2 months of their approval.

REASON: In the interests of the amenity of occupants of the site.

7. There shall be no more than six pitches on the site and on each of the six pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one caravan(s) shall be a static caravan.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

8. No more than six commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

9. Except for the keeping of commercial vehicles as defined in condition 9 above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

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), no buildings or structures, or wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

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

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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.

RF01, 02, 03, 04, 05 dated 24 November 2011

RF06A, 10A, TP02 A dated 8 March 2012

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

Item 8d - 11/03912/S73A - The Old Dairy, Market Place, Box.

Two further letters of representation have been received from neighbours of the site, in respect of matters raised in the committee report. raising concerns in respect of the noise disturbance caused by children's parties on site, the potential odour nuisance of dinner functions and the potential increase in traffic and loss of on-street parking if permission were granted.

The letter questions:

Condition 1 – odours from range of foods which could produce strong odours.

Condition 1 – childrens parties have been taking place outside for which planning permission has not been granted and is a noise nuisance.

Condition 5 - the enforceability of condition 5 relating to the hours of operation and the recommended limit on number of events per calendar month.

A petition with 23 signatories from 15 properties around Market Place, Box, has been received, raising concerns in respect of the impact of the proposed variation of conditions upon the availability of parking in this location and the likelihood of excessive traffic.

Highways Development Control Technician

In light of objections received relating to highways impact, Highways have confirmed the reasoning for raising no objection to the proposed variation, namely that:

- The premises can already open until 8pm, well after the returning commuter traffic occupies spaces in the vicinity. There is little reason why the parking situation should change dramatically between 8pm and 11pm.
- There is a car park within 50 metres of the premises.
- The site is in the centre of a village where this kind of use is considered appropriate. It is in walking distance for the majority of likely users, and the apparent lack of parking should logically encourage customers to walk.

And has offered the following comment:

“People who visit Box soon become aware of the parking (or lack of) in the vicinity and tailor their visit as appropriate. The proposed uses have been suggested very much on the back of demand from local residents of Box and I am happy to suggest that the majority of trade will be from patrons already using the cafe (and probably already walking to the site), though some traffic will be encouraged from outside Box I feel this will be of such a small number that the likelihood of this placing a higher demand on parking (than already exists) to be minimal.”

Senior Public Protection Officer EP – has commented further in respect of the report and additional comments raised:

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With regard to condition 4, I would have major concerns if there were regular 'Children's parties' held externally in the Summer months. Condition 4 seems to infer that any impact would only be caused after 20:00hrs, which is not actually the case. Whilst there should be minimal impact with most activities included in the list in Condition no.1, children's parties could cause an unreasonable impact if held regularly throughout the summer even during the day.

I would therefore recommend that Children's parties are only held inside or that outside parties are restricted to no more than 4 per year, with an interval of 5 weeks between each outside party in order to protect nearby residential amenity.

With regard to condition 6, I have earlier recommended the following noise condition for the ventilation system – A Rating Level(BS4142:1997) of 35dB at the boundary of the site.

I would also recommend a temporary permission of one year to test the odour and noise impact of all activities, including the ventilation system.

Comments from Area Development Manager

The original 2010 application permitted the use to take place within the red line boundary, from the observations received in response to the application and the report, together with a further visit to the site, it has been confirmed that the use is taking place on land outside of the red line. This external use is not authorised and does not form part of this application, notwithstanding the comments from the Senior Public Protection Officer (SPPO).

The applicant will be invited to submit an application for the change of use of the external area between the business and the main house for submission by the end of the month and to cease such use until such time as permission has been granted in the interests of neighbour amenity, bearing in mind the comments of the Senior Public Protection Officer (SPPO).

A ventilation/extraction system has already been installed but was not included as part of the original permission and does have implications for the external appearance which requires regularisation via the submission of a planning application.

It is noted that there are other on-going concerns regarding advertising which is not within the remit of this application and which is to be considered separately by officers in discussion with the applicant.

Having regard to the comments of the SPPO above the recommendation can now only be approved on the basis that the specific uses sought, within the building, is granted on a temporary basis and for the following reason and amended conditions as follows:

REASON: The proposed uses and hours of operation to be included as part of the variation of conditions could adversely affect the residential amenity of the area and thus a temporary permission is proposed. In all other respects the proposed use would not detrimentally effect the character and appearance of the Conservation Area, AONB or Green Belt or highway safety and thus accords with Policies C3, NE1, NE4, HE1, HE4 and R5 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. With the exception of the coffee shop use, all uses outlined in condition 2 below (and no other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and

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Country Planning (Use Classes) (Amendment) (England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) and operation between 2000 - 2300 hours shall be discontinued on or before 15 March 2013.

REASON: In the interests of amenity to enable to test the noise and odour impact of the development.

2. The site shall be used for the following:

- Coffee shop;
- Private dinner or breakfast functions;
- Craft workshops;
- Cookery classes; or
- Children's parties

in connection with the existing business only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification)).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case including the impact upon local residents and the local highway network.

3. The use hereby permitted shall only take place between the hours of 0800 hrs in the morning and 2300 hrs in the evening.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

4. The coffee shop business and building shall not be sold, let or rented separate from the dwelling house (known as The Old Dairy).

REASON: In order to minimise traffic generation and preserve the amenities of the occupiers of the dwellinghouse.

5. Operation of the premises between the hours of 2000-2300 hereby permitted shall be limited to not more than eight evenings per calendar month. The evenings per month for the duration of the permission shall be submitted to and approved in writing within one month of this permission. Such details shall also be kept on the premises.

REASON: In the interests of residential amenity and to avoid nuisance.

6. The operation of the premises for the hours of 2000 -2300 and activities hereby permitted shall apply only to the following persons and their resident dependants:

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Mr Simon Wright

Mrs Lucy Wright

REASON: Regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to justify the decision to grant variation of conditions. The Local Planning Authority shall wish to consider separately any such proposal made by another applicant.

7. The level of noise emanating from the premises shall at no time exceed a rating level of 35dB (BS4142:1997) at the site boundary.

REASON: In the interests of residential amenity

INFORMATIVES

1. Planning Permission has been and continues to be granted based on the uses within the red line. External areas outside the red line site boundary are being used in association with the business and this is unauthorised. As such the applicant is requested to cease such use and apply for planning permission.
2. In the event changes to the evening operations beyond 8pm, a formal application will be required to vary condition 5.
3. The applicant is reminded that notwithstanding this permission, any nuisance complaints can still be investigated under the Environmental Protection Act 1990.

Item 8(e) - 11/04105/FUL – Land to the Rear of Juggler’s Cottage, Cherhill

5 neighbours object to the revised plans on the following grounds:

- The size of the garden would be out of character with the area and destroy potential for the garden to be restored and become fully part of this historic property.
- A recent appeal decision for a garage conversion was turned down despite the very large garden.
- The applicant’s detailed analysis is subjective and inaccurate.
- Highway safety along Park Lane.
- Object to new access because of loss of hedge where there are no natural breaks.
- Setting of precedent.
- Effect on Area of Outstanding Natural Beauty
- Effect on Conservation Area as inappropriate infill, backland development and new access.
- Cherhill Parish Plan 2010 is opposed to this type of development.
- Precedent.
- Contrary to policies HE1 and HE4.
- Effect on wildlife in these gardens.
- Flawed visibility drawings and misleading photographs.

Cherhill Parish Council state that they maintain their objection on the grounds that:

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1. The site is in the Conservation Area and the Parish Plan is against this type of development which is not vital for the ongoing viability of the village.
2. Setting a precedent.
3. The site is not identified for housing and does not address the need for affordable homes. The Parish Council are working in partnership with a local housing association to build 4 homes on brownfield land.
4. The application makes no mention of any environmental aspects of the build. The Parish Plan sets out a vision of sustainable development and there is a very active energy group.
5. They disagree with the highways opinion on the access point. The lane is national cycle route 201 and increasingly used for leisure. They consider that the Highways section has carried out insufficient research.
6. Cherhill has borne the weight of many infill properties and consider that they have contributed enough to Wiltshire Housing requirements.
7. The Parish Plan was adopted and implemented in line with Wiltshire Council's requirements.

The agent has supplied a coloured artist's impression drawing.

Senior Conservation Officer comments on the latest amended plans, considers them to be a great improvement in scale and form on the original proposal and supports the cottage as now shown subject to conditions.

1 further resident states that the development is totally different to that at Tudor Cottage where the land was never part of the Cottage's Historic Garden and buildings already existed.

Area Development Manager

The following condition should be added :

Prior to commencement of the development hereby permitted details of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. **Sample panel of the walls.**
2. **Large scale details of the chimney (Minimum 1:10)**
3. **Large scale eaves and verge details.**
4. **Details of any flues, vents and mechanical extraction units.**

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

REASON: In the interests of the character and appearance of the Conservation Area and setting of the Grade II Listed Building.

1 further letter of objection on the grounds that:

- **The dwelling would not enhance the conservation area and is not needed.**
- **It would spoil the transition from village to open countryside.**
- **It's against the wishes of the Parish Plan and villagers.**

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Item 8(f) – 12/00198/S73A - Unit 2, Phelps Parade, Calne

Highways recommend no highway objection.

2 local residents object on the grounds of:

- Insufficient time to assess impact of outlet.
- Anti social behaviour will be encouraged.