

INDEX OF APPLICATIONS ON 01/07/2009

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	09/00557/FUL	Glenville Nurseries, Marlborough Road, Wootton Bassett, Swindon, SN4 7SA	Change of Use of Land for 7 No. Mobile Homes for British Romany Gypsy Families and Associated Development Including 7 No. Touring Caravans and 7 No. Day Rooms	Refusal
02	09/00872/S73A	Bridge Paddocks, Braydon Road, Leigh, Wiltshire SN6 6RQ	Retrospective Application for Construction of Access Track for Existing Equestrian use.	Permission
03	09/00760/FUL	11 Ladds Lane, Chippenham, Wiltshire, SN15 3JR	Erection of Detached Dwelling and Off Street Car Parking to Rear of 11 Ladds Lane (Revision to 08/02394/FUL)	Delegated to the Area Development Manager
04	09/00593/FUL	Land Adjacent The Golf Academy, Yatton Keynell, Chippenham, Wiltshire, SN14 7BY	Change of Use of Land to 18 Hole Par 3 Golf Course and Associated Works	Delegated to the Area Development Manager
05	09/00345/COU	Gallery On The Bridge, Formally The Old Post Office, The Street, Castle Combe, Chippenham, SN14 7HU	Change of Use of Existing Gallery to Residential Use	Permission
06	09/00536/FUL	Stable Yard, Dauntsey Park, Dauntsey, Wiltshire, SN15 4HT	Construction of New Boundary Wall	Permission
07	09/00543/S73A	12 Pound Pill, Corsham, Corsham, SN13 9HZ	Retention of Single Storey Rear Extension as Constructed	Refusal
08	09/00544/LBC	12 Pound Pill, Corsham, Corsham, SN13 9HZ	Retention of Single Storey Rear Extension	Refusal
09	09/00765/FUL	Avils Farm, Avils Lane, Lower Stanton St Quintin, Chippenham, SN14 6DA	Extension to Farmhouse and Alteration to Dormer Window	Refusal

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	1st July 2009		
Application Number	09/00557/FUL		
Site Address	Glenville Nurseries, Marlborough Road, Wootton Bassett		
Proposal	Change of use of land for 7 no. mobile homes for British Romany Gypsy Families and associated development including 7 no. touring caravans and 7 no. day rooms		
Applicant	Fleet Trading Ltd		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Peter Doyle
Grid Ref	407527 181113		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Due to significant local concern, media interest and in the absence of any specific Development Plan allocations for gypsy sites in the Northern Area, this application has been submitted to the Committee for decision at the discretion of the Area Development Manager.

1. Purpose of Report

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

2. Main Issues

Assessment of the proposal against Policies C3, NE2, NE13, NE15 and H9 of the North Wiltshire Local Plan 2011, Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and Government Guidance contained in Circular 01/2006 "Planning for Gypsy and Traveller Sites" and in particular issues relating to:

- Need
- Impact on the character and appearance of the area
- Amenities of adjacent residents
- Sustainability (access to services), highways impact
- Drainage
- Proximity to oil pipeline and electricity sub-station
- Ecological impact
- Human Rights Act

3. Site Description

The site comprises part of a former nursery known as Glenville Nurseries. The application site relates to the rear part of the site away from the Marlborough Road (C145). Access to the site is proposed to be taken via an existing access off the adjacent lane and footpath, known informally as Scotland Lane. The lane itself takes its access off of the Marlborough Road.

A Government pipeline runs diagonally across the adjacent land in the same ownership but outside of the application site.

There is also a pond outside but adjacent to the north west corner of the site.

Evidence of the previous use has largely diminished and is now overgrown with some containers and other remnants remaining in the south eastern corner of the site. A post and rail fence has been erected dividing the site as a whole.

The site lies to the rear of Vinayak House, separated via a substantial tree belt. The dwelling known as The Folly is located to the south west of the site north of the lane and is screened via hedging on the boundaries. Lanes Farm is to the south west on the opposite side of the lane. Lanes Farm Stables are situated opposite the site in the vicinity of the proposed access. Meadows Farm is situated further along the lane.

Development along the lane is typically agricultural, equestrian with some small scale light industrial.

The application site lies some 500 metres south of the framework boundary of Wootton Bassett and the nearest pavement. The main town centre of Wootton Bassett is approximately 1.5km distance.

The site lies within the countryside within the designated Rural Buffer and Great Western Community Forest.

4. Relevant Planning History

The application site has not been the subject of any specific planning applications in the past. However, it is worth noting that the property known as The Folly (referred to above) was previously used as a store for agricultural and horticultural machinery associated with the use of the former nursery site for horticultural purposes, prior to its conversion to residential purposes. The dwelling was however, originally constructed in the 1930's as a slaughterhouse.

5. Proposal

The proposal is for the change of use of land for the siting of 7 no. mobile homes, 7 no. touring caravans and 7 no. day rooms on individual pitches for Romany gypsy families. A grassed area for children to play is proposed in the north west corner of the site. A hedge is proposed along the eastern boundary of the site to separate it from the remaining land although a field gate will remain. The existing entrance off Scotland Lane will be widened and laid with tarmac for the first part. A stone track will serve the pitches which will all be individually enclosed via gates, 1.8 metre close boarded fences and 1.2 metre post and rail fences.

For clarification day rooms provide the daily living space for cooking, cleaning and living and the mobile homes the sleeping quarters. The day rooms will be single storey with brick faced walling and roof tiles.

6. Consultations

Wootton Bassett Town Council – object on grounds of the proposal being out of keeping with the character and appearance of the area, privacy and amenity of existing and proposed residents, Policy H9 and lack of reasonable access to local community facilities and services, Circular 01/2006 paragraph 54 in relation to the day units being out of keeping and poor access to public transport, Circular 01/2006 paragraph 64(a) in terms of its overshadowing the existing residential development rather than integrate with it.

Other concerns noted in respect of MOD pipeline under the proposed site, safety implications for children on Marlborough Road, application may be premature and should be deferred until Government plans are clear on this issue and the size of the day rooms which could be used as living space.

Highways Engineer – objects on grounds of sustainability and the sub-standard nature of the junction of Scotland Lane and C415 Marlborough Road.

In the event that permission 09/00036FUL relating to improvements to existing vehicular access to the junction of the lane with the C145 were implemented, the Engineer considers that the second reason for objection would be overcome.

Wessex Water – no objection but highlight presence of the Sewage Treatment Works some 258 metres to the north of the site.

Thames Water – no objection.

Environmental Health Officer – no objections subject to contamination condition.

Drainage Engineer – no objection in principle but would wish to see a new French drain installed as an alternative to the ditch along the site frontage with the lane.

Fisher German LLP (GPSS Land Agent) – initially confirmed that the proposed development may affect the Government Pipelines and Storage System. The pipeline runs diagonally across the land adjacent the application site north west from The Folly through to the rear garden of the property known as Vinayak House.

A site visit was then undertaken and site notes provided by the GPSS Operator, Amco, who confirmed that the pipeline is clear of the fenced off area of the application site. All works proposed will be clear of the pipeline way leave.

District Ecologist – comments waited.

7. Publicity

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

62 letters of letters of objection have been received on the following grounds:

- Character and appearance of the area
- Amenities of adjacent residents
- Highway safety
- Sustainability issues – i.e. access to services
- No benefit to the local economy
- Drainage
- Proximity to oil pipeline/sub-station, pond and livestock building
- Ecological Impact

8. Planning Considerations

Need

Officers are satisfied that the proposed occupants of the site accord with the definition of gypsies and travellers contained at paragraph 15 of Circular 01/2006 “Planning for Gypsy and Traveller Caravan Sites.” This is based on correspondence and discussions with Gypsy and Traveller Liaison Officers, Members and the Romany Gypsy Advisory Group.

There is a need for at least 24 pitches in the Northern Area of Wiltshire Council with the Draft Regional Spatial Strategy recommending 48 pitches in the same area. This figure excludes the 16 no. pitches approved at appeal in Minety.

Members may recall the report to the Executive in April 2008 in respect of Council owned sites with the potential for gypsy and traveller sites. Some 200 metres north of the site is the Marlborough Road site. This site was withdrawn from the process as it was considered necessary to be retained at that time. No further assessment of the site took place and indeed no sites were identified as part of that process.

The application site clearly lies in the countryside outside of any framework boundary but is surrounded by several houses and equestrian and light industrial businesses.

There is no objection in principle to a gypsy site in the countryside in national or development plan policy terms. This is set out in paragraph 54 of the Circular 01/2006 and the supporting text of Policy H9 of the North Wiltshire Local Plan 2011 and Policy DP15 of the Wiltshire and Swindon Structure Plan 2016.

Policy DP15 specifically states that proposals for gypsy sites should not be considered against other policies for towns and village due to their particular requirements.

The acceptability of rural location is clearly evidenced in the Minety appeal decision which is considered to be a material consideration in the determination of this application.

Character and Appearance of the Area

The site lies within the designated Rural Buffer and Great Western Community Forest.

Policy NE2 relates to the Swindon Rural Buffer and seeks to control new development to that which would not individually or cumulatively, lead to the coalescence of settlements.

The proposed use of the site in no way could result in the coalescence of the town with Swindon.

Furthermore, the development of the site would not prejudice the implementation of the Great Western Forest Community Plan. The Plan does not preclude appropriate development that would be acceptable in terms of other policies.

The character and appearance of the area is predominantly agricultural and equestrian uses with fields defined by mature hedgerows with several dwellings interspersed. Due to the prevalence of agricultural/equestrian uses and associated buildings, the built form has no distinct character due to the variation in scale, design and use of materials for these buildings.

The application site is proposed to be set back from the road, separated by both adjacent land and hedging together with a further proposed hedge which will establish over time thus mitigating views from the main Marlborough Road.

When viewed from the lane, the buildings and caravans will be partially screened via existing hedging and will be seen in the context of residential and non-residential buildings.

Accordingly, the proposal is not considered to be detrimental to any overriding the character and appearance of the countryside at this location.

Privacy and amenity of residents

Policy H9 of the Local Plan seeks to ensure that gypsy sites do not unreasonably prejudice the amenities of neighbouring residential occupiers of land.

There is no qualification of this in the supporting text. Government guidance contained in the Circular clearly supports the integration of gypsies and travellers with the settled community and recognises that sites should respect the scale of and not dominate the nearest settled community.

Due to the scale, size, siting and existing well established field boundaries and distance to dwellings in the vicinity, there would be no loss of privacy to adjacent residents.

Claims of loss of amenity by some of the objectors seem to be based on the cultural differences between the proposed and existing residents and the scale of development rather than conventional amenity matters.

The proposal comprises a well laid out site commensurate with the needs of the occupants. Nearby dwellings are either physically separated via well established boundaries and/or physical features such as the lane or by distance.

Accordingly, it is considered that the proposed use of the site would not affect the residential amenity of adjacent residents or dominate them particularly when considered in the context of the agricultural, equestrian and business activities taking place in the lane.

It is considered however, that the amenity of the proposed residents would be affected by reason of their proximity to an overhead power line crossing the site and this is considered in more detail below.

Highway safety

The Council's Highways Engineer cannot support this proposal due to the inadequacy of the junction of the lane with Marlborough Road. In the event that permission 09/0036FUL is implemented then this highway safety objection would be overcome. The timescale for implementation is unknown at present but it is until that time it is also unlikely that any further intensification of haulage licenses will be permitted if accessed via the lane.

It would not be reasonable to condition the delay in development until such time as the permission is implemented since this would be beyond the applicant's control in terms of ownership and timescale.

The lack of provision of gypsy and traveller sites in the northern area of the Council is not considered to outweigh highway safety issues in this instance.

Sustainability

Given that there are no objections in principle to gypsy and traveller sites in the countryside, it follows that such sites will not always be located in the most sustainable of locations. Paragraph 54 of Circular 01/2006 states: "*in assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.*" (Officer emphasis)

Policy H9 of the Local Plan requires such sites to have "reasonable access to local community facilities and services..." (Officer emphasis)

The Highways Engineer's objection on sustainability grounds is, rightly, based solely on fact. However, Government Guidance requires a more pragmatic approach. This was evidenced in the appeal decision in respect of the gypsy site at Minety.

Paragraph 64 of the Circular stresses that whilst sustainability is important, it is not to be solely considered in terms of transport mode and distances from services. Other considerations are integration within the community; wider benefits of easier access to GP and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling.

Accordingly, whilst the site by reason of its location with lack of footpath, proximity to bus stop and public transport is unsustainable per se, in the context Government Guidance the site meets all the requirements in terms of its accessibility to a wide range of services on offer in Wootton Bassett some 1.5 km distance from the application site.

Drainage

The Council's Drainage Engineer together with Wessex and Thames Water raise no objections to the proposed development. A condition is proposed requiring details of surface water drainage to secure the provision of a French drain along the site frontage. This would replace the ditch at this location, allowing for the passage of vehicles above and will provide more efficient drainage from the pond adjacent but outside of the application site.

Proximity to pipeline/pond, sub-station and livestock building

It has been confirmed that the proposed development would not affect the oil pipeline in any way by the relevant body based on a site visit. That part of the site closest to the pipeline is to remain undeveloped but grassed for a children's play area.

There are no objections from Environmental Health Officer to the proximity of the site to the sub-station adjacent the site or the Sewage Treatment Works.

Overhead power cables cut across the site and would be wholly visible to the caravans placed underneath and around them. Thus the amenity levels associated with this would be unacceptable. This in itself is not a reason to refuse permission. It is noted that the proximity of a potential gypsy site at Stanley Lane, Chippenham was a reason why the site was not pursued further by the Executive of the then North Wiltshire Council. Draft Government Guidance on the design of gypsy sites supports this view also.

Concerns raised in respect of the proximity of the development to the pond can be overcome by suitable conditions relating to boundary treatments.

A livestock building is understood from objectors to be located some 400 metres from the site. It is not unreasonable for dwellings to be sited within such proximity in the countryside. There are no regulations which preclude it but simply seek to control some development via the submission of planning applications for such agricultural buildings.

Ecology

The potential for Great Crested Newts on the site due to the adjacent man made pond has been identified. At the time of writing this report, further clarification is sought in respect of this potential from the District Ecologist and the need for any survey to clarify this matter.

Human Rights Act

In determining this application the Committee is required to have regards to the Human Rights Act 1998, in particular Article 8 and Article 1 of the First Protocol, which confer rights of respect for a person's private life, home and possessions. Any interference in those rights by a public authority must be lawful and proportionate. This involves balancing the interests of all parties involved and taking into account the public interest in the proper application of planning policies.

Having considered all the circumstances of this application, it is considered that refusal of a permanent permission or the granting of a temporary permission, would be proportionate and would not, therefore, be a violation of the Act.

9. Conclusion

The proposed use of the site for the stationing of 7 no. mobile homes and associated development for bona fide Romany gypsy families is considered to accord with Government guidance contained in Circular 01/2006, Policy DP15 of the Structure Plan and Policy H9 of the North Wiltshire Local Plan 2011.

Due to the scale and siting of the development there would be no detrimental impact on the privacy or amenities of existing or proposed residents.

The site has reasonable access to a wide range of services in Wootton Bassett and notwithstanding the poor public transport links and walking opportunities, such a level of access accords with Government guidance. Accordingly, in light of this it would not be reasonable to refuse the application on this basis, particularly when considered against the nuances of the appeal decision in respect of the gypsy site at Minety.

However, the application site would clearly prejudice highway safety and there are no material considerations which would outweigh this. Furthermore, the presence of the overhead power lines extending from the adjacent sub-station are not considered to provide an acceptable standard of residential amenity for proposed residents.

There are no material considerations, including Human Rights, which outweigh the highways and amenity objections to this proposal.

10. Recommendation

Planning Permission be REFUSED for the following reason:

1. Scotland Lane road by reason of its restricted width and sub-standard junction with C145 Marlborough Road is considered unsuitable to serve as a means of access to the proposed development.
2. The presence of high voltage power cables crossing the site is considered to be detrimental to the amenity of potential occupants contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011 and Draft Guidance on the design of sites for Gypsies and Travellers published May 2007.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.03; 1.21; 2.02; 2.24; 3.03; 4.02; 4.04; 4.07; 5.02; 5.05; 6.01



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	1 st July 2009		
Application Number	N/09/00872/S73A		
Site Address	Bridge Paddocks, Braydon Road, Leigh, Wilts. SN6 6RQ		
Proposal	Retrospective Application for Construction of Access Track to Existing Equestrian use.		
Applicant	Mr Orchard		
Town/Parish Council	Leigh/Purton		
Electoral Division	Minety & Purton	Unitary Member	Councillor Lay
Grid Ref	404718 190165		
Type of application	Retrospective Application		
Case Officer	Celine Le Boedec-Hughes	01249 706668	celine.leboedec-hughes@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 Lay to assess the impact of the track on the rural area and the character of the landscape.

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 retrospective construction of an access track to access a field which has previously been granted change of use for an equestrian use. The works have already been undertaken and the submission of this application follows enforcement investigations.

The key points to consider are as follows:

- Implications on DC Core Policy C3Impact of the development on the open countryside (Policy NE15) and the Braydon Forest (Policy NE12).

3. Site Description

The development site is located on the main road (B4696) which joins Wootton Bassett and Ashton Keynes. The site is in open countryside and in an isolated location. The site includes a stable block and tack room, together with a caravan for one gypsy pitch.

4. Relevant Planning History		
Application Number	Proposal	Decision
04/02277/COU	Erection of two stables and tack room, hardcore track and change of use to equestrian	Refused
04/02278/COU	Erection of two stables and tack room, hardcore track and change of use to equestrian	Refused
06/03087/COU	Change of use from agriculture to equestrian, erection of two timber stables and tack room (Revision of 04.02277.COU & 04.02278.COU)	Permitted
07/02522/COU	Erection of stable block including tack room and change of use of land to equestrian and construction of vehicle access	Permitted
08/01347/COU	Change of use to include the stationing of caravans for one gypsy pitch with retention of existing use for stabling of horses	Permitted
09/00201/S73A	Retrospective application for construction of access track to existing equestrian use	Refused

5. Proposal

This application is for the retrospective construction of an access track to access a field which has previously been granted change of use for an equestrian use.

This application is a resubmission following a previous refusal by Committee Members on 29th April 2009. The application was refused for the following reasons:

- 1 The track is considered to have an adverse impact upon the appearance of this rural area and the character of the landscape. There is no justification for a track of this nature, width or length which would overcome the concerns relating to its impact upon the countryside. The application is contrary to Policy C3 (ii) and NE15 of the North Wiltshire Local Plan 2011

The difference between this application and the previously refused application is predominantly in the width and the detailing of the track. The plans now submitted show a 2.5m wide track which is to have a grass centre with hardcore on either side of the grass strip. A substantial band of planting is also proposed along the southern edge of the track.

6. Consultations

Leigh Parish Council – No comments received.

Minety Parish Council – objects to the application on the grounds that the proposal appears as a severe blot on the landscape. The Parish notes that little appears to have changed from the previous application and that the condition on planning application Ref. 07/02522 that the hardcore track should be removed must be enforced.

Purton Parish Council – notes that amended plans have been submitted showing a reduction in the length and width of the track. However, the Parish continues to object to the proposal on the grounds that there is an unnecessary intrusion into the open countryside. The Parish also notes that any rights of way in the vicinity should not be obstructed or restricted by any development on this site.

Right of Way Officer – When previously consulted, the Right of Way Officer raised no adverse comments although suggested that an informative be attached to any permission granted notifying the applicant that footpath 123 crosses both of the paddocks.

Highways Officers – When previously consulted, the Highway Officers raised no objections to the application subject to conditions being attached to any permission granted.

7. Publicity

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

Four letters of objection have been received.

Summary of key relevant points raised:

- Revised plans do not address the issues/concerns that led to the refusal.
- The removal of the hardcore track was a condition of 07/02522/COU.
- Adverse impact on the rural nature of the location and the character of the landscape.
- Strip of grass will do little to address impact of track.
- Track is clearly visible from, and directly adjacent to, an established and regularly used bridleway and a public footpath.
- Impact of hardcore on the root system of the trees and hedge.
- Impact of hardcore on the quality and quantity of water getting to the hedgerow and tree roots.
- Proposal contrary to Local Plan Policy C3 (i, ii, iv), NE15 (i, ii), NE9, NE22, NE11 and NE15, PPS9 (Biodiversity and Geological Conservation), Regulation 37 of the Habitats Regulations 1994.
- Access to Public Footpath 126.
- Vehicular access is not essential to care for horses.

8. Planning Considerations

Principle of the development

The proposal seeks retrospective permission for the laying of a hardcore track across a field to access a further field where horses are kept.

Details submitted with the application show that the track is to be 225m long and 2.5m wide. The applicant is proposing to lay tyre tracks with crushed hardcore and then finished in gravel, separated by a grass verge.

It should be noted that the removal of the track is not a condition of any previous permission on this site.

Impact of the development on Policy C3:

It is considered that the track in itself will have no adverse impact on the local residents on the grounds that the track will be away from any dwellings and will not be visible to any local residents, either from their properties or from the bridleway which runs to the north of the development site. The track is to be used to provide access to the field located to the east of the approved stables (under Ref. 07/02522/COU).

With reference to the width and length of the track, the applicant has reduced the width of the track to 2.5m wide and is proposing to introduce a substantial planting strip alongside the track. Such landscaping would be conditioned should planning permission be granted. The materials to be used for the track (crushed hardcore and gravel) are considered to be acceptable.

The application is considered to be acceptable in terms of highway safety.

Overall, it is considered that the proposed track is in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

Impact of the development on Policy NE15 and NE12:

The development site is located within the open countryside (Policy NE15) and lies within the Braydon Forest (Policy NE12).

The proposed track is to be sited away from any public views and is to serve an existing and approved equestrian use.

Objectors have raised concern that the track will affect the hedgerow and trees however. These are located some 10 to 15m away from the track, well outside the any root protection zones, and it is therefore unlikely that the new track will cause any harm to the surrounding vegetation.

Policy NE12 seeks to protect woodland within Braydon Forest. On the basis that the proposed track will not affect any trees, the proposal is considered to be in accordance with Policy NE12.

The proposal is therefore considered to be acceptable and will have no adverse impact on the landscape designations or on the character and appearance of the surrounding open countryside. As such, the proposal is considered to be in accordance with Policy NE12 and NE15 of the North Wiltshire Local Plan (2011).

9. Conclusion

The proposal will not be harmful to the character and appearance of the area and will have no adverse impact on the amenities of adjoining occupiers. On this basis, the proposal is in accordance with Policies C3, NE12 and NE15 of the North Wiltshire Local Plan (2011).

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal will not be harmful to the character and appearance of the area and will have no adverse impact on the amenities of adjoining occupiers. On this basis, the proposal is in accordance with Policies C3, NE12 and NE15 of the North Wiltshire Local Plan (2011).

Subject to the following conditions:

1. Within three months of the date of this permission, details of the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include:

- (a) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and proposals for their protection during and following construction works;
- (b) details of all proposed tree and shrub planting, including species, number, sizes and positions, together with seeded/turfed areas;
- (c) details of any hard-surfaced areas such as footpaths, pedestrian areas, steps, play-spaces etc.

The approved landscaping scheme shall be implemented within one year of planning permission being granted and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C3 and NE15 of the North Wiltshire Local Plan (2011).

2. Within 28 days of the date of this permission, the driveway between the edge of the carriageway and the gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

3. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

REASON: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

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.

- Drawing No. 001 received by the local planning authority 2nd June 2009.

2. The applicant is advised that a public footpath (No. 123) runs through the site and that this footpath should not, at any time, be obstructed.

3. The applicant is advised that planning permission has not been granted for the lampposts. The applicant is advised that these features have an adverse impact on the character and appearance of the countryside and are contrary to Local Plan policies. As such, it is advised that these lampposts should be removed within 3 months of the date of this permission. Not doing so may lead to the Local Planning Authority taking enforcement action.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.02; 4.03; 4.04; 4.07; 5.01



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	1 st July 2009		
Application Number	N/09/00760/FUL		
Site Address	11 Ladds Lane, Chippenham		
Proposal	Erection of detached dwelling and off street car parking to rear of 11 Ladds Lane (Revision to 08/02394/FUL)		
Applicant	Mr Alex Trott		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Hardens and England	Unitary Member	Councillor Douglas
Grid Ref	392354 173048		
Type of application	Full Application		
Case Officer	Celine Le Boedec-Hughes	01249 706668	celine.leboedec- hughes@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 Sylvia Doubell to assess the impact of the proposed development on the Conservation Area and on the amenities of adjoining residents.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and to the signing of a S106 agreement to ensure that a financial contribution is made towards public open space provision.

2. Main Issues

This application is for the erection of one dwelling and the provision of off-street car parking on land to the rear of 11 Ladds Lane in Chippenham. The site lies within the settlement boundary of the town of Chippenham and has houses on all four boundaries. The proposal has been the subject of pre-application discussions.

The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H3 (Residential Development within Framework Boundaries).
- Implications on Policy HE1 and HE4 which considers developments in the Conservation Area and those affecting the setting of Listed Buildings.
- Policy CF3 (Provision of Open Space).

3. Site Description

The development site is located to the south of Chippenham town centre in a quiet residential street which forms part of the Chippenham Conservation Area and lies within the framework boundary of the town. The area is characterised by a mixture of dwelling styles and sizes, constructed in various designs and materials.

This application is for the erection of one dwelling and the provision of off-street car parking on land which currently forms part of the residential curtilage of 11 Ladds Lane in Chippenham. The existing property has a double frontage with the garden fronting onto Ladds Lane and the house fronting onto The Butts.

The plans show that the application site is approximately 20m long and between 9m and 11m wide and that the new dwelling is to front onto Ladds Lane, with the rear elevation fronting onto the rear elevation of 11 Ladds Lane (which fronts onto the Butts).

The drawings submitted show that the new dwelling is to be modern in appearance and has been specifically designed to ensure that it has no detrimental impact on the amenities of surrounding residents. A kitchen/dining area, utility room and living room are to be provided at ground floor level, with two bedrooms and a bathroom proposed on the first floor and a further bedroom and bathroom provided within the roof space. The plans also show off-street car parking for two vehicles to the front of the property.

4. Relevant Planning History

Application Number	Proposal	Decision
07/00430/FUL	Erection of two-storey side extension, single storey rear extension and rear dormer and creation of off-street car parking	Permitted
08/02394/FUL	Erection of detached dwelling and off-street car parking to the rear of 11 Ladds Lane	Refused

5. Proposal

The application site lies within the defined framework boundary for Chippenham thus there is a principle in favour of development subject to the relevant criteria outlined in Policies C3 and H3 being satisfied.

The front, side and rear elevations of the property are to incorporate a number of doors and windows, whilst the roof is to be a mansard roof to match 11 Ladds Lane.

This application is a resubmission following a previous refusal by Committee. The application was refused for the following reasons:

- 1 The proposed dwelling fails to respect the local character and distinctiveness of the area with regard to design, size, materials and siting and fails to preserve or enhance the character and appearance of the Chippenham Conservation Area. The proposal is contrary to Policies C3 (i) and Policy HE1 of the North Wiltshire Local Plan 2011.
- 2 The proposed dwelling will result in unacceptable loss of privacy and amenities to adjacent dwellings contrary to Policy C3 (iii) of the North Wiltshire Local Plan 2011.

The difference between this application and the previously refused application is predominantly in the height of the new dwelling which has been reduced by 500mm. Other differences include the removal of the high level window on the east elevation to address the overlooking and loss of privacy issues previously raised, and the materials to be used which are now to match the adjacent properties in order to reduce the visual impact of the development and in order for the development to be more in keeping with the character and appearance of the Conservation Area.

6. Consultations

Town Council objects to the proposal for the following reasons:

- Over-development
- Out of keeping with the Conservation Area
- Detrimental to amenities of adjoining properties in The Butts

Highway Officers have raised no objections to the proposal subject to conditions being attached to any permission granted.

This proposal would incur a fee of £5,820.12 to contribute towards public open space provision for Monkton Park and River Island, a nearby Community Park.

7. Publicity

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

8 letters of objection and a petition with 6 signatures have been received raising the following concerns:

- Impact on Listed Building
- Dwelling will tower over adjoining properties due to differences in land levels
- Adjoining properties are maximum two-storeys
- Boundary wall should be protected
- Over-development
- Inappropriate infill within the Conservation Area
- Loss of views
- Impact on highway safety
- Loss of privacy/overlooking
- Revised plans do not address reasons for refusal
- Height
- Materials are out of keeping
- Design
- Loss of light

The Chippenham Civic Society has also objected to the proposed development for the following reasons:

- Unsympathetic over-development on this site in a part of the most important conservation and unique historic area in Chippenham.

One letter of support has been received.

8. Planning Considerations

Impact of the development on residential amenity

In terms of impact on amenities, local residents are concerned that the development will lead to loss of light, loss of views and loss of privacy/overlooking.

These concerns have been taken into consideration and the design of the dwelling amended accordingly with the removal of the high level windows in the east elevation. A distance of 20m has been retained from first floor windows between the existing dwelling at 11 Ladds Lane and the proposed dwelling. The windows on the adjoining properties will be overlooking either the rear garden of 11 Ladds Lane or the front garden of the new dwelling. This is an existing arrangement which is not considered to affect the amenities of existing residents. A condition requiring that the first floor window on the side elevation overlooking the garden of 45 The Butts be obscure glazed should be attached to any permission granted.

The development will be away from any windows, with the adjoining dwellings orientated in such a way that the proposal is unlikely to lead to any loss of light. There is a potential that the garden of 45 The Butts may be affected by some overshadowing at the very end of the day but with the lowering of the roof ridge this will be lessened.

Overall, the proposed development is not considered to be detrimental to the amenities currently enjoyed by the local residents by reason of the siting and scale of the proposed dwelling and is therefore in accordance with Policies C3 and H3 of the North Wiltshire Local Plan (2011).

Scale of Development, Impact on Streetscene and Conservation Area

Discussions about the general design of the proposed dwelling have taken place at pre-application stage and has been designed to look similar to 11 Ladds Lane in terms of the mansard roof.

The dwelling has been set back from the road, but not significantly so as to have an adverse impact on the character of Ladds Lane and will, in addition, allow for the provision of two off-street car parking spaces to be created in the front garden of the property.

The height of the dwelling has been lowered by 500mm compared to the previously submitted application and on the basis that the ridge height is gradual in relation to the land level and to the height of adjoining properties in the street, the proposal is considered to sit comfortably in the streetscene. In terms of design, the proposed dwelling is to be similar to 11 Ladds Lane. It was considered that a modern dwelling in this location would be acceptable on the basis that there is no strict pattern of development. The area is characterised by a mixture of dwelling styles and sizes, constructed at various times and of various designs and materials. In terms of materials, the applicant has removed all cladding and is proposing that all elevations be rendered to match adjoining properties.

Local residents have objected to the proposal on the grounds of over-development and impact on the adjoining Listed Building and feel that the proposed development is an inappropriate infill within the Conservation Area. These objections have been taken into consideration when considering this application however, this is an ideal infill site in a town centre, close to transport nodes and local amenities. In terms of the impact on the Conservation Area and the adjoining Listed Building, it is considered that by virtue of the siting of the new house and the fact that the dwelling is to be lowered into the ground, it will preserve and enhance the local area.

Highways and Access

Residents are concerned that the development will affect the safety of drivers and pedestrians along Ladds Lane. These concerns have been taken into consideration when determining the application.

It is considered that an additional dwelling in this road is unlikely to be detrimental to highway safety. Vehicles will be reversing onto Ladds Lane but vehicles are unlikely to be going fast in this narrow residential cul-de-sac.

On this basis, County Highways support the proposal subject to a number of conditions being attached to any permission granted.

9. Conclusion

It is considered that the proposed residential development, by virtue of its siting, scale and design, will not be harmful to the character and appearance of this part of the Chippenham Conservation Area, will have no significant adverse impact on the amenities of adjoining occupiers and is acceptable in terms of highway safety. On this basis, the proposal accords with Policies C3, H3, HE1 and HE4 of the North Wiltshire Local Plan (2011).

10. Recommendation

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) To ensure that a financial contribution is made towards public open space provision.

Following completion of which the Area Development Manager be authorised to GRANT Planning Permission.

The proposal, by virtue of its siting, scale and design, will not be harmful to the character and appearance of this part of the Chippenham Conservation Area, will have no significant adverse impact on the amenities of adjoining occupiers and is acceptable in terms of highway safety. On this basis, the proposal accords with Policies C3, H3, HE1 and HE4 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 Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the information shown on the plans/application forms, no development shall take place until details of materials to be used externally (including any boundary wall) have been submitted to, and

approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

REASON: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan 2011.

3. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (1) Walls, fences, gates and other means of enclosure;
- (2) Ground surfacing materials;
- (3) Finished floor levels of all buildings;
- (4) Finished levels across the site.

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

All the above items shall be completed prior to the occupation of the development hereby permitted.

REASON: In the interests of amenity and satisfactory layout.

4. On first being glazed and at all times thereafter, the proposed window to bedroom 3 (on the east elevation) shall be glazed with obscure glass only.

REASON: In order to safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

5. Prior to the dwelling first being occupied, the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

REASON: In the interest of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

6. The gradient of the access for the first 4.5m shall not exceed 1 in 15.

REASON: In the interest of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the carriageway, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be carried out in accordance with the details so approved.

REASON: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

8. The area allocated for parking on the submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

REASON: In order to safeguard the amenity of the area by enabling the Local Planning Authority to consider individually whether planning permission should be granted for extensions and external alterations.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no further windows or other form of opening above ground floor level shall be introduced into the elevations of the dwellings hereby permitted.

REASON: In the interests of residential amenity and to comply with Policies C3 and H3 of the North Wiltshire Local Plan 2011.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

REASON: In the interests of residential amenity and to comply with Policies C3 and H3 of the North Wiltshire Local Plan 2011.

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.

Drawing number S001/A, P001/B, P002/B, P003/A, P004/B, P005, P006 date stamped 28th April 2009.

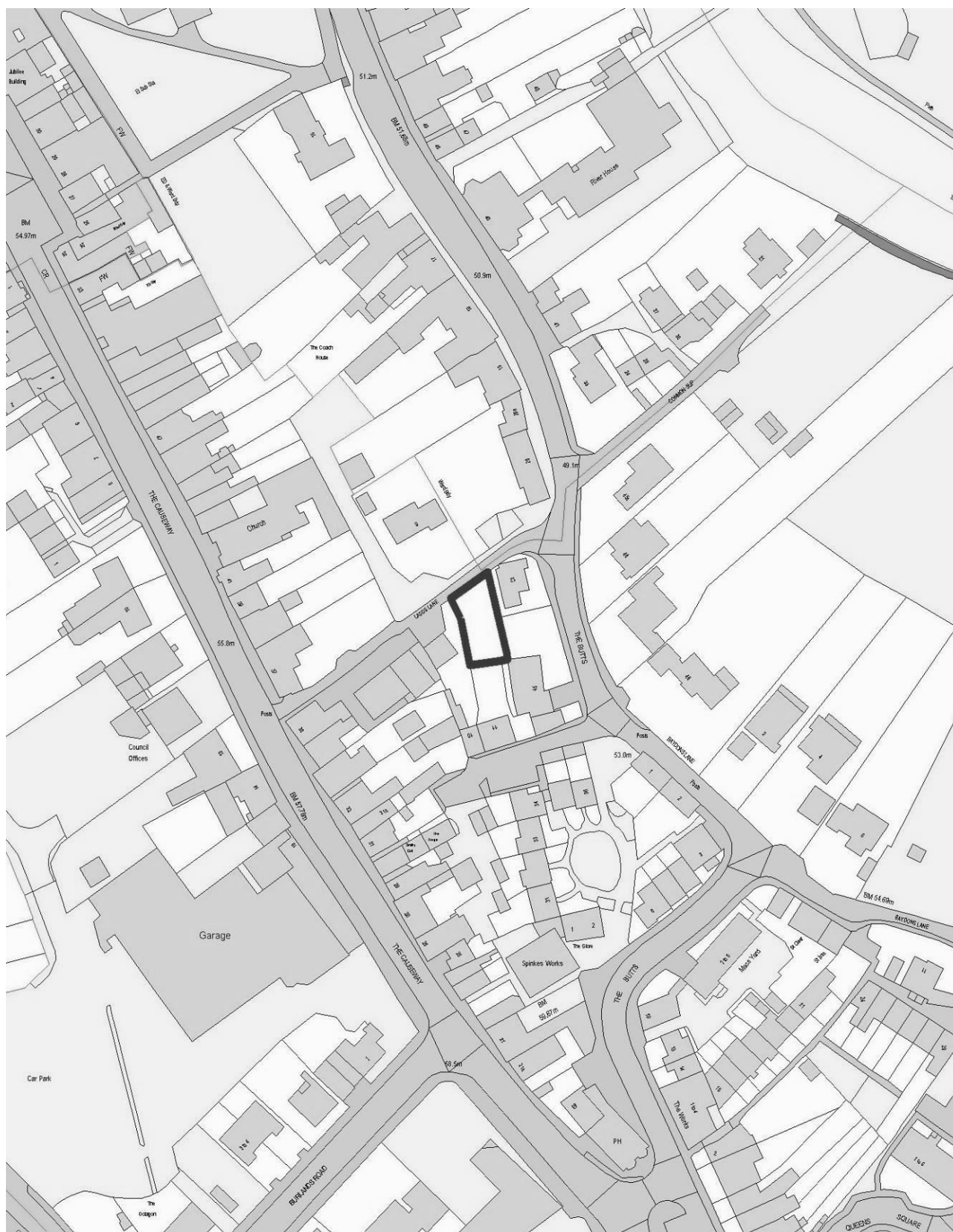
2. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact The Director of Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wilts, BA14 8JD.

3. 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 your own independent advice with regard to the requirements of the Party Wall Act, 1996.

4. The applicant's attention is drawn to the contents of the attached letter from Wessex Water dated 6th May 2009.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 2.24; 4.02; 4.03; 4.04; 4.07; 4.09; 5.01; 5.03



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	1st July 2009		
Application Number	09/00593/FUL		
Site Address	Land adjacent The Golf Academy, Yatton Keynell, Chippenham SN14 7BY		
Proposal	Change of use of land to 18 hole par 3 Golf Course and Associated Works		
Applicant	Mike Bessell		
Town/Parish Council	Yatton Keynell/Chippenham Without		
Electoral Division	Yatton Keynell	Unitary Member	Jane Scott
Grid Ref	387705 175616		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@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 impact of the proposal on the local area.

1. Purpose of Report

To consider the application and invite the applicant to enter an Agreement in respect of the following matters:

1. Vehicle movements and routing
2. Wheel washing
3. Financial bond for Highway maintenance
4. Financial bond for land restoration in the event of non-implementation
5. Landscape management plan

Following completion of which the Area Development Manager be authorised to GRANT Planning Permission.

2. Main Issues

The main issues in respect of the proposed change of use of agricultural land to an 18 hole par 3 Golf Course (with associated works including the importation of 148,000 cubic metres of inert material and landscaping) are considered to be:

- Waste management
- Need
- Impact on the character and appearance of the area
- Highways impact
- Drainage
- Ecological Impact
- Loss of agriculture

3. Site Description

The application site lies south east of the existing Golf Academy and comprises some 12.5 hectares of agricultural grazing land, predominantly classed as Grades 3b and 4.

The site occupies an elevated position from the road. The site slopes downwards away from the golf academy by approximately 3 metres.

Vegetation exists along the northern and eastern boundary of the site.

The site is bound by the B4039 to the south and Foulswick Lane to the east. These are the only points from which the site is visible due to the height of existing hedgerows and the relatively flat nature of the land in the vicinity.

4. Relevant Planning History

Application Number	Proposal	Decision
08/00148FUL	Change of Use of Land to 18 Hole Par 3 Golf Course and Associated Works	Withdrawn

5. Proposal

The proposal is to construct an 18 hole, par 3 golf course with holes between 87-181 yards in length. The scheme would involve changing the levels of the site to create a varied playing surface with contours to highlight the greens and landscaping features to include ponds. The proposal involves the raising of levels at various points across the site, the most significant of changes is some 4 metres. The greatest changes in levels are typically in the centre of the site.

The golf course has been specifically design to keep players away from the adjacent roads with no green within 50 metres of them. Holes within a 50 metre exclusion zone are played in an opposite direction of the road.

Landscaping is proposed on the boundaries to partially screen the site.

No buildings are proposed.

In order to create the scheme some 148,000 cubic tonnes of inert material will be imported to the site. The applicants anticipate that the course could be constructed within two years and this would require 68 lorry movements a day on the network. The site is proposed to be accessed via the B4039 via the A420 and not through Yatton Keynell. This is proposed to be secured via a Construction Contract.

6. Consultations

Yatton Keynell Parish Council – object. A full copy of their objection can be viewed on the file and is summarised as follows:

- Proposal is a waste disposal operation and saving of tipping costs than with providing with a golf course;
- Impact on highways and highway safety due to disposal of 100,000 tonnes of waste and stray golf balls;
- Pollution from fumes and dust;
- Uncertainty regarding timescale of one or three years due to availability of waste, three years is too long;
- Loss of agricultural land;
- Potential abandonment of project one tipping aspect completed; and

- Strict controls if to be permitted including no floodlighting, no planting on corner of B4039 and Foulswick Lane to ensure visibility, site management in sections to prevent dust including covering of rubble by topsoil immediately.
- The FUL suffix is incorrect as it should be a change of use and it can never revert to agricultural land.

Chippenham Without Parish Council – object on the following grounds:

- out of character with the area/loss of agricultural land
- tipping of waste from other sites on an industrial scale and highly disruptive due to construction timescale;
- height of contour out of keeping with local landscape and it exists and would detract from the visual and amenity merits of the area;
- golf activity close to the highway would be a danger to traffic;
- area is prone to flooding and development would exacerbate the problem;
- highways impact due to increase in visitor numbers; and
- area zoned for agricultural low impact use, traffic would change the nature of the area and adversely effect the enjoyment of the area by local residents who currently face severe restrictions on local planning applications for their dwellings.

Kington St Michael Parish Council – object on the following grounds:

- highways impact on rural lanes used as rat runs from M4 both during and after construction;
- drainage and flooding issues not adequately addressed
- loss of agricultural land
- concerns regarding the potential non-implementation of the proposal and use as an unofficial waste disposal site; and
- light pollution

Highways Engineer – no objections subject to conditions limiting the daily number of lorries to 25 per day each way (approximately 3 years), provision of an adequate waiting area within the site to avoid lorries waiting on the B4039, provision and use of a wheel washing facility on the site; agreed routing of HGVs to and from the site. These are to be secured via a legal agreement which will also include the provision of a bond for any damage to the highway and restoration of the site in the event of the abandonment of the use when part complete.

Minerals and Waste Team Leader – detailed comments are contained on the file and are summarised as follows:

- In light of Government advice concerning large-scale landscaping developments using waste, the quantity of waste being used entails the application to be considered as a waste management operation and is thus required to be considered against Policies 2 and 6 of the Wiltshire and Swindon Minerals and Waste Local Plan (WLP). Such proposals will only be permitted where there is demonstrated need to cater for Wiltshire and Swindon's waste or other waste nearby; or the development is needed for operational or restoration purposes and the need for development outweighs any material planning objections.
- A recent appeal decision in Wiltshire involving a similar amount of waste to be tipped for the purpose of creating a water based leisure facility is a material consideration. In that case, the Inspector highlighted the that WLP does not reflect Government guidance in PPS10 "Planning for Sustainable Waste Management" and Defra's Waste Strategy for England 2007 and took the view that whilst the supply of landfill sites should be limited, it places little emphasis on moving waste up the "waste hierarchy" away from disposal in landfill to more productive uses. The Inspector concluded that re-using waste material for the purpose proposed would reduce the volume of construction waste requiring disposal into landfill in accordance with PPS10. Accordingly, the benefits of the scheme and the ability to mitigate impacts of the construction phase via conditions, outweighed the relevant policies of the WLP.
- Conditions are suggested and a financial bond required for restoration works if necessary.

Environmental Health Officer – no objections.

Drainage Engineer – no objections.

District Ecologist – confirms the site to be of low ecological interest at the time of survey in December 2007. Some of the recommendations by the consultant ecologist have been included in the Landscape Plan, such as the inclusion of native tree planting areas and the creation of new ponds. There are two protected species issues that need to be addressed and secured via planning conditions.

Landscape Officer – has actively been involved in pre-application discussions and raises no objection.

Archaeological Officer – no objections subject to conditions.

Environment Agency – no objection subject to conditions.

7. Publicity

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

116 letters of objection (including a petition with 45 signatures) have been received on the following grounds:

- No need for the golf course
- Landfill tax avoidance
- Highways impact and nuisance
- Impact on the character and appearance of the area, AONB and Conservation Area
- Loss of agricultural land
- Ecological impact
- Contaminated material being used
- Drainage/flooding

75 letters of support have been received on the following grounds:

- Need for the facility aimed at beginners or those wanting a short course
- Enhance the existing facility
- Additional of recreational facilities in the area
- Increase in jobs and trade

CPRE

- question the business and financial viability aspects of the proposal, object to the loss of agricultural land which could be used for intensive food production or horticulture with polytunnels and which would create greater employment opportunities.
- The monitoring of the construction of the site in terms of materials and their source, levels, shrinkage and capping is questioned
- Objection is raised to the sourcing of materials outside of North Wiltshire
- No HGV traffic should go through the village of Yatton Keynell, the use of minor roads should be controlled through conditions and signage
- Highways impact as golf course and increase in parking spaces
- Out of keeping with the character and appearance
- Objections to floodlighting

Wiltshire County Golf Union - Supports the proposal given that it will encourage young people to play the sport.

British Hedgehog Preservation Society – hedgehogs seen on the site and are a protected species and should be considered as part of this application in terms of their requirements. If they have not been accommodated in the scheme, the destruction of this natural habitat should not be allowed.

Hare Preservation Trust – object to the destruction of a prime habitat for brown hares.

8. Planning Considerations

Waste Issues

The proposal involves bringing approximately 148,000 cubic metres of inert material to the site. The delivery of this material to the site based on limitations in terms of proposed HGV movements will take place at restricted times over a period of about three years.

The current Waste Local Plan has been superseded by Planning Policy Statement 10 “Planning for Sustainable Waste Management” where the current thrust and direction of Government guidance seeks to address waste as a resource with disposal at landfill as a last resort.

Based on the above and a recent appeal decision highlighted by the Council’s Minerals and Waste Team Leader, referred to above, the re-use of materials for the construction of the proposed golf course is considered to accord with Government guidance.

Enforceable control mechanisms can be put in place to ensure only suitable materials are used in the interests of the area.

Need

The need for a development is not a planning consideration. However, in respect of proposals involving waste disposal/management, it is under Policies 2 and 4 of the adopted Wiltshire and Swindon Waste Local Plan 2011.

Current, Government guidance contained in PPS10 largely supersedes this approach and as the re-use of waste as an alternative to landfill is encouraged, the requirement to demonstrate the need for the proposal is removed.

However, officers are keen to ensure that necessary measures are in place to ensure that if for any reason the proposal were no longer required and was not implemented, the land could be restored to its previous condition at the cost of the applicant.

Impact of the character and appearance of the area

The application site lies within the open countryside and it’s outside of any formal land use designations such as Green Belt, Area of Outstanding Natural Beauty and Conservation Area.

The site appears level but there is a variation in levels of four metres across the whole site.

The site lies within the Limestone Lowland as defined in the Wiltshire Landscape Character Assessment December 2005. Key characteristics of the area include gently undulating lowland farmland providing a peaceful and rural landscape with subtle variations in character relating to the varied geology, topography and watercourses.

Specifically within this area the site lies within the Malmesbury-Corsham Limestone Lowlands and area described as predominantly rolling mixed pastoral and arable farmland in large fields bound by hedgerows and hedgerow trees.

There are subtle localised variations throughout the area within an overall graduation from higher ground.

Policy CF2 permits the improvement of leisure facilities.

Golf courses are not an unusual feature in the countryside and it is noted that there are several larger golf courses at Castle Combe and Kingsdown which occupy more sensitive locations with Green Belt, AONB and Conservation Area designations. Kingsdown is particularly visible as it lies both side of the road.

It is acknowledged that the character and appearance of this site will change. However, in the context of the adjacent driving range and its self containment within the wider landscape and limited views except from adjacent roads, the scheme is not considered to be sufficiently detrimental to the character and

appearance of the countryside at this location and thus accords with Policies CF2 and NE15 of the Local Plan.

It is acknowledged that the site has the potential to impact upon the landscape if not implemented. Accordingly, it is proposed to secure a financial bond from the application to ensure that if the scheme is not implemented, the land can be restored to its original condition. A landscape management plan is also required to ensure the site is developed ensuring that any drying out of the scheme does not impact upon the finished scheme together with the use of approved topsoils.

Highways Impact

The volume of material required to be imported to create the golf course is significant. Notwithstanding the applicants contention that the adjacent roads have sufficient capacity to accommodate a high level of HGV traffic is not a reason to allow the HGV movements proffered. The Highways Engineer, having regard to the character of the local road network and highway amenity issues considers that vehicle movements are to be restricted to daily limits of 25 per day (each way) and routes controlled for the delivery of materials together with on site areas for the HGV and wheel washing. All these requirements are to be secured and controlled via a legal agreement. The agreement would also include a bond for restoration of the site in the event of non-implementation and any damage to the highway network.

Drainage/Flooding

Both the Environment Agency and the Council's Drainage Engineer raise no objections to the proposal. The scheme has been designed to include the provision of ponds and will ensure that the receiving watercourses are not altered so the discharge to the watercourses is the same as present. It is considered that there will be an improvement to flood risk.

Ecological Impact

An Ecological Assessment concluded that the field had limited ecological value and that enhancement measures should be included as part of the proposal which included planting native tree and shrub species, creation of tall areas of grassland, providing habitats for invertebrates, small mammals and birds and the creation of ponds and wetland habitats.

The Council's Ecologist raises no objections to the proposal subject to conditions.

Loss of Agriculture

Policy C12 of the Wiltshire Structure Plan seeks to protect the best and most versatile land from development. Best and most versatile agricultural land falls within Class 1-3a. The site comprises less than 6% category 3a, the remainder is mostly 3b (79%) and 4 (16.2%).

The proposal therefore would not involve any significant loss of best and most versatile agricultural land and accords with Policy C12 of the Structure Plan.

9. Conclusion

The proposed development seeks to provide an 18 hole, par 3 Golf Course. The proposal will involve the importation of 148,000 cubic metres of inert material.

The re-use of this material for development rather than being sent to landfill is considered in accordance with Government guidance to be a benefit to waste management.

The highways impact of this aspect of the proposal can be controlled via a legal agreement in respect of routing and number of movements.

Whilst the appearance of the site will significantly alter, this is not considered to be detrimental to the character and appearance of the countryside at this location. Golf courses are not uncommon features in the countryside and landscape including those the subject of policy designations such as Green Belt and AONB. The application site has no such constraints.

In addition, the proposal would not detrimentally impact upon ecology or flooding.

10. Recommendation

The applicant be invited to enter an Agreement in respect of the following matters:

1. Vehicle movements and routing
2. Wheel washing
3. Financial bond for Highway maintenance
4. Financial bond for land restoration in the event of non-implementation
5. Landscape management plan

Following completion of which the Area Development Manager be authorised to GRANT Planning Permission.

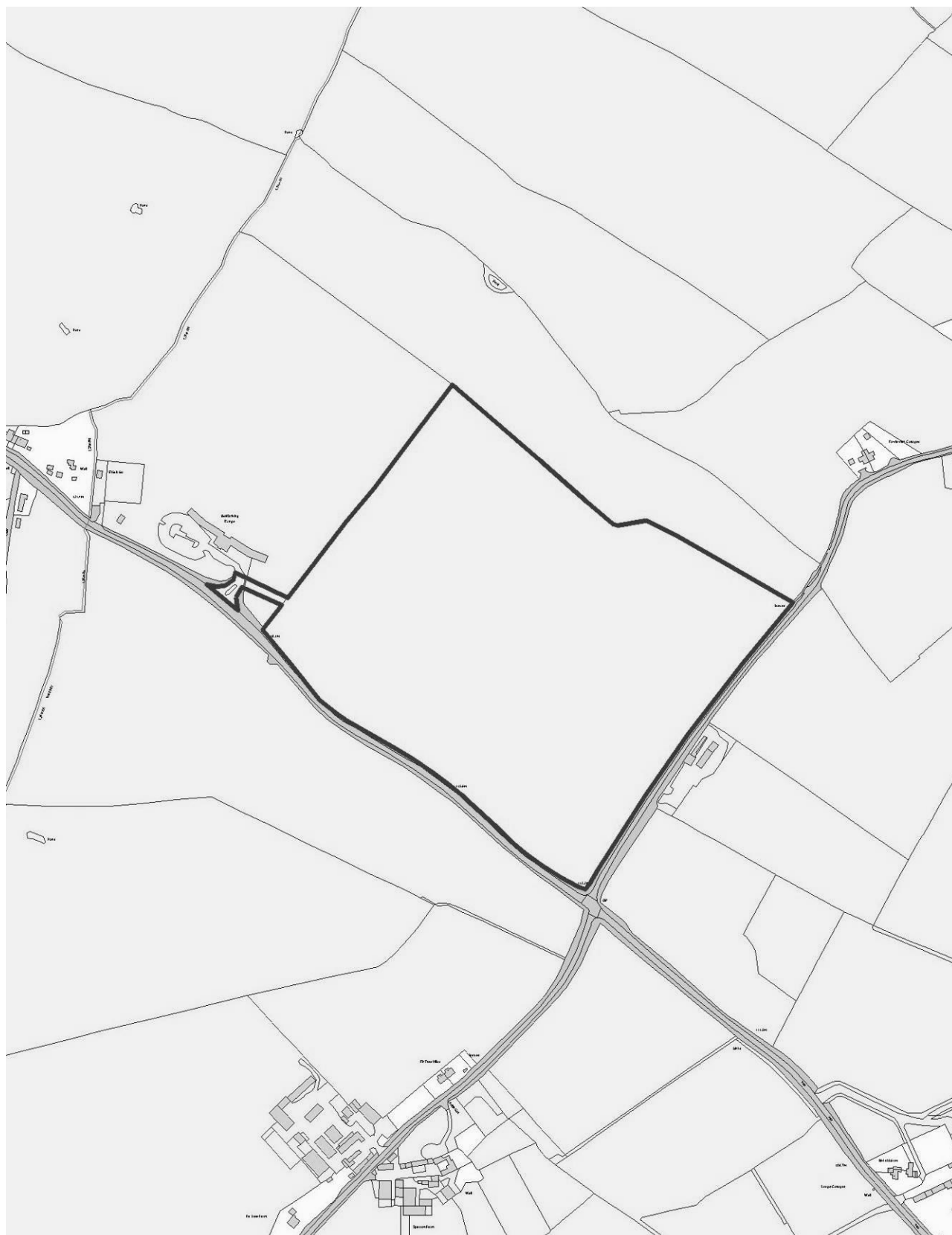
Informative

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 References

ST4/001/03C, 04C, C280/P/01A, 02, KEL/001/GA/1, 179-002, C08293/C001B date stamped 2 April 2009

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.03; 1.20 ;2.01; 2.02; 2.25; 3.03; 4.02; 4.04; 4.06; 5.04; 6.02; 7.02; (Wiltshire and Swindon Waste Local Plan 2011).



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 5

Date of Meeting	1 st July 2009		
Application Number	N/09/00345/FUL		
Site Address	Gallery on the Bridge, formally the Old Post Office, The Street, Castle Combe		
Proposal	Change of Use of Existing Gallery to Residential Use		
Applicant	Mr B. Clark		
Town/Parish Council	Castle Combe		
Electoral Division	By Brook	Unitary Member	Councillor Jane Scott
Grid Ref	384213 177084		
Type of application	Full Application		
Case Officer	Celine Le Boedec-Hughes	01249 706668	celine.leboedec-hughes@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 impact of the proposed change of use on the economy of the local community.

1. Purpose of Report

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

2. Main Issues

This application is for the change of use of the existing gallery to residential use in association with the existing residential use at first floor level. The site lies outside any settlement boundary but is located within the Castle Combe Conservation Area and is boarded by residential properties to the north, south and west.

The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy R6 (Existing Local Shops and Services)
- Implications on Policy HE1 and HE4 which considers developments in the Conservation Area and those affecting Listed Buildings.

It is considered that Policy CF3 (Provision of Open Space) is not applicable as the proposed change of use of the gallery (ground floor) is to be used in association with the existing flat at first floor level.

3. Site Description

The development site is located at the bottom end of The Street in Castle Combe, close to the stone bridge. The site is within a quiet and predominantly residential street which forms part of the Castle Combe Conservation Area. The property itself forms part of a row of terraced properties and is a Grade II Listed Building.

4. Relevant Planning History

Application Number	Proposal	Decision
	There is no planning history relevant to this application	

5. Proposal

This application is for the change of use of the existing gallery/gift shop to residential use. The plans submitted show that once converted, the ground floor is to be used in association with the existing first floor flat. The application does not propose any internal or external alterations at this stage but these would require Listed Building consent.

6. Consultations

Parish Council: Objects to the proposal for the following reasons:

- Contrary to Policy C1 (i and iii)
- Policy BD2 and R6 are also relevant
- Site is only remaining retail outlet in the village
- Shop is an attraction to tourists
- Flood risk assessment information is incorrect

Highway Officers: No objections as part of the property is already in residential use and the sales particulars submitted state that the property has the use of a nearby garage.

Conservation Officers: No objections to the principle of the change of use.

Environment Agency: No objection to the proposed change of use.

7. Publicity

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

No letters of objection have been received.

Four letters of support have been received.

8. Planning Considerations

Impact of the Change of Use on the Vitality and Viability of the Village

The proposed application needs to be considered against Policy R6 of the North Wiltshire Local Plan (2011). This policy allows the change of use of existing local shops subject to a number of criteria.

The applicant has submitted some financial information showing turnover and net profit figures. These clearly show that, over the years, there has been a fall in both turnover and profit, with a very bleak outlook for 2009. The applicant has also taken reasonable steps to market the property by marketing the property as a business firstly privately from January 2008 and then formally through an estate agent from 1st May 2008 to the end of January 2009.

The shop currently operates as a gallery/gift shop which is predominantly in business for the benefit of the tourists which come to visit the village of Castle Combe. With tourist numbers dropping, the business itself is also suffering.

Over the years, all the shops in Castle Combe have been converted to residential use, with the gallery/gift shop being the last remaining retail use. The Parish Council objects to the application on the grounds that the gallery/gift shop is the last remaining retail outlet in the village. However, in light of the profit figures of the current owner, it is unlikely that this shop keeper will remain in business for much longer. These figures are, in turn, unlikely to attract a new owner to take over the business as retail premises in the current

economic market. This has been proven by the marketing exercise undertaken by the current owner. The village could then find itself with an empty shop and an unattractive shopfront.

The viability of the shop also needs to be considered. Castle Combe is a small village which is well known for its quaint appearance but which has a limited number of inhabitants to keep a profitable retail unit going. It is therefore considered that even if the shop was to become a retail unit selling everyday goods, the shop is unlikely to be profitable in the long term. In any case, there is no guarantee that should the gallery/gift shop close, a shop selling everyday goods will open in its place. A new owner may open a shop which is again of no real benefit to the rural community of Castle Combe.

The vitality of the village is predominantly based on the tourism industry which is attracted to Castle Combe for its quaint appearance and unspoilt character. It is therefore considered that the loss of the existing gallery/gift shop will have no detrimental impact on the vitality of the village as tourists will continue visiting the village even after the gift shop has closed its doors.

Overall, it is considered that the proposed change of use of the last remaining retail unit in Castle Combe is unlikely to affect the vitality and viability of the village and as such is considered to be in accordance with Policy R6 of the North Wiltshire Local Plan (2011).

Impact of the Change of Use on Residential Amenity

The proposed change of use is likely to be beneficial to the residential amenities of adjoining occupiers due to the fall in the number of people visiting the premises. As such, the proposal is considered to be in accordance with Policy C3 (iii) of the North Wiltshire Local Plan (2011).

Impact of the Change of Use on the Conservation Area and Listed Building

The development site forms part of a row of terraced properties located in the Conservation Area. The proposal seeks to change the use of the existing gallery/gift shop to residential use but does not entail, at this stage, any alterations to the internal or external appearance of the existing property.

Based on the above, the proposed development is not considered to be detrimental to the character and appearance of the Conservation Area or the Listed Building. As such, the proposal is in accordance with Policies HE1 and HE4 of the North Wiltshire Local Plan (2011).

Impact of the Change of Use on Highway

The existing property is already partly in residential use and has the benefit of a garage within a block located close to the development site. There is also a parking area to the front of the garage.

Based on the above, the proposal is considered to be in accordance with Policy C3 (vii) of the North Wiltshire Local Plan (2011).

9. Conclusion

It is considered that the proposed change of use of the existing gallery/gift shop to residential use will not harm the economic vitality and viability of the village, the amenities of neighbouring properties, and will not affect the character and appearance of the Conservation Area or the Listed Building. As such, the proposal is in accordance with Policies C3, H3, HE1 and HE4 of the North Wiltshire Local Plan (2011).

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal accords with Policies C3, HE1, HE4 and R6 of the North Wiltshire Local Plan (2011) in that it represents the change of use to a residential dwelling that does not harm the economic vitality and viability of the village, the amenities of neighbouring properties, and would not affect the character and appearance of the Conservation Area or the Listed Building.

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 Section 91 of the Town and Country Planning Act 1990.

Informatives:

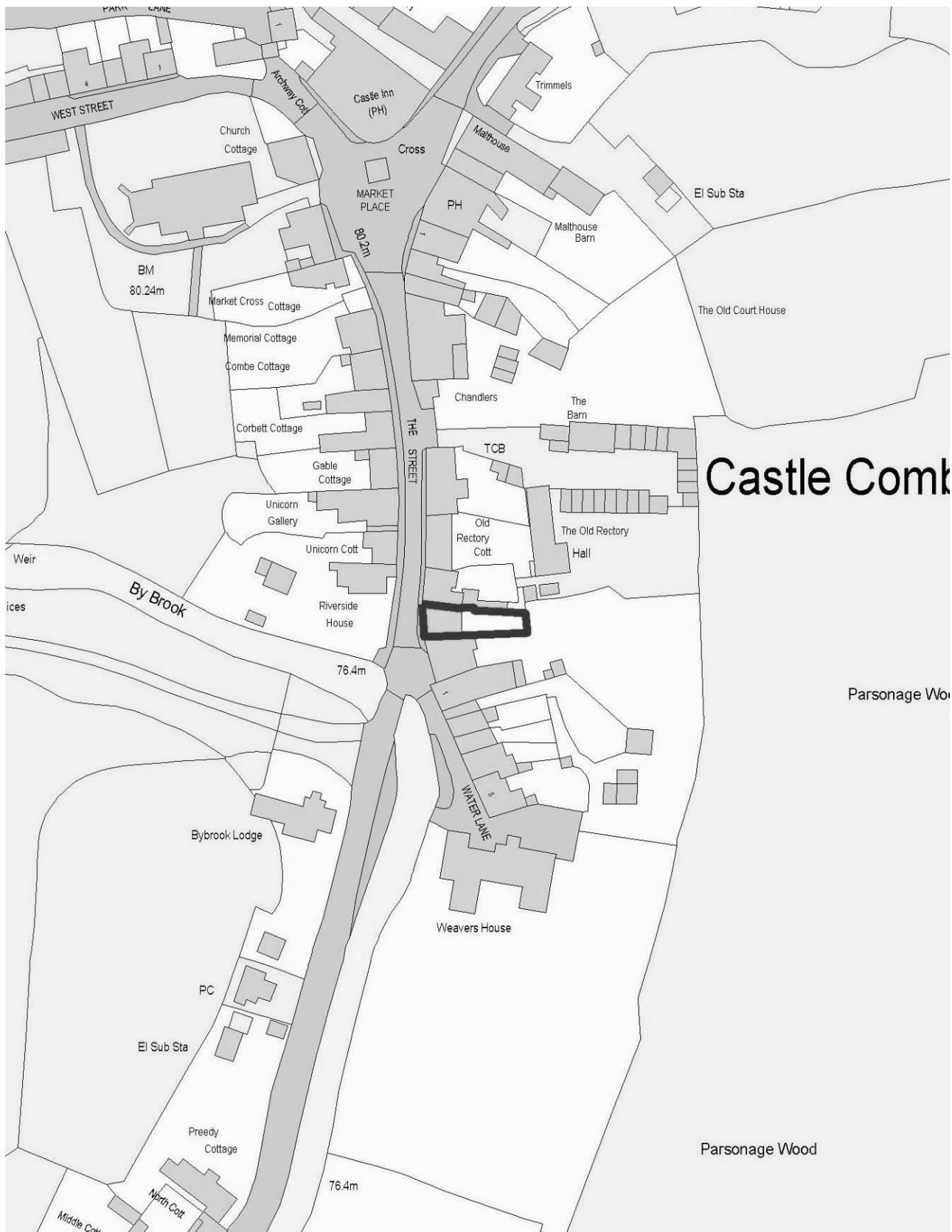
1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to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

Site location plan date stamped 11th March 2009 and floor plans date stamped 26th February 2009.

2. This permission does not include Listed Building Consent which is required for any demolition, partial demolition, alteration (including internal works) or extension (including the addition of signs of all types) which would affect the character of the listed building in any way and works should not commence until such Consent is obtained. Failure to do so is an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency dated 17th April 2009.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 2.25; 4.02; 4.03; 4.04; 4.07



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6

Date of Meeting	8 th April 2009		
Application Number	N.09/00536/FUL		
Site Address	Stable Yard, Dauntsey Park, Dauntsey		
Proposal	Construction of New Boundary wall		
Applicant	Mrs Bailey		
Town/Parish Council	Dauntsey		
Electoral Division	Brinkworth	Unitary Member	Councillor Toby Sturgis
Grid Ref	398031 182545		
Type of application	Full		
Case Officer	Judy Enticknap	01249 706660	Judy.Enticknap @wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee at the request of the former ward member in order to assess the effect on the setting of the listed buildings.

1. Purpose of Report

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

2. Main Issues

The stable yard buildings are within the curtilage of the Grade II* listed Dauntsey House, and consequently are considered to be curtilage listed Grade II*. The key points to consider are as follows:

- Effect on the setting of the curtilage listed buildings
- Effect on access, especially for emergency vehicles.
- Layout of development and effect upon residential amenity

3. Site Description and Proposal

Dauntsey Stables form a U-shaped development with historic buildings on the north, west and east sides of the service yard area, with a historic opening in the north west corner giving access to the grounds of Dauntsey House,. There is an arched vehicular opening through the development on the north side of the yard and until approximately 10 years ago there was an attached range of stable buildings extending this range eastwards. Attached to the south east corner of the south range there is a historic brick wall; this extends northwards approximately half way across the yard and then turns at 90° before continuing eastwards.

All but one of the historic buildings has been converted to residential use in a scheme which was approved in 1988 (the remaining building is still used as stables). This residential scheme also provided for the development of two new dwellings and some garaging. One dwelling and attached garaging was to replace the stables attached to the north range, and the other dwelling was to form the east side of the yard area; the only vehicular access into this scheme was to be through the covered archway in the north range. In 2004 an application was submitted for an alternative proposal for the new development outlined above. This scheme was approved and implemented last year and comprised a new dwelling in-line with, but

separated from, the north range; and another dwelling parallel to this but further to the north of the site. Car parking and storage was provided in an open-fronted lean-to which is attached to the historic east wall. The application also provided for a new wall to enclose the open east side of the yard, which would extend from the south-east corner of the existing building (north range) to the new lean-to range. There was a condition which required all walls to be completed prior to the first occupation of the new development. The applicants subsequently applied for a variation of the condition, by omission of this wall. The current application is for the erection of a wall essentially as previously proposed, except there would be a c1m gap (in which there would be a timber pedestrian gate supported on posts) between the end of the wall and the open fronted range. The wall would be 750mm high, constructed in brick with a stone coping.

4. Relevant Planning History		
Application Number	Proposal	Decision
88/01047/FUL	Conversion of existing stables and outbuildings to residential and erection of 2 new dwellings.	Approved
88/01159/LBC		
04/02400.FUL	Erection of Two Dwellings, Garage range and Boundary Walls	Approved
04/02401.LBC	Following Demolition of Stables	Approved
07.03123.S73A	Variation of Condition 3.1 in respect of 04/02400/FUL Omission of Proposed Wall Between Car Ports and Unit 2	

6. Consultations

The Parish Council objects on the following grounds:

- Will restrict access for emergency vehicles
- Will change the open character and historic setting of stable yard
- Will isolate Unit 2 from the rest of the community.

7. Publicity

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

4 letters of objection have been received

Summary of key relevant points raised:

- Difficult to get horses out of the yard in case of fire; or for emergency vehicles to gain access to the yard
- Proposal doesn't comply with PPG15 as it does not preserve the historic environment of the curtilage of a Grade 1 church and Grade II* house. The original application was poorly researched in this respect. The yard has been open at this end since at least 1852
- Unit 2 will have no access to the yard with which it relates; and the wall will make the yard like a prison exercise yard.
- Will restrict access for emergency vehicles and there would be no vehicular access to the yard area.
- The application may not be legal as the notifications are incorrect (nb this has been brought to the attention of the agent); and also rights of access to and within the yard will be affected.

8. Planning Considerations

The 1988 application established the principle of closing up this side of the yard, and this principle was applied when approval was granted for the boundary wall in relation to the 2004 application. The effect of the proposal on the setting of the Grade II* curtilage-listed buildings was a material consideration in both these cases, with the associated listed building applications being referred to English Heritage and the Secretary of State. In determining these applications, it was not considered that the harm to the listed buildings or their settings was sufficient to justify refusal of the applications. Given this planning history, it would be unreasonable to refuse planning permission for the current application.

This proposal would not be materially different from the 1988 application in respect of emergency access, and correspondence on the file implies that the fire officer was happy with the approved scheme. The

informal view of Building Control officers is that the construction of the wall would not compromise emergency access to the stable yard.

9. Recommendation:

Planning Permission be GRANTED for the following reason:

The proposal would not harm the setting of the curtilage listed buildings or the residential amenity of the neighbouring properties. The application proposal complies with policies C3 and HE4 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.

2. No development shall commence on site until details of the brick type and stone coping to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. The external brickwork for the development hereby permitted shall be constructed to match that of the existing building in terms of its colour, texture, face bond, size, jointing and pointing.

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

Informatives

1. 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.

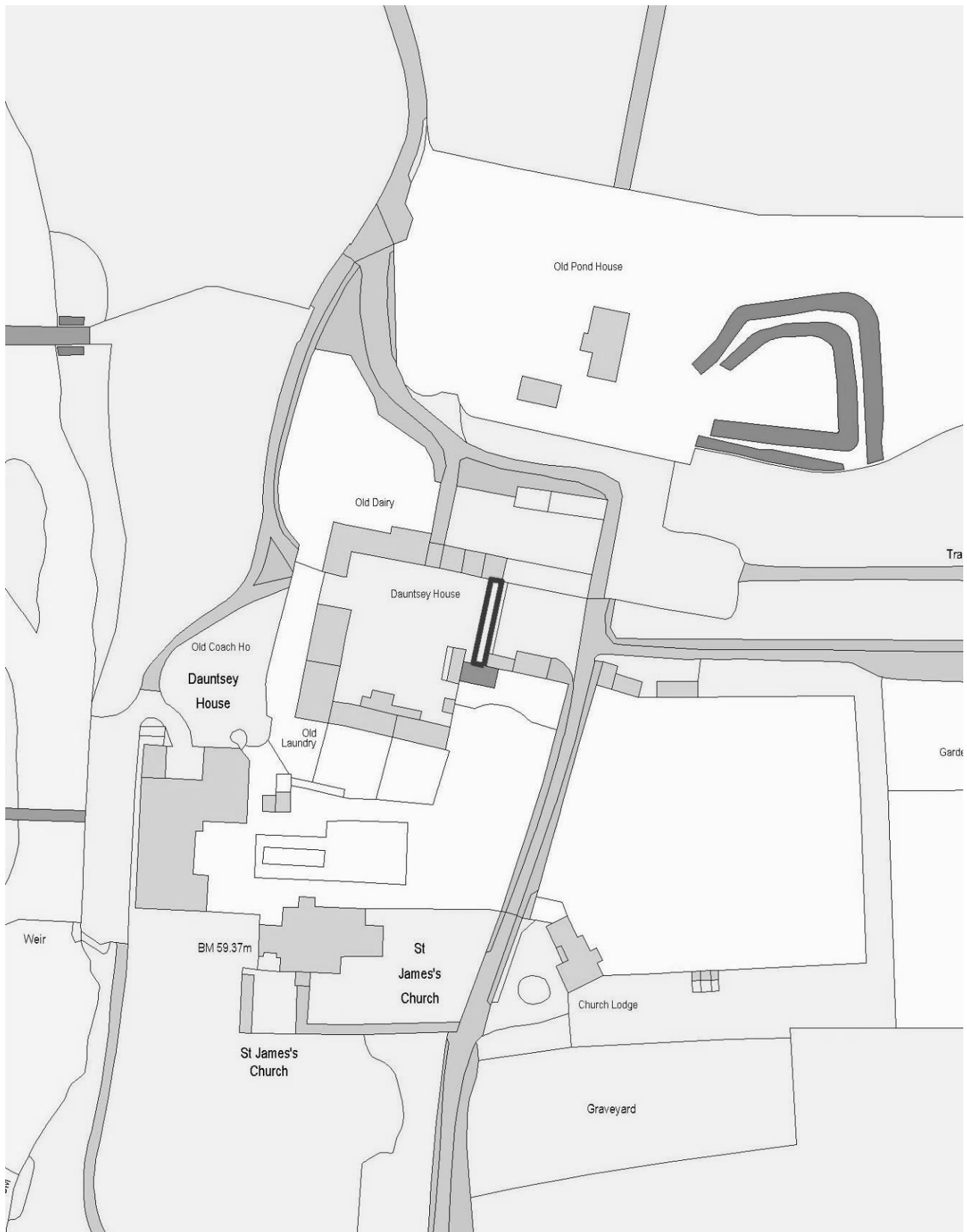
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

2. 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 References

594/1, A4 site plan - received on 27.3.2009.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 4.02; 5.01; 6.03



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 7

Date of Meeting	1 st July 2009		
Application Number	09/00543/S73A and 09/00544/LBC		
Site Address	12, Pound Pill, Corsham		
Proposal	Retention of single storey extension as constructed		
Applicant	Mr D. Clenaghan		
Town/Parish Council	Corsham		
Electoral Division	Corsham Town	Unitary Member	Councillor Peter Davis
Grid Ref	387399 169793		
Type of application	Planning (S73A) and Listed Building Consent		
Case Officer	Sarah Gostling	01249 706664	sarah.gostling@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Peter Davis has requested that the planning application be called to Committee to consider the merits of the proposal. The listed building consent application has been brought to committee at the discretion of the Area Development Manager.

1. Purpose of Report

To consider the above applications and to recommend that planning permission and listed building consent be REFUSED.

2. Main Issues

The application is for the retention, at its present size, of a single storey extension to the rear of the premises. The key points to consider are as follows:

- Effect upon the architectural and historic interest of the listed building.
- Implications of DC Core Policies C3, HE4 and H8.

3. Site Description

No.12 lies on the east side of Pound Pill, built of rubble stone under a Bridgewater tile roof . Formerly a free-standing pair of small cottages, gable end on to the road, a generous two and part single-storey extension, granted in 1991, now runs in front of and forms a stop to another pair of cottages, 10 & 11 Pound Pill. On the eastern end of this addition a further single storey extension has been added, which is the subject of the current applications. The substantial landholding formerly attached to the property has now been split into two with a second dwelling being created from a modern outbuilding on the site.

4. Relevant Planning History		
Application Number	Proposal	Decision
91.1180 LB	Demolition of lean-tos and replacement floor	Granted
91.1444 F	Extension and alterations to dwelling	Granted
91.1445 LB	Extension and alterations to dwelling	Granted
00.2221 FUL	Proposed conservatory	Granted
00.2878 LBC	Alterations and extensions	Granted

5. Proposal

In 2000 applications were received seeking consent to erect a single-storey extension to the rear of the previous addition. Permission and consent were granted for an extension of stone under a natural slate roof measuring 4.25m in depth by 4.1m wide (4.75m into the recess of the boundary wall). Following investigation by the Council's Enforcement team of other issues at the premises it became apparent that the extension had been constructed considerably larger than was permitted. The constructed dimensions are 6.4m in depth by 4.25m wide and, whilst two walls are in stone the third is exposed, unfinished breezeblock. Permission is sought to retain the extension as constructed.

6. Consultations

Corsham Town Council support the application.

7. Publicity

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

Two letters of support were received

Summary of key relevant points raised:

- No purpose served by demolition.
- Building has no impact on light, privacy or outlook of adjoining dwellings and is aesthetically inoffensive.

8. Planning and Listed Building Considerations

The building originally housed two small dwellings, with the front of the property running perpendicular to the road. In 1991 consents were given, to the previous owner, for a two-storey side extension running back from the road, which amounted to an increase in volume of nearly 70%. The building was to continue as two properties with the front garden subdivided.

In 2000 applications were received seeking consent to erect a single-storey extension to the rear of the previous addition. At this time it became evident that the building was being occupied as a single dwelling (which would not, of itself, have required planning permission). The reason given for the further extension was that a larger kitchen area was required to facilitate the use of the ground floor for the care of a disabled relative.

Government advice contained in PPG 15 makes clear that many listed buildings can sustain some degree of sensitive alteration or extension but that successive alterations can cumulatively be very destructive of a building's special interest. The advice is clear that modern extensions should not dominate the existing building and that scale and details should be sensitively handled.

The applications had been the subject of pre-application advice whereby the scheme was amended to reduce its size in order to avoid overwhelming the original pair of cottages. The size permitted was the maximum which was considered appropriate, taking into account the government advice referred to above.

The extension as constructed has a stretched appearance, very much out of scale and proportion with the original cottages and the earlier extension. It is considered that this has an unacceptable impact upon the architectural and historic interest of the listed building.

The windows installed on the east end are of unequal widths, with pairs much wider than those of the original cottage or the earlier extension, which had windows to match the originals. This gives a clumsy appearance detrimental to the character of the building. In addition the north wall is constructed of breezeblocks, left unfinished, which is an entirely inappropriate material for a listed building.

It would appear that the extension was constructed more than four years ago and in these circumstances it would be immune from planning enforcement action. Nevertheless it is considered that any decision should still be made in accordance with the relevant policies and guidance.

It would still be possible however to take enforcement action under listed building legislation.

9. Conclusion

The size and details of the extension as constructed are detrimental to the architectural and historic interest of the listed building. It is strongly recommended that permission and listed building consent should be refused in order that steps may be taken to restore the building to its permitted dimensions and design.

10. Recommendation

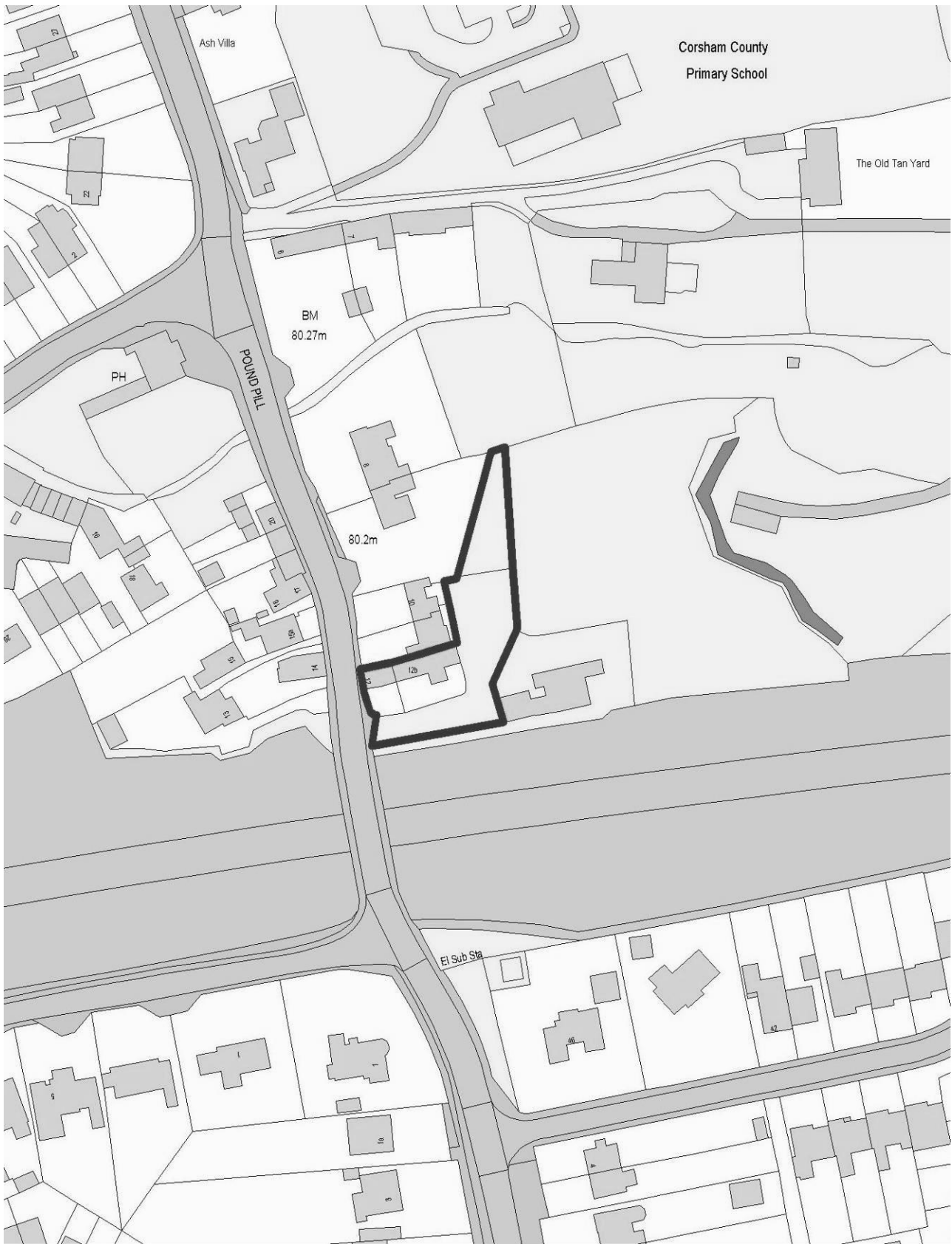
Planning Permission be REFUSED for the following reason:

The extension as constructed, by reason of its size, design details and inappropriate material is highly detrimental to the architectural and historic interest of the listed building contrary to S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, guidance in PPG 15 and policies C3, HE4 and H8 of the North Wiltshire Local Plan 2011.

Listed Building Consent be REFUSED for the following reason:

The extension as constructed, by reason of its size, design details and inappropriate material is highly detrimental to the architectural and historic interest of the listed building contrary to S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance in PPG 15.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 4.02, 4.04, 5.01, 6.01, 6.03.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 8

Date of Meeting	1 st July 2009		
Application Number	09/00543/S73A and 09/00544/LBC		
Site Address	12, Pound Pill, Corsham		
Proposal	Retention of single storey extension as constructed		
Applicant	Mr D. Clenaghan		
Town/Parish Council	Corsham		
Electoral Division	Corsham Town	Unitary Member	Councillor Peter Davis
Grid Ref	387399 169793		
Type of application	Planning (S73A) and Listed Building Consent		
Case Officer	Sarah Gostling	01249 706664	sarah.gostling@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Peter Davis has requested that the planning application be called to Committee to consider the merits of the proposal. The listed building consent application has been brought to committee at the discretion of the Area Development Manager.

1. Purpose of Report

To consider the above applications and to recommend that planning permission and listed building consent be REFUSED.

2. Main Issues

The application is for the retention, at its present size, of a single storey extension to the rear of the premises. The key points to consider are as follows:

- Effect upon the architectural and historic interest of the listed building.
- Implications of DC Core Policies C3, HE4 and H8.

3. Site Description

No.12 lies on the east side of Pound Pill, built of rubble stone under a Bridgewater tile roof . Formerly a free-standing pair of small cottages, gable end on to the road, a generous two and part single-storey extension, granted in 1991, now runs in front of and forms a stop to another pair of cottages, 10 & 11 Pound Pill. On the eastern end of this addition a further single storey extension has been added, which is the subject of the current applications. The substantial landholding formerly attached to the property has now been split into two with a second dwelling being created from a modern outbuilding on the site.

4. Relevant Planning History		
Application Number	Proposal	Decision
91.1180 LB	Demolition of lean-tos and replacement floor	Granted
91.1444 F	Extension and alterations to dwelling	Granted
91.1445 LB	Extension and alterations to dwelling	Granted
00.2221 FUL	Proposed conservatory	Granted
00.2878 LBC	Alterations and extensions	Granted

5. Proposal

In 2000 applications were received seeking consent to erect a single-storey extension to the rear of the previous addition. Permission and consent were granted for an extension of stone under a natural slate roof measuring 4.25m in depth by 4.1m wide (4.75m into the recess of the boundary wall). Following investigation by the Council's Enforcement team of other issues at the premises it became apparent that the extension had been constructed considerably larger than was permitted. The constructed dimensions are 6.4m in depth by 4.25m wide and, whilst two walls are in stone the third is exposed, unfinished breezeblock. Permission is sought to retain the extension as constructed.

6. Consultations

Corsham Town Council support the application.

7. Publicity

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

Two letters of support were received

Summary of key relevant points raised:

- No purpose served by demolition.
- Building has no impact on light, privacy or outlook of adjoining dwellings and is aesthetically inoffensive.

8. Planning and Listed Building Considerations

The building originally housed two small dwellings, with the front of the property running perpendicular to the road. In 1991 consents were given, to the previous owner, for a two-storey side extension running back from the road, which amounted to an increase in volume of nearly 70%. The building was to continue as two properties with the front garden subdivided.

In 2000 applications were received seeking consent to erect a single-storey extension to the rear of the previous addition. At this time it became evident that the building was being occupied as a single dwelling (which would not, of itself, have required planning permission). The reason given for the further extension was that a larger kitchen area was required to facilitate the use of the ground floor for the care of a disabled relative.

Government advice contained in PPG 15 makes clear that many listed buildings can sustain some degree of sensitive alteration or extension but that successive alterations can cumulatively be very destructive of a building's special interest. The advice is clear that modern extensions should not dominate the existing building and that scale and details should be sensitively handled.

The applications had been the subject of pre-application advice whereby the scheme was amended to reduce its size in order to avoid overwhelming the original pair of cottages. The size permitted was the maximum which was considered appropriate, taking into account the government advice referred to above.

The extension as constructed has a stretched appearance, very much out of scale and proportion with the original cottages and the earlier extension. It is considered that this has an unacceptable impact upon the architectural and historic interest of the listed building.

The windows installed on the east end are of unequal widths, with pairs much wider than those of the original cottage or the earlier extension, which had windows to match the originals. This gives a clumsy appearance detrimental to the character of the building. In addition the north wall is constructed of breezeblocks, left unfinished, which is an entirely inappropriate material for a listed building.

It would appear that the extension was constructed more than four years ago and in these circumstances it would be immune from planning enforcement action. Nevertheless it is considered that any decision should still be made in accordance with the relevant policies and guidance.

It would still be possible however to take enforcement action under listed building legislation.

9. Conclusion

The size and details of the extension as constructed are detrimental to the architectural and historic interest of the listed building. It is strongly recommended that permission and listed building consent should be refused in order that steps may be taken to restore the building to its permitted dimensions and design.

10. Recommendation

Planning Permission be REFUSED for the following reason:

The extension as constructed, by reason of its size, design details and inappropriate material is highly detrimental to the architectural and historic interest of the listed building contrary to S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, guidance in PPG 15 and policies C3, HE4 and H8 of the North Wiltshire Local Plan 2011.

Listed Building Consent be REFUSED for the following reason:

The extension as constructed, by reason of its size, design details and inappropriate material is highly detrimental to the architectural and historic interest of the listed building contrary to S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance in PPG 15.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 4.02, 4.04, 5.01, 6.01, 6.03.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 9

Date of Meeting	1 st July 2009		
Application Number	09/00765/FUL		
Site Address	Avils Farmhouse, Lower Stanton St Quintin		
Proposal	Extension to farmhouse and alteration to dormer window.		
Applicant	Mr Peter Boggis		
Town/Parish Council	Stanton St Quintin		
Electoral Division	Kington	Unitary Member	Councillor Greenman
Grid Ref	393354 181219		
Type of application	Full		
Case Officer	Caroline Ridgwell	01249 706639	caroline.ridgwell@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because Councillor Greenman has requested that the application be considered by committee with particular regard to the conservation issues.

1. Purpose of Report

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

2. Main Issues

The building is Listed Grade II and it is situated at the end of a long lane some distance from the village of Lower Stanton St Quintin and is adjacent to a complex of agricultural and stable buildings, including a listed barn. The proposal is to replace the existing small link between the house and stable block with a larger link which will become the kitchen. The modern box dormer window on the south elevation will be replaced with a smaller dormer window that is traditionally detailed and the modern boiler house on the west elevation will be removed. In creating the extension and alterations to the ground floor several windows will be enlarged to form doors and new openings made, resulting in the loss of historic fabric and giving little usable space in several ground floor rooms, including the kitchen and study. Reconstituted stone tiles are proposed for the roof of the new extension.

The key points to consider are as follows:

- Impact on the listed building
- Implications on DC Core Policy C3 and HE4

3. Site Description

Avils Farmhouse is a Grade II listed house dating from the early to mid C18, with subsequent alterations and additions. It is situated near a collection of cottages at the end of a lane beyond the village and close to a listed barn that is part of the Avils Farm complex.

4. Relevant Planning History		
Application number	Proposal	Decision
08/00171/FUL	Alterations associated with conversion of outbuildings to gymnasium	Permitted
08/00172/LBC	Internal and external alterations associated with conversion of outbuildings to gymnasium	Permitted

5. Proposal

The proposal is to broaden the width of the link between the house and outbuildings so that a large kitchen can be created, linking through to a utility room and cloakroom. Also included in this application is the removal of a modern box dormer on the front (south) elevation and its replacement with a traditionally detailed hipped dormer.

The existing link is via the dining/study and the conservatory, both of which are not original parts of the building. The conservatory will be slightly reduced in size and the link area will extend across the east elevation of the house, giving a large 'L' shaped room with six doors into it.

The roof material for the existing house and attached outbuildings/former stables is natural stone tiles. The proposed roof material for the new extension is reconstituted stone tiles. Alterations will be made to the size and number of openings in the original east elevation of the house to create a variety of routes through the rooms.

6. Consultations

Stanton St Quintin Parish Council has no objection.

7. Publicity

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

No letters of objection/support received.

8. Planning Considerations

Impact on the listed building

The proposed alterations to the dormer window and removal of a small boiler house on the west elevation would enhance the character and appearance of the listed building and are supported.

The proposed extension whilst not removing as much of the existing conservatory as discussed in pre-application negotiations, is of an acceptable scale and detail and is supported.

Issues relating to the Listed Building Consent only

The increase in size and quantity of openings in the east elevation would result in an unnecessary loss of historic fabric, as well as losing the historic proportion and function of rooms and spaces. This would be harmful to the architectural and historic integrity of the listed building. In addition, the use of man-made roof tiles on the new extension will have a detrimental impact on the character and appearance of the listed building.

Implications on DC Core Policy C3 and H4

The detrimental impact of the new roof material and loss of historic fabric on the character and appearance of the listed building and its setting means that the proposals are contrary to policies C3 and HE4 of the North Wiltshire Local Plan 2011.

9. Recommendation:

Planning Permission be REFUSED for the following reason:

1. The existing link between the house and outbuildings has been made from the non-original extension that is the study/dining room so apart from a small window to serve a ground floor cloakroom, there has been no alteration to the openings on the ground floor east elevation. These proposals would require both windows on the ground floor east elevation to be enlarged to form doors, one of which would also be widened. The entire building is currently roofed with natural stone tiles and some outbuildings in the curtilage of the house have recently been re-covered with clay Double Roman tiles. The combination of loss of historic fabric through alterations to openings in the original house and the use of synthetic roof materials would be detrimental to the character, appearance and setting of the listed building and visual amenity. These proposals would be contrary to advice contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Guidance Note (PPG) 15 and to policies C3 and HE4 of the North Wiltshire Local Plan 2011.

Informative

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

Drawing No. 31:10:1 rev D
Drawing No. 31:10:3 rev D
Drawing No. 31:10:4 rev D
Drawing No. 31:10:5 rev /
Drawing No. 31:10:6 rev /
Drawing No. 31:10:7 rev /
Drawing No. 31:10:8 rev /
Drawing No. 31:10:9 rev /
Drawing No. 31:10:10 rev /

All received by the local planning authority 30.4.09

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 4.02; 6.03 (PPG15)

