

# **INDEX OF APPLICATIONS ON 14/10/2009**

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
01	09/01355/FUL	Former Calne Service Station, London Road, Calne, Wiltshire, SN11 0AQ	Demolition of Former Calne Service Station, Proposed Residential Development Comprising 9 Dwellings and Associated Access	Permission
02	09/00598/FUL	Derry Brook Farm, (Formally Part of Gryphon Lodge Farm), Braydon Road, Leigh, Wiltshire, SN6 6RQ	Temporary Agricultural Workers Dwelling and General Purposed Agricultural Building Including New Access and Yard	Permission
03	09/00243/FUL	Land Adjacent Fiddle Farmhouse, The Fiddle, Cricklade, Wiltshire, SN6 6HN	Construction of 13 Social Housing Units with Parking; Gardens and Access Road	Delegated to Area Development Manager
04	09/01477/FUL	Glenville Nurseries, Marlborough Road, Swindon, Wiltshire, SN4 7SA	Change Of Use of Land For 7 Mobile Homes for British Romany Gypsy Families and Associated Development, Including 7 Touring Caravans and 7 Utility Day Rooms	Permission
05	09/01538/FUL	Unit 1 Common Farm, Quemerford, Calne, Wiltshire, SN11 8UB	Change of Use of Outbuilding to a Residential Unit (Including Some Reconstruction) (C3 Use) & Erection of a Detached Garage (Revision of 09/00783/FUL).	Refusal

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(1)

Date of Meeting	14 October 2009		
Application Number	09/001355/FUL		
Site Address	Former Calne Service Station, London Road, Calne		
Proposal	Demolition of former Calne Service Station and proposed residential development comprising 9 units and associated access		
Applicant	Comparo Ltd		
Town/Parish Council	Calne		
Electoral Division	Calne South and Cherhill	Unitary Member	Alan Hill
Grid Ref	400112 170294		
Type of application	FULL		
Case Officer	Tracy Smith	01249 706642	tracysmith@wiltshire.gov.uk

## Reason for the application being considered by Committee

The application is submitted to Committee for decision at the request of Cllr Alan Hill in order to consider density, overlooking and highways issues.

The application was DEFERRED at Committee on 23 September 2009 for the applicant to explore alternative access and to invite the Highways Officer to any subsequent meeting.

The applicant has confirmed that the access to the scheme cannot be amended. In order to meet highways requirements for parking provision and turning, access needs to be at the deepest point of the site. Alterations to this would result in the loss of a dwelling which would undermine the viability of the site. Clarification has been provided regarding access and highways with more detailed drawings provided together with information on bin collection.

## 1. Purpose of Report

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

## 2. Main Issues

The main issues in considering the redevelopment of this site for residential development are:

- principle of development
- scale, density and character and appearance of the area
- residential privacy and amenity
- highways impact
- open space requirements

### 3. Site Description

The application site comprises 0.11ha and contains a former and now derelict service station on the western side of London Road. The application site is located within a residential area with two commercial properties to the immediate north.

Residential dwellings in the vicinity, along London Road comprise two and two and a half storey dwellings in terraced form. Immediately opposite the site is a terrace of some 22 dwellings. To the north is a three storey property with single storey lean to which contains shops at ground floor. Windows in the side elevation of the shop at first and second floor provide a second window to the lounge (first floor) and bathroom window.

To the north of that the terrace extends to some 19 properties.

Newly constructed dwellings at Woodland View, which front onto London Road, comprise two and a half storey dwellings in terrace and semi-detached form.

### 4. Relevant Planning History

The following is of relevance to this application.

Application Number	Proposal	Decision
09/00780FUL	Demolition of Former Calne Service Station; Proposed Residential Development Comprising Nine Dwellings and Associated Access	Withdrawn

### 5. Proposal

The application is seeking permission for the redevelopment of the former garage site for residential development comprising 9 units comprised of 5 three bedroom properties and 4 two bedroom properties (two dwellings, one apartment and one maisonette) in the form of a terrace.

The units are predominantly two and a half storeys in height (7 total) with two being two storey dwellings (Plots 8 and 9).

A parking courtyard is to be provided with a total of 18 spaces. It is proposed to be accessed at ground floor level beneath Plot 1 and adjacent to the existing shop.

The drive will be 2.5 metres in width and provide a path on one side and an elevated area to store bins off street and set back from the highway. Bins can be stored in the rear gardens of all but two of the properties.

The dwellings are proposed to be constructed of reconstructed stone and tiles with windows having stone cills and headers.

The previous application which was withdrawn proposed 7 three bedroom properties and 2 two bedroom properties with a parking area which ran to the rear of seven of the properties and which was more centrally located. The scheme comprised a mix of two and two and a half storey dwellings.

Following the withdrawal of the previous application, the case officer and highways officer have been in discussions to seek appropriate amendments to the scheme. The current proposal reflects the discussions thus far.

## **6. Consultations**

**Calne Town Council** – object on grounds of C3 i) v) and vii).

**Highways Officer** – no objections subject to conditions

**Environmental Health** – no objections subject to conditions.

## **7. Publicity**

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

11 objections have been received on the following grounds:

- Scale/density of development
- Highway and pedestrian safety
- Noise and security issues due to location of car park
- Potential damage to existing fence through removal of outbuildings

Objections have been received from the CPRE on the following grounds:

- Failure to meet sustainable codes for dwellings
- Provision of two parking spaces per dwelling
- No need for further housing sites
- 

## **8. Planning Considerations**

### **Principle of development**

The application site is located within the framework boundary of Calne and is not located within a conservation area.

Accordingly, the principle of development is acceptable in accordance with Policy H3 and subject to other relevant policies and their relevant criteria being satisfied, namely Policy C3.

It is important to note in considering this application the existing commercial use which could be recommenced at any time and which also has two points of accesses onto London Road.

### **Character and appearance of the area**

As mentioned above the area is heavily characterised by two and two and a half storey dwellings fronting London Road. The proposed development is entirely consistent with the built form on London Road. The proposed development makes the most efficient use of land and is denser. However, it is no denser than many of the other terraces in the vicinity some of which also have relatively small rear gardens.

The proposed development is in keeping with the character and appearance of the area and accords with Policy C3 i).

Furthermore, the proposed development will improve the character and appearance of the area given its current conditions.

### **Privacy and amenity of adjacent residential properties**

The proposed dwellings are sited some 23 metres from dwellings immediately opposite. This distance which is in excess of the generally regarded 21 metres is considered to be acceptable

given that it is the distance between frontages and is evidently replicated elsewhere along London Road.

In respect of properties to the rear, these are modern estate properties on Azalea Close and comprise two storey dwellings. These also occupy a slightly elevated position from the application site. The distance between the existing dwellings and the proposed is 33 metres. This is considered to be wholly acceptable having regard to privacy and would not result in the development having any overbearing impact.

Objections have also been received on the grounds of potential damage to a rear fence in current poor condition and being supported by building proposed to be demolished. This is not a material planning consideration. However, details of boundary treatments will be controlled via conditions in order to ensure appropriate boundaries are secured around the site.

Objections have also been raised in respect of noise and security from the parking area and proposed between some of the proposed dwellings and the rear of properties on Azalea Close. The area will be screened via fencing and will be set at a lower level than the adjacent properties. This issue must be considered in the context of the existing commercial use. Furthermore, it is noted that all properties fronting London Road have rear vehicular access to their properties. Such accesses are between the rears of properties.

Accordingly, it is considered that the parking of vehicles in this location would not be significantly detrimental to the residential amenities of existing or proposed properties.

## **Highway Issues**

The proposal provides 18 off street car parking spaces to be accessed underneath Plot 1 which is a two and a half storey two bedroom apartment. The scheme provides two parking spaces per unit which accords with the adopted standards.

The proposed access to the parking area is in a similar position to the existing access and this is a material consideration.

Along this stretch of frontage are double yellow lines prevent on street parking. It is noted that there are two parking spaces outside of the shops and on street parking opposite the site.

Plots 1 and 2 have been set back from the edge of the pavement to enable visibility of both pedestrians and vehicles. Further details of the access have been provided and show an access 2.5 metres in width with a path on one side and elevated bin store area on the other.

The Highways Officer as mentioned above, has been involved in pre-application discussions and recent discussions regarding bin storage in respect of this scheme and thus raises no objections.

## **Open Space Requirements**

In accordance with Policy CF3 and the Council's Open Space Study the proposed development is required to make an off-site contribution towards the ongoing management of open spaces in the vicinity. The contribution is secured via a legal agreement which has now been completed.

## **Other matters**

The CPRE objection has raised the issue of the sustainability credentials of the homes. The planning process cannot explicitly require homes to exceed sustainability codes nor can developments be reasonably refused where minimum standards are achieved.

Sustainability codes are controlled under Building Regulations and minimum Government standards are applied as part of that process and separate from the planning process.

In terms of housing need, the strategic requirement set for the former North Wiltshire Area outside of Chippenham and west of Swindon is some 5,200 dwellings. The application site will play an important role in the delivery of this strategic requirement and contributes towards achieving development on brownfield sites reducing the need for development on greenfield sites.

## **9. Conclusion**

The proposed development by reason of its scale, design and siting is considered to be in keeping with the character and appearance of the area and would not result in any detrimental impact on the privacy and amenity of existing and proposed residents or highway safety.

## **10. Recommendation**

Planning Permission be APPROVED subject to the following conditions and for the following reason:

The proposed development by reason of its scale, design and siting is considered to be in keeping with the character and appearance of the area and would not result in any detrimental impact on the privacy and amenity of existing and proposed residents or highway safety. Accordingly, the proposed development complies with Policies H3 and C3 of the adopted North Wiltshire Local Plan 2011.

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 until details of the following matters (in respect of which approval is expressly reserved) have been 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;

Reason: In the interests of amenity

### **POLICY –C3**

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

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

### **POLICY-C3**

4. Any windows are made so as to open away from the adjacent footway.

Reason: In the interests of the safety of the users of the adjacent highway (footway).

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

Reason: In the interests of highway safety.

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

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

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to

remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: In the interests of amenity and satisfactory layout.



**Informatives:**

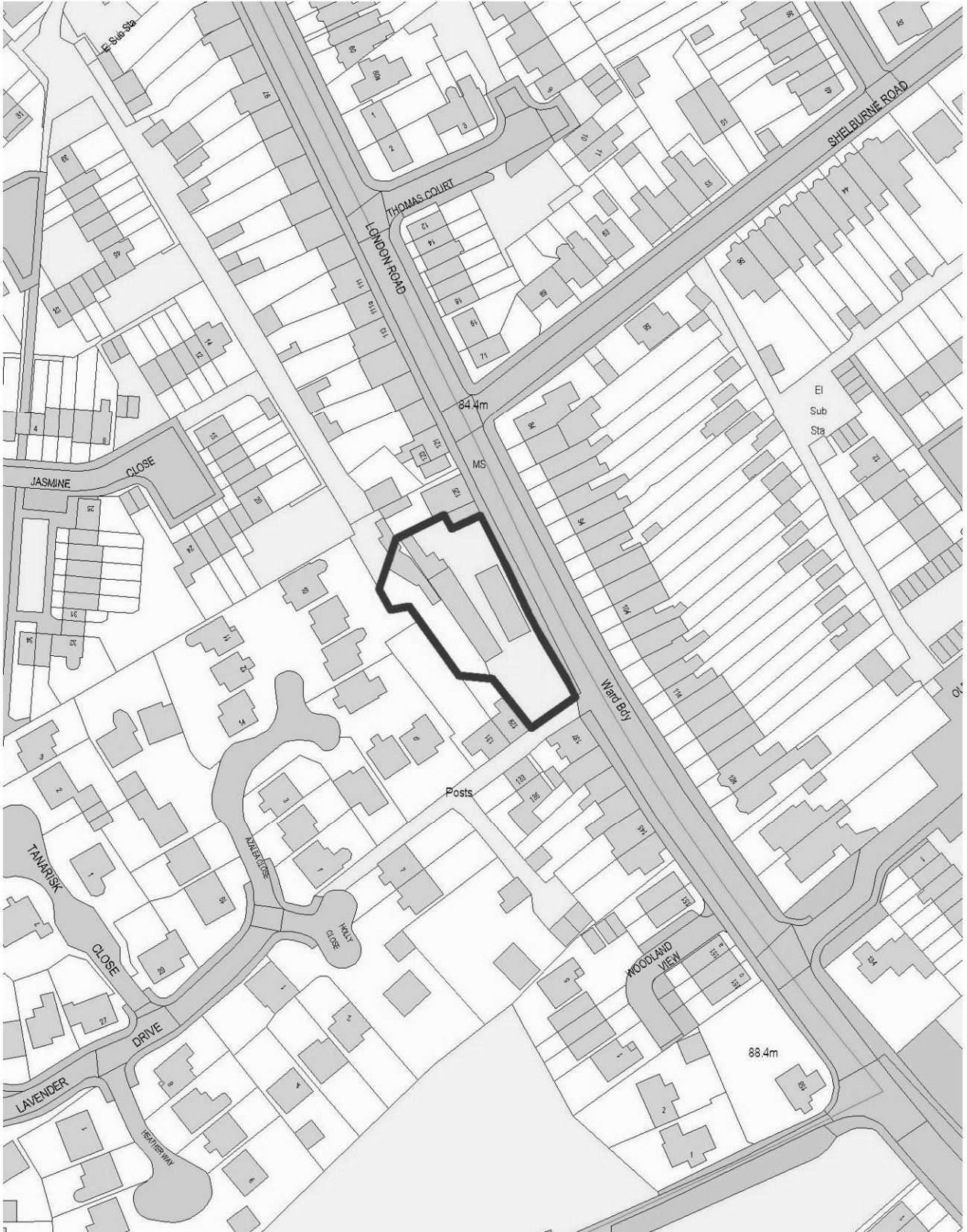
1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to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

**Plan References**

Topographical survey, 01A, 1B, 02A, 03A date stamped 29 July 2009, ground floor plan and elevation plan Plot 1 and 01C received on 28 September 2009.

2. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990, dated 23 September 2009.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 2.24; 3.03; 4.03; 4.03; 4.04; 4.06; 5.01</b>



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(2)

Date of Meeting	14 October 2009		
Application Number	09/00598/FUL		
Site Address	Derry Brook Farm (formerly part of Gryphon Lodge Farm), Braydon Road, Leigh		
Proposal	Temporary agricultural workers dwelling with general purpose agricultural building including new access and yard		
Applicant	Miss Gainey and Mr Gillham		
Town/Parish Council	Leigh		
Electoral Division	Minety	Unitary Member	Councillor Carole Soden
Grid Ref	404168 190432		
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 at the request of Cllr Carole Soden to consider the performance figures in the submission.

The application was deferred at Committee on 23 September to request the applicant submit further information in respect of livestock and build costs. This information has been submitted and is being considered and findings will be reported as late observations.

## 1. Purpose of Report

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

## 2. Main Issues

The application is for a temporary agricultural workers dwelling with associated general purpose building and new access and yard. The main points to consider are:

- Implications for Policies C3, H4 and NE15 of the Local Plan and Planning Policy Statement 7.
- The functional need and financial tests
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety

## 3. Site Description

The application site lies in the open countryside immediately west (approximately 200 metres) of Gryphon Lodge Farm and north of the railway line.

The application site forms part of the 21.44 ha holding at this location

A mobile home is already located on the site.

The dwelling and associated development will be sited on different parts of the site but within close proximity of each other.

The site is located within the designated Braydon Forest (Policy NE12).

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

There is no history of relevance to the application site.

#### **5. Proposal**

The proposal is for a temporary agricultural workers dwelling (in the form of a mobile home) together with a general purpose agricultural building, new access and yard.

The residential and farming elements are on separate parts of the site but in close proximity.

The agricultural building is to be 6.2 metres high to the ridge and measure approximately 24 metres by 12 metres. It is proposed to be constructed of Yorkshire Boarding with cement sheet roofing and sheeted gates at ground floor level.

The farm has a lamb and beef enterprise. At present there are some 200 ewes and 40 young cattle. The calf rearing is to be undertaken for a local farmer.

The business is proposed to expand to 300 ewes and a cattle enterprise will be developed with some 120 calves to be reared annually.

#### **6. Consultations**

**Leigh Parish Council** – object as follows:

- No accounts show that the holding would be viable
  - No access to the site apart from the small bridleway
  - Application is based on supporting an income on contract farming and rearing someone else's animals
  - The need is questioned given the main holding is in Brinkworth
  - The siting of the mobile home is not in keeping with the surrounding area
- Other buildings are available in the local area.

**Minety Parish Council** – express concern over the access and requirement for new services in this area which would harm a greenfield site. The Council has received complaints about the existing mobile home which is unsightly. The bridleway is used by vehicular traffic contrary to regulations and is a hazard for dog walkers and horse riders.

**Highways Officer** - notes the access track is narrow but serves four dwellings. The main junction has good visibility and this no highway objection is raised.

**Environment Agency** – no objections

**Wessex Water** – comments awaited.

**Thames Water** – comments awaited.

**Environmental Health** - comments awaited.

## **7. Publicity**

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

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

- Out of keeping with the character and appearance of the countryside, visible from the B4040
- Sporadic development/difficult to blend in
- Unsustainable
- Access along a ½ mile track, part of which is a bridleway and unsuitable for normal vehicles
- Poor Council control over mobile homes development in the vicinity
- Loss of privacy and amenity to Gryphon Lodge Farm
- Potential damage to hedgerow and trees
- Lack of energy supply and waste disposal
- Noise and fumes from generators due to lack of power supply
- Ewes not received 24 hour care on applicants father site which is also the subject of a temporary agricultural workers dwelling
- Standard man days and information is in the budget contradict each other
- Building proposed is inadequate for its purpose
- Ecological impact

## **8. Planning Considerations**

### **Principle of development**

Agricultural dwellings in the countryside are supported in Policy H4 of the Local Plan where they meet the functional and financial tests set out in PPS7.

The site is located within the designated Braydon Forest to which Policy Ne12 relates. In this area the creation, conservation, enhancement and positive management of woodlands is supported.

Whilst the site is located within this policy designation is it clearly not woodland.

Other policy considerations are Policy C3 which sets out core development control policies and Policy NE15 which relates to landscape character.

### **Functional and financial need**

The information provided by the applicant in this respect has been considered by the Councils Agricultural Consultant. A copy of his report is on the application file and the website.

In respect of functional need the following is confirmed:

“6.1 The ewes present a functional requirement for close attendance during lambing. The lambing period is proposed to cover four months, December, January, March and April. During lambing ewes may require close attention at very short notice and it is essential for a person to be on site to provide that care. It is noted that to meet the functional test there must be a requirement for close attention at “most times”.

6.2 As indicated above, in addition to the lamb enterprise it is proposed to begin a calf rearing enterprise, comprising some 120 animals per year. It is recognised that young calves

can require close attention at short notice and that a level of mortality is inevitable in the course of the enterprise. The provision of accommodation on the unit would enable close attention to be provided to the animals.

6.3 On balance it is my opinion that the proposed business is likely to meet the functional test, provided it is fully implemented in accordance with the proposals described above.”

In relation to the financial test the consultant confirms the following:

“The applicants have submitted a business plan to accompany the planning application. The business plan sets out the proposed returns from the farming activities. The enterprise gross margins and fixed costs are drawn from nationally published farm management data and indicate that the proposed business (described above) will generate a return to cover the labour requirement of one full time and one part time unit, together with a small profit.”

Further general comments are provided as follows:

“8.1 The proposed business is planned with a calf rearing enterprise as the enterprise that will generate the largest single amount of income from the unit. Calf rearing is notoriously variable and over the years returns have peaked and troughed. At present, calf rearing is relatively profitable, however, the recent history of foot and mouth and BSE has resulted in severe financial hardship for many producers. Aside from the recent problems of the livestock sector, calf rearing has been associated with variable returns over the years.

8.2 Calf rearing is a relatively intensive livestock activity and it is dependent on the availability of suitable buildings. At the time of inspection there were no farm buildings on the site, however, I understand that the applicant plans to erect a building 23m x 12m to accommodate livestock and to provide general purpose storage. Based on the applicant’s own calculations, the building that is proposed is significantly smaller than will be required by the proposed enterprises.

8.3 It is noted that at paragraph 12 of Annex A to PPS7 “significant investment in new farm buildings” is cited as a “good indication of intentions” in the context of implementing a new business proposal. In this case the applicants have indicated that they wish to establish the determination of the planning permission for the dwelling before committing to investment in the proposed farm building.

8.4 Whilst the business proposal indicates the budget for the business at maturity, there is no indication of the cash flow for the period in establishing the business to demonstrate whether the business can be established within the 2-3 year period identified by the applicants.”

The officer wholly accepts the advice of the Council’s consultant. In the event of the application being submitted for a permanent dwelling, the functional and financial tests will be revisited and subject to further scrutiny.

### **Impact on the character and appearance of the area**

The site is located within the open countryside in an area characterised by an existing farmhouse and associated agricultural buildings which range in scale and design. It is understood that Gryphon Lodge Farm is no longer a working farm having been disused for the last few years. Its use could be reprised without the need for planning permission. It was recently sold in various lots with the main house and associated land being in one lot and separate parcels of land including the application site.

The application site is clearly seen within the context of Gryphon Lodge Farm and established grouping of buildings and other dwellings are in the vicinity.

For this reason the development is not out of keeping with its surroundings.

### **Impact on residential amenity**

By reason of the siting of the development and its distance from Gryphon Lodge Farmhouse, the proposed development would not result in the loss of privacy. It is accepted that the access along the bridleway passes the grounds to Gryphon Lodge Farmhouse, however it is also noted that this is a public right of way and the garden serves the front of the property adjacent the access.

There is no doubt that there will be increased activity on the site, however, it is not unreasonable for such activity to be located within such a rural area adjacent an existing but unused farmhouse and agricultural buildings.

The development will not be detrimental to the residential amenity of any nearby properties.

### **Highways Impact**

The development will in the main use the existing access track which serves a number of dwellings and a former working farm. The additional traffic associated with the new business will not be detrimental to highway safety.

It is noted that access to the site will also involve use of the bridleway. The section to be used is minimal and the rights of way officer does not find the proposal objectionable.

## **9. Recommendation:**

Planning Permission be GRANTED for the following reason:

The proposed temporary mobile home satisfies the functional and financial tests of PPS7. Furthermore, the proposed development by reason of its scale, design and siting is considered to be in keeping with the character and appearance of the countryside at this location and would not be detrimental to the privacy and amenities of nearby properties or highway safety. Therefore the proposed development accords with Policies C3, H4 and NE15 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. The occupation of the residential caravan hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification), or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture, or forestry, is not normally permitted and this consent is only granted on the basis of there being demonstrated an essential and overriding need for a new dwelling/residential accommodation in this location.

POLICY: H4 of the North Wiltshire Local Plan 2011.

3. The residential caravan hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition within three years of the date of this permission, in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

REASON: Permission has been granted on a temporary basis to enable the applicant and the Local Planning Authority to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

POLICY: H4 of the North Wiltshire Local Plan 2011.

4. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

5. The development hereby permitted shall be used only for the purposes of agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification).

REASON: To ensure that the development is used only for the purposes of agriculture.

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

6. Should the use of the building and/or structures hereby approved cease within a period of 10 years from the date of this permission, then the building shall be removed and the land shall, within a period of three months from the date of the substantial demolition of the said building, be restored to its condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

REASON: These buildings are only permitted because of the agricultural need of the holding. This condition ensures that the specialist agricultural buildings or structures are removed on cessation of their agricultural purposes in the interests of protecting the rural character of the area.

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

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.

DWG NOS: 2120/02 AND 03 date stamped 2 April 2009



<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20 2.02 2.25 4.02 4.03 4.04 6.02</b>



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(3)

Date of Meeting	14 <sup>th</sup> October 2009		
Application Number	09/00243/FUL		
Site Address	Land adjacent Fiddle Farmhouse, The Fiddle, Cricklade		
Proposal	Construction of 13 social housing units with parking, gardens and access road		
Applicant	Sarsen Housing Association		
Town/Parish Council	Cricklade Town Council		
Electoral Division	Cricklade and Latton	Unitary Member	Peter Colmer
Grid Ref	409434 193391		
Type of application	Full		
Case Officer	S T Smith	01249 - 706 633	Simon.smith@wiltshire.gov.uk

## Reason for the application being considered by Committee

Requested that the application be considered by the then North Wiltshire District and Wiltshire County Councillors Hatton and Dixon to enable the consideration of this contentious application in terms of its effect upon the character and appearance of the locality and impact upon highway safety.

## 1. Purpose of Report

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager subject to a S106 Agreement and conditions.

## 2. Main Issues

This is a proposal for the development of a scheme for affordable housing in the open countryside, outside the Settlement Framework Boundary of Cricklade. As such the main issues to consider are as follows:

1. Principle of development and applicability of Policy H7 of the adopted North Wiltshire Local Plan 2011.
2. Need for affordable housing in Cricklade
3. Consideration of alternative sites
4. Scale, form and layout of development
5. Impact upon residential amenity
6. Highway safety
7. Accessibility
8. Drainage

### 3. Site Description

This 0.33Ha application site is flat agricultural land in the open countryside, positioned outside of the Settlement Framework Boundary (SFB) but on the Western edge of Cricklade. The site is formed by two smaller fields and presents a mature belt of vegetation to The Fiddle.

To the immediate north of the application site there is residential development on both sides of The Fiddle, with a variety of detached properties extending in an arc across West up to and alongside the B4040. The Eastern side of The Fiddle is residential development of varying type, all contained within the Cricklade SFB.

4. Relevant Planning History		
Application Number	Proposal	Decision
08/00442/FUL	Erection of 13 social housing units, parking, gardens and access	Withdrawn

### 5. Proposal

This is a proposal for the development of a scheme for 13 affordable housing units. The site is located in the open countryside, outside the Settlement Framework Boundary of Cricklade. Gardens, parking and turning space, together with access from The Fiddle form part of the application.

The proposal also necessitates off-site proposals to improve accessibility to Cricklade town centre and measures to upgrade the sewer network downstream of the site.

### 6. Consultations

#### Cricklade Town Council

Repeated in full below :

*CRICKLADE TOWN COUNCIL accepts that there is a need for Affordable Housing in Cricklade. It has worked with the Planning Officer and Housing Manager to identify suitable sites for development within the Town boundary. Several sites have been identified for development and these could deliver the number of houses provided by this scheme. It does not consider this site is the best available site either within or outside the boundary. Minimal input of resource appears to have been given to the identification of alternative sites leaving this application as an opportunistic application without proper consideration of the best interests of the community as a whole. Before any further consideration is given to this site it feels that the Local Development Framework should be re-examined to identify where future growth of the Town should be planned. The original cost per unit of this development was stated to be around £53k per unit when the scheme was presented to NWDC for financial support in 2007. The additional work and construction that will be required will inevitably make other schemes, thought to be unviable at that time, viable when faced with the increased construction costs, an entirely different housing market and the current financial situation.*

*Previous Planning Application Refused and Appeal dismissed (2004)*

*The Planning Inspector made the following observations relating to that application: -*

- The site forms the frontage to a larger open field, which the Planning Inspector in his consideration of a previous application on this site (APP/J3910/A/04/1152513 dated 4<sup>th</sup> December 2004) found to be a part of the open countryside. He also found that although there is an area of continuous residential development to the east of the Fiddle opposite the site, the site relates more directly to the open undeveloped land which runs along the western side of The Fiddle. This undeveloped land contributed to the semi-rural character of the immediate locality, and this is emphasised by the difference in the roadside to the east and west of The Fiddle, where one has formal kerbs and the other a natural verge with hedgerows.*
- The Planning Inspector also considered that the adopted boundaries of Cricklade adjoining this site realistically reflect the physical character of the settlement. The proposed development with the formation of a new Highway access and loss of frontage hedging would extend the built up area into the open countryside. This would be harmful to the rural character of this part of the lane and conflict with Policy RH11 of the local plan.*
- The Inspector also found that the site was some distance from the facilities of the Town Centre which were themselves limited. There are few buses from the closest bus stop so future occupants would be likely to use the private car for access. Bus services are limited and the lack of footways pedestrians would not be encouraged to walk to the nearest bus stop so the proposal would be likely to add to the growth and number of journeys.*
- NWDC also objected to a previous application that the proposal would be detrimental to the rural character of the area and would be detrimental to the visual amenities of the area and is outside the physical limits of an established settlement.*

It is the opinion of Cricklade Town Council that these observations are still valid and given the proposed size of the development are even more relevant and have a greater impact on the Town.

The following comments and objections are now made in respect of this application: -

- As an exception site Cricklade Town Council do not consider they have been consulted regarding the selection of this site for development as envisaged in NWDC Local Plan 2001 H7 (para 9.24). Both the Town Council and residents agree that although there was a presentation of what is proposed and an opportunity to ask questions there was not any consultation in the form of asking either the Town Council or residents to object and/or support the application, with reasons or indeed was there ANY consideration at all of possible alternative sites. Indeed residents were told that the planning process is their opportunity to object. That is NOT consultation.
- NWDC Local Plan Policy H7 clearly states that exception sites will only be permitted within and adjoining the villages of the District. Cricklade is a Town and therefore on the face of it this land is not appropriate for development as an exception site. However we have been advised that the 'ethos' of policy H7 is to be applied in this case. As the policy states development should not exceed 10 houses it would seem that this ethos is being applied selectively particularly in view of our earlier doubts regarding a local housing needs survey.
- The site is unsuitable for development as proposed and that a more detailed analysis is required of other sites in the locality in conjunction with a proper strategic assessment of future housing needs within the Town and its environs. This is particularly relevant with future housing needs at Pry Farm and Tadpole Farm still to be resolved and the same procedures should be adopted.
- The proposed layout of the site, on rising ground to the west of Cricklade, requires an access road at the rear of the property creating a further intrusion into the open countryside. Not only is this contrary to NWDC Policy C3ii it also has the potential to open up the area to further development which would further impact on the visual amenity of the immediate area and the wider Town and countryside.

- This area of land and the rising land to the west of the proposed development is outside the development framework to protect the landscape and character of the Town. The distant views of the Town set in the Vale of the White Horse will be changed for ever which is clearly contrary to NWDC Local Plan NE15 i); ii); iii) and particularly policy NE15 iv.
- Access for farm machinery through the site is planned by the provision of two new gates and entry points, this would appear to be contrary to policy C3iv. From a safety point of view this cannot be acceptable and suggest that a separate lane for machinery should have been provided.
- This area and it surrounding roads and properties (Common Hill, The Forty, Chelworth Road) have all experienced flooding and surface water problems on several occasions. The proposed development can only exacerbate the position. Guidance in PPS25 App. G states that residual risk should not be passed on to neighbouring property. The Flooding assessment provided by the developers remains insufficient to give CRICKLADE TOWN COUNCIL confidence that these real concerns have been adequately addressed.
- Twenty eight houses in the area have reported foul water and sewage flooding into their homes and gardens at times of heavy rainfall. Thames Water regularly uses heavy pumping equipment to deal with blockages in this area of The Fiddle and The Forty the incidence of which is increasing. The Surface Water Report supplied contains insufficient information to make an assessment on whether the concerns have been addressed. NWDC Policy NE22 refers.
- *A recent report by NWDC Drainage Officers in connection with another neighbouring application stated that 'Having looked at the clay in the Cricklade area I would be surprised if soak aways were an option here. A small development with on site drainage attenuation may well work but I feel that there is some clever hydraulic[Engineering] to be done to prove that the site is developable. There are also numerous downstream watercourse problems which although will not concern you directly with respect to this application but will suffer from an increased flood risk if the drainage of this site is improved'. This application is for more houses and bordering this development.*
- Sewage – Thames Water have acknowledged in their written submission that the current system is inadequate. Our reading of this is that the required infrastructure will not be in place for a number of years. No permission should therefore be granted until the required infrastructure is in place in line with their observations made in connection with this application NWDC Policy C3 viii.
- The proposed development will attract young families. Pavements and walking routes to school are inadequate. The lane is barely passable by two vehicles and the increase in traffic as a result of the development will clearly make safety an issue. There are approximately 24 dwellings in this lane, a further 13 dwellings will increase the number of homes by more than 50%. The development suggests that a further 13 homes and 26 parking spaces provided will seriously increase traffic and the consequential issues that will arise in what is little more than a lane. Contrary to Policy C3viii and T4
- Wilts Highways observations on the previous application have been considered, but clearly no one has visited the site to examine the practicalities of the proposals. The boundaries are not as indicated on the plans, no account has been made for the rear vehicle access of properties in Bishopsfield that cross the proposed footpath that have been in place for 30 – 40 years. The width of the road would mean it was reduced to single track; the increase in vehicles for this number of properties will increase volume. As this is a school bus route barely passable by two vehicles any reduction would be problematic. The minimal changes to the pedestrians crossing points on the B4040 are inadequate. The use of stippled stones will not address the speeding traffic from Common Hill. Recent Road Traffic surveys in this area have recorded average speeds in excess of 35mph and should give sufficient cause for concern and the scheme should be refused. Contrary to Policy C3viii and T4.
- The design and access statement continues to contain a number of inaccuracies. Page 8 The distance to the local hospital is 12.2 miles therefore outside of the recommended limits. The statement that houses in the vicinity is a mix of detached, semi detached and terraced forms is incorrect. An estate of 13 houses is not in keeping with the rest of the homes in The Fiddle, there are no semi detached or detached properties in The Fiddle.

- Electricity Station. The design and access statement – page 5 – states that high voltage electricity pylons are more than 200 metres away. In reality the nearest to the site carrying 11,000 volts is approximately 100 metres away from the centre of the development and at it's closest point only 40 metres away. The second row of 33,000 volts is only approximately 135 metres from the centre and 85 metres from the closest point. This is contrary to current planning guidance Circ 14/90 refers.
- There are approximately 8 errors of fact in the design and access statement. Many of these facts were pointed out in connection with the last application but no attempt has been made to rectify matters.

*Following the previous application in March 2008 for development as Affordable Homes the Town Council received 16 letters of objections from residents and 42 members of the public attended the CRICKLADE TOWN COUNCIL Planning Meeting on 25<sup>th</sup> March to express their objections to the proposals.*

*Currently 12 letters of objection have been received locally although there are 41 (as at 16/3/09) recorded objections at NWDC. 50 members of the public attended the CRICKLADE TOWN COUNCIL planning Meeting on 16<sup>th</sup> March 2009 to express their objections to the proposals.*

*CRICKLADE TOWN COUNCIL's therefore objects on the grounds stated and questions why, when a previous application was refused by NWDC Planning Officers and a subsequent appeal refused by a Planning Inspector for one dwelling on this site, that serious consideration has been given to developing this site as an exception site in these circumstances.*

#### Highway Engineer

See section relating to highway safety below.

#### Housing Enabling Officer

Response repeated in full below:

*I write in response to the above Planning Application. This response replaces all previous responses that may have been made by Housing Services.*

*The application proposes a rural exception site development of 13 affordable housing units all for social rent. The Local Plan Policy H7 supports the development of small affordable housing developments adjacent to the Settlement Framework Boundary provided that:*

*“ There is a demonstrable local need for affordable housing which can not otherwise be met; and  
The scheme must be able capable of implementation and proper management to ensure that the benefits of the provision of affordable housing to meet the local need will be held in perpetuity”.*

*Although Cricklade is listed under Policy H5 Housing in Urban Areas it could be argued that given the excessive housing need in Cricklade and surrounding villages, when compared with the lack of development opportunities that may provide affordable housing, the exception site policy could be applied.*

*The application comprises with the principle of the above criteria; the details are set out as follows:*

### *Affordable Housing Need*

*There is a demonstrated housing need within the settlement of Cricklade and surrounding parishes. In February 2009 the Housing Needs Register showed that 48 households had been registered on the Housing Waiting List as being in housing need in Cricklade alone. When considering the need for the neighbouring parishes, the figure increases to 101 households.*

*This need is further supported by the Fordham Housing Needs Study that identified over 700 households as being in housing need in the North Wiltshire District per year with 46 households in Cricklade alone.*

### *Affordable Housing Units*

*The proposed mix reflects the housing need and the 13 dwellings will comprise of 2 bed maisonettes and 2/3 bed houses with parking and gardens.*

*The homes are designed to meet 'Code for Sustainable Homes Level 3'; the proposal also complies with the Homes and Communities (previously known as the Housing Corporation) "Housing Quality Indicators (Version 4)" as set out NWDC's "Revised Affordable Housing Supplementary Planning Document April 2008".*

### *Management and Perpetuity*

*The applicant, Sarsen Housing Association is a Registered Social Landlord who is regulated by the Homes and Communities Agency. All affordable housing units will be owned and managed by Sarsen; therefore the rent levels will be subject to target rents for social housing, whilst management standards will reflect the Homes and Communities Agency's required standards at a minimum.*

*All units will be secured in perpetuity for applicants who satisfy the local connection criteria by means of a Section 106 Agreement which will reflect the Exception Site Policy requirements.*

### *Summary*

*Housing Services are in full support of the application 09/00243/FUL should permission be granted and ask that the Section 106 reflects the requirements of the Exception Site Policy.*

### Environmental Health Officer

This application attracted my attention as I have received sewer flooding complaints nearby in The Forty, in the last couple of years. I therefore read the documents accompanying the application and noted the comments made by Thames Water in the Sewer Impact Study. I would therefore recommend that permission is only granted once it has been confirmed that the sewers capacity will be upgraded to be able to receive the flows generated by this development. Thames Water are recommending that the developer funds this by requisitioning such works from Thames. In summary, if the sewers are not upgraded to allow for this development, then I would recommend refusal.

### Council Land Drainage Engineer

It is very apparent that Cricklade suffers from flooding and many of the sewers are outdated. Unfortunately, the proposed development is in an area with sewers running at full capacity, which will not accept any further flows. The existing system will need to be upgraded by Thames Water from 225mm to 375mm, and this programme of works may not be



undertaken within the next 5-6yrs, at least. This is out of our hands and I would refer you to the sewer impact study.

The surface water drainage proposal seems fine to me, with attenuation restricted to 3 l/s during extreme rainfall events; and the proposed improvements to the existing ditch system would be recommended.

#### Environment Agency

No comments to make.

#### District Ecologist

Following the movement of the existing pond outside of the application site and in response to the submitted Extended Phase 1 and Phase 2 Survey Reports, no objections subject to planning conditions being imposed.

#### Education Officer

Proposal generates a need for a developer contribution to provide two additional secondary school places.

#### County Archaeologist

Following consideration of the submitted geophysical survey results, considers there to be a very low potential for archaeological features to be present.

### **7. Publicity**

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

Sixty (60) letters of objection received, plus petition containing 184 signatures

Summary of key relevant points raised:

- Site is outside settlement framework boundary of Cricklade
- Alternative and preferable sites have been identified to meet affordable housing needs
- Access to the site is unsuitable and will result in a danger to vehicular and pedestrian traffic
- Inappropriate form of development and visual impact
- Destruction of hedgerows and ecological value of site
- Increased risk of surface water flooding
- Inadequate foul drainage

### **8. Planning Considerations**

#### Principle of development and applicability of Policy H7 of the adopted North Wiltshire Local Plan 2011.

Both national and local planning policy seeks to direct new residential development to established towns and villages, which are able to provide a range of shops, services, employment opportunities etc. Special justification should be demonstrated for new residential development in

the open countryside. Nevertheless, national planning guidance contained within PPS3 advises that in rural communities where opportunities to deliver affordable housing are more limited, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including the use of Rural Exceptions Site Policy.

A rural exceptions site policy allows for the consideration of proposals for the development of affordable housing on sites that would not ordinarily be used for such purposes because of other policies of restraint (ie. they are located in the open countryside outside of any town or village).

The adopted North Wiltshire Local Plan 2011 does contain a Rural Exceptions Site Policy. Policy H7 is specific in its application to sites that are within and adjoining the villages within the District. Unfortunately the adopted Plan does not define which settlements are to be considered “villages”. Neither does it explain whether adjoining “villages” can be taken to mean adjoining their “Settlement Framework Boundaries” (SFB). However, the adopted plan does identify “towns”, of which Cricklade is one.

Whilst the specific applicability of Policy H7 to the consideration of this planning application for affordable housing in the open countryside, outside of Cricklade SFB is questionable, the principle of at least considering whether to make an exception to normal planning policy is well established by planning policy at the national level. Clearly, there may be convincing reasons why planning permission should be refused, but the principle of development of this site outside of the SFB, should not be one of them, since by its very nature any planning permission would be granted as an “exception” to normal planning policy.

In acknowledging the specific applicability of Policy H7, the underlying principles it establishes are considered to be relevant tools with which to begin assessing this proposal.

#### Need for affordable housing in Cricklade

No exception to normal planning policy would be required if there is not a demonstrable need for affordable housing in the locality. In this particular instance the Housing Enabling Officer is of the opinion that there is a high level of local need, which would substantiate a proposal for more than 10 units, as suggested by Policy H7.

It has been identified that in February 2009, the Housing Needs Register for Cricklade alone showed that 48 households had been registered on the Housing Waiting List. The number is far greater if considering the neighbouring parishes. The Homes4Wiltshire 2009 Policy document also appears to suggest that 38 of those registered have a local connection and that 16 of which are within the highest priority banding.

#### Consideration of alternative sites

Largely led by the Town Council, several alternative sites to provide the acknowledged need for affordable housing, have been identified. As is correct, most of those sites are within the Cricklade SFB, many of which falling into the Previously Developed Land classification. Several of the sites identified are, in principle, possible residential development sites

Whilst it is possible to consider alternative sites within Cricklade, unfortunately none are currently being promoted either through the emerging development plan process or through the submission of a planning application. It is therefore unclear at this time whether those sites can be regarded as being realistic alternatives for the delivery of housing development.

It must also be noted that many of the identified alternative sites could accommodate only limited numbers of units, and even if they were to come forward for development, the likelihood is that the

need for affordable housing would still not be fully met and an exception site would need to be considered.

If an exception to normal planning policy must be considered constraints surrounding Cricklade's fringes appears to direct development towards the Western flank of the town. Large tracts of the Swindon Rural Buffer, Locally Important Archaeological sites and higher risk flood zoning cover much of the Northern, Eastern and Southern sides of the town potentially making development in those locations even more destructive and undesirable. The encouragement of the applicant to explore other land under the control of the landowner in the vicinity has been unsuccessful, although it must be acknowledged that the impact of development of those sites is likely to be similar, if not greater than that being proposed.

The large identified housing need in Cricklade is not likely to be met in any other way than to consider making an exception to normal planning policy.

### Scale, form and layout of development

The position of the site follows a line of existing development along The Fiddle leading North to B4040 junction, which defines the extent of the Cricklade SFB on the Western side of The Fiddle. The site would therefore not be immediately perceived as an "island" of development on the Western side of The Fiddle.

The development takes the form of 4 separate blocks delivering a total of 13 units with a mix of flats and houses of 2/3 beds. Development density is calculated at 39 dwellings p/Ha, which is most likely higher than surrounding development, but not so as to be immediately or unacceptably incongruous.

Varying between 7.5m – 8.5m to ridge, the scale and overall appearance of the blocks is considered to be reasonable in the context of a range of modern development elsewhere in the vicinity. Fenestration, external appearance and materials proposed (brick, render and timber cladding) is also considered to be neutral.

In a similar manner to much of surrounding development, the layout proposed does present a largely built frontage to The Fiddle. However, in contrast to surrounding development (which is characterised by detached properties with their own dedicated driveway and parking areas) this does necessitate a significant access road and turning/parking space to be laid out to the rear of the blocks. The urbanising effect of the access road can to some extent be mitigated through the sensitive use of surfacing materials and is not thought to constitute a reason to refuse planning permission, since the alternative of placing all car parking/turning space to the front of the site would be inappropriate.

### Impact upon residential amenity

Clearly, the view from existing properties immediately opposite the application site will alter as result of development. In itself this is not a reason to refuse planning permission, rather it requires a judgement to be made over the impact of that alteration.

To an extent, the nearest properties context is already defined by their relationship to the road, with front windows and amenity space not necessarily being private space. In this respect the development would change this. The position and relationship of facing windows across The Fiddle is not dissimilar to many situations where there is an intervening road.

## Highway safety

After further investigation into the feasibility of the footway and observation of the highway record in The Fiddle, it appears that some of the rear gardens of the properties in Bishopsfield now extend into the highway. This will make constructing an appropriate 1.8m wide footway within the verge impractical. It is not possible to impose Planning conditions or enter a legal agreement where there is a possibility that the implementation may not be achievable. In order for the highway to be used for the footway, the highway authority would need to issue legal notices and possible magistrates court proceedings. It is entirely possible that the outcome of such proceedings may not be favourable.

Wiltshire Council Highways have identified that the need for the footway was for the purpose of improving walking accessibility and more sustainable travel to the site. The initial requirement for the footway was not for the purpose of safety in The Fiddle. There is currently a safe footway option via Bishopsfield from the site towards the town centre. The initial concept of providing the footway was for footway network connection to provide an additional option and connectivity towards the town centre.

In light of the footway scheme not being feasible, the developer has agreed to provide a financial contribution of similar scale and kind (ie. design and construction costs) that can be used to improve accessibility and sustainable transport infrastructure towards and within the town centre of Cricklade. An exact scheme has not yet been identified, but given time a suitable scheme may arise or could help part fund a project. A section 106 agreement will be required to secure the financial contribution.

The advice of the Council's Highway Engineer is that an objection on the grounds of road safety would not withstand examination through the planning appeal process. Bearing in mind the current situation and the number of dwellings and traffic that use The Fiddle, a refusal on the grounds of pedestrian safety, in The Fiddle would not be successful at planning appeal.

The developer will still be providing improvements / upgrading to the crossing facilities on Common Hill B4040 on the roundabout and near the bus stop. This will provide dropped kerbs and at the roundabout increased size of refuge to cater for pushchairs and wheelchairs. This is indicated on drawings 158-PL-H-100 rev D dated April 08 and 158-PL-H-101 Rev A. Specific details and specifications are subject to plans being submitted for approval prior to construction.

## Accessibility

Positioned on the edge of Cricklade, it is considered relevant to improve the accessibility of the town centre to residents. Initially such improvement was intended to be via a footpath running north from the site along The Fiddle to the junction with B4040. This has since proved to be impossible to achieve with a reduction in width of the carriageway or reclaiming highway currently incorporated into garden land.

WC Highways are of the opinion that the omission of the footpath is not a highway safety matter and would not undermine the overall acceptability of the scheme provided other improvements to improve accessibility to the town centre are provided. This can be achieved through the provision of a financial contribution equivalent to the cost that would have been necessary to construct the footpath. Such a contribution would be provided through an agreement under s106 of The Act.

## Drainage

It has been identified that the development will necessitate the upgrading of existing sewerage infrastructure. To relieve a constriction that causes existing problems it will take the form of an increase in the diameter of the sewer downstream from the site at The Forty.

The site is classified as being in a low flood risk area and it will be possible to ensure that development does not exceed greenfield surface water run-off rates.

## **9. Conclusion**

The concerns of the Town Council and local residents are acknowledged and understood as the consideration of Greenfield sites for residential development as an exception to normal planning policy will inevitably lead to impacts that would otherwise be unacceptable. However, such concern and impact must be weighed against the need to address and meet identified housing need in Cricklade. Such need is understood to be at a very high level.

In this instance in order to meet that high level of need, the impacts associated with development this site are considered to be worth accepting, and are most likely to be less than those impacts associated with the development of alternative Greenfield sites. By definition, exception sites are those which would not be developed under other circumstances due to the harm caused.

## **10. Recommendation**

In order to meet an identified local housing need, it is considered to be necessary to grant planning permission for this development of affordable housing as an exception to normal planning policy at the national and local level. In other respects the proposal is considered to comply with the provision of Policy C3 of the adopted North Wiltshire Local Plan 2011.

**The applicant be invited to enter a legal agreement under s106 of The Act in respect of the following:**

- The provision of a financial contribution towards educational facilities
- The provision of a financial contribution towards measures to improve the accessibility of the town centre from the site
- The undertaking of off site highway works to provide pedestrian crossing points across B4040
- The preparation, submission and implementation of the Great Crested Newt mitigation and other ecological works outlined and recommended within the submitted Ecosulis Ltd Reports
- To ensure that the development remains as affordable housing in perpetuity

Following completion of which the Area Development Manager be authorised to grant permission subject to conditions including the following:

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

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

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

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

POLICY-C3

3. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

#### POLICY-C3

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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

#### POLICY-C3

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

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

#### POLICY-C3

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

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

#### POLICY-C3

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed forward of any wall of the dwelling(s) (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

REASON: In the interest of visual amenity.

#### POLICY-C3

8. The areas allocated for parking on the approved 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.

9. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

10. The development hereby approved shall not be occupied until the visibility splays on the drawing 158-PL-03 Rev A dated 23.04.08 have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays thereafter be maintained free of obstruction at all times. The visibility splay - the area between the nearside carriageway edge and lines drawn between a point 2.4m x 43m from the carriageway edge along the centre line of the access and points on the carriageway edge 43m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 0.6m above the nearside carriageway level and thereafter be maintained free of obstruction at all times.

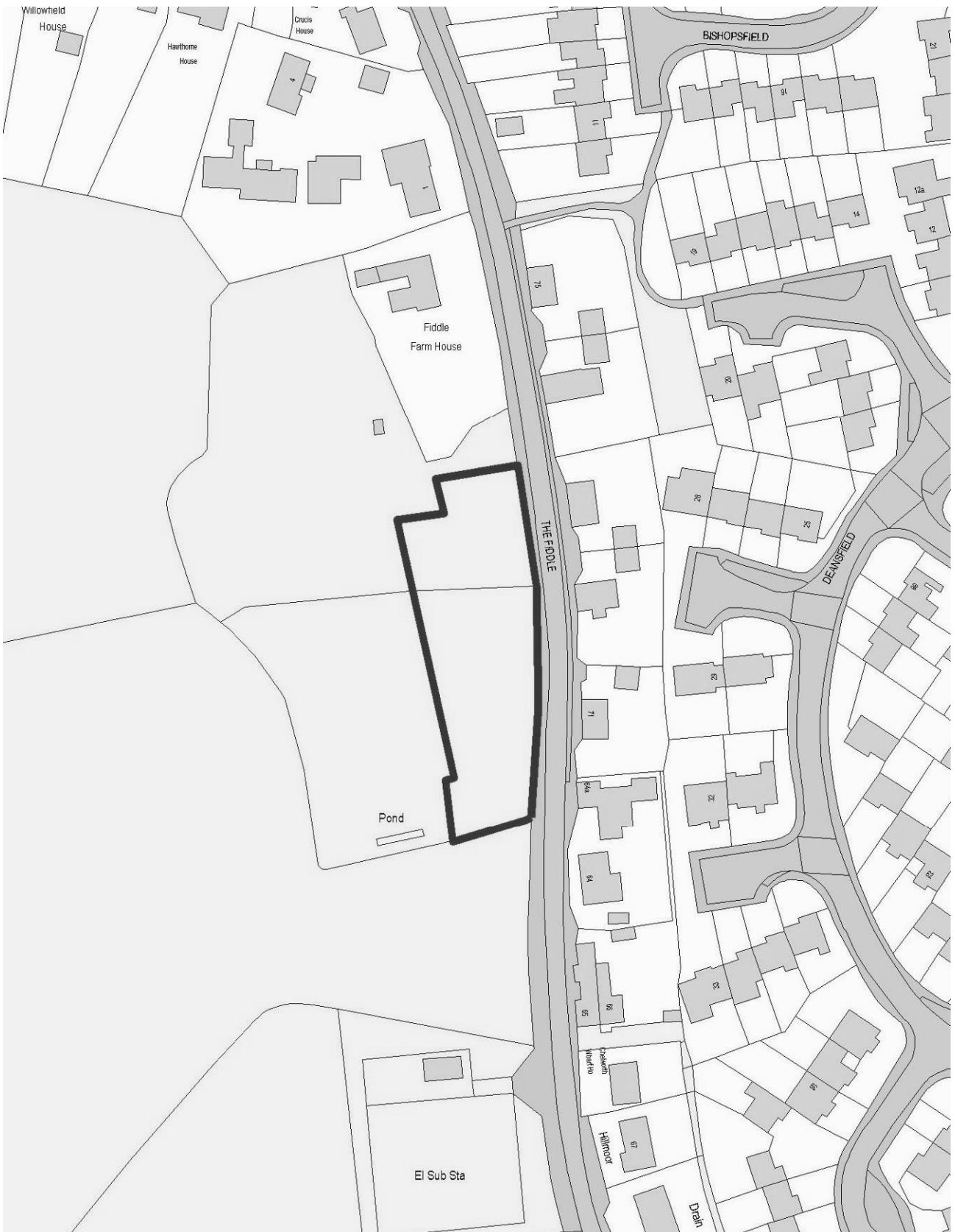
Reason: In the interests of highway safety.

11. The proposed estate roads, footways and footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service margins, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with the details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>2.02, 2.07, 2.24, 2.25, 2.37, 3.03, 4.02, 4.03, 4.04, 4.07, 6.02</b>





# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(4)

Date of Meeting	14 October 2009		
Application Number	09/01477/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

The application has been called-in to Committee at the request of Cllr Peter Doyle to assess the visual impact of the proposal on the surrounding area, the relationship to adjoining properties, environmental/highway impact and car parking.

## 1. Purpose of Report

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

## 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 situated adjacent to the main Marlborough Road (C414). The access is taken off the main road and will serve the rear part

of the site where the main development is to be located. Existing accesses onto Scotland Lane are proposed to be closed off.

The site is largely enclosed by vegetation on the boundaries with a former fishing ponds located outside but adjacent to the north east corner.

A Government pipeline runs diagonally across the front part of the site over which access is proposed.

Evidence of the previous use has largely diminished and is now overgrown with some containers and other remnants having recently been removed. A post and rail fence divides the main part of the site from the front element.

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.

At the time of preparing this report two families have moved onto the site. The family were previously living roadside, being moved on from place to place by the police having waited for a decision in respect of the site since the submission of the original application (09/00557FUL relates) in March 2009.

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

09/00557      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.

The application was refused at Committee on 12 August 2009 solely on highways grounds. The scheme proposed to take access off the adjacent lane.

The scheme was found to be acceptable in all other respects.

#### **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.

The families remain the same as the 09/00557FUL application. Mr James Snr and Mr James Jnr have moved on the site. The Traveller Liaison Officer from Swindon Borough Council has confirmed that the family were roadside at Blunsdon and have travelled regularly around the County stopping place to place. Mr James Jnr and his wife have recently had a baby. Swindon Borough Council have confirmed that they could not offer accommodation as none was available or suitable for families seeking long-term stability and security.

Access is proposed using an existing point of access from the main road (C414). The hedging will be splayed at this location with the initial access constructed of tarmac and a stone track laid beyond the initial 10 metres from the road.

The existing accesses on to Scotland Lane proposed to be blocked off with hedging.

A grassed area for children to play is proposed in the paddock into which the access route follows towards the main pitches enclosed via hedging and post and rail fencing.

A new hedge will separate the paddock and the play area along with post and rail fencing.

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** – no objection subject to conditions regarding the provision of a visibility splay objects on grounds of sustainability and the sub-standard nature of the junction of Scotland Lane and C414 Marlborough Road.

In the event that permission 09/00036FUL relating to improvements to existing vehicular access to the junction of the lane with the C414 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** – comments waited but no objection to 09/00557FUL

**Fisher German LLP (GPSS Land Agent)** – has 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.

Separate consent is required under the Land Powers (Defence Act) 1958 and no agreement in principle or otherwise can be given as a consequence.

**District Ecologist** – no objections subject to conditions

## **7. Publicity**

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

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

- Character and appearance of the area
- Overdevelopment
- No need spare plots at Hay Lane/other sites in mind
- Amenities of adjacent residents
- Highway/pedestrian safety
- Sustainability issues – i.e. access to services
- Drainage/flooding
- Proximity to oil pipeline/sub-station, pond and livestock building
- Wildlife/ecological Impact
- Illegal bonfires on site
- Devalue property prices

## **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.

The emerging regional spatial strategy which carries significant weight recommends the allocation/provision of 48 pitches in the northern area (former North Wiltshire Area). To date the outstanding requirement is approximately 32 pitches.

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 and Startley appeal decisions which are considered to be material considerations in the determination of this application.

It is important to note that the need for pitches was not disputed at Committee in August 2009 in respect of application 09/00557FUL.

## **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 accessed from the main road with a paddock separating the pitches from the road behind proposed hedging. The hedges thus mitigate 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. The existing entrances will be blocked up with hedging visually and physically enclosing the site further.

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

The previous application (09/00557FUL) was not considered to be harmful to the character and appearance of the area and was not refused on these grounds. The proposed access does not materially alter this fact.

## **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.

The new access from the main road would be some 25 metres north of the The Folly and 50 metres south of Vinayak House.

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 or amenity to adjacent resident through the noise associated with the access or the siting of the caravans.

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.

### **Highway safety**

The current scheme reflects negotiations with highways officer to ascertain an appropriate access to the site. Accordingly, the scheme has the support of highways officers given that adequate visibility can be provided off the main road through setting the hedge back and continued maintenance.

### **Sustainability**

Government guidance in Circular 01/2006 clearly confirms that there are no objections in principle to gypsy and traveller sites in the countryside. Accordingly, 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 officer raises no objection on sustainability grounds.

Government Guidance requires a pragmatic approach to the issue of sustainability. This was evidenced in the appeal decision in respect of the gypsy site at Minety and Heath Lane, Startley.

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 requirement 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.

It is noted that the application 09/00557FUL was not refused on sustainability grounds.

### **Drainage**

The Council's Drainage Engineer together with Wessex and Thames Water raise no objections to the proposed development.

### **Proximity to pipeline**

The proximity to the pipeline has been raised as an objection. Consent is required from Defence Estates in advance of any occupation of the site and the applicants are in discussions with Amco/Fisher German to obtain the necessary consents.

As consent is required under separate legislation against which action can be taken by that legislation, it would be unreasonable to withhold any permission until such time as that consent has been granted.

## **Ecology**

Chalkhill Environmental Consultants have undertaken a Great Crested Newt Assessment on the site on behalf of the applicant. The report confirms that the pond supports a population of coarse fish and thus very unlikely to support a population of Great Crested Newts. This combined with the retention of the pond, leads the consultants to confirm that newts are not a material planning consideration in this case. However, precautionary recommendations are suggested to reduce the development footprint's attractiveness to newts or any other species.

## **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.

## **Other matters**

Any negative or positive affect on property values are not material planning considerations.

It has been claimed that the existing access to the site off Marlborough Road is unlawful, having never been granted planning permission.

Notwithstanding this, the proposed access is acceptable to officers and is supported.

## **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 appeal decisions in respect of the gypsy site at Minety and Heath Lane, Startley.

Officers have worked with the applicants and their agent to try and resolve the objections on highways grounds and the current scheme is a reflection of the resolution of this matter.

## **10. Recommendation**

Planning Permission be APPROVED subject to the following conditions:

1. Within two months of this decision 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 or other means of enclosure, and including retaining walls.
2. finished floor levels; existing and proposed site levels.
3. Bin storage (location on site and collection point)

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

Reason: In the interests of the amenity of the area

Policy C3

2. Within two months of this decision, details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority. Details shall also include details of grass management i.e mowing and storage of grass cuttings.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, 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 amenity and ecology

Policy C3

3. Within one month of this decision visibility splays shall be provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 120 metres in each direction from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY- C3

4. Within one month of this decision the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY- C3

5. a) Within two months of this decision the site shall be subject to:

i) site investigation and risk assessment works for chemical contamination

ii) works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment works

iii) remediation validation works

b) Site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 – Investigation of Potentially Contaminated Sites – Code of Practice.

c) Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 “Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources” protocol shall be utilised.

Reason: In the interests of the protection of public health and the avoidance of pollution.

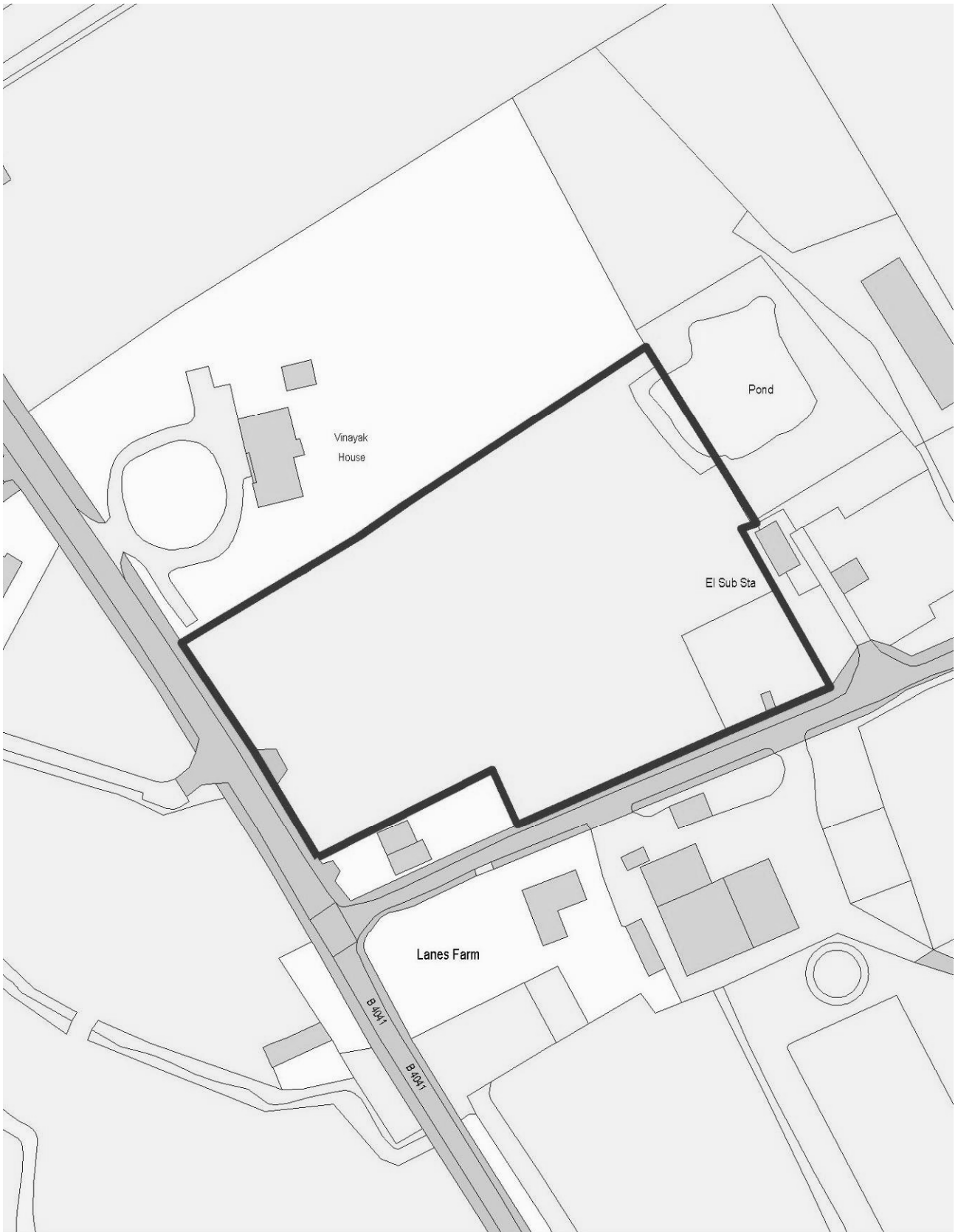
#### INFORMATIVES:

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.

0932/02A date stamped 18 August 2009

2. All vegetation on the site should be kept short between now and full completion to maintain the site's habitat as unattractive to amphibians and reptiles. The grass should be mown right up to the boundaries of the proposed footprint. All grass cuttings should be removed from the site to prevent the creation of new habitat piles. Confirmation of this should be provided as part of discharging the landscaping condition above.

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



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(5)

Date of Meeting	14 October 2009		
Application Number	09/01538/FUL		
Site Address	Unit 1, Common Farm, Quemerford, Calne SN11 8UB		
Proposal	Change of use of outbuilding to a residential unit (including some reconstruction) (C3 use) and erection of a detached garage (revision of 09/00783FUL)		
Applicant	Mr C Brooks		
Town/Parish Council	Calne/Calne Without		
Electoral Division	Calne South & Cherhill	Unitary Member	Allan Hill
Grid Ref	401296 169948		
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 Committee for decision at the request of Councillor Hill to consider the visual impact of the proposal upon the surrounding area, its relationship to adjoining properties and the design of the development.

## 1. Purpose of Report

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

## 2. Main Issues

The application is seeking the change of use of a former outbuilding to Common Farm at residential involving reconstruction. The scheme is a resubmission of 09/00783FUL which was recently refused with no amendments proposed to that refused scheme.

The main issues in determining the application is:

- whether in accordance with Policy BD6 of the North Wiltshire Local Plan, the conversion would require significant alteration, extension and rebuild.
- Material considerations

Works have commenced to the building and it is the subject of a temporary stop notice.

## 3. Site Description

Unit 1 forms part of a group of buildings historically associated within Common Farm. The agricultural buildings, stables and outbuildings have now largely been converted to residential uses. Common Farm is set significantly back from the road and is visible from the rear of properties fronting the road. It is in the open countryside outside of any framework boundary.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
05/03242COU	Conversion of Equestrian Outbuildings & Stables to Five Residential Units	Approved
09/00783FUL	<p>This application related to all units on the site. Further applications were submitted in respect of the other units for alterations.</p> <p>Change of use of outbuilding to residential unit and erection of detached garage.</p> <p>The officer visited the site at the outset of the application and saw that of the original structure only north facing wall and half of the rear wall and half the roof remained.</p> <p>The application was refused on the grounds that significant rebuild was required contrary to Policy BD6 of the Local Plan.</p>	Refused.

## **5. Proposal**

Permission is sought for the conversion with reconstruction of this former outbuilding to a residential unit with detached garage.

The unit will provide three bedrooms with the detached double garage providing two parking spaces and ancillary store.

The officer visited the site upon the submission of 09/783FUL and viewed the fact that very little of the original structure remained and works were underway to rebuild. Photographs of this are contained in Appendix I. A temporary stop notice has been served and works recently halted pending the outcome of this application.

## **6. Consultations**

Calne Town Council - support

Highways Officer – no objections

## **7. Publicity**

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

There have been no letters of support or objection received.

## **8. Planning Considerations**

The key consideration in the determination of this application is whether the proposal conversion to residential would result in significant alteration, extension and rebuild contrary to Policy BD6 of the Local Plan 2011.

Planning permission was granted in 2005 (05/3242/COU) for the conversion of buildings on the site to form five units. Section 10 of the application form clearly confirmed that the proposal only involved alteration/extensions to building. Hence only a change of use (COU) suffix was attached to the application number.

The application was also submitted with a structural survey. The report was prepared to assess the present condition of the buildings and their suitability for conversion. Unit 1 was described as a long narrow single storey structure, part open fronted, part enclosed.

The roof structure was confirmed as being generally sound and remedial works to rotted sections of purlin ends were identified.

The walls were identified as being generally sound and upright with some re-pointing required at the gable ends. The creation of openings in the front elevation and removal of non load bearing internal walls is feasible.

It is noted that in the overall conclusion for the whole development the surveyor confirms that hidden parts of the structure were not inspected and any concealed defects were not reported.

It was on the basis of this report that 05/3242COU was granted permission. The following informative was added to the permission:

“The applicant should note that this permission is for the conversion of the existing barn in accordance with the permission granted and the approved drawings. Any significant demolition or rebuilding of the existing structures on the site will negate the permission hereby granted.”

The proposal involves the rebuild of 14 metres of rear wall and 5.5 metres of gable wall as shown on drawing no. 2991/11B contained in Appendix II. The roof was removed to facilitate this rebuild.

The front elevation of the original building comprised a series of stable doors and several open bays behind brick piers. As part of 05/3242COU alterations were proposed to the whole front elevation with existing openings altered and some existing closed. Within the context of that scheme the alterations were not significant. Furthermore, the alterations were not presented as requiring reconstruction of the whole elevation nor was it considered as such.

However, the whole of the front elevation has now been completely removed and this does not constitute an alteration but a significant rebuild.

It is considered that the reconstruction of the southern element of the building, which has a footprint of 77sqm and represents 46% of the original building, comprises significant rebuild contrary to Policy BD6. Furthermore, if considered as an extension it is also significant in terms of the original structure that was left. The erection of the double garage and store also required to be considered as an extension, cumulatively renders the proposal unacceptable on these grounds.

The extent of the rebuild is also considered to be tantamount to a new dwelling in the countryside contrary to Policy H4 of the Local Plan.

#### Material considerations

The agent for the applicant seeks to justify the actions of his client in his rebuilding on the basis of the limitations of the structural survey and requirements of building control.

The agent claims that as part of the alterations approved on the front elevation, the replacement of that elevation was required. The agent clearly confirmed as part of the 2005 application that no new building was required and the conversion could be facilitated without new building.

The requirement by Building Control Officers that the southern gable and section of rear wall to be removed does not remove the onus from the applicant in seeking the views of planning officers as to whether the permission for this unit is void as per the informative attached to 05/03242FUL and a new application required in respect of the works undertaken. It is important to note that even application 09/00783FUL provided no indication of any rebuild even though at the time of submission works to the building had been underway for several months.

The agent states that a substantial amount of demolition and rebuild took place on the remainder of the site. It is confirmed that extensions were approved to units 2, 4 and 5. However, over and above this no rebuild was permitted and simply because unauthorized rebuild might have taken place without officer's knowledge is not a sufficient case to allow other rebuild known on the site. Following a recent visit to the site enforcement proceedings have been commenced in respect of Unit 3 which has been substantially if not completely demolished and is being rebuilt.

It is a fact that the law does not permit the applicant to carry out building operations which fall outside the scope of the planning permission simply because it is found that the permitted schemes are otherwise practicably incapable of implementation (*Hadfield v SSE/Macclesfield BC*).

The Council has recently had an enforcement notice and refusal of planning permission (determined by the Development Control Committee at the time) upheld at appeal in Ashley (07/00507ENF, 08/1330CLP and 08/02019S73A). A full copy of the decision notice is contained on both the file and website. The Inspector noted that as with this application, nowhere in the original application was any rebuild identified or sought, solely conversion. In the case of this appeal one of the buildings blew down and was replaced by several buildings

The Inspector noted that in the context of the application documents, conversion might include some localized rebuilding but could not see conversion could be reasonably held to mean major (or complete) demolition and reconstruction.

It is accepted that the appeal related to the wholesale demolition of the building and the building which is the subject of this application has not been completely demolished.

Nonetheless, it is considered that the extent of the rebuild now proposed and required overall is significant and if considered as an extension together with the detached double garage, is also significant and contrary to Policy BD6 and H4 of the Local Plan.

The agent contends that the proposed development notwithstanding the rebuild, does not harm the countryside at this location and should, considering other factors, be allowed.

The officer considers that harm to the countryside is incurred through allowing inappropriate development contrary to Local Plan policies.

## Human Rights

The agent believes that his client has invested everything into this building and contractors involved in this development. The agent confirms that the applicant was not aware of any defects to the building before he brought the building and started works in accordance with Building Control requirements. It is of particular importance that both application forms and completion notices in respect of Building Regulations clearly emphasis that planning permission is needed and that the notice is not a planning permission.

The officer empathises with the applicant but does not consider these to be acceptable grounds for permitted development which clearly conflicts with Local Plan policies.

Whilst each case must be considered on their merits, the officer considers that in this instance, if the development were allowed having regard solely to the materials considerations and Human Rights, an undesirably precedent would be set.

## 9. Conclusion

The proposed conversion requires significant rebuild and/or extension and is thus tantamount to a new dwelling in the countryside contrary to Policy BD6 and H4 of the Local Plan 2011. There are no material considerations which outweigh policy in this instance.

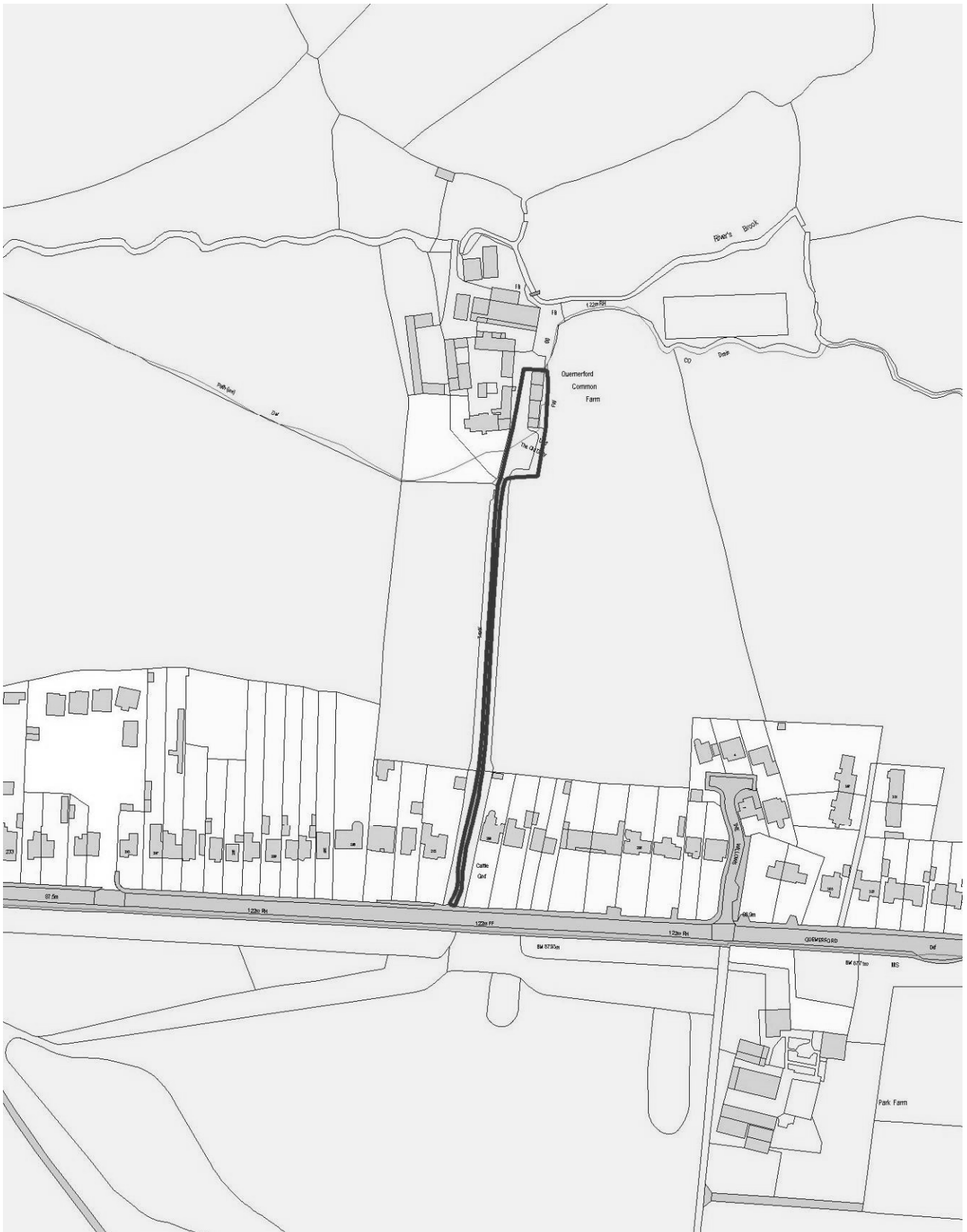
## 10. Recommendation

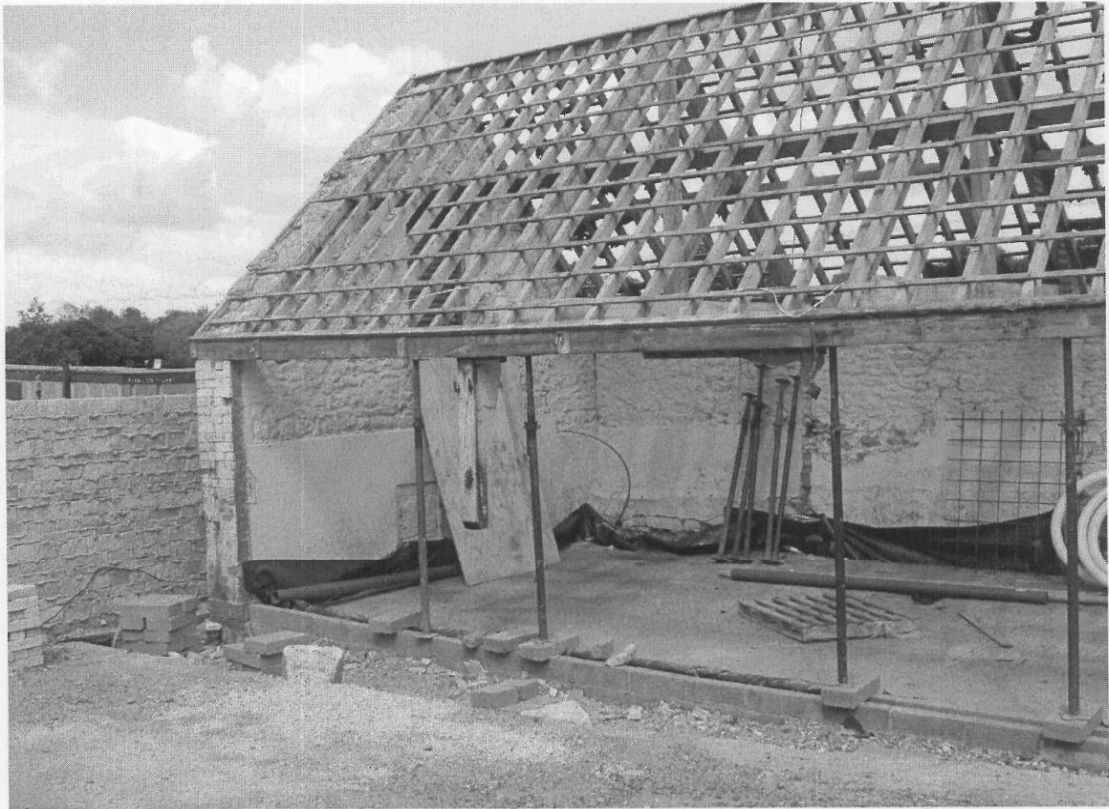
REFUSE for the following reason:

1. Very little of the original structure remains on site and the proposal does not, therefore, comprise the conversion of a building. A significant element of the original building has been demolished and the proposal is thus tantamount to the erection of a new dwelling in the countryside for which there is no justification. The proposal does not comply with Policies BD6 and H4 of the North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>Appendix I Photos taken June 2006</b> <b>Appendix II Floorplan and extent of rebuild</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20 2.02 2.24 4.02 4.03 5.01 5.05</b>

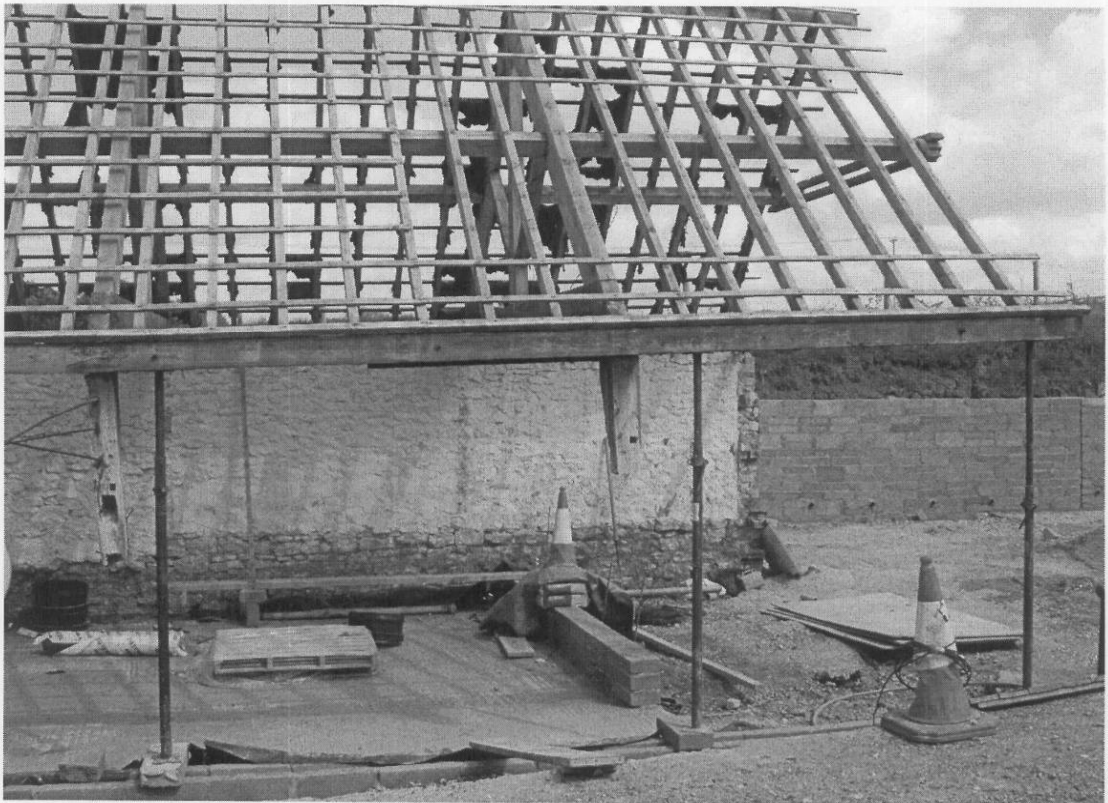




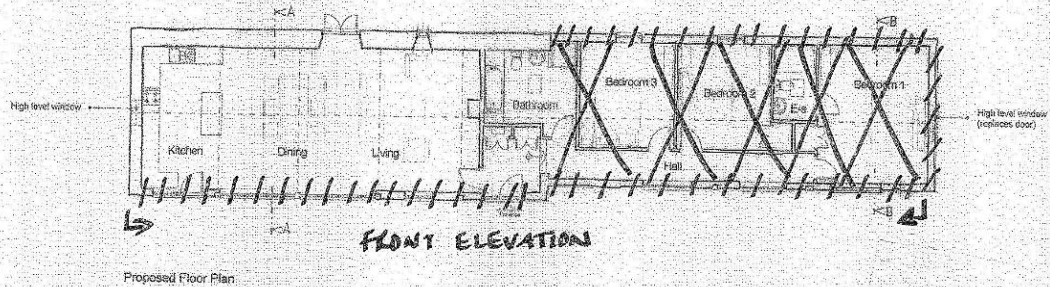


APPENDIX I

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/// - WALLS/PARTS REMOVED

X - not removed.

Revision 5: August 2009: General amendments.  
Revision 4: April 2009: Planning Revisions.

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Client: Mr C. Brooks  
Title: Proposed Floor Plan  
Carnish Farm, Quenkerford (Unit 1)  
Calne, Wiltshire, SN11 8UB

Scale: 1:100 Date: August 2009 Drawing no: 2591/11/6

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