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# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(1)

Date of Meeting	4th November 2009		
Application Number	09/00859/FUL		
Site Address	Box Wharf, Box, Wiltshire. SN13 8ER		
Proposal	Erection of 55 bed care home for the elderly and 14 extra care apartments (Use Class C2 use) and associated landscaping		
Applicant	Blueview Properties Ltd		
Town/Parish Council	Box		
Electoral Division	Box and Colerne	Unitary Member	Sheila Parker
Grid Ref	382666 168897		
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 was delegated for approval at Committee on 2 September 2009 subject to the following:

- (i) conditions to include protection of the trees along the north and west boundaries of the site, requirement for landscaping proposals to be submitted and implemented, approval of materials and any other considered appropriate;
- (ii) a legal agreement securing nomination rights for Wiltshire Council or other form of local access to facilities;
- (iii) referring the application to the Secretary of State.

The application has been brought back to the Committee to seek Members' clarification in respect of the nomination rights to be secured for Wiltshire Council via legal agreement.

The Secretary of State has confirmed that he does not wish to call the application in for his own determination.

Accordingly, officers are progressing with the application and require clarification in order to negotiate the legal agreement. The original officer report is set out below for reference but updated in respect of the legal agreement as proposed.

## 1. Purpose of Report

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

## 2. Main Issues

The main issues in considering the redevelopment of the site for a 55 bed care home and 14 extra care apartments are:

- need

- principle of development
- scale of development/impact on the AONB and Green Belt
- impact on residential amenities
- highways impact
- loss of employment
- Policies C3, NE1, NE4, NE15 and BD2 of the Local Plan 2011.

### **3. Site Description**

The application site comprises 0.66ha of vacant industrial land situated to the north of the Great Western Railway Line and north west of the main built up form of Box.

The site is set down from the main A4 to the south and houses fronting The Wharf from which access is proposed to be taken. The site is level with the railway line and the mobile homes to the south of the site in Lycetts Orchard Caravan Park.

The timber merchants and Box Mill (Realworld studios complex) adjacent and to the west (separated via a public footpath) are at a lower level than the site.

The application site currently contains three vacant buildings both of which have a ridge height of approximately 6.5 metres and 7 metres respectively. The current footprint of development on the site is approximately 832sqm. The site is substantially hard surfaced with a significant belt of vegetation including trees on the western boundary adjoining Box Mill and the timber merchants.

The site has been substantially tidied up with storage silos, tanks and plant having been removed. The use of the site is General Industrial (Class B2) although use as Light Industrial and Offices (Class B1) could also take place without the need for permission.

The site is located within the designated Area of Outstanding Natural Beauty and Western Wilshire Green Belt. It is located outside but adjacent to the designated Box Conservation Area and is outside the framework boundary for the settlement.

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

The site has no recent or relevant history to this current application.

### **5. Proposal**

The application is for a 55 bed care home together with the development of 14 extra care two bed apartments together with associated landscaping, land remodelling and internal highways works.

The care home will provide both domiciliary and dementia care with accommodation provided over three and four storeys (including basement level in which undercroft parking and ancillary facilities are provided).

The care home is located adjacent to the railway line on the western part of the site and will have a footprint of approximately 1057sqm.

The care home is set out over three and four storeys (including basement). Visibly at ground level the building appears as a three storey building with two storey wings. The three storey element runs parallel with the railway and has a ridge height of approximately 10.2 metres. The two storey elements have ridge heights in the region of 7.4 metres.

The extra care apartments are provided in two separate blocks of 6 and 8 and are aimed at occupants aged 55 and over. The accommodation provides two bedrooms per apartment and undercroft parking for 18 spaces.

The apartments are provided between two block one three and one two storeys in height. The three storey block would have a ridge height of 11.3 metres. Their footprint is a total of 510sqm.

The development is proposed to be predominantly constructed of Ashlar stone, with elements of Bath stone coloured render with natural slate roofing.

## **6. Consultations**

**Box Parish Council** object to both the original and revised plans as follows:

- outside the village framework in the AONB and Green Belt
- density of development and mixed use of care home and industrial
- objections for the doctors surgery and lack of consultation with the PCT
- footpath and pavement on the main road are unsuitable for the elderly
- no details given of the staff accommodation
- reduced amenity to neighbouring properties
- highways impact
- pictures and plans don't match
- has the need be demonstrated
- planning permission granted for retirement village/care home at Royal Arthur, Westwells/Neston.

**Highways Officer** – No objections subject to conditions.

**Drainage Officer** – No objections but highlights soakaways could be a problem.

**Archaeology Officer** – No objections.

**Environmental Health** – No objections subject to conditions,

**Landscape Officer** – No tree survey has been submitted and concerns are expressed regarding the potential impact and potential harm to trees which are of significance to the wider landscape.

**Network Rail** – No objection in principle

**Wessex Water** – Raise a number of issues in respect of foul disposal but no objection in principle. Issues include tree planting in proximity of existing public sewers, proximity of development to the Wharf sewer, lack of information regarding drainage proposals and the adequacy of the foul system. Off-site works likely to be required to provide water to the site and buildings over two storeys may need on site pump storage.

**Environment Agency** – No objections subject to conditions.

## **7. Publicity**

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

Biddestone and Slaughterford Parish Council comment that the proposal would be a useful facility.

42 letters of support have been received on the basis of need and the redevelopment of the site.

7 objections have been received on the following grounds:

- Loss of view
- Loss of privacy and amenity
- Loss of light
- Intensification of development and use of the site
- Highways impact

- Loss of parking and access rights

Further representations from neighbours were submitted in respect of the revised amendments and whilst they overcame concerns in terms of overlooking concern remained in terms of preservation of existing access rights and on street parking, remainder of the site being vacant and/or employment development and overbearing impact of the care home (day rooms) on the privacy and amenity of the Realworld studios to the west.

## **8. Planning Considerations**

### **Principle of development**

As mentioned above the application site is located outside of the framework boundary of Box and as such is considered in policy terms to be located in the countryside.

The site is also located within the Green Belt and Area of Outstanding Natural Beauty.

The proposal is to redevelop part of the existing Box Wharf site for the development of a 55 bed care home and 18 extra care units.

The proposal needs to be considered against policies relating to the AONB, Green Belt and employment.

Policy NE1 of the Local Plan states that in the Green Belt outside of the village of Box approval will not be given for the construction of new buildings other than for agriculture/forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness of the Green Belt. The limited extension, alteration or replacement of dwellings or existing employment buildings is permitted. Approval will not be given for development which would not preserve the openness of the Green Belt.

The proposal thus represents inappropriate development and is by definition harmful to the Green Belt (paragraph 3.2 PPG2 Green Belts). Inappropriate development should not be approved except in "very special circumstances".

The applicants believe that "very special circumstances" exist because of the need for care accommodation in the Wiltshire area and within a 5 mile radius of the application site.

The assessment is based on a 5 mile catchment. No reason is given for the 5 mile catchment being used. However, it is clear that need identified in this catchment is in part a reflection of the constraints upon development in the area given the significant presence of Green Belt and AONB designations which cover half the catchment area. It is also a reason why no sequentially preferable sites are likely to be available within the 5 mile catchment.

The need for care accommodation in Wiltshire is not disputed. However, care development must be appropriately located complying with the relevant planning policies.

In this instance the need for care accommodation is not considered to constitute "very special circumstances" to outweigh the harm caused by inappropriate development.

The existing general industrial/light industrial and office use of the site has been considered. Whilst general industrial development is not an ideal use for the site and it is acknowledged that in association with the use of the existing buildings, outdoor storage might be re-instated, this is not a reason to permit redevelopment if it is unacceptable for other planning reasons.

Furthermore, the scale, form and massing of the existing development on the site is significantly less than is currently proposed.

In the AONB, to which Policy NE4 relates priority is given to the conservation and enhancement of the natural beauty of the landscape. In the AONB development is restricted to the change of use of existing buildings and/or development appropriate to the economic or social well-being of the area; that which is desirable for the understanding and enjoyment of its amenities.

The proposal in all cases must conserve or enhance the natural beauty of the landscape, be sited and designed so as to minimise its impact on the natural beauty of the area siting development close to existing buildings and use materials and landscaping appropriate to the area.

Other proposals and major developments will not be permitted except in exceptional circumstances.

It is not considered that any exceptional circumstances exist for this major development.

### **Scale of development and impact on the AONB, Green Belt and character and appearance of the area**

As mentioned above in terms of both Policy NE1 and PPG2, the application represents inappropriate development in the Green Belt simply for its exclusion outside of the permitted forms.

The existing development footprint on the site is 779sqm spread over some six buildings with ridge heights of between 5 to 7 metres. Only one building has a ridge height of 7 metres at present with a footprint of 161sqm.

In comparison the proposed development would have a footprint of 1567sqm spread over two and three storeys above ground level with buildings having a range of ridge heights between 7 and 11 metres. The majority of development would have ridge heights in excess of 10 metres.

It is considered that the intensification of the built form on the site would be out of keeping with the character and appearance of the area, failing to conserve the AONB and preserve the openness of the Green Belt.

Furthermore, the proposed development could potentially impact upon a substantial tree belt on the western boundary of the site. No tree survey has been provided to assess the trees and the root protection zones that may or may not be required. Accordingly, it is not known whether the development is achievable in its current form or the further visual impact the scheme may have on the landscape. The absence of such information does not fundamentally alter the overriding policy objection to the proposal.

### **Impact on Residential Amenities**

Residential properties adjoin the site to the east, namely nos. 4 and 3 The Wharf. These dwellings are two storeys in height with gardens to the side and rear and no. 4 has windows in its side elevation. The extra care apartments would be sited some 27 metres from habitable rooms in the block of 12 extra care units. Such a distance between habitable rooms is normally acceptable. However, no. 4 occupies an elevated position from the site and as such will be overlooked by windows at first and second floor in the apartments. The relationship between the existing and the proposal is unacceptable having regard to existing site levels and would be detrimental to the amenity of both occupants.

It is noted that trees are proposed to be planted on the boundary of no. 4 to mitigate such impact. However, it is uncertain as to whether such planting would be acceptable to Wessex Water given services in the area and notwithstanding this, landscaping should not be used in such a way given that after five years the requirement to retain such features can no longer be controlled by condition.

The Realworld studios are located to the west of the application site at a much lower level. In association with these studios is residential accommodation and a garden. The applicant has provided an image of the application site from the garden of the Realworld residential accommodation. This clearly shows the glazed day rooms on the gable closest the western boundary of the site, some 9 metres from the boundary.

Whilst window to window distances are in the region of 35 metres, it is considered that by reason of the substantial height differences between the Realworld Studios site and the application site, the proposed development would have an overbearing impact and would result in overlooking of the private garden space and the dwelling to the detriment of the privacy and amenity of existing residents.

This impact could be further exacerbated in the event that any trees along the boundary are required to be removed in order to facilitate the development.

The care home is proposed to be sited some 4 metres from the edge of the site boundary within the railway, some 22 metres distance from some caravans on Lycetts Orchard Caravan Park. This element of the care home is three storeys at ground level with a ridge height of 10.2 metres. Whilst it is noted that most rooms in this elevation will serve stores and stairwells, dining rooms and day rooms are also proposed.

It is considered that by reason of the distance between the existing residential mobile homes and the proposed care home, the proposed development would have a detrimental impact on the privacy and amenity of existing residents.

It is noted that trees are shown on suggested landscape plans. However, in light of comments above in respect of landscape mitigation and in light of comments received by Network Rail regarding trees along the boundary, such measures would not acceptably mitigate the residential impact to residents.

### **Highways Impact**

Highways officer raises no objection to the proposal on highways grounds. Car parking on the site is considered to be adequate.

### **Loss of Employment**

Whilst not technically an employment use (i.e. B1, B2 or B8 use classes), the proposed care development would generate some 55 jobs (both part-time and full time).

The site has been marketed for approximately 12 months with no success for Class B1 (light industrial and office use) to no avail and thus is redevelopment for a care home complies with Policy BD2. Furthermore, it is acknowledged that the proposed use would generate a comparable number of employment jobs if the site were used for B1 purposes today.

Accordingly, the proposal meets the requirements of Policy BD2.

### **Legal Agreement – nomination rights**

The applicant has drafted a legal agreement for finalisation with the Council's solicitor. In considering the legal agreement, the officer has concerns with aspects of its detail and its reflection or otherwise of members requirements as documented in the minutes.

Accordingly, in light of this uncertainty and in order to ensure the agreement accurately reflects the requirements of members further clarification is required from the Committee. Additionally, the officer has concerns in respect of the application and implementation of the agreement.

The applicant is will to enter into an agreement securing nomination rights for Wiltshire Council in relation to five extra care apartments (referred to as Local Person Apartments). The agreement as drafted requires Blue View to notify the Council of the date of completion of the apartments. Within six weeks of such a notification, the Council are required to nominate a person to purchase an apartment. Blue View will then use all reasonable endeavours to enter into a contract for the transfer of the apartment at the prevailing market value. The end purchaser will also be liable for service charges.

Both the officer and the Council's solicitor express concern with the following aspects of the agreement:

1. The uncertainty as to whether the agreement reflects the committee's aspirations in respect of nomination rights.
2. The requirement for the Council to find prospective local purchasers for the apartments is onerous and unlikely to be achieved within a six week period.

In the event that it was the Committee's expectation that five extra care units would be provided to the Council to nominate residents free of charge, such a requirement has not been offered by the applicants nor is it considered that there is any evidence to suggest that a requirement would or would not meet the tests set out in Circular 05/05 which relates to planning obligations in so far as it is necessary, reasonable and/or appropriate.

The applicant has written to the officer and some members of the Committee confirming that they do not believe any requirement to transfer five apartments to the Council for nomination of residents is appropriate and reasonable. A copy of the letter is on file and the website together with a copy of the draft undertaking.

The care home operator will not acquire the site if any units are required to be subsidised.

## **9. Conclusion**

The proposed development represents inappropriate development in the Green Belt based on Policy NE1 of the North Wiltshire Local Plan 2011 and PPG2 "Green Belts" since it falls outside of the parameters of development considered to be acceptable in such locations.

Notwithstanding the need for the development and the existing use of the site, these are not considered to be very special circumstances which justify this inappropriate development.

In addition, by reason of the scale and siting of the development, the built form on the site would be physically and visually intensified to the detriment of the character and appearance of the area. It would also fail to preserve the openness of the Green Belt as the physical presence of the site is intensified.

Furthermore, the development would have an overbearing impact and result in the loss of privacy and amenity to adjoining residential properties.

Accordingly, the proposed development is considered to be contrary to Policies C3, NE1, NE4 and NE15 of the adopted North Wiltshire Local Plan 2011.

Notwithstanding the above and in light of the Committee's resolution, clarification is sought in respect of the detail and application of nomination rights in order that the application can be determined.

## **10. Recommendation**

Planning Permission REFUSED For the following reasons:

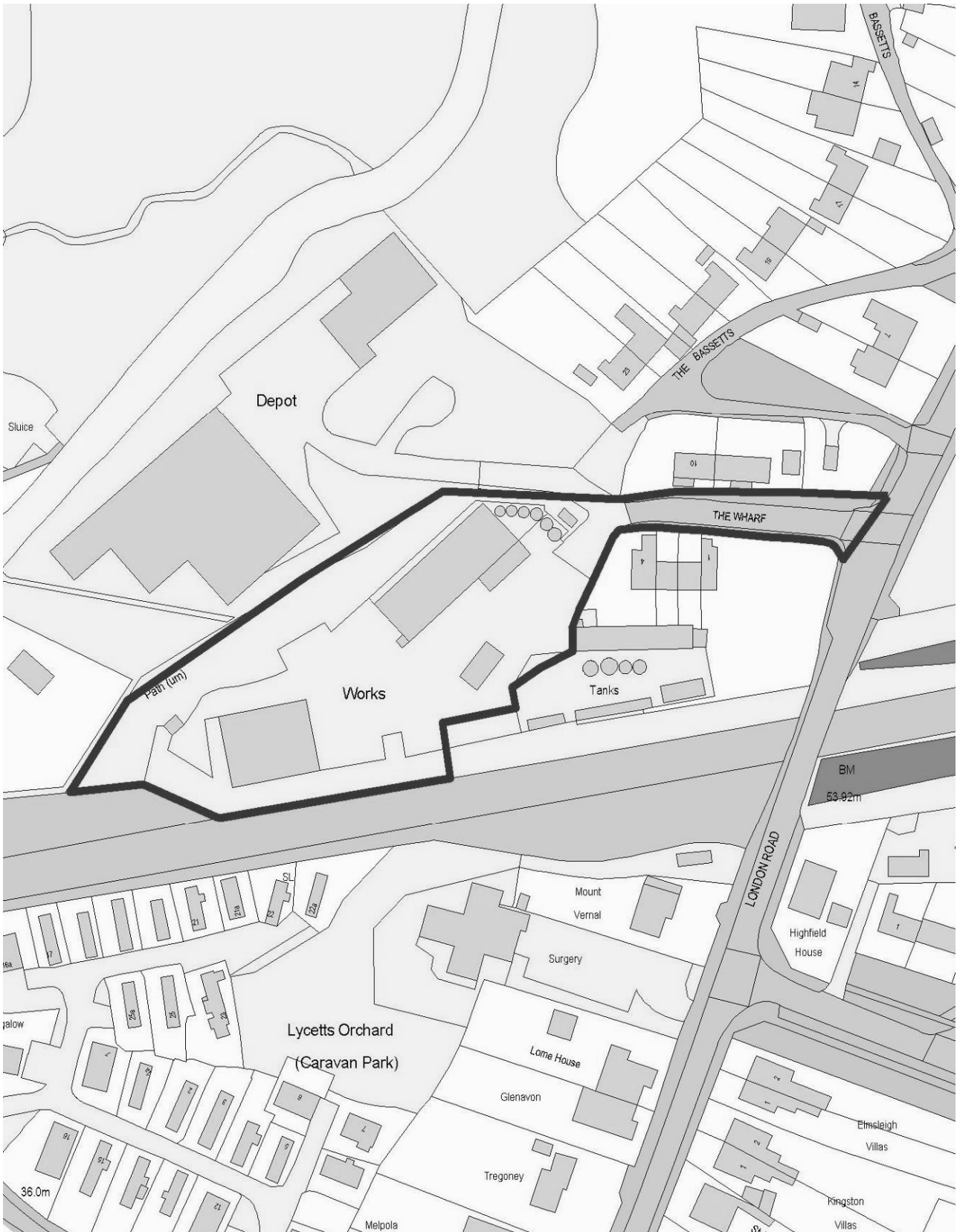


1. The proposed development falls outside the categories permitted in Policy NE1 and thus represents inappropriate in the Green Belt. There are not considered to be any very special circumstances which would justify such inappropriate development and as a consequence the proposed development is contrary to Policy NE1 of the adopted North Wiltshire Local Plan 2011.

2. The proposal would result in the significant intensification in the scale, bulk and massing of development of the site which would be out of keeping with the site itself as well as the character and appearance of the area and would fail to preserve the openness of the Green Belt at this location as well as the designated Area of Outstanding Natural Beauty. Thus the proposal is contrary to Policies C3, NE1, NE4 and NE15 of the adopted North Wiltshire Local Plan 2011.

3. The proposed development by reason of its scale and siting would have an overbearing impact and loss of privacy and amenity of adjacent residential dwellings to the detriment of both existing and proposed residents contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 2.21; 2.24; 2.25; 4.02; 4.03; 4.04; 4.07; 6.02</b>



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(2)

Date of Meeting	4 <sup>th</sup> November 2009		
Application Number	N09/00739/FUL		
Site Address	Kingsmoor, The Ley, Box, Corsham, SN13 8LA		
Proposal	Conversion & Extension of Existing Building to 12 no. Flats		
Applicant	Corleigh Ltd		
Town/Parish Council	Box		
Electoral Division	Box and Colerne	Unitary Member	Sheila Parker
Grid Ref	382750 168469		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706 686	christine.moorfield@wiltshire.gov.uk

## Reason for the application being considered by Committee

This application has been submitted to the committee for decision at the request of Councillor Sheila Parker to assess the scale of the development its impact on traffic generation and parking in the area.

## 1. Purpose of Report

To consider the above application and to recommend that planning permission be DELEGATED to the Area Development Manager for PERMISSION subject to the completion of a S106 agreement in respect of public open space and conditions.

## 2. Main Issues

This application is for the change of use of a nursing home to 12 no. flats. The proposal includes some extension works to the building as well as the laying out of a car park area.

The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H3
- Implications on Local Plan Policy NE4
- Implications on Local Plan Policy NE1

It is considered that Policy CF3 (Provision of Open Space) is applicable and a draft 106 has been issued to the applicant.

## 3. Site Description

The site is a large detached dwelling which sits in a substantial plot. The topography of the locality is a fairly steep hillside and therefore the building is very prominent in the locality. The site is within Box framework boundary, it is also within the Green Belt and the AONB. Access to the site is via a narrow one way road. This road serves the surrounding properties which are predominantly residential. To the North West of the property the grassed front garden area slopes down to The

Ley. To the South east of the building is a smaller garden area and this is terraced due to the topography. The top level is a car parking area while the lower terrace is grassed.

#### 4. Relevant Planning History

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

#### 5. Proposal

This scheme as originally submitted indicated 14 no. units. The scheme also included two extensions one to the rear (SE) and one on the SW corner. Discussions with Officers in respect of the design of the extensions the number of units and the layout of the car parking resulted in amended plans being submitted which altered the design and reduced the number of units to 12. Amended plans were received in September and consequently the application was re-advertised.

This application is for the change of use of this building to 12 no. residential units. 11 units have 2 bedrooms whilst one unit has 3 bedrooms. A two storey extension is proposed on the South Eastern side of the building and a two storey extension is proposed on the South Western corner of the building.

It is proposed that 20 car parking spaces will be provided on the south eastern side. Some spaces will also be provided along the North Eastern side of the site. There is an existing right of way to garages which belong to nos 3 and 4 Box View.

On the lower ground floor a plant room will be provided along with a cycle store. The cycle store can be accessed from outside the property as at present it is a garage. A communal bin store is to be located within the car parking area.

The application has been amended in terms of the number of units and the design of the extensions and car parking layout following discussions with officers.

#### 6. Consultations

**Box Parish Council:** Objects to the proposal for the following reasons: 12 units is overdevelopment of the site. The previous use of the building generated much less traffic. The access road is not capable of accommodating this level of traffic. The car parking comprises the integrity of the house.

**Highway Officers:** Amended plans, in association with a comparison with the level of possible use of the existing site and the evidence submitted in support of the application from Corleigh Limited, have lead the Highway Officer to raise no objection subject to conditions.

#### 7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. In total 18 letters of objection have been received. Some of the objections have been addressed by the amended plans but the main concerns are as follows.

- Traffic generation impact on safety
- Inadequate access to the site
- No footpaths
- Parking and the manoeuvring of vehicles
- Emergency vehicle access
- Noise and disturbance

- Impact on trees
- Access for construction vehicles
- Overdevelopment of the site
- Wildlife including bats and slow worms on the site
- Inadequate notification
- Impact on amenity of adjacent residents in terms of overbearing loss of light loss of privacy.
- Affordable housing
- Hard surfacing and impact on drainage
- Existing right of way at rear of the site
- Manoeuvring vehicles

## **8. Planning Considerations**

### Principle of development

The site is within the settlement boundary for Box where in principle residential development is considered appropriate. Policy H3 of the Local Plan 2011.

### Existing Use of the building

In the agents DAS it is stated that the building was previously used as a nursing home for 19 residents and employed 25 people. However the building has been unoccupied for some time. In a report produced by Wiltshire Joint Commissioning Board for Mental Health Services in 2003 it was shown that Kingsmoor House had 12 no. bedrooms. The use of the building would fall under class C2 of the Use Classes order as amended 2005.

### Impact on the character and appearance of the locality

The extensions to the building have been amended from those originally submitted. The rear extension has been reduced in size so that it does not protrude above the ridge line of the existing building. The extension fills an area at the rear of the building it has a footprint of 17mx5.5m. The fenestration and roof details are considered acceptable and are sympathetic to the character and appearance of the main building. The small infill area on the SW corner of the existing building has a footprint of 7mx8m. The design of this extension again reflects the character of the main building in terms of the roof form and fenestration. The extensions comply with Policy C3 of the Local Plan 2011. The design of the extensions and the layout of the site are considered acceptable and will not have a detrimental impact on the character and appearance of this prominent site within the AONB and Greenbelt. Therefore, the proposal is considered to comply with policies NE4 and NE1.

### Impact on the amenity of neighbours

The rear extension is not considered to have an impact on the amenity of the residents to the SE of the site. There are first floor windows but these will be 23m from the rear boundary and given the topography of the site (i.e. the building is set down and the orientation of the dwellings adjacent to the rear boundary) it is not considered that over-looking to the side would be a problem. There are no new windows proposed on the North Eastern elevation. There will be two bedroom and two living room windows at first floor level where previously there were 4 bedroom windows. It is not considered therefore that this change in use would result in a loss of privacy for neighbours on this side of the development.

The extension on the SW corner of the building will result in a two storey element adjacent to the boundary with no. 1 Kingsmoor Cottages. However given the mass and bulk of the existing building and the fact that this extension is on the NE side of this property the impact on light is considered to be relatively small and therefore it is not considered that this extension in association with the change of use of the building would warrant refusal of the application.

One of the units at first floor level does have a bedroom kitchen and secondary lounge window looking out towards Kingsmoor Cottages. However, this relationship is the same as existing as these windows previously served a flat within the building.

The scheme is considered to comply with policy C3 of the Local Plan 2011.

#### Impact on Highway safety

The Applicant has submitted a traffic survey which along with the amended plans has been considered in detail by the Highway Engineer.

The proposal as now amended has been reduced from 14 to 12 residential units. It is important to note that the reduction of the number of units from 14 to 12 has had a significant impact upon the highway view. It is considered that the difference between the new 12 residential units and the historic / potential movements of the traffic related to care home would not be considered a significant increase to warrant a refusal on highway grounds. Consideration has to be given that a care home could re-open and also have a different care home operator, and the site could generate an increased flow of traffic in comparison to historic movements without the need for new planning permission. As such, it is considered that the proposed development of 11 x 2 bed flats and 1 x 3 bed is not considered to create a significant number of additional movements in excess of traffic movements associated with the historic, or possible, uses of the site as a care home, particularly as it is expected that families would not occupy these units.

With regard to the proposed parking level proposed, 20 communal car parking spaces for the 12 units. For 11 two bedroom flats and a three bedroom unit it is considered that a standard of 1.7 to be acceptable and would not wish to object on this basis bearing in mind the maximum parking standards. Consideration has also to be given to the fact that there is a regular bus service located nearby to Chippenham and Bath.

The amended plans have included some further car parking layout amendments which have been discussed with the agent these include amendments to the access to both the terraces of parking. Relocation of spaces 8 and 9 amendments to the bin store and possible relocation of the cycle store. In principle the number of spaces and the layout of the car parking and associated elements are considered acceptable subject to conditions.

Whilst it is appreciated that there are no footpaths within the vicinity of the site it is recognised that this is an existing building and there is access to the front of the building to provide pedestrian access as required.

#### Wildlife

An ecological report was submitted with the application which has been considered by the Council's Ecologist. Subject to conditions that ensure that the development is carried out in accordance with the mitigation and protective measures outlined within that report (which will allow the developer to comply with wildlife legislation and planning policy) no objection is raised.

#### POS

A draft 106 agreement has been issued to the applicant in respect of the need for contributions to public open space provisions in the locality. Such a contribution is required in compliance with policy CF3 of the Local Plan 2011.

#### Drainage

The views of the drainage engineer will be reported in the additional information.

## Other Issues

An objector has stated that there was a refusal for 10 flats on this site. There is no history of such a refusal on this site.

The application was advertised in accordance with the Council's policy for neighbour notification.

The rear access to garages at the rear of no.3 and 4 Kingsmoor Cottages has been retained.

Affordable housing is not required on this site.

An amended site plan has been submitted which is considered to be accurate.

## **9. Conclusion**

This is considered an appropriate form of development in terms of the design of the extensions the layout of the site the use of the building and the level of use given the existing use on this site. It is not considered this proposal would have a detrimental impact on the neighbours to this site and the scheme. As such, the proposal is in accordance with Policies C3 H3 NE1 and NE4 of the North Wiltshire Local Plan (2011).

## **10. Recommendation**

Planning Permission be DELEGATED for permission subject to the completion of a S106 Agreement in respect of public open space and the following conditions:

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

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

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

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

POLICY: C3 NE1 and NE4

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;

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

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

POLICY: C3 NE1 and NE4

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

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

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

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY: C3

5. The development hereby permitted shall not be occupied or first brought into use until the cycle parking facilities shown on the approved plan 7039/16160revD have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

POLICY: C3

6. No part of the development hereby approved shall be occupied or first brought into use until the access arrangements and parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. The car parking spaces shall be



properly delineated. This area shall be maintained and remain available for this use at all times thereafter.

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

POLICY: C3

7. No part of the development shall be occupied or brought into use until the visibility splays for both points of access shown on the approved plan 7039/16160/D dated 1.4.2009 have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: C3

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

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

POLICY: C3

9. The development hereby permitted shall be carried out in complete accordance with the mitigation and protective measures recommended in the protected species report prepared by County Contracts (July 2009) submitted with this application.

REASON: Providing the protective measures are adhered to the developer will be able to comply with wildlife legislation and policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011.

**Reason for granting permission:**

The proposal accords with Policies C3, H3, NE1 And NE4 of the North Wiltshire Local Plan (2011) in that the extensions are of an appropriate design and bulk and the use is not considered to give rise to an unacceptable level of additional traffic and parking safety issues. It will not have a detrimental impact on neighbours that would warrant refusal and is therefore an acceptable form of development.

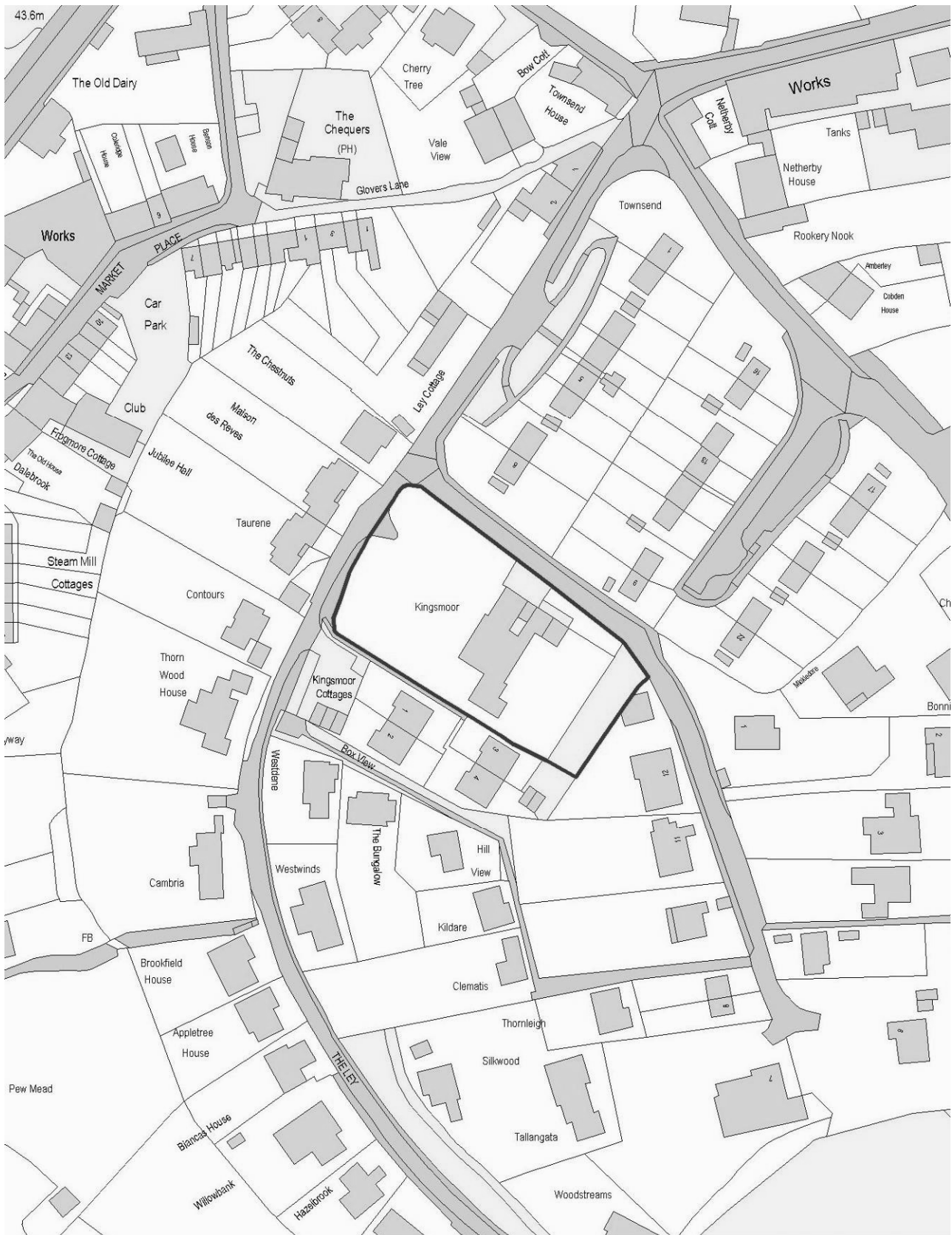
**Informatives:**

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.

Design and access statement, site location plan, transport statement July 2009, protected species report July 2009, existing survey and elevations both 28/04/09, 7039/16160d, 16161c, 16162b, 16163

2, The following policies of the Development Plan are relevant to this decision:

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



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(3)

Date of Meeting	4 <sup>th</sup> November 2009		
Application Number	09/00975/FUL		
Site Address	Embankment site, Bath Road, Chippenham, SN14 2AR		
Proposal	Erection of 5 dwellings and associated car parking		
Applicant	Mr J O'Donovan		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden & Rowden	Unitary Member	Judy Rooke
Grid Ref	390971 172670		
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

Councillor Rooke has requested that this application be called to committee to enable the consideration of the height, design of the buildings and how they would relate to the surrounding area.

### 1. Purpose of Report

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

### 2. Main Issues

This application is for the erection of 5 new dwellings on a site currently used as a commercial builders yard. Access to the site is to remain via the existing private way from Bath Road, immediately adjacent to the petrol filling station. The main issues to consider are:

- Principle of development
- Access
- Flooding and drainage
- Impact upon neighbour amenity
- Design and appearance

### 3. Site Description

The application site is a hard-surfaced commercial builders yard situated between the railway embankment to the west and residential properties to the north and east. Several buildings have been erected on the site as well as several areas of external storage. Access to the site is via a private way from Rowden Hill, which currently provides vehicular access to the site, plus several domestic garages serving properties fronting Bath Road. The access is also used as a pedestrian route under the rail line to Hungerdown Lane.

Ladyfield Brook (classified as a main river) runs along the south-west boundary of the site, with the vehicular access crossing via a bridge.

4. Relevant Planning History		
Application Number	Proposal	Decision
04/02686/OUT	Residential development	Approved 14/01/05

## 5. Proposal

The application is for the erection of 5 new dwellings arranged in a terrace across the site. Separate garden areas are provided together with space for the parking of 11 cars and out-building for secure storage.

Vehicular access to the site remains as existing from Rowden Hill, together with the retention of a pedestrian access point via Timbrell Place, which also intended as emergency access for Fire Service.

In accordance with adopted Local Plan policy, the proposal now also includes an undertaking under s106 of The Act to provide a financial contribution towards the improvement of local public open space provision.

## 6. Consultations

Highway Engineer – This application reduces the number to 5 dwellings and as such would not be looking for the development to be adopted. No objections subject to conditions being impose in respect of parking spaces being laid out in accordance with submitted plans.

Drainage Engineer – *“This application doesn’t cause me any concerns. It mentions that surface water will go to soakaways and if so these should be provided in accordance with BRE356 soakaway design. I am quite sure that the site is served with a piped surface water culvert, which could be used as an overflow from the soakaways to reset them more quickly.”*

Environment Agency – Following submission of Flood Risk Assessment, raises no objections subject to conditions and informatives. Also comment that the secondary access via Timbrells Place is required so as to provide emergency access in the event of the main vehicular access via Bath Road/Rowden Hill being flooded.

Landscape Architect – This proposal would generate a need for the provision of Public Open Space. This development is too small to warrant the creation of such provision on site and therefore a contribution of £37,027.11 is required. Such a contribution would be targeted at improving the quality of facilities at Kingsley Road play area and Kingsley Road local park.

Network Rail – No objection subject to conditions.

District Ecologist – White Clawed Crayfish have been recorded as being present in the adjacent Ladyfield Brook. Recommend that a condition is placed on any planning permission requiring submission of construction method statement so as to prevent pollution of watercourse.

## 7. Publicity

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

11 letters of letters of objection received

Summary of key relevant points raised:

- Emergency access via Timbrells Place could be used as a “rat-run” if the gate were to be left unlocked – creating noise and disturbance to existing residents
- Emergency access not suitable to allow fire appliance – too narrow with sharp bend
- No need for emergency access
- Impact upon amenity of existing residents by scale of proposed buildings
- Design of dwelling not in-keeping with locality

## **8. Planning Considerations**

### Principle of development

The application site is located within the Settlement Framework Boundary of Chippenham. Policy H3 of the adopted North Wiltshire Local Plan 2011 is applicable and does allow for the principle of new residential development. However, the acceptability of new residential development must also be assessed against a range of other policies contained within the Local Plan, the salient points of which are discussed below.

In the context of the large amount of employment land within the confines of Chippenham, the loss of this site for employment purposes is not considered to be a reason to refuse proposal for redevelopment, especially given its rather inappropriate positioning next to residential properties. In any event a builders yard is a *sui generis* use class, falling outside of the scope of Policy BD2 of the adopted Local Plan, and therefore not subject to the safeguarding of the business use classes that it offers.

Outline planning permission for residential development has previously been granted under reference 04/02686/OUT. That permission has long since lapsed.

### Access

The site is currently served by vehicular access running from Rowden Hill to the side of the petrol filling station. It is a private drive and not only provides access to the site, but also to the rear of several properties fronting Bath Road and pedestrian linkage under the rail line to Hungerdown Lane.

Wiltshire Council Highways have indicated that on the basis of 5 units being proposed, they would not look for the access to become adopted highway, and on that basis have no objections to make in this regard. There is considered to be no reason to diverge from this view.

As noted below, a small section of the access drive as it joins Rowden Hill falls into the high risk Flood Zone 3 category. Because of the proposed development is for residential development, the Environment Agency require a secondary access to the site be available for emergency purposes (ie. for a fire appliance) in case the main access is impassable due to flooding. This is proposed to be accessed by an also existing access via Timbrells Place, which unless cut by emergency services would remain locked to prevent all but pedestrian access to the site.

Again, Wiltshire Council Highways have indicated that the Fire Brigade would be able to achieve the reach the proposed development via Timbrells Place in the extremely unlikely event that the main access is inaccessible due to flooding. The concerns of local residents in this regard are noted, but in light of this advice, there can be no reason to refuse planning permission on these grounds. Planning conditions would be sufficient to ensure the emergency access is not used as a vehicular access in all other circumstances.

### Flooding and drainage

With the exception of a small section of the access drive immediately adjoining Rowden Hill, the application site is classified as being within Flood Zone 1, meaning that there is a low probability of flooding. A small section of the access drive is, however, within the Flood Zone 3 category, where there is a high probability of flooding (ie. greater than 1 in 100 years).

Since the main part of the site where the dwellings are proposed (ie. the vulnerable element of the development – where people will be sleeping and living) is classified as being at a low risk of flooding, there is considered to be no reason to object to the proposal on the ground of flood risk. Such facts and considerations would address the requirement for a Sequential Test, as advocated within PPS25.

Nevertheless, and again using guidance within PPS25, the Environment Agency require that a secondary access be available for emergency services to use in the event of the main access being impassable due to flooding. This has been achieved via Timbrells Place. The ability to make use of this secondary emergency access is discussed in the section above.

### Impact upon neighbour amenity

The development is surrounded by existing residential development of varying forms. Most are some distance from the site, but in particular, two properties are directly adjoining, and their existing level of amenity must be secured.

Rowden Down Cottage is part of a semi-detached pair whose curtilage runs the length of the northern boundary of the site, with its flank wall being directly on the boundary. The units are positioned alongside the flank wall at a distance of 2.5m, with no windows directly facing. The new units are orientated similarly to Rowden Down Cottage and it is therefore likely that first and second floor windows to the rear would allow for views of the rear portion of the garden of Rowden Down Cottage. However, these views would be necessarily oblique and offer no greater degree of overlooking than already experienced from the already adjoining property to Rowden Down Cottage (ie. it is already a semi-detached property).

38A Rowden Hill is a dormer bungalow type dwelling built to the rear of No.38 Rowden Hill (presumably on land originally part of its rear garden). No.38A retains an access onto Rowden Hill. The proposed development is positioned at some 24.4m – 29.0m distance from the rear elevation of No.38A, with some planting along the boundary fence. In normal circumstances this distance is thought sufficient to mitigate against unacceptable levels of overlooking, however in this particular instance the proposed units are 3 storeys, which could pose a greater degree of visibility across the garden area. As a response to this concern, the second floor windows serving bedrooms are now proposed to be obscured so as to limit impact amenity. Not always a satisfactory solution to a problem, in this particular instance obscure glazing to the bedrooms is considered reasonable particularly as the mono-pitch roofs would allow for the introduction of rooflights or sun-pipes in the future. For similar reasons a first floor external balcony serving unit 1 has been fitted with a visual screen to its rear (eastern) elevation.

### Design and appearance

The proposed dwellings are to be of a three storey terrace with “saw-tooth” mono-pitch roof design with receding unit depth. All units are of a four-bedroom size and would reach a maximum height of 9.5m to roof peak and 7.2m to effective eaves. Materials are to comprise a mix of timber panelling, render and solar panels to the roof.

Its design is of an unmistakeably modern idiom and this is not considered to be an objectionable approach to development on a site such as this. Whilst more traditional stone built properties such as Rowden Down Cottage do exist in the vicinity, there is otherwise a wide range of dwelling type and vintage in the locality. A modern design approach of an appropriate quality cannot be legitimately used as an automatic reason to object to the proposal.

Height and massing of the dwellings are a source of local objection and it is undoubtable that the roof height and orientation to unit 1 has been reversed so as to reduce the bulk of the development in relation to Rowden Down Cottage. However, as a defined commercial site already distinct in appearance from the surrounding residential development, it is entirely possible to view the development as being stand-alone, and therefore not necessitating a slavish adherence to storey height or massing. The variety in existing dwelling form and type is also considered to lend credibility to this approach.

## **9. Conclusion**

This proposal now includes the necessary features so as to overcome previous objections raised by the Highway Engineer and the Environment Agency. Whilst modern in approach, the design of development is not considered to constitute a reasonable reason to object to the proposal and its three storey height not being automatically seen as being divergent from a locality that sees residential properties of a variety of type and appearance.

## **10. Recommendation**

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

This proposal now includes the necessary features so as to overcome previous objections raised by the Highway Engineer and the Environment Agency. Whilst modern in approach, the design of development is not considered to constitute a reasonable reason to object to the proposal and its three storey height not being automatically seen as being divergent from a locality that is not characterised by a homogeneous or regular form of development. As such the proposal is considered to comply with the provisions of Policies C3, NE2 and H3 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. 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 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);

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

POLICY: C3

4. No part of the development hereby permitted shall be occupied or first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: C3

5. 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

6. No development shall commence on site until details of the obscure glazing to be used in the second floor windows in the rear elevation has been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

POLICY: C3

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

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

POLICY: C3

8. No development shall commence on site until a scheme to deal with contamination of the land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, buildings and the environment when the site is developed. The site shall be fully decontaminated in accordance with the approved scheme before any part of the development is occupied.

REASON: In the interests of public health and safety.

POLICY: C3

9. Prior to the commencement of development full details of the proposed secure storage building shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so approved.

REASON: In the interests of amenity so as to secure an outbuilding of satisfactory design and appearance.

10. With the exception of its use by emergency services, the proposed secondary access to the site via Timbrells place shall be secured against all future vehicular use, in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

REASON: In the interests of securing an emergency access to the site in the event of an extreme flood and so as to avoid an unacceptable impact upon residential amenity.

#### **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.

LDC.1337.FMex, 1605-L01, L02, L11, L12 dated 3.6.09

1605 L31, L32, L33, L13, L21 dated 24.8.09

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>2.02; 2.21; 2.25; 2.37; 4.04; 4.07; 4.09; 5.01; 6.02</b>



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(4)

Date of Meeting	4 <sup>th</sup> November 2009		
Application Number	09/01451/S73A		
Site Address	Wrens Brook, Sambourne Road, Minety, Wiltshire, SN16 9RQ		
Proposal	Erection of Stable Block and Tackroom, 2 Storey Fodder Storage Barn, Use of Site for Horsekeeping and Retention of Riding Arena (Revision of 09/00926/FUL)		
Applicant	Mr I Plank		
Town/Parish Council	Minety		
Electoral Division	Minety	Unitary Member	Cllr Carole Soden
Grid Ref	403523 190805		
Type of application	Retrospective		
Case Officer	Mandy Fyfe	01249 706638	mandy.fyfe@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 whether the barn size and construction is appropriate for the stated use, is out of character for this location and would be a dominant feature of the road.

## 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 fourfold. Firstly to erect a new triple stable block, a two storey barn for the provision of feedstuff, the retention of a riding arena and the change of use of land behind the arena to horse-keeping. The main points to consider are:

- Principle of development
- Implications for Policies C3, NE15 and NE18 of the Local Plan

## 3. Site Description

The application site is situated to the north of Minety in the open countryside and comprises of a small parcel of land facing onto an unadopted road that formerly lead down to Minety Station and two fields behind this site whose western boundary follows along the Swindon/Gloucester rail line. The land fronting onto the unadopted road is level, but beyond the riding arena, the land slopes away to the northwest towards the hedge line. Due north of the existing stable block is Sambourne Cottage with its access onto the B4040. To the south is another paddock and Braemar Cottage but with its access onto the unadopted road. The applicant has the use of 10ha of land for his three horses.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
09/00926/FUL	Erection of double stable block, barn and tackroom	Withdrawn
05/02104/APEN	Appeal against enforcement - Change of use of land from a mixed use of Agricultural and keeping of horses to a mixed use for that purpose and for use by a fencing and building contractor for workshop and storage purposes	Withdrawn
04/02252/CLE	Certificate of Lawfulness (Existing) for use of land/buildings for fencing and building company and for storage of materials/workshop/stables for horses	Refused
03/01820/FUL	New Haybarn, replacement workshop	Withdrawn
02/02140/FUL	Haybarn	Invalid
94/01430/S73	Livestock Shed	Permitted
92/01525/OL	Erection of one dwelling	Refused and Dismissed at appeal
91/01346/OL	Erection of 4 dwellings	Refused and Dismissed at appeal

## **5. Proposal**

The proposal is fourfold. Firstly to erect a second stable building in the field to be built out of brick and tiles, secondly to erect a two storey feed store that will provide a feed store on the ground floor with a haystore above again in a brick and tiled building. The other two parts of the scheme are retrospective, for the retention of the riding arena behind the existing stable block and for the use of two fields further behind this site for horse keeping. No additional accesses are proposed as the site already has two vehicular accesses off the unadopted road. There are, however, two public footpaths that cross the site Nos 38 and 44.

## **6. Consultations**

### Minety Parish Council:

#### Objections

As there appears little if any change to the plans submitted previously the objections remain the same. The barn size and construction is inappropriate for the stated use and the building would be out of character in this location. The roof height of the barn would make the building a dominant feature of the road. Please note, Councillors believe that the access shown on the plans was also created without planning permission as reported to North Wiltshire District Council several years ago.

### Highway Engineer

Recommend that no highway objection be raised subject to a condition

### Environment Agency

The EA has no objections in principle to the proposed development but recommends conditions and informatives

### Network Rail

No objection in principle to this proposal subject to conditions

## **7. Publicity**

The application was advertised by site notice including a notice displayed near the railway crossing alongside public footpath 44 at the back of the site, press advert and neighbour consultations.

3 letters of letters of objection received (from same person)

Summary of key relevant points raised:

- Concerned about change of use of greenfield land to business use
- two storey building disproportionate given previous history and could be a precursor to change of use to two storey dwelling
- question the access from the private road
- Additional land does not belong to applicant was sold off by him in past

1 letter of support received

## **8. Planning Considerations**

This application seeks to grant retrospective permission for two elements of this scheme as well as providing two new buildings on this site. As can be seen from the lengthy planning history, there have been several attempts by the applicant to gain permission for buildings on this land without success apart from the application in 1994 where permission was granted for a timber building described as livestock sheds 94.1430/S73 refers. This comprises of a double loosebox with overhang and a floor area of 36 square metres. A stone track was permitted in front of it to provide access to the road. This permission was subject to two conditions:

*1. The stables hereby permitted shall only be used for private or social purposes or agricultural purposes and shall at no time be used for any non-agricultural commercial purpose whatsoever, including that of a riding school. Reason: To prevent the introduction of a commercial use into the area in the interests of amenity.*

*2. The land outlined with a heavy black line on the approved location plan and thereby associated with the building 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 unless express planning permission shall have first been granted following the submission of an application to the planning authority. Reason: To define the permission and reserve control over matters which full details have not been submitted.*

Since then although various applications have been submitted, no permission has been given to erect new buildings on the site facing onto the unadopted road.

The new stable block would provide space for at least three horses with the plans showing 3No stables, but one is indicated to be a tackroom/store. The building would have a floor area of 44 square metres. The ridge height would be 3.7m high and the building would be constructed from brick elevations with a tiled roof.

The two storey hay/feed building would have a footprint of 54 square metres and being two storeys an overall floor area of 108 square metres. It would be constructed of brick and tiled like the stable block and have a ridge height of 7.85m. An internal staircase would be provided to access the hayloft with two openings with timber doors to facilitate the filling of the loft with hay. It would have a half hipped roof. The submitted plans indicate that tarmac will be laid around the stable block and hay barn, but following discussions with the applicant, the hard surfacing will be concrete and can be dealt with by way of a condition.

In support of the scheme the applicant has provided the following additional information to clarify various points raised:

- The size of the barn has been deemed appropriate for the safe keeping of horses, storage of associated equipment and feed
- The character of the building - this is the opinion of the Parish only. The plans submitted have detailed the type of materials that he intends to use. They are in keeping with other residential dwellings and outbuildings either side of his land and in the surrounding area. The barn will complement Minety which is an equestrian area so the barn will be in keeping
- The height of the barn is lower than existing properties in the area
- The applicant bought the land with two access points. He did however move one of the access points onto the highway and was told at the time that permission would not be required for this as it was on a private road. The second access has been improved for safety reasons following a burglary.
- The Gypsy site that is 300m away from the applicant's land is out of character with the area and is a dominant feature and was not regulated through the correct planning procedure

Some 30m from the proposed stable and barn to the north is the riding arena. This has a ground area of 20m x 38m and is enclosed in a post and rail fence with a sand surface. Beyond this are two fields giving a total land area of 10ha.

Comments have been made from both the Parish Council and the objector regarding the second access onto the unadopted road. It should be noted that in 1994 there was correspondence between the applicant and officers as the first access had been created without formal planning permission. The permitted plan shows that the access to the livestock shed would have been onto an existing access track that ran across the field and was owned by the occupier of Sambourne Cottage (then a semi-detached dwelling). At the time it was acknowledged that it was unauthorised but it was decided not to take enforcement action.

The 2nd access has been in situ since at least 2004 when the previous application for the CLE was submitted as the case officer noted the presence of the additional access during the site visit. As the road outside is unadopted, the creation of this second new access is not considered to require permission for its retention. Indeed if the access had required permission, then the enforcement appeal would have included this element as well.

### **Implications for Policies C3 NE15 and NE18**

With regard to Policy C3, there is a need for all development to respect the local character and distinctiveness of the area in terms of design, size, scale, materials, siting and layout. The new stable block would mostly be hidden from view behind the existing boundary hedge and would be constructed from brick and tile, as the applicant's existing horses have chewed the timber stable block and in addition there are continual security issues in this location. The use of brick construction will overcome these two issues. It is acknowledged that the two-storey barn will be visible through the timber double gates, with its double doors facing toward the 2<sup>nd</sup> access and

therefore from the highway, but the applicant needs somewhere to store both the feed and hay that is secure and dry.

The other two retrospective elements of the scheme are also considered to comply with this part of the policy. The field pattern in this part of Minety is made up small fields close to the main road and larger fields beyond. There are several stable blocks in the vicinity along with agricultural buildings.

As for the adjoining development, the nearest buildings to the south are a collection of field shelters which from the applicant's site visit did not appear to be occupied. To the northeast of the site is Sambourne Cottage. The occupier has already written and supported the scheme. It is therefore considered that the development would not have a harmful effect on the privacy and amenities of the adjoining occupiers.

Policy NE15 deals with the landscape character of the countryside, in this case, there would be no change to the pattern of fields and the hedge boundaries of the application site. The buildings when viewed from the fields to the north would just appear interspersed with the existing buildings.

The development is considered to be compliant with Policy NE18 as there is already a livestock use on the site. The closest neighbour in Sambourne Cottage has supported the scheme.

The view is taken that this development is wholly acceptable in terms of regularising the change of use of the fields to horse keeping and the riding arena, but there is slight concern about the size of the hay/feed barn and the construction of the stable block. Nevertheless it is acknowledged that keeping feedstuffs out in the open does reduce their longevity and there is a requirement to provide satisfactory long-term stable accommodation and therefore on balance it is accepted that this proposal be approved.

## **10. Recommendation**

Planning Permission be GRANTED for the following reason:

The proposed development will not be harmful to the character and appearance of this area and will have no significant adverse impact on the amenities of the adjoining residents. In addition, the scheme will regularise the existing riding arena and other land that the applicant uses for horse keeping. On this basis the proposal is in accordance with Policies C3, NE15 and NE18 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. 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, NE15

2. Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the ground surfacing materials around stable block and hay/feed barn 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, NE15



3. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

POLICY: C3, NE15

4. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the first use of the development, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

POLICY: C3, NE15, NE18

5. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

POLICY: C3, NE15, NE18

6. No external lighting shall be installed on the 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 plans.

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

POLICY: C3, NE15, NE18

### **Informatives**

1. The applicant's attention is drawn to the contents of the attached letters from the Environment Agency dated the 17th September 2009 and Network Rail dated 30th September 2009.

2. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

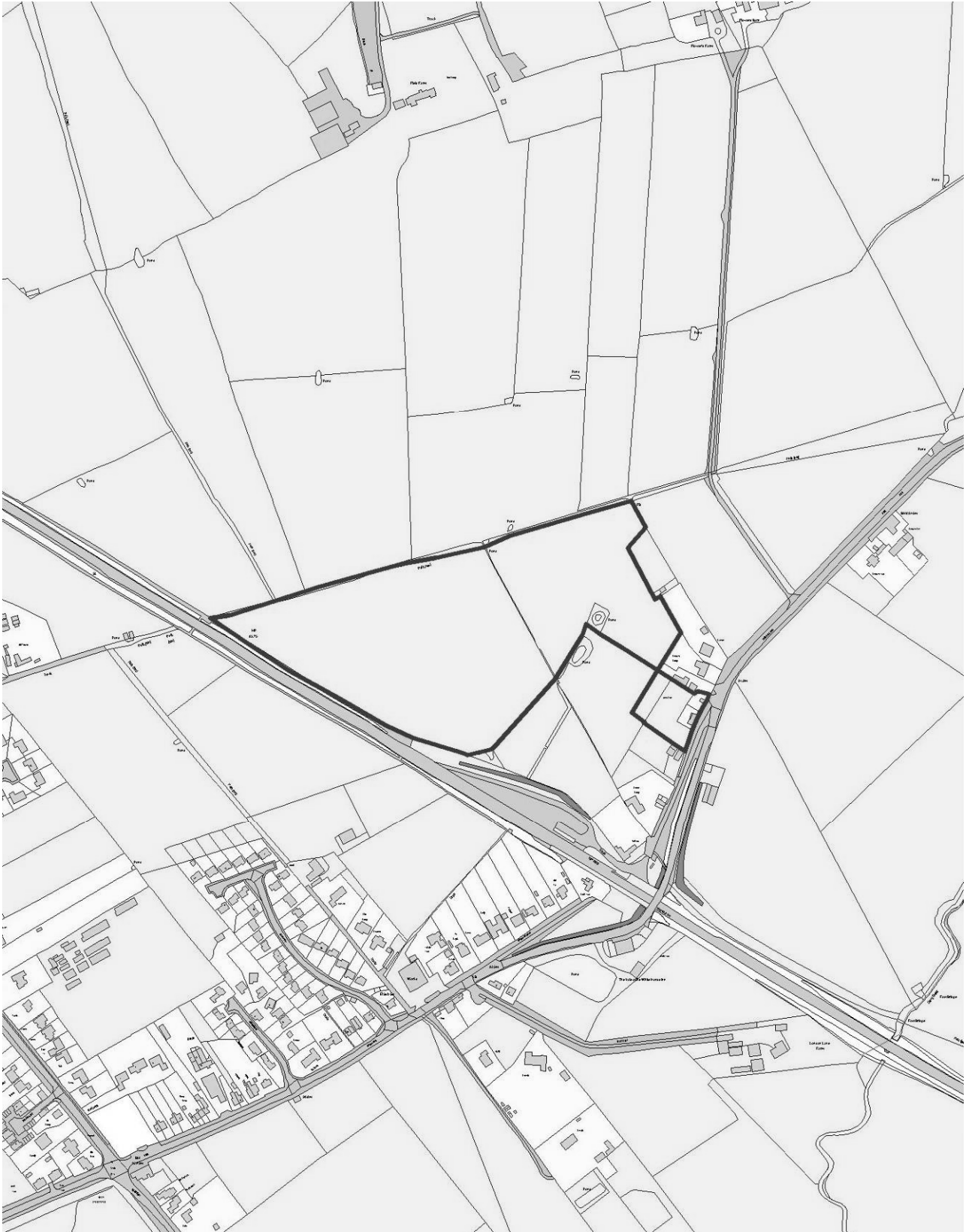
3. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to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

unauthorised buildings or structures and may also lead to prosecution.

#### Plan References

Unscaled OS location plan showing entire application site dated 3rd September 2009  
Drawing No: TD 11622/1 dated 13th August 2009

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 2.02, 2.21, 2.25, 4.02, 4.03, 4.04, 4.07, 5.01, 5.03</b>



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(5)

Date of Meeting	4 <sup>th</sup> November 2009		
Application Number	N09/01534/FUL		
Site Address	Part Field OS 4603, Hookers Gate Farm, Brinkworth, Chippenham, Wiltshire, SN15 5BG		
Proposal	Siting of Mobile Home in Corner of Field for Elderly Person for Temporary Period (Revision of 09/00922/FUL)		
Applicant	John & Robert Brice Farm Partnership		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Peter Doyle
Grid Ref	404299 183133		
Type of application	FULL		
Case Officer	Christine Moorfield	01249 706 686	Christine.moorfield@wiltshire.gov.uk

## Reason for the application being considered by Committee

This application has been submitted to the committee for decision at the request of Councillor Peter Doyle to assess the personal circumstances of the applicants.

## 1. Purpose of Report

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

## 2. Main Issues

This application is for the siting of a mobile home within the corner of a field adjacent to the garden of Hookers Gate Cottage. The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H4

## 3. Site Description

Hookers Gate Cottage is an agricultural workers dwelling and is occupied by the applicant's son and family. The applicant previously lived in Hookers Gate Farm House, which was the original farm house on the site and is now on the market for sale with a parcel of land.

The two properties are sited in close proximity and there are numerous farm buildings adjacent to the original farm house.

The piece of land on which the mobile home is to be sited is located within the corner of a field adjacent to the garden of Hookers Gate Cottage.

In part, the unit would be screened from the road by the existing barn and other agricultural buildings on the site.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
09/00922/FUL	Temporary cou of land for siting of mobile home. Recommended for refusal under delegated powers but withdrawn.	Withdrawn.

#### 5. Proposal

The proposal is for the change of use of a small corner of a field adjacent to the garden of Hookers Gate Cottage for the siting of a one bed roomed mobile home for Mr Brice Snr to live in. The supporting information submitted suggests that Mr Brice senior is in poor health and it is necessary for him to live close to his son.

The proposed unit is 11x3.6m in size. The area applied for the change of use to accommodate the mobile home is 17mx10m and would be defined from the wider field with a post and rail fence.

#### 6. Consultations

**Wootton Bassett Town Council:** No objection.

**Brinkworth Parish Council:** Comments awaited. No objections raised in respect of 09.00922.FUL.

**Highway Officers:** Refuse on highway grounds as it proposes the introduction of a dwelling into the countryside. If minded to approve, conditions in relation to limited occupation of the mobile home to the applicant only should be attached.

#### 7. Publicity

No objection letters have been received.

#### 8. Planning Considerations

##### Principle of development.

The site is within the countryside where such an application would be considered in relation to policy H4. Hookers Gate Cottage was granted consent as an agricultural workers dwelling at a time when the holdings operations were such that there was a justifiable functional need for two residential properties for those working the farm. The main farm house is up for sale at present with a parcel of land. It is no longer possible for Mr Brice snr to look after himself in the farm house.

It is appreciated that Mr Brice is in poor health and that he is now reliant on his son and family to look after him. It is also appreciated that the family would find it difficult for Mr Brice to live with them in the Cottage. However, it is clear that the proposal would not comply with policy H4 of the local plan as there is no functional need for it on the holding.

Nevertheless the application has been called before committee members as this is a specific situation given the poor health of Mr Brice and the implications that this has for his family.

It should be noted that if the mobile home was to be sited within the curtilage of Hookers Gate Cottage and Mr Brice shared the amenities with his family which could be the case. i.e. if his meals

were made for him by his son's family and he did not require cooking facilities then planning consent would not be required for the siting of this mobile home.

## **9. Conclusion**

It is evident that Mr Brice's family are endeavouring to provide him with suitable accommodation and there is a lot of sympathy for the issues that this family are facing however the proposal does not comply with council policy and therefore refusal is recommended. The change of use of a section of agricultural land for the siting of a mobile home is contrary to requirements of policy H4 of the North Wiltshire Local Plan (2011).

## **10. Recommendation**

Planning Permission be REFUSED for the following reason:

1. The proposed change of use of land for the temporary siting of a residential home on agricultural land for occupation by a person not employed in connection with the essential needs of agriculture or forestry or other rural based enterprise would result in the introduction of a residential use within the countryside contrary to policy H4 of the local Plan 2011.

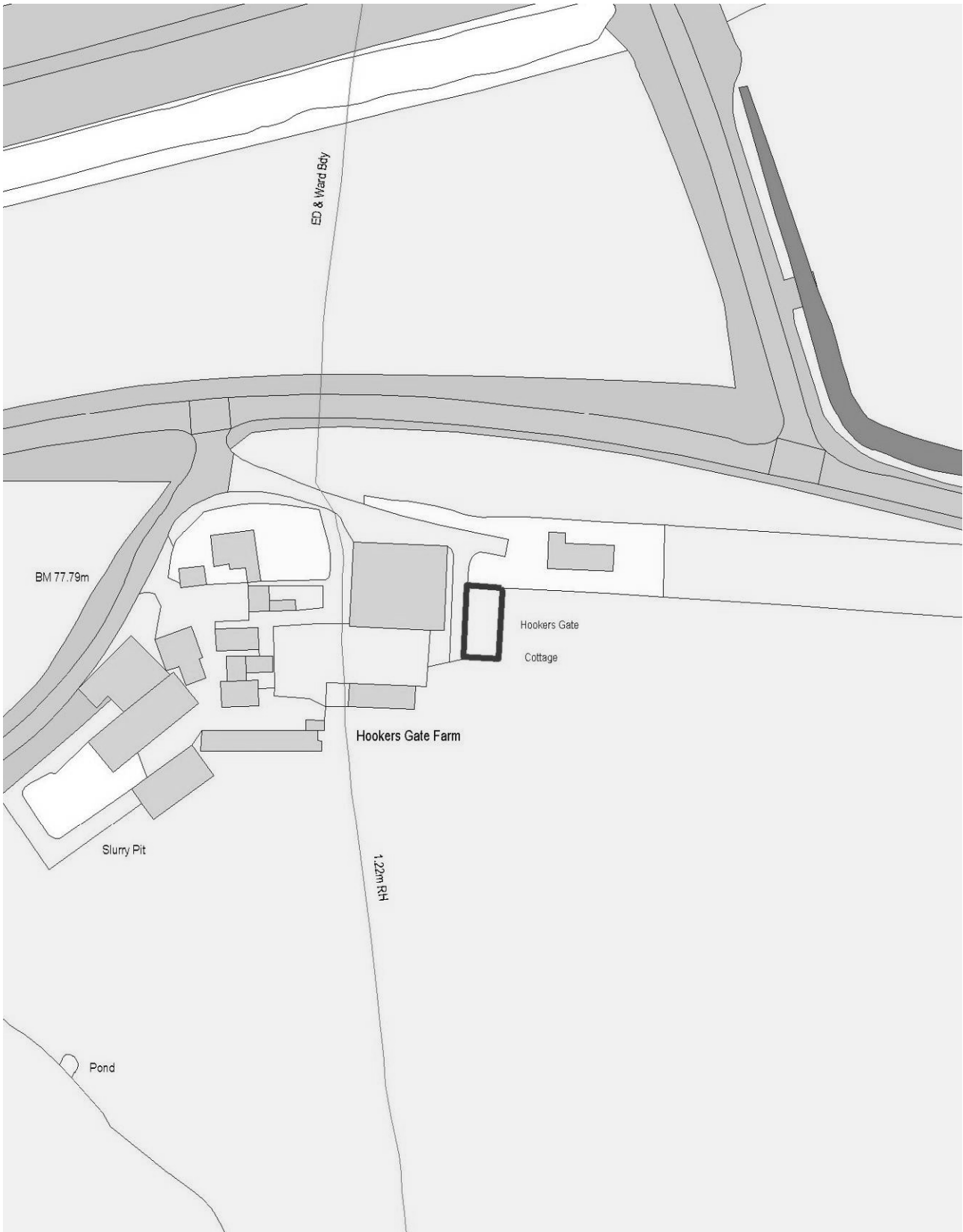
### **Informatives:**

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

### **Plan References**

Design and Access Statement, site location, block plan, mobile home details all date stamped 25<sup>th</sup> August 2009.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 2.02, 4.02, 4.03, 5.01</b>



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(6)

Date of Meeting	4 <sup>th</sup> November 2009		
Application Number	N09/01638/FUL		
Site Address	43 Common Platt, Lydiard Millicent, Wilts. SN5 5LB		
Proposal	Demolition of Existing Bungalow and Erection of a Two Storey Detached Dwelling		
Applicant	Mr D Stewart		
Town/Parish Council	Lydiard Millicent		
Electoral Division	Wootton Bassett East	Unitary Member	Cllr Mollie Groom
Grid Ref	410951 186518		
Type of application	Full		
Case Officer	Christine Moorfield	01249 706686	christine.moorfield@wiltshire.gov.uk

## Reason for the application being considered by Committee

This application has been submitted to the committee for decision at the request of Councillor Mollie Groom to assess the impact of the development in terms of scale design visual impact and relationship to adjacent properties in the area.

## 1. Purpose of Report

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

## 2. Main Issues

This application is for the erection of a detached dwelling on an existing residential plot of substantial size. The site at present is occupied by a modest bungalow. The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H3

## 3. Site Description

The site at present is occupied by a bungalow which sits in a substantial plot.

There is hedging along the road frontage. The area is predominantly residential. To either side of the plot are two storey detached residential properties. The site has an area of 0.49 hectares.



<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
09/00570/FUL	Demolition of Existing Bungalow and Erection of Detached Dwelling	Permission

## **5. Proposal**

The replacement dwelling is two storeys in height and has a floor area of approx 410m<sup>2</sup>. The proposed dwelling comprises 5 bedrooms with 5 ensuites. On the ground floor there are two reception rooms, kitchen, games room, garden room and study.

There is also a double garage attached to the house. A double garage of substantial size is also proposed to be attached to the house.

## **6. Consultations**

**Parish Council:** No objection.

**Highway Officers:** No objection subject to conditions in relation to the provision of and layout of the parking and entrance.

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation. No objection letters have been received.

## **8. Planning Considerations**

### Principle of development.

The site is a residential plot where proposals for replacement dwellings are established as acceptable in principle.

Policy H4 requires any replacement dwellings to be permitted provided that:

- a) the residential use has not been abandoned,
- b) the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings,
- c) the replacement dwelling is of a similar size and scale to the existing dwelling within the curtilage.

### Compliance with policy H4

The use of the existing bungalow has not been abandoned, but a report submitted has shown that the property is in a poor state of repair where it is considered that to insist it is refurbishment would be unreasonable.

The bungalow is quite attractive in terms of its appearance but it is recognised that the character of the buildings on the adjacent sites and within the locality are predominantly fairly substantial detached dwellings.

Notwithstanding the above, the new dwelling cannot be seen to comply to any extent with the requirement for it to be of a similar size and scale to the existing dwelling.

The previous permission granted did allow a larger unit than the existing bungalow on the site. This was considered reasonable for the new dwelling to be two storeys given that most of the adjacent dwellings are two storeys. It was also felt to be reasonable to allow the applicant an enlarged footprint given the very modest scale of the existing bungalow and the size of the plot. That application was the subject of negotiation and the final approved scheme had been reduced from the original submission. A copy of the approved scheme 09/00570/FUL is contained in Appendix I.

However, the dwelling as now proposed has a footprint which is more than double that of the existing bungalow and garage. The overall volume is approximately 2000m<sup>3</sup> whereas the existing bungalow has a volume of approx. 500m<sup>3</sup>. Therefore the proposed dwelling is in excess of 4 times the volume. It is not considered that this proposal can be considered to be of a similar size and scale to the existing bungalow on the site.

By reason of the scale of the development the proposal is considered to be contrary to policy H4 b of the North Wiltshire Local Plan 2011.

The spirit of the policy seeks to ensure that traditional properties which may be smaller than those now expected on 'new build' sites are kept available to ensure a mix of housing stock and not force people out of the area due to the lack and availability of smaller and more affordable units.

#### Impact on the amenity of neighbours

Due to the size of the plot it is not considered that this proposal would have a detrimental impact on the privacy and amenity of adjacent residents.

#### Impact on Highway safety.

The existing property is in a residential area and the highway engineer has raised no objection to the proposal subject to conditions in respect of the construction of the access.

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

### **9. Conclusion**

It is considered that the proposed erection of a detached dwelling of this scale and mass on this site would not comply with the requirements of policy H4 of the North Wiltshire Local Plan (2011).

### **10. Recommendation**

Planning Permission be REFUSED for the following reason:

1. The proposed replacement dwelling is not of a similar size and scale to the existing dwelling within this curtilage and would therefore not comply with policy H4 of the North Wiltshire Local Plan (2011).

#### **Informatives:**

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

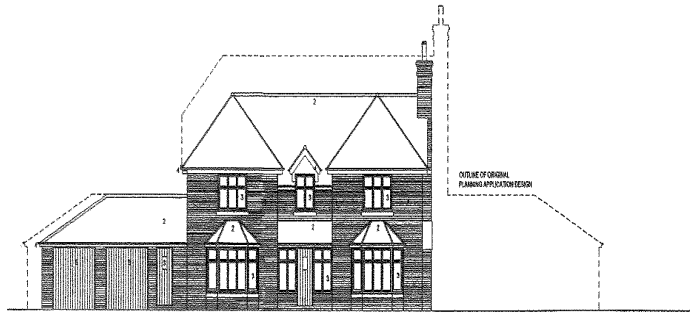
#### **Plan References**

Design and Access Statement, site location plan, coloured elevations/views of proposal, plans 09/cpl.2/p06,05,04, 03, 02 all date stamped 10/09/09

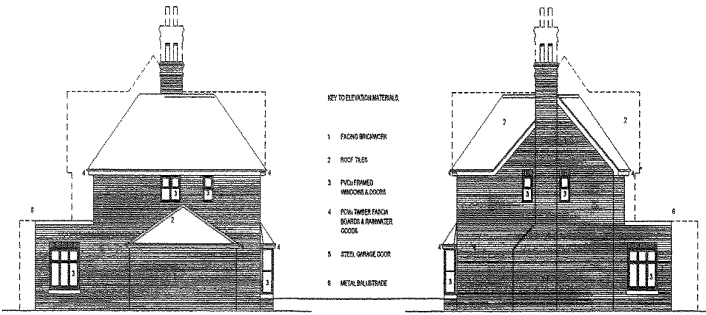
<b>Appendices:</b>	<b>09/00570/FUL – Elevation Details</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 2.02, 4.02, 4.03, 5.01</b>

# APPENDIX 1

09/570FUL

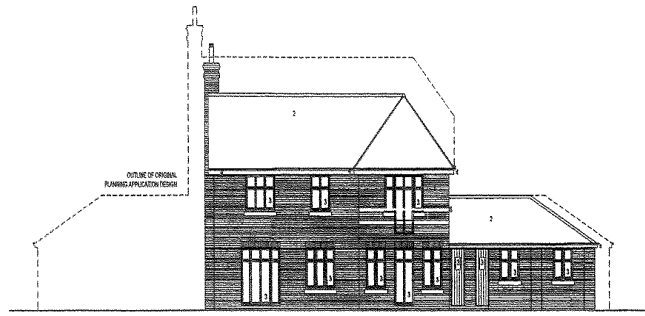


EAST ELEVATION

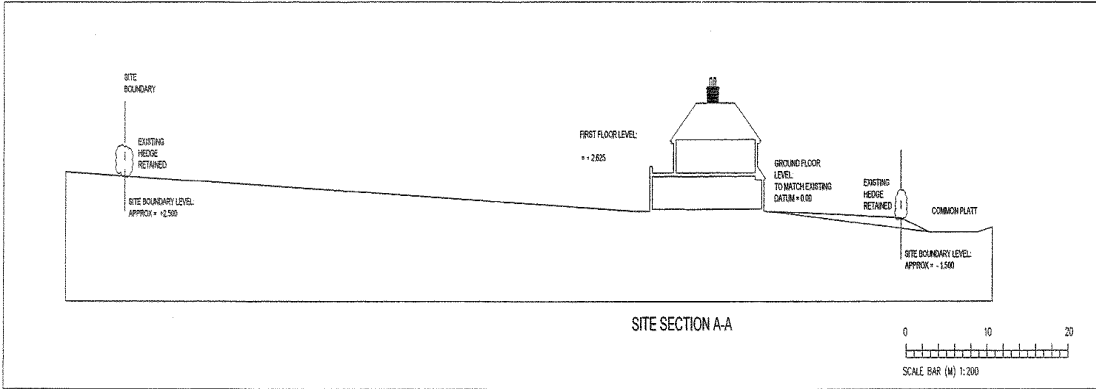


SOUTH ELEVATION

NORTH ELEVATION



WEST ELEVATION



SITE SECTION A-A

0 10 20  
SCALE BAR (M) 1:200

**edwardtucker**  
architecture + illustration

63 langhill road oxford oxf4 4fp  
01753 619 553 [info@edwardtucker.co.uk](mailto:info@edwardtucker.co.uk)

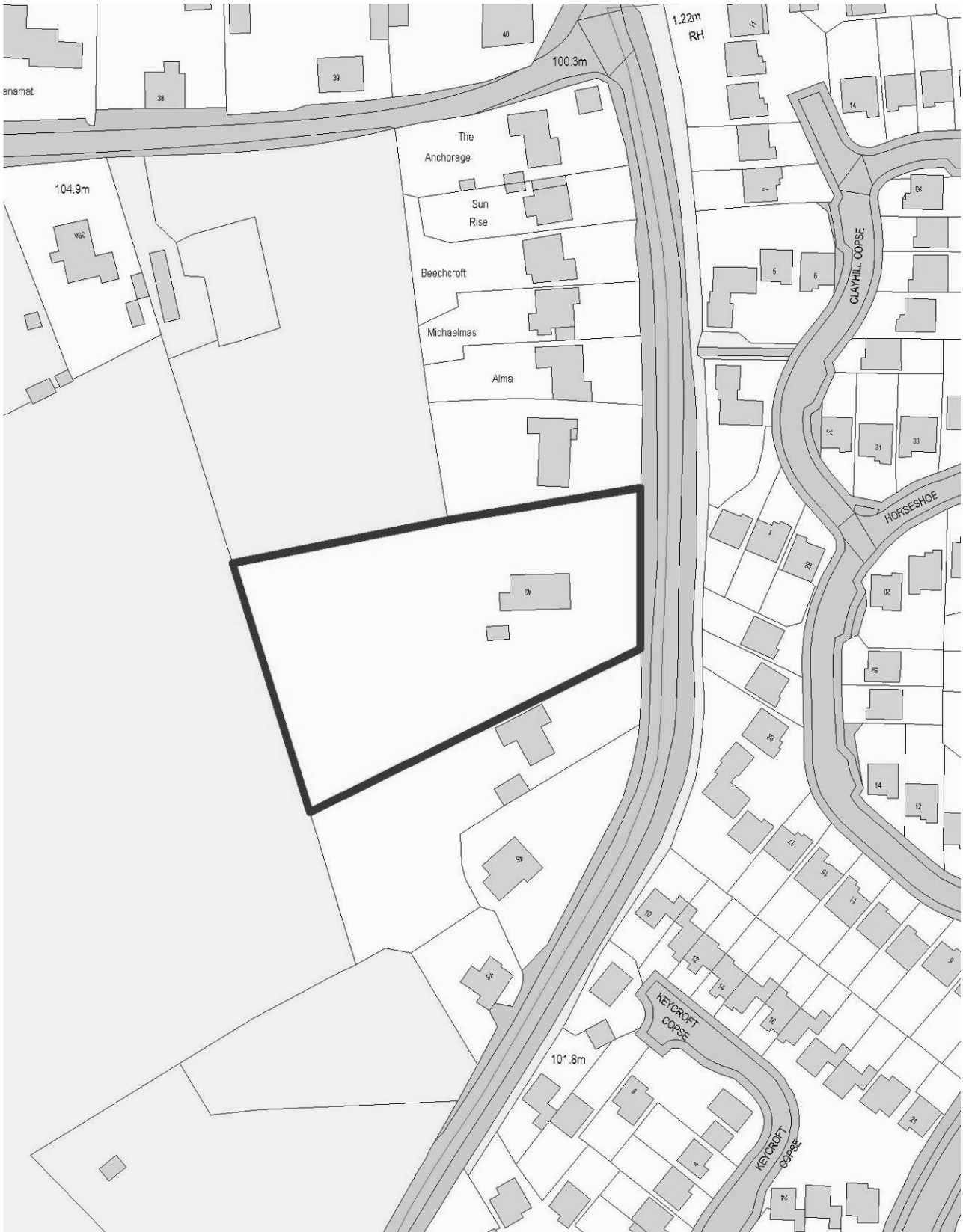
Mr & Mrs STEWART

NEW DWELLING  
43 COMMON PLATT  
SWINDON

ELEVATIONS & SITE SECTION A-A  
AS PROPOSED

FEB 2009 1:100 & 1:200 © A1 ENT

09 / CPL1 / P 06 A



# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(7)

Date of Meeting	4 <sup>th</sup> November 2009		
Application Number	09/01596/FUL		
Site Address	Former St Ivel Factory, Beaufort Park, Station Road, St Ivel		
Proposal	Erection of 63 bed care home, associated infrastructure including the provision of 21 car parking spaces and landscaping (revision to 08/02749/FUL)		
Applicant	Castleoak Care Developments		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Peter Doyle
Grid Ref	407289 181777		
Type of application	FULL		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

## Reason for the application being considered by Committee

This application has been submitted to the Committee for decision Town Councillor Steve Bucknell is a director of Castleoak Care Developments and is related to Unitary Councillor Alison Bucknell.

## 1. Purpose of Report

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

## 2. Main Issues

Planning permission is sought for a 63 bed care home on the part of the southern part of the former St Ivel site. The southern part of the site was allocated for employment in the outline permission and in Policy BD1 of the Local Plan 2011. Planning permission has been granted for a 60 bed care home on the same footprint subject to conditions. The key considerations in the determination of this application are:

:

- Affect of the residential amenity of existing properties
- Character and appearance of the area
- Highways Impact

## 3. Site Description

The application site comprises the former St Ivel site on Station Road, Wootton Bassett. The land is currently being developed for housing with a substantial part of the site yet to be developed including the application site which is located on the southern part of the site.

#### 4. Relevant Planning History

Application number	Proposal	Decision
05/02263OUT	Residential and Commercial (B1) Development, Change of Use of Station House to Community Use, New Means of Access, and Associated Works Including Details of Siting, Design & External Appearance for Land Adjacent Listed Brewery Buildings	Approved
07/00628FUL	Provision of Roads and Associated Landscaping Works	Approved
07/01984REM	Residential development consisting of 50 dwellings along with garages, roads, parking and associated works.	Withdrawn
07/02297REM	Erection of 196 residential units	Approved
07/03243REM	Residential development consisting of 50 dwellings along with garages, roads, parking and associated works (resubmission of 07/01984REM)	Approved
07/02168OUT	Erection of 60 One Bedroom Apartments and Associated Parking and Landscaping	Approved subject to S106 being completed
08/02749FUL	Erection of 60 bed care home, associated infrastructure including the provision of 20 parking spaces	Approved

#### 5. Proposal

The scheme comprises a 63 bed care home with associated infrastructure and car parking on an area of land on the southern part of the former St Ivel site, Wootton Bassett.

As mentioned above, residential development on the site is underway, although the residential development proposed immediately opposite the site has yet to be constructed. Main roads are being constructed. The application site lies directly adjacent the site which is the subject of an application for 60 one bedroom apartments to which 07/2168OUT relates.

Castleoak Care Developments have secured an operator for the site hence the changes to the previous permission.

The changes predominantly relate to the internal layout including the provision of an additional three bedrooms on each floor. The changes are resulting in additional windows to kitchen and laundry room being provided at ground floor, together with an additional external door serving a smoking room.

The scale, design and appearance remains the same as does the siting and footprint to that previous proposed.

An additional parking space has also been provided.

An addendum to the previous Transport Statement and updated Travel Plan has been submitted.

## 6. Consultations

**Wootton Bassett Town Council** – support the application but ask to view the revised travel plan; express concern that the addition of 3 rooms will leave insufficient car parking spaces and express concern over the impact traffic would have in this residential area.

**Highways Officer** – considers the proposal not to represent a significant or material increase to warrant a highway refusal. The amendments to the Transport Assessment and Travel Plan are noted. No objections subject to conditions.

**Highways Agency** – “We have reviewed the application and its association documentation and have concluded that the proposals will not have a significant negative impact on the Strategic Road network; we are therefore offering a no objection response.

## 7. Publicity

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

No letters in support or objection have been received.

## 8. Planning Considerations

- Affect of the residential amenity of existing properties
- Character and appearance of the area
- Highways Impact

### Affect on the residential amenity of existing properties

Dwellings are to be constructed opposite the site. In light of the fact that the proposal makes no changes to the external appearance, siting or design in relation to those properties to be constructed the proposal is found to be acceptable.

The increase in vehicular movements associated with three additional beds is considered to be de minimis and would not affect the residential amenity of future residents.

### Character and appearance of the area

As there are no significant changes to the proposal in terms of its visual appearance with the exception of several new openings, the proposal is considered to be in keeping with the character and appearance of the area.

### Highways Impact

The increase of 3 bed spaces would give rise to one additional vehicle movement in the peak hour.

Accordingly, both highways officers and the Highways Agency concluded that the changes are insignificant and warrant no objections subject to conditions.

## 9. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development by reason of its scale, design and siting, together with employment creation is considered to accord with Policies C3, BD1 and BD5 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:



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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;

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

Items 1 to 4 shall be completed prior to the use or occupation of the development hereby permitted.

REASON: In the interests of amenity and satisfactory layout.

POLICY: C3

3. No development shall commence until details/samples of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

REASON: In the interests of visual amenity.

POLICY: C3

4. Before the care home hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back 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 1m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

5. The area allocated for parking on the submitted plan (A-552 20 Rev A) for 21 car parking spaces 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. There shall be spaces for disabled and emergency access adjacent to the building.

REASON: In the interests of amenity and road safety.

6. The care home hereby approved shall not be occupied until the access, turning space and parking spaces shown on the submitted plan (A-552 20 Rev A) have been properly consolidated and surfaced to the satisfaction of the local planning authority. Such turning space shall be kept clear of obstructions at all times.

REASON: In the interests of highway safety.

7. The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction above a height of 0.6m.

REASON: In the interests of highway safety.

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

9. The development hereby permitted shall operate in accordance with the Interim Travel Plan approved dated September 2009.

All the recommendations of the Travel Plan shall be implemented in accordance with the timetable therein.

REASON: In order that the development promotes public transport, walking and cycling and limits the reliance on car based travel.

10. In the interests of the protection of public health and the avoidance of pollution, prior to the commencement of any development 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

The above to be carried out to the satisfaction of the Local Planning Authority.

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: To ensure that the site is decontaminated in an appropriate manner.

### **Informatives**

1. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, BD1, BD2

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

### **Plan References**

A-552 16A, 19A, 20A, 21C, 22B, 23B, 24A, received by the local planning authority 7th September 2009

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.21, 2.02, 2.10, 2.24, 3.03, 4.02, 5.01</b>

