

INDEX OF APPLICATIONS ON 25/11/2009

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	09/00870/FUL	Land at Brynards Hill, Wootton Bassett, Wiltshire	Change of Use to a Country Park	Delegated to Area Development Manager
02	09/01275/FUL	Pewshill Farm, Giddeahall, Yatton Keynell, Chippenham, Wiltshire, SN14 7ES	Conversion of barns to form workshop & Ancillary office (Revision to 08/02786/COU)	Permission
03	09/01086/FUL	5 New Road & Beaufort Arms, Station Road, Wootton Bassett, Wiltshire	Erection of Thirty 2 & 3 Bedroomed Dwellings and Associated Works	Delegated to Area Development Manager
04	08/02686/FUL	The Hawthornes, Old Alexander Road, Malmesbury, Wiltshire, SN16 0DT	Five No. Residential Units	Delegated to Area Development Manager
05	09/01389/FUL	Orchard Barn, Leigh Delamere, Chippenham, Wiltshire, SN14 6JZ	Change Of Use Of Land To A Riding Arena Enclosed By Post & Rail Fence For Private Use And Change Of Use Of Paddock For Grazing Of Horses For Private Use	Permission
06	09/01731/FUL	Green Farm, Nettleton, Chippenham, Wiltshire, SN14 7NT	Two Storey Extension to Existing House	Refusal
07	09/01732/LBC	Green Farm, Nettleton, Chippenham, Wiltshire, SN14 7NT	Two Storey Extension to Existing House	Refusal
08	09/01645/FUL	Lindfield, 3 Slaughterford Road, Biddestone, Chippenham, SN14 7DB	Demolition of Existing Side Lean-To Extension and Front Entrance Porch. Construction of New Two Storey Extension and Replacement Entrance Porch; Removal of Existing Paintwork to External Elevations	Refusal
09	09/01646/LBC	Lindfield, 3 Slaughterford Road, Biddestone, Chippenham, SN14 7DB	Demolition of Existing Side Lean-To Extension and Front Entrance Porch. Construction of New Two Storey Extension and Replacement Entrance Porch; Removal of Existing Paintwork to External Elevations	Refusal
10	09/01737/FUL	Building At Broad Town Road Farm, Broad Town, Wootton Bassett, Wiltshire, SN4 7RB	Conversion of Existing Building to Dwelling (Resubmission of 09/00611/COU)	Refusal

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(1)

Date of Meeting	25th November 2009		
Application Number	09/00870/FUL		
Site Address	Land at Brynard's Hill, Wootton Bassett		
Proposal	Change of use to Country Park		
Applicant	Wainhomes Developments Ltd		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Peter Doyle
Grid Ref	407641 182109		
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 called to committee at the request of Cllr Doyle.

The applicant has submitted an appeal in respect of this application on the grounds of non-determination. As a consequence no formal decision can be made in respect of this application, however, in order to progress with the appeal and in light of the call-in request, the officer seeks the view of the Committee in respect of the application had they been in a position to determine it.

It should be noted that application 09/00871/OUT (residential development (up to 100 dwellings) and 4.9ha of employment at Brynards Hill was refused at Strategic Planning Committee on 7 October 2009 and is also the subject of an appeal with the Public Inquiry scheduled for 15 February 2010.

1. Purpose of Report

To consider the above application and to recommend that had it been possible to determine the proposals, the recommendation would have been that planning permission be GRANTED.

2. Main Issues

The application is seeking permission for the change of use of agricultural land to a 22ha country park with car parking and children's play area on land at Brynard's Hill, Wootton Bassett.

The main issues in the consideration of the application are as follows:

- Implications for Policies C3, NE15 and CF1 of the North Wiltshire Local Plan 2011
- Principle of development
- Impact on residential amenity
- Impact of character and appearance of the area
- Impact on the highway network
- Ecological Impact

- Other material considerations

3. Site Description

The application site is located on the south eastern edge of the built up area of Wootton Bassett within an area known as Brynards Hill. Bincknoll Lane forms the northern boundary to the site within Interface Business Park to the west, the Bristol to Swindon Railway Line to the south and existing residential development comprising The Steadings, Vowley View and Highfold to the west. The site currently comprises agricultural land.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/00605OUT	Residential development. Appeal dismissed.	Refused
04/02772OUT	Extension of existing Interface Business Park (B1, B2 and B8 uses)	Refused
04/00747OUT	Change of use to country park	Withdrawn
06/00748OUT	Mixed use development for up to 70 dwellings and 5.01ha extension to Interface Business Park.	Withdrawn

5. The Proposal

The application proposes the change of use of 22ha of land from agricultural to a country park/public open space incorporating parking and an adventure playground. No details have been provided of the parking or play area at this time but these are details which can be controlled via conditions. It should also be noted that neither element are considered essential facilities for the change of use. Parking is proposed to be located adjacent the access proposed to serve residential development and the park and an adventure play ground in the middle of the application site adjacent proposed housing.

Additional landscaping is proposed across the site but no detailed scheme provided. No specific landscaping is required to facilitate such a change of use nonetheless details can be conditioned.

The development is being proposed by the applicants as a benefit to the community in association with the residential and employment development proposed either side. In the event that development does not take place either side, it is unlikely that the change of use to a country park would take place.

Based on discussions with the applicant, it is intended that the land be handed over to the Town Council for ownership together with a commuted payment for a specified period. At the time of preparing this report, the Town Council have still not confirmed their intention or otherwise to take ownership of this land.

Notwithstanding the provision of parking and an adventure playground, the area is to largely remain as is but with public access as the site is only accessible to the public via the definitive footpaths at present.

6. Consultations

Wootton Bassett Town Council – request the applicants undertake consultation with the community and change the terminology from Country Park to public open space.

Highways Officer – no objections.

Ecological Officer – no objections subject to conditions/legal agreement.

Archaeology Officer – no objection on the grounds of the limited development to take place on this part of the site and subject to conditions.

Landscape Officer – no objections.

Highways Agency – no objections.

Network Rail – do not object specifically on safety grounds of increased use of the pedestrian crossing over the railway at this location in respect of this application as it cannot be substantiated. However, if the country park were to be provided in association with the residential and employment development also provided by Wainhomes, then there would be an objection on these grounds. Network Rail are seeking some £300,000 towards safety improvements from the applicants/appellants and at the time of preparing this report negotiations are continuing.

7. Publicity

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

59 letters of objection have been received on the following grounds, many of the issues raised also relate to application 09/00871/OUT for residential and employment development which was refused:

- highways impact on the local network (traffic from St Ivel not taken into account)
- loss of countryside/open space
- no need for either housing or employment
- no need to link employment with housing
- high density development
- noise and light pollution
- previous allocations not supported at Local Plan Inquiry
- harm to mud springs
- archaeological impact
- distance from local facilities
- presence of MOD fuel pipeline
- prominent position detrimental to visual amenity
- poor infrastructure i.e. schools, dentists etc
- flooding/drainage infrastructure
- loss of residential amenity, light and privacy

8. Planning Considerations

Principle of development

The application site comprises a highly visible area of land known as Brynard's Hill. For this reason the application site is considered to be unacceptable for any built form such as residential or employment development.

The area currently comprises agricultural land with a series of footpaths across it some of which link to land south of the railway.

The land will largely be retained as it with a more formal arrangement for the clearance of footpaths. The applicants are proposing to offer the land to the Town Council; however, as yet no formal agreement of this has been accepted. However, for reasons set out below, this is not a material planning consideration.

The country park is offered as a benefit to the community as a consequence of the residential and employment development proposed either side as part of application 09/00871/OUT which was refused and is now the subject of a planning appeal and public inquiry. If the residential and employment development is not permitted either side, it is unlikely that the proposed change of use to Country Park would take place.

It must be noted that there is no planning requirement for such a facility to be provided as part of the development and for this reason of substantial and unnecessary over provision. It is for this reason also, that the Council are not seeking to secure and adopt the country park as public open space via any legal agreement.

It is indicatively proposed as part of this application to provide car parking and an adventure playground. No details have been provided and these aspects of the scheme could be conditioned. Furthermore, the provision of such facilities are not essential in ensuring this area of land remains accessible via the series of footpaths and largely undeveloped.

Landscaping features are to be retained and in order to mitigate against the ecological impact of either the residential and employment developments proposed either side of the site (if found acceptable at appeal), landscaping is indicatively proposed.

Impact on residential amenity

The proposed country park would potentially increase the use of the land by the public, particularly if development either side is allowed and if limited car parking and an adventure playground is provided on site. However, this is not considered to be detrimental to the residential amenity of nearby properties particularly given the distance of these properties to the application site.

Impact on the character and appearance of the area

The proposed change of use would largely maintain the character and appearance of Brynard's Hill and associated countryside. Permission is not required to implement any landscaping outside of an application. In terms of the parking and adventure playground, due to the low intensity of these uses, any visual impact of these proposals can be mitigated via appropriate design and landscaping, both of which can be conditioned.

Impact on the highway network

No objections are raised by Highways Officers or the Highways Agency in respect of the proposed change of use and associated car park and playground.

Ecological Impact

An update ecological assessment has been submitted with the application. The Country Park would in itself not result in the loss of local/district habitats of value or nationally or locally designated wildlife features unlike the proposed residential and employment development adjacent the site. As mentioned above, the land to which this application relates whether used as a Country Park or not, would assist in mitigating the impact of the adjoining development.

Other material considerations

The principle of a country park is acceptable in policy terms. The issue of the future ownership and management of the country park is not a material consideration which affects the recommendation. This is a private matter between the applicant and any future owner in the absence of their being any policy requirement to provide such an extensive area of open space.

If an Inspector at appeal considers that the Country Park is required in connection with the residential and employment development to which 09/00871/OUT relates, then its future management and maintenance would be the subject of a legal agreement to be agreed between the developer/Town Council and Wiltshire Council in advance of the Public Inquiry in February 2010.

9. Recommendation:

Having regard to the appeal against non-determination of this application, the recommendation would have been to GRANT Planning Permission 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 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, bins, signs, lighting etc);
- (j) 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

Reason for Granting Permission

The proposed country park would have limited impact upon residential amenity or upon the character and appearance of the area. There would also be no adverse impact on highway safety or ecological issues. The proposal complies with policies C3, NE15 and CF1 of the North Wiltshire Local Plan 2011.

Informative

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

Plan References

W.0173_07-02 received by the local planning authority 18.5.09
8124/MP:001D received by the local planning authority 16.9.09

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 2.01, 2.02, 2.07, 2.14, 2.24, 3.03, 3.04, 4.05, 4.02, 4.03, 4.04, 4.06, 4.07, 5.01, 5.04, 6.02, 7.01 (RSS)



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(2)

Date of Meeting	25 th November 2009		
Application Number	09/01275/FUL		
Site Address	Pewshill farm, Giddeahall, Yatton Keynell		
Proposal	Conversion of barns to form workshop and ancillary office (revision to 08/02786/COU)		
Applicant	Mr Tim Walton		
Town/Parish Council	Yatton Keynell		
Electoral Division	By Brook	Unitary Member	Councillor Jane Scott
Grid Ref	385765 174697		
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

This application has been submitted to the Committee at the request of the division member, Councillor Scott, to consider the environmental and amenity issues.

1. Purpose of Report

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

2. Main Issues

The application is for the re-use and adaption of an existing agricultural building for use for a timber framing manufacturing business. The key points to consider are as follows :

1. Principle of development
2. Physical works required
3. Acoustic performance of adapted building and impact upon amenity
4. Visual effect of proposal

3. Site Description

The site itself is located within the open countryside and is part of the wider Cotswolds Area of Outstanding Natural Beauty. The site is accessed via the Biddestone Road which joins the A420 and is part of a larger agricultural complex. The site is bounded on the west by a further enclosed yard, which appears not to have operated as a functioning agricultural enterprise for some time. Adjacent to the west side of this yard is the original (Pewshill) farmhouse, which is a Grade II Listed Building.

Several residential properties lay within close proximity of the site, with the nearest being Pewshill farmhouse itself and "Fair View", some 40m to the east of the site.

4. Relevant Planning History		
Application Number	Proposal	Decision
06/01009/COU	Change of use of building to manufacturing of timber frames	Refused 08/06/06
06/03213/COU	Change of use of agricultural buildings to manufacturing of timber frames	Refused 01/03/07 Appeal dismissed 15/02/08
08/02786/COU	Conversion of barns to form workshop and office	Refused 11/02/09

5. Proposal

Previous applications for similar have been refused planning permission and dismissed at appeal because the noise created by the use of existing farm buildings for the manufacturing of timber framing would be prejudicial to residential amenity. In particular, the buildings to be reused were of open and insubstantial construction, which would do nothing to mitigate against the noise created by the use of power tools.

In contrast to previously refused schemes, this application seeks to make substantial changes to the construction of the existing open barn on the site to create an enclosed workshop area. The proposal will also involve the creation of an office/mess/toilet and housing for dust extraction equipment.

Whilst making use of the footprint of the existing buildings, the construction of the roof and walls would be such so as to successfully mitigate against unacceptable levels of noise and disturbance to neighbouring properties from the proposed activities.

6. Consultations

WC Highways

No objections subject to conditions.

Environmental Health Officer (relevant extracts from comments)

I would recommend that a condition be attached to ensure that all of your recommendations with regard to acoustic treatments are incorporated into the design scheme.

With regard to the dust filter, I prefer that this should be within acoustic louvres rather than normal weather ones and would reiterate that all treatments should be carried out with the highest standard of workmanship to avoid gaps etc.

For completeness, I would also recommend a noise condition at the boundary with Fairview of not more than Rating Level 45dB when measured in accordance with BS4142:1997.

I would recommend that as well as complying with the treatments and noise condition, that hours of use be restricted (by condition) to 08:00 to 18:00hrs Monday to Fridays, 08:00 to 13:00hrs Saturdays, with no working outside of those hours.

Conditions should also be imposed that would ensure all windows and doors are closed during operation of power tools.

It is noted that the submitted Noise Assessment makes reference to the possible erection of a 2.0m high close boarded fence. Although not required to reduce noise levels to an acceptable level, it is recommended that if approval is given, that the fence be erected to provide further attenuation.

Conservation Officer (relevant extracts from comments received)

In respect of first scheme submitted – “The existing dutch barn is part of a complex of outbuildings around the listed Pewshill Farm. A visually open structure, of familiar agricultural form, it fits into the farm yard setting. Whilst I would have no concern in principle with its replacement with a permanent, enclosed building I think that one would expect such a building to reflect more fully the type of permanent barn structure found elsewhere in the area. The design proposed suffers from an identity crisis, it is neither one thing nor the other.”

Following receipt of amended plans – “I have had a look at the revised plans and they seem to follow what I discussed with LDPC. If you are minded to recommend permission may I suggest that conditions be imposed to cover: Notwithstanding rooflights shown on 1110.08.08c rooflights should be of traditional pattern with central glazing bar, large scale details of fenestration, large scale details of eaves and verges, materials samples, traditional feather-edged boarding and details of external finish to boarding and sample panel of stonework.”

7. Publicity

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

Five (5) letters of objection received. Summary of key relevant points raised:

- Inappropriate siting for a B2 general industrial type use
- Noise, dust and disturbance to neighbouring residential occupiers (from activity itself and from dust extraction equipment)
- Impact upon AONB
- Impact upon setting of listed building
- Extent of alterations to building required
- Inability to reasonably enforce conditions restricting maximum noise levels

Nine (9) letters of support received. Summary of key points raised :

- Provides employment opportunities for local people
- Traditional/specialist craft and skills appropriate to a rural environment
- Every effort has been made to minimise noise/disturbance concerns
- Council should be supporting local businesses

8. Planning Considerations

Principle of development

The existing agricultural building is fitted with steel sheeting typical to its lawful use, open fronted and is of generally poor appearance. It is understood that the steel frame at its core is at present of indeterminate structural soundness. In the event of the steelwork being sound, it is to be retained and the new walls and roof structure fitted around it. If not the building will be entirely new, with only the associated office (currently and open fronted store) being retained.

National planning policy within PPS7 makes clear that Local Planning Authorities should be supportive of the replacement of suitably located, existing buildings of permanent design and construction for economic development purposes. It goes on to suggest that the replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion. The proposal is considered to fall into this category. In this context, whether the existing steel frame remains (or not) is not considered to be significant to the principle of development.

At the local policy level, support for this approach comes from Policies BD5, BD6 and BD7 of the adopted North Wiltshire Local Plan 2011.

Physical works required

Previous applications for similar have been refused planning permission and dismissed at appeal because the noise created by the use of existing farm buildings for the manufacturing of timber framing would be prejudicial to residential amenity. In particular, the buildings to be reused were of open and insubstantial construction, which would do nothing to mitigate against the noise created by the use of power tools.

In contrast to previously refused schemes, this application seeks to make substantial changes to the construction of the existing open barn on the site to create an enclosed workshop area. The proposal will also involve the creation of an office/mess/toilet and housing for dust extraction equipment.

The new walls are to be single course hollow concrete blocks, clad externally with horizontal rough sawn timber boarding. The new roof is to be constructed of double skin profile sheeting with 60mm mineral wool filling. The workshop would form an enclosed space that all activities and power tool use would be contained within.

Acoustic performance of adapted building and impact upon amenity

The previous appeal Inspector identified "Fair View" to the East and to a lesser extent "The Rookery" across the A420 as those neighbours potential most affected by noise from the proposal.

So as to protect the living conditions of the occupiers identified by the appeal Inspector, the proposed building is now to be of substantial construction: walls of hollow concrete block with timber cladding, 50mm solid timber doors, double glazed windows, roof of double skin profile sheeting with sound absorbent infill. The air inlet and dust extractor enclosure is also to be fitted with acoustic louvers.

Together with a comprehensive adaption of the building the application is also submitted complete with an updated noise assessment. This noise assessment has been considered by the Council's Environmental Health Officer, who has not objected subject to the imposition of particular planning conditions. Such planning conditions could cover source noise levels, sound reduction of the building envelope, working hours in relation to background noise climate.

In particular, the Environmental Health Officer has recommended that the noise level at the boundary with Fair View be (45dB) in accordance with appropriate guidance (ie. BS4142), which is actually lower than the background noise climate (47dB) which was deemed to be appropriate by the previous appeal Inspector. He has also indicated that wood cutting should take place within the building with all doors and windows shut (hence reason for dust extraction equipment) with no working outside. Only timber storage has been proposed outside of the building.

Concerns have been expressed by local residents in respect of the potential for the dust extraction equipment to create a noise nuisance in itself. In this respect the Environmental Health Officer has requested that the louvers to the housing be of a type that would mitigate against noise. This particular issue can be covered through the imposition of an appropriately worded planning condition.

Although concerns have been raised by local residents over the adequacy of the submitted noise assessment, the Council's Environmental Health Officer is fully satisfied with the assessment methodology contained in the noise report and cannot dispute the source noise levels. In this context, there can be no reason to diverge from the views of the two expert views that we have on the matter.

Visual effect of proposal – AONB and Listed farmhouse

In his decision letter, the previous appeal Inspector clearly concluded that the use of the site for the manufacturing of timber framing would not harm the natural landscape beauty of the AONB. This conclusion should form the basis of consideration of the current proposal.

In consideration of the initial submitted plans, the Conservation Officer was concerned about the "confused" detailed design of the new building and its possible impact upon the adjacent listed Pewshill farmhouse. However, revised plans have now been submitted, which comprise the following changes: steepening of pitch and lowering of eaves height, use of natural slate for roof and introduction of 1.0m high natural stone plinth. Although in general terms a measure that the Council should be supporting, the photovoltaic cells have also been omitted from the roof (although these could be installed elsewhere on the site). These alterations are considered to improve the appearance of the building and the Conservation Officer has now indicated her satisfaction with the scheme, subject to the imposition of particular planning conditions.

Please note that the revised plans are subject to public consultation, only expiring on 23rd November, two days before the scheduled meeting. On this basis the recommendation must be with a caveat that no new and substantive issue are raised through that public consultation.

9. Conclusion

The substantial construction of the building, together with the ability to impose particular planning conditions, is considered to have overcome previous concerns regarding the noise and disturbance likely to be generated by the proposal. The proposed conversion and adaption works are not thought to harm the setting of the adjacent listed building or wider AONB. The proposal is therefore considered to comply with the requirements of Policies C3, C4, NE4, HE4 and BD5 of the adopted North Wiltshire Local Plan 2011.

10. Recommendation

Subject to no new and substantive issues being raised in respect of the amended plans received, then:

Planning Permission be GRANTED for the following reason:

The substantial construction of the building, together with the ability to impose particular planning conditions, is considered to have overcome previous concerns regarding the noise and disturbance likely to be generated by the proposal. The proposed conversion and adaption works are not thought to harm the setting of the adjacent listed building or wider AONB. The proposal is therefore considered to comply with the requirements of Policies C3, C4, NE4, HE4 and BD5 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 sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY-C3

4. Notwithstanding the approved drawings, no works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- i. Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- ii. Full details of proposed rooflights, which shall be set in plane with the roof covering;
- iii. Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- iv. Full details of proposed meter and alarm boxes;
- v. Large scale details of proposed eaves and verges (1:5 section);

The works 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

5. 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

6. The site shall be used for the manufacturing of timber framing and for no other purpose including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY-C3

7. The use hereby permitted shall only take place between the hours of 08:00hrs in the morning and 18:00hrs in the evening from Mondays to Fridays and between 08:00hrs to 13:00hrs on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

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

POLICY-C3

8. No use of powers tools or wood cutting activities of any sort shall be undertaken on the site, outside of the workshop building hereby permitted. The use of power tools and the cutting of wood shall only take place when all doors and windows to that workshop building are shut.

Reason: To ensure the retention of an environment free from intrusive levels of noise in the interests of amenity of the area.

9. The proposed building shall be constructed in complete accordance with the specification and description included within the application, and in particular that specified within the Noise Assessment prepared by Hylton Dawson (dated 2nd May 2009), unless otherwise agreed in respect of a separate planning application in that regard.

Reason: In the interests of securing a building of suitable construction so as to ensure residential amenity is not adversely affected by noise, dust and disturbance from the proposed new use.

10. No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning

Authority. The ventilation/extraction equipment shall be installed prior to the building/extension hereby approved is first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

POLICY-C3

11. At no time shall the level of noise emitted from the site exceed Rating Level 45dB when measured in accordance with BS4142:1997 at the boundary of the site with "Fairview" (the residential property to the East of the development).

Reason: To ensure the retention of an environment free from intrusive levels of noise in the interests of amenity of the area.

12. No external lighting of any kind shall be erected within the site or on the buildings hereby permitted unless otherwise first agreed in the form of a separate planning application in that regard.

Reason: In the interests of amenity.

13. No development shall commence on site until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.

REASON: In the interests of the appearance of the site and the amenities of the area.

POLICY-C3

14. Prior to the commencement of development full details of the proposed close boarded fence to be erected around the boundaries of the site 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 approved prior to the first use of the building hereby permitted.

Reason: In the interests of visual amenity.

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

Reason: In the interests of amenity and road safety.

16. Details of the improvements to the access to the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

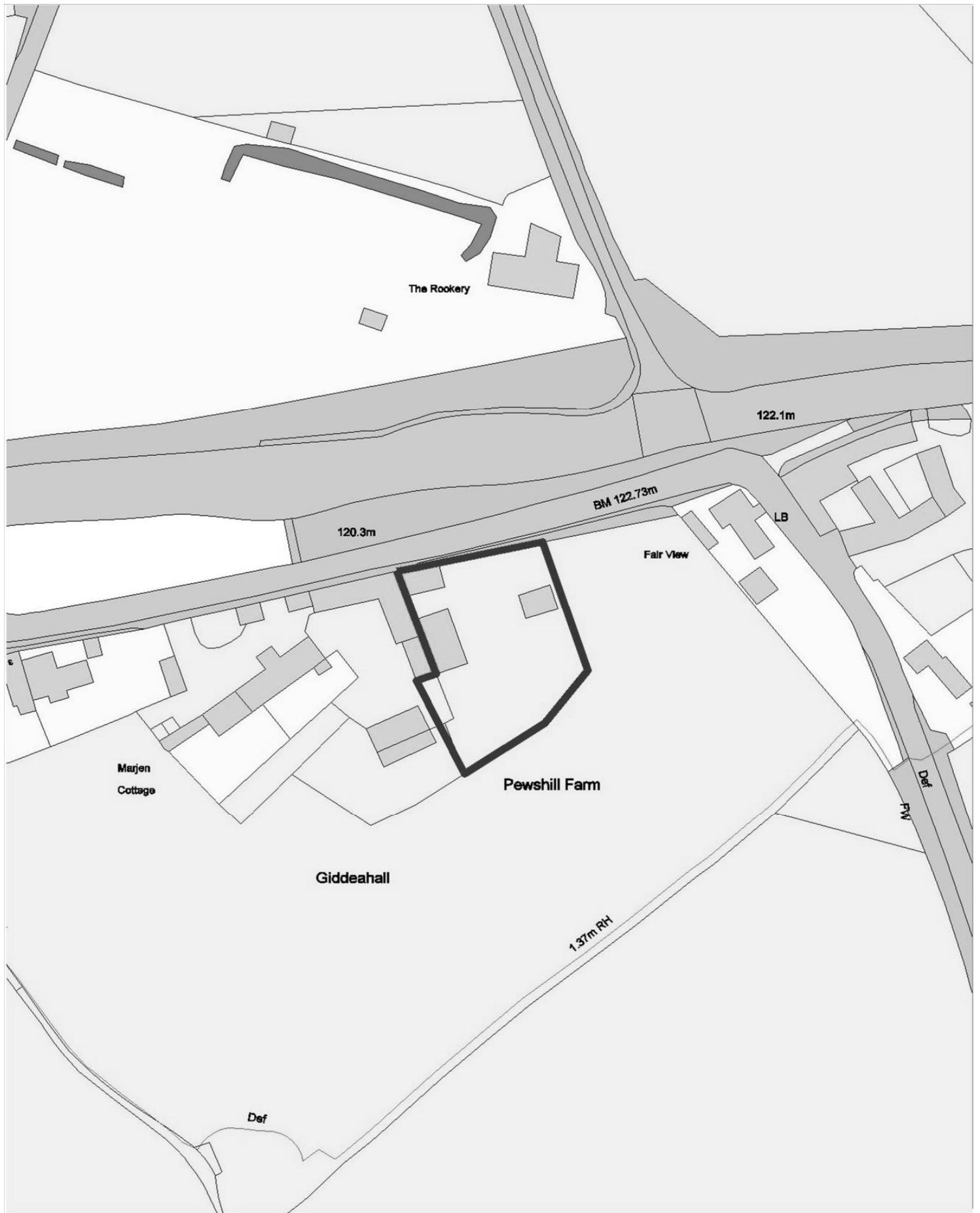
Informative

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.

Site location plan LDC.1110.002 (dated 22/07/09)
Block plan LDC.1110.001F (dated 22/07/09)
Proposed floor plan LDC.1110.08.05D (dated 22/07/09)
Proposed elevations LDC.1110.08.06G (dated 29/10/09)
Proposed elevations LDC.1110.08.07G (dated 29/10/09)
Proposed elevations LDC.1110.08.08C (dated 29/10/09)

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 2.25; 3.03; 4.02; 4.04; 4.07; 5.04



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(3)

Date of Meeting	25 th November 2009		
Application Number	09/01086/FUL		
Site Address	5 New Road & Beaufort Arms, Station Road, Wootton Bassett, Wiltshire		
Proposal	Demolition of 5 New Road and Beaufort Arms; Erection of Thirty 2 & 3 Bedroomed Dwellings and Associated Works		
Applicant	Bach Homes (Bassett) Ltd		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Councillor Peter Doyle
Grid Ref	406920 181803		
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 Peter Doyle to assess the impact of the development in terms of scale, visual impact, relationship to adjacent properties, design, car parking and traffic implications in the area.

1. Purpose of Report

To consider the above application and Delegate to the Area Development Manager to GRANT Planning Permission subject to conditions and legal agreement

2. Main Issues

This application is an amendment to planning permission no. 07/00435/FUL which was approved by Committee members on the 29th August 2007.

This application proposes the demolition of various buildings on the site including the Beaufort Arms Public House (which was damaged by fire) and no. 5 New Road and the erection of 30 two and three bed roomed dwellings. The site lies within the framework boundary of Wootton Bassett. The key points to consider are the impact that the amendments to the previously approved scheme will have on the following issues:

- Implications on DC Core Policy C3 and Housing Policy H3
- Affect of the residential amenity of existing properties
- Design and scale of the development
- Wildlife interests on the site.
- Impact on traffic and parking in the local area
- Density of development
- Public Open Space Contributions
- Education contribution

3. Site Description

The site has an increased area from the previously approved scheme. The agent has managed to secure the acquisition of land to the south of the site owned by network rail. The site has an area of approximately 5222m². The area surrounding the site is generally residential characterised by two storey dwellings of various ages with the railway to the south.

At present there are several buildings on the site. No.5 New Road faces the main street. The buildings within the site have been left unused and some of the site has become overgrown.

4. Relevant Planning History		
Application number	Proposal	Decision
07/00435/FUL	Demolition of 5 New Road and Beaufort Arms, Erection of Thirty 2 and 3 bed dwellings.	Approved

5. Proposal

The site is located within the settlement boundary for Wootton Bassett.

The original proposal which was granted permission was for 30 residential units and this included two blocks of 6 flats.

The application scheme comprises 30 residential units 12 no 2 bed 18 no. 3 bed. There are 46 on street parking spaces with 3 garage spaces. Access to the development is from New Road.

6. Consultations

Wootton Bassett Town Council objects on the following grounds:

- Adjacent historic footpath
- Access to the site
- Housing is it needed
- Parking problems in area

Highways: These matters have been discussed with the highway engineer who considers the latest plans submitted to be in principle acceptable subject to conditions.

Highway Agency: In relation to the previously approved scheme the Highway Agency confirmed that the applicants had submitted a travel Plan which they consider suitable for the development proposed. The travel plan was updated and this has been considered by the Highway Agency.

To ensure the implementation of the travel plan the Highway Agency provided a condition that should be attached to any permission granted.

Network Rail: Raised some concerns in respect of the boundary of the two adjoining sites. This is a matter to be resolved between the two adjoining owners, not a planning matter.

Wiltshire Wildlife Trust: In respect of the previously approved scheme a Wildlife Survey and report was submitted and approved by Wiltshire Wildlife Trust.

The Council's ecologist has concluded that should planning permission be granted then conditions in respect of providing a mitigation strategy is submitted and approved, clearing is restricted to certain times of the year a badger survey is carried out.

7. Publicity

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

10 letters of objection have been received.

Summary of key points raised:

- Wildlife issues on the site and existing pond
- Traffic and parking issues
- Loss of light privacy and amenity to adjacent residents
- Over development of the area
- Impact on amenity of new residents by railway line.
- Impact on footpath.
- Noise disturbance to adjacent neighbours.
- Impact on road network

8. Planning Considerations

Principle of development

In principle under policy H3, there is no policy objection to this site being developed for residential purposes. There is an extant permission (07/00435/FUL) for a similar proposal. There are various traditional buildings on this site including no.5 new road and the Beaufort Arms public house. Both these buildings have a certain quality and character but none of the buildings on the site are listed and the site is not within the Wootton Bassett Conservation area. Therefore the retention of these buildings for their character and quality only cannot be justified and/or permission withheld on this basis. Since the fire at the Beaufort Arms took place the building is in a poor state of repair.

Impact on amenity

At present the main part of the site is overgrown. The Beaufort Arms which was damaged recently by fire is a notable building located at the corner of the site. The southern boundary of the site is adjacent to the railway line.

This is a scheme of relatively small residential units. The relationship between dwellings has been examined on a plot by plot basis.

The scheme involves the inclusion of an additional section of land to the south west. The layout does not involve the alteration of siting of units on plots 1-7 and plots 29 and 30. Therefore the impact of these units has been considered and approved under the previous scheme. There has been an amendment to the number of parking spaces adjacent to plot 30. The amended scheme indicates 3 no. spaces when previously 2 were approved. In order that the amenity of the adjacent neighbour is not unduly affected by these parking areas it is considered appropriate for a suitable boundary treatment to be conditioned to help reduce noise

and light disturbance.

The three parking spaces between nos. 29 and 28 have been marginally relocated to the west. The block to the west of the site has been slightly re-oriented which results in plot 28 being slightly further away from no. 1 Station View to the North.

It is not considered therefore that these units have any impact on the adjacent houses which is greater than that previously approved.

Plot no. 4 is at a distance of 21m from its nearest property on New Road with one obscure glazed window at first floor level. Therefore it is not considered that the dwellings to the North of this plot should suffer from a loss of amenity that would warrant refusal of this application.

The North elevation of plot 5 has no windows on it, the rear windows are at an oblique angle to no. 16 Station Road and therefore it is not considered that this relationship would warrant refusal on the basis of lost privacy.

Plots 29 and 30 have relatively small rear gardens but it is not considered that they would result in a loss of privacy for the adjacent dwellings.

The units that have attic rooms with windows both back and front are nos. 6, 7, 16 and 17.

Impact on traffic and parking

The applicants submitted amended plans. The amendment reduced the number of 3 bedroom dwellings, but some of the 3 bedroom dwellings are 4 person dwellings i.e. 1 double + 2 single and this has required an increase in parking provision. The overall parking level is acceptable. Bin collection areas have been provided.

However the highway engineer has concerns about a couple of detailed issues relating to parking. Despite the fact that units 6, 7, 16, 17, 25 & 26 will be marketed as 3 bedroom dwellings, the fact remains that the "study" is the size of a double bedroom and could easily be used as such. Units 6 & 7 have only 1 parking space and parking provision is generally low. Whilst not an ideal solution, this concern can be overcome by simply reallocating parking spaces.

The other issue is the control of the visitor parking spaces. In order to be effective it is vital that these are not conveyed to individual properties. A management company is proposed for the areas not for adoption. That company will be required to manage the visitor parking spaces, wherever located, and the spaces should be clearly marked as visitor spaces.

It may be appropriate for the management of these visitor spaces to be subject to a S106 Agreement is required for this application. If so control of the visitor parking could be included within this. It is recommended that this issue is a matter to be resolved between the applicant and officers.

The general parking standards are in line with the district council's maximum standards as stipulated within the Local Plan 2011.

The location of the site in close proximity to Wootton Bassett Town Centre reduces the need for residents to be totally dependent on private transport on a daily basis the scheme includes the provision of cycle stores for use in association with the flats. The scheme therefore, is considered to comply with the requirements of policies T3, T4, C3 and H3 of the Local Plan.

Footpath

There is a foot path adjacent to the site and it is considered appropriate for a condition to ensure that adequate provision is made to ensure the footpath is as user friendly as possible.

Wildlife interests on the site

The council's ecologist has commented that the proposed development involves the loss of grassland habitat and a pond, both considered to be of ecological importance for the wildlife opportunities they provide. No alternative opportunities for wildlife are included in the proposed plans - there are no areas of open space or grassland, no replacement pond(s), and no habitat features or enhancement measures for wildlife. The opportunity for enhancing alternative habitat exists at the off-site receptor habitat, but the ecologist recommends that bird nesting boxes (on trees) and bat bricks (within at least 10 of the proposed houses) are installed to provide some habitat features within the application site itself.

- The original Ecological Assessment report (July 2007, Ecology Solutions) identified a small-medium population of reptiles at the site (both slow worms and grass snakes) and a medium population of great crested newts. A translocation exercise for these species to off-site receptor habitat is required prior to any works starting at the site (including site clearance). Given that the habitat for these species will be lost to the development and no replacement habitat is included in the plans, an appropriate level of habitat enhancement work should be undertaken at the receptor site (in line with PPS9 and Policy NE9).

- In 2007, the site was surveyed for badgers and no evidence was found, however, given the time lapse since this assessment, an update survey will be required before works can commence on site. If badgers are now using the site, the consultant ecologist will provide advice on how works can proceed and a Natural England licence may be required.

The Council's ecologist recommends that the following are made conditional of any planning consent:

- Details of the mitigation strategy for reptiles and great crested newts, including full details of habitat enhancements at the receptor site, should be submitted to the LPA for written approval prior to any works commencing on site;

- Prior to any works commencing on site, an update badger survey should be conducted by a competent ecologist. All works on site should be carried out in full accordance with the recommendations of this survey;

- Vegetation clearance at the site should take place outside the breeding bird season (March - August inclusive) unless checked beforehand by a competent ecologist.

It is considered necessary for conditions to this effect to be added to any permission issued.

Design and Scale of Development

The scheme proposes three two-storey units adjacent to New Road. These units reflect the scale and design of the adjacent terrace and create a traditional street frontage. These units are unchanged from the approved scheme.

Within the site there are predominantly two storey dwellings with 6 no. units being two and a half storeys in height. The previously approved scheme had two blocks of flats which were three storeys in height their ridge line being at 10.1 metres.

The design of the terrace of dwellings and the individual units reflect the general mass, bulk and footprint of those within the locality. The design of the units includes small front porches and some band coursing which again reflects surrounding development. The overall character of the development in terms of the design detailing is very similar to the scheme previously approved.

The general design of the buildings in terms of the materials to be used and boundary treatments are considered acceptable given the relatively mixed character of the area. These buildings are considered to be appropriate.

Density of Development

The scheme for 30 units on this site, which has an area of 0.5222 hectares, is a dense form of development (57.5 per hectare). This is slightly high but is due to the fact that there are small two bed roomed units within the development. PPS3 establishes that 30 dwellings per hectare should be used as an indicative **minimum**.

Section 106 Contribution

In accordance with Local Plan Policies C1, H5 and CF3, Affordable Housing and Public Open Space contributions will be required. These matters were previously negotiated between the applicants and officers prior to permission being issued.

Affordable Housing

A scheme of this density is required to provide a level of affordable housing. This matter is in the process of being negotiated with the applicants as it has been necessary to ascertain the type of accommodation that is required and would be taken on by a housing association.

Public Open Space

The necessary contribution to POS is a matter still in discussion with the applicants and therefore the amount to be paid will be a matter for negotiation between the applicant and officers.

Education

The previously approved scheme did not include an educational contribution and therefore it is not considered reasonable for such a provision to be sought at this stage.

9. Conclusion

Residential development in this location is in principle acceptable the main issues being access and parking within the site and the impact that the scheme has on the residential amenity of the neighbours. The scheme is seen to have a good layout suitably designed for the area with little impact on neighbours in terms of loss of amenity. The Highway engineer has agreed the layout subject to conditions and negotiations are underway in respect of wildlife interests, affordable housing and POS contributions. Subject to the above issues being satisfactorily resolved, the scheme is considered to comply with the relevant policies within the Local Plan 2011.

9. Recommendation:

Subject to

- Satisfactory conclusion of negotiations on the level of contributions relating to affordable housing and signing of a legal agreement to secure those contributions

the Area Development Manager be authorised to GRANT Planning Permission 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. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be 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.

4. Prior to the commencement of the development hereby permitted, details of cycle parking facilities to be provided at the site shall be submitted to, and approved in writing by, the local planning authority. The cycle parking facilities so approved shall be provided prior to the use or occupation of any part of the development hereby permitted and thereafter retained.

Reason: In the interests of encouraging cycling as a means of transport to and from the site.

5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and/or re-enacting that Order) there shall be no extensions and or alterations to these premises without planning consent from the Local Planning Authority.

Reason: Extensions and/or alterations to these properties would require the detailed consideration of the Local Planning Authority.

6. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

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

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

8. 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, to include details of the boundary treatment adjacent to Foxleigh, New Road;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal;
- (7) bin stores for use by residents.
- (8) a scheme of boundary treatment and lighting for the public footpath located to the south of the site.

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

Items 1 to 8 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

9. The building hereby permitted shall not be used or occupied until all roads, accesses and footpaths serving the building have been laid out and surfaced to basecoat tar macadam level, or to such other standard suitable for the passage of vehicles or pedestrians as may on application be approved in writing by the local planning authority

Reason: In the interests of highway safety and convenient access.

10. Prior to the commencement of the development hereby permitted, details of cycle parking facilities to be provided at the site shall be submitted to, and approved in writing by, the local planning authority. The cycle parking facilities so approved shall be provided prior to the use or occupation of any part of the development hereby permitted and thereafter retained.

Reason: In the interests of encouraging cycling as a means of transport to and from the site.

11. Prior to the use or occupation of the development hereby permitted, the car parking areas shown on the approved plan(s) shall be provided and shall thereafter be kept available for the parking of vehicles at all times.

Reason: In the interests of road safety.

12. Prior to the commencement of the development hereby permitted full details of the mitigation strategy for reptiles and great crested newts, including full details of habitat enhancements at the receptor site, should be submitted to the LPA for written approval prior to any works commencing on site. Thereafter the strategy shall be implemented fully.

Reason: In the interest of protecting wildlife on the site.

13. Prior to any works commencing on site, an update badger survey should be conducted by a competent ecologist. All works on site should be carried out in full accordance with the recommendations of this survey.

Reason: In the interest of protecting the habitat of any badgers in the locality.

14. All vegetation clearance at the site should take place outside the breeding bird season (March - August inclusive) unless checked beforehand by a competent ecologist.

Reason: In the interest of protecting any breeding birds on the site.

Reason for Decision

This is considered a reasonable form of development for this location and therefore complies with policies C1, C3, H3, H5 and CF3 of the North Wiltshire Local Plan 2001 Wiltshire Local Plan 2011.

Informative

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

Plan References

0151/02, /04, /06, /07, /08, /10, /11, /12, /13 & HPBT/001, LP/001, surv/01 all received by the local planning authority 22/7/09 and 0151/003A, /005A, /009A (undated)

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 2.10, 2.34, 4.02, 4.04, 4.07



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(4)

Date of Meeting	25 th November 2009		
Application Number	N/08/02686/FUL		
Site Address	The Hawthornes, Old Alexander Road, Malmesbury, SN16 0DT		
Proposal	Erection of five no. residential units		
Applicant	HSBC Trust Company (UK) Ltd		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Councillor Simon Killane
Grid Ref	392657 187787		
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 Simon Killane to assess the impact of the development in terms of scale visual impact relationship to adjacent properties design car parking and traffic implications in the area.

1. Purpose of Report

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

2. Main Issues

This application is for the erection of a terrace of two/two and a half storey dwellings on an existing residential plot. The site at present is occupied by a bungalow which sits in a fairly large plot. There is a dilapidated garage located adjacent to the western boundary. The key points to consider are as follows:

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

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 at present is occupied by a bungalow which sits in a fairly large plot. There is a dilapidated garage located adjacent to the western boundary.

There is a large tree in the North Eastern corner which is now the subject of a TPO.

There is fairly substantial hedging along the Northern boundary. The area is predominantly residential. To the north of the site are two storey detached properties.

4. Relevant Planning History

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

5. Proposal

The terrace comprises 3 no. two storey units with two plots (3 and 4) being two and a half storeys high. The parking is to the front of the terrace and there are five garages arranged in two blocks which sit perpendicular to the road.

6. Consultations

Town Council: Objects to the proposal for the following reasons: contrary to C3 i, iii, iv, vii.

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. The original application was amended and neighbours were renotified to allow them to add further comments in relation to this scheme.

8 letters of objection have been received.

- Traffic safety
- Manoeuvring vehicles
- School near by
- Hedge blocks view
- Impact on amenity of adjacent residents in terms over overbearing loss of light

8. Planning Considerations

Principle of development.

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

Impact on the character and appearance of the locality

The terrace sits across the width of the site as seen from the street. The terrace has been stepped to reflect the adjacent development.

The area has a mixed character in terms of design. Most of the surrounding properties are two storeys in height although there are some new two and a half storey dwellings on the opposite side of the road. The design of these dwellings are considered acceptable in this location and it is considered that the materials to be used should be subject to a condition. The modelling of the terrace and the difference in roof height breaks up the mass and bulk of the building thereby improving its visual impact as seen from the street.

It is not considered therefore that this development would detract from the street scene or the character of the area. Therefore the proposal is considered to comply with policy C3 of the local plan.

Impact on the amenity of neighbours

The properties to the rear of the site have relatively small gardens. Therefore they are located quite close to the proposed dwellings. The smallest gardens for the new dwellings are 13m. The properties along Park Close have a minimal garden length of 12m this brings the two closest buildings to 25m apart. The two dwellings with bedrooms in the roof have windows that look out to the south. The rear window serves the en-suite and subject to these being non opening and glazed with obscure glass there is not considered to be a loss of privacy to the residents to the north that would warrant refusal.

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

Impact on Highway safety.

The existing property is in a residential area and within the locality there are schools which residents have raised as causing a lot of pedestrian and vehicular traffic at peak times. The Highway Engineer has looked at this matter but have concluded that subject to a condition in respect of visibility no objection be raised to the proposal. The scheme has been amended to include the highway engineers comments and this amended plan is still awaited.

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

Impact on TPO

The applicant is proposing to submit an arboriculturalist's report which will show that the scheme can be implemented without harm being caused to the beech tree (subject to a TPO) in the North East corner of the site.

Other Issues

The drainage engineer has commented that whilst there are drainage systems in the locality that can be linked into, he would wish to see some agreement from Wessex Water to such a link being constructed.

9. Conclusion

It is considered that the proposed erection of a detached dwelling on this site would not detract from the amenities of neighbouring properties to such an extent as to warrant refusal of the application. It will not detract unduly from the character and appearance of the locality and would not give rise to traffic safety issues. As such, the proposal is in accordance with Policies C3 and H3 of the North Wiltshire Local Plan (2011).

10. Recommendation

Subject to:

- **Receipt of satisfactory comments regarding the TPO**
- **The signing of a 106 agreement in relation to the necessary contribution to public open space**

Planning permission be GRANTED for the following reason:

The proposal accords with Policies C3, H3 of the North Wiltshire Local Plan (2011) in that it is of an appropriate design, size, scale, mass and bulk and should not give rise to additional traffic safety issues. It will not have a detrimental impact on neighbours that would warrant refusal and is therefore is an acceptable form of development.

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- The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2.4 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 0.6 metres above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

POLICY-C3

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

REASON: In the interests of highway safety.

POLICY-C3

5- No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

POLICY-C3

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

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

POLICY-C3

7- Prior to the commencement of the development hereby permitted a copy of an agreement with the water authority to link into existing drainage services within the locality must be submitted to the Local Planning Authority.

Reason: In the interests of ensuring the drainage scheme for this site is acceptable.

Informatives:

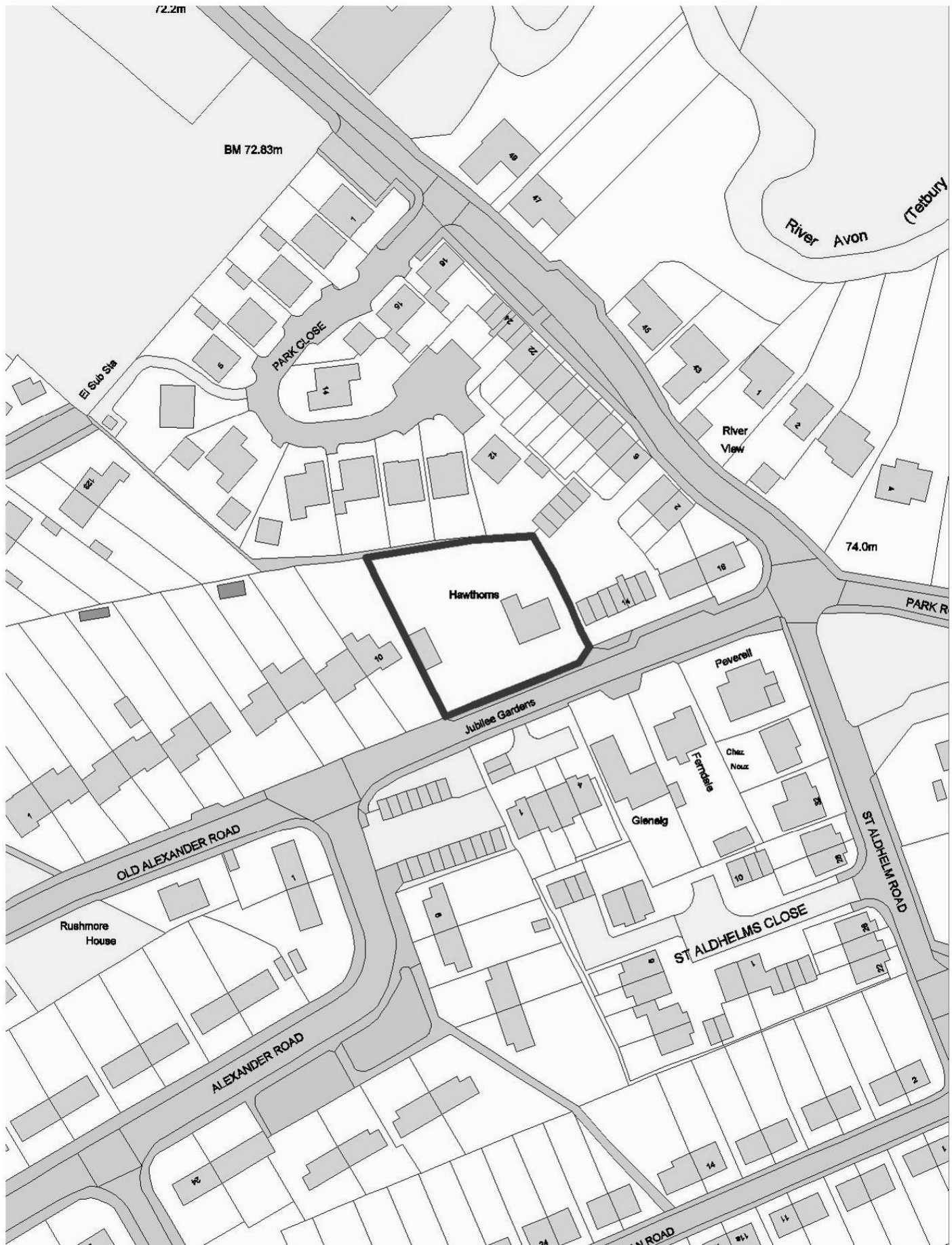
1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to 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 received by the local planning authority 28/11/09, amended layout plan to be received prior to committee, 08/10/08/20944 received by the local planning authority 28/11/09, 08.050.02A and 03A received by the local planning authority 28/8/09

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

North Wiltshire Local Plan (2011): C3, H3

Appendices:	None
Background Documents Used in the Preparation of this Report:	4.02 4.03 4.04 2.02 1.21



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(5)

Date of Meeting	25 th November 2009		
Application Number	09/01389/FUL		
Site Address	Orchard Barn, Leigh Delamere, Chippenham, Wiltshire, SN14 6JZ		
Proposal	Change of Use of Land to a Riding Arena Enclosed By Post And Rail Fence for Private Use and Change of Use of Paddock for the Grazing of Horses For Private Use.		
Applicant	Miss Jessica Yeung		
Town/Parish Council	Grittleton		
Electoral Division	By Brook	Unitary Member	Councillor Jane Scott
Grid Ref	388323 179361		
Type of application	Full		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Jane Scott has requested that this application be considered by committee to assess the effect on the rural conservation area and surrounding properties.

1. Purpose of Report

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

2. Main Issues

The application is for a riding arena and change of use of the land for the keeping of horses. The key points to consider are as follows:

- Implications on DC Core Policy C3, Policy NE15 The Landscape Character in the Countryside and policy HE1 Development in Conservation Areas.
- Effect upon residential amenity

3. Site Description

The site is an open field to the north of some recently converted barns, which are curtilage listed. The site lies within the Leigh Delamere conservation area.

4. Relevant Planning History		
Application number	Proposal	Decision
	There is no relevant site history	

5. Proposal

The proposal has been amended to orientate the riding arena north-south in the north eastern corner of the applicant's ownership. There is a mature hedge to the north, but the surrounding area is largely open. The proposal includes a 1.8m wide gravel access track from the existing stables to the arena.

The remainder of the land in the applicant's ownership is to be used for grazing of horses.

6. Consultations

Grittleton Parish Council approves the plans.

The Cotswold Conservation Board does not object subject to conditions.

The Environment Agency has no objections subject to informatives.

Environmental Health has no objections.

Principal Conservation Officer has no objections to the amended plans.

7. Publicity

The application was advertised by site notice and neighbour consultation.

3 letters of objection received in respect of the original plans.

Summary of key relevant points raised:

- The arena should be hard up against the current buildings to preserve the open pastureland.
- It should be completely screened by landscaping.
- Need?
- Out of character with the area and disproportionate in size to the land.
- Effect on listed building (Orchard Barn and others in locality)
- Impact on Conservation Area – its character would neither be preserved nor enhanced – and the area in general.
- There is another arena in the near vicinity.
- Drainage issues.
- The statement that the sand mix surface could be planted over with grass is inaccurate.
- Loss of privacy and amenity.
- The arena would be visible from the highway.

On the revised plans one letter of objection has been received. A summary of the points raised are as follows:

- The proposed development neither preserves or enhances the Conservation Area.
- Loss of 800m² of pasture, which misleadingly is quoted as not being permanent.

- Effect on setting of listed building.
- The arena should be sited adjacent to the rear of the existing buildings, where it will be screened.

8. Planning Considerations

- Implications on DC Core Policy C3, NE15 Landscape character of the Countryside and policy HE1 Development in Conservation Areas

The application is in 2 parts: The riding arena and the change of use of the land for the keeping of horses. The land is currently used for grazing of horses and it is considered that this has an acceptable impact on the open countryside and conservation area and is in compliance with policies C3, Ne15 and HE2 of NWLP 2011. The land is currently sub-divided by white tape fencing and the applicant has been advised that a better solution in the form of green taping (but still moveable) will be required. This can be controlled by condition.

The riding arena has been re-located to the north eastern corner of the applicant's ownership and landscaping is proposed. The land is not within the curtilage of a listed building although the barns to the south (approx. 50m) are curtilage listed to Manor Farm. The Principal Conservation Officer does not raise any objections to the proposal on the grounds of its impact on the listed buildings nearby.

All the land lies within Leigh Delamere's Conservation Area. PPG15 Planning and the Historic Environment states that all development within conservation areas should preserve or enhance its character and appearance.

The riding arena surface will be noticeable because of its different coloured surface, any fencing and any cut and fill. The cut and fill would be limited as the site is largely flat and the fencing at approx. 1.5m high is permitted development. The impact is therefore largely limited to the impact of the coloured surface. The proposed surface is light sand mixed with some fibre and the colour of this mix can be controlled by condition. The Principal Conservation Officer does not object to the siting of the arena and it is considered that with appropriate conditions the proposal would preserve the character and appearance of the Leigh Delamere Conservation Area and comply with policy HE2 of NWLP 2011.

- Effect upon residential amenity

Although the riding arena will be visible from several properties, its impact in the countryside can be limited by conditions to control, cut and fill, landscaping, surface material and fencing. The arena and change of use of the land is for private use only and there will be no impact on residential amenity by way of loss of privacy. The applicant has offered to plant a native hedge along the western boundary of her property to further screen the development.

The applicant has been asked to provide a sectional plan to show the level of cut and fill and subject to receiving this, the recommendation is for condition permission.

9. Recommendation:

Planning Permission be GRANTED for the following reason:

The proposed change of use of the land and riding arena are considered to have a limited impact in the countryside, which can be satisfactorily controlled by condition, and are considered to comply with policy NE15 of NWLP 2011.

The site also lies within the Leigh Delamere Conservation Area where development should preserve or enhance the character and appearance of the area. With conditions to control the amount of cut and fill, the landscaping of the arena and the arena surfacing materials, it is considered that this will be achieved and the development will comply with policies C3 and HE2 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. At no time shall more than 2 horses be kept on the land hereby permitted for the keeping of horses.

Reason: In the interests of the visual amenity of the area.

POLICY -HE1 and C3

3. The development hereby permitted shall only be used for the private keeping 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

4. 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, HE1, NE15

5. There shall be no lighting of the arena hereby permitted without the prior written permission of the Local Planning Authority.

Reason: In the interests of protecting the amenity of the countryside.

POLICY -C3, HE1, NE15

6. Notwithstanding the fencing on site within 3 months of the date of this permission, details of all fencing shall be submitted to and approved in writing by the Local Planning Authority. The type of fencing approved shall be the only fencing used on site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

POLICY -C3, HE1 and NE15.

7. 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) 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;
- (b) finished levels and contours;
- (c) means of enclosure;
- (d) hard surfacing materials;

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

POLICY-C3

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

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

POLICY-C3

9. Prior to the commencement of the arena hereby permitted details of the drainage and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

POLICY- C3, HE1 and NE15.

Informatives

1. The applicant's attention is drawn to the contents of the attached letter from the Environment Agency dated the 25.8.09.

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.

Location plan and block plan dated 1st October 2009

Appendices:	None
Background Documents Used in the Preparation of this Report:	4.02, 4.03, .04, 4.05, 4.07, 2.25



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report Nos. 6(6 & 7)

Date of Meeting	25 th November 2009		
Application Number	09/01731/FUL and 09/01732/LBC		
Site Address	Green Farm, Nettleton, Chippenham, SN14 7NT		
Proposal	Two Storey Extension to Existing House		
Applicant	Mr R Rees		
Town/Parish Council	Nettleton		
Electoral Division	By Brook	Unitary Member	Councillor Jane Scott
Grid Ref	381747 178522		
Type of application	Full application and Listed Building Consent		
Case Officer	Judy Enticknap	01249 706 660	Judy.enticknap@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 Mrs Scott under the scheme of delegation in force after the 1st April 2009 in order to consider issues related to the scale of development; relationship to adjoining properties; and design in respect of bulk, height and general appearance.

1. Purpose of Report

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

2. Main Issues

Green Farmhouse is a Grade II listed building which dates from the late C17/early C18, although altered in the early C19. It lies within the AONB and there is no settlement framework to the village. This application proposes to erect a 2-storey extension to the house. The key points to consider are as follows:

- Design and scale of the development and its effect on the special character of the listed building
- Impact on the AONB

3. Site Description

Green Farmhouse consists of a late C17/early C18 2-storey range, which was refenestrated in the early C19, and has a 3-window range of 2-light windows with stone mullions and small-paned casements. The list description refers to construction being rendered rubblestone with Bridgwater tiled roof, although the render appears to have been removed. To the rear there is a slightly narrower C19 wing with a gable stack. There is also an attached 1½ storey C19 wing attached to the east gable of the host building. This latter was formerly an ancillary range, altered to form a garage at ground floor level, and was converted to form ancillary residential accommodation (interconnected to the house at ground floor levels) in 2002; this scheme also replaced rear

masonry and glazed lean-to's with a more substantial conservatory extending across the rear of the principal range.

4. Relevant Planning History		
Application Number	Proposal	Decision
00/00103/COU and 00/00104/LB	Conversion Of Barn To Dwelling & Garage And Erection Of New Dwelling & Alteration To Access (amendment of previous application, approved by members 1998)	Approved
01/02538/FUL and 01/02539/LB	Alterations to boundary wall	Approved
02/02865/LB and 02/02866/FUL	Conversion Of Garage To Residential Annexe - Replacement Conservatory - Alterations	Approved
09/01293/FUL and 09/01294/LBC	Single and Two Storey Extension to House	Withdrawn

5. Proposal

The proposal is to erect a two storey extension to the rear of the building, attached to the gable of the C19 range. There is also a single storey lean-to attached to the east elevation of both the C19 wing and proposed new range, which links the conservatory to the new range and increases the area of the proposed ground floor living room. Internally, the plan form of the 1st floor bedroom in the C19 wing is altered by formation of a corridor interconnecting the main house with the extension which provides a bedroom with en-suite bathroom and dressing room. The extension would be constructed in natural stone with Bridgwater tiled roof (with glazed single storey lean-to in front of the C19 wing), The principal (east) range would have dressed stone windows with small-paned joinery and French doors, and a pair of gable dormers; and an external stack to the gable elevation. The key point to consider is whether the scale of the extension and its detailing are appropriate to the scale and special character of the listed building.

6. Consultations

Nettleton Parish Council - comments are awaited.

7. Publicity

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

1 letter of support has been received.

8. Planning and Listed Building Considerations

There are no objections in principle to an extension to the rear of this building, however, there are concerns that an extension of the size proposed will compromise the special character of the listed building; and that this will be exacerbated by the approach to detailing. PPS15 provides guidance on alterations to listed buildings and makes it clear that modern extensions should not dominate

the existing building in either scale, material or situation. It states that “Successful extensions require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail”.

The two earlier additions to the rear and the side elevations of the farmhouse are clearly subservient to the host building. They are only 6.2m and 4.2m long respectively, and although both extensions provide bedroom accommodation at 1st floor level they have ridge and eave heights well below those of the main range. In comparison, the proposed extension is significantly longer, being 9.8m; and although the height of the ridge and eave are set 300mm below that of the rear C19 wing, the height from the ground to the eave is substantially greater than the rear range and indeed is taller than the original building. It is a full 2-storey building, and this is achieved by lowering the finished external ground levels by approximately 900mm. The plans do not provide any information on the extent of the ground level changes adjacent to the extension. However, it is clear that the addition will be substantially larger than the rear range, and any suggestion that it will be subservient in scale is lost.

This is exacerbated by the awkward full-length lean-to to the extension; whilst it pays reference to a traditional Wiltshire farmhouse pentice, the scale (particularly the eave height of the masonry section) and design (particularly to the windows and French doors) relate poorly to the traditional design. The detailing to the openings reflects that to the earlier part of the building, and a simplified approach to the design of the openings could be considered more appropriate to a subservient range, and reflect the traditional hierarchical development of extensions to farmhouse ranges. There are concerns regarding other details, including the non-traditional external gable stack and the poorly detailed canopy to the external door (west elevation).

Internally, the doorway leading to the C19 wing from the house would be repositioned in the skilling section of the ceiling, directly adjacent to the valley gutter, and a passage would be created to link the main range to the extension. Apart from potentially causing technical difficulties, this causes harm to the plan form, and also deprives the bedroom of light. This could be overcome by introducing a new stair into the extension to serve the new part of the house.

The agent has been advised that a smaller extension, including omission of most of the masonry element of the lean-to, could be accepted, but his clients are understood to be unwilling to reduce the size of the extension. Regrettably, it is considered that the current proposal will cause harm to the special character of the farmhouse and its setting by virtue of its scale and detailing.

Affect on AONB

As the proposal relates to the rear of the building, and the site is enclosed by the former farmyard area (which forms part of a residential curtilage), this proposal is not considered to cause any significant harm to the AONB.

10. Recommendation

Planning Permission be REFUSED for the following reason:

1. Green Farmhouse is a grade II listed building, which it is desirable to preserve together with its setting and any other features of interest which it may possess. The proposed two storey side extension would cause harm to the special interest of the listed building and its setting by virtue of its scale and detailing and associated alterations to ground levels and would fail to preserve the special architectural and historic interest of the listed building contrary to S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government guidance set out at PPG15 (Planning and the Historic Environment).

Listed Building Consent be REFUSED for the following reason:

1. Green Farmhouse is a grade II listed building, which it is desirable to preserve together with its setting and any other features of interest which it may possess. The proposed two storey side extension would cause harm to the special interest of the listed building and its setting by virtue of its scale and detailing and associated alterations to ground levels and would fail to preserve the special architectural and historic interest of the listed building contrary to S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government guidance set out at PPG15 (Planning and the Historic Environment).

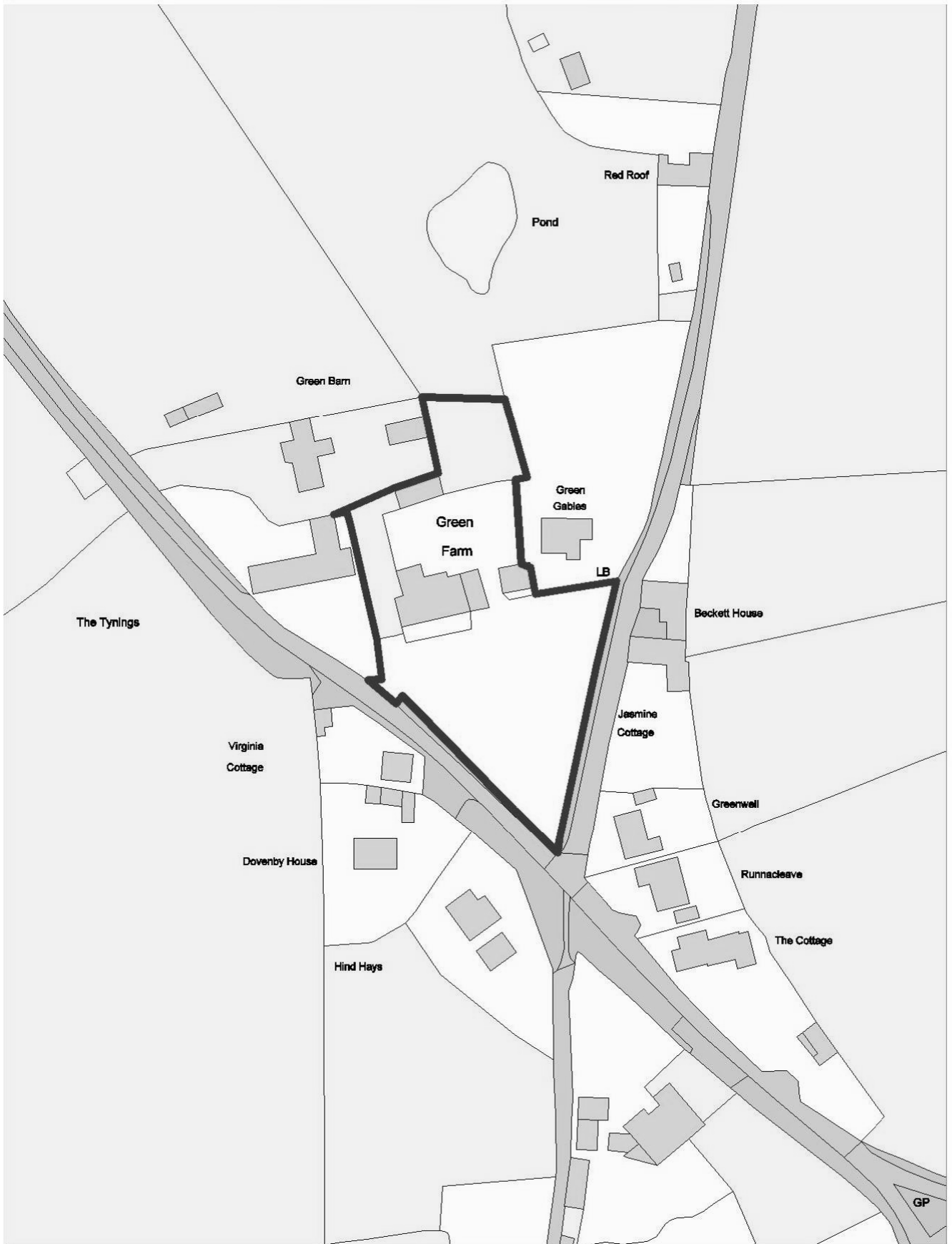
Informative

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

Plan Nos: Mo2-002.02, 03, 010A, 011A, 012A, 013A, 14

Received by the local planning authority 22.9.09

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.03, 1.20, 4.02, 4.03, 4.04, 4.07, 5.01, 5.03, 6.03



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(8 & 9)

Date of Meeting	25 th November 2009		
Application Number	09/01645/FUL & 09/01646/LBC		
Site Address	Lindfield, 3 Slaughterford Road, Biddestone		
Proposal	Demolition of existing lean-to extension and front entrance porch. Construction of two storey side extension and replacement entrance porch. Removal of existing paintwork to external elevations.		
Applicant	Mr Gary Lowe		
Town/Parish Council	Biddestone		
Electoral Division	By Brook	Unitary Member	Councillor Jane Scott
Grid Ref	386127 173972		
Type of application	Planning Permission and Listed Building consent		
Case Officer	Fiona Cairns	01249 706 659	Fiona.cairns@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Mrs Jane Scott has called these applications to committee to consider the scale of development, visual impact upon the surrounding area and the design and bulk of the development.

1. Purpose of Report

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

2. Main Issues

The main issues in the consideration of this case are:

- The impact of the proposals upon the special architectural and historic interest of the listed building and its setting
- The impact of the development upon the character and appearance of the wider Biddestone Conservation Area

3. Site Description

Lindfield is an 18th century end of terrace cottage, listed for group value and located within the impressive conservation area of Biddestone. The property is constructed of limestone rubble, with painted elevations under a clay tiled roof. It is two storeys with 3-window range of stone-mullioned windows. The elevations have been painted. Slaughterford Road is a rural lane which is located off the northern end of Biddestone High Street and leads to the village of Slaughterford. The terrace consists of formerly, 3 small cottages, now 2, dating from the 18th century. The end of terrace property at the eastern end steps down from the other two units, and has the locally distinctive dormers that rise through the eaves line. Lindfield is located at the west end of terrace property and the gable end is clearly visible when travelling from the west to east along Slaughterford Road.

4. Relevant Planning History		
Application Number	Proposal	Decision
08.2805	Replacement windows and front door	Granted

5. Proposal

The application is for the demolition of an existing lean-to side extension and porch, and erection of a two storey extension and porch. The key points to consider are whether the height, width, depth and eaves line of the proposals results in an extension which is of an appropriate scale that respects the special historic and architectural interest of this small cottage, the listed terrace and the wider character of the conservation area.

6. Consultations

No consultation responses have been received.

7. Publicity

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

No letters of objection or support have been received.

8. Planning and Listed Building Considerations

The removal of the existing lean-to and porch is not contentious. The principle of a side extension is not contentious. The removal of the paint is not contentious, subject to detail.

However, at pre-application stage officers advised the agent that the scale and bulk of the extension was excessive and suggested that it be set down, similar to the property at the end of the terrace, No. 1 Slaughterford Road. The application was submitted in its original form and the agent declined to negotiate, instead the application has been called to Committee for decision.

The cottage is a double fronted cottage, distinctive by narrow rooms either side of a central entrance. The property is modest and has undergone some recent unsympathetic alterations which has eroded its character. When extending such a property successfully, it is essential that the proposal does not compete with the parent building, but is subordinate in terms of its scale and bulk. The proposed addition, although set back from the front building line, makes no other concession to the fact that the host building is modest in terms of its scale and proportion. The width, height and depth of the extension is disproportionate and is therefore considered to be harmful to the character of the building, and the terrace of which it forms a part.

The principal reception room measures 3.6 by 3.2 metres, whilst the proposed kitchen extension (excluding utility and cloakroom) has an internal dimension of 3.9m by 3.5m. The extension exceeds the dimensions of the largest room and is clearly therefore disproportionate in terms of its scale. Furthermore, the extension extends the full depth of the house, and is virtually full height, and thereby totally obscures the flank elevation of the listed building. This is highly prominent when travelling along Slaughterford Road. In addition the extension, although set back from the front elevation is not set back from the rear elevation, resulting in an asymmetric extension that is awkward and architecturally unresolved. The eaves line is continuous with the parent building, resulting in an extension that visually competes with the listed building. The bulk of the extension is evident when looking at the rear elevation, when the width of the proposals gives rise to a slack pitch that fails to correspond with the proportions of the original cottage.

The extension is highly visible when travelling from the west. The terrace is characterised by a higher central section, with a lower section at the eastern and western end. The proposed extension does not step down in height, and therefore results in unbalancing the composition of the terrace.

A one and a half storey extension would, in officer's opinion, work well. The use of traditional stone gables rising through the eaves, as found at no. 1 Slaughterford Road would preserve the character and composition of the listed terrace and provide significantly more accommodation for the applicant. However, the current scheme would cause significant harm to the heritage asset for the reasons set out above.

9. Conclusion

The principle of extending this cottage may be acceptable, however, it is considered that the present proposal is harmful to the character of the cottage by virtue of its bulk and scale, and fails to have regard to the character of this small vernacular listed cottage and its setting contrary to the DC core Policy C3 and Historic environment policy HE4 and government guidance set out at PPG15, Planning and the Historic Environment.

10. Recommendation

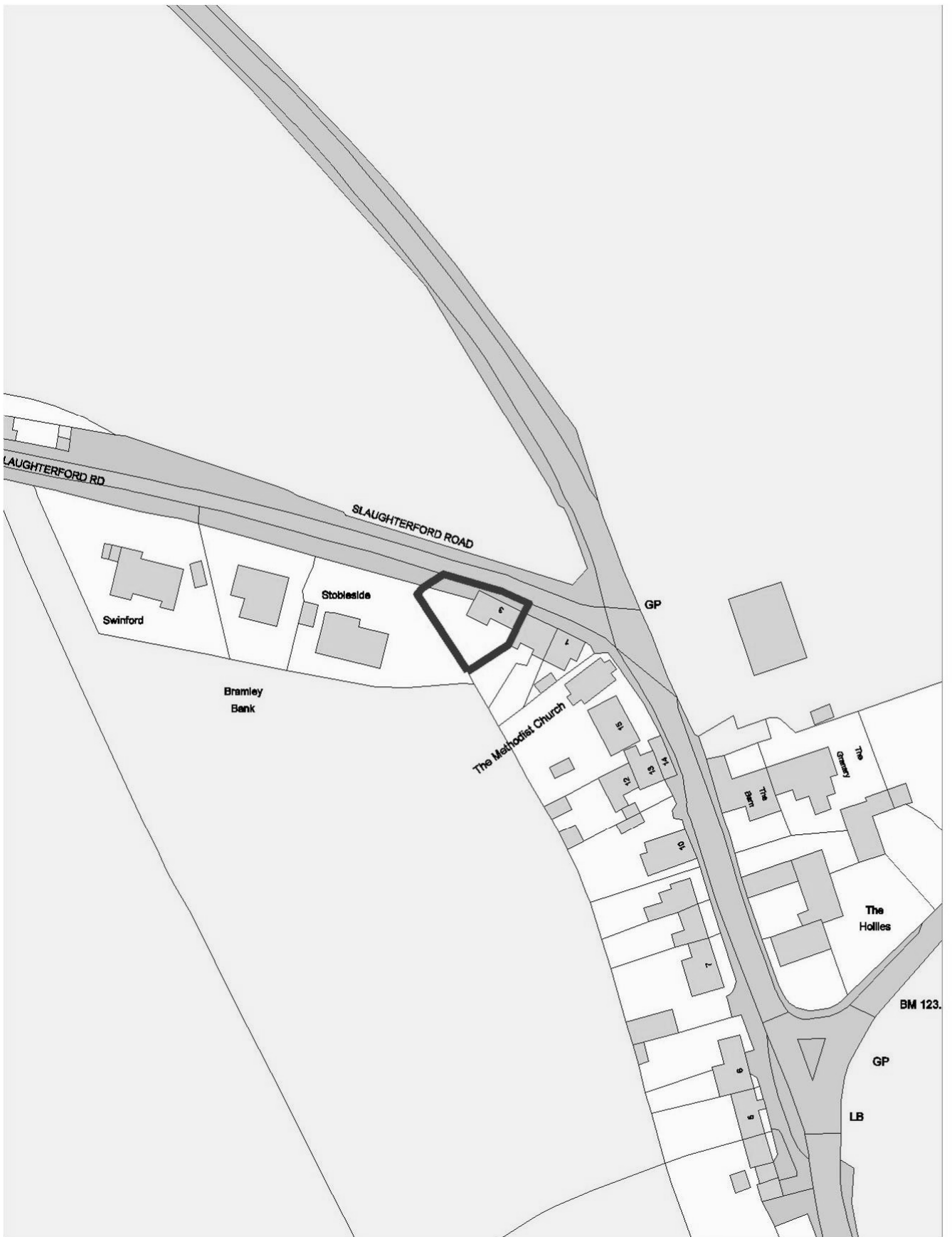
Listed Building Consent be REFUSED for the following reason:

1. Lindfield is a grade II listed building, which it is desirable to preserve together with its setting and any other features of interest which it may possess. The proposed two storey side extension would cause harm to the special interest of the listed building and its setting by virtue of its height, width, depth and continuous eaves line. The proposal is inappropriate in terms of its scale and bulk and would fail to preserve the special architectural and historic interest of the listed building contrary to S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government guidance set out at PPG15 (Planning and the Historic Environment).

Planning permission be REFUSED for the following reason:

1. Lindfield is a grade II listed building which is located in the Biddestone Conservation Area. The proposed two storey side extension would cause harm to the special interest of the listed building, its setting and the Biddestone Conservation Area by virtue of its height, width, depth and continuous eaves line, together with the unbalancing effect that the extension would have on the composition of the terrace. The proposal is inappropriate in terms of its scale and bulk and would fail to preserve the special architectural and historic interest of the listed building contrary to S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, government guidance set out at PPG15 (Planning and the Historic Environment) and policy C3 and HE4 of the North Wiltshire Adopted Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 6.03



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6(10)

Date of Meeting	25 th November 2009		
Application Number	09/01737/FUL		
Site Address	Building at Broad Town Road Farm Broad Town Wootton Bassett		
Proposal	Conversion of Existing building to dwelling (Resubmission of 09/00611/COU)		
Applicant	Mr & Mrs Lavery		
Town/Parish Council	Broad Town		
Electoral Division	Wootton Bassett East	Unitary Member	Cllr Mollie Groom
Grid Ref	408622 179400		
Type of application	Full		
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 Mollie Groom to consider the impact of the proposal upon the appearance and amenity of the area.

1. Purpose of Report

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

2. Main Issues

In 2003 the original agricultural building on this site was considered to be structurally deficient. The applicant applied to convert it into a dwelling under 03/00552/COU. This was refused for several reasons: its poor physical condition, sustainability issues and lack of protected species survey. The appeal was subsequently dismissed. The Inspector agreed that the building on the site at the time was visually poor and would require substantial alterations to convert (appeal decision attached at Appendix 1).

Since then the building has been substantially re-built with a new roof shape, new roof timbers, new openings and new external walling. No application has been submitted for these new works.

Earlier this year, the applicant submitted an application for the conversion of this rebuilt building to a dwelling (09/00611/COU refers). As this was effectively a retrospective rebuilding of the former agricultural building to convert into a dwelling, this was considered contrary to Policy and so the recommendation could only be one of refusal. The application was withdrawn.

The building currently on site is unauthorised.

This application is a resubmission of the 09/00611/COU and now includes a protected species survey as bats and nesting birds have been found in the building.

The main issues to consider are as follows:

- Implications on DC Core Policy C3
- Implications of Policy BD6 Re-use of Rural Buildings
- Implications under Policy H4 Residential Development in the Open Countryside
- Implications of Policy NE9 Protection of Species

3. Site Description

Broad Town Road Farm is sited on the west side of Broad Town Road almost opposite the junction into Cotmarsh Lane. Originally it consisted of a traditional farmhouse with associated agricultural buildings, but the farmhouse was sold off separately.

The application site comprises of the mainly re-built building, a secondary lean-to building and an open Dutch barn along with a separate access onto Broad Town Road between the former farmhouse and the rebuilt building. There is also a mobile home adjacent to the Dutch Barn. It is intended to remove the Dutch Barn and the lean-to and to use the space to create a walled garden to the south of the proposed new dwelling with 2No car parking spaces. The “byre” would be altered and converted into a four bed unit. It would have a slate roof with rendered elevations and timber joinery.

4. Relevant Planning History		
Application number	Proposal	Decision
03.00522/COU	Conversion of building into dwelling	Refused Appeal Dismissed Withdrawn
09.00611/COU	Conversion of former agricultural to dwelling (Revision of 03.00522/COU)	

5. Proposal

The proposal is effectively for the retrospective substantial rebuilding of this former agricultural building and to convert it into a four bedroom dwelling unit with associated works to part of the farmyard to provide a domestic curtilage for the unit.

6. Consultations

Broad Town Parish Council:

The development of this site would be beneficial, but the wall of the present building facing the road is an eyesore. Better to demolish it and build a new property further away from the road.

Highway Engineer:

Recommend refusal on sustainability grounds

Economy & Enterprise:

Recommend an off-site Public Open Space Contribution of £7,407.42 for 4No bed unit.

District Ecologist:

No comments received yet

Natural England:

No comments received yet

7. Publicity

The application was advertised by site notice and neighbour consultation.

No letters have been received.

8. Planning Considerations

The building that is on site is unauthorised. This application seeks the conversion of this unauthorised building.

Implications on DC Core Policy C3

There is a requirement for new development to respect the local character and distinctiveness of the area with regard to design, size, massing, materials and to respect the quality of the natural and built environment.

This substantially rebuilt structure is materially different to the original cow byre and now presents a much more utilitarian structure with a regular form and materials. It is clear that there appears very little of the original structure remaining. To all intents it appears as a new building in the open countryside. This new building does not benefit from planning permission and is therefore unauthorised. This application does not seek to regularise this situation, it seeks the conversion of a building which in itself requires permission.

The substantially re-built building is not considered to have regard to the local character and distinctiveness of the area due to its design, size and materials. The removal of the hipped end and increased roof height has changed the building into that more akin to a commercial unit.

In addition, the Highway Engineer has recommended refusal on the grounds of non-compliance with PPG13 as the development is remote from services and employment opportunities. Point vi) states that new development should promote sustainable development that would reduce the overall need to travel. The proposal does include 2 No parking spaces within the curtilage behind the new walled garden at the rear of the site as well as the yard to the west of the building which would be laid out with gravel for parking and turning.

The Existing Building

The existing building in its re-built form is materially different to the original building. The former cow byre had a distinct hipped roof on the north end of the building with a roof slope of 30 degrees to the hip and 45 degrees for the rest of the building. The structural survey that was done as part of the 2003 appeal stated that the headroom was restricted to 1.8m high in the southern end of the building and that barn appears to have been originally open fronted. It had an eaves height of 1.7m and a ridge height of 4.7m (measurements taken along the north (roadside) elevation. The length of building was originally 28.6m and it had a width of 5.2m. It was characterised by low concrete block walls and a large depth of roof sheeting. The proposed conversion works for 2003 would have resulted in a 2.2m eaves height with a 5m ridge height building to provide a three bedroom dwelling.

The building now has gable both ends, new roofing, raised wall heights, new openings and new internal roof timbers and walls/flooring. The roof pitch is 49 degrees, an increase of 4 degrees over the previous roof slope. Again along the roadside the new eaves measure out at 2.1m high with a 4.8m ridge. Whilst facing west, the eaves are shown as 2.3m and the ridge height 5m high. The length of the newly constructed building measures 29.7m in length on the floor plan, but 29.5m from roadside (east) elevation. The building is now divided into five rooms compared to the 2 dividing walls of the original building.

As for the openings to the building, the road side elevation has none, but the original openings as shown on the 2003 application indicated that there were 3No double door openings, 1No large 9No paned window and 5 high level byre windows. The new window/door openings show three French windows, two further single doors and 5No double casements plus one smaller high level window on the west elevation. One of the window is now has white plastic joinery.

The building has clearly been substantially rebuilt and although the agent states that these works took place more than 4 years ago, the enforcement team have photographic evidence that the these works only took place in July 2006. This confirms that the roof have been completely rebuilt along with new roof timbers and new walling inside and also outside increasing the height of the building. The overall increase in height measures 300mm for the ridge and 600mm for the eaves. In addition, the door and window openings have been increased and the rafter feet are now exposed.

Implications for Policy BD6

Under Policy BD6, the re-use of buildings will only be permitted provided that the proposed use will be contained within the building and it does not require extensive alterations, re-building and or extension.

This building has had such extensive alterations so as to be effectively a re-build. Therefore the proposal cannot be considered as a conversion of a former agricultural building to another use, but the erection of a new building in the open countryside for the purposes of non-agricultural use.

In support of his application the agent states that under Point iii) of this Policy, his client has marketed the property through a commercial agent. The agent Dreweatt Neate advised the applicant that a commercial use was not viable as there was a negative land value due to the unsustainable position as well as other economic issues.

Nevertheless the building on the site has been re-built and it does not comply with the first criterion of BD6. Therefore the conversion of this building is tantamount to the erection of a new dwelling.

Implications under Policy H4 Residential Development in the Open Countryside

This building is not a converted building; instead it is a re-built structure in the open countryside and the proposal is to convert the structure into a four bedroom dwelling unit with associated garden and parking area using the existing vehicular access into the former farm yard.

New dwellings in the countryside are only permitted on the grounds that it is in connection with the essential needs of agriculture or forestry or other rural based enterprise or it is a replacement dwelling.

This dwelling is not for agricultural or forestry purposes or for another rural bases enterprise and it is not a replacement dwelling. It is therefore the case officer's opinion that the proposal is contrary to this policy as it appears to be a construction of a new dwelling in the open countryside.

Implications of Policy NE9 Protection of Species

In April 2009, there was clear evidence inside that there were birds in the building roosting on the new timbers and swallows were seen flying around the yard. Unlike the earlier 2009 application of 09.00611/COU, the applicant has now submitted a Bat and Nesting Bird Survey. At least 3No species of bats were found within the re-built building along with evidence of nesting birds. A number of recommendations were made as a result of the survey regarding timing of the works and mitigation methods for bat access into the roof space. The comments of the District Ecologist and Natural England are awaited.

Comments on Parish Council response

The Broad Town Parish Council comments request that the building be resited. This is not an application for a replacement dwelling on this site and therefore the Council cannot consider the re-siting of the building as suggested by the Parish Council. The re-built building is already there and therefore has to be considered under Policies C3, BD6 and H4 of the Local Plan.

9. Conclusion

The proposal is considered to be unacceptable due to the fact that the original building has been rebuilt and is materially different to the original cow byre and would appear to be an abuse of the system in that the original farm building has been rebuilt with the intention of using it for a four bed dwelling. The building does not respect the local character and distinctiveness of the area. As such the proposal is contrary to Policies C3, H4, HE9 and BD6 of the North Wiltshire Local Plan 2011.

10. Recommendation:

Planning Permission be REFUSED for the following reasons:

1. The proposed development is tantamount to the erection of a new dwelling within the open countryside by reason of the rebuilding of this former cow byre to a modern building with new walls, new openings, new timber and a new roof. The proposal demonstrates an abuse of the system where an original farm building has been rebuilt with the intention of using it for a materially different use prior to the submission of an application. The proposal is therefore contrary to Policies C3, H4, NE9 and BD6 of the North Wiltshire Local Plan 2011.
2. The proposal located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

Appendices:	Appeal decision letter (03/00522/COU)
Background Documents Used in the Preparation of this Report:	1.19, 2.02, 2.01, 2.23, 4.02, 4.03, 5.01, 5.03, 5.04



Appeal Decision

Site visit made on 5 December 2003

by **R W Moon** BSc MCD MRTPI

an Inspector appointed by the First Secretary of State

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Appeal Ref: APP/J3910/A/03/1126643

Barn at Broad Town Road Farm, Broad Town, Wiltshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Lavery against the decision of North Wiltshire District Council.
- The application ref: 03/00522/COU dated 25 February 2003, was refused by notice dated 12 June 2003.
- The development proposed is residential conversion of existing barn.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. Subsequent to the decision of the Council, further information has been provided by the appellant in relation to the issue of protected species which may have been present in the building. The Council has decided not to submit any evidence regarding this matter and I am satisfied that this is no longer an issue and do not propose to consider it further.

Main Issues

2. I consider the main issues in this appeal to be:
 - a) the impact of the development on the character and appearance of the area having particular regard to the suitability of the existing structure for conversion; and,
 - b) whether the proposal would result in an acceptable form of development in the countryside bearing in mind the principles of sustainable development.

Planning Policies

3. The development plan for the area includes the Wiltshire Structure Plan 2011 and the North Wiltshire Local Plan 2001, both of which were adopted in 2001. The Council does not rely on any structure plan policies but instead on Policy RH12 of the local plan. This policy states that the conversion of buildings in the countryside to residential use will be permitted where the form, bulk and general design of the existing building is in keeping with its surroundings but it includes a number of criteria against which new development needs to be assessed. The most relevant of these relate to respecting the rural character and appearance of its surroundings, and not requiring extensive alteration, rebuilding and/or extension. Further interpretation of this policy is set out in the supporting statement.
4. The Council also refers to its Review of the North Wiltshire Local Plan 2011, but this is at an early stage in its development and in any event is not relied upon.

Reasons

5. The appeal site is situated amongst a small group of roadside buildings set in open countryside. The area has a rural character where countryside policies apply. Nearby buildings along both sides of Broadtown Lane comprise both houses and farm buildings, most of which are constructed in brick or have a rendered finish under tiled or slated roofs. There are a number of former agricultural buildings and hardstandings on the appeal site which give it an untidy and neglected appearance, the largest of which is a steel Dutch barn. The site is overlooked by a post war chalet bungalow opposite and lies between 2 other houses.
6. The former cow-byre is constructed of concrete blockwork under a corrugated metal roof and has a utilitarian appearance with a long blank wall facing the highway. The appellant indicates that the building was historically an open sided cow-byre, the sides of which were subsequently infilled with concrete blockwork. It has therefore taken on a different character from its historic form. In my opinion, while the form and bulk of the existing building is not untypical of some modern farm structures in the area, its general design is not in keeping with its surroundings and is an ugly and intrusive feature in an otherwise attractive rural area. Only the timbers in the northern part of the structure appeared to me to be of any age. It does not have the characteristics of a traditional farm building such as one with stone walls and stone or slate roofing.
7. The proposal would involve a transformation of the external appearance of the building through the addition of timber cladding, akin to the treatment of the property referred to by the appellant on the opposite side of the road, and the removal of the steel roof and its replacement by natural slates. No other buildings I saw nearby, apart from the property opposite, have timber cladding. In my opinion, notwithstanding this barn conversion, the proposal would not respect the rural character and appearance of its surroundings, or the existing character of the building, the design of which I have already confirmed is out of keeping with the area.
8. The appellant has suggested that if there are concerns about the use of timber cladding then a condition could be imposed to require the blockwork to be rendered. While this would go some way to ensure the building conformed better to the appearance of other properties in the area, the proposal as a whole would still be contrary to the requirements of Policy RH12 due to the nature of the existing structure.
9. The structural report accompanying the proposal indicates that there are some weaknesses in 2 places within the structure but I was able to confirm that most of the building appeared to be sound. The profiled metal roof is rusty and is supported by a mixture of supporting timbers which are stated to comprise a mixture of old, new and altered trusses. I saw that they were unexceptional functional timbers, not particularly worthy of preservation for their historic or architectural merit; indeed some are deteriorating.
10. Planning Policy Guidance Note 7: The Countryside-Environmental, Quality and Economic and Social Development (PPG7) indicates that the re-use of existing rural buildings for residential use should be subject to the same strict control over development in the countryside as new dwellings. This applies where the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the

character of the countryside.

11. One of the criteria within Policy RH12 indicates that the conversion of buildings to residential use should not require the extensive alteration, rebuilding and/or extension of the relevant structure. The proposal would involve the replacement of the steel roofing with slates and new common rafters, external masking of the walls and the reconstruction of the floor to ensure damp proofing. It would also, most probably, involve the replacement of a number of the defective roof timbers identified in the building survey report such that, altogether, there would be significant alteration of the building in conflict with this criterion. It would therefore fail to comply with both national and local policies relating to the re-use of buildings in the countryside.
12. The garden area shown on the submitted plan would occupy a substantial part of the former farmyard. Given the problems in controlling the kind of activities and character of such an extensive area through planning conditions, the likelihood is that the character of the site would change over time from agricultural to that of one resembling the garden of a normal dwelling. I therefore consider that the changes that could inevitably follow within its curtilage would, in this location, cause further harm to the character of the area.
13. I have considered the nature of the recently completed barn conversion on the opposite side of Broadtown Lane and viewed it on site, as well as examining some internal features through the windows. Although some details of this building and the planning permission have been provided I do not have all the relevant information regarding this permission. From what I saw the internal timber work appeared to be of some antiquity and quality, which is a situation quite different from the corresponding structure in the appeal building. I have also taken into account the argument that allowing this development would complete an historic grouping in the area but neither the appeal structure nor the area has any heritage designation which might support this argument. I therefore give this matter little weight.
14. I acknowledge that the site would look tidier if the redundant structures and hardstandings were removed. However, this benefit does not outweigh the harm to the rural character and appearance of the area arising from the proposed residential conversion. I have taken into account the conditions suggested by the appellant, but these would not overcome the fundamental objections to the scheme.
15. I therefore conclude that the development would have a harmful impact on the character and appearance of the area having particular regard to the suitability of the existing structure for conversion and would be in conflict with Policy RH12 of the North Wiltshire Local Plan 2001 and national planning policies for the countryside.

Sustainable Development Considerations

16. I have given consideration to this issue in the context of the advice in Planning Policy Guidance Note 3: Housing (PPG3) signalling a change in housing policy guidance which is also reflected in Planning Policy Guidance Note 13: Transport (PPG13). The guidance encourages decision makers to focus new development in towns and cities including the use of previously developed land within urban areas. The aim is also to create more sustainable patterns of development by building in locations with good access to services and employment. The aim is for these decisions to be made within

the context of development plans in the light of local circumstances.

17. I have noted the appellant's claim that the appeal premises have been used as a domestic outbuilding and store for some years and can therefore be brought within the scope of PPG3 where more favourable consideration is given to the re-use of previously developed land and empty properties. There is no evidence within the appeal papers I have seen of any authorising planning permission for the change of use of these premises for residential purposes. In the absence of any other relevant information I consider that the building, being last in agricultural use, would be excluded from the definition of previously developed land within Annex C of PPG3. In any event, PPG3 gives priority to the redevelopment of previously-developed land within urban areas.
18. While Policy RH12 admits development outside urban areas in certain circumstances where sustainable development objectives are met by new development, they are not met in this particular case. I note that no such objection appears to have been raised by the Council in relation to the conversion of the barn opposite the appeal site but, bearing in mind my comments in paragraph 12 above, this does not outweigh the harm to sustainable development objectives which would be caused by this development. Accordingly, I conclude that the proposal would result in an unacceptable form of development in the countryside bearing in mind the principles of sustainable development set out in national planning guidance in PPG3 and PPG13.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

20. In exercise of the powers transferred to me, I dismiss this appeal.

Information

21. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

Rwman

INSPECTOR

