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02	08/02686/FUL	The Hawthornes, Old Alexander Road, Malmesbury, Wiltshire, SN16 0DT	Five No. Residential Units	Delegated to Area Development Manager
03	09/01300/FUL	18-19 Dianmer Close, Hook, Hook, SN4 8EB	Erection of 3no. 4 Bedroom Houses and Garages with Associated Drive	Delegated to Area Development Manager
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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.8(1)

Date of Meeting	13th January 2010		
Application Number	N09/01102/FUL		
Site Address	Highfield Farm, Foxley, Malmesbury, Wiltshire, SN16 0JJ		
Proposal	Annex to existing agricultural workers dwelling.		
Applicant	H J Irvine & Son		
Town/Parish Council	Norton & Foxley		
Electoral Division	Sherston	Unitary Member	John Thomson
Grid Ref	390135 185587		
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 John Thomson to assess the acceptability of this annex.

1. Purpose of Report

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

2. Main Issues

An application for a detached dwelling on this site was considered by committee on the 23.09.09. Committee members resolution was as follows-

‘DEFER to negotiate a revised scheme for the provision of a residential annex to the property. In the event of a revision the application to be re advertised and consulted and dealt with by Officers under the scheme of delegation. If necessary, members will be able to call any revised application to committee.’

Amended plans were submitted on the 20.10.09.

The main policy issues are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H8 and Planning Policy Guidance note 7 “Sustainable development in rural areas”

3. Site Description

The site forms part of the side garden of the existing agricultural workers dwelling on the unit. The existing house is located at the end of a long drive. To the east is Cowage Grove Wood. The applicant owns 39ha and with leased and jointly owned land, the total holding covers an area of 450ha.

A public footpath runs adjacent to the access track and then follows the boundary of the adjacent woodland.

4. Relevant Planning History

Application Number	Proposal	Decision
09/00402	Erection of detached agricultural workers dwelling and associated works	Withdrawn
84/00719	Erection of dwelling.	Permission
80/00591	Erection of dwelling	Permission

5. Proposal

The proposed annex will be attached to the east side of the existing house. The accommodation includes a joint lobby area which is single storey and provides the link between the two elements. In this lobby is a toilet and front and rear doors. On the ground floor of the annex is a living area with kitchenette with a bedroom, bathroom and office at first floor. The first floor cannot be accessed via the main house other than via the lobby.

The annex has a footprint of 36m². The shared lobby area has a footprint of 15m². This equates to the agricultural workers dwelling having some 236sqm gross internal floor area.

6. Consultations

Consultation with the Councils agricultural advisor resulted in there not being a justification for a second dwelling on this site for use in association with the operations of the farm.

7. Publicity

The application was re advertised by site notice and neighbour consultation.

One letter of support has been received on the basis that the function of this farm requires accommodation for Mrs Irvine and David Irvine and his partner.

8. Planning Considerations

Principle of Development

The construction of an annex to this property is to be considered in relation to policy H8 (residential extensions) of the local plan as well as Annex A of PPS7 (the size and scale of an agricultural workers dwelling).

When the application for a detached house was previously submitted the applicants supporting statement was considered fully.

The existing operations of the unit have been considered and no substantial changes to the operations are proposed. In this instance the holding is made up of land which is freehold owner occupied, along with land held under a company arrangement and land held on full agricultural tenancy. Any consent granted for such a proposal would have to ensure the holding is kept together thus avoiding fragmentation and the ability to sell the house on with or without land. In this instance the ability to secure a unilateral undertaking on land that is held on either a tenancy and/or under a farming agreement would be very difficult and it is this land that makes up the majority of the holding. There is a functional need for a dwelling on this site but it is met by the existing dwelling. Thus an annex is now proposed.

However, Annex A of PPS7 states at paragraph 9: *"Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit or unusually expensive to construct in relation to the*

income it can sustain in the long term, should not be permitted. It is the requirements of the enterprise rather than those of the owner or occupier that are relevant in determining the size of the dwelling appropriate to a holding.”

It is acknowledged that the Council has no specific guidance in relation to floorspace for agricultural workers dwellings and instead rely on Annex A of PPS7. Nearby authorities have policies which limit floorspace to 140 150 sqm GIA.

It is considered that the size of the annex as an extension to the agricultural workers dwelling is not commensurate with the needs of the unit. Consequently, it is considered that the resultant size of the dwelling would limit its affordability to agricultural workers and thus increase in pressure in the future for the removal of the condition limiting occupancy.

As an extension to the existing house the proposal must be appropriate in terms of its mass bulk and design. It must not have a detrimental impact on neighbours it must respect its context and result in the loss of valuable vegetation.

The design of the annex has sought to reflect the character of the host house. Materials and fenestration could be conditioned to ensure that the annex respects the appearance of the existing dwelling in terms of these details.

However, prior to amended plans being submitted the agent was advised that the annex was too large in its appearance and that the scheme should be a little more modest if it was to be seen to respect the host house. However the scheme was not amended in accordance with officers' advice to reduce its appearance and impact on the main house. It is this matter which is considered inappropriate and to conflict with the requirements of policy H8 of the Local Plan 2011.

9. Conclusion

It is considered that the scale of the annex is too big and will detract from the appearance of the main house. The scheme does not therefore comply with policy H8 of the North Wiltshire Local Plan 2011 or paragraph 9 of Annex A of PPS7.

10. Recommendation

Planning Permission be Refused for the following reason:

1. The annex is of a scale which is too large in relation to the host house and will detract from its character and appearance thereby conflicting with policy H8 of the North Wiltshire Local Plan 2011. Furthermore, due to its scale it would result in an agricultural workers dwelling not commensurate with the functional need of the holding contrary to paragraph 9, Annex A of PPS7.

Informatives:

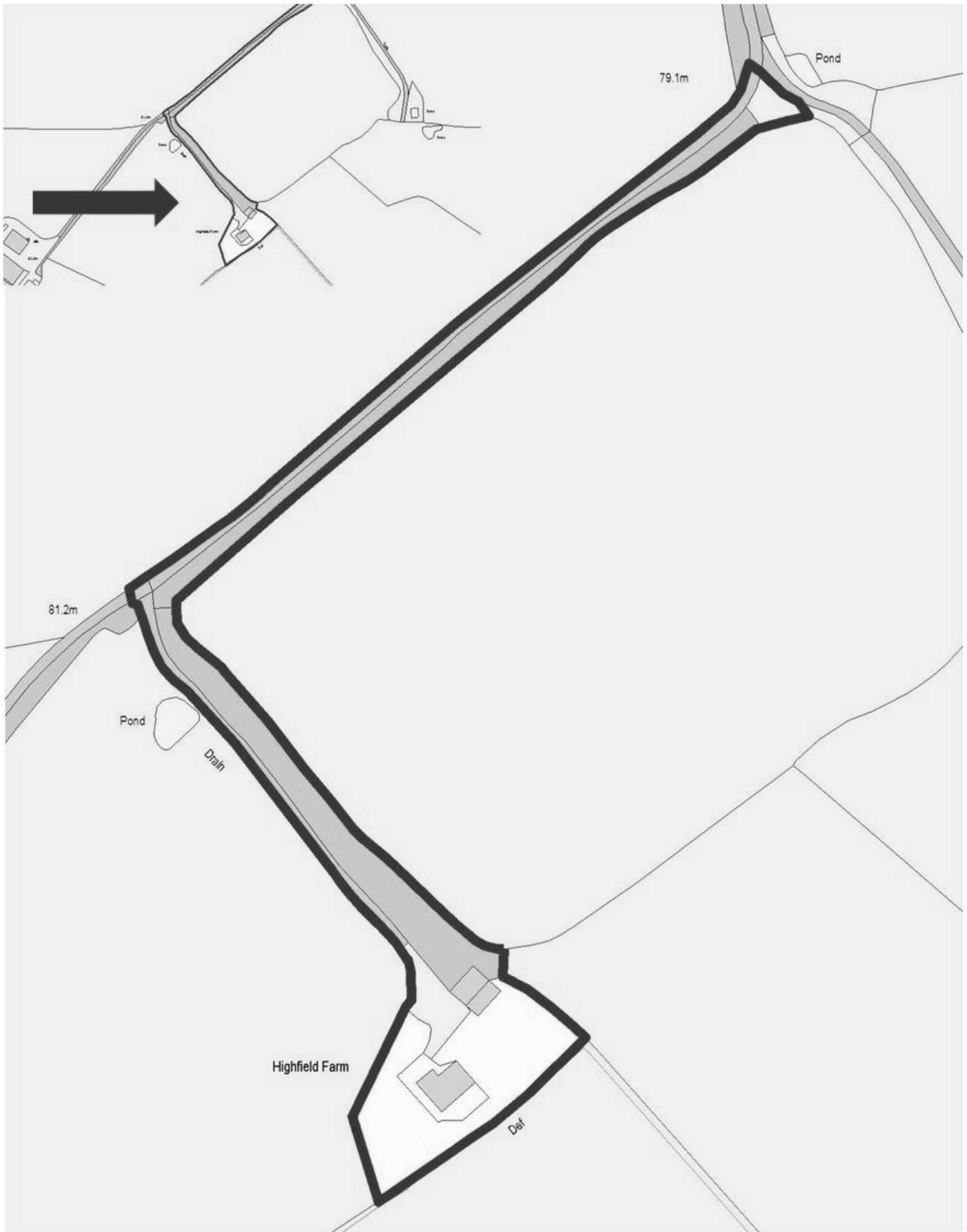
1. This decision relates to documents/plans submitted with the application, listed below.

Plan References

2009/02/01,02,03, all date stamped 20/10/09.

Appendices:	None
Background	

Documents Used in the Preparation of this Report:	1.20, 4.03, 4.04, 4.09, 5.01, 5.05, 6.02
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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.8(2)

Date of Meeting	13th January 2010		
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.

At the meeting of the Committee on 25 November 2009, the application was DEFERRED for two cycles to enable a site meeting and/or discussions between members and highways officers to take place. Additional amendments were sought in relation to the garaging to be replaced with car ports.

At the time of preparing this report, no such meeting has taken place and such a meeting is required to take place at the end of the school day. Such a meeting is anticipated to take place after the commencement of the school term in January.

1. Purpose of Report

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

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 arboriculturalists 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.

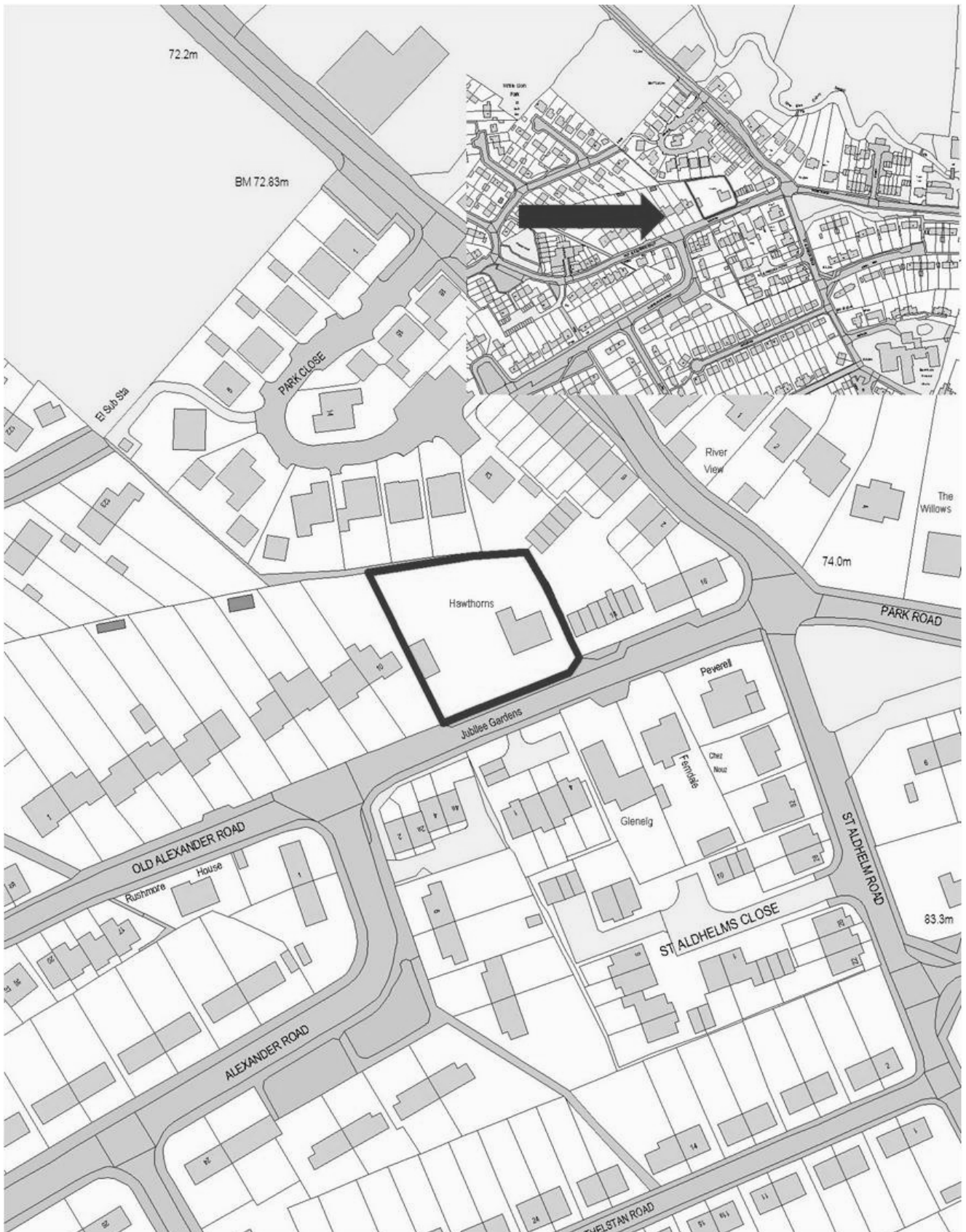
9. Conclusion

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

DEFER to until such time as a site meeting between members and highways officers has taken place.

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.8(3)

Date of Meeting	13 th January 2010		
Application Number	09/01300/REM		
Site Address	18-19 Dianmer Close, Hook, SN4 8EB		
Proposal	Erection of 4 bedroom houses and garages with associated drive		
Applicant	Dr H Aslam		
Town/Parish Council	Lydiard Tregoz		
Electoral Division	Wootton Bassett East	Unitary Member	Mollie Groom
Grid Ref	407694 184462		
Type of application	Reserved Matters		
Case Officer	Simon T Smith	01249 706633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Requested that the application be considered by Wiltshire County Councillor Groom to enable the consideration of the scale of development, its visual impact upon the surrounding area, relationship to adjoining properties, its design and its environmental/highway impact.

1. Purpose of Report

To consider the above application and to recommend that planning permission be delegated to the Area Development Manager.

2. Main Issues

This is the submission of reserved matters for the erection of 3 detached dwellings, pursuant to a 2003 outline permission for same. As such the main issues to consider are as follows:

1. Principle of development and meaning of outline permission
2. Scale, form and layout of development
3. Impact upon residential amenity
4. Drainage

3. Site Description

The 0.38Ha application site comprises the residential garden areas to No.18 and 19 Dianmer Close, which is a small grouping of detached, semi-detached and terraced properties largely dating from the mid – late C20th. The entire site is within the defined Settlement Framework Boundary to Hook.

4. Relevant Planning History		
Application Number	Proposal	Decision
06/01488/OUT	Erection of 3 detached dwellings and associated works (outline) – means of access not reserved	Permission 02/05/06

5. Proposal

This is a proposal for the erection of 3 four-bedroom detached dwellings. The proposal is in the form of reserved matters submitted pursuant to the grant of outline planning permission. With the exception of means of access, all matters were reserved for consideration under this application, namely: appearance, landscaping, layout and scale.

6. Consultations

Lydiard Tregoz Parish Council: Strong objection on the following grounds:

- “1. This application does not comply with NE21 North Wilts Local Plan 20011 or NE 22 22 6.59. Also C2 Environmental Protection and Enhancement is comprised.
2. Because of recent development in the village, (5 newly built detached houses and 5 proposed in Bollingbroke Close) extended properties, large areas of paving and climate change since the outline permission was granted there is now a great risk of flooding. The outline planning permission has expired.
3. Dianmer Close, as its name implies, is a cul-de-sac which ends at the M4 Motorway. Before the motorway was built it was the road from Purton to Wootton Bassett. Off Dianmer Close is another cul-de-sac, The Meadows which is between Dianmber Close and the embankment leading to the bridge over the M4, This area is the lowest part of the village and after heavy rain it is subject to flash flooding caused by surface water. The Meadows also suffer with foul water coming up through the ground floor toilets at these times. Danny Everett of Wiltshire Council is aware of these problems and investigation into them started in April but has come to an abrupt end with no conclusion as yet. Three extra houses with the large amount of block paving shown on the plan will only exacerbate the problem further. There are no details on the plans for foul water or surface water drainage.
4. A Four bedroom detached property seems rather grand for an “Affordable House” especially as we have affordable houses in the village which are difficult to sell.”

In respect of additional and revised plans: Objection on the same grounds as original application. We should point out the concern of the applicants from Bolingbroke Close who have been asked for contributions for extension of pumping station, affordable homes and community facilities, “would the same conditions apply to the Dianmer Close development”.

Highway Engineer: No objections.

Council Land Drainage Engineer: Final comments awaited in response to additional drainage layout scheme submitted.

Wessex Water: There are issues with storm water run-off from fields and flooding road, this surface water flow enters our sewers illegally. Under normal operation conditions in dry weather the addition of foul flow only from 3 new properties should not be an issue. Storm flows from the properties will not be allowed to be connected to the foul sewer as there are already issues with land/road flooding this could be an issue for the highways and land drainage authority as they will need to comment further.

Housing Officer: Comments awaited in respect of scale of units proposed and whether condition 05 to outline permission 06/01488/OUT be addressed through on site provision of affordable housing or via a financial contribution.

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:

- Development will encroach into countryside
- Impact upon neighbours amenity from scale of development – particularly upon No.20
- Access to the site is unsuitable and dangerous
- Destruction of hedgerows and ecological value of site
- Increased risk of surface water flooding from increased built development
- Old sewer pumping station in Dainmer Close cannot cope with additional houses

8. Planning Considerations

Principle of development and meaning of outline permission

The application site is wholly contained within the Settlement Framework Boundary to Hook, where new residential development is generally considered to be appropriate. Furthermore, it is also the subject of an extant outline planning permission for three new dwellings to the rear of the two existing dwellings on the site (ie. Nos. 18 and 19). Therefore, the principle of building 3 new dwellings is established. Further debate as to whether new development is suitable is neither possible or relevant to the consideration of this application.

This application therefore takes the form of the submission of the details of development pertaining to the appearance of development, its landscaping, layout and scale. Access to the site is to be via a new point of access, central to the site frontage. This arrangement was determined under the previous outline permission and requires no further debate.

The outline permission includes a planning condition relating to the preparation, submission and implementation of a scheme for the provision of affordable housing as a result of development. The condition does not make it clear as to whether the scheme should take the form of a financial contribution or the transfer of one or more of the new dwellings over to, for example, a RSL (registered Social Landlord). The condition requires such a scheme to be prepared and submitted for approval prior to the commencement of development and therefore does not directly affect the consideration of the Reserved Matters application.

Scale, layout, appearance and landscaping of development

In a similar manner to that illustrative scheme submitted at the time of the outline application, the proposed development takes the form of three detached dwellings, each with their own garage, positioned to the rear of the two existing units on the site. Again, as before, there is a new single point of access to all five units.

The five units are evenly spaced across the site on alternate sides of the central access road, though No.18 and 19 do retain a significant proportion of the garden space. The site area is considered to be sufficient to accommodate development in the layout proposed.

The three new units are of homogeneous design, being of four-bedrooms and conventional “gable-at-either-end” arrangement. Design features such as short-stack external chimney, brick headers and quoins, and simple porch canopy are welcomed and do add some quality to an otherwise

typical modern house design. Materials of brick, render, concrete tiles and uPVC windows are considered to be appropriate to the context of surrounding modern development.

At 8.8m and 5.0m to ridge and eaves respectively, the proposed dwellings are on the taller side, but cannot be described as excessive and would not be out of character with the locality.

Proposed landscaping is, as would be expected for domestic gardens, minimal. The majority of boundary treatments are to be left unaltered with judicious additional native planting at the rear to replace existing hedging.

Impact upon residential amenity

The western boundary of the site is to open field, with the neighbouring No.17 being positioned some way forward toward the highway. The truncated curtilage to No.17 means that the garage to the closest new dwelling (unit 1) would be some 25.0m distant from the boundary.

The positioning close to the common boundary of the neighbouring property to the east (No.20 Dainmer Close) does allow for a much closer relationship between existing and new dwellings. Although it is evident that existing properties No.19 and No.20 are currently much closer than that now proposed, this is an existing situation and it is important to ensure that new development does not infringe upon living conditions to any greater extent.

In this particular instance unit 2 is set away from the common boundary by some 6.0m (the detached garage by some 5.5m), which whilst some oblique views of the development would be possible from No.20, such a distance would be sufficient to mitigate against a perception of "oppressiveness" or a "crowding" of the occupiers amenity. Similarly, windows in the side gable of unit 2 is limited to a first floor shower room, which can be fitted with obscure glazing, so as to avoid overlooking.

Although clearly as the applicants, the occupiers of Nos.18 and 19 will have recognised and accepted the reduction in garden space as a result of development, the planning system must also ensure the absolute level of future resident's amenity is suitably secured. In this particular instance distances between properties and intervening position of garages are considered sufficient to mitigate against any unacceptable impact.

Drainage

A drainage layout scheme has been submitted with the application, which demonstrates a connection with mains sewer at Dainmer Close. Wessex Water have raised no immediate objection to the proposal, although they do acknowledge historic drainage issues in the locality.

Because of the local concern regarding surface and foul water drainage matters, the Council's Drainage Engineer has been asked to comment upon the proposed scheme. These comments will be reported to the Committee separately, when received.

Unfortunately, whilst it is acknowledged that other recent planning permissions in the locality have provided a contribution towards the upgrading of the local pumping station, it will not be possible to request such a contribution as part of a Reserved Matters proposal. The appropriate time would have been to address such an issue under the Outline approval.

9. Conclusion

The proposed development is for the erection of three new dwellings of a scale, design and appearance that is appropriate to the context of Dainmer Close. The layout of development on this site of significant size is such that it would allow for development to avoid a detrimental impact upon the amenities of existing occupiers.

10. Recommendation

Subject to no new and substantive issues being raised by the Council's Drainage Engineer:

The application be delegated to the Area Development Manager for Permission subject to conditions including:

1. 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.

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

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

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

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

3. No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

4. Before the development hereby permitted is first occupied all first floor bathroom, toilet and shower room windows shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

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

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

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 to, or extensions or enlargements of 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 enlargements.

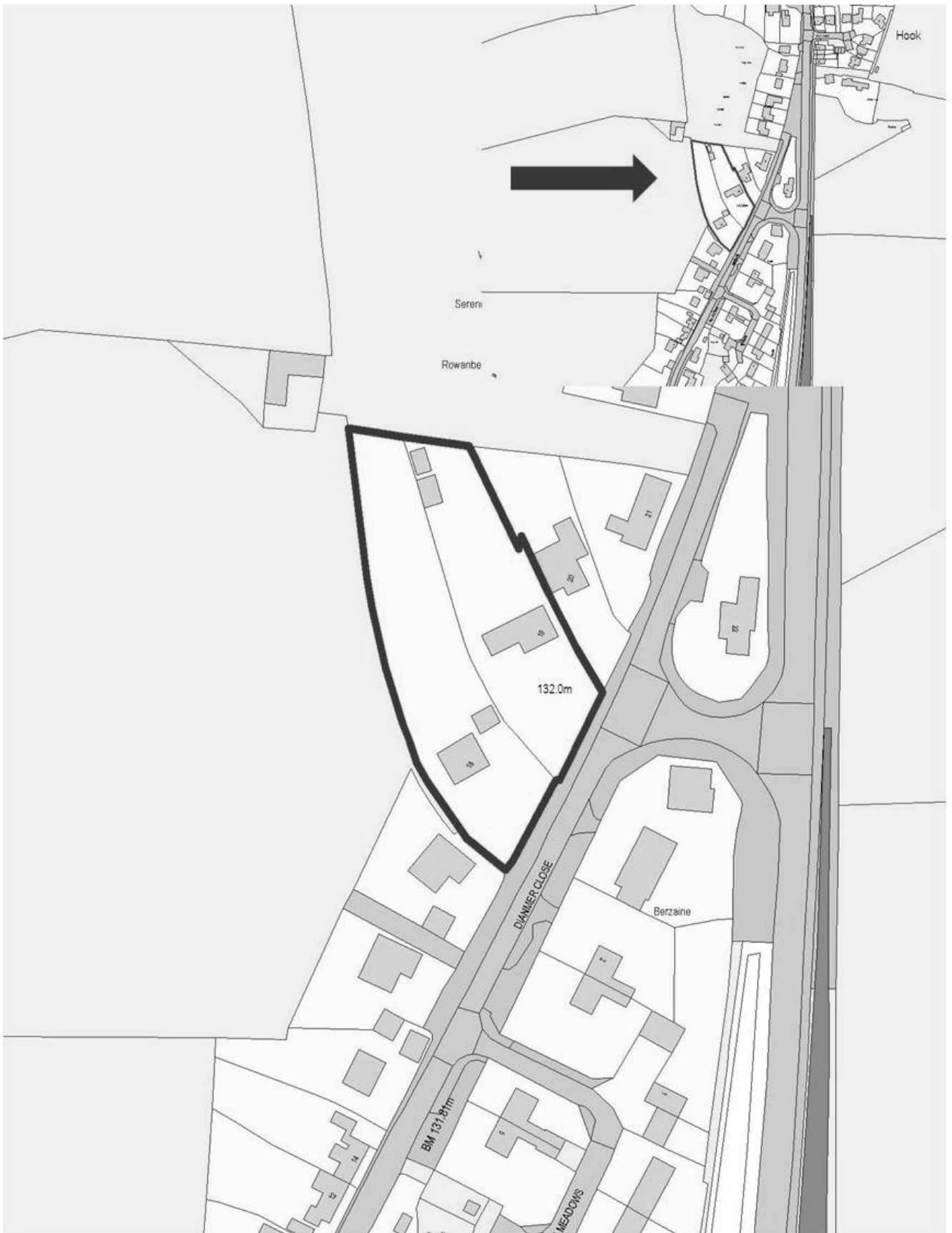
Informatives:

1. This approval of matters reserved discharges condition 01 of outline planning permission 06/01488/OUT dated 02/08/2006, but does not by itself constitute a planning permission.

Reason for Decision

The proposed development is for the erection of three new dwellings of a scale, design and appearance that is appropriate to the context of Dainmer Close. The layout of development on this site of significant size is such that it would allow for development to avoid a detrimental impact upon the amenities of existing occupiers. Accordingly, the proposal is considered to comply with the provision of Policy C3 and H3 of the adopted North Wiltshire Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.03; 4.04; 5.02



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.8(4 & 5)

Date of Meeting	13 th January 2010		
Application Number	09/01892/CAC and 09/001893/FUL		
Site Address	Land at Delmont, Holloway Hill, Malmesbury		
Proposal	Demolition of Outbuildings and Erection of Dwelling Following Demolition of Outbuildings		
Applicant	Mr M Sharpe		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Simon Killane
Grid Ref	393620 187372		
Type of application	FULL and CAC		
Case Officer	Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

Reason for the applications being considered by Committee;

This application has been submitted to Committee at the request of Councillor Killane to consider the scale, visual impact, design, bulk, height and general appearance, environmental/highway impact and parking issues of the development.

1. Purpose of Report

To consider the above application and to delegate to the Area Development Manager to await consideration of the Protected Species Survey and to recommend Refusal.

2. Main Issues

The application is for the erection of a dwelling following demolition of outbuildings. The key points to consider are as follows:

- Implications on DC Core Policy C3 and policy H4.
- Design and scale of development.
- Demolition of existing building within the Malmesbury conservation area, policy HE2.
- Impact of the erection of a new dwelling on the setting of the nearby Listed Building and Scheduled Ancient Monument, policies HE4 and HE5.

3. Site Description

4. Relevant Planning History		
Application number	Proposal	Decision
	None	

5. Proposal

Conservation area consent is sought for the demolition of existing redundant industrial buildings and planning permission is sought for the erection of a new dwelling.

6. Consultations

The Town Council supports both applications.

Highways have no objection subject to condition.

The Environment Agency has no objection subject to condition.

Malmesbury and St Paul Without Resident's Association supports the applications.

The County Archaeologist has no objection subject to condition.

A public open space contribution of £4232.81 and an affordable housing contribution of £26,000 is requested.

County Ecologist recommends a daytime inspection for the presence/potential of bats, prior to a decision being made on the application.

7. Publicity

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

8. Planning Considerations

Delmont is located on south east side of Holloway, Malmesbury. It is a modern dwelling set in large grounds. It is bounded on two sides by a branch of the Tetbury Avon and is surrounded by countryside. The buildings in question are of varying age and construction and lie on the south west side of Delmont. There is a redbrick smithy with a corrugated roof, a large breeze block building and various smaller structures. The dwelling and outbuildings lie outside of the residential curtilage of this property and are situated outside of the framework boundary of Malmesbury and just beyond what remains of the East Gate. The East Gate is a Scheduled Ancient Monument and Listed Building. The site is also within the Malmesbury Conservation Area.

Policy H4 is relevant to the consideration of this application. This states that new dwellings in the countryside outside the framework boundaries as defined on the proposals maps will be permitted provided that it is for the essential needs of agriculture or forestry, or it is a replacement dwelling. The proposal at Delmont does not meet these criteria. The policy is very restrictive of the construction of new dwellings in the countryside and echoes the well established planning guidance within PPS 7 (Sustainable Development in Rural Areas).

The applicants have said that although they believe the buildings would be capable of conversion, replacement would provide an environmental enhancement. They have submitted a viability appraisal for the development with information as to the suitability of the site for alternative uses and conclude that an employment use or community use would not be acceptable because of the financial costs involved in the conversion or replacement of the buildings, traffic generation and car parking. Policy BD6 allows, in certain circumstances, the conversion of rural buildings to alternative uses and the assessment of the buildings suitability for employment or community use should be under this policy, not policy H4. This application should not be considered under BD6 as it is for the construction of a new building, not conversion. It is considered that although alternative uses may not be viable under policy BD6 it does not then follow that a new residential use is a logical conclusion for the site and should be accepted.

It is stated that the removal of the existing buildings would be a visual improvement to the area. NWDC produced the Malmesbury Conservation Area Appraisal (MCAA) in April 2007 and this site (Delmont and the associated outbuildings) was identified as spoiling the approach to Malmesbury. However, it is not clear whether or not this refers to all or parts of the site and/or their state of repair. The current draft Conservation Area Management Plan (Sept.09) should be read in conjunction with the previous appraisal and makes no mention of Delmont or the adjacent site.

This council's conservation section was consulted on the application, their response was:

"within the structure of the old smithy there are remains of older stone structures and a circular stone pier. Whilst the initial impression is of an unsightly structure, the brick elements, which appear to be C19th, are a simple design and could possibly be converted to an alternative use. I would not object to removal of the breeze block section but cannot see the justification to demolish the other elements. I believe that the proposals are contrary to policy and it has not been demonstrated that these building cannot be restored in order to continue as a light industrial use. The utilitarian buildings are interesting and demonstrate the social and economic development of the area. They are located win a hugely prominent site just below the entrance to the town walls. To replace them with a dwelling will be detrimental to the conservation area, adjacent listed structures and scheduled ancient monument."

It is considered that, in line with their comments, although the site has elements that are visually unattractive, in particular the large breeze block section, there is little justification in conservation terms for the removal of the entire complex, and no justification for their replacement with a new dwelling, contrary to policy HE2.

The site lies close to the listed building and scheduled ancient monument that was once the east gate of the Malmesbury Town Walls. The MCAA states that this site is likely to be archaeologically interesting being just outside the town walls and is likely to have always been a commercial/industrial site. It is considered that the proposal in unacceptable with regard to policies HE4 and HE5 in that the removal of the buildings on this historic industrial site and replacement with a dwelling would be detrimental to the setting of the listed building and scheduled ancient monument.

The new building has been designed to be a very similar in design and scale to the existing buildings on site, although the overall volume will be less. There would be no adverse impact on residential amenity. Materials proposed are a mixture of brick, natural stone and stone tiles. There is no objection to the specific design of the building, although it is considered unacceptable within the context of its location.

A protected species survey is to be undertaken and its results will be reported to committee.

Overall, it is considered that there are insufficient material considerations to outweigh policy H4 of the North Wiltshire Local Plan 2011.

9. Recommendation:

In respect of 09/01982/CAC

Delegated to the Area Development Manager to:

1. Await consideration of protected species survey
2. Refuse for the following reason:

1. The proposal includes demolition of buildings that are within Malmesbury Conservation Area and part of the historical small industrial development which evolved just beyond the ancient town

walls of Malmesbury. Whilst the buildings are functional and utilitarian in appearance they make a positive contribution, and are an important reminder of the social and economic development of the area, contrary to policy HE2 of the North Wiltshire Local Plan 2011.

In respect of 09/01893/FUL

Delegated to the Area Development Manager to:

1. Await consideration of protected species survey
2. Refuse for the following reason:

1. The proposal is for a new dwelling in the open countryside. No special justification has been forwarded for this development and it is therefore considered to be contrary to the provisions of Policy H4 of the adopted North Wiltshire Local Plan 2011 and well established planning guidance at the national level within PPS7: Sustainable Development in Rural Areas.

2. The proposed dwelling would conflict with the historic character of the Malmesbury Conservation Area and would be detrimental to the setting of the nearby town walls, contrary to policy C3, HE1, HE4 and HE5 of the North Wiltshire Local Plan 2011.

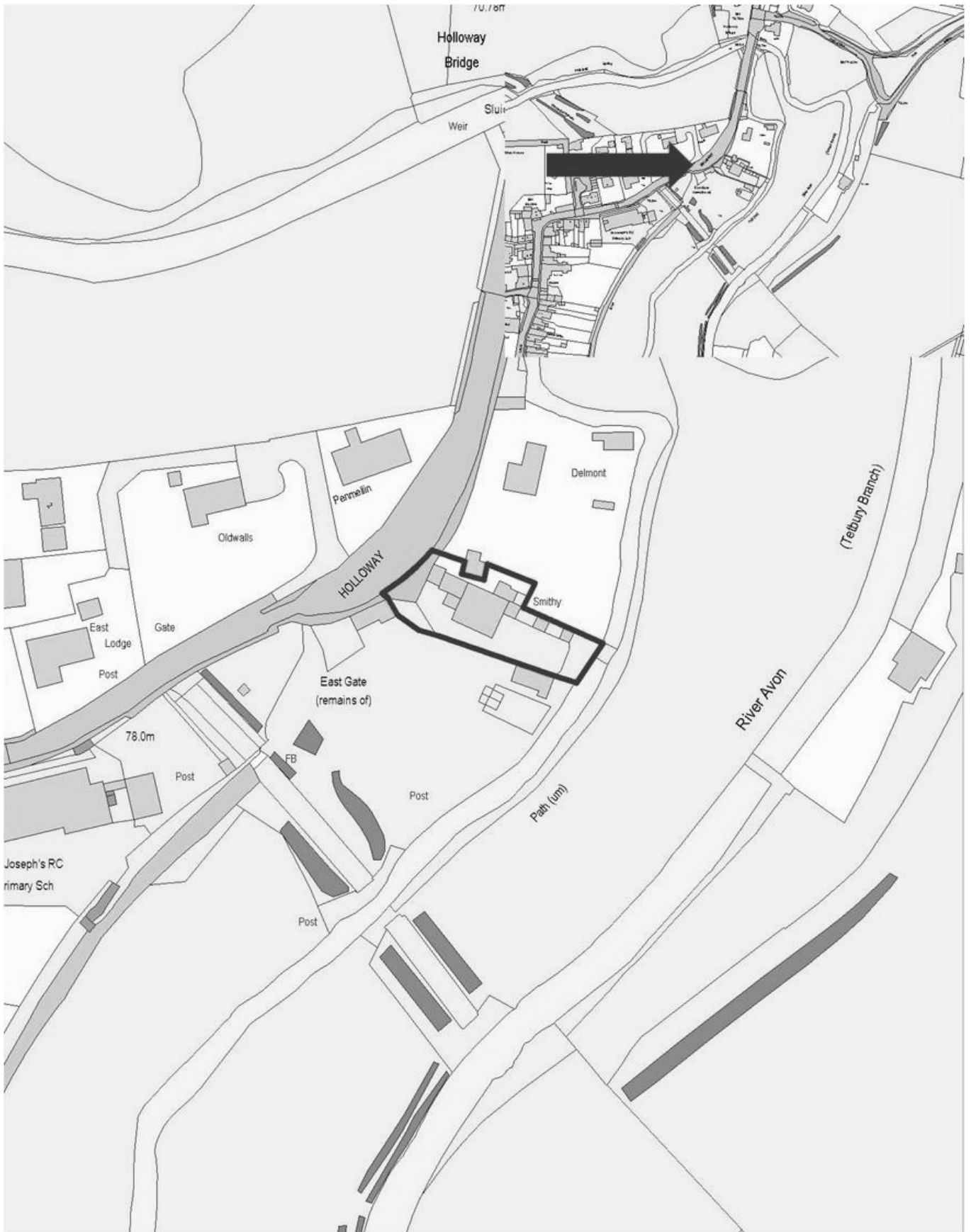
Informative;

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

Plan References

Site plan 1:1250, drawing 828/2101, 828/2207, 2 x proposed elevations 1:100, 2 x floor plans 1:50, all dated 21st October 2009.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 2.07, 2.25, 4.02, 4.03, 4.05, Malmesbury Conservation Area Appraisal and Malmesbury Conservation Area Management Plan.



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.8(6)

Date of Meeting	13 th January 2010		
Application Number	09/01727/S73A		
Site Address	The Gallons, Chelworth Road, Chelworth, SN6 6HJ		
Proposal	Retention of replacement dwelling, extension of domestic curtilage, changing of use of previous paddock land (variation of 05/01534/FUL) - retrospective		
Applicant	Mr D Blane		
Town/Parish Council	Cricklade		
Electoral Division	Cricklade and Latton	Unitary Member	Peter Colmer
Grid Ref	408617 192321		
Type of application	Retrospective		
Case Officer	S T Smith	01249 706633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Requested that the application be considered by Wiltshire County Councillor Colmer to enable the consideration of the scale of development, its visual impact upon the surrounding area, relationship to adjoining land and development, its design and its environmental/highway impact.

1. Purpose of Report

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

2. Main Issues

This is a retrospective application seeking to rectify the unlawful development of a replacement dwelling in the open countryside. The starting point for consideration is the existence of a 2005 planning permission for similar, which positioned a new dwelling of different design in a different position following demolition of the previous bungalow. As such the main issues to consider are as follows:

5. Existing permission 05/01534/FUL
6. Principle of development
7. Size, scale and appearance of development
8. Siting and residential curtilage
9. Enforcement issues

3. Site Description

The 0.3Ha application site comprises a mixture of the previous domestic curtilage which served the former bungalow together with a significant part of agricultural land to the east (described as "paddock land" by the applicant). A dwelling of brick, reconstituted stone and natural slate tiles has been substantially completed on the site.

Whilst the parameters of the application are such that the application site (as defined by the red-line) is proposed to become residential curtilage serving the new dwelling, it is evident that the actual use of the application site is currently for the storage of a variety of cars, lorries, and other vehicles and items (and possible working thereon).

4. Relevant Planning History		
Application Number	Proposal	Decision
05/01534/FUL	Replacement dwelling	Permission 20/07/05
09/00876/FUL	Replacement of existing workshop and workshop and office	Refused 23/07/09

5. Proposal

Is a retrospective application for the replacement of a dwelling in the open countryside, to be positioned on land comprising the residential curtilage to the former dwelling together with a significant section of agricultural land to the east of the dwelling (described as “paddock land” within the application).

The application seeks permission for the unlawful dwelling together with boundary walls and consequent change of use of agricultural land to garden. The means of access from Chelworth Road has not been altered.

6. Consultations

Cricklade Town Council: Object to this application for the following reason:

The development is outside the Cricklade Town framework boundary and an intrusion into open countryside. Contrary to policies H4 (i) and (ii); NE15 NWDC Local Plan 2011.

Additional if the Planning Authority decides not to order demolition then the increase to the domestic curtilage should be reduced to the boundary of the property and a condition of no further construction be applied. A Section 106 should also be applied as this is now a new build rather than a replacement dwelling.

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:

- New dwelling in the open countryside
- Development will encroach into countryside
- Unauthorised development and storage of cars, lorries and other items

8. Planning Considerations

Existing permission 05/01534/FUL

This application is a retrospective application seeking to regularise the unauthorised construction of a new dwelling in the open countryside. Although a dwelling now removed, did exist on part of

the application site for many years, adopted Local Plan policy (which is outlined below) requires that for its replacement with a new dwelling to be considered acceptable, the new dwelling must be positioned within the same residential curtilage. This is not the case with the current proposal, and therefore the proposal must be considered to be a new dwelling in the open countryside. In normal circumstances, new dwellings in the open countryside without special justification, would be resisted.

However, in this particular instance a 2005 planning permission was granted for a replacement dwelling of similar appearance. That 2005 permission clearly considered the proposal to comply with the replacement dwelling policy in force at that time. In this context, and notwithstanding the limitations of the replacement dwelling policy, the existence of that previous planning permission must be seen as a significant material planning consideration when determining this retrospective application.

Principle of development

Policy H4 of the adopted North Wiltshire Development Plan 2011 sets out the circumstances in which new residential development would be acceptable in the open countryside. The policy does allow for the replacement of existing dwellings, provided that the new dwelling is of a similar size and scale to the existing dwelling and is positioned within the same curtilage.

Whilst acknowledging the limitations of directly applying Policy H4 to the circumstances surrounding this site, as would be required by more general policy C3 of the adopted Local Plan, size, scale, appearance and position of the new dwelling is debated below.

Size, scale, appearance of development

The proposed dwelling is of a particular design and scale that is not ordinarily suited to its rural location. Indeed, aside from the chosen pitch of the roof, the dwelling is lacking in the simple rural vernacular and more modest proportions that its isolated countryside location, perhaps, demands.

Notwithstanding the above, to a very large extent any judgement on the size, scale and appearance of the dwelling must be defined through the existing 2005 permission. Critically, since the 2005 permission has already allowed for the construction of a dwelling of largely similar appearance and scale (albeit in a different position on the site), it would be held to be entirely unreasonable to conclude that the current proposal is now unacceptable in these respects. Changes to the layout and footprint of the dwelling – particularly the addition of the garden and breakfast room to the rear – is not thought to significantly alter the close comparison.

The creation of rather grand brick boundary walls and entrance piers is not thought to aid the integration of the dwelling into its rural context. They did not form part of the original 2005 permission. However, at between 1.7m and 2.3m in height it would be possible to erect walls of similar appearance and height under permitted development rights (ie. without the need for express planning permission. Furthermore, given the style chosen for the house, which is after all, substantially consented, the style of the walls is actually commensurate.

Siting and residential curtilage

When viewed from the road, the dwelling constructed on the site is positioned approximately 10.0m back and to the left (south and east) relative to that permitted under 05/01534/FUL. The repositioning has two effects: firstly, to reduce to perceived impact on the dwelling when viewed from the road, and secondly the dwelling now creeps outside of the previous residential curtilage into to open fields to the east. The applicant has simply straightened the previously angled boundary creating a 90 degree relationship with the road.

Whilst policy H4 of the adopted Local Plan does make it clear that a replacement dwelling should be positioned within the same curtilage (which this is not), the actual effect upon the wider

landscape is in actuality quite minor. The loss of a relatively small section of agricultural land is unlikely to be highly conspicuous in the wider countryside, with the only impact being from the boundary treatment itself, which of course would simply be a repositioning of a domestic boundary treatment that would have existed in any event. As such the proposal is not thought to conflict with the requirements of Policy NE15 of the adopted Local Plan, which seeks to protect the character of the countryside.

Enforcement issues

By far the most harmful aspects of the activities and development taking place on the site and surrounding land owned by the applicant do not form part of this application – such as the storage/working of various vehicles and the laying out of an access track. It is therefore necessary to separate out that development which is the subject of the retrospective application, and other unauthorised development which would need to be the subject of separate enforcement action.

9. Conclusion

The 2005 planning permission must be seen as a significant material planning consideration when determining this application. Comparison with the 2005 permission reveals that the size, scale and appearance of the dwelling is largely similar and that its repositioning outside of the former residential curtilage would not result in demonstrable harm to the wider countryside.

All other potential enforcement matters across the site and other land under the control of the applicant must be pursued separately.

10. Recommendation

Planning Permission be Granted for the following reason:

The 2005 planning permission must be seen as a significant material planning consideration when determining this application. Comparison with the 2005 permission reveals that the size, scale and appearance of the dwelling is largely similar and that its repositioning outside of the former residential curtilage would not result in demonstrable harm to the wider countryside. Accordingly, the proposal is considered to comply with the provision of Policy C3 and HNE15 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. Within one month of the date of this permission a scheme of hard and soft landscaping shall be 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.

2. 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.

3. 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 to, or extensions or enlargements of 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 enlargements.

4. The garage and domestic curtilage defined by the submitted plans shall be used purely for domestic purposes which are ancillary to the use of the house hereby permitted as a single domestic dwellinghouse.

REASON: For the avoidance of doubt to ensure the development is used as a domestic dwellinghouse.

5. The development hereby approved shall not be occupied until 2 parking spaces have been provided within the curtilage of the site.

REASON: In the interests of Highway Safety.

6. The first 5m of the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety.

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

REASON: In the interests of Highway Safety.

8. The dwelling hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the local planning authority. Such turning space shall be kept clear of obstructions at all times.

REASON: In the interests of highway safety.

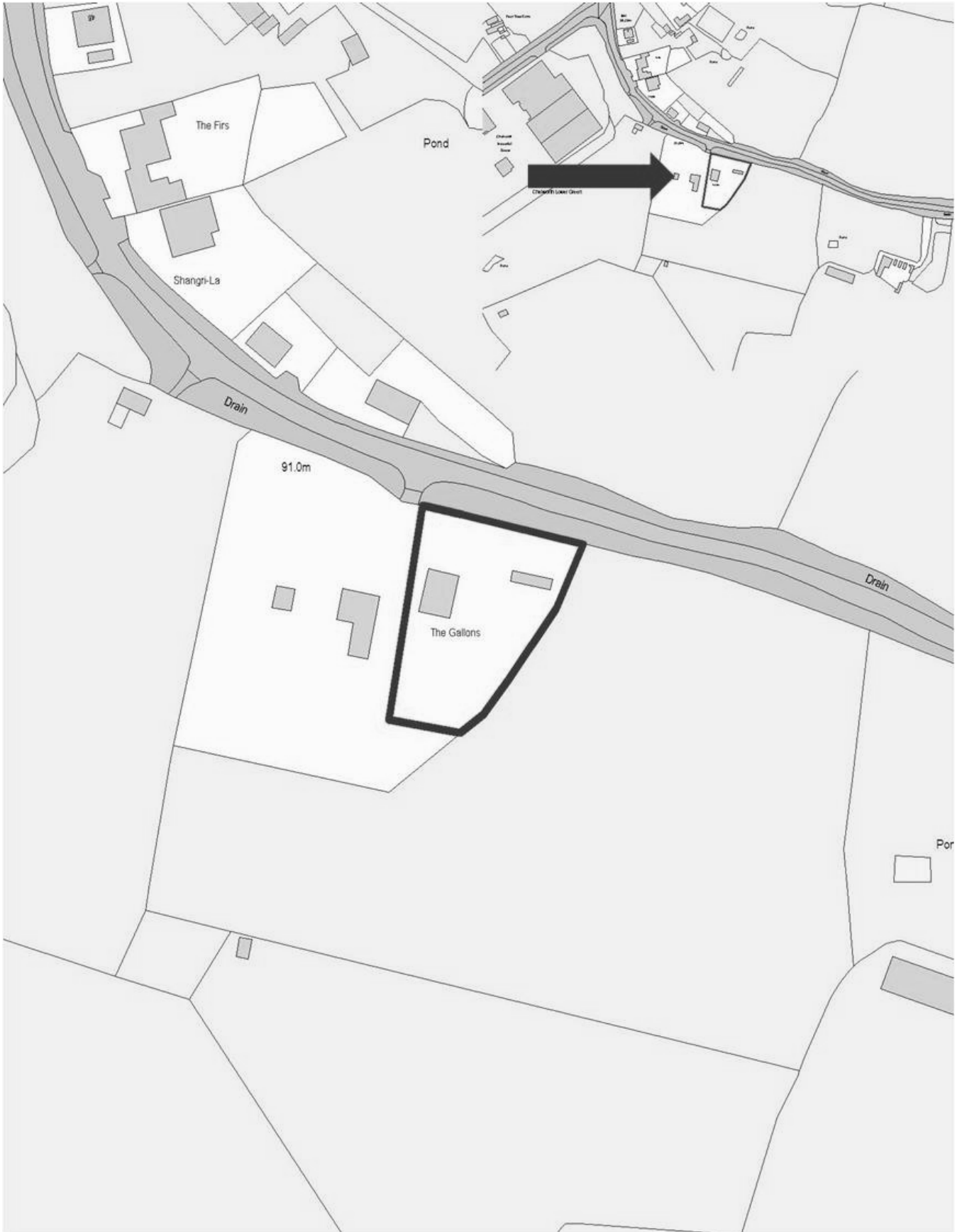
9. Within 28 days of the first occupation of the dwelling hereby approved the existing bungalow shall be completely demolished.

REASON: the dwelling approved is only acceptable as a replacement.

10. Within 28 days of first occupation of the dwelling hereby approved the land within the red line on the approved plan shall be used only as residential curtilage and any previous commercial use shall permanently cease.

REASON: The permission has been granted on the basis of the removal of commercial buildings and uses and to ensure a satisfactory residential environment.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.03; 4.04; 5.02



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.8(7)

Date of Meeting	13 th January 2010		
Application Number	09/01963/FUL		
Site Address	13 Dover Street, Chippenham		
Proposal	Two Storey Rear Extension		
Applicant	Mrs Oatley		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden and Rowden	Unitary Member	Judy Rooke
Grid Ref	391199 173496		
Type of application	FULL		
Case Officer	Emma Pickard	01249 706637	emma.pickard@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee at the request of Councillor Rooke to consider the reduction in the size of the extension since the previous application.

1. Purpose of Report

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

2. Main Issues

The application is for a two-storey extension to a semi-detached property. The key points to consider are as follows:

- Implications on DC Core Policy C3 and H8
- Scale and size of development
- Impact on neighbour

3. Site Description

The property is semi-detached within a street of similar properties. At present, there is a conservatory with a low roofline erected to the rear of the property. It measures approx. 4.2 metre in depth, although this tapers in from the boundary after about approx. 3.1 metres.

4. Relevant Planning History

Application number 09/00012/FUL	Proposal Two storey extension	Decision Refused 12/02/09 Appeal
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		dismissed 17/07/09
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5. Proposal

The extension is proposed at two storeys to the rear of the dwelling and also extends one metre to the side of the property. The application was originally submitted showing an extension of 3.2 metres in depth at first floor and 4 metres at ground floor. Officers expressed concern at the size of the extension and requested the proposal be reduced in size. Plans were then revised showing the extension measuring larger, at 3.5 metres depth at first floor and 4.5 metres depth at ground floor.

6. Consultations

The Town/Parish Council – no objection.

7. Publicity

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

8. Planning Considerations

Under the previous application no. 09.00012, a similar, but larger, extension measuring a depth 5.2 at ground floor and 3.5 at second floor with a gable roof at the rear, was refused and subsequently dismissed at appeal. The appeal Inspector concluded that in addition to the extension harming the character and appearance of the dwelling and the locality, the construction of a wall about 5 metres in height would have an unneighbourly affect on the living conditions of the attached neighbour in terms of loss of light and outlook particularly on the ground floor overlooking the garden. He also stated that more precisely, the extension would be within a 45 degree line taken from the centre of the ground floor window of the adjoining dwelling which is often used as a measure to determine affects on light and outlook.

No.13 Dover Street is located to the south of the adjoining property and as such the extension will have a considerable effect on the loss of light to the neighbour. In addition, it is considered that the imposing size of the structure would dominate, and adversely affect the outlook and residential amenity, of the occupiers of no. 15 Dover Street.

The applicant had entered into discussion prior to the current application being submitted. Following the recent appeal dismissal, it was suggested by officers that a maximum depth of 3 metres at first floor and 3.5 metres at ground floor would be acceptable. This is beyond the Inspectors suggested 45 degrees but has been assessed to be the maximum allowable having assessed the individual circumstances of the site.

The previous application had a gable roof at the rear. This has been amended to a hip with a matching pitch, which is considered to be acceptable.

In conclusion, it is considered that the proposed extension would be harmful to residential amenity contrary to policies C3 and H8 of the North Wiltshire Local Plan 2011.

9. Recommendation:

Planning Permission be REFUSED for the following reason:

1. The proposed extension, by reason of its size and proximity to the neighbouring attached property no.15 Dover Street, would result in a development that would be overbearing and harmful to the residential amenity of the occupiers of this property. The proposal fails to comply with Policies C3 & H8 of the North Wiltshire Local Plan 2011.

Informatives

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

Plan References

Drawing nos. 834 sheet 1 and 834 sheet 2, dated 15th December 2009.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 4.02, 4.03, 5.01, 5.04.



