

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 29 January 2014
Time: 6.00 pm

Please direct any enquiries on this Agenda to Eleanor Slack, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718255 or email eleanor.slack@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Simon Killane	

Substitutes:

Cllr Desna Allen	Cllr Dennis Drewett
Cllr Glenis Ansell	Cllr Howard Greenman
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Howard Marshall
Cllr Terry Chivers	Cllr Nick Watts
Cllr Ernie Clark	

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 8 January 2014.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting.**

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 22 February 2014.** Please contact the officer named on the front of this agenda for

further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 Planning Applications *(Pages 13 - 14)*

To consider and determine planning applications in the attached schedule.

6a **13/05325/FUL - Whites Farm, Grittenham, Chippenham, Wiltshire, SN15 4JW** *(Pages 15 - 26)*

6b **13/04291/FUL -The Old Granary, Nettleton, Chippenham, SN14 7NY** *(Pages 27 - 34)*

6c **13/02911/FUL - 6A Park Place AK, Ashton Keynes, Swindon, SN6 6NT** *(Pages 35 - 44)*

7 Urgent Items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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NORTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 8 JANUARY 2014 AT TOWN HALL - CHIPPENHAM TOWN COUNCIL,
THE TOWN HALL, HIGH STREET, CHIPPENHAM, SN15 3ER.**

Present:

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Jacqui Lay (Substitute), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Taylor, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Kirsty Butcher and Eleanor Slack

13 **Apologies**

Apologies were received from Cllr Groom and Cllr Scott.

Cllr Groom was substituted by Cllr Lay.

14 **Minutes of the previous Meeting**

The minutes of the meeting held on 4 December 2013 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

15 **Declarations of Interest**

There were no declarations of interest.

16 **Chairman's Announcements**

The Chairman drew attention to the late observations circulated at the meeting.

17 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

18 **Planning applications**

1a **N/11/02763/FUL - Moredon Bridge, Purton Road, Wiltshire**

Public Participation

Richard Pagett spoke in objection to the application. Cllr Geoff Greenaway, Purton Parish Council, spoke in objection to the application.

The officer introduced the report which recommended that in the absence of a section 106 agreement to secure the provision of necessary ecological mitigation, the Committee's position would have been to refuse planning permission.

He explained that permission had previously been delegated to the Area Development Manager to grant subject to the signing of a section 106 agreement. A section 106 agreement had not been signed and the applicant had appealed against non-determination. The Committee's position if able to determine without ecological mitigation needed to be established.

There were no technical questions asked.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Jacqui Lay spoke in objection to the application.

In the debate that followed the need for a legal agreement to secure the provision of necessary ecological mitigation was noted.

Resolved:

That had the Committee been in a position to determine the application it would have been refused for the following reason:

The proposed development results in the loss of a significant protected ecological habitat which is a designated Country Wildlife Site and Biodiversity Action Plan listed habitat. The proposals include no provision for commensurate, deliverable mitigation for the loss of and harm to protected ecological habitat (calcareous Grassland). The proposals are contrary to the NPPF section 11 and paragraphs 14, 17 & 118; NWLP policies C3, NE7, NE10, NE11; and core policy 50 Wiltshire core Strategy proposed Modifications.

1b 13/01551/FUL - Beaters Retreat, Watergates, Colerne, Chippenham, Wilts, SN14 8DR.

Public Participation

John Bull and Paul Jobbins spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused.

He explained that the site was located on the green belt. Previous planning permission to build a dwelling had been granted because it resulted in the removal of several old buildings, but that this was considered the limit of desired development. Retrospective planning permission had not been sought for a hardcore parking area which was constructed on the site. A caravan was parked on the site under a certificate of lawful use. He confirmed that the applicant was not seeking retrospective planning permission and had not sought to engage in legal agreement to remove of the caravan.

The local member, Cllr Parker addressed the Committee and spoke in support of the application. She noted the size, scale and impact of the proposed development. She explained that the proposed development would improve the public footpath and visibility from across the greenbelt.

In the debate that followed the Committee noted public support for the development. Concerns were noted regarding the caravan being allowed to remain on the site,, the scale of the proposed building and the building being partly sited on a hardcore parking area that, having no planning consent was unlawful.

Resolved:

The application for planning permission is REFUSED for the following reason:

Due to the size, scale and location of the proposed outbuilding it would be a disproportionate addition to the existing dwelling which would be harmful to the openness of the green belt and would not conserve the natural beauty of the landscape. The proposed development would be contrary to policies C3, H8, NE1 and NE4 of the North Wiltshire Local Plan 2011 and section 9 of the National Planning Policy Framework 2012.

1c 13/01868/FUL - 52 Corn Gastons, Malmesbury, Wiltshire, SN16 0LY

Public Participation

Roger Budgen, William Allbrook and Cllr Kim Powers spoke in objection to the application.

John Harris spoke in support of the application.

The officer introduced the report which recommended that planning permission be delegated to the Area Development Manager to grant subject to the signing of a section 106 agreement and subject to conditions.

Attention was drawn to an updated plan contained within agenda supplement 1 and late observations which were available at the meeting, and were available in agenda supplement 2.

He explained that outline permission had been granted in 2005 for a residential development. A previous planning application to build four flats had been refused due to its siting, height, bulk and orientation having a detrimental impact on neighbouring uses and lack of adequate parking provision. The subsequent appeal was dismissed . The current proposal was of a different design and reduced bulk and was therefore not considered to have an overbearing impact on the adjacent school. He explained that a footpath to the school ran alongside the site which the previous permission had used as access and there had been no highways objections received.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that an informative to contact the school when construction would occur could be included. Any further development which would restrict access to the school path would require a new planning application. It was confirmed that a condition to maintain the hedge within the site boundary could be added to the application as well as a construction method statement.

Members of the public then had the opportunity to address the Committee as detailed above.

The local member, Cllr Killane spoke in objection to the application. He explained that the hedge running along the boundary of the site was extremely overgrown and was obstructing a footpath to the school. He noted road safety concerns, rubbish collection issues, emergency service access and delivery concerns.

In the debate that followed road safety concerns were noted as well as the need to encourage children to walk to school. It was noted that there were alternative entrances to the school and that such entrances were only used for short periods of the day. The existing outline permission was highlighted,

and the need to have a construction method statement and a condition regarding maintenance of the boundary hedge on the footpath was agreed

A motion to refuse planning permission based on pedestrian safety, policy C3(vii) was moved, seconded, voted on and lost.

Resolved:

Planning permission be DELEGATED to the Area Development Manager subject to the signing of a section 106 agreement in respect of public open spaces and education contributions; and

Subject to conditions:

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Plan list to be confirmed.**

REASON: For the avoidance of doubt and in the interests of proper planning.

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

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

- 4. Prior to the commencement of development details of the drainage of the site must be submitted and approved by the local planning authority. If the water will discharge to Wessex Water sewer then the applicant must submit a copy of the agreement to the council. If not then a SuDS scheme will need to be submitted to and approved by the local planning authority, these details to be accompanied by BRE 365 percolation tests and soak away calculations.**

REASON: In the interest of ensuring the site is adequately drained.

5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The surface treatment of the parking areas to be a consolidated surface. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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.

7. Prior to any works commencing on the site the hedge along the northern boundary of the access to the site shall be trimmed and cut back to ensure that the maximum width of the driveway is available to ensure safe use by vehicles and pedestrians. The hedge shall be maintained as such thereafter to ensure adequate visibility and safe passage for all users.

REASON: In the interests of highway and pedestrian safety.

8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities;
 - e) measures to control the emission of dust and dirt during construction;
 - f) a scheme for recycling/disposing of waste resulting from construction works; and
 - g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be

carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

INFORMATIVES:

1. The applicant is advised to consult with the Head Teacher and School Governors of Malmesbury School adjacent to the site in respect of any future proposals to erect a gates or other enclosures to the site access.

1d **13/03489/FUL - Goldenley Care Home, Forest Lane, Chippenham, SN15 3QU.**

Public Participation

Denise Williams, Ian Carter, Paul Sibley and Cllr Linda Packard (Chippenham Town Council) spoke in objection to the application.

Sats Ahluwalia spoke in support of the application.

The officer introduced the report which recommended that planning permission be delegated to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions.

He drew attention to the existing permission which granted extensive extensions to the buildings. The proposal at hand was of a similar size, style and scale to the permission already granted. There were significant benefits for people who needed care, and being within the community met both the local and national strategy's in caring for people with dementia.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that the application would allow resident numbers to increase by 25, from 19 to 44. The Highways department had not raised any objection to the development. The plans did not include measures to reduce noise levels but that the applicant was working with residents to address these issues.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Mark Packard addressed the Committee and spoke

in objection to the application. He noted concerns regarding privacy, noise and disruption, access to the site and the impact on existing infrastructure.

A motion to refuse the application was made but not seconded.

A motion to delegate to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions was made and seconded.

In the debate that followed, the Committee noted the need to base their decision on planning issues. It was also noted that signs and traffic calming measures could be included in a legal agreement provided they were located on land in the applicant's ownership.

Resolved:

That permission be DELEGATED to the Area Development Manager to grant subject to the signing of a section 106 agreement in respect of traffic calming measures and signs within the applicant's land; and Subject to conditions:

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

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

- 2 No part of the development hereby approved shall be occupied the parking area shown on the approved plans has been consolidated surfaced and laid out in accordance with the approved details. area shall be maintained and remain available for this use at all thereafter.**

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

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

REASON: To ensure that the development can be adequately drained

- 4 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.

- 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) accurate 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) hard surfacing materials;

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

- 6 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 development whichever is the sooner; All shrubs, trees and plants to be planted 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 ones 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 of works agreed in writing with the Local Planning Authority.

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

- 7 Prior to the commencement of development the necessary storage

up process of public highway as necessary will need to be completed.

Reason: To safeguard the interests of the applicant and highway authority.

- 8** The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and access statement 001, 003, 006, 005, 004, 002, landscape 01

REASON: For the avoidance of doubt and in the interests of planning.

- 9** No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2008) Trees in Relation to Construction. Before the fence is erected its design and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

INFORMATIVES

- 1.** The applicant is advised that there will be the need for some of the existing highway to be stopped up and rights returned to the owner. It appears that some car parking spaces will be contained within Public Highway although the majority of this parking already takes place. The applicant is advised that there are two possible courses of action.
 - I.** The stopping up of the highway can be carried out under Section 247 of the Town and Country Planning Act prior to development commencing. However, prior to starting formal procedure, an agreed area of highway to be stopped up should be agreed with the highway authority and would I suggest that formal enquires are made to the relevant statutory undertakers to check location of any infrastructure. If there are any utilities in the area, it is possible an easement could be agreed.
 - II.** The second option will be via a Legal Agreement (Highways Act - 116) between the highway authority and

the developer. All highway authority costs will need to be covered by the Developer. Please note that the stopping up of Public Highway will need to be advertised and there is a possibility objections could be received that could result in the stopping up being unfeasible.

1e 13/3728/FUL and 13/04105/LBC - Green Barn, Nettleton, Wiltshire SN14 7NT

Public Participation

Mr Cheetham, Mr Howard Walters and Cllr David Pearce (Nettleton Parish Council) spoke in support of the application

It was noted that there were two applications, the full application and the listed building consent and that the full application would be taken first.

The officer introduced the report which recommended that the planning application be refused.

He explained that linking the two buildings by a large extension was detrimental to the historic character and nature of the buildings and contrary to policy.

The Committee then had the chance to ask technical questions of officers and it was confirmed that the current use of the right hand building was unknown and any works to it would need listed building consent.

Members of the public then had the opportunity to address the committee as detailed above.

Cllr Toby Stugis spoke on behalf of the local member, Cllr Jane Scott OBE addressed the committee and, whilst appreciating what the applicant was trying to do highlighted issues with both the linking and the massing being contrary to policy and harming the overall complex of buildings.

In the debate that followed concern was raised over connectivity.

Resolved:

In respect of 13/3728/FUL:

That planning permission be REFUSED for the following reason:

The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-

dominant in relation to Green Barn and would fail to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to Section 12 of the NPPF 2012 and policies C3 and HE4 of the North Wiltshire Local Plan 2011.

In respect of 13/04105/LBC:

That listed building consent is REFUSED for the following reason:

The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-dominant in relation to Green Barn and would fail to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to S.16(2) and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF 2012.

19 **Urgent Items**

There were no urgent items.

(Duration of meeting: Times Not Specified)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail eleanor.slack@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Agenda Item 6

INDEX OF APPLICATIONS ON 29/01/2014

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	13/05325/FUL	Whites Farm, Grittenham, Chippenham, Wiltshire, SN15 4JW	Retention of Motorcross Circuit (Resubmission of 13/00278/S73A)	Permitted
7b	13/04291/FUL	The Old Granary, Nettleton, Chippenham, SN14 7NY	Change Of Use To Residential Garden (Retrospective)	Refusal
7c	13/02911/FUL	6A Park Place, Ashton Keynes, Swindon, SN6 6NT	Demolition of Existing Bungalow & Erect 2 Dwellings	Delegated to Area Development Manager

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REPORT TO THE NORTHERN AREA HUB PLANNING COMMITTEE

Report No.

Date of Meeting	29 January 2014
Application Number	13/05325/FUL
Site Address	Whites Farm Grittenham Chippenham Wiltshire SN15 4JW
Proposal	Retention of Motorcross Circuit (Resubmission of 13/00278/S73A)
Applicant	Mr S Nichols
Town/Parish Council	BRINKWORTH
Grid Ref	402332 183207
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by Cllr Sturgis, in order to consider the impact of the proposal on the residential amenity of local residents.

1. Purpose of Report

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

2. Report Summary

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety

The application has attracted 18 public objections, relating principally to the noise and traffic impacts of the use for which retrospective permission is sought. An additional representation

objecting strongly to the application has been received from Brinkworth Parish Council. No objection is raised by the Council's Highways or Environmental Health Officers, subjected to suitable conditions, and no objection is raised on ecological or archaeological grounds by the relevant subject matter experts.

3. Site Description

The application site is located to the immediate North of the M4 motorway, close to its intersection with the unclassified road linking the hamlet of Grittenham with the village of Brinkworth to the North. The site, which extends to around 5ha in size, lies to the immediate West of the array of barns, cabins and hard standing known as White's Farm and until relatively recently had been classified as agricultural land. Access is obtained via the existing access onto the road to the East, which crosses the motorway a short distance further South, at the northern edge of the main White's Farm complex. Competitors and spectators then travel a short distance across the existing hard standing to arrive at the site itself.

At present, the land accommodates a substantial motocross track featuring several large ramps and jumps arranged throughout its full length, with competitive events held regularly, particularly during the core motocross season spread across the period March – October. The track is laid out across the southern portion of the site – occupying around a third of its total area – with the remaining land providing a general area for parking, overnight stays and general technical/maintenance activities during the events.

Retrospective planning permission was granted in 2012 (N/11/03051/S73A refers) in respect of a change of use for this purpose, regularising the physical engineering works, subject to a number of conditions to control the impacts of its use on the amenity of local residents. As no agreeable Event Management Plan (EMP) was forthcoming within the relevant timescales, as required by Condition 3 of the original permission, that permission has now expired, however. A subsequent application to regularise the use with an amended set of conditions, and the prospect of mitigating earthworks, was subsequently refused on amenity and landscape character grounds (N/12/00278/S73A refers).

4. Planning History

N/04/01435/ENF	Appeal Against Enforcement Notice A - Change of Use of Land from Agriculture to Mixed Use Agriculture and Road Haulage Business – Appeal
N/04/01436/ENF	Appeal Against Enforcement Notice B - Engineering Operations Comprising Hard Surfaced Areas, Mounds and Bunds – Appeal
N/05/02329/AGN	Erection of Agricultural Building for Storage of Hay & Silage – Planning permission not required.
N/06/00991/FUL	Alterations and Extensions to Workshop – Permitted
N/08/00809/FUL	Extension to Buildings to form Two-Storey Link to form Office, Mess Room and Storage Facilities – Permitted
N/11/03051/S73A	Retention of Motorcross Circuit (Retrospective) - Permitted
N/11/04065/WCM	Proposed Waste Transfer Station – Refused
N/13/00278/S73A	Retention of Motorcross Circuit (Revision to Planning Permission 11/03051/S73A) – Retrospective – Refused

5. The Proposal

Planning permission is sought in respect of the ongoing and permanent use of the site for competitive motocross, using the existing infrastructure and track profile to host regular events. It is proposed that the site operates in physical terms much as it has done both lawfully and unlawfully in the past 2-3 years, with the existing operational access obtained and dedicated parking and technical area retained. Confirmation has been provided that occasional earthworks undertaken on site in the past year or so have been a matter of repair and maintenance to the approved sectional profile of the track, and the current application is made on the basis that the physical landform of the site will remain unchanged. This layout was previously approved (N/11/03051/S73A refers), although the relevant permission was subsequently extinguished by non-compliance with one of the conditions. A subsequent application for an almost complete relaxation of those conditions was refused earlier in 2013 (N/13/00278/S73A refers) due to its inadequacy of mitigation.

Moreover, the current proposal therefore represents a proposed revision of the planning conditions originally imposed, taking account of the anticipated operational requirements of the facility as well as concerns raised locally and by the previous refusal. Starting with Condition 1 of the original permission, it is now volunteered by the applicant that the 14-day ceiling is retained on the number of events per year, but that these should be allowed to take place at any time of year so as to better reflect the seasonal nature of competitions and the implications of events being postponed, most often by inclement weather. Instead of a month-by-month allowance, it is proposed that no more than two events should take place on successive weekends, with a subsequent break of at least one weekend where two events take place back-to-back.

Turning to the second condition of the earlier permission, the hours of operation are to be increased and amended to reflect the demands for track practice time in association with actual competitive racing. This tends to occur during the late morning, with races occupying much of the afternoon schedule. By its nature, to the casual observer (or listener), such practice appears to differ little from competitive racing, and typically includes around the same number of riders at any one time. As such, the joint use of the site can reasonably be viewed as a whole.

An Event Management Plan (EMP) has been submitted with the application, detailing how individual events are to be run in practice. Issues covered include the times and frequency of events, together with the means of controlling on-site traffic and noise and engaging with the local community to minimise disturbance. Principally, the document sets out the standards to be put in place to ensure that events run smoothly, safely and with minimal disruption to the local area in general and largely reflects the objectives of Condition 3 to the original approval.

6. Planning Policy

The following planning policies are relevant:

- Policy C3 of the adopted North Wiltshire Local Plan 2011 (Development Control Core Policy)
- Policy NE15 of the adopted North Wiltshire Local Plan 2011 (The Landscape Character of the Countryside)
- Policy NE18 of the adopted North Wiltshire Local Plan 2011 (Noise and Pollution)
- Policy T2 of the adopted North Wiltshire Local Plan 2011 (Transport Assessment & Travel Plans)
- Policy BD7 of the adopted North Wiltshire Local Plan 2011 (Farm Diversification)

Sections 3 (Supporting a prosperous rural economy) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

Core Policy 51 (Landscape) of the emerging Wiltshire Core Strategy may also be afforded some limited material weight in respect of the application.

7. Consultations

Brinkworth Parish Council – objections
Highways – no objection, subject to conditions
Environmental Health –
County Ecologist – no objection
County Archaeologist – no objection

8. Publicity

The application was advertised by site notice and neighbour notification.

18 letters of objection were received, raising the following planning points:

- Impact of noise, both from racing/practice and public address system, on residential amenity;
- Impact of traffic implications on the local highway network and highway safety;
- Visual impact and stability of earthworks;
- Loss of agricultural land;
- Lack of local benefit from events;

Other points raised concern the prospect of future development of the site and the applicant's having previously breached planning conditions. Although related to the current proposal, these aspects are not material planning considerations pertinent to the determination of the application.

9. Planning Considerations

Principle of development

It is the Officer's view that the principle of development has already been established by the original permission. This explicitly stated that "*The proposal is considered to be an acceptable form of development in this particular location*", adding that "*Whilst comprising an alteration to the landform of an agricultural field, the visual effect of development is not considered to be unacceptable in the context of the adjoining M4 corridor.*" It has previously been considered that the immediate proximity of the motorway to the southern site boundary rather lessens the sensitivity of the site and its immediate surroundings, both in visual and noise terms. Overall, therefore, this site is considered to be reasonably appropriate for the proposed use, insofar as suitable sites are ever available. No significant changes to the physical landform of the site are to be made, nor is the level of activity in terms of visitors and vehicles likely to increase substantially, relative to that previously acknowledged, and for these reasons, it is considered that the fundamental use of the site for the purposes proposed is acceptable. The site is located in undesignated open countryside and therefore it is considered that limited-scale activity of this type is consistent with Policies C3 and NE15 of the adopted Local Plan.

Nonetheless, for reasons led by the physical works that in turn attract a higher-profile type of event and an associated increase in noise, visitors and traffic, it remains the view of the Council that the proposed use amounts to substantially more than the lower-key events possible under permitted development rights. Rather than what might be considered a local practice or recreational activity, the operation at White's Farm has become established on the national motocross circuit, catering for regional-level competitive events. It is therefore reasonable to consider the proposal in its own right, mindful of the fallback position in terms of permitted development rights (although these are of course contingent upon the land returning to agricultural use between events).

Impact on the character and appearance of the area

In terms of the physical appearance of the site, it is not considered that there has been any material change in circumstances that would affect its acceptability since the original permission was granted. No change to the site profiling originally undertaken has occurred, beyond routine repair and maintenance, since its creation and therefore its impact on the general landscape is considered to remain acceptable. As previously mentioned, the adjacent motorway and haulage yard compromise the site in visual terms to such an extent that the limited re-profiling works are not considered to represent a detrimental scar on the landscape. It is not considered that the policy position has changed in such a way that the appearance of the site should be viewed as having any greater or lesser value in determining planning applications, and as such the originally-approved engineering works remain acceptable.

Perhaps more prominent than the earthworks themselves, due partially to their temporary but numerous appearance during events, are the private vehicles, trailers, caravans and campervans used by competitors and spectators. The application site extends well beyond the area occupied by the track itself due to the need to accommodate suitable parking, technical and overnight stay areas incidental to the events themselves. Undoubtedly, such a proliferation of vehicles, some large, carries with it a visual effect that impacts significantly on the overall character of the site, and is considerably greater than that which might be associated with a less prestigious event possible under permitted development rights. However, this general effect is not inconsistent with the temporary use of agricultural land for, for instance, car boot sales, which have an equivalent tolerance in terms of number of days permitted per year. Although the vehicles will be very apparent when in situ, no permanent surfacing is required (the assumption being that where the ground is too wet or icy to park/turn, the track would not be fit for racing) and there is no reason to believe that vehicles would be present for any more than a single day either side of an event. For these reasons, it is considered that this temporary effect is acceptable in landscape terms and moreover, the proposal accords with Policy NE15 of the adopted Local Plan in particular.

In terms of the general character of the area insofar as it concerns noise, this is dominated by the use of the M4, which is very busy for significant proportions of the day and despite its adjacent embankments gives rise to an almost constant hum of vehicle noise perceptible for several miles to either side. Nonetheless, it is acknowledged that the character of this noise is distinctly different to that of the motorbikes used at the site, whose noise emissions tend to be more sporadic and at a higher pitch. Whilst it is considered that overall, this occasional increase in noise levels does not have any significant implications for the general character of the area, the most sensitive receptors are likely to be nearby domestic properties and therefore this issue is considered in greater detail under 'Impact on residential amenity,' below.

Under the previous application, reference N/13/00278/S73A, a 3m-high earth bund was

mooted as a potential means of attenuating on-site noise emissions; to be situated across the entire northern site boundary. Notwithstanding that it was considered that the visual implications of such an extensive engineering operation would be detrimental to the landscape character of the area, it is doubted by the Council's Environmental Health Officer whether such a method would be effective in practice. Due to the elevation and distance of the village of Brinkworth, it is likely that the bund would have little to no effect – its only meaningful benefit in noise reduction effectively relating only to the land immediately behind it – and therefore not a prospect the Council would be minded to entertain. It must also be acknowledged that the principle of the use has also been established without any perceived requirement for physical means of attenuation, and in the interests of consistency it is reasonable to consider the current proposal on the same basis.

Impact on residential amenity

The critical consideration in terms of the impact of the development on residential amenity is the noise emitted through the active use of the track by motocross bikes. The individual facets of this include the volume, frequency (pitch), intermittency and duration of bikes practicing and racing, and there is also a cumulative consideration where events take place frequently and even on successive weekends. Objections have been received from residents of Brinkworth and Callow Hill, both around 2km north/northeast of the site, as well as Grittenham, which lies closer but on the opposite side of the motorway to the southwest, following a relatively intensive spell of unauthorised events during the peak-season months of July-August 2013.

Assessing the level of noise emanating from the site as a differential volume relative to the background noise of the motorway, the motocross activity makes little impact and thus it is highly unlikely would result in a statutory noise nuisance in this respect. Such a nuisance would be possible to pursue under the relevant legislation set out in the Environmental Protection Act 1990, and this measure is a suitable means of testing the proposal with regard to this matter. It is acknowledged, however, that due to the various factors explained above, the activity could also result in a subjective noise nuisance to local residents. This is exacerbated by the natural coincidence between the best days for racing and those on which residents are most likely to be enjoying their outside space – namely at times when the weather is warm and dry. As such, it is necessary to reach a balanced judgement to ensure that any subjective noise nuisance does not reach a threshold at which it deprives nearby occupiers of a reasonable level of residential amenity.

The submitted Event Management Plan (EMP) proposes to increase the number of hours during which the track may be used in any one day, relative to the original permission, although the use is to cease considerably earlier than previously consented. It has now been agreed between all parties (including, to the best of the Officer's knowledge, local residents) that there should be no discrimination between the activities of practicing and competitive racing on the track for the purposes of the application, as the intensity of the use, and thus noise emissions, are similar in either case. The EMP proposes an upper limit of 40 motorbikes for either activity and therefore a simple operational time limit of 0930 – 1700 is now proposed, with the operator free to determine how that period is divided between racing and practicing. For the avoidance of doubt, this restriction would apply to the entire site, rather than just the track. These hours represent an overall increase of 1½ hours relative to the previously-permitted allowance (1400 – 2000) but it is considered that a 'quiet' period of 1700 – 2000 offers greater amenity value to residents than that between 0930 and 1400. Aside from residents generally being able to enjoy sitting out, etc, in the early evening, these hours coincide with the time when small children might be put to bed and are generally characterised by being quieter, with less noise intrusion from lawnmowers, etc, and lighter traffic on the nearby motorway.

Taken with the overall restriction on the total number and distribution of events, it is considered that the above time restrictions are acceptable in planning terms and do not represent any material threat to residential amenity, particularly taken in relativity to those conditions previously approved. Adopting an absolute cut-off at either end of the day will ensure that any such restriction is possible to monitor and enforce. Some concern is felt, however, in respect of the proposed distribution of events and their potential to cumulatively result in a noise nuisance, technically enabling 4no. 15-hour weekends within a 5-week period at its most intensive. Nonetheless, rather than imposing limits by the calendar month, it is considered reasonable to offer some freedom on the timing of events due to the probability of postponement. To this end, it is suggested that a condition is imposed providing for at least one weekend 'off' between events and, where the use occurs over two weekends in three weeks, a subsequent gap of two clear weekends to the next event.

The observations above relate specifically to the use of the site for testing, practicing and/or racing, which it is considered reasonable to contain to weekends only. However, there is no objection in principle to the associated setting up and packing down taking place on the Friday before and Monday after an event respectively. This is particularly useful given the congregation of events around bank holidays and would not result in additional material harm. There are also highways benefits to lengthened events, reducing the likelihood of a concentrated 'rush hour' around the beginning and end of a single event as vehicles arrive and depart on a more staggered basis. An upper limit of 14 days' racing per calendar year would remain, and therefore, for instance, an hour-long practice from 1600 to 1700 on a single day would still count towards this total entitlement. Whilst events are generally arranged over a full two days, the applicant would of course be entitled to use just one day of this allowance during a weekend, carrying over the 'spare' day to a subsequent event.

Turning to the matter of noise emissions from an on-site public address system, it is now proposed that this equipment is used only for the purposes of issuing urgent notices in times of emergency. Previous objections have indicated that when the public address system has been used for commentary the content of the announcements has been audible word-for-word. This would suggest that this element of the EMP is enforceable as any breach would be detectable, albeit that a judgement may have to be made as to what constitutes an 'emergency'. In visual terms there is no objection to the retention of a physical PA system on site and therefore it is considered reasonable to simply control its use by condition, on the basis that a common-sense approach to enforcement is adopted should it be used in genuinely exceptional circumstances.

In summary, it is considered that the proposed mitigation measures now proposed and pertaining, crucially, to the proactive management of the facility in consultation with the local community, go sufficiently far as to prevent any unacceptable impact upon residential amenity, subject to suitable limitations on use. It is considered that these matters can be adequately secured by condition and thus enforced against if breached. For the above reasons, it is considered that the proposal accords with Policies C3 and NE18 of the adopted Local Plan.

Impact on highway safety

The nature of weekend events held at the site is such that traffic movements are generally concentrated around the Saturday morning and Sunday evening, with many attendees staying overnight, although events taking place on bank holiday weekends tend to create a more dissipated traffic flow. The road junction and condition of the adjacent highway are such that these movements can be safely accommodated, provided suitable on-site arrangements are made for traffic management. To this end, it is considered that the

submitted Event Management Plan (EMP) includes adequate measures to attenuate traffic flow and ensure that access to the site is obtained as safely as possible. The use of marshals to direct traffic during the peak hours of movement should avoid any significant congestion or risk to highway safety as a result of vehicles queuing out onto the highway. It is also noted that there is a substantial area of hard standing within the applicant's control, which could be used as temporary 'overflow' provision in extreme circumstances.

It is the view of the Council's Highways Officer that the proposed limit of 14 days' active use in any one calendar year represents an acceptably low overall volume of traffic, which can be accommodated by the existing highway network and access arrangements. On the basis that the proposed change of use effectively rescinds the permitted development rights that might otherwise be exercised at the site – for car boot sales, for instance – it is considered that there is to be no cumulative impact caused by the holding of further events in excess of the 14-day limit. Overall, the current proposal will incur no further highways impact than the previously approved scheme, which it is noted did not include specific measures for managing site access. For this reason, the proposal is considered acceptable in highways terms.

Other matters

It is agreed that the proposal offers little, if any local benefit beyond the income generated to the landowner. The relatively isolated location of the site, together with the focused nature of its use, is such that visitors are unlikely to make use of local services. Many visitors attend with campervans and caravans, enabling the self-sufficiency of overnight accommodation, catering, etc, for instance. Whilst this consideration certainly does not work against the proposal per se, a use that clearly offered more than a negligible economic or social local benefit could perhaps strike a more favourable balance on sustainability grounds. That, of course, is not to say that the proposal is necessarily unsustainable but that it should be considered on its other merits.

It has been intimated in the public representations that the proposal represents the loss of good quality agricultural land. Whilst as a matter of principle, this has already been accepted under the original retrospective permission, it is not considered that there has been any material change in circumstances in this regard since that time in any case. The National Planning Policy Framework emphasises at Paragraph 112 the need to assess the economic and other benefits of the best and most versatile agricultural land. Whilst it is not possible to tell from a desk-based study whether the land falls within this policy, being Grade 3 land of 'good to moderate' quality, the reversibility of works and clear economic advantages of this type of diversification warrants no further investigation on this issue, in which respect it is considered the proposal is acceptable. In this regard, it is considered that the proposal is also consistent with Policy BD7 of the adopted Local Plan, relating specifically to farm diversification.

Previously, the issue of permitted development rights has arisen, although one can only speculate as to what other uses may be intended for the land. Having given some consideration to the matter, however, it appears clear that with the grant of planning permission for use as a motocross facility the land would become a *sui generis* use under the Use Classes Order 1987 (as amended) due to its specifically falling outside of Class D2 (assembly and leisure) of the legislation. As such, any such rights would be extinguished until such time as the development was reversed and the land restored to agricultural use.

In accordance with the advice provided by the relevant County subject matter experts, it is not anticipated that the development will impact significantly upon site archaeology or ecology, and therefore no conditions or informatives are recommended on such grounds.

Conclusions

In summary, it is considered that the current proposal, subject to the conditions set out below, represents a reasonable compromise that reflects the established principle of development without compromising the residential amenity or landscape

RECOMMENDATION

That planning permission is GRANTED, subject to the following conditions:

- 1 Within 3 months of the date on which the land subject to this permission has not been used for the purposes approved for a period of 6 months, the use/activity hereby permitted shall cease, all equipment and materials brought onto the land for the purposes of such use shall be removed, the engineering works shall be reversed and the land restored to its former agricultural condition.

REASON: To ensure the reversibility of the development in the interests of visual and residential amenities.

- 2 The land subject of this permission shall be used for the racing and/or practice of motocross motorcycles up to a maximum of 14 days in any one calendar year.

REASON: In the interests of residential amenity.

- 3 The development hereby permitted shall not be first brought into use in any calendar year until a full schedule of events for that year has been submitted to and approved in writing by the Local Planning Authority. Any alterations to the approved schedule shall be notified to the Local Planning Authority no less than 7 days prior to the rescheduled event.

REASON: In the interests of residential amenity and to enable the Local Planning Authority to monitor the distribution of events.

- 4 Events shall not take place on consecutive weekends. No more than 2 Events shall take place in any 5-week period. For the avoidance of doubt and the purposes of this condition, an 'Event' is defined as a single day or two days of racing/practicing within the period Saturday to Monday inclusive.

REASON: In the interests of securing an environment free from intrusive levels of noise disturbance

- 5 The use hereby permitted shall not take place on the days of Tuesday to Friday inclusive. No testing, practicing or racing of motorcycles shall take place on the site on any day other than Saturday, Sunday or Monday.

REASON: In the interests of visual amenity, highway safety and to secure an environment free from intrusive levels of noise disturbance.

- 6 No sound-amplifying equipment, loudspeaker, public address system shall be operated in association with the development hereby permitted.

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

- 7 The development hereby permitted shall be implemented and the site operated in full accordance with the submitted Event Management Plan (LPC, December 2013), in perpetuity.

REASON: In the interests of residential amenity and highway safety.

- 8 The mobile toilet block indicated on the site location plan shall be completely removed from the site no later than the date 6 weeks after the most recent event. At such time it shall be removed completely from the site and shall not be reinstalled on the site until the recommencement of events on the site thereafter.

REASON: To ensure the removal of a temporary structure when the site is not in use, in the interests of visual amenity.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan
LPC/2798/2 - Site Layout Plan
LPC/2798/3 - Sections 1

Received 24 October 2013

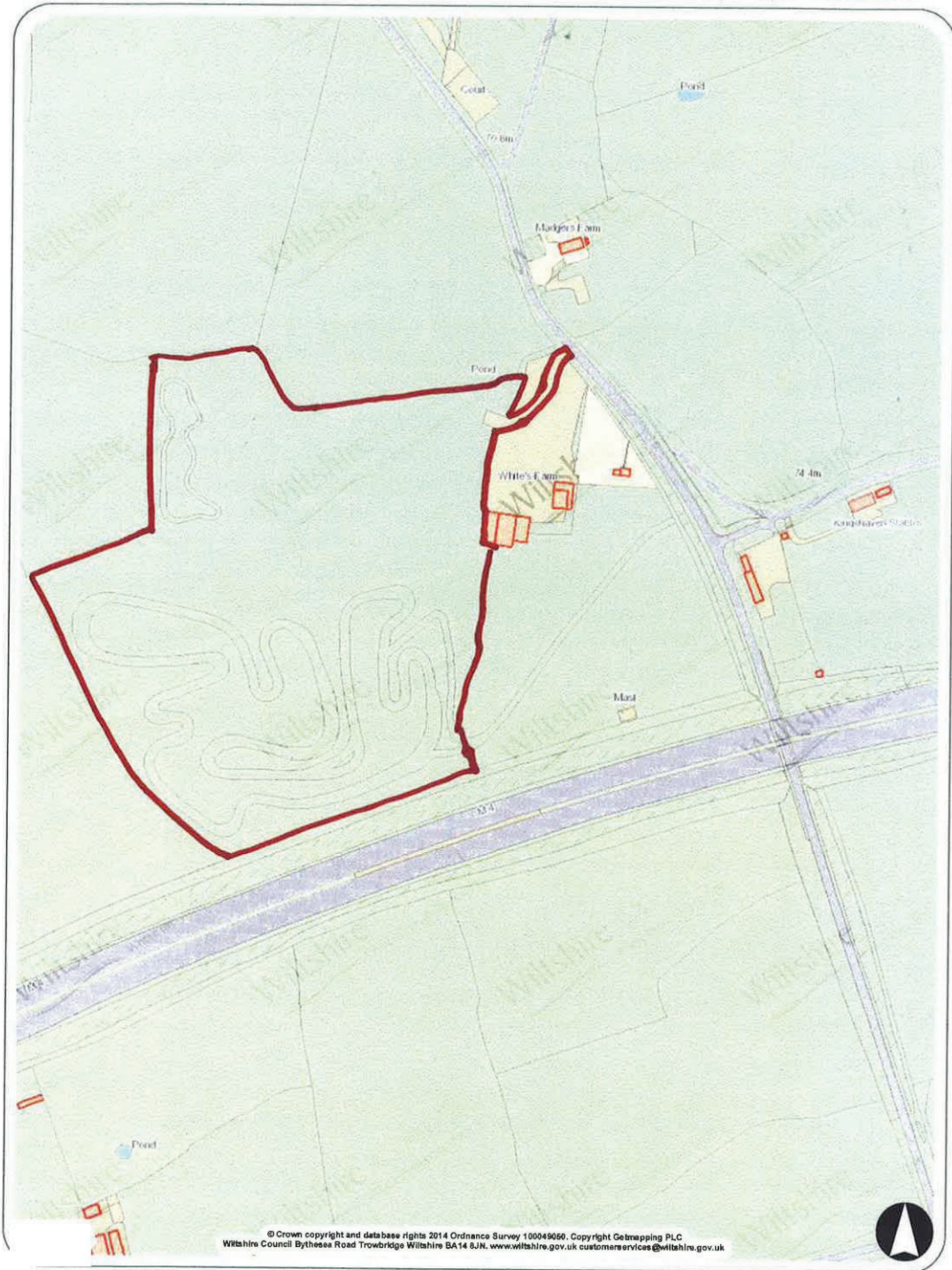
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

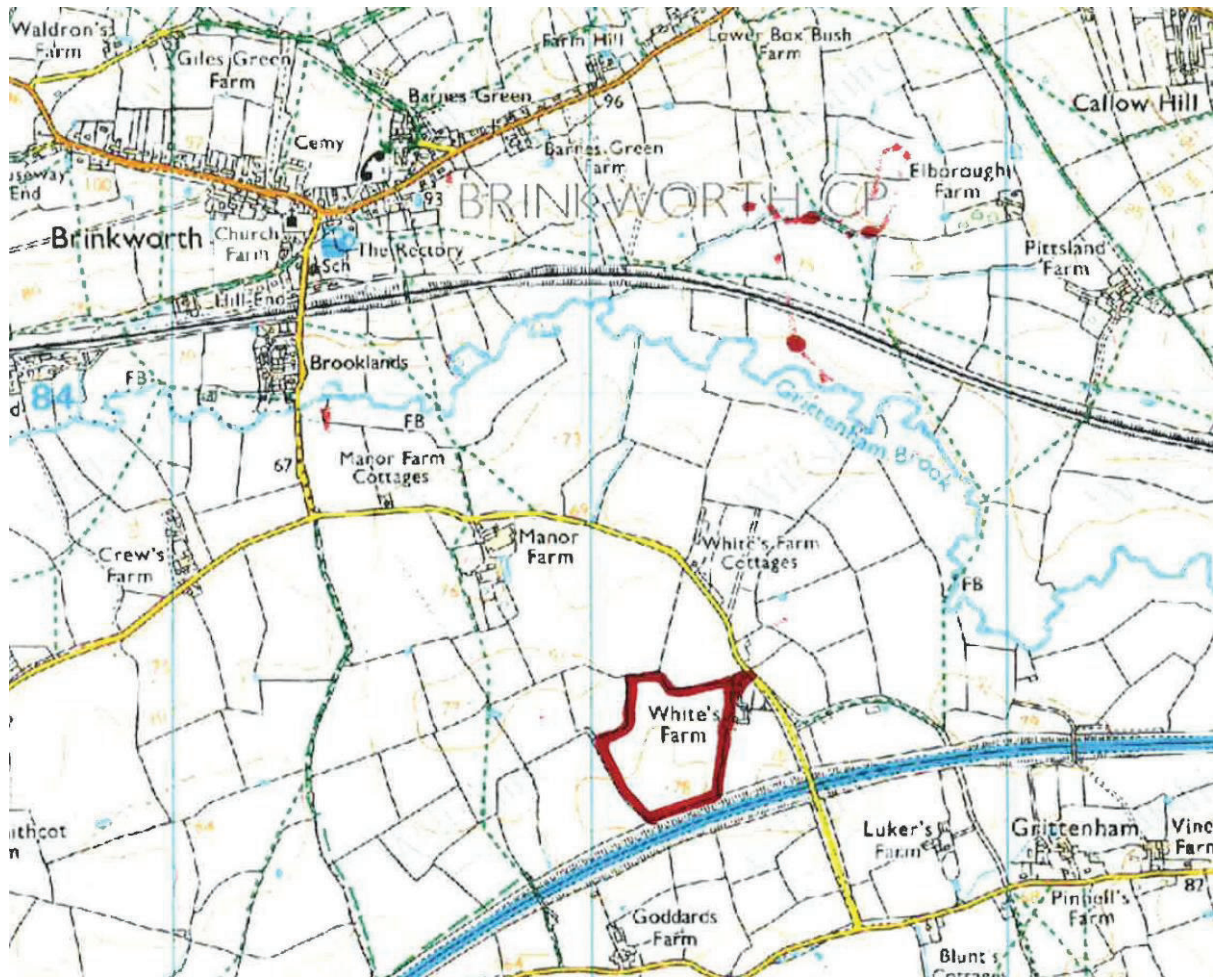
- 1 It is the view of the Local Planning Authority that the development hereby approved represents a change of use of the land to sui generis, as set out in the Planning (Use Classes) Order 1987 (as amended). As such, all permitted development rights set out under Class B of Schedule 2, Part 4 of the Planning (General Permitted Development) Order 1995 (as amended), are effectively rescinded. Use of the land subject of this application for such purposes will therefore require a separate planning application.

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

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



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**REPORT TO THE NORTH AREA HUB
PLANNING COMMITTEE**

Date of Meeting	29 th January 2014
Application Number	N/13/04291/FUL
Site Address	The Old Granary, Nettleton, Chippenham SN14 7NY
Proposal	Use of Land as Residential Garden (Retrospective)
Applicant	Mr & Mrs Roberts
Town/Parish Council	Nettleton Parish Council
Grid Ref	381954 178565
Type of application	Full (Retrospective)
Case Officer	Lee Burman

Reason for the application being considered by Committee

Councillor Scott called the application to Committee to consider the impact of development on the locality.

1. Purpose of Report

To recommend that planning permission be refused.

2. Report Summary

The main issues in the consideration of this application are the visual impact on the character and appearance of the locality; and the impact on the character, historic features and setting of the heritage assets at the site.

One letter of objection has been received from a neighbouring resident (See section 8 below).

Nettleton Parish Council resolve to support the application (See section 7 below).

3. Site Description

The site is located within the open countryside outside of any defined framework settlement boundary. The site falls within an Area of Outstanding Natural Beauty and is curtilage listed to the Grade II Listed farmstead of Priory Farm. The property is one of several outbuildings that were permitted for conversion to independent residential use over an extended period during the 1980s and 1990s. The conversions have fragmented the ownership of the site and have included the creation of separate residential curtilages now forming a part of the character of the listed property and its development over time. The site is largely surrounded by agricultural land with several large historic rural dwellings adjacent. The site is located to the south of the village of Burton, North of the village of Nettleton and North East of the hamlet of Nettleton Shrub.

4. Planning History

The site has been the subject of a long and very complicated application history and it's not intended to reference this in full as part of this report. Key applications are referenced as is the recent application history. As already noted a range of outbuildings forming part of the original farmstead were granted permission for conversion to independent residential use. The various properties created have been known by various names, the application site is now known as the Old Granary. In 1992 consent was granted for the erection a garage and store at Priory Farm. A Certificate of Lawfulness was subsequently issued in 2007 for use of this building as a residential annexe including garage spaces The established permissions at the site included a range of conditions relating to the form and character of development.

A significant range of unauthorised works have taken place at the Old Granary recently. Applications seeking to regularise the position in respect of some of these works as referenced in the description of the proposals above. A series of applications have been submitted with regard to various unauthorised works at the site and additional proposals. These included variations in respect of the extent of the description of development for which consent was sought in successive applications. It should be noted that none of the submitted applications covered and sought consent for the full extent of the unauthorised works undertaken. An enforcement investigation has been initiated in this regard but given the nature of the applications submitted has been held in abeyance pending determination of the applications.

It should be noted that the applicant has also submitted a separate retrospective application (Ref: N/13/034289/FUL) for the retention of a Timber Garden Workshop & Store.

Further Recent Application History

12/01591/LBC - Change of Use of Land from Agricultural to Residential, Siting of Garden Shed, Erection of Garage, Installation of Balcony, Erection of Boundary Wall (Retrospective), Installation of Metal Flues (Retrospective) & Insertion of French Doors in Place of Window - WDN

12/01590/CLP - Change of Use of Land from Agricultural to Residential, Siting of Garden Shed, Erection of Garage, Installation of Balcony, Erection of Boundary Wall (Retrospective), Installation of Metal Flues (Retrospective) & Insertion of French Doors in Place of Window - S73A

12/00544/LBC - Erection of Garage & Alterations to Driveway Access. Relocation of Heating Oil Tank. Erection of Garden Shed. Window Replacement with French Doors and Balcony to Main Dwelling. Alteration to Kitchen Elevation - WDN

12/00231/FUL - Erection of Garage & Alterations to Driveway Access. Relocation of Heating Oil Tank. Erection of Garden Shed. Window Replacement with French Doors and Balcony to Main Dwelling. Alteration to Kitchen Elevation – WDN

13/00212/FUL Building, Engineering Works and Change of Use of Land Comprising - Installation of Windows and Rooflight (Retrospective); Installation of 2 Metal Flues (Retrospective); Erection of Boundary Wall (Retrospective); Erection of Garden Boundary to East; Replacement of Door to Kitchen; Replace Solid Doors with Glazed Doors (Retrospective) and Change of Use of Land from Agriculture to Residential Curtilage (Resubmission of 12/03323/S73A). Permitted.

13/00214/LBC Building, Engineering Works and Change of Use of Land Comprising - Installation of Windows and Rooflight (Retrospective); Installation of 2 Metal Flues (Retrospective); Erection of Boundary Wall (Retrospective); Erection of Garden Boundary to East; Replacement of Door to Kitchen; Replace Solid Doors with Glazed Doors

(Retrospective) and Change of Use of Land from Agriculture to Residential Curtilage (Resubmission of 12/03324/LBC). Permitted.

Relevant Historic Applications

N89/1625/F Conversion of Barn to Two Dwellings

N/89/2636/LB Alterations to Listed Building Conversion of Barn to Dwellings

N89/1626/F Conversion of Barn (Former Dwelling) to Dwelling

N89/2637/LB Alterations to Listed Building Conversion of Barn to Dwelling (Reinstatement to Dwelling)

N91/2139/F Erection of Double Garage

N91/2288/LB Removal of Existing Nissan Type Building and Erection of Double Garage and Associated Access Arrangements

N91/1985/F Conversion of Barn (Former Dwelling) to Dwelling

N91/1986/LB Conversion of Barn to Dwelling (Reinstatement of Dwelling)

N92/0933/F Erection of Garage and Store

N96/1787/F Conversion of Existing Barns to 3 Dwellings

N97/0255/LB Conversion of Existing Barns to 3 Dwellings

N/04/02685/COU Conversion of Outbuilding to Form Self Contained Dwelling

N/06/02961/CLP Proposed Use of existing Detached Garage and Workshop as Residential Annex to Priory Farm as Part of A Single Planning Unit with No Separate Access to the Highway

N/09/0096/FUL Re-site and Replace Oil Tank

5. The Proposal

The proposal which is the subject of this application is for the change of use of land from agriculture to private residential amenity space. The proposals include the repositioning of a dry stone wall boundary from its approved and historic location to a position further to the west to incorporate the land subject to the proposed change of use. Reference is also made in the supporting documentation to the inclusion of a gated access to further agricultural land to the west now in the ownership of the applicant which the submissions indicate will be used as an orchard.

6. Planning Policy

National Planning Policy Framework

Planning Policy Statement 5 Planning for the Historic Environment Practice Guide

North Wiltshire Local Plan Policies:

C3 Development Control

NE4 Areas of Outstanding Natural Beauty

NE15 The Landscape Character of the Countryside

HE4 Development, Demolition or alterations Involving Listed Buildings

7. Consultations

Conservation

Conservation Officers consider that the proposals would result in a significant and harmful change to the character and setting of the curtilage listed building and the listed property as whole which is not in justified by any public benefit as required under national guidance and adopted and emerging local plan policy.

Nettleton Parish Council

Resolved to support the proposals subject to two conditions, firstly requiring the provisions of a native hedge to demarcate a clear boundary to the extended garden; and secondly prevention of the erection of garden sheds or other buildings on the extended garden area (removal of permitted development rights).

8. Publicity

One letter of objection was received from neighbouring residents raising objections to the scheme proposals in the following respects:-

- The land is within an designated Area of Outstanding Natural Beauty
- The land separates the historic Priory Farm complex from the neighbouring settlement of Nettleton
- The land has known archaeological interest
- There is no planning based justification for change of use from pasture land to residential amenity space
- The proposals do not preserve or enhance the heritage assets or reflect the historic pattern of development at the site
- The submitted information including that in the application form is misleading and inaccurate
- Considers that the loss of the previous boundary wall has resulted in harm to ecological interests and a full ecological assessment is required
- Extensive unauthorised works have been undertaken and continued over an extended period to which previous objections have been submitted to the Council
- The land was sold subject to restrictive covenants regarding use
- The site is visible from the surrounding locality and the development results in harmful visual impact on the character of the locality
- The previous stone wall boundary was not disintegrated or overgrown with vegetation prior to the unauthorised removal it was intact
- Proliferation of residential clutter resulting in harm to the character and setting of the heritage assets at the site
- No planning justification for works undertaken to change ground levels at the site
- Timeframes and a programme are required for the reinstatement of the previous existing historic features at the site and remediation of the unauthorised works undertaken.

9. Planning Considerations

There are two key considerations in respect of the proposed development firstly its impact on the historic fabric and character and setting of the heritage assets at the site; and secondly the visual impact on the character and appearance of the locality and the designated Area of outstanding natural beauty. In both contexts it is important to note that the scale of development is significant. The area of land involved is substantive and the extent of change including replacement and repositioning of an historic listed boundary wall and the change of use of land is in and of itself of a significant scale. When consider that this relates to a proposal for the extension of private residential amenity space for a single dwelling the proposals are considered to be large scale and the scale of change and related impact commensurately large.

Conservation

The historic character and features of listed buildings are not solely related to their

architectural merits or fabric and details of the built structures themselves; the setting i.e. the space(s) surrounding the structures is also of critical importance to the character and significance of the property/structure. The retention of these spaces without substantive changes is of significant importance to the long term preservation of our historic environment. Guidance in this respect is contained at paragraphs 114 and 116 of Planning Policy Statement 5 Planning for the Historic Environment Practice Guide.

The proposals (retrospective) which have already been implemented relate not solely to the setting and character of the listed and curtilage listed structures at the site but also affect the fabric of the listed property itself i.e. the boundary wall.

As noted above the alterations that have been implemented are not considered to be minor or limited but are substantive. Their impact can clearly be assessed as the works have largely already been undertaken.

The Conservation Officer has identified that these types of historic farmsteads were typically clearly delineated and did not sprawl out into the adjacent open countryside. This is reflected by the existence of the historic boundary wall. Its condition prior to removal by the applicant is disputed. It should however be noted that the applicant has consent for the reinstatement of the wall under planning and listed building consents (13/00212/S73A and 13/00214/LBC) in its historic position. The removal of the original wall and its proposed relocation to a new position with a gated (no detailed plans submitted) is considered to be harmful to both the historic fabric of the listed structure/heritage asset and its setting and character. This is clearly contrary to the Council's adopted policies in the North Wiltshire Local Plan C3 (ii) and HE4 and paragraphs 17, 131, 132 and 134 and Section 12 of the National Planning Policy Framework. Also Planning Policy Statement 5 Planning for the Historic Environment Practice Guide paragraphs 79, 85, 87, 114 and 116 which remains in force. The NPPF at paragraphs 131, 132 and 134 emphasises that the significance of heritage assets should be sustained and enhanced and requires clear and convincing justification for any proposal and that any harm caused to the significance of a heritage asset should be weighed against public benefits. PPS5 Practice Guide paragraphs 79, 85 and 87 identify the potential heritage benefits of development and in this context identify a presumption in favour of conservation weighing any harm to the significance of a heritage asset against any potential public benefits. There is no such public benefit in this instance the proposals will only be of benefit to the applicant and no public benefit justification is advanced in the submitted application documentation.

Visual Impact on the Character and Appearance of the Locality

As identified above the scale of development undertaken is considered substantive both in and of itself and in the context of the related property. The change of use of land from agriculture to a private garden results in a clear change in character and form of the land in question. This land functions as buffer to the residential development in the locality and was very clearly well established agricultural land. The land in question falls within a designated Area of Outstanding Natural Beauty and the change in character resulting from the changed use of the land does not preserve that established and protected characteristic. The proposal to erect a new boundary treatment in a new location where previously there was no such feature or characteristic is considered to compound that impact and degree of change. Regardless of any conditions that may be proposed relating to permitted development rights and ancillary residential structures the change to private residential amenity space would inevitably result in the proliferation of residential clutter and related landscaping and planting that it is not a feature of the landscape or AONB at present. Formalised planting beds, outdoor seating and chairs, children's play equipment

and toys etc are likely to be features of this area of land and could not be controlled by condition as they do not constitute development in themselves but clearly alter the character of the landscape. The land in question is visible from the surrounding locality both in terms of views from adjacent properties and roads. In addition there are three public rights of way on land in the area immediately surrounding application site NETT29 NETT30 and NETT31. NETT 30 is particularly close to the site and affords clear views of the property and the land that is the subject of the application. Without question the visual impact on the character of locality will be noticeable and prominent. In this context the development is considered to be in direct conflict with C3 (ii), NE4 and NE15 of the North Wiltshire Local Plan 2011 and paragraphs 17 section 11 of the National Planning Policy Framework.

10. Conclusion

In conclusion it is considered that the works undertaken and proposed have substantive impact on both the natural and historic built environment that is harmful in visual terms to the character and appearance of the landscape and AONB and the historic fabric and setting of the listed heritage assets at the site. It is not considered that there are any material considerations including defined public benefit that would mitigate or justify this level of impact. The proposals are considered to conflict with the National Planning Policy Framework, PPS5 Historic Environment Planning Practice Guide and policies C3 NE4 NE15 and HE4 of the adopted North Wiltshire Local Plan 2011.

RECOMMENDATION

That the application be refused for the following reasons:-

1. The proposed development results in substantive change to and does not preserve the character and appearance of the landscape and defined Area of Outstanding Natural Beauty which is harmful and not justified by any overriding material considerations. The proposals are in conflict with policies C3(ii) NE 4 and NE15 of the North Wiltshire Local Plan 2011 and paragraph 17 and Section 11 of the National Planning Policy Framework.
2. The proposed development results in harm to the historic fabric, character and setting of the heritage assets at the site including Listed boundary wall and curtilage listed building known as the old Granary which is not justified by any overriding material considerations or identified public interest. The proposals are in conflict with policies C3(ii) and HE4 of the North Wiltshire Local Plan 2011 and paragraphs 17, 131, 132 & 134 and Section 12 of the National Planning Policy Framework and PPS5 Historic Environment Planning Practice Guide paragraphs 79, 85, 87, 114 & 116 and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Background Documents Used in the Preparation of this Report: Application Documentation



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REPORT TO THE NORTHERN AREA HUB PLANNING COMMITTEE

Report No.

Date of Meeting	29/01/14
Application Number	13/02911/FUL
Site Address	6 A Park Place Ashton Keynes Swindon SN6 6NT
Proposal	Demolition of Existing Bungalow & Erect 2 Dwellings
Applicant	Mr James Duncan Rees
Town/Parish Council	ASHTON KEYNES
Grid Ref	404678 193914
Type of application	Full Planning
Case Officer	Richard Sewell

Reason for the application being considered by Committee

The application is being presented to Committee at the request of Councillor Chuck Berry to consider the visual impact on the Conservation Area and amenity of neighbouring properties.

1. Purpose of Report

To consider the above application and to recommend that authority be delegated to the Area Development Manager to grant planning permission subject to the signing of a section 106 agreement and conditions

2. Report Summary

The main issues when considering this application are :

- The demolition of the existing bungalow
- The design, materials, scale and location of the proposed dwellings
- Boundary treatment and access to highways across existing drainage ditch
- Impact on the character and appearance of the locality and Conservation Area
- Residential Amenities

Ashton Keynes Parish Council-object to the application

3. Site Description

The proposal site is a corner plot situated at the junction of High Rd and Park Place located within the Conservation Area of Ashton Keynes. The existing access to the plot is on Park Place with the existing bungalow facing south. The site is predominantly level with a drainage ditch and grass bank fronting the highway along the western boundary. Adjacent to the site the River Thames runs alongside the High Rd.

The existing bungalow is of reconstructed stone, painted render panels and interlocking concrete roof tiles. The bungalow has a footprint of 115m² with a ridge height of 4.7m. There are a variety of house types surrounding the site with a terrace of modern two storey dwellings to the north, a detached two storey dwelling to the rear with three bungalows opposite the site on Park Place. Across the High Rd are a number of large detached properties which are more traditional in design and materials.

4. Planning History

There is no relevant planning history on this site

5. The Proposal

Two three bedroom dwellings are proposed each with a floor area of 142m². Each dwelling will be identical in appearance both featuring a double fronted Victorian style front elevation. To the side of each dwelling will be a separate garage with vehicle access. Plot 1 is accessed from High Rd with the drive area outside the boundary being tarmac with a limestone pea gravel drive bridging the ditch up to the garage. Plot 2 is accessed from Park Place with the garage orientated to face away from High Rd. Both dwellings have a single eaves height of 4.65m with the ridge heights being 6.85m. The proposed external fenestration will be painted timber with sprung sashes to the front and conservation casements to the rear. Roof tiles will be of natural blue slate with walling stone external walls. The boundary treatment on the front elevation facing High Rd will be a single rail and post fence with natural species hedge

6. Planning Policy

NPPF Section 7: Requiring good design, Section 12: Historic Environment

C1 Sustainability

C3 Development Control Policy

H3 Residential Development Within Framework Boundaries

H6 Affordable Housing in Rural Areas

HE1 Development in Conservation Areas

HE2 Demolition in Conservation Areas

7. Consultations

Ashton Keynes Parish Council- OBJECTION. The loss of a single storey dwelling causes concern and the Parish Council would favour two single storey dwellings on the site to maintain the openness of the area. The Parish Council feel that 2 No. two

storey dwellings will not enhance or preserve the scene. There are also concerns with the proposed access from the High Rd.

Highways- NO OBJECTION. Parking requirements have been met. Additional details relating to the proposed vehicle access across the ditch will be conditioned.

Conservation-NO OBJECTION following amendments to original proposal. Request high quality materials for external features including natural stone for external walls to be conditioned and submitted for approval.

Affordable Housing- £26,000 contribution via S106

Public Open Space- £5820 POS contribution via S106

8. Publicity

2 Objections and 3 Comments received. Issues include:

- Access from High Rd, impact on drainage ditch, increased traffic congestion and road safety
- Loss of openness, potential for overlooking and loss of privacy and amenity to surrounding dwellings
- Loss of single storey dwelling
- Increase in noise
- Proposed materials to respect Conservation Area location

9. Planning Considerations

Impact on Character and Appearance of Conservation Area:

The original proposal submitted in August 2012 was for 2 No. four bedroom executive style family homes identical in appearance with separate garages. Both were to be accessed via separate accesses from the High Road directly across the drainage ditch. The dwellings were proposed to be of reconstituted stone with plain tiles and UPVC windows. The dwellings were to feature two pitched gables on the front and rear elevations.

The previous design of the two dwellings was considered to be inappropriate and out of character with the Conservation Area. The proposed materials and executive style and appearance of the dwellings paid little attention to the features of the more traditional properties in the village. The drainage ditch in front of the site was considered to be a historical feature of the Conservation Area and it was felt that two separate vehicular access points would have a detrimental impact on this.

The applicant submitted amended drawings in November to address the issues raised above. To preserve the openness of the High Road/Park Place junction at the southern corner of the site the vehicle access to Plot 2 is proposed to be from Park Place. This will also allow a larger section of the drainage ditch to remain open. The design of the two dwellings has been amended to pay closer attention to the more traditional dwellings of a similar size in the local area. Both will be double fronted

with two windows on the ground floor with three slightly smaller windows on the first. The roof will feature a single eaves line with twin brick chimney stacks and natural blue slate roof tiles. Walling stone will be used for the external walls and painted timber casements for the external joinery.

The scale and design of the proposed dwellings are now considered to be in keeping with the street scene and wider Conservation Area which features a mixed character and variety of house types and sizes, the majority of which feature a single eaves line and traditional materials. The proposal should therefore not be considered unacceptable on the grounds of it not preserving the character and appearance of the Conservation Area. The boundary treatment on the front elevation facing the drainage ditch has been amended since the original submission. A single post and rail fence with natural species hedge is now proposed as recommended by the Conservation Officer in order to retain the openness of the street frontage across the ditch which is considered to be a historical feature of this part of Ashton Keynes.

Residential Amenities:

The impact on the neighbouring properties in terms of loss of privacy or amenity is considered minimal. There may be some slight overlooking into the rear garden of Celadon but not so much as to result in a significant loss of privacy or amenity as the orientation of the proposed dwellings means none of the proposed windows on the rear elevation will look directly into any of the habitable rooms. In addition, the scale, height and positioning of the proposed dwellings will not result in any overbearing impact or loss of daylight to the surrounding properties.

Other matters

Highways have raised no concerns with the increase of vehicular movement and parking associated with the development following the decision to reduce the number of bedrooms from 4 to 3. The proposal is considered to be a more economical use of space for the site allowing two family sized homes with adequate amenity space to replace the existing bungalow. The applicant has agreed to enter into a Section 106 agreement to meet the identified financial contribution requirements of erecting a new dwelling in accordance with Policy H6 Affordable Housing in Rural Areas and C2 Community Infrastructure

10. Conclusion

The existing bungalow does not make a positive contribution to the appearance of the Conservation Area and its demolition is not considered to be harmful to the character and appearance of the CA. The variety of house types surrounding the site mean that the proposal is in keeping with the Conservation Area and overall street scene and is certainly not considered to be so out of character with the locality as to justify refusal of the application. Highways Officers have raised no objections with respect to additional traffic congestion or off street parking. The size of the plot is adequate to accommodate two dwellings of this size.

RECOMMENDATION

That authority be delegated to the Area development manager to grant planning permission subject to the signing of a section 106 agreement and conditions

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

REASON:

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1328/1 Rev L, 1328/2 Rev C stamped on 26.11.13

REASON:

For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON:

In the interests of the character and appearance of the area and neighbouring amenities.

- 4 No development shall commence on site until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.

REASON:

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

- 5 No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied .

REASON:

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

- 6 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) location and current canopy spread of all existing trees and hedgerows on the land;

b) full details of any to be retained, together with measures for their protection in the course of development;

c) means of enclosure;

d) all hard and soft surfacing materials;

e) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

f) 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.

- 7 The development hereby permitted shall not be first brought into use until full

details of the access construction specification including the piping of the drainage ditch has been submitted and approved in writing by the LPA. The access shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 8 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:

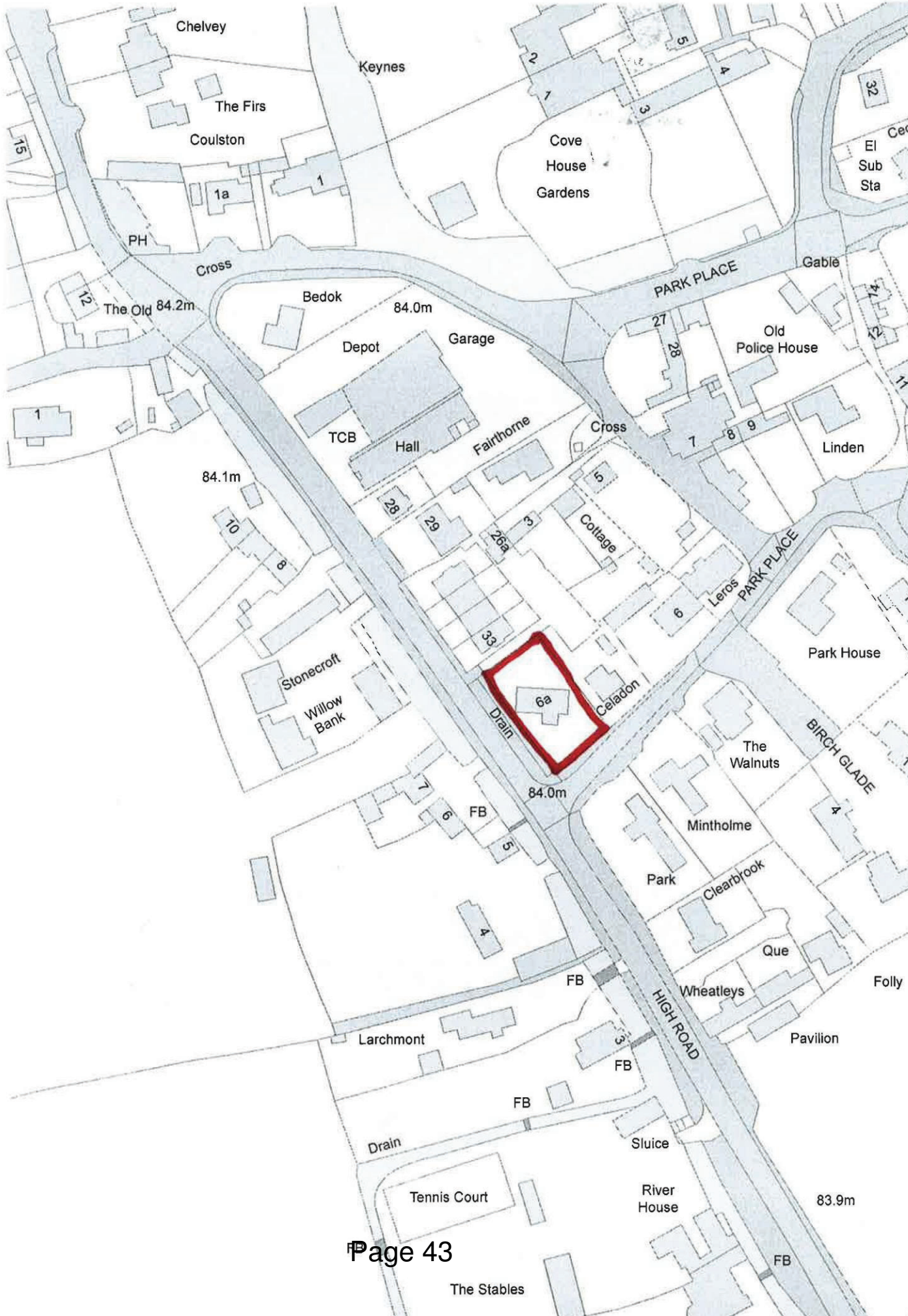
In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

INFORMATIVES TO APPLICANT:

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

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

2. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.



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