

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 19 November 2014
Time: 3.00 pm

Please direct any enquiries on this Agenda to Libby Beale, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email elizabeth.beale@wiltshire.gov.uk

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

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mark Packard
Cllr Peter Hutton (Vice Chairman)	Cllr Sheila Parker
Cllr Christine Crisp	Cllr Toby Sturgis
Cllr Mollie Groom	Cllr Nick Watts
Cllr Chris Hurst	Cllr Philip Whalley
Cllr Simon Killane	

Substitutes:

Cllr Desna Allen	Cllr Bill Douglas
Cllr Glenis Ansell	Cllr Dennis Drewett
Cllr Chuck Berry	Cllr Howard Greenman
Cllr Mary Champion	Cllr Jacqui Lay
Cllr Terry Chivers	Cllr Linda Packard
Cllr Ernie Clark	

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 29 October 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 Chair.

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 2:50pm 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 12 November 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**

To consider and determine planning applications as detailed below.

- 6a **14/08721/FUL- 13 Bowden Hill, Lacock, Chippenham, Wiltshire, SN15 2PW- APPLICATION WITHDRAWN** (*Pages 23 - 30*)
- 6b **14/08312/VAR and 14/08313/VAR - Wiltshire Golf and Country Club, Vastern, Royal Wootton Bassett, Swindon, SN4 7PB- APPLICATION WITHDRAWN** (*Pages 31 - 42*)
- 6c **14/06399/OUT - 47 Hill Corner Road, Chippenham, Wiltshire, SN15 1DP** (*Pages 43 - 50*)

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

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 OCTOBER 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Christine Crisp, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Jacqui Lay (Substitute), Cllr Mark Packard, Cllr Toby Sturgis, Cllr Tony Trotman (Chairman), Cllr Nick Watts and Cllr Philip Whalley

Also Present:

Cllr John Thomson

122 Apologies

Apologies for absence were received from: Cllr Sheila Parker, Cllr Simon Killane, Cllr Mollie Groom who was substituted by Cllr Jacqui Lay and local members Cllr Dick Tonge and Cllr Nina Philips.

123 Minutes of the Previous Meeting

The minutes of the meeting held on 8 October 2014 were presented to the Committee.

Resolved:

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

124 Declarations of Interest

There were no declarations of interest.

125 Chairman's Announcements

The Chairman highlighted a change to the membership of the Committee: Cllr Howard Marshall was replaced by Cllr Nick Watts. Since Cllr Watts was originally a substitute Cllr Linda Packard would replace him.

126 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

127 **Planning Applications**

128 **14/04179/OUT - Land at Bradford Road, Corsham, Wiltshire**

Mr Dean Musson, Mr Paul Turner and Stephanie Wood spoke in objection to the application

Mr Dan Washington spoke in support of the application

The officer introduced the report which recommended to refuse planning permission. It was explained that the Committee could not make a decision in favour of the application as the required survey work had not been undertaken, therefore the officer's recommendation, as amended by the late observations, was for refusal.

There were no technical questions

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

The Chairman read a statement on behalf of the local member, Cllr Dick Tonge which urged the Committee to take local concerns into consideration.

Resolved:

To REFUSE planning permission for the following reason:

The development, by means of its nature, location and scale could have likely significant effects upon the nearby Bath and Bradford Bats Special Area of Conservation. Insufficient information has been submitted with the application to allow the Council to reasonably carry out an appropriate assessment of the application in line with the procedure set out in Circular 06/2005, as required under Regulation 61 of the Habitats Regulations. In the absence of this information the application is contrary to policies C1, C3(ii), NE5, NE6, NE7, NE9, NE10 & NE11 of the adopted NWLP 2011; and CP50 and CP57 (ii) of the emerging Wiltshire Core Strategy (submission Draft as proposed to be amended April 2014); and paragraphs 14, 17, 109, 118 and 119 of the National Planning Policy Framework.

129 **14/08210/FUL - 19 Garth Close, Chippenham, SN14 6XF**

The officer introduced the report which recommended that planning permission be granted subject to conditions, attention was brought to the late observations.

Photographs of the dwelling and proposed elevations of the extension were shown. Concerns of objectors were explained and the Committee was advised that alterations had been made to address concerns; consequently many objections had been withdrawn.

There were no technical questions and members considered the officer's report.

Resolved:

To GRANT planning permission subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

3. The window in the rear elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 0049/14/B Received 02/10/2014.

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

5. **WE4 - NO WINDOWS, DOORS OR OPENINGS**

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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the side elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

130 **14/07100/OUT - Hunting Villa Farm, Hunts Mill Road, Royal Wootton Bassett, Swindon, SN4 7FS**

Mr John Williams spoke in support of the application on behalf of the applicant.

The officer introduced the report which recommended that planning permission be granted subject to conditions as per the late observations. The location of the site was shown and the change of application to be a temporary dwelling instead of a permanent dwelling was explained.

There were no technical questions.

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

The local member, Cllr Chris Hurst spoke in support of the application.

The Committee considered the report and agreed that, in the future, a robust business case would be needed to make the application a permanent dwelling.

Resolved:

To GRANT planning permission subject to the following conditions:

1. OUTLINE PLANNING PERMISSION –COMMENCEMENT

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. APPROVAL OF CERTAIN RESERVED MATTERS

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

3. RESERVED MATTERS TO BE SUBMITTED

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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.

5. CONSOLIDATED ACCESS

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

REASON: In the interests of highway safety.

6. GATES SET BACK & OPEN INWARDS

Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

7. PD REMOVAL-GENERAL

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 those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the temporary dwellinghouse hereby permitted or within their curtilage.

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.

8. SURFACE WATER DRAINAGE

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

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

9. DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

10. DISPOSAL OF SEWERAGE -IMPLEMENTED

The development hereby permitted shall not be occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

11. EQUESTRIAN OCCUPANCY

The occupation of the temporary dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the training/keeping/breeding of horses, in agriculture or in forestry in the locality, or a widow or widower of such a person, and to any resident dependants.

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

12. TEMPORARY PERIOD & REINSTATEMENT

The dwelling hereby permitted shall be removed and the land restored to its former condition on or before 20/10/2017 in accordance with a scheme of work submitted to the Local Planning Authority at least 3 calendar months in advance of this date and subsequently approved in writing by the Local Planning Authority.

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on the basis of a special temporary need.

13. APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 11365-200-001 dated 22nd July 2014.

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

14. SCALE OF THE DEVELOPMENT

The dwelling hereby permitted shall not exceed 120sqm of Gross Internal Floor Area.

REASON: To ensure that the building is commensurate with the functional requirement of the holding and its temporary nature.

INFORMATIVES:

WP5 RESERVED MATTERS OUTSTANDING

The further approval of the Local Planning Authority in respect of those matters reserved by condition(s) 2 and 3 of outline planning permission dated 14/07100/OUT is required before development commences.

WP6 ALTERATIONS TO APPROVED PLANS

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.

WP13 PUBLIC SEWERS

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

WP18 PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL & PARTY WALL ACT

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.

131 **14/04909/FUL - Erin Trade Centre, Bumpers Way, Bumpers Farm, Chippenham, SN14 6NQ**

Mr Ben Read spoke in support of the application

The officer introduced the report which recommended that planning permission be granted subject to planning conditions. Aerial photographs of the site were presented alongside photographs of the building. It was explained that the application had been called to Committee due to noise concerns, however the

officer considered that, subject to mitigation measures, the noise level would be acceptable.

The Committee then had the opportunity to ask technical questions of the officer who confirmed the location of outside doors.

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

In the debate that followed the Committee considered concerns of local residents on noise caused by the change of use, however it was satisfied that conditions would overcome the majority of concerns and expressed a desire to support local business in this trading estate.

Resolved:

To GRANT planning permission subject to the following conditions:

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

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

- 2. The rear doors and windows in the easterly facades of units 5 to 13 shall, as shown on the submitted plans, shall remain closed at all times whilst the units are open for business.**

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

- 3. During daytime hours of operation (0700-2300) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 44 dB when measured at a point 3.5m from any dwelling;**

and During night-time hours of operation (2300-0700) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 35 dB when measured at a point 3.5m from any dwelling.

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

- 4. The B2 use hereby permitted shall only take place between the hours of 08:30 and 18:00 Monday to Friday and between 08:30 and**

17:00 on Saturdays and 10:00 and 16:00 on Sundays. The use shall not take place at any time on Bank or Public Holidays.

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

- 5. No panel beating, panel spraying or mechanical car washing operations shall be carried out within units 5-13 as identified on the approved plans or externally.**

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

- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class(es) B1, B2 & B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

- 7. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan
Existing Floor Plan
Noise Assessment**

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

INFORMATIVE TO APPLICANT:

The applicant is advised that this permission authorises a change of use only and does not authorise any works or alterations that may require planning permission/ internal or external alterations, additions, or works, which may require a separate grant of Listed Building Consent [DELETE as appropriate].

INFORMATIVE TO APPLICANT:

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.

132 **14/07334/ADV - Waitrose, Malmesbury, Wiltshire, SN16 9FS**

Mr Campbell Richie and Mr Jeremy Moore spoke in objection to the application

Cllr John Gundry (Malmesbury Town Council) spoke in objection to the application

The officer introduced the report which recommended that advertisement consent be granted subject to conditions. The location of the site was shown and it was explained that it was in a conservation area of Malmesbury. The officer projected photographs of the roundabout outside the Waitrose store and highlighted that the character of the locality had already been changed by the building of the supermarket and that the harm caused by the sign would be minimal.

The Committee then had the opportunity to ask technical questions of the officer and it was confirmed that if the application were to be successful it would only grant permission for the one sign.

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

Cllr John Thomson spoke on behalf of St Paul Without Parish Council and local member Cllr Simon Killane against the application.

In the debate that followed some members felt the site did not have the feel of a rural area, and that the Council had allowed business to go to site and should understand its need to advertise, additionally, the sign was green and would blend in with the trees. Other members echoed residents' concerns over the intrusion of the sign in a rural setting within a conservation area, and highlighted that the supermarket already had many signs to advertise it.

Resolved:

To REFUSE advertisement consent for the following reason:

It is considered that a tall, illuminated sign such as that proposed would be unduly intrusive and dominant resulting in harm to the character and appearance of the Conservation Area and there is no public benefit to the area. Therefore the proposal is on balance contrary to paragraphs 17(x), 67, 131, 132, 134, 137 of the NPPF, Core Policy 58 of the Emerging Core Strategy and Local Plan Policies C3(ii), HE4 & BD9 (ii) & (iii).

133 **14/00153/FUL & 14/02535/LBC - RAF Yatesbury, Jugglers Lane, Yatesbury, Wiltshire, SN11 8YA**

Anne Henshaw, representing Campaign for the Protection of Rural England, spoke in objection to the application

Roger Scully, Jamal Khanfer and Daryl Watkins (speaking on behalf of Gordon Chivers) spoke in support of the application.

The officer introduced the report which recommended to delegate authority to grant planning permission and listed building consent to the Area Development Manager subject to the signing of a Section 106 agreement and conditions. Attention was brought to the late observations and it was explained that the development would create 46 dwellings. Aerial photographs and photographs of the aircraft hangars were shown, the site was described as including significant listed buildings and being on the outskirts of Yatesbury. It was explained that previous planning permission on the site was not completed due to finance. Indicative interior layouts were presented and the business viability of the site and its effect on the section 106 heads of terms was explained.

The Committee then had the opportunity to ask technical questions of the officer and it was confirmed that the development would be phased, as such English Heritage had no objection to the scheme. Additionally, conversion inside the buildings would be sensitive to their original style.

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

Officers responded to issues raised by members of the public, including the reason for including only one hanger in the landscaping scheme. It was highlighted why the application was permitted under the National Planning Policy Framework despite being unsustainable; moreover, water and sewage concerns had been addressed in conditions.

Cllr Christine Crisp spoke on behalf of the local member Cllr Alan Hill in support of the application, acknowledging that although it was not an ideal development for the site it would be very beneficial.

In the debate that followed some members noted with concern that the development would not be sustainable however others felt this was a good opportunity to save the site and complemented Mr Chivers on his impassioned statement.

Resolved:

To DELEGATE authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement and the conditions set out below:

The heads of terms for the s106 agreement will be dependent on the outcome of the viability assessment. Irrespective of the above a s106

agreement will be required to control the restoration works to the hangar and the phasing of the enabling development.

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

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

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

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

- 3. No development shall commence on site until details of the following matters have been submitted to, and approved in writing by, the local planning authority:
Walls, fences gates and other means of enclosure
ground surfacing materials
finished floor levels of all buildings
finished levels across the site
any external chimneys, vents or other ventilation equipment
Refuse/recycling provision on the site
Cycle parking facilities
Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use.**

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

- 4. No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.**

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

- 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) 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) a detailed planting specification showing all plant species, supply and planting sizes and planting densities
 - d) car park layouts;
 - e) other vehicle and pedestrian access and circulation areas;
 - f) all hard and soft surfacing materials;
 - g) external lighting to all areas including lamination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)",
 - h) Signage
 - i) Details of the new pedestrian access onto Juggler's Lane including gate
- The development shall be carried out in accordance with the approved details.

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

6. No development shall commence on site until a scheme to deal with any contamination of the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an investigation and assessment to identify the extent of any contamination, the measures to be taken to avoid risk to the public, buildings and the environment when the site is developed, and a programme for implementation. No parts of the development shall be occupied until the measures approved in the scheme have been implemented and a completion report has been submitted to the local planning authority.

REASON: To avoid harm to the health and well being of future occupiers and to ensure that the site is free from contamination.

7. 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.

8. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of first occupation of the last unit]

REASON: To ensure the proper protection and retention of trees within the site and in the interests of visual amenity.

9. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

10.No development shall commence on site until provision has been made for open space, allotment and amenity areas in accordance with a plan to be submitted to and approved in writing by the local planning authority.

REASON: To ensure a satisfactory provision of open space and community space throughout the development in the interests of the amenity of future residents.

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

REASON: In the interests of highway safety.

12.No dwelling shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.

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

13.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 those Orders with or without modification), no development within Part 1 shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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.

- 14. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item associated with the use of the hanger shall be placed, stacked, deposited or stored outside any building on the site.**

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

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

- (i) Large scale details of all internal and external works to the hangar including vertical and horizontal cross-sections through the building to openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;**
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);**
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;**
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;**
- (v) Full details of proposed meter and alarm boxes;**
- (vi) Large scale details of proposed eaves and verges (1:5 section);**
- (vii) Full details of proposed internal service routes;**
- (viii) A full schedule and specification of repairs including:**
- (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects**
- (x) proposed timber and damp proof treatment**
- (xi) proposed method of cleaning/paint removal from historic fabric**
- (xii) a full schedule of internal finishes to walls, ceilings and floors**
- (xiii) Full details of external decoration to render, joinery and metalwork; and**
- (xiv) Full details and samples of external materials.**

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

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

- 16. No development shall commence within the site until:**

- a) The survey and recording of any archaeological, military or built heritage features within the red line area (including the pill box), has**

been submitted approved in writing by the local planning Authority;
and
b) A watching brief on any ground works associated new the
development.

REASON: To enable the recording of any matters of archaeological
interest.

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

1219/37/02_92
1219/37/02_93
1219/38/02_101
1219/39/02_110
1219/40/02_121
1219/41/02_131
1219/NH/02_140
1219/NH/02_141
1219/DT/02_150
1219/DT/02_152
1219/DT/02_153
1219/DT/02_154
1219/DT/02_155
1219/DT/02_156
1219/DT/02_157
1219/DT/02_158
1219/ 02_001
1219/ 02_002 Revision A
1219/NH/ 02_141
1219/04/ 02_013
1219/04/ 02_014
1219/05/ 02_022
1219/05/ 02_023
1219/05/ 02_024
1219/07/ 02_030
1219/21/ 02_051
1219/23/ 02_071
1219/27/ 02_081
Landscape Strategy
Arboricultural Impact Assessment
Design & Access Statement

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

18. Notwithstanding the provisions of the Town and Country Planning
(General Permitted Development) Order 1995 (or any Order revoking
or re-enacting or amending that Order with or without modification),

the hangar shall be used solely for purposes within Classes A1, A2, A3, B1(a), B1(b), D1 & D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

19.No satellite dish or apparatus shall be installed on any building or within the curtilage of any property or building or within the application site without first obtaining formal consent from the Local Planning Authority.

REASON: To allow control of satellite dishes within the site ensuring there is not an over proliferation of these and in the interest of the setting of the listed buildings & character of the area.

20.The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

- A drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing**
- The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.**

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding of downstream properties.

21. Prior to the commencement of development full details of the proposed soakaways and their locations shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these details.

REASON: To ensure that the development does not result in localise flooding

To DELEGATE authority to grant listed building consent to the Area Development Manager, subject to the signing of a Section 106 agreement and the conditions set out below:

The heads of terms for the s106 agreement will be dependent on the outcome of the viability assessment. Irrespective of the above a s106 agreement will be required to control the restoration works to the hangar and the phasing of the enabling development.

- 1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. No works shall commence on site until a full schedule and specification of the proposed hangar repair and reinstatement works, including a schedule of surviving fittings to be repaired/reinstated and finishes to walls, ceilings and floors. The schedule is to be supported large scale drawings to show proposed alterations to all features. Works shall be carried out in accordance with the approved details.**

REASON: To ensure the preservation of the Grade II* Listed Building.

- 3. No works shall commence on site until a full schedule and specification of the proposed hangar conversion works has been submitted to and approved in writing by the local planning authority. The schedule is to be supported by large scale drawings to show proposed alterations to all features including means of fixing, flues and internal services. Works shall be carried out in accordance with the approved details.**

REASON: To ensure the preservation of the Grade II* Listed Building.

- 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 works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

6. No development shall commence on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

7. No development shall commence of site until full details of proposed flues, means of providing ventilation, meter, alarm and letter boxes, internal services have been submitted to and approved in writing by the local planning authority.

REASON: In the interest of protecting the historic fabric of the listed buildings.

134 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.12 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail elizabeth.beale@wiltshire.gov.uk

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

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REPORT TO THE AREA PLANNING COMMITTEE-

APPLICATION WITHDRAWN

Date of Meeting	19 November 2014
Application Number	14/08721/FUL
Site Address	13 Bowden Hill Lacock Chippenham Wiltshire SN15 2PW
Proposal	Replacement Dwelling
Applicant	Mr Payne
Town/Parish Council	LACOCK
Division	CORSHAM WITHOUT AND BOX HILL- Cllr Tonge
Grid Ref	393226 167895
Type of application	Full Planning
Case Officer	Alison Grogan

Reason for the application being considered by Committee

Called in by Councillor Tonge for the Committee to consider whether the replacement dwelling would have a positive effect on the conservation area when compared with the non descript derelict existing building.

1. Purpose of Report

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

2. Report Summary

The main issues are:

- Principle of development
- Impact on the character and appearance of the conservation area
- Public open space financial contribution.

3. Site Description

13 Bowden Hill is a detached dwelling situated within the conservation area. The site is outside the core built up area of Lacock, where the residential properties are more sporadic.

The dwelling is sited on the south side and set slightly back from the road and right on the boundary with the neighbour at No. 14. The garden area is mainly to the side and rear with

an existing vehicular access to the west of the dwelling and there are open fields to the rear and across the road to the front of the site.

4. Planning History

N/04/00624/FUL CONSERVATORY TO SIDE

5. The Proposal

The proposal is to demolish the existing two-bed cottage and replace it with a new four- bed house sited in a similar position to the existing but set in from the boundary with the neighbour at No. 14.

6. Planning Policy

North Wiltshire Local Plan 2011:

C3 – Development Control Policy

HE1 – Development in Conservation Areas

H4 – Residential Development in the Open Countryside

CF3 – Provision of Open Space

(Emerging) Wiltshire Core Strategy:

CP57 - Ensuring High Quality Design and Place Shaping

CP58 - Ensuring the Conservation of the Historic Environment

National Planning Policy Framework 2014:

Achieving sustainable development – Core Planning Principles

Chapter 7 – Requiring Good Design

Chapter 12 – Conserving and Enhancing the Historic Environment

7. Consultations

Lacock Parish Council – No objection

Senior Conservation Officer – Verbally stated that this is a traditional cottage that makes a positive contribution to the conservation area and object to the demolition of this non designated heritage asset. Additionally the proposed dwelling is not of sufficiently high quality

Highways – No objection subject to conditions

Environment Services – This development generates a need for £3,100 in off-site open space contribution to be used to upgrade facilities within Lacock.

New Housing Team – An affordable housing contribution would not be sought from this proposal.

Environmental Health – No adverse comments

Ecology – A robust survey of the building has been carried out and confirmed that the building does not support any bat roosts, as such there is no objection to the application on ecological grounds and do not require any conditions or informatives.

Drainage Engineer – Support

Wiltshire Fire and Rescue Service - Comments relating to provisions under the Building Regulations

Tree Officer – No objections

One letter from a neighbour supporting the application

8. Publicity

The application was advertised by site notice and neighbour consultation.

9. Planning Considerations

Principle of Development

The most relevant policy relating to a replacement dwelling in the open countryside is policy H4, which states, amongst other criteria, that:

“ b. The existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings”.

The existing dwelling is a two-bed detached stone cottage that has been extended with single storey additions to the side and rear. The cottage appears to have been empty for some time and whilst it is not in a good state of repair, it certainly could not be described as unsightly or out of character with the area.

The Senior Conservation Officer has verbally stated that the building is a good example of a typical 19th Century cottage to be found throughout this part of Wiltshire. It is more than a humble cottage and has good quality detailing such as stepped coping on the gable, stone surrounds to the windows and apart from the gable walls is stone throughout. It is considered that the property makes a positive contribution to the conservation area and this non designated heritage asset should be retained.

If the decision is made that the existing building should be demolished then any replacement should be of a similar high quality in terms of detailing and materials. The Senior Conservation Officer has stated that the proposed dwelling is not of sufficiently high quality, as the existing dwelling.

Paragraphs 131, 135 and 137 of the NPPF indicate that new development in conservation areas should make a positive contribution to local character and distinctiveness, enhance or better reveal their significance and in weighing applications that directly affect non designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Following consultation with the Senior Conservation Officer it is felt that this is a dwelling worthy of being retained and is a non designated heritage asset which makes a significant contribution to the character and appearance of the conservation area. This is consistent with the aims of policy CP58 of the (emerging) Core Strategy which aims to protect, conserve and where possible enhance the historic environment and policy C3(ii) of the NWLP which states that new development is subject to “respect for the quality of the natural and built environment, including the historic environment.....and where necessary include measures for the preservation or enhancement of such features”.

For a replacement to be acceptable under Policy H4 it is also stated that the existing dwelling should be incapable of retention in its current state. The application was submitted

with a structural report and an estimate of costs for the renovation works. The supporting information seems to indicate that it would not be financially viable to renovate the existing cottage rather than it being incapable of renovation.

It is acknowledged that cost is a significant issue for the owner but the scale of the works should be factored into the purchase price. The submitted estimate includes many items which do not relate to structural works, such as new bathroom, kitchen, decoration, carpets, plumbing and heating etc. Much of these works are what you would expect when renovating an older property and whilst such costs are an issue for the owner in terms of budgetary constraints they are not a consideration under policy H4. Furthermore many of the costs outlined would also be associated with a new build.

It is clear that the building is in need of some remedial work, as it appears to have been empty for some time. The main issues highlighted in the survey were; that the cottage did not have foundations and is likely to need underpinning, problems of damp within the property and the costs associated with bringing the house up to current building regulations.

In light of the above, the application was discussed with Building Control, who stated that the building would not need to be brought up to meet current building regulations. They also commented that the majority of cottages of this age would not have had foundations and it was not always necessary to have them underpinned. Building Control have not inspected the building, but they were sceptical that underpinning would be the best course of action for an historic building, as this can often dislodge rubble within the walls and can sometimes be more harmful to the building.

With regard to the damp, Building Control suggest that this is likely to be due to the missing tiles referred to in the survey, the ivy growing on the dwelling and that the property had not been occupied for a length of time. The damp does not seem to be unusual given the age and current state of the property and with some renovations/remedial works could be overcome. Overall it was felt that the cottage would be capable of being renovated.

Design and Impact on the Conservation Area

The existing dwelling is a traditional cottage that is characteristic of this part of Wiltshire, it is largely constructed of stone with stone surrounds to all the windows and stepped coping on the gables. Although of modest proportions it is well detailed and a good example of a C19th cottage. As such it makes a positive contribution to the character and appearance of the conservation area, and its retention would be consistent with the requirement in paragraph 131 of the NPPF that account must be taken of the desirability of sustaining and enhancing the significance of heritage assets. The character and appearance of conservation areas is made up of the cumulative contribution of a multitude of buildings, spaces, topography, tree cover, uses etc and the loss of original historic buildings of good quality, although this may appear significant, can only lead to the impoverishment of that character.

It is considered that the proposed dwelling is not of high quality in terms of design and materials. The Senior Conservation Officer felt that any replacement should at the very least be of the same quality of materials and detailing as the existing dwelling and in this particular case it was felt that the proposal was inferior.

The proposed dwelling has large areas of render to the rear, does not have the good quality traditional detailing of stone surrounds and copings, and is of fairly standard design. Additionally, with the height of the roof being increased by approximately 1.2m and the width increased by approximately 1.5m, it will appear more prominent in the street scene and

overall would not make a positive contribution to the local character and distinctiveness of the area.

It is expected that in replacing a building in a conservation area the new building should be of high quality in terms of design, materials and detailing. This gives scope not only for traditional design, but for traditionally inspired with a modern interpretation or even wholly contemporary.

Further up Bowden Hill, there is a good example of a traditionally inspired replacement dwelling, with a modern twist. This is Church Cottage at No. 33. This award winning building was given consent in 2008 (N/08/01561/FUL) and is constructed of good quality materials, with traditionally inspired detailing where it addresses the public green and contemporary, double height glazed bays to the rear. The Council therefore can aspire to and achieve a high quality for new and replacement buildings in one of its most historic areas.

The NPPF in paragraphs 131 and 137 makes it clear that new development should enhance or better reveal the significance of heritage assets, which is consistent with NWLP policies C3 (i) and (ii), HE1 and policy CP58 in the (emerging) Wiltshire Core Strategy. The Senior Conservation Officer feels that the proposed dwelling does not have the same level of quality as the existing cottage and as such would not comply with either national or local policy guidance.

Public Open Space Contribution

Under Policy CF3 there is a requirement for new development to make a financial contribution towards off-site open space provision, which would be used to up-grade facilities within Lacock.

As this proposal is for a replacement dwelling the contribution has been calculated on the basis of the increase in bedrooms, the existing cottage is a two-bed and the proposal is for a four-bed dwelling. On this basis the contribution that would be sought is £3,170 which would be secured by a S106 Legal Agreement if planning permission is granted.

The agent was asked if his client would be willing to enter in to an Agreement if planning permission was granted and has stated that he is unconvinced that policy CF3 allows for commuted sums where the proposal is for a replacement dwelling, and the increase in bedrooms would also have to be applied to extensions to dwellings.

Environment Services were asked for clarification and have stated that the only reasons where a contribution would not be sought for new development is if the viability of the development would be affected or there was no relevant project to spend a contribution. At a recent meeting with Lacock Parish Council several areas of expenditure were identified; improvements in the play area with the installation of a Springer and safety surface, in the MUGA they would like to provide 2 No basketball hoops and backboards and they would also like to provide adult fitness equipment on the recreation ground. It is considered that the financial contribution is consistent with CIL regulations, in particular regulation 122 and 123.

This information was passed to the agent but there has been no confirmation that the applicant would be willing to enter in to a S106 to secure the contribution.

10. Conclusion

In conclusion, it is considered that this is a traditional cottage which has been identified by the Senior Conservation Officer as being of some merit and worthy of retention being a non designated heritage asset that makes a positive contribution to the character and appearance of the Conservation Area. Additionally, the proposed replacement dwelling is not of the same quality in terms of design and materials as the existing cottage.

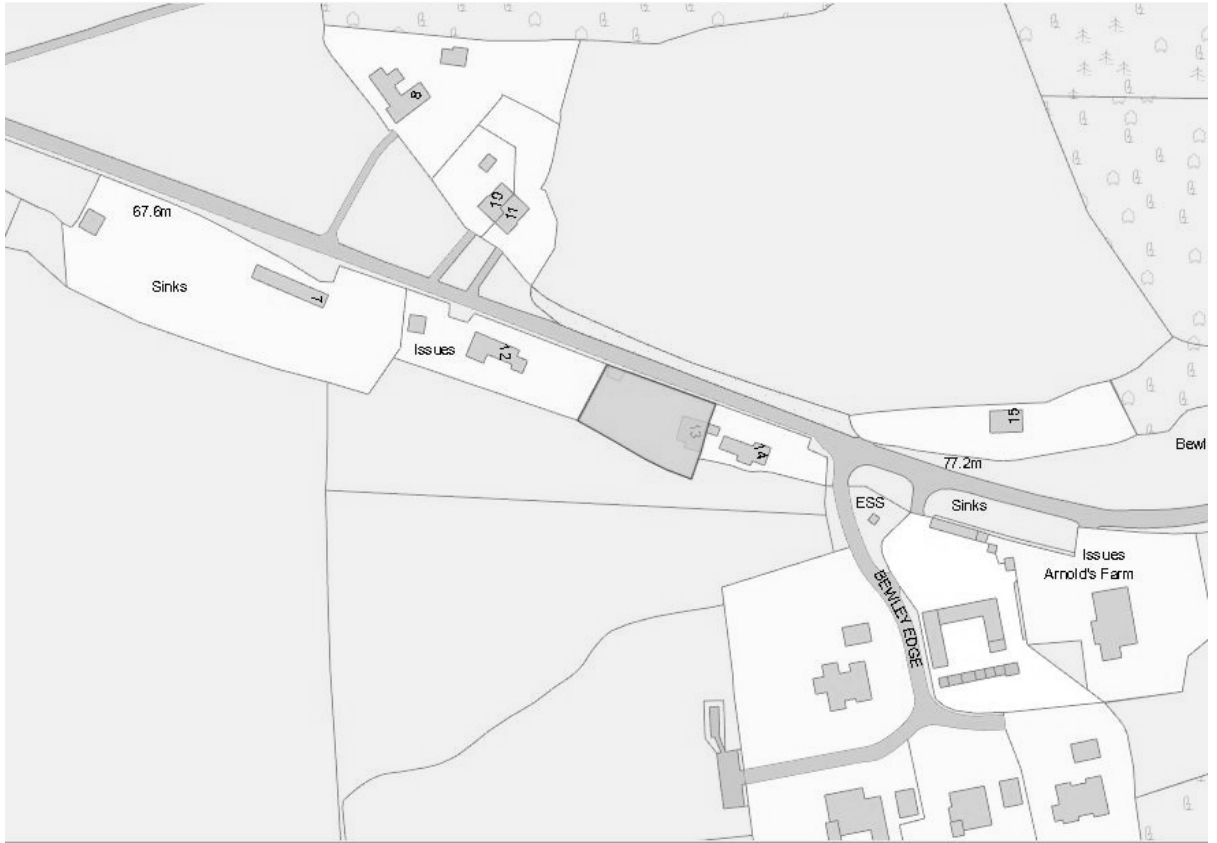
Building Control are also not convinced that the building is in such a dilapidated condition that it is incapable of being renovated in its current state.

If planning permission were to be granted there is no S106 Legal Agreement in place to secure the public open space contribution and no confirmation that the applicant would be willing to enter into such an Agreement.

RECOMMENDATION

The application be REFUSED for the following reasons:

1. The demolition of the building would result in the loss of a non-designated heritage asset to the detriment of the character and appearance of the Lacock Conservation Area, contrary to paragraphs 17 (10), 131, 133 and 135 of the NPPF. Furthermore the proposed replacement dwelling is not of sufficient high quality and therefore would not meet the requirements of paragraphs 17(10), 131 and 137 of the NPPF. In addition to this, the proposal would also be contrary to policies C3 (i) and (ii) and HE1 of the North Wiltshire Local Plan 2011 and policies CP57 and CP58 of the emerging Wiltshire Core Strategy.
2. The Council is not satisfied that the existing dwelling is incapable of retention in its current state and therefore the proposal is considered to be contrary to the provisions of Policy H4 of the North Wiltshire Local Plan 2011.
3. The proposed development does not make any provision for securing a contribution towards public open space, contrary to Policy CF3 of the North Wiltshire Local Plan.



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APPLICATION WITHDRAWN

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	19 November 2014
Application Number	14/08312/VAR and 14/08313/VAR
Site Address	Wiltshire Golf & Country Club Vastern Royal Wootton Bassett Swindon SN4 7PB
Proposal	Variation of Condition 1 of 09/01056/S73A and 09/01057/S73A (Respectively) To Allow Flexible Use for Retirement Accommodation
Applicant	Wiltshire Leisure Village Ltd
Town/Parish Council	Royal Wootton Bassett Town Council
Division	Royal Wootton Bassett South- Cllr Hurst
Grid Ref	405148 181214
Type of application	Variation of Condition
Case Officer	Sam Croft

Reason for the application being considered by Committee

Applications called in by Councillor Hurst to consider the relationship of the development to adjoining properties.

1. Purpose of Report

To consider the above applications and to recommend that planning permission is REFUSED.

2. Report Summary

The applications relate to a number of lodges which have already been constructed as well a number that are yet to be implemented. Accordingly, this report has to consider both of these elements separately as they are assessed differently in planning terms. The two elements will be assessed on different criteria and a recommendation will be provided in respect to both. There are also a number of issues that are relevant to both applications

The main issues relating to the existing lodges are:

- Principle of development
- Sustainability
- Viability of existing units of accommodation with the currently attached conditions

The main issues relating to the lodges awaiting construction are:

- Principle of development
- Sustainability

Other issues relevant to both elements:

- Viability and need for development with the proposed conditions
- Enforceability of the proposed condition
- Affordable Housing

4 letters of support have been received from members of the public. Royal Wootton Bassett Town Council have provided no comments in respect to the applications.

3. Site Description

The Wiltshire Golf and Country Club is located to the south west of the town of Royal Wootton Bassett. The site is located outside of the framework boundary for Royal Wootton Bassett, as defined on proposal map 7a of the North Wiltshire Local Plan 2011, and is therefore considered to be in the open countryside. The main complex at The Wiltshire, including the leisure and hotel facilities associated with the site, is located in a prominent position on the crest of a hill, whilst the tourist lodges are located on lower land in the valley to the north. Development at the site is visible, in part, from Royal Wootton Bassett (to the north east). The site is predominantly surrounded by agricultural fields. The site is detached from Royal Wootton Bassett which is located 650m to the north east of the boundary of the site. The northern edge of the golf course site, between the site and the existing town, is characterized by a swathe of mature trees beyond which are agricultural fields and then the railway line which skirts to the south western edge of the town.

On 25 February 2009 planning permission was granted at appeal (APP/J3910/2076748) for tourism development (Phase 2) comprising 30 units at Wiltshire Golf and Country Club, Vastern, Royal Wootton Bassett, Wiltshire. The development constituted an extension of existing 44 units that had already been constructed at this site, which included a 58 bedroom hotel and leisure facilities. Both permissions were subject to condition restricting the development for holiday accommodation only and that it shall not be occupied from January 31st to February 28th inclusive in any year. Subsequently these conditions were subject to an application for variation (N/09/01056/S73A and N/09/01057/S73A). Following permission, the new conditions it read as follows:

“The development hereby permitted shall be used for tourist accommodation only and the use shall be carried out in complete accordance with the measures included within the Occupancy Monitoring Statement dated 20th May 2009 submitted with this application, or any alternative version of the Statement that may be subsequently approved by the Local Planning Authority in the form of a planning application in that regard.

Reason:

To ensure that the development is only occupied as tourist accommodation only and not for permanent residential accommodation, which would not normally be permitted in countryside locations such as this.”

Subsequent, applications N/11/04172/S73 and N/11/04174/S73 for the use of Phase 1 and Phase 2 lodges for retirement accommodation were made in 2011, but withdrawn.

It is understood that since the original permission was granted in 2009, 49 lodges have been constructed to date of the 74 consented. In addition the site now accommodates a hotel (58 rooms) and conference and leisure facilities (including gym, swimming pool, sauna, spa etc) and 18 hole golf course and associated 9 hole short course (27 holes in total). It is noted that there is also an extant consent for an extension to the existing hotel to provide a further 50 rooms ultimately delivering net 101 rooms in total.

4. Planning History

N/06/00278/FUL Tourist Accommodation Comprising 44 Holiday Lodges, Open Air Swimming

Pool and Tennis Courts

- N/08/00706/FUL Tourist Accommodation (30 Units)
- N/09/01056/S73A Variation of Condition 2 to Planning Permission 06/00278/FUL Relating to Occupation as Tourist Accommodation.
- N/09/01057/S73A Variation of Condition 6 to Planning Permission 08/00706/FUL Relating to Occupation as Tourist Accommodation.

5. The Proposal

The application proposals incorporate the variation of the existing Phase 1 and Phase 2 permissions for tourist accommodation, in the form of holiday lodges, so that they may also be occupied as accommodation for people in their retirement.

The varied condition would read:

“The development hereby permitted shall only be used for tourist accommodation or retirement accommodation for people aged 55 and over. The use shall be carried out in complete accordance with the measures included within the Occupancy Monitoring Statement dated 21st August 2014, or any alternative version of the statement that may be subsequently approved by the Local Planning Authority in the form of a planning application in that regard.”

Reason:

To ensure that the development is only occupied as tourist accommodation or retirement accommodation for people aged 55 and over, and not for unrestricted permanent residential accommodation, which would not normally be permitted in countryside locations such as this.”

Currently, 32 of the holiday lodge have been constructed with 42 remaining to be built. The 2006 permission also permitted the construction of a separate driveway to the development upon which work has already begun. As set out previously, given that some of the lodges have already been constructed and some remain to be implemented this report considers the Council's position in respect to both as they are assessed differently in planning terms.

6. Planning Policy

National Planning Policy Framework
Sections 1, 6 and 7

Planning Practice Guidance

North Wiltshire Local Plan 2011
C2 Community Infrastructure
C3 Development Control Policy
T1 Minimising the need to Travel
T4 Cycling Walking and Public Transport
H4 Residential Development in the Open Countryside
H6 Affordable Housing in Rural Areas

Emerging Wiltshire Core Strategy (Submission Draft as proposed to be amended) April 2014
CP1 Settlement Strategy
CP2 Delivery Strategy
CP3 Infrastructure Requirements
CP19 Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area
CP43 Providing Affordable Homes
CP46 Meeting the Needs of Wiltshire's Vulnerable and Older people

It should be noted that there are no specific policies in any adopted planning policy document that directly address the variation or removal of planning conditions restricting residential occupancy to holiday accommodation use to allow retirement use.

7. Consultations

Royal Wootton Bassett Town Council – No comment

Highways – Objections to proposal on the basis of sustainable transport. Concerns were also raised in relation to the traffic generation in comparison to the existing tourism use.

New Housing – Affordable housing contribution required.

8. Publicity

4 letters of representation were received supporting the application, on the basis that:-

- The village represents a safe communal environment in which to live;
- It has developed a supporting village culture in which everyone looks out for each other
- The availability on onsite hotel and leisure facilities;
- Ground floor accessible en suite bedroom, in certain properties, would make it an ideal place to retire without the concern and expense of another property and garden to maintain;
- Very few, if any houses, in area that meet the need of those looking to downsize in retirement; and,
- The proposed change will have positive effects on helping contribute towards the Government policy of bringing more dwellings on to the market to meet increasing demand, by allowing older people to free up houses elsewhere rather than maintain more than one.

9. Planning Considerations

Constructed lodges

Principle of development

The principle of residential development in respect to the 32 units already constructed is not available for consideration as part of this application. The proposal is merely a variation and removal of conditions restricting occupancy of 32 holiday units that are already built. The proposal is not for the erection of new residential development and as such the principle of a residential development in this location is not available for consideration. The issue for assessment is the viability of the current use, which formed the basis for the grant of the original consents and whether or not lack of viability of this permitted use provides a justification and requirement to change to the proposed use. These matters are discussed in detail below but the relevant issue here is that these are material circumstances that are specific to this site only. These types of financial considerations are solely material to each individual site and the form and type of development that has been constructed and the circumstances relevant to the locality will inform such matters and will vary from site to site. As such they do not define any standard or establish any form of precedent that must be adhered to and which would restrict the determination of other such proposals on other sites. Other such holiday let facilities in other locations would need to be assessed on their own individual merits and site circumstances.

Furthermore the Council in determining any application is duty bound to act reasonably and determine the applications that are submitted on the basis of relevant material considerations and circumstances. As such it is not appropriate for any Local Planning Authority to determine an application on the basis of what may possibly happen in the future or what their position may have

been with respect to a theoretical situation i.e. a wholly new proposal for new build residential development. The Council's decision must be defensible and justifiable in the event of an appeal. Refusal on the grounds that a new build residential development would be unsustainable in this location would not meet this test. The matters in respect of the sustainability of the proposal that can be assessed are addressed in the report below.

In terms of the residential conditions that would result from the new restricted residential occupancy arrangement it is considered that the site layout affords a reasonable level of residential amenity.

Sustainability

The scope of the sustainability assessment is circumscribed by the fact that the units that are in place and therefore only take into account sustainability as it relates specifically to the different form and extent of residential occupancy now proposed in respect of these already constructed units. The assessment of the units yet to be constructed is assessed in relation to sustainability and other material considerations separately below.

The proposed use as retirement accommodation is considered differently in policy terms, than that of tourist developments already permitted. As it stands the North Wiltshire Local Plan 2011 (NWLP) does not include any policies which relate specifically to retirement dwelling. However, the Emerging Wiltshire Core Strategy (Submission Draft as proposed to be amended) April 2014 (WCS) sets out in Core Policy 46 the Strategy's approach to meeting the need of Wiltshire's vulnerable and older people. Core Policy 46 is clear that specialist accommodation should be provided at the settlements within Core Policy 1, such as the principle settlements and market towns. Only in exceptional circumstances, the provision of specialist accommodation outside but adjacent to these settlements will be considered provided they meet relevant criteria listed in the policy. Given that the proposal is in open countryside as established above, and not adjacent to the settlement of Royal Wootton Bassett, it is clear that it does not meet the specific requirements of the policy.

It is therefore clear that despite permission having been granted for tourist accommodation in the open countryside there use as retirement dwellings would be considered to be inappropriate in terms of the policy 46 of WCS.

Viability of existing units

No information has been provided in respect to the viability of any of the lodges that have been built already for the permitted tourist (Holiday let) use and which will be subject to the variation, as to why the application has been sought in respect to the deviation from the original permission. It is noted that the intention is that the lodges could be used as either tourist or retirement accommodation. However, evidence relating to why the existing lodges are no longer viable for that permitted use, including marketing to identify demand for the permitted and proposed uses, would be expected to be provided in order to demonstrate that the application is appropriate. This is as a result of the in principle policy position described above that retirement dwellings would not be appropriate in this location. No such marketing or indeed occupancy rate information from existing levels of use has been submitted and it is therefore unclear as to why the proposed variation of use and occupancy is necessary and appropriate. Information has been provided in respect to the need for retirement accommodation in the district which is dealt with in greater detail below.

Lodges Awaiting Construction

The principle of development

The principle of residential development in respect to the 44 units yet to be constructed is available for consideration as part of this application, as the applications are tantamount to a new proposal on the site despite the extant permission. In respect to residential development in this location, North Wiltshire Local Plan 2011 (NWLP) Policy H4 is pertinent. The proposal is outside the settlement framework boundary of Royal Wootton Bassett and, being unrelated to the needs of

agriculture, forestry or other rural based enterprise is contrary to Policy H4 of the NWLP which seeks to resist new dwellings in the countryside.

This is carried through into the Emerging Wiltshire Core Strategy (Submission Draft as proposed to be amended) April 2014 (WCS), in which there is a clear presumption against development outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Core Policy 2 of the WCS sets out that development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This development must be adjacent or well related to the limits of development. The site is located 650m from Royal Wootton Bassett and is surrounded by fields and with the nearby railway forming a clear man-made barrier. Accordingly the site would not be considered to be adjacent or well related to the limits of development.

National policy also restricts residential development in the open countryside. Paragraph 55 of the Nation Planning Policy Framework (NPPF) states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances”. The rural countryside location of the proposed development would create a physically isolated residential development, given its distance from Royal Wootton Bassett. In addition none of the special circumstances listed under paragraph 55 are met by this proposal. The proposal therefore runs counter to the provisions in the NPPF.

It is noted that the approved tourist accommodation represents the ‘fall-back’ position for this application and similarly constitutes restricted residential development (Use Class C3) in the open countryside. However, the proposed use as retirement accommodation is considered differently in policy terms, than that of tourist developments. The WCS sets out in Core Policy 46 the Strategy’s approach to meeting the need of Wiltshire’s vulnerable and older people. Core Policy 46 is clear that specialist accommodation should be provided at the settlements within Core Policy 1, such as the principle settlements and market towns. Only in exceptional circumstances, the provision of specialist accommodation outside but adjacent to these settlements will be considered provided they meet relevant criteria listed in the policy. Given that the proposal is in open countryside as established above, and not adjacent to the settlement of Royal Wootton Bassett, it is clear that it does not meet the specific requirements of the policy.

It is therefore clear that despite permission having been granted for tourist accommodation in the open countryside there use as retirement dwellings would not be considered to be inappropriate in terms of the policy 46 of WCS.

Sustainability

The scope of the sustainability assessment for the 44 units yet to be constructed is much broader for the same reason that the principle of development was open for assessment.

The sustainability of the site in terms of its location in the open countryside has already been assessed in above; However, the Planning Statement seeks to demonstrate that the development is sustainable in terms of relationship of development at The Wiltshire to the nearby town of Royal Wootton Bassett, including accessibility by sustainable modes of transport. Furthermore, the applicant sets out that the extensive range of the services/facilities available on site limit the need for off-site trips for residents of the lodges, and in fact provide a leisure and recreation hub for significant numbers of people from Royal Wootton Bassett and the surrounding community.

It is acknowledged that occupant would have access to the services and facilities available on site including gym, swimming pool, sauna, spa, 18-hole golf course and associated 9-hole short course, restaurant and bar. In addition, Royal Wootton Bassett offers a range of facilities and services such as a library, a museum, and surgeries and it has a sizeable retail offer. In terms of

accessibility by sustainable modes of transport there is a regular bus service (every 20 minutes between 06.19 am and 23.45pm) from the High Street to the Golf Course bus stop and vice versa. However, the bus stop is located approximately 500m away and is located on the other side of the A3102. Walking distance between the town centre and the proposed site is approximately 31 minutes and there is no pavement along the majority of the A3102, nor is there a public footpath. It has also been suggested that occupant would be able to cycle into the town centre. However, despite the target market of active people of 55 years of age or older in reality there will be occupants of who would be considerably older and may not be sufficiently physically fit to cycle or walk the distance to Royal Wootton Bassett and back, as suggested.

Policy T1 of the NWLP seeks to minimise the need to travel and states that new development should be designed and located to minimise the need to travel whilst being accessible by cycling, walking and public transport. The policy also requires that housing developments should be accessible to jobs, education, health facilities, shopping, leisure and local services. This policy is carried through in the WCS in Core Policy 60 (Sustainable Transport) which sets out that the council will use its planning and transport powers to help reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy sets out how this will be achieved, including planning developments in accessible locations and promoting sustainable transport alternatives to the use of the private car. Therefore, whilst the onsite services and facilities may limit the need for off-site trips for residents, not all relevant facilities are provided. Occupiers would therefore need to be able to access Royal Wootton Bassett by appropriate sustainable transport alternatives, reducing the need to use private cars, in order to comply with these policies. It should be noted that despite the service and facilities available on site, this would be considered as a community and therefore residents would be reliant upon travelling to Royal Wootton Bassett to feel part of a community also, contrary to Policy 46 of the NWLP.

Whilst there is a regular bus service from outside the site this on its own would not be considered sufficient for the development to be considered sustainable. In addition to which the bus stop is located approximately 500m from the development which is greater than the general accepted distance. The site is not easily accessible by other forms of sustainable transport modes and for the proposed target market walking and cycling the required distances may be unviable. It is therefore considered that there would be a reliance on the private car which would be contrary policy T1 of the NWLP and Core Policy 60 of the WCS. On this basis, there is currently an outstanding objection from Highways on sustainability grounds.

Regarding trips undertaken by the private car the Council's highway officers also disagrees with the suggestion within the Transport Statement that traffic generation from retirement use will be little different from holiday use as this is based on the assumption that all occupants will be fully retired. Over 55s can still be active in employment and the condition may not be sufficient to restrict occupants from getting full or part-time jobs. If this is the case that the traffic generation would be little different from unrestricted use as dwellings.

Based upon that which is set out above this proposal is considered to be residential development in open countryside and would not be served by sufficient sustainable transport alternatives to the private car. The development is therefore considered to be inappropriate based on the provisions in the NWLP, WCS and the NPPF.

Other Issues

Viability and need for development with the proposed conditions

The Planning Statement, which accompanied the applications, identifies at paragraphs 6.2 – 6.10 the significant growth in the numbers of the population living longer, and the growth in population resulting from the 'baby boom' in the post World War II era. In terms of the growth of population in the over 55 age group, this has been specifically referenced for the Royal Wootton Bassett and Cricklade Community Area and identifies that the overall number of people aged 55 and above in

this area and the proportion of the overall population increased significantly between 2001 and 2014 and is projected to continue to do so through to 2026.

In addition to the statistics included in the Planning Statement, further information was submitted in the form of the Office for National Statistics (ONS) latest pension trends publication (2012) which shows the proportion of people at each age leaving the labour market. The applicant stated that it shows that there is a wide spread of retirement ages and more specifically shows that 26.1% of women and 16.7% of men had left the labour market before age 60). In addition to this information no marketing identify the demand for the proposed uses has been provided, other than a list of similar developments permitted in the area. Accordingly, the assessment is purely based upon the trends referenced in the Planning Statement.

Despite these trends it remains questionable whether people will fully retire as early as 55; and therefore if it is appropriate to use this figure for assessing the need for further retirement accommodation. While the rise in total number of people in the age groups over 55 in the Royal Wootton Bassett Community Area is acknowledged in the Council's Joint Strategic Assessment for the area, based on the Census data, this does not mean that there is necessarily a correlation with retirement age. The Joint Strategic Assessment for the Royal Wootton Bassett and Cricklade Community Area shows that it has just above the Wiltshire average percentage of its total population at retirement age and over (21.8%). Nationally, the ONS data shows that for men, the estimate of average age of withdrawal increased from 63.8 years in 2004 to 64.6 years in 2010. For women, it increased from 61.2 years in 2004 to 62.3 years in 2010. In addition the ONS latest pension trends publication (2012) shows that for men the age of labour market withdrawal peaks between 64 and 66 years and for women, the peak is between 60 and 62 years. Therefore, while it would be reasonable to assume that retirement age would be between 61-63 years, setting it at 55 appears to be relatively early, especially as the national population is evidently working longer based on the increase of the average age of withdrawal in both men and women between 2004 and 2010.

On this basis, there does not appear to be strong evidence which would indicate that people will retire earlier, and that this is the case in the Royal Wootton Bassett and Cricklade Community Area, nor has evidence been provided that there is a specific market demand for these kinds of development. Therefore whilst there is a need for the provision of new housing to meet the specific needs of vulnerable and older people will be required, as set out in Core Policy 46 of the eWCS, the proposal would not be considered to meet the specific needs of the area or Wiltshire as a whole.

Visual Impact

There are concerns that the proposed development could impact upon the visual amenity of the area. The change of use to retirement dwellings, in contrast to a tourist accommodation that is unlikely to be occupied year-round, is likely to give rise to the proliferation of domestic paraphernalia including garden furniture, private vehicles, garden and play equipment and external storage that would not be anticipated as a consequence of the existing use. It may also be the case that occupier under the new condition might seek to alter existing boundary treatments to provide a greater level of privacy. This, it is considered, is inappropriate in an area of open countryside and would harm the character and appearance of the site. For these reasons, it is considered that the proposal would harm the character and appearance of the site and visual amenity of this open countryside locality.

Enforceability of the Condition

Initially there were concerns as to whether the proposed condition would be considered enforceable. There appear to be no controls over what would happen if residents living in the proposed development started working again on a full-time or part-time basis or if a person of below the age of 55 can live there with their partner who meets the relevant criteria. It is therefore very difficult to foresee if a breach could be easily detected and what reasonable course of action could be taken to address a breach. The required condition is different to setting appropriate conditions for assisted living or care home schemes, where the development would be clearly

geared towards the requirements of people in need of care or assisted living; However, in respect to the proposed no alterations are proposed, upon the basis that the target market are considered to be active.

Paragraph 206 in the NPPF clearly states that “planning conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.” The six tests must all be satisfied each time. In this instance officers are not convinced that the proposed condition would meet all the tests, specifically in respect to being reasonable and enforceable, in the context of this specific proposal. This view has been supported by a member of the Council’s enforcement team.

However, based upon these concerns the applicant has suggested the original condition replaced by the following 2 conditions:

1. Each unit of the development hereby permitted shall be occupied only as either:
 - a) Tourist accommodation, which is not the occupier/s’ primary place of residence; or
 - b) By persons aged 55 or over who are not in any paid employment;
 - c) By persons living as part of a single household with persons falling into (b) above; or
 - d) By persons who were living as part of a single household with persons falling into (b) above, who have since died.
2. Prior to commencement of the development hereby permitted, a written register of the names and main home addresses of the occupiers of each unit shall be submitted to the Local Planning Authority. The register shall, thereafter: be maintained in accordance with the details in the applicant’s Occupancy Management Statement (OMS) dated 21st August 2014 and; made available to the Local Planning Authority following a written request in accordance with the provisions set out within the OMS.

These conditions have been considered by the Council’s enforcement team who have confirmed that these would meet the tests of paragraph 206 of the NPPF and paragraph 005 of the Nation Planning Policy Guidance. Accordingly, the Council does not seek to refuse the application on this basis

Affordable Housing

The Council’s New Housing Team have stated that they would require an affordable housing contribution should the application be approved. Policy H6 of the NWLP requires that negotiations by the Council will be on the basis of about 50 per cent of the dwellings permitted being subsidised with an additional proportion being low cost housing, subject to the local need and site characteristics. In this context it should be noted that the Council has undertaken further viability work to support Core Policy 43 (Providing Affordable Homes) in the eWCS. The policy requires an affordable housing contribution as follows:

“On sites of 5 or more dwellings, affordable housing provision of at least 30% (net) will be provided within the ‘30% affordable housing zone’ and at least 40% (net) will be provided on sites within the ‘40% affordable housing zone. Only in exceptional circumstances, where it can be proven that on-site delivery is not possible, will a commuted sum be considered.”

The area outside Royal Wootton Bassett falls within the 40 per cent affordable housing zone. Currently, the proposal includes no provision for affordable housing on site nor has it been agreed that the applicant would accept an offsite contribution to affordable housing through the signing of a section 106 agreement and as such cannot be supported. However, further details of the likely

offsite requirement are to be submitted to the applicant based upon which they will confirm if they would be happy to accept a contribution. This will be dealt with as a late item.

10. Conclusion

On balance, this development proposal by way of variation of condition cannot be supported as it would constitute unsustainable development in the open countryside in the context of the NWLP, eWCS and the NPPF. In general, the provision of specialist accommodation for the elderly is welcomed; However, this proposal is considered to be contrary to the requirements of Core Policy 46 of the eWCS which requires such development to be in suitable locations and assist older people to live securely and independently within their communities. In addition to which the proposed condition to restrict residential development to only retirement accommodation is considered to fail the tests set out in the NPPF. Finally, the development would be required to provide a contribution in respect to affordable housing which has not been met by this proposal.

RECOMMENDATION

Planning Permission be REFUSED for the variation of condition as it applies to the 32 existing lodges for the following reasons:

1. The proposed development would constitute unsustainable development in this location. The proposal is therefore contrary to Policy H4 of NWLP, Core Policy 2 and 46 of the eWCS and paragraphs 7, 17, 50 and 55 of the NPPF.
2. Insufficient information has been submitted to demonstrate that the permitted use of the holiday let lodges is unviable and that the proposed variation to occupancy of the lodges is necessary. The proposal is contrary to CP46 of the eWCS and paragraph 47 and 54 of the NPPF.
3. The proposal would result in an intensification of the residential activity at the site with additional related residential paraphernalia resulting in harm to the visual appearance and open character of the locality contrary to policies C3 and NE15 of the NWLP, CP51 and CP57 of the eWCS and paragraph 17 of the NPPF.
4. The proposal does not provide any form of affordable housing contribution. The proposal is therefore contrary to Policy H6 of the NWLP, Core Policy 43 of the eWCS and paragraph 47, 50 and 54 of the NPPF.

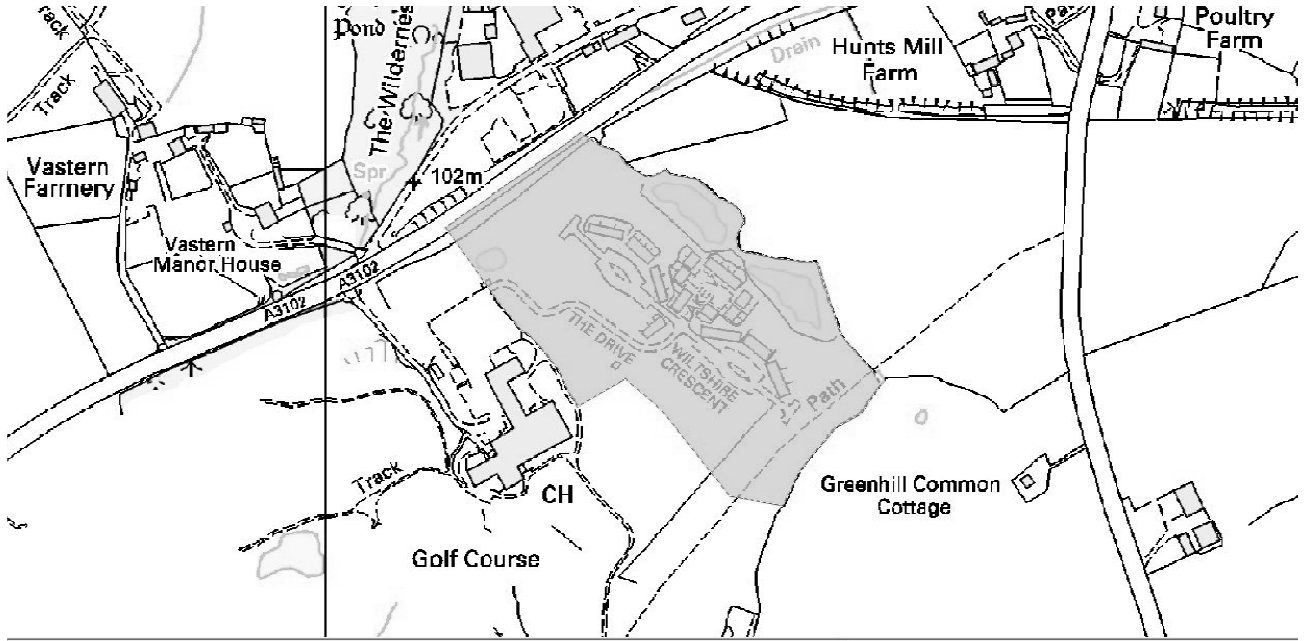
Planning Permission be REFUSED for the variation of condition as it applies to the 44 lodges yet to be constructed for the following reasons:

1. The proposed development would constitute unsustainable development in the open countryside. The proposal is therefore contrary to Policy H4 of the NWLP, Core Policy 2 and 46 of the eWCS and paragraph 7, 17, 50 and 55 of the NPPF.
2. The proposed development is in an isolated location remote from a range of services and being in not sufficiently served by public transport. The proposal is therefore contrary to Policy T1 of the NWLP, Core Policy 60 of the eWCS and paragraphs 32 and 55 of the NPPF, which seek to reduce reliance on the private car.
3. It has not been sufficiently demonstrated that there is a specific need for the development in this location. The proposal is therefore contrary to 46 of the eWCS and paragraph 47 and 54 of the NPPF.

4. The proposal would result in an intensification of the residential activity at the site with additional related residential paraphernalia resulting in harm to the visual appearance and open character of the locality contrary to policies C3 and NE15 of the NWLP, CP51 and CP57 of the eWCS and paragraph 17 of the NPPF.
5. The proposal does not provide any form of affordable housing contribution. The proposal is therefore contrary to Policy H6 of the NWLP, Core Policy 43 of the eWCS and paragraph 47, 50 and 54 of the NPPF.

**Background Documents Used in the
Preparation of this Report:**

Application Submission and further revisions and additional information
National Planning Policy Framework
Planning Practice Guidance
Emerging Wiltshire Core Strategy (Submission Draft As proposed to be amended) April 2014
North Wiltshire Local Plan



REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	19 November 2014
Application Number	14/06399/OUT
Site Address	47 Hill Corner Road Chippenham Wiltshire SN15 1DP
Proposal	Demolition of Existing House & Adjacent Industrial, Workshop and Storage Buildings. Construction of 14 Dwellings.
Applicant	Mrs Diana Scott
Town/Parish Council	CHIPPENHAM
Division	CHIPPENHAM HARDENHUIISH- Cllr Watts
Grid Ref	392100 174779
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called in by Cllr Nick Watts because he is of the opinion that the applicant's plan is good in principle and he is anxious to realise the community benefits that will accrue from granting approval.

1. Purpose of Report

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

2. Report Summary

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

- Principle of development
- Impact on the character and appearance of the area
- Design and Layout
- S106 Contributions

3. Site Description

The existing property and business is set back a significant distance from the highway and is surrounded by residential development of varying design. Land levels rise significantly from west to east and towards residential development constructed within the last 10 years (The Orchids). Opposite there are currently open fields, which help provide this part of the road with a spacious semi-rural character. Frontage boundary treatment is strongly in evidence within the surrounding which generally hides the car parking and hard landscaping in some of the nearby residential curtilages.

4. Planning History

N/07/03340/OUT Erection of Seven Dwellings (Outline)- Refused
N/08/01240/FUL Erection of Building as Chandlery Shop (Revision to 07/01154/FUL)
N/08/00512/OUT Erection of Three Dwellings - Outline (Revision to 07.03340.OUT)- Grant
N/11/01478/OUT Renewal of 08/0512/OUT - Erection of Three Dwellings- Grant

5. The Proposal

The application seeks permission for the demolition of the existing dwelling and all other buildings within the site and the construction of up to 14 dwellings including access, car parking and landscaping. The planning application has been submitted in outline form with all matters reserved.

The submitted indicative layout is for dwellings. Meetings have taken place with regards to alternative layouts and a reduction in the total number of units but no compromise has been reached. The indicative layout shows a high density layout of housing consisting of 2 and 2.5 storey dwellings, each with associated parking areas to the front of the properties and outside amenity space, lending a generally urban character.

6. Planning Policy

North Wiltshire Local Plan 2011:

C2- Community Infrastructure
C3- Development Control Policy
NE17- Contaminated Land
H3- Residential Development within Framework Boundaries
CF3- Provision of Open Space
H5- Affordable Housing in Urban Areas

Emerging Wiltshire Core Strategy (submission Draft as proposed to be amended April 2014):

CP 10- The Spatial Strategy: Chippenham Community Area
CP43- Providing affordable homes
CP57- Ensuring High Quality Design and Place Shaping
CP58- Ensuring the Conservation of the Historic Environment

National Planning Policy Framework 2014:

Achieving sustainable development – Core Planning Principles
Chapter 7 – Requiring Good Design

7. Consultations

Tree Officer- Unfortunately, I am unable to give any constructive comments due to lack of information supplied in relation to trees. I note on Drawing No: 0314-3b-06.2 Rev – Site Plan Proposed prepared by Jacques Partnership that a number of trees have been categorised and numbered but there appears to be no Tree Survey supplied to cross reference these trees.

My main concern is regard to the impact this development will have on neighbour trees on the southern boundary as these trees will come under future pressure from being reduced or removed due to loss of light issues and the overbearing dominance these trees will have on small residential gardens.

Ecology- On the basis of the available evidence I am satisfied that there is negligible potential for great crested newt to occur on this site or be affected by the development proposals, and having had regard to NE's letter I do not believe this to be a relevant

consideration to the application. As such no further survey information should be requested from the applicant.

I have also reviewed the bat survey that was submitted and note that the buildings do not support bat roosts and have very limited potential to do so. As such I'm also satisfied that bats are not a material consideration to this application.

I therefore have no objection to the application and do not require any further information, conditions or informatives relating to ecology.

Natural England- We've received notification from a member of the public that great crested newts (GCNs) inhabit the above-mentioned site. This information is supported by records kept by the Wiltshire and Swindon Biological Records Centre which state that GCN have been recorded within 200ms of the site. The member of public is concerned because the applicant appears to be currently commencing ground/site clearance which will harm the GCNs, if present.

There are several habitat features on site, identified within the planning documents, which would suggest that there is a reasonable likelihood that the species mentioned above are present and that ecological survey effort may be required. You may consider requesting that the applicant stops the site clearance immediately until the GCN survey has been carried out. Furthermore, the ecologist who was employed to undertake the survey (in Sept 2013) observed that '*The site has a good number of mature trees*'. I can find no evidence that a tree survey has been carried out, to date.

Highways- With regard to the principle, the site is located within the development boundary in the local plan. It is also could be considered a brownfield site. I therefore do not have any objection to the principle of residential development at the site. At this stage I consider that it relevant to establish a contribution towards sustainable transport measures (S106 obligation), I consider that the developer is required to provide a contribution of £1,500 per unit (£21,000).

At the reserved matters stage, I would expect full details of the access and layout. At the access I would require that visibility splays of 2.4m x 45m (a standard in Manual for Streets for speeds around 30mph). The indicative layout does raise some concern at this stage. The car parking provision does not appear to be in accordance with the minimum car parking standards for residential developments outlined in the Wiltshire Car Parking Standards (<http://www.wiltshire.gov.uk/ltp3-car-parking-strategy.pdf>). There is a lack of footway/ service margins within the development. I am also concerned with regard to the refuse collection swept paths outlined, looks tight relating to car parking. The minimum adoptable width I would expect would be between 7m-7.5m

Public open Space- This development generates a need for £56,757 in offsite Open Space Contribution to be used to upgrade facilities at Barrow Green, Chippenham. The development will also need to contribute towards the following:

Halls	£5,581
Indoor Bowls	£651
Artificial Turf Pitches	£710
Total	£6,942

It is proposed that the contribution is used on the following projects:

- The provision of a new/upgraded multipurpose hall and changing to lessen the demand on the existing sports hall.
- Upgrading of the existing MUGA to Artificial Turf Pitch standard

Public Protection- I have looked at the above application and have no comments in terms of contaminated land as the site does not appear to have any historically contaminative uses associated with it. In respect of air quality there is not an AQMA in force in Chippenham therefore I have no comments on air quality either.

Drainage- Whilst application deals with issue of existing public foul sewer crossing the site and foul connection to it (to be agreed with Wessex Water), this is likely to require a minimum stand-off of at least 3m each side of sewer and may affect the layout.

They do not really detail how the existing site deals with storm water or how new site will deal with it. Suggest that a condition is applied if you are minded to approve to cover the need of an approved (by Wiltshire Council Planning) full drainage strategy at the time of any detailed planning submission

Affordable Housing- No affordable housing required when assessed against the current local plan.

Chippenham Town Council- The Town Council wish to highlight potential problems with density, highway safety issues, no provision for open space, lack of pavements and lack of affordable housing. The Town Council request that the maximum affordable housing contribution is provided and would seek the best contribution for highway improvements and cycle ways.

Waste Services- £125 per unit required for the provision of waste & recycling bins on site.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in the submission of 2 objections and no letters of support. A summary is set out below.

- Detrimental impact on privacy and overlooking.
- Development will result in subsidence
- More houses not needed
- The current owner cleared this completely in 2013, presumably legally, and one would assume with the purpose of proactively reducing any potential source of objection to planning based on loss of valuable wildlife habitat
- I have noted great crested newts using the garden pond in my garden for the last 3 years and they almost certainly rely upon the adjacent land (47 Hill Corner Road) as essential foraging and shelter.

9. Planning Considerations

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”.

This is the starting point from a policy point of view. The North Wiltshire Local Plan forms the local component of the current development plan.

The site is situated within the urban area of Chippenham wherein the principle of the redevelopment of previously developed land for residential accommodation is acceptable. The proposal is for the construction of up to 14 dwellings. As such, any new residential development must be considered against Policies C3 (Development Control Policy), and H3 (Residential Development Within Framework Boundaries) of the adopted North Wiltshire

Local Plan 2011, CP10 & CP57 of the Emerging Wiltshire Core Strategy and Sections 1, 6 & 7 of the NPPF. These policies and guidance allow for residential development in principle.

Ecology

Concerns relating to great crested newts have been raised by local residents. These have been noted and the Council's ecologist consulted. His comments have been provided within the consultation responses above. On the basis of the available evidence it has been concluded that there is negligible potential for great crested newt to occur on this site or be affected by the development proposals, and having had regard to NE's letter it is considered that no further survey information should be requested from the applicant.

Residential Layout

The size, layout and number of dwellings proposed on site results in a poor residential layout that fails to respect the character and appearance of the area and results in an indicative layout that is dominated by frontage parking and hard standing. The overall design would not meet the requirements of government policy in the NPPF, By Design and Manual for Streets to achieve a high quality of design in all new developments. In broad terms, the number and size of units would dominate the site, such that the housing layout would inevitably appear squeezed onto the plot. This in itself is likely to create other problems such as poor quality soft landscaping and a development that doesn't respect the character of the area.

The limited space for the number of units proposed results in a cramped illustrative residential layout and inadequate room for proper landscaping. The development would be unrelieved by any significant green space, and any tree planting would have to be set at the corners of spaces or within rear gardens. The 'urban armature proposed would have totally inadequate space for tree planting, other than for very small species which would grow right up against habitable windows.

The relatively large span of the buildings shown in the indicative layout, prominent siting, large frontage car parking, minimal spacing between plots and disjointed angles on which the properties have been positioned result in the frontage plots forming prominent built features. These would appear incongruous, overly dominant and harmful within the street scene with little opportunity for landscaping to soften the appearance of parked cars or the proposed dwellings. This would form an overly dominant feature within the street scene and an unwelcome focal point. These parking spaces, would due to their forward location and lack of significant screening, also appear unduly prominent and incongruous with the more spacious landscaped form of the surrounding area.

There are also concerns as to whether such a layout could achieve the Council's minimum parking requirements, provide adequate space for refuse vehicles to manoeuvre within the site, sufficient space to provide pedestrian paths/footways and adequate private amenity space.

Living Conditions

It is considered that the plot sizes and indicative layout would not provide significant screening or landscape benefits to successfully ameliorate the harm that would be caused to the street scene and local area by the development.

Due to the close proximity of proposed plots such as the relationship between units 1 and 2 and 1 and 3 there are significant concerns that a poor residential layout would be achieved, resulting in a development with poor residential outlook, lack of amenity for future residents and substandard gardens. The relationship between unit 1 & 2 is particularly poor, the large flank wall of unit 1 along the entire rear boundary with unit 2 is considered to result in poor outlook and residential amenities for unit 2.

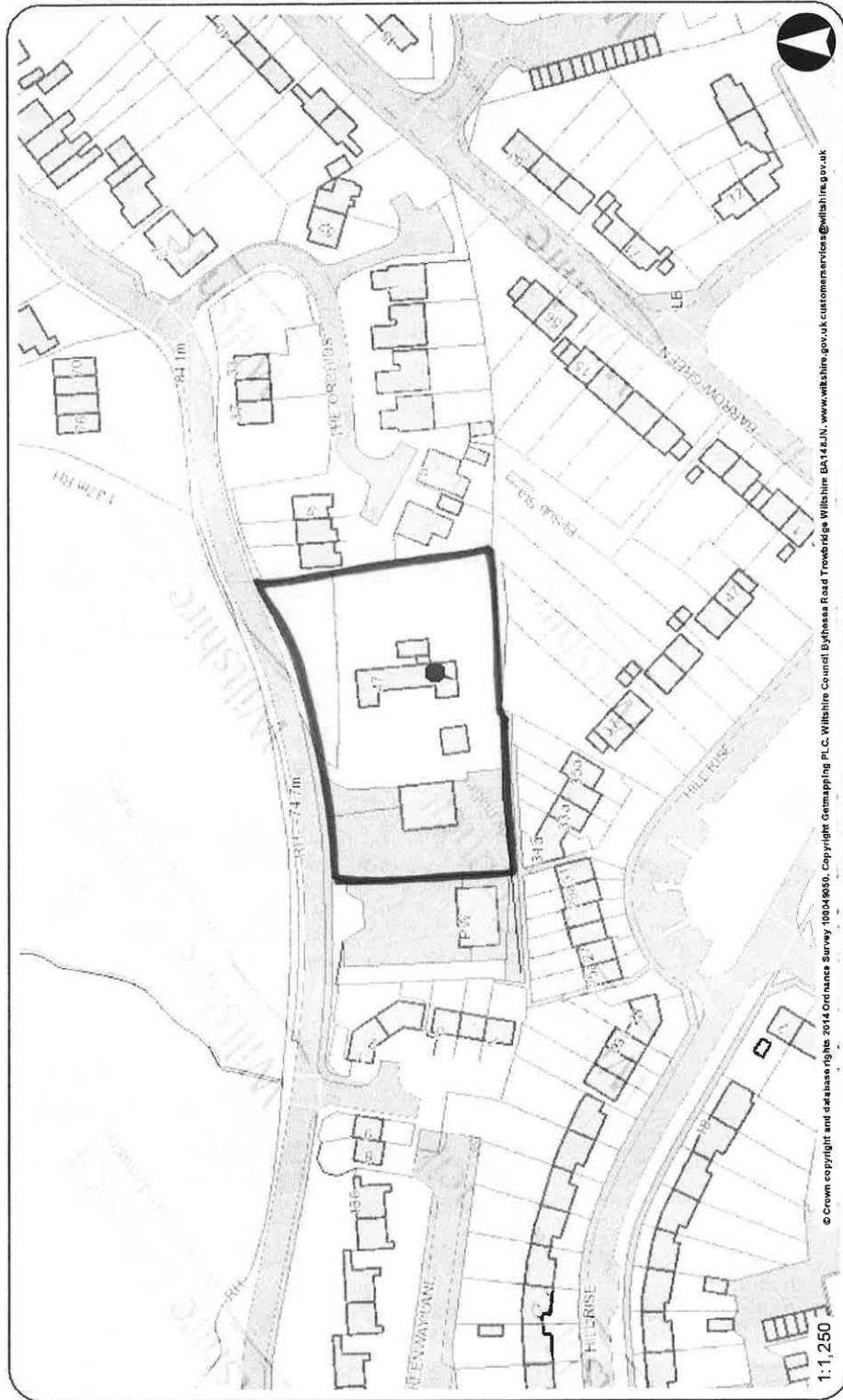
Furthermore it is considered that the proposal will result in existing properties overlooking proposed units and vice versa (Proposed unit 3 is a particular concern). There is also concern in relation to the garden size of plot 7,8,11 & 12, and possible overlooking of these units by existing dwellings and undue pressure for the removal of mature trees in land under the control of third parties.

It is acknowledged that the proposal has been submitted in outline form with all matters reserved. However, there are so many issues with the indicative layout that it is unclear if the quantum of development can be accommodated within the site.

RECOMMENDATION

To REFUSE planning permission for the following reasons:

- 1 The proposed scale of the dwellings proposed is considered to result in an inappropriate form of development that would not respect the local character and distinctiveness of the area, and would give rise to a cramped development form, a perception of overdevelopment of the site and an unacceptable impact upon the amenities of neighbouring residential properties and future residents of the development site. As such the proposal is considered to be contrary to the requirements of Policy C3 (i), (iii) & (iv) of the adopted North Wiltshire Local Plan 2011, CP10 & CP57 of the emerging Wiltshire Core Strategy (submission Draft as proposed to be amended April 2014); and paragraphs 9, 10, 14, 17, 56, 57, 58, 61 & 64 of the National Planning Policy Framework.
- 2 In light of the above, the Council has been unable to secure a Section 106 Agreement in respect of financial contributions associated with the proposed development, contrary to Policies H3 and CF3 of the adopted North Wiltshire Local Plan 2011.



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