

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 24 June 2015
Time: 3.00 pm

Please direct any enquiries on this Agenda to Fiona Rae, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 712681 or email fiona.rae@wiltshire.gov.uk

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

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Sheila Parker
Cllr Peter Hutton (Vice Chairman)	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Chuck Berry
Cllr Mollie Groom	Cllr Terry Chivers
Cllr Chris Hurst	Cllr Howard Greenman
Cllr Mark Packard	Cllr Howard Marshall

Substitutes:

Cllr Philip Whalley	Cllr Dennis Drewett
Cllr Desna Allen	Cllr Jacqui Lay
Cllr Glenis Ansell	Cllr Linda Packard
Cllr Mary Champion	Cllr Graham Wright
Cllr Ernie Clark	Cllr George Jeans
Cllr Bill Douglas	Cllr Melody Thompson

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AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 3 June 2015.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 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 17 June 2015.** 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 **15/02933/FUL - Brown Leaves, Hollow Street, Great Somerford, SN15 5JD** (*Pages 25 - 38*)
- 6b **15/03367/FUL - Neston Gospel Hall, Chapel Lane, Neston, Wiltshire, SN13 9TD** (*Pages 39 - 46*)
- 6c **14/04909/VAR - Erin Trade Centre, Bumpers Way, Bumpers Farm, Chippenham, SN14 6NQ** (*Pages 47 - 54*)
- 6d **15/01282/DP3 - Cricklade Leisure Centre, Stones Lane, Cricklade, SN6 6JW** (*Pages 55 - 68*)

7 **Urgent Items**

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

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 3 JUNE 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Philip Whalley (Substitute), Cllr Chuck Berry, Cllr Bill Douglas (Substitute), Cllr Jacqui Lay (Substitute) and Cllr Howard Marshall

Also Present:

Cllr Dick Tonge, Cllr Melody Thompson and Cllr Bob Jones MBE

47 Apologies

Apologies for absence were received from Cllr Sheila Parker, Cllr Howard Greenman, and Cllr Mark Packard.

Cllr Sheila Parker was substituted by Cllr Philip Whalley.
Cllr Howard Greenman was substituted by Cllr Jacqui Lay.
Cllr Mark Packard was substituted by Cllr Bill Douglas.

48 Minutes of the previous Meeting

The minutes of the meeting held on 13 May 2015 were presented.

Resolved:

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

49 Declarations of Interest

There were no declarations of interest.

50 Chairman's Announcements

There were no Chairman's announcements.

51 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

52 **Planning Applications**

52a **14/04593/FUL - Land at Colbourne Street, West Sevington, Grittleton, Chippenham, Wiltshire, SN14 7LB**

Cllr Jonny Walker spoke on behalf of Grittleton Parish Council and raised concerns with the application it felt could be controlled by condition, including the number of horses permitted on the site and boundary treatment.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions, as amended by the late observations. The application was for a change of land use to the keeping of horses, an area of hardstanding, and a new access and was part-retrospective. The location of the site was shown in the context of the Area of Outstanding Natural Beauty and recommended conditions were explained. The Planning Officer highlighted that the existing access was unlawful and that the new access met the recommended visibility requirements.

The Committee then had the opportunity to ask technical questions and the officer confirmed that horses had to be walked from the area of hardstanding to the stables. It was advised that the proposed grassland management plan would minimise damage to the turf and that any additional hardstanding would require further planning permission. Cllr Toby Sturgis, posed questions on behalf of the local member, Cllr Jane Scott OBE, and recommended that conditions 5 and 10 be amended to remove the wording 'without the prior approval in writing of the Local Planning Authority'.

The Planning Officer verified that the application covered the site as a whole, that the trees currently screening the stables were under local authority control, and that a condition could be added to address the means of enclosure and highways safety concerns.

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

Following the statements from members of the public, the Planning Officer drew attention to conditions which limited the number of horses, ponies or donkeys permitted on the site. The condition had been added in response to the Parish Council concerns of overgrazing affecting the landscape quality of the Area of Outstanding Natural Beauty. It was confirmed that a planning condition could be added to ensure appropriate boundary treatment to contain the horses on site.

Cllr Toby Sturgis spoke on behalf of the local member, Cllr Jane Scott OBE, who sympathised with Grittleton Parish Council's concerns and welcomed the restriction on the number of animals and the grassland management plan. Some concerns were raised about the quality of building material for the stables, and it was noted that the reduction in the number of stables to five complied with the council's planning policies. The Councillor requested that boundary treatment match existing or typical styles on this site.

The Planning Officer confirmed the buildings on site were permanent and a 'tidy up notice' could be issued for the site if necessary.

In the debate that followed, the Committee discussed the upcoming auction of the property and considered that, if deemed appropriate by the Council's legal advisers, details of any permission granted and associated conditions on site be passed to the new owners. Members considered the materials of the existing stables, and the visibility of the site in the context of the Area of Outstanding Natural Beauty, commenting that there was limited visibility of the stables from the roadside. The additional condition on boundary treatment and amendments to conditions 5 and 10 were supported in addition the officer's recommendation.

Resolved:

To GRANT planning permission subject to the following conditions:

- 1. Within 6 months of the date of this permission, the existing stables, hardcore and ancillary buildings shall be completely removed from the site unless those buildings and hardcore form part of those buildings approved by condition 4 of this approval in the layout so approved.**

REASON: In the interests of the landscape quality of the Area of Outstanding Natural Beauty.

- 2. Within one month of the date of this permission the caravan on site shall be completely removed from the site.**

REASON: In the interests of the visual amenity of the site.

- 3. Notwithstanding the approved plans, within one month of the date of this permission, the existing access to the site in the western corner, shall be stopped up, the gate and hard standing removed and post and rail fencing installed to match the existing.**

REASON: In the interests of highway safety.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan received 27th May 2014; elevations and block plan (as amended by condition 3) received 3rd November 2014 and sight line diagram received 18th March 2015.

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

5. No fences or jumps shall be erected on the site.

REASON: In order to protect the rural character of the area.

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

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

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

REASON: In the interests of highway safety.

8. There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

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

9. There shall be no more than a total of 6 horses, ponies or donkeys kept on the site at any one time.

REASON: To prevent overgrazing affecting the landscape quality of the Area of Outstanding Natural Beauty.

10. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site.

REASON: In order to protect the rural character of the area.

11. Within 2 months of the date of this permission a scheme of supplementary landscaping to the site boundaries, including the area adjacent to access proposed to be stopped up and details of the means of enclosure for the site shall be submitted to the Local Planning Authority. Once approved by the Local Planning Authority the details relating to the means of enclosure shall be completed within 3 months and the landscaping completed within 6 months or by the end of the first planting season, whichever is sooner.

REASON: To ensure a satisfactory landscaped setting for the development and in the interest of highway safety.

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

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

13. No development shall commence on site until a grassland management plan, including long-term design objectives, management responsibilities and maintenance schedules for all grassland areas has been submitted to and approved in writing by the Local Planning Authority. The grassland 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.

14. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination 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)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

52b 15/01159/OUT - Stones Farm, West Mill Lane, Cricklade, Wiltshire, SN6 6JL

Susan Hibberd and David Cook spoke in objection to the application.

Craig Pettit, spoke in support of the application.

Cllr John Coole, Cricklade Town Council, spoke in objection to the application due to concerns over highways, flooding and foul sewage issues.

The Planning Officer introduced the report which recommended that authority be delegated to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement to address affordable housing requirements, subject to conditions. The application was for outline planning permission to build 25 dwellings with all matters reserved except access. The Planning Officer explained that a small strip of the land fell outside the framework boundary for Cricklade but that the proposal broadly accorded with Core Strategy core policies 1 and 2 as the site fell within the adopted and proposed revised framework boundary. It was also noted that Cricklade Town Council had concerns about the density of the scheme however as this was an outline planning application the illustrative masterplan showed indicative layout only.

The Committee then had the opportunity to ask technical questions and it was confirmed that the outline application was not required to provide information relating to garage space or car parking and that these would be addressed when reserved matters were submitted. The Planning Officer explained that there was a presumption in favour of development as this site would be a sustainable location in terms of the National Planning Policy Framework guidance on the matter; also there had been no objection in landscape and visual impact terms to the proposals. It was further confirmed that consultation on the Neighbourhood Plan proposals had taken place and

that this included proposals to extend the framework boundary to include this part of the application site. Therefore it would not be appropriate to refuse the application on the basis of a section being outside of the settlement boundary.

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

Following statements from members of the public, the Planning Officer explained that the developer had submitted the basis for surface water and foul drainage plans. It was confirmed that these plans had been considered by drainage engineers who believed that the development would have no additional impact on the surrounding area. The Planning Officer also advised that Thames Water raised no objection to the proposal, subject to a Grampian condition being added relating for further details of foul water drainage before work commenced. Highways requirements were met by suggested conditions and the developer had committed to providing 40% affordable housing.

The local member, Cllr Bob Jones, spoke in objection to the application due to highways and flooding concerns which could have been aggravated by the development.

In the debate that followed, the Committee discussed the flooding, drainage, and sewage concerns that had been raised. Members sympathised with flooding concerns however noted it was not reasonable to require the developer to resolve the existing issues and, should there be insufficient surface water storage, the number of houses could be reduced. Some councillors commented that the site was a brownfield site and the application supported affordable housing and therefore was suitable for development. Other members expressed concern with the high density of building and location of the t-junction however noted this could change at reserved matters stage.

Resolved:

To DELEGATE authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement to address affordable housing requirements, subject to the following conditions:

- 1. 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. 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;

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

Site Location Plan – C11755.15.050 – Received 9 February 2015

Proposed Priority Junction Arrangement – 3858/203 – Received 20 February 2015

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

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

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

6. 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:-

- **location and current canopy spread of all existing trees and hedgerows on the land;**
- **full details of any to be retained, together with measures for their protection in the course of development, including off-site trees.**
- **a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- **finished levels and contours;**
- **means of enclosure;**
- **car park layouts;**
- **other vehicle and pedestrian access and circulation areas;**
- **all hard and soft surfacing materials;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables pipelines etc indicating lines, manholes, supports etc);**

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

- 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 development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:
 - (a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
 - (b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
 - (c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

9. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- (e) wheel washing facilities;**
- (f) measures to control the emission of dust and dirt during construction;**
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- (h) measures for the protection of the natural environment.**
- (i) hours of construction, including deliveries (No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays);**
- (j) Access arrangement for construction vehicles exiting and entering the site**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

- 10. No development shall commence on site until a scheme for the discharge of foul water from the site, including any identified off site works to provide capacity within the public sewer system to enable this site to be served, has been submitted to and approved in writing by the Local Planning Authority.**

Thereafter, no dwellings shall be first occupied until the approved details have been carried out in strict accordance with the approved details.

REASON: To ensure that the development can be adequately drained and not increase flood risk to others.

- 11. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details (on-site storage and controlled discharge) and details of**

future ownership/maintenance regimes, limiting future discharge rate to an agreed “greenfield flow rate” has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, no dwellings shall be first occupied until the approved details (including full details of ownership and maintenance regime) have been carried out in strict accordance with the approved details.

REASON: To ensure that the development can be adequately drained, not increase flood risk to others and to identified future responsibilities for the storm drainage.

- 12. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, surface water outfall, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and stopping up of the vehicular access to Stones Farmhouse from West Mill Lane, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, surface water outfall, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and stopping up of the vehicular access to Stones Farmhouse from West Mill Lane have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.**

Thereafter, the parking spaces shall not be used other than for the parking of vehicle of for the purpose of access.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 13. No part of the development shall be first occupied until the visibility splays shown on the plan reference 3858/203 have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

REASON: In the interests of highway safety.

- 14. No construction traffic shall be permitted to access the site from the existing vehicular access from the highway of Reeds.**

REASON: To ensure the protection of residential amenity from

noise disturbance during construction works.

- 15. The dwelling(s) hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.**

REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.

- 16. The development hereby approved shall be carried out in accordance with the recommendations made in Section 6 of the Ecological Surveys report dated September 2014 prepared by Elizabeth McKay, unless otherwise agreed in writing with the local planning authority.**

REASON: To ensure adequate protection and mitigation for protected species.

- 17. No development shall commence on site until a Landscape and Ecology Management Plan has been submitted and approved in writing by the local planning authority, including full details of new native and 'wildlife-friendly' ornamental hedgerow and tree planting.**

Thereafter, the management plan shall be implemented and complied with in strict accordance of approved details during construction works and for the lifetime of the development.

REASON: To plant new hedgerows and trees to compensate for the loss of existing vegetation used by foraging/commuting bats and other wildlife, and as an enhancement for biodiversity in accordance with paragraph 188 of the National Planning Policy Framework.

- 18. No development shall commence on site until details of the provision of roosting features for bats and nesting opportunities for birds (House martin, House sparrow, Starling, Swift and Swallow) into the new buildings has been submitted to and approved in writing by the local planning authority, including a plan showing the locations and types of features. The approved details shall be implemented before the dwellings hereby approved are first occupied.**

REASON: To mitigate for the loss of Swallow nests and to provide additional roosting for bats and nesting for birds as a biodiversity enhancement, in accordance with Section 40 of the Natural

Environment and Rural Communities Act 2006 and paragraph 118 of the National Planning Policy Framework.

19. No development shall commence on site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to minimise light spill and sky glow, and to minimise light levels alongside newly planted hedgerows and trees, and at the locations of bird nesting and bat roosting features, to below 1 Lux.

REASON: In order to limit the impact of lighting on biodiversity.

20. 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, B & E 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.

21. No more than 25 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: For the avoidance of doubt and in the interest of proper planning

Informatives:

22. 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.

23. The developer is advised to discuss the contaminated land issues relevant to the site and what works, if any, are required in order to comply with the relevant conditions attached to this approval. The developer should contact Richard Francis in the Council's Public Protection Team.

24. 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.

- 25. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.**
- 26. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.**
- 27. The applicants should aim to achieve Secured by Design (SbD) award status for this development. SbD is an initiative owned by the Association of Chief Police Officers with the aim of providing an acceptable minimum standard of security and crime prevention measures within the built environment. The scheme has a proven history of reducing crime and generally improving the quality of life within communities. The principals and standards involved provide an excellent guide to effective and acceptable measures that can and should be adopted to reduce crime opportunities and otherwise prevent crime and anti-social behaviour. Details can be found on line at www.securedbydesign.com.**

52c 15/02477/FUL - 10 Reybridge, Lacock, Chippenham, Wiltshire, SN15 2PB

Miranda Spitteler spoke in objection to the application.

Simon Chambers spoke in support of the application.

Cllr Ron George, Lacock Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions. The application was for a single storey extension to an existing property. The Planning Officer drew attention to the late observations which recommended the addition of three conditions. It was also noted that the Conservation Officer had previously had concerns with the original planning application relating to the

size, design and scale of the proposal. The current proposal saw a reduction in length to 8m, removal of roof lights to rear elevation, balcony to rear, and greatly improved design. The current application had support from both the Conservation Officer and the Case Officer however Parish Council concerns remained.

The Committee then had the opportunity to ask technical questions and it was confirmed that the garden was sufficient to accommodate materials needed for the build and that the parking area met council standards. The Planning Officer also confirmed that the property was not a Listed building and, because the extension was not physically attached to the building, different building materials could be used. The officer highlighted how the design had been changed since the original application to be more sympathetic to the main building.

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

The Planning Officer responded to comments from the public that the application should mirror the design of the extension to the adjoined, neighbouring property by explaining it was not a standard single storey extension but was designed to appear as a converted outbuilding. The Planning Officer also explained that since alternations were made to the design of the building, the Conservation Officer was now in support of the application.

The local member, Cllr Richard Tonge, spoke in objection to the application and urged the Committee to refuse the application on the grounds of bulk, prominent position, and the impact on the neighbouring pair, host dwelling, and conservation area.

In the debate that followed, the Committee noted the extensive alterations made to the original application in partnership with the Conservation Officer. A motion to refuse planning permission due to contravening Core policies 57 and 58 of the Wiltshire Core Strategy was seconded but was not agreed by the Committee.

Other members of the Committee considered that that, whilst the two dwellings were taken as a pairing, they were not identical and so a different style of extension was acceptable. It was agreed that whilst the innovative design style was different to the existing building it was a high quality design, did not affect the architectural merit of the building and the extension would not be highly visible from the road.

Resolved:

To GRANT planning permission subject to conditions:

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

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

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

Site Location Plan, Topographical Survey 21206/1, Existing Ground Floor 21206/2 & Existing Elevations 21206/3 (all received 13/03/2015, Site Layout Plan LPC/3634/SD3/1A, Proposed Ground Floor Plan LPC/3634/SD3/2A & Proposed Elevations LPC/3634/SD3/3A (all received 05/05/2015)

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

3. The roof tiles to be used in the development hereby permitted shall match those of the existing building in terms of their material, colour, texture, profile and pattern of laying.

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

4. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- a) A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- b) A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- c) A schedule of tree works conforming to British Standard 3998: 2010;
- d) Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- e) Plans and particulars showing the siting of the service and piping infrastructure;

- f) A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- g) Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- h) Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 5. No development shall commence on site until details of all eaves, verges, windows, doors, rainwater goods and chimney design and stonework have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

7. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 10 Reybridge, and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

Informatives

8. 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.

9. 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.

10. 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.

53 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services, direct line 01225 712681, e-mail fiona.rae@wiltshire.gov.uk

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

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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	24 June 2015
Application Number	15/02933/FUL
Site Address	Brown Leaves, Hollow Street, Great Somerford, SN15 5JD
Proposal	Erection of New Detached Dwelling Including New Access and New Single Garage (Resubmission of N/12/01264/FUL)
Applicant	Mr & Mrs D Lydiate
Town/Parish Council	Great Somerford
Division	Brinkworth – Cllr Toby Sturgis
Grid Ref	396176 182945
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application was called in for Committee determination by Councillor Toby Sturgis to consider the impact of the proposed dwelling on the character and appearance of the locality including the Conservation Area in the context of other development permitted adjacent the site. Also, in order to consider the adequacy of parking provision and the likelihood of an increase in street parking.

1. Purpose of Report

To recommend the planning permission be approved subject to conditions.

2. Report Summary

6 Letters of objection received from 5 Local Residents (two letters submitted by the same resident).

The Parish Council object to the scheme proposals.

Key Considerations:-

Principle of Development

Design Character

Impact on the Character and Appearance of the Locality & Conservation Area

Impact on Residential Amenities

Highways and Parking

S106/CIL Matters

3. Site Description

The site is situated to the western outer area of the village within the defined settlement framework boundary and is within the Great Somerford Conservation Area. The site at present forms the rear garden of the bungalow known as Brown Leaves and is on relatively level land. Whilst the site is set up slightly from the road it is partially screened from the

adjacent Hollow Road by existing development and boundary treatments. To the north lies an area of open space with a footpath though it that drops away significantly in level down to the River Avon. To the west of the site appears to be an undeveloped scrub/overgrown plot of land. Adjacent to the western boundary of the site are the properties of Holmdale and Parsloe with associated outbuildings. Access to the site is via a shared drive to the left of the bungalow.

4. Planning History

N/05/01052/S73	Erection of Dwelling & Detached Garage together with Extension to Existing House & Erection of Garage/Stable Block	Approved
N/06/01485/TCA	Crown Reduction to Trees on Front Boundary of Property	Approved
N/08/02151/TCA	Tree Surgery To Ash Tree	Approved
N/11/03469/FUL	Erection of New Detached Dwelling Including New Access and New Single Garage	Withdrawn
N/12/01264/FUL	Erection of New Detached Dwelling Including New Access and New Single Garage (Resubmission of 11/03469)	Approved
15/00793/UN	Remove Informative No.4 Obligation Under Section 106 Dated 10th December 2012 Planning Application N/12/01264/FUL.	Withdrawn

5. The Proposal

The proposal is for the erection of a new detached dwelling with ancillary works including planting, boundary treatments, gated access, off street parking, hardstanding and manoeuvring space. The proposals are the re-submission of identical proposals previously submitted and approved under N/12/01264/FUL. Conditions that were previously attached to that permission have in part been discharged.

6. Planning Policy

National Planning Policy Framework (NPPF) Paras 14, 17, 49, 55, 129 131 132 134

Planning Practice Guidance (PPG) Paras 135 136

Wiltshire Core Strategy (WCS) Adopted January 2015 CP1, CP2, CP3, CP13, CP57, CP58, & CP61

7. Consultations

Conservation – Raised initial objections to the original scheme proposals under application N/12/01264/FUL. The case officer for that application considered that the scheme revisions that had taken place via a pre-application enquiry process had addressed those objections to a large degree. The Conservation Officer disagrees with that assessment and raises objection to the current application proposals on the same basis as before – harm to the character appearance of this part of the Conservation Area by virtue of scale, bulk, mass, positioning and design character.

Highways - No objections subject to conditions and Informatives given context of previous permission

Wiltshire Fire & Rescue Service – Recommends use of a Domestic Sprinkler System.

Affordable Housing – No requirements in relation to a single dwelling proposal

Archaeology – No Comments

Great Somerford Parish Council – Object. The proposal is contrary to WCS CP51 as the conservation officer previously identified harm to the character and appearance of the Conservation Area.

Contrary to CP57 vi as the proposal would not be in keeping with general area. In combination with permissions on adjacent land the proposal results in too great a density of development.

Contrary to CP57 ix a large emergency vehicle is unlikely to be able to gain access. In combination with the current application at Parsloe if permitted would cause a parking/traffic issue.

Also queries S106 Contributions requirements and CIL Liability.

8. Publicity

The application was advertised by site notice, press notice, Parish Council and neighbour consultations.

6 Local residents have submitted objections to the proposals and the issues raised are summarised as follows:-

- Over development of the locality in conjunction with other permissions.
- Account not taken of permissions on adjacent sites.
- Out of keeping with the character and appearance of the area
- Harmful to character and appearance of the Conservation Area
- Inappropriate location for development – residential garden
- Contrary to WCS policies including CP57 CP58
- Poor quality design and layout
- Materials out of keeping with locality
- Overbearing impact and devaluation of existing property at Brown Leaves
- Loss of views to open space and trees from Hollow Street
- Inadequate parking and vehicle manoeuvring space
- Draft Neighbourhood Plan assessments identified development in Hollow Street as inappropriate due to access issues
- Concern over impact of construction works given site size recommends a construction method statement condition or noise restrictions
- The development will not be a self build project and therefore should be liable to CIL charging
- Disputed comments in design and access statement
- Loss of residential amenity to neighbouring dwellings
- Will cause parking conflicts and on street parking
- The previously given reasons for approval no longer apply
- Previous representations ignored. Was pre application advice sought and provided?

9. Planning Considerations

Principle

The site is located within the defined settlement framework boundary of Great Somerford and is therefore a location where limited infill development of single new residential

properties would be acceptable. Policies CP1 CP2 CP3 do not restrict or oppose development within the gardens of existing residential properties as a matter of principle. Similarly whilst the NPPF removes gardens from the definition of previously developed land it does not exclude or oppose the development of such locations for additional housing. The NPPF does include a requirement for local Planning Authorities to significantly boost the supply and delivery of housing. It also requires Authorities to assess the projected scale of delivery of housing from windfall and small sites. The recently adopted WCS makes an assumption in calculating the supply of land for housing and subsequent housing requirements and this includes a significant level of delivery from windfall and small housing sites in the defined settlements.

Most importantly the Council has granted permission for the same development proposal in the same location as recently as 21/12/2012. This permission does not expire until 21/12/2015 and this is therefore a material consideration that must be given very significant weight. There must be a very significant change in material circumstances in order to justify a different decision to that previously made. Whilst the Council has adopted the WCS strategy since that previous decision was made it is not considered that the policies of the new plan provide a basis and sound and defensible reason for arriving at a different conclusion. The policies are based on similar principles and approach as those of the previous North Wiltshire Local Plan and both documents were found to be in accordance with the requirements and provisions of NPPF as evidenced by Inspectors' appeal decision and the WCS Examination in Public.

It is also worth noting that the applicant could commence development by the digging of footings and thereby implement the existing consent at any time prior to 21/12/2015 after which the permission would remain live in perpetuity.

Given this position it is not considered reasonable to refuse the application as a matter of principle

Design

As noted above the proposals are the same as the scheme previously permitted under application reference N/12/01264/FUL in terms of design character. There has been no significant change in material site circumstances that would warrant and justify a fundamentally different approach to design.

In addition it is considered that some of the characteristics of the proposed dwelling are reflected in some of the properties in the immediate locality and in the wider village, not least of all the properties of Brown Leaves and Holmdale themselves. As such it is not considered that there is significant conflict with WCS policy 57 in this respect.

Given this position it is not considered that the design & character of the proposed dwelling provides a sound and defensible basis for refusal.

Character and Appearance of the Locality & Conservation Area

As noted above as a matter of principle there is an extant permission for the same form of development on the same site. There must be a significant change in circumstances to now come to a different conclusion as to the harm identified to the character and appearance of the Conservation Area as identified by the Conservation Officer.

In this specific context it is not considered that there is a material change in circumstances that would justify an alternate recommendation. The policy approach now set out in the WCS CP58 reflects the Council's previous approach contained in the North Wiltshire Local Plan 2011. The policy approach set out in the NPPF was in place when the previous decision was made. This has been the subject of clarification through case law but it is not

considered that provides a sound and defensible basis for a recommendation of refusal. In this context it is important to note that the application site is not especially visually prominent in the Conservation Area, being partially screened by existing development and mature boundary treatment and planting in the vicinity. There are no significant and prominent views through the site from the adjacent road due to existing development and site boundaries. The development of the proposed dwelling would achieve benefits in terms of increasing the supply of land for housing and meeting a need for single level properties within a village environment. Such developments are often favoured by the older members of our community and could therefore meet a need in this specific respect. The Government has identified that housing development is an important driver for economic development and provides jobs and employment. The proposal will also add to the support for local facilities by increasing demand. The proposed dwelling could not be positioned anywhere else within the site to achieve these benefits without the impacts identified by the Conservation Officer. Given the relative lack of visual prominence of the site and the scheme revisions already incorporated following pre-application advice it is not considered that significant additional reductions in scale or design alterations will achieve the same level of benefit whilst significantly reducing the harm that has been identified by the Conservation Officer.

On balance it is not considered that there is a sound and defensible basis for refusal on the basis of harm to the Conservation Area as a heritage asset.

Representations assert that the case officer, in determining application N/12/01264/FUL, was not aware of all the material circumstances and in particular the partially implemented extant permission on the adjacent site at Parsloe. A review of the delegated officer report for that application demonstrates that the Officer was aware of the permission as this is specifically referenced in the report. Other representations refer to the "current" application at Parsloe but a review of the Council's records indicates that there is no currently undetermined Full, Outline or Reserved Matters application at that site.

It is also not considered that CP51 is directly relevant as this policy deals with the protection of the open landscapes of Wiltshire. This site is within the defined settlement framework boundary of the village, adjoining existing development and within the residential curtilage of an existing dwelling. On this basis it is not considered that the site forms a part of the wider open landscape of the locality that falls to be protected under this policy.

Residential Amenities

Again the extant permission at the site for the same development proposal in the same position is a significant material consideration. There is no significant change in circumstances that would warrant and justify a recommendation on the basis of harm to the amenities of neighbouring properties.

The WCS Core Policy 57 is similar in its provisions and requirements as to the policy approach set out in the North Wiltshire Local Plan and both have been found to accord with the NPPF.

Residents' concerns in respect of disturbance during construction are noted. This is a relatively small village in a rural location where ambient noise levels will be low for much of the time. Locations such as this will experience relatively limited amounts of new residential development. Development is more likely to centre around extensions to existing properties and re-use of rural buildings and agricultural related developments. As such rates of development are likely to be relatively low compared to more urban locations. As noted above the site is adjoined by neighbouring properties. Objectors have suggested that concerns in this respect could be overcome by the use of a condition requiring submission

and agreement of a Construction Method Statement and this is not considered to be unreasonable.

Highways & Parking

Again the extant permission at the site for the same development proposal in the same position is a significant material consideration. There is no significant change in circumstances that would warrant and justify a recommendation of refusal on the basis of inadequate parking and on site manoeuvring with consequent creation of a highways hazard through increased on street parking.

The WCS Core Policy 61 is similar in its provisions and requirements as to the policy approach set out in the North Wiltshire Local Plan and both have been found to accord with the NPPF.

It should also be noted that Highways officers raised no objection to the original scheme proposals and similarly raise no objections to this application.

S106/CIL Matters

The regulations in respect of S106 off site financial contributions for such services and infrastructure as affordable housing and open space provision have changed. The Government amended the PPG in November 2014 in respect of this matter and development of 10 dwellings or less and less than a 1000sq m no longer attracts such contributions. As such a S106 agreement is not required in this regards.

In any event the Council has now adopted its CIL charging schedule and such requirements are now addressed via that methodology. However this development proposal would not constitute CIL Liable development as the applicant falls within the terms of the Governments exemptions from CIL charging as set out in the PPG. The applicant would fall to be classed as a self builder and therefore is exempt. Objectors have questioned this position and it is worth clarifying that the PPG provides a very broad definition of what is considered to constitute a self build development. The full wording from the PPG is copied below for clarity and it is considered that the applicant meets these terms.

Should the property be sold after development and the applicant not remain resident in the dwelling for 3 years then it would become CIL liable and the applicant would be expected to address this matter through the submission of the necessary certificates. Officers would anticipate that such matters would be addressed as legal requirements of the sale and conveyance of the property.

How does the self build exemption work (for a whole new home)?

The Government is keen to support and encourage individuals and communities who want to build their own homes, and is taking proactive steps to stimulate the growth of the self build market. One measure to help self builders has been to grant them an exemption from the Community Infrastructure Levy.

The exemption will apply to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals claiming the exemption must own the property and occupy it as their principal residence for a minimum of three years after the work is completed.

Revision date: 12 06 2014

Paragraph: 136 Reference ID: 25-136-20140612

Who can claim a self build exemption?

The exemption is applicable to homes built or commissioned by individuals for their own use. Community group self build projects also qualify for the exemption where they meet the required criteria.

There is also an exemption for people who extend their homes or build residential annexes.

10. Conclusion

On balance it is considered that there is no significant change in material circumstances that justifies and supports a different recommendation to the decision reached in respect of application N/12/01264/FUL. That application remains extant and is a material consideration of significant weight.

RECOMMENDATION

To approve planning permission subject to conditions:

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

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

2. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Design & Access Statement

Site Location Plan

Site Plan as Existing

Site Plan as Proposed

Site Sections AA

Site Sections BB

Section AA

Section BB

New Dwelling External Works

Proposed Floor Plans

Bungalow Existing and Proposed East Elevations

Bungalow Existing and Proposed West Elevations

Bungalow Proposed North and South Elevations

Bungalow Existing North and South Elevations

Proposed East and West Elevations

Proposed North and South Elevations

All dated 25/03/2015

REASON: To ensure that the development is implemented as approved.

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

REASON: In the interests of highway safety.

4. No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

5. The development hereby permitted shall not be first occupied until the six 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. 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 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.

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

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

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2012): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

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

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

9. 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 dwelling house hereby permitted or within its 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.

10. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

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

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

12. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) measures to control the emission of dust and dirt during construction;
- (e) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

INFORMATIVES:

13. Any alterations to the submitted and 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.
14. 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.
15. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land. If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take your own independent advice with regard to the requirements of the Party Wall Act, 1996.
16. The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

Background Documents Used in the Preparation of this Report:

Application Submissions
Application File N/12/01264/FUL
Wiltshire Core Strategy Adopted January 2015
National Planning Policy Framework

**Planning Practice Guidance
CIL Charging Schedule**

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	24 June 2015
Application Number	15/03367/FUL
Site Address	Neston Gospel Hall Chapel Lane Neston Wiltshire SN13 9TD
Proposal	Conversion of Redundant Chapel as Extension to Existing Dwelling with Associated Upgrade of Parking Facilities.
Applicant	Neston Park Estate Office
Town/Parish Council	CORSHAM
Division	CORSHAM WITHOUT AND BOX HILL – Cllr Richard Tonge
Grid Ref	386384 167937
Type of application	Full Planning
Case Officer	Alison Grogan

Reason for the application being considered by Committee

Called in by Councillor Richard Tonge for the Committee to consider whether this is a good use of the 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 of the works on the appearance of the building and the character and appearance of the conservation area
- Level of amenity for future occupiers and visitors to the graveyard
- Highways

3. Site Description

Neston Gospel Hall is situated on the south side of Chapel Lane on the outskirts of Neston.

The Hall is situated behind a stone wall along the frontage, gable end onto the lane with a gothic style entrance facing the road. The sides of the building have large feature windows

up to the eaves. There is a modern single storey lean-to extension to the rear and there is a modest two-storey one-bed dwelling attached to the south-west corner of the building.

Along the south-east side and rear of the building there is an active burial ground which is well maintained.

The Hall is not Listed but lies within the Neston conservation area and the building and its surroundings make a significant contribution to the character and appearance of this part of the conservation area, and is considered to be a non designated heritage asset.

4. Planning History

N/12/01617/FUL – Proposed Change of Use of Neston Gospel Hall to 4 Bedroom Dwelling – Withdrawn September 2012.

5. The Proposal

The proposal is to convert the chapel and incorporate it as an extension to the attached dwelling so that it will become a 4 bed dwelling. The grassed area on the south west side of the building will be the parking and amenity area.

The agent has stated that the burial ground will be retained in the ownership of the Trustees who will continue to cover the issues regarding surrounding walls and trees. At the specific request of the Trustees, the Burial Ground boundary will abut the wall of the Hall, with no new fences, or direct access from the domestic building.

The proposal also includes an off-road parking area for visitors to the burial ground, which will be located to the side of the burial ground

6. Planning Policy

National Planning Policy Framework 2014:

Chapter 7 – Requiring Good Design

Chapter 12 – Conserving and Enhancing the Historic Environment

Wiltshire Core Strategy:

CP49 – Protection of Rural Services and Community Facilities

CP57 - Ensuring High Quality Design and Place Shaping

CP58 - Ensuring the Conservation of the Historic Environment

7. Consultations

Corsham Town Council – Support the proposed application as it would help to preserve the building.

Senior Conservation Officer – The structure to support the first floor will be highly intrusive and will have a significant impact not only on the interior space but will compromise the external appearance, as the inserted floor will be clearly visible through the windows. Also object to the large roof lights.

Highways – Require that 3 parking spaces are provided for the converted dwelling. The details state that there is existing car parking but there is no evidence that this has been used to park vehicles, therefore evidence is required that this has been used for car parking in recent times. I have concerns with regard to access and parking in this area, the visibility splays in both directions are restricted by the walls and vegetation and therefore sub standard. This will not be suitable when considering vehicles will be reversing. The details related to the car parking area are not clear, a drawing will be required that clearly outlines the upgraded access and the visibility splay.

Amended plans have been received to overcome the concerns raised by the Highway Team. The additional comments will be presented as a late item.

8. Publicity

The application was advertised by site notice and neighbour consultation.

A letter has been received by a member of the public raising concerns regarding the maintenance and up-keep of the burial ground where a family member is buried.

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 Wiltshire Core Strategy forms the local component of the current development plan.

The conversion of this building to a dwelling would result in the loss of a community facility and therefore core policy 49 is applicable. This policy aims to protect community facilities and states that *“Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be support. Redevelopment for non-community service/facility use will only be permitted as a last resort and where all other options have been exhausted”*. The policy goes on to indicate that such applications will need to demonstrate that a comprehensive marketing plan has been undertaken to demonstrate that all preferable options have been exhausted. The policy includes the minimum requirements for such a marketing plan.

This policy is in-line with the advice given in the NPPF which states that policies and decisions should “guard against the unnecessary loss of valued facilities and services”.

The agent has stated that the scheme is for the conversion and inclusion of the chapel into the domestic section of the building and it is not a conversion of an isolated building. He goes on to state that the local preference is for the conversion to a dwelling rather than a commercial building. In terms of the marketing plan, it is stated that the “literal guidance laid down in core policy 49 would result in an effectively unsustainable exercise, which would cause the building to remain empty for a considerable period of time....the improvements regarding the car parking will be of great benefit to the community using the burial ground”.

Whilst the points raised by the agent have been noted, there is no evidence to support his view that an alternative community facility/service could not be found for this building and no information has been submitted to demonstrate that alternative uses have been considered.

Design and Impact on the Conservation Area

The Hall is a simple non-conformist chapel dating from the mid 19th C. It is typical of the many plain religious buildings constructed by local congregations. It was later extended, so obviously formed a significant part of the community into the 20thC. The building is flanked by two green spaces; to the south-east lies the graveyard, separated from the road by a low stone wall (which also encloses the chapel), covered with greenery, whilst to the north-western area of grass lies open to the road. Although not listed the hall lies within the Neston conservation area and the building and its surroundings make a significant contribution to the character and appearance of this part of the conservation area. Following consultation with the Senior Conservation Officer it is felt that this building is considered to be a non designated heritage asset.

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.

The Senior Conservation Officer raised concerns regarding the size of the proposed roof lights and revised plans have now been received which show much smaller windows which are now considered to be acceptable. However, the Senior Conservation Officer also raised concerns regarding the proposed works to convert this building in relation to the structure that will support the first floor which is considered to be highly intrusive and will significantly impact not only on the interior space but the external appearance, as the inserted floor will cut across and will be clearly visible through the windows. It was suggested that as an alternative a mezzanine floor could be inserted over the rear part of the building approximately 4.5m in depth from the back wall and set back so that it did not run across the window. This compromise was not accepted by the agent who has stated that the floor was carefully considered and will not be noticeable from the outside of the building. However, this is not considered to be the case as the floor will be seen through the windows and this will be exacerbated when furniture is placed in the rooms. The proposal is therefore considered to conflict with core policies 57 and 58 of the Wiltshire Core Strategy and paragraphs 17 (10), 131, 133 and 135 of the National Planning Policy Framework.

Impact on Amenity

The burial ground wraps around two sides of the building, it is an active burial ground and is well maintained and used. The proposed plans indicate that there will be a new parking area for four cars to be used for visitors to the burial ground and a new lynch gate for pedestrian access.

The burial ground and Hall have a close relationship and it is considered that the conversion of the Hall to residential would not be compatible in terms of amenity for future occupiers of the dwelling or to visitors of the burial ground. The existing dwelling is situated on the other side of the Hall to the burial ground and therefore there is a degree of separation. The proposed conversion together with the existing dwelling would result in a substantial family house where the amenity of future occupiers would be compromised by visitors to the burial grounds in terms of privacy and disturbance. This would also be an issue for visitors to the burial ground who are likely to want quiet reflection as they pay their respects.

Overall it is considered that these uses would not be compatible and would result in a poor level of amenity for both future occupiers and visitors to the grounds, which is considered contrary to core policy 57 (vii) and paragraph 17 (4) and Section 7 of the National Planning Policy Framework.

Highways

Highways raised concerns regarding this proposal in terms of the parking area for the proposed dwelling and also in terms of the visibility and access for the public parking. The agent has submitted revised plans which have been sent to Highways but unfortunately no comments have yet been received on the revised plans and these will be reported as a late item.

Highways also request confirmation that the grassed area in front of the attached dwelling has been used for parking and the agent has submitted a letter from a local resident addressing this issue.

10. Conclusion

In conclusion, it is considered that this proposal would result in the loss of a community facility/service and no evidence has been submitted to demonstrate that alternative community uses have been considered or the building marketed for such purposes.

The building is considered to be a non designated heritage asset and the proposed structure for the first floor will have a detrimental impact on the appearance of this building as it will be clearly visible through the windows, this will be exacerbated by any furniture in the rooms. Additionally given the close relationship of the Hall and the burial ground it is considered that the conversion to residential would not be compatible in terms of amenity for both potential occupiers and visitors to the grounds.

It is therefore considered that the proposal conflicts with core policies 49, 57 and 58 and paragraphs 17 (4) (10) (12), 131, 133, 135 and Sections 7 and 8 of the National Planning Policy Framework.

Concerns were raised by Highways and whilst revised plans have been submitted the comments are still awaited and will be reported as a late Item.

RECOMMENDATION

The application be refused for the following reasons:

1. No evidence has been submitted to demonstrate that the building has been marketed for an alternative community use and that all preferable options have been exhausted in order to justify the change of use. The proposal is therefore contrary to core policy 49 of the Wiltshire Core Strategy and paragraph 17 (12) and Section 8 of the National Planning Policy Framework.
2. The proposed works to incorporate a first floor would be intrusive and detrimental to the appearance of this non-designated heritage asset to the detriment of the character and appearance of the Conservation Area, contrary core policies 57 and 58 of the Wiltshire Core Strategy and paragraphs 17 (10), 131, 133 and 135 of the National Planning Policy Framework.
3. The proposed residential use would be incompatible with the use of the burial ground in terms of amenity for both future occupiers and visitors to the burial ground in terms of privacy and disturbance and therefore contrary to core policy 57 (vii) and paragraph 17 (4) and Section 7 of the National Planning Policy Framework.

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15/03367/FUL
Neston Gospel Hall
Chapel Lane
Neston
Wiltshire
SN13 9TD

Wiltshire Council
Where everybody matters



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	24 June 2015
Application Number	15/01330/VAR
Site Address	Erin Trade Centre Bumpers Way Bumpers Farm Chippenham SN14 6NQ
Proposal	Removal of Conditions 4 & 5 of 14/04909/FUL In Relation to Hours/Days of Usage & Details of Operation
Applicant	Erin Properties (Swindon) Ltd
Town/Parish Council	CHIPPENHAM
Division	CHIPPENHAM CEPEN PARK AND REDLANDS – Cllr Nina Phillips
Grid Ref	390205 174074
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 Nina Phillips, in order to consider the impact varying the conditions would have on residential amenities of local residents.

1. Purpose of Report

To grant planning permission for the removal of condition 5 of planning application 14/04909/FUL.

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
- Impact on the amenities of local residents

3. Site Description

The site forms part of Bumpers Farm Industrial Estate which is in use for wide range of B class uses including offices, light industry, general industrial, and storage and distribution. The majority of Bumpers Farm consists of large B2/B8 units, some of which have trade counters. The Industrial Estate is well contained, meaning that there is very limited scope for expansion.

In terms of the site specifically, businesses on site include car services, tyre sales and hire car companies. There are also general industrial units. The site is situated in the east of Bumpers Farm Industrial Estate, and is bound by Bumpers Way to the west, existing industrial units to the north and south, and residential development to the east. The site is accessed from Bumpers Way; the access road serves all of the units. Each business has a parking area in front of the unit.

4. Planning History

14/04909/FUL- Change Of Use To A Mix Of B1 Business, B2 General Industrial & B8 Storage or Distribution Uses (Granted)

5. The Proposal

The planning application seeks permission for the removal of Conditions 4 & 5 of application 14/04909/FUL. The conditions are as follows:

Condition 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.

Condition 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.

6. Planning Policy

The adopted policies relevant to the application are the Wiltshire Core Strategy. The relevant local and national planning policies are set out below.

Wiltshire Core Strategy (WCS)

Core Policy 1: Settlement strategy
Core Policy 2: Delivery strategy
Core Policy 09: Spatial Strategy: Chippenham Community Area
Core Policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 62: Development impacts on the transport network
Appendix D
Appendix E
Appendix G

National Planning Policy Framework

Section 1- Building a strong, competitive economy
Section 7- Requiring good design

7. Consultations

Public Protection:

The application seeks the removal of Conditions 4 and 5.

We would be reluctant to support the removal of condition 4, as, notwithstanding the separate noise condition (no.3) it was clearly attached on the original consent for Public Protection reasons and residential receptors are in very close proximity.

It would seem to be difficult to dispute the removal of condition 5 as the operations would appear to be B2 by definition and other conditions attached to the permission would control noise levels on and around the site.

Cllr Phillips: The application is of real concern to many residents who live very close by this. It would appear that no concern has ever been taken of the fact that the Erin Centre is so close to usually elderly residents or even those who have children either. So noise and lack of landscape are my main reasons for concern.

Chippenham Town Council: No objection. However, the Town Council has concerns that the site is close to residential properties and therefore should provide adequate noise mitigation.

8. Publicity

The application was advertised by neighbour letter and site notice. 9 letters of objection were received

Greensquare Group

Greensquare Group owns a number of residential properties in Longstone Road, Chippenham with rear gardens backing onto Erin Trade Centre. The properties are long established family accommodation in a generally pleasant area.

We note the application to remove conditions 4 and 5 of the current consent allowing B1, B2 and B8 use at Erin Trade Centre and suggest that this could be detrimental to the quality of lives of our resident and those in adjoining properties.

It is noted that the reason for the conditions 4 and 5 is to 'ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interest of the amenity of the area'. We submit that permitting extended B2 use outside of reasonable working hours as defined in condition 4 will allow the opportunity and likelihood for non compliance with condition 3 (limited noise levels) and activity which may be intrusive to residents. An environment free from intrusive levels of noise and activity will not therefore be 'ensured' if this application is approved.

We therefore object to the application and request that you consider our view when making your decision.

Local Residents:

- Houses were built twenty years prior to the units
- Conditions were applied to protect the residents
- Removal of the conditions will harm resident's amenity
- Monitoring outside normal working hours will be difficult to enforce
- Site is too close to residential units to allow unrestricted use of the buildings
- Conditions are already being breached

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 Wiltshire Core Strategy (CS) forms the local component of the current development plan.

The site is located within the Chippenham framework boundary, wherein development is acceptable in principle. Furthermore, the site is allocated within the CS for employment generating development and seeks to encourage business development and direct this type of development to established industrial estates. However, policies are clear that any development or use must comply with policy 57(vii) in terms of its impact on the surrounding area and amenities of local residents.

Noise & Amenity

At the request of the Council's Public Protection Team the original application was accompanied by a noise survey, this concluded that the proximity of industrial units to the residential properties shown on the plans is acceptable and will not result in poor living conditions for future occupants.

The Public Protection officer agreed the content of the noise report and was satisfied that the proposed development, subject to conditions, would not have an unacceptable impact on the residential amenities of local residents. To mitigate any harm three conditions were suggested and added to the decision notice. The applicant now seeks to remove two of these conditions.

The public protection officer has confirmed that condition 5 is superfluous and duplicates the safeguards put in place by condition 3 and condition 4 of the original planning permission. Any harm caused by unacceptable noise levels can be controlled by other conditions attached to the permission. The requirement to retain this condition is therefore not justified in planning terms and the condition should be removed.

The planning application also seeks permission to remove condition 4. This condition is considered to meet the 6 tests in Paragraph 206 of the National Planning Policy Framework and should therefore be retained and the public protection officer agrees with this position.

It is noted that condition 3 of the planning permission sets maximum noise levels for specific times of the day, however, these conditions were applied to take into consideration the ambient background noise levels of fans, air conditioning units etc that may be required by businesses operating within these buildings. This would allow businesses to operate within the buildings whilst protecting the amenities of local residents. Removing condition 5 and allowing 24 hour unrestricted use of these building could result in significant disturbance to local residents and therefore conflict with policy CP57 of the Core Strategy.

It is accepted that allowing businesses to operate from these buildings 24 hours a day and resulting noise could, in theory, be controlled by condition 3, however, this does not control lights internal & external lightings, disturbance from running engines and vehicles movements and loud noises that may be less quantifiable, measurable and random/sporadic in nature. Such noises can be of a significant nuisance to local residents particularly outside of usual working hours. This is further compounded by the relative close proximity of the units to residential properties. Relying solely on condition 3 for the protection of the local resident's amenities is not sufficient to comply with the NPPF and policy CP57 of the CS. In order to ensure that the residential amenities of local residents are maintained at an acceptable level and condition 5 must be retained.

10. Conclusion

Permission should be granted for the removal of condition 5 but condition 4 should be retained.

RECOMMENDATION

To grant planning permission for the removal of condition 5 of planning application 14/04909/FUL 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, 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. 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.

6. 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:

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

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	24th June 2015
Application Number	15/01282/DP3
Site Address	Cricklade Leisure Centre Stones Lane Cricklade SN6 6JW
Proposal	Extensions and Alterations to Cricklade Leisure Centre including New Car Park, Multi-use games Area and Petanque Court.
Applicant	Mr Richard Pearce
Town/Parish Council	CRICKLADE
Division	CRICKLADE AND LATTON – Cllr Bob Jones
Grid Ref	409339 193756
Type of application	Full Planning
Case Officer	Sam Croft

Reason for the application being considered by Committee

The application is submitted by Wiltshire Council to itself as Local Planning Authority. There are objections to the scheme proposals in respect of material planning considerations. In these circumstances the Council's Scheme of delegation requires that the application be reported for Committee determination.

1. Purpose of Report

To consider the above applications and to recommend that planning permission is APPROVED subject to conditions.

2. Report Summary

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

- Principle of Development
- Design and Site Layout
- Impact on the locality/amenity
- Highways
- Landscape and Arboriculture
- Drainage
- Ecology

Cricklade Town Council supports the application. 4 letters of objection were received from the public in respect to the development. 1 letter of support was received.

3. Site Description

The site is located on the western edge of Cricklade, within a residential area and comprises 1.7 hectares of the current Cricklade Leisure centre site, including the leisure centre building itself, a single storey building previously used as a Youth Centre (now unused), car parking, service road and the outdoor sports facilities and children's playground to the south of the main building. The existing football pitches to the west of the main building are unaffected by the proposals and are not included in the application.

Wiltshire Council is developing a transformation programme across all of its estate to create local community campuses. These campuses are intended to draw together community and council facilities under one roof, thus providing improved community facilities while rationalising the council's estate. The intention is that older buildings which are poorly located, underutilised or energy inefficient can be disposed of in favour of modern more energy efficient premises.

Following an initial feasibility study, B3 Architects were appointed by Wiltshire Council to develop proposals for new Campus buildings in Cricklade. The development of these proposals was informed by a Shadow Community Operations Board (SCOB) also appointed by Wiltshire Council. Although feasibility studies were carried out into work on the Ockwells site and Cricklade Police Station building (both on Cricklade High Street), after extensive consultation it was decided that new campus facilities would only be developed on the Stones Lane site. Ockwells will continue to provide library facilities and offices for Cricklade Town Council. Facilities for the police will be provided at the Stones Lane site and the existing Police Station site will be closed. This application therefore is for the adaptation, refurbishment and extension of the existing Leisure Centre on Stones Lane in order to provide new Campus facilities for Cricklade. The application proposes extensions and alterations to Cricklade Leisure Centre including a new car park, multi-use games area and petanque court.

Two pre-application submissions were made, reference 13/06453/PREAPP and reference 14/04203/PREAPP. The reason for the two applications is that additional information was available for consideration at the time of the second application. Pre-application advice was also sought from Sport England.

4. Planning History

N/99/02554/FUL	EXTENSION TO LEISURE CENTRE AND PROVISION OF CAR PARKING
N/92/00356/FUL	ERECTION OF A NEW TIMBER FRAMED BRICK CLAD TILED ROOF SINGLE STOREY BUILDING FOR USE AS A YOUTH CLUB BUILDING FOR YOUTH CLUB
N/91/02531/FUL	EXTENSION TO SPORTS/LEISURE CENTRE
N/88/03125/DP3	DEEMED PERMISSION REG 4- SITING OF MOBILE OFFICE UNIT FOR YOUTH COMMUNITY WORKER
N/97/01637/FUL	4 NO 8M HIGH FLOODLIGHT COLUMNS 4 NO FLOODLIGHT COLOMNS
N/95/00424/FUL	SINGLE STOREY CHANGING ROOM EXTENSION TO PUBLIC SPORTS/ LEISURE CENTRE CHANGING ROOM EXTENSION

N/03/01754/FUL	SIDE REAR AND FRONT EXTENSION
N/04/00114/S73	OUTLINE - ERECTION OF DWELLING (RENEWAL)
N/04/01151/FUL	REPLACEMENT OF FIRE EXIT STEPS WITH RAMP TOGETHER WITH TWO DISABLED PARKING SPACES
N/06/03110/FUL	New Dwelling And Access
N/08/02135/FUL	Erection of Lean-To Rear Extension to Form Store & Plant Room
13/06453/PREAPP	Refurbishment and Extension of Leisure Centre to form Campus.
14/04203/PREAPP	Extensions to Provide Community and Sports Facilities and Refurbishment to Existing Leisure Centre and Proposed External Works

5. The Proposal

The application proposes extensions and alterations to Cricklade Leisure Centre including a new car park, multi-use games area and petanque court.

6. Local Planning Policy

National Planning Policy Framework 2012 (NPPF)

Section 7 - Requiring good design

Section 8 - Promoting Healthy Communities

North Wiltshire Local Plan 2011 (Saved Policies)

T5 - Safeguarding

CF1 - Local Community and Education Facilities

CF2 - Leisure facilities and open space

Wiltshire Core Strategy (Adopted January 2015)

CP1 - Settlement Strategy

CP2 - Delivery Strategy

CP3 - Infrastructure requirements

CP51 - Landscape

CP52 - Green Infrastructure

CP57 - Ensuring High Quality Design and Place Shaping

CP60 - Sustainable Transport

CP61 - Transport and Development

CP62 - Development Impacts on the Transport Network

7. Summary of consultation responses

Cricklade Town Council - These proposals have been subject to extensive public consultation over a number of years. They represent a major investment in the Leisure Centre. Two objections have been received from neighbours. The first concerns the position of the car park. This is to be extended and moved to the front of the building next to the Tennis Court. It will increase the parking area by 37 places. At present parking is often difficult particularly at peak times. This will move the parking area closer to the properties on Common Hill. Most of these have fairly long gardens however and the area will be screened by the existing hedges and trees. Concerns also expressed about the proximity of the car park to the children's play area and the lack of any barriers. This matter can be looked at when replacement play equipment is being taken forward by C & L.

There is a history of surface water flooding at the rear of the centre. Remedial work has taken place quite recently in the ditch and culvert in Stones Lane. The flood risk assessment accompanying the application is quite positive that it is resolved, but we do consider that care should be taken so that none of the drainage pipes and culvert are damaged during the construction phase, and that regular monitoring and inspections are undertaken when the building is completed. The car park is to be constructed in permeable paving which will aid drainage.

It is anticipated that there will be an increase of 4 full time and 2 part time posts.

The other objection relates to the footpath which cuts through from Bath Road into Stones Lane. It is used as a short cut and the resident is concerned that use will increase and be more dangerous. This has been looked at before and as it is not a recognised footpath by Wiltshire Council they will not permit improvements. As this is outside the area and responsibility of the Leisure Centre it is not a valid objection to the plans. That said it is a dangerous and muddy short cut that has frequent use and perhaps C & L should be asked if it could be taken forward again.

On the whole this looks like an excellent development and we think it will attract lots more members and people to use the facilities which can only be good for Cricklade.

Cricklade Town Council Members therefore agreed to support this application.

Highways - No objection subject to condition.

Arboricultural Officer - No objection subject to condition.

Drainage - Support

Ecology - No objection

Environmental Health - No objection subject to condition.

Wiltshire Fire and Rescue - Recommend the installation of commercial sprinkler systems.

8. Publicity

4 letters of objection were received in respect to the application. The main concerns raised in respect to the development were that of increased noise, negative appearance, concern over safety of children in the park so close to the car park without a barrier, general disturbance and lack of privacy into adjoining gardens and removal of open green land currently occupied by children on a regular basis

9. Planning Considerations

Principle of Development

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local

Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy. These policies will be subject to further review as part of the Core Strategy Partial Review process.

Saved policy CF2 of the NWLP relates to leisure facilities and open space, and sets out that proposals for leisure facilities and open space within or adjoining the Framework Boundaries of Towns and Villages as defined on the Proposals Map will be permitted. In addition it states that proposals for the redevelopment, replacement or improvement of existing leisure facilities or open spaces, will be permitted provided that:

- i) The replacement or improved facilities will be at least equivalent in terms of quality, quantity and accessibility, and there will be no reduction in the overall capacity of leisure facilities and/or open spaces in the area of the development to accommodate demand; or
- ii) The Council accepts that the loss of the existing facility or open space would not result in a deficiency, in terms of quality, quantity and accessibility in accordance with the methodology in North Wiltshire's Open Spaces Study, either now or in the foreseeable future and a clear environmental justification can be made for an alternative use; or
- iii) The proposed development is for outdoor or indoor leisure facilities that will be of sufficient benefit to the community to outweigh the loss of the existing facility or open space; or
- iv) Development proposals will improve facilities ancillary to its use.

The proposal is considered to comply with the relevant policies of the WCS in respect to improvements to existing leisure within the defined settlement boundaries. Accordingly, the principle of the development is supported.

Design and Layout

Core Policy 57 of the WCS requires that development respect the local character and distinctiveness of the area with regard to the design, scale, density, massing, materials, siting and layout of the proposal.

The design and layout of the building proposed is the result of extensive pre-application discussion with the Council, members of the public and other key stakeholders. The development is considered to make efficient use of land while also seeking to be compatible with adjacent uses. It is therefore considered that the proposal complies with Core Policy 57 of WCS.

Core Policy 57 also seeks to avoid creating developments with unacceptably low levels of privacy and amenity and avoid the unacceptable loss of privacy and amenity to adjacent dwellings. It is not considered that the development would result in loss of privacy and amenity to adjacent dwellings nor would it result in unacceptably low levels of privacy and amenity for the future users. It is therefore considered that the proposal complies with Core Policy 57 of WCS.

Highways

On the basis of the Transport Statement and Travel Plan submitted as part of the application the Council's Highways Team have raised no objection to the scheme subject to a condition requiring the consolidation, surfacing and laying out of the car park prior to the first use of the development.

Landscape and Arboriculture

Having reviewed the submitted tree information the Council's Arboriculturalist stated that whilst the tree information covers all of the trees currently present the details of which trees are to be removed and which if any require pruning are a little difficult to make out. Accordingly they requested an arboricultural implications assessment detailing tree removals and pruning along with an arboricultural method statement and tree protection plan detailing tree protection measures.

The applicant submitted an Arboricultural Impact Assessment and Tree Protection Plan to address the arboriculturalist's comments. On the basis of this additional information the Council's Arboriculturalist has stated that is much clearer and they have no further objections subject to conditions.

Drainage

The application form states foul drainage disposal will be to main sewer via existing system. This will require consent from the sewerage undertaker who will need to verify if the existing main sewer has sufficient capacity to serve the additional flow.

The application form states storm drainage disposal will be existing watercourse through a sustainable drainage system. The water course indicated to be with 20m of the site

The FRA indicates a proposal to discharge at current rates to the culverted water course system. This is considered an acceptable solution but if connections are moved or altered then separate Land Drainage Consent approval may be required. Photos in the FRA show a tyre in the culvert. It is understood that this has been removed but the pipe (may be a foul drainage pipe) is likely to still be in place. This will be an issue and could lead to flooding in the area.

On the basis of the information submitted the Council's drainage consultant supports the development.

Ecology

The Council's Ecologist has been an internal consultee in the design of this project and offered advice to project officers on the scoping of ecology surveys in support of the application, also on the layout and design in relation to existing ecology of the site. Ecosulis (ecological consultants) have carried out a comprehensive extended Phase I Habitat survey of the site. The ecologist is satisfied that sufficient survey has been carried out to determine the ecological status of all habitats within the site and their potential to support protected species.

The majority of the proposed works are located on existing hard standing or close mown amenity grassland and are therefore unlikely to result in degradation of sensitive habitats. The locations where extensions will be added to existing buildings have been inspected and found not to offer potential to support bats or nesting birds. As such it is considered that the proposal will not result in any adverse effects on local biodiversity and accordingly no objection is raised in respect to the proposal.

Environmental Health

The design and access statement is comprehensive in outlining concerns and possible solutions to noise and lighting issues. Lighting is to be designed to meet Environmental Zone E2 and noise from external plant and machinery should adhere to the -5dB below the measured background noise level mentioned in the report.

As the lighting is mentioned in the Design and Access statement and there is a proposed lighting scheme in the supporting documents, The Councils Environmental Health Officer (EHO) does not propose to condition this since the level proposed is sufficient. However the noise levels are only mentioned in the Design and Access statement and there is no accompanying noise survey and assessment. Accordingly, whilst the EHO agrees with the -5dB level for all external plant and equipment, they propose that this is conditioned to protect nearby dwellings from adverse impact.

Additionally, the EHO would like to condition hours of construction and no burning on site during construction in order to protect amenity and help guard against complaints during this phase.

10. Conclusion (The Planning Balance)

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The location of the proposed development is in line with relevant policies of the WCS and the saved policies of the NWLP. Furthermore, the proposed development would appear to be well designed and not excessive or out of keeping, in terms of size and design, with the existing building and would not result in loss of privacy and amenity to adjacent dwellings nor would it result in unacceptable low levels of privacy and amenity for the future occupiers. It is therefore considered that the proposal complies with Core Policy 57 of WCS.

RECOMMENDATION

To approve planning permission subject to conditions:

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

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

2. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON:

- (a) In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.
- (b) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (c) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (d) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2012): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and;

the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

3. 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.

4. 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. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out

in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

6. No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from external plant and machinery. The approved scheme shall be implemented in full before use of the new areas commences and maintained at all times thereafter.

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.

7. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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.

8. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

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.

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

Application Form

Design and Access Statement (31 January 2015)

J005307 Extended Phase 1 Habitat Survey (January 2014)

C13788 Transport Assessment (February 2015)

C13788/TP Travel Plan (February 2015)

R/C13793/002.02 Flood Risk Assessment (February 2015)

Tree Constraints Information (18th December 2013)

16796 G0 SI-101 A Existing Location Plan

16796 G0 SI-103 H Proposed Site Layout

16796 G2 GA-1101 J Proposed Ground Floor

16796 G2 GA-1102 G Proposed First Floor

16796 G2 GA-1103 Proposed Roof Floor

16796 G2 EL-1202 C Proposed Elevations

16796 G2 EL-1202 Proposed Elevations

131218-CLC-TCP-NC-1.0 Tree Constraints Plan

142795 – E001 Rev A Proposed External Lighting

00210.00021.16.002 Rev 2 Hard Landscape Plan

00210.00021.16.003 Rev 2 Landscape Planting Plan
2518-C-02 P3 Foul Drainage and Surface Water Management Strategy
Received on 11/02/2015

Arboricultural Impact Assessment & Tree Protection Plan (March 2015)
150316-1.2-CLC-TPP-NC Tree Protection Plan
Received on 17/03/2015

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

10. INFORMATIVE TO APPLICANT:

In discharging condition 6 it is recommended that the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:1997 (or any subsequent version) and demonstrate that the rating noise level is at least 5dB below the background noise level.

11. 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.

12. 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.

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15/01282/DP3
Cricklade Leisure Centre
Stones Lane
Cricklade
SN6 6JW



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