

AGENDA

Meeting: Eastern Area Planning Committee
Place: Wessex Room, Corn Exchange, The Market Place, Devizes SN10 1HS
Date: Thursday 2 November 2017
Time: 3.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Mark Connolly (Chairman)	Cllr Peter Evans
Cllr Paul Oatway QPM (Vice Chairman)	Cllr Nick Fogg MBE
Cllr Ian Blair-Pilling	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr James Sheppard

Substitutes:

Cllr Ernie Clark	Cllr George Jeans
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr Jerry Kunkler	Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 5 October 2017.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

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 by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. 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.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

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 26 October 2017 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 30 October 2017. 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 Appeals and Updates** (*Pages 11 - 12*)

To receive details of the completed and pending appeals, and any other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17/07414/FUL: Land to the rear of 11 White Street, White Street, Market Lavington, Wiltshire, SN10 4DP** (*Pages 13 - 30*)

Demolition of existing garages and erection of two houses with garages

7b **17/06842/FUL: Land to the rear of Trinity Cottage, Castle Grounds, Snails Lane, Devizes, Wiltshire, SN10 1DB** (*Pages 31 - 44*)

Proposed dwelling on site of former horticultural buildings

7c **17/06147/FUL: Elm Cottage, 42 Yard Lane, Bromham, Wiltshire, SN15 2DTB** (*Pages 45 - 54*)

Demolition of existing dwelling and outbuildings and construction of replacement dwelling and outbuildings

7d **17/05767/FUL: Red Lion, Axford, Wiltshire, SN8 2HA** (*Pages 55 - 66*)

Full planning application for a new dwelling on land forming part of the curtilage of the Red Lion Inn, following previous approval 15/09840/FUL.

8

Urgent Items

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

Part II

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

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 OCTOBER 2017 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Mark Connolly (Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble and Cllr Anna Cuthbert (Substitute)

Also Present:

Cllr Philip Whitehead

40. **Apologies**

Apologies were received from Councillors James Sheppard and Paul Oatway QPM.

Councillor Sheppard was substituted by Councillor Anna Cuthbert.

41. **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 June 2017 were presented for consideration and it was,

Resolved:

To approve and sign as a true and correct record.

42. **Declarations of Interest**

There were no declarations.

43. **Chairman's Announcements**

There were no announcements.

44. **Public Participation**

The rules on public participation were noted.

45. **The Wiltshire Council (Parish of Urchfont) Path No.51 Definitive Map and Statement Modification Order 2015**

Public Participation

Carol Talbot, Headteacher, Urchfont Primary School, spoke in objection to the Order

Roy Hickey spoke in objection to the Order.

Martin Kemp representing the Diocese of Salisbury, spoke in objection to the Order.

Malcolm Smith spoke in support of the Order.

Trevor Hill spoke in support of the Order.

Sue Giddings spoke in support of the Order.

Cllr Bill Donald, Urchfont Parish council, spoke in support of the Order.

A report was presented by Richard Broadhead, Rights of Way and Countryside Manager, outlining the Wiltshire Council (Parish of Urchfont) Path No.51 Definitive Map and Statement Modification Order 2015, and the recommendation to forward the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation. As objections had been received to the Order, the council was required to send the order to the Secretary of State for determination, and it could recommend the order be confirmed as made, not confirmed, or be confirmed with modification, after considering all evidence that had been submitted within the statutory consultation period.

The history of the order application was detailed, outlining the application from Urchfont Parish Council, the route claimed which included a section through the grounds of Urchfont Primary School and the number and content of objections and supporting statements and evidence. Attention was drawn to two objections, one of which had not been included with the list of evidence but which had been submitted within the proper timescales, and which would be included with the evidence sent to the Secretary of State. The second piece of evidence had not been submitted within appropriate timescales and advice was being sought as to whether this piece of evidence should also be included with the evidence to be sent to the Secretary of State.

The Committee were also reminded of the legal tests for confirmation of a public right of way, in particular the need to demonstrate, on a balance of probabilities, that the claimed route had been used without force, without secrecy, without permission and without interruption over a period of 20 years. It was noted that the claimed route passed through the grounds of the primary school and many safeguarding concerns had been raised by objectors, however it was established the Wildlife and Countryside Act 1981 did not permit safeguarding considerations to be taken into account when determining whether a claimed public right of way met the required legal tests, though discussions were ongoing on possible mitigating measures should the Order be confirmed.

The Committee then had the opportunity to ask technical questions of the officer. Details were sought on evidence submitted regarding the route being utilised prior to construction of the primary school in 1974.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local Division Member, Councillor Phillip Whitehead, then spoke regarding the Order, detailing that due to living close to the site he had not been involved in any formal discussions or submissions regarding the item, and simply asked the Committee to consider the evidence submitted carefully when making its decision.

The Committee then debated the Order and the options available to it. Issues raised included noting that safeguarding considerations could not be taken into account when assessing the evidence, the strength of the evidence submitted by objectors and supporters, in particular whether sufficient signage had been in place to clarify the route was not intended as a public right of way and whether the area had been sufficiently unavailable to the public to make that clear, and the variation in some submissions as to the exact route claimed. In response to queries it was confirmed that no new evidence, such as any alternate routes that might be utilised instead if further work were undertaken, could be submitted at this stage of the process.

A motion to forward the Order to the Secretary of State with the recommendation it be confirmed as made was moved by Councillor Richard Gamble, seconded by Councillor Peter Evans, and at the conclusion of debate it was,

Resolved:

To forward the Order to the Secretary of State for the Environment, Food and Rural Affairs for confirmation as made.

46. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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Wiltshire Council
Eastern Area Planning Committee
2nd November 2017

Planning Appeals Received between 02/06/2017 and 20/10/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/03260/FUL	Land adjacent to 19 Brook Street Great Bedwyn Wiltshire, SN8 3LZ	GREAT BEDWYN	Erection for 1 dwelling on land adjacent to 19 Brook Street	DEL	Written Representations	Refuse	17/07/2017	No
16/08498/OUT	Roundway Farm Roundway, Devizes Wiltshire, SN10 2HY	ROUNDWAY	Outline application relating to access for redevelopment of land by the erection of three two-storey dwellings with garages and associated works	DEL	Written Representations	Refuse	03/07/2017	No
16/10814/FUL	Vesper, 91 High Street Pewsey, Wiltshire SN9 5AF	PEWSEY	Proposed parking strip to front of property for disabled drivers and improved pedestrian access	DEL	House Holder Appeal	Refuse	14/06/2017	No
17/00571/FUL	Werg Gardens Werg, Mildenhall Marlborough, Wiltshire SN8 2LY	MILDENHALL	Replacement dwelling (resubmission of 16/01672/FUL)	DEL	Written Representations	Refuse	12/09/2017	No
17/00680/FUL	Durley Gate, 10 Durley Marlborough, Wiltshire SN8 3AZ	BURBAGE	Stopping up of existing vehicular access onto highway and formation of new main access from existing access point. Demolition of existing ancillary garage/ stable and erection of ancillary self-contained residential annex. Erection of cartshed parking and store, with home office above (re-submission of 16/10300/FUL).	DEL	Written Representations	Refuse	15/09/2017	No
17/01633/PNCOU	Grain Store At Roundway Farm, Roundway Wiltshire	ROUNDWAY	Notification for Prior Approval Under Class Q - Proposed change of use of existing agricultural building to form 3 dwellings and associated operational development	DEL	Written Representations	Refuse	03/07/2017	No
17/03525/FUL	9 Gason Hill Road Tidworth, Wiltshire SP9 7JX	TIDWORTH	Proposed 2 storey extension and porch	DEL	House Holder Appeal	Refuse	16/10/2017	No
17/05683/TPO	11 The Orchard Urchfont, Wiltshire SN10 4QX	URCHFONT	Fell Scots Pine.	DEL	House Holder Appeal	Refuse	10/10/2017	No

Planning Appeals Decided between 02/06/2017 and 20/10/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommendation	Appeal Decision	Decision Date	Costs Awarded?
16/02446/FUL	Manor Farm, Tidcombe, Marlborough, Wiltshire SN8 3SL	TIDCOMBE & FOSBURY	Demolition of agricultural sheds and erection of dwellinghouse and conversion of outbuilding to ancillary storage with associated change of use of land from agricultural to residential curtilage and landscaping (Site A). Change of use of Manor Cottages Nos.1 & 2 to form a single dwellinghouse (Site B).	DEL	Written Reps	Refuse	Dismissed	13/06/2017	None
16/03703/FUL	Land at Woodland Road Patney, Devizes Wiltshire	PATNEY	Erection of a detached specialist dwelling for disabled person	EAPC	Written Reps	Refuse	Withdrawn	21/06/2017	None
16/05020/FUL	Croft Farm Plough Lane, Marston Wiltshire, SN10 5SR	MARSTON	Demolition of redundant farm buildings and replacement with one residential dwelling	DEL	Written Reps	Refuse	Dismissed	30/08/2017	None
16/07815/OUT	Land adjoining Manor Farm, Froxfield Wiltshire, SN8 3JY	FROXFIELD	Demolition of the two existing barns and replacement with one detached dwelling together with private amenity space, parking and associated works (Outline application relating to access and layout)	DEL	Written Reps	Refuse	Dismissed	29/08/2017	None
16/08498/OUT	Roundway Farm Roundway, Devizes Wiltshire, SN10 2HY	ROUNDWAY	Outline application relating to access for redevelopment of land by the erection of three two-storey dwellings with garages and associated works	DEL	Written Reps	Refuse	Dismissed	09/10/2017	None
16/10814/FUL	Vesper, 91 High Street Pewsey, Wiltshire SN9 5AF	PEWSEY	Proposed parking strip to front of property for disabled drivers and improved pedestrian access	DEL	House Holder Appeal	Refuse	Dismissed	27/07/2017	None
17/01633/PNCOU	Grain Store At Roundway Farm Roundway, Wiltshire	ROUNDWAY	Notification for Prior Approval Under Class Q - Proposed change of use of existing agricultural building to form 3 dwellings and associated operational development	DEL	Written Reps	Refuse	Dismissed	09/10/2017	None

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	2 nd November 2017
Application Number	17/07414/FUL
Site Address	Land to the rear of 11 White Street, White Street, Market Lavington, Wiltshire SN10 4DP
Proposal	Demolition of existing garages and erection of two houses with garages
Applicant	Estate of T.E.J. Gye Deceased
Town/Parish Council	MARKET LAVINGTON
Electoral Division	THE LAVINGTONS AND ERLESTOKE – Cllr Gamble
Grid Ref	401579 154104
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Gamble, for the committee to consider the highway safety impact of the proposal and the car parking arrangements.

1. Purpose of Report

To consider the detail of the application against the policies of the development plan and other material considerations and the recommendation that the application be approved.

2. Report Summary

The main issues to be considered are:

- Whether the proposed dwellings are acceptable in principle;
- Whether the proposal would preserve or enhance the character and appearance of the Market Lavington Conservation Area;
- Whether the proposal would have a detrimental impact upon the reasonable living conditions of the adjoining residents; and
- Whether the proposal would have a severe impact upon highway safety including if there is sufficient parking for the two new dwellings.

3. Site Description

The site is located within the Limits of Development of Market Lavington and it is accessed off the Clays via White Street. The Clays is a Public Right of Way (PRoW) with the reference MLAV24 that runs along the northern and eastern edge of the site.

The application site is adjoined by housing and gardens to the north, east, south and west. At the time of the officer site visit, the land was not in active use save for the 3 garages in the eastern corner of the site and was covered by ruderal vegetation. However, based on it having a former use it is considered to be brownfield land.

The site lies within the settlement's conservation area where a number of the surrounding properties are noted as being significant unlisted buildings (notably Nos. 11, 12 and 13 White Street and Nos. 2 and 3 The Clays). There are no other formal heritage or landscape designations covering the site.

There are no other planning constraints listed for the site that need to be considered as under this application.

4. Planning History

17/03204/TCA – tree works application approved to remove Leylandii, a Norway Spruce and a Hawthorn hedge.

5. The Proposal (based upon the latest revised plans)

The application proposes the demolition of the existing garages and the erection of two 3 bed dwellings with garages and individual accesses onto The Clays (this is an amendment to the original submission whereby 4 bed dwellings were proposed). They are to be constructed out of facing brickwork with plain clay tiles to the roofs. One of the two dwellings will have dentil detailing in the brickwork and the other will have tile hanging to the first floor elevations. Save for this variation, the remainder of the design of the dwellings is identical.

The dwellings will have a foot print of approximately 70m² with a ridge height of 8.3m. Each dwelling will have a private amenity space in excess of the generally accepted standards of 50m². They will be served by 2 parking spaces each. It is noted that this includes one space in the garage.

To clarify a point, it is noted that the site plan includes part of The Clays within the red line. The ownership of The Clays is unknown and the applicant has signed the correct certificate on the planning application (Certificate D) and duly advertised in the press as per the legislative requirement. The granting of planning permission does not affect the ownership of this land. In any event, no development is proposed on The Clays itself. The agent has confirmed that the red line was drawn in such a manner so as to demonstrate that the applicants have access onto a road (ie. White Street - an adopted highway).

6. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 12 – Devizes Community Area
- CP 41 – Sustainable Construction and low-carbon energy
- CP 51 – Landscape
- CP 57 – Ensuring high quality design and place shaping
- CP 58 – Ensuring the conservation of the historic environment
- CP 61 – Transport and new development
- CP 64 – Demand Management

National Planning Policy Framework 2012 (NPPF)

Supplementary Planning Guidance:

- *Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.*
- *Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4*
- *Market Lavington Neighbourhood Plan (Emerging Plan)*

7. Summary of consultation responses

Market Lavington Parish Council

Objects to the application on the following grounds:

- Insufficient parking for the properties
- Loss of garaging will impact upon parking in the village
- The Clays is not suitable for the additional traffic (too narrow, potholed etc.)
- Will be a danger to pedestrians etc. using The Clays
- Will impact harmfully on the Conservation Area
- Red line shows The Clays as in the applicants ownership when it is unknown who owns the land
- Market Lavington NP will identify sufficient sites within the village, this not being one of them
- Eastern Housing Market Area (HMA) has 8.27 years of housing land supply (HLS) and therefore, no need for this site to be developed

Wiltshire Council Highways

In light of the revised information provided, they wish to make the following observations:

- The proof of historical use is acceptable though the Rights of Way (ROW) Team may want written evidence and it would be best to enquire with them.
- They are satisfied that the use of the garages has been investigated and that it appears that displaced parking is not likely to result in a significant detrimental effect.
- It is noted that the sizes of the garages will be amended.
- They are happy to accept a Construction Method Statement as a planning condition.

The ROW Team have suggested the following condition:

No construction / demolition vehicle access may be taken along MLAV24 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate, any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

Reason: To ensure the public right of way remains available and convenient for public use.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.”

Based on the information provided they are happy to offer no highway objection subject to the parking provision being secured as per the approved drawings (with the amendment to the garages to increase the internal widths) and a Construction Management Statement to be approved, to include pre-condition surveys, car parking strategies and material storage and ROW protection.

Public Rights of Way Team

The property would be accessed via a bridleway (MLAV24). This is not recorded as a public vehicular highway; the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the householder would require a demonstrable private right of vehicular access. Without this private right, the householder would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway. The householder is advised to take private legal advice.

If planning permission is granted we would require the following:

- The bridleway would require surfacing and improvement works.
- Surface water from the site should not flow out onto the bridleway.
- Visibility around the bends in the bridleway should be checked to ensure that the public do not come into conflict with vehicles using the access.

Wiltshire Council Conservation Officer

If the detailed design delivers a high quality scheme, they are of the view that the proposed new houses would not harm the character and appearance of the conservation area nor the setting of the listed buildings.

8. Publicity

The application was advertised by site notice and neighbour notification letters. The application was also advertised in the Gazette and Herald newspaper. As a result of this publicity the following comments have been received:

- Concerns over construction traffic accessing the site as White Street is narrow with parked cars and The Clays even more so.
- Wish to ensure no commercial / construction traffic uses Gye's Old Yard as a turning space.
- Applicants do not own any of The Clays so why is it included in their application
- The Clays cannot take any more traffic
- Parking provision is insufficient for 2 new dwellings and no visitor space has been provided
- Additional traffic is likely to impinge on their safe transit and impact on the condition of the track.
- Loss of light

- Loss of trees prior to application and destruction of wildlife habitats (including nesting birds)
- Loss of privacy
- It will lead to a net increase in parking on already congested streets
- Experience shows garages are rarely used for the parking of vehicles
- Fire engines could not get down The Clays to tackle the two recent fires in the village
- The Clays currently serves as access to 5 properties, which already exceed the recommended number allowed in planning terms on an unadopted road.
- Will cause light pollution
- It is inappropriate development in a conservation area
- Loss of former allotment space
- Overdevelopment of the site
- Garages currently allow parking for a total of 7 vehicles; loss of a higher number of spaces than stated in the application

9. Planning Considerations

Principle of Development

9.1 The starting point for the determination of any application as required under section 38(6) of the Planning and Compulsory Purchase Act 2004 is that the decision be made in accordance with the development plan, unless material considerations indicate otherwise. The primacy of the development plan is enshrined in the NPPF and reaffirmed at paragraphs 11, 12, 17, 150 and 196, where emphasis is placed upon the importance of a plan-led system. The development plan for Wiltshire is the adopted Wiltshire Core Strategy 2015 (WCS). This is a recently adopted document, approved by full Council on the 20th January 2015 and has been thoroughly scrutinised through the examination process and found to be legally compliant, sound and in conformity with the NPPF. It contains relevant up to date policies, a spatial strategy and spatial vision, all of which are designed to achieve sustainable development objectives within Wiltshire.

Core Policy 1 of the WCS identifies the most sustainable locations for growth within Wiltshire on the basis of a settlement hierarchy, with the focus on the principal settlements and market towns. Under Core Policy 12, Market Lavington is defined as a Local Service Centre. Core Policy 2, the delivery strategy, in line with Core Policy 1, seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 42,000 homes, distributed across the three housing market areas. The aim of this policy is to ensure development occurs in the most sustainable locations in conformity with the distribution set out within Core Policy 2. Within the development limits of Principal Settlements, Market Towns, Local Service Centres and Large Villages, there is a presumption in favour of sustainable development – Local Service Centres, which market Lavington is identified as, are defined as settlements capable of taking modest levels of development. Accordingly, the principle of development for new housing in this location would be considered acceptable subject of course, to the proposal's conformity with other relevant policies of the development plan notably, Core Policies 57, 58, 61 and 64.

Design / Heritage Impact

9.2 Core Policy 57 of the WCS is the primary reference point for assessing the design of the scheme. This policy requires a high standard of design to be met across all new development proposals. It requires development to conform to the existing settlement pattern and be respectful in terms of building form, layout, plot size, elevation treatment and neighbour amenity. Additionally, section 7 of the NPPF would be relevant.

The local planning authority also has a statutory duty placed upon it by s.66 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and setting of listed buildings. There is also a statutory duty placed upon it by s.72 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and appearance of conservation area.

The NPPF outlines government policy towards the historic environment. Section 12 "*Conserving and Enhancing the Historic Environment*" sets out an overall aspiration for conserving heritage assets. In particular, paragraph 132 is relevant which states: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Wiltshire Core Strategy Core Policy 58 relates to Ensuring the Conservation of the Historic Environment and states that designated heritage assets and their settings will be conserved.

The site may have originally been the gardens to Nos. 11 and 13, however it appears to have been separated off for some time and a reasonable section of garden in relation to the scale of the houses has been maintained. The historic and more recent developments in The Clays have established this as an area for residential development. The layout of the new houses follows the layouts which have been established. In terms of size, scale and plot sizes, the houses follow the character of the immediate area. In terms of the overall form and layout, it is considered that the proposed houses would not have an adverse impact on the character and appearance of the area.

The success of a scheme in terms of quality of design will largely depend on the materials and detailing. The design and most of the materials relate to the local vernacular, however some elements were unclear and others required revision. The application form states the windows are timber but the drawing notes state uPVC. Revised drawings have been received which clearly state the windows and doors are to be timber framed. Such a matter can be controlled via a planning condition to ensure they are maintained as such in the interest of preserving the character and appearance of the conservation area. The Conservation Officer shares this view. In addition, the Conservation Officer states that any glazing bars should be traditional in form and not applied or sandwiched between the glazing. This is considered a reasonable request to ensure a high standard of design is achieved in the interests of preserving the character and appearance of the conservation area. It is likely that there will be flues associated with boilers and mechanical ventilation to bathrooms and kitchens and meter boxes. Consideration needs to be given to the siting and appearance of these to avoid impacting on the front facades of the new properties. Details of

flues, mechanical ventilation etc. can also be controlled via planning condition to ensure they are sensitively placed on the building and are of an appropriate design.

The materials will be critical, especially the bricks, in terms of how they are constructed and what mortar is used. Again, details of this can be requested via a planning condition to ensure the character and appearance of the conservation area is preserved. For similar reasons, it would be prudent to remove permitted development rights for additions, extensions and external alterations to the dwellings.

Subject to the conditions outlined above being in place, it is considered that the scheme would have an acceptable impact in design and heritage terms.

Visual Impact

- 9.3 Based on the considerations above that the scheme is of an acceptable design with no adverse impact on the character and appearance of the area, the proposed development would not have any further visual / landscape impacts. The aims of Core Policy 51 to protect landscape character are thus satisfied.

However, a condition requiring the submission of a hard and soft landscaping scheme should be imposed to ensure that a satisfactory landscape setting is achieved for the site. At the time of the officer site visit, there appeared to be no trees or hedging on the site, just ruderal vegetation and consequently, there is nothing to retain or protect. It is noted that an application was submitted earlier in 2017 which sought removal of the trees and hedging. As such, it is not essential for the landscaping scheme to be submitted prior to the commencement of development.

Neighbour Amenity

- 9.4 In summary, it is considered that there would be no detrimental impact to the reasonable living conditions of the adjoining residents as a result of this development.

Plot 1

The proposed dwelling is situated a satisfactory distance away from neighbouring properties such that it would not have an overbearing impact.

The same can be said for the levels of light received to neighbouring properties. Whilst light levels will indeed be altered as a result of the proposal, the impact will not be so significant as to warrant a refusal of planning permission. The assessment was done using (<https://www.suncalc.org>) and on looking at separation distances and respecting building heights as outlined on the plans.

There are no windows in the side elevation thus no assessment is required.

There are three windows at first floor elevation in the front elevation. The central window serves a staircase and the outlook from this window will be fleeting glances as one navigates the stairs. The two remaining windows serving bedrooms, will overlook The Clays and beyond that, a garage, parking area and the roofs of some outbuildings. The outlook from these windows would not be to the detriment of anyone's privacy.

There are three windows at first floor elevations in the rear. These face out across the garden to Plot 1 and beyond this the rear garden of No. 14 White Street. Angles would be oblique to the garden of No. 13 White Street. Two of the windows serve bathrooms and can therefore be conditioned to be obscurely glazed. The window serving bedroom 3 is therefore the only window that needs to be assessed.

The distance from this window to the boundary with No. 14 is just over 9m. No. 14 has a large garden with a 2m high brick wall as the boundary feature that adjoins Plot 1. Its principle patio / sitting out area does not sit in line with this window rather, at some angle. In addition to this, the garden is of a large enough size to retain private areas. Furthermore, no objections have been received from this property. On this basis, it is considered that the outlook from this window would not have a detrimental impact upon the privacy levels of this property.

Plot 2

The proposed dwelling is situated a satisfactory distance away from neighbouring properties such that it would not have an overbearing impact.

The same can be said for the levels of light received to neighbouring properties. Whilst light levels will indeed be altered as a result of the proposal, notably to No. 1 The Clays and No. 2 Kings Court, the impact will not be so significant as to warrant a refusal of planning permission. These properties will still enjoy sufficient levels of day light as the sun moves throughout the day. This assessment was done using (<https://www.suncalc.org>) and on looking at separation distances and respecting building heights as outlined on the plans.

There are no windows in the side elevation thus no assessment is required.

There are three windows at first floor in the front elevation. The central window serves a staircase and the outlook from this window will be fleeting glances as one navigates the stairs. As such, the impact on privacy levels from this window is negligible. The two bedroom windows will look out over The Clays and beyond that, the garden of No. 2 Kings Court. The distance to the boundary of this property from the window of bedroom one is over 10.5m and from bedroom two, 7.5m. In respect of bedroom one, this distance is more acceptable but bedroom two is quite close. That said, this property has a fairly low fence and views into the garden were possible at the time of officer site visit from the PRoW / track. On the basis of no objection from the occupiers, the presence of an intervening PRoW / lane and a low fence enabling current overlooking of the garden anyway, the outlook from these windows would not cause detrimental harm to the reasonable living conditions of this property.

There are three windows at first floor elevations in the rear. Two of the windows serve bathrooms and can therefore be conditioned to be obscurely glazed. The window serving bedroom three is therefore the only window that needs to be assessed. This window looks out towards the gable elevation of Plot 1 and at an angle, over the roof of the garage to Plot 1. As such, the outlook from this window will not have a significant impact upon the privacy levels of the future occupiers of Plot 1. Furthermore, there would be an element of 'buyer beware' when purchasing Plot 1 upon its completion.

Parking / Highways / Rights of Way

9.5 Minimum parking standards exist for residential dwellings and it is a requirement of Core Policy 64 of the WCS that these are adhered to in all new residential development proposals. The development proposes 2 three bed properties each with parking for 2 vehicles. Minimum parking standards require 2 spaces to be provided for 3 bed properties and this can include garages provided that they are a minimum internal dimension of 3 x 6m. This has been demonstrated on a revised plan and as such, parking standards for the development can be achieved. A condition would need to be imposed to ensure the garages remain free at all times for the parking of vehicles to ensure no loss in parking provision at either of the properties.

Visitor parking is required at a rate of 0.2 spaces per dwelling. A scheme for just 2 dwellings would not therefore generate the need to provide any visitor parking spaces ($2 \times 0.2 = 0.4$ spaces).

The existing site has three garages on it which are all currently rented out. It would appear from a site visit and from neighbour consultations that they are in active use for vehicular parking. There is concern that the loss of these garages would result in the displacement of parked cars onto the road. The agent has confirmed that the garages are in active use. However, the agent stated that the tenants of two of the garages live in The Clays. Both of the houses where these tenants live provide parking for 3 and 4 cars respectively. As such, their properties would retain sufficient parking were these garages to be removed. The loss of two of these garages would not cause any parking displacement onto the road.

The agent has also confirmed that the third garage is rented to a person living on Lavington Hill, a house several hundred metres from the site and not accessed via The Clays. Any displaced parking as a result would not be to the detriment of The Clays. However, the issue of the proliferation of on street parking within Market Lavington is not confined to The Clays. The issues are settlement wide. However, the NPPF requires, as set out at paragraph 32, that the residual cumulative impacts of a development must be severe in order for an application to be refused on highway safety grounds. In this case, the local highway authority is satisfied that the displacement of 1 vehicle, or indeed 2 or 3 vehicles, would not result in a severe impact to highway safety. Accordingly, no objection is raised to the loss of the garages.

Furthermore, it is a valid to take account of the fact that the garages are rented, not owned. The right to park there is a privilege given to the tenants by the owner of the garages. At any moment in time this right could be ceased irrespective of the outcome of a planning application. As a potential fall-back position, this is a point to bear in mind when considering the impact of this proposal on highway safety.

The proposal would be accessed off White Street via The Clays which is a bridle path (MLAV24). This is not recorded as a public vehicular highway; the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the householder would require a demonstrable private right of vehicular access. Without this private right, the householder would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or

householder a vehicular right of access over the bridleway. However, it does not preclude the local planning authority from granting planning permission.

The Rights of Way Team have stated that if planning permission is granted, the following would be required:

1. The bridleway would require surfacing and improvement works.
2. Surface water from the site should not flow out onto the bridleway.
3. Visibility around the bends in the bridleway should be checked to ensure that the public do not come into conflict with vehicles using the access.

With regard to point 1, this is something that would be unreasonable to request through a planning condition. The bridleway is used to access several other properties along The Clays all of which contribute to its wear and tear. This would include the existing garages on the site. It would be unreasonable and unnecessary to place the burden of this repair upon 2 new dwellings when the bridleway is not formally surfaced and is used by other vehicles.

With regard to point 2, a surface water drainage condition can be placed upon any permission to ensure that it drains into the property rather than onto the bridleway. In respect of point 3, this would also be an unreasonable request to condition. As stated previously, The Clays is used to access a number of properties, some of which are further down to bridleway where additional bends must be navigated. A condition requiring pedestrian visibility splays to be provided at the vehicular entrance to each of the dwellings is sufficient with regard to this issue and has already been recommended by the local highway authority.

10. Conclusion (The Planning Balance)

The site is brownfield land and sits within the Limits of Development for Market Lavington where under Core 1 and 2 of the WCS new residential development is permissible.

The proposal involves the erection of two 3 bed dwellings which are considered to meet the high standards of design that are required by Core Policy 57 of the WCS, with the more detailed aspects capable of being controlled through appropriate planning conditions. The conservation officer is satisfied that the scheme would not have a harmful impact upon the Market Lavington Conservation Area or any other nearby heritage assets.

As the site is located within the built up area of the village, surrounded by other residential dwellings, there would be no detrimental visual / landscape impacts. Compliance with the aims of Core Policy 51 is thus secured.

The Council's Highways Officer is satisfied that two dwellings can be accommodated on the site without causing severe harm to highway safety. As detailed in the report, parking displacement would not be at a level that would merit a refusal of planning permission and minimum residential parking standards have been met for the two dwellings. The Rights of Way Team have suggested conditions in the event that the local planning authority (LPA) is minded to approve the application.

There are no other technical issues that would warrant a refusal of planning permission or that cannot be mitigated through the use of appropriate planning conditions.

The LPA must also take account of local finance considerations so far as they are materially relevant to the proposal. In this case, the Council and indeed the Parish Council would receive CIL money. The Council would also receive money in the form of the New Homes Bonus. These merit some positive weight in the planning balance, albeit limited.

The scheme would also generate some employment in the construction industry and would increase economic expenditure in the locality. Whilst it is appreciated this is a relatively small proposal of just two dwellings, this factor would also accrue some positive weight in the overall balance.

In the absence of any material harm the balance lies in favour of approving the application. It is considered to accord with the development plan as a whole and there are no material considerations that would indicate a decision should be made other than in accordance with the development plan (e.g. policies contained within the NPPF).

RECOMMENDATION

That planning permission is GRANTED 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Drg No. GTB-831-2A Rev A - Proposed Dwellings Elevations
Drg No. GTB-831-2B Rev A - Proposed Dwellings Elevations
Drg No. GTB-831-1 Rev A - Proposed Dwellings Floor Plans
Drg No. GTB-831-3 Rev A - Proposed Dwellings Garage Plan & Elevations
Drg No. GTB-831-4 Rev A - Proposed Dwellings Site & Location Plans

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

- 3 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include, but not necessarily be limited to, the following:

- a) A pre-condition survey of the Public Right of Way (MLAV24)
- b) Car parking strategies for construction vehicles
- c) The storage location of any materials or plant

- d) The location of temporary structures (e.g. site office)
- e) Details of the means of protection for MLAV24 during the course of construction.
- f) Details of the routes constructions vehicles will be taking to access the site

The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure adequate protection of the public right of way, that it remains available and convenient for public use and in the interests of neighbour amenity.

- 4 No development shall commence on site above ground floor slab level until the exact details and samples of the materials to be used for the external walls (including details of the brick bond and mortar) and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 5 No development shall occur above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - b) finished levels and contours;
 - c) means of enclosure;
 - d) all hard and soft surfacing materials;

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

- 6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of 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 No development shall commence on site above ground floor slab level until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 8 Within 3 months of the demolition of the garages, all of the demolition materials and debris shall be removed from the site.

REASON: In the interests of the character and appearance of the Market Lavington Conservation Area.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

- 10 The windows at first floor in the south eastern elevation of Plot 1 serving the two bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 3 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 11 The windows at first floor in the south western elevation of Plot 2 serving the two bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 3 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

12 No part of the development hereby permitted shall be brought into use until the accesses 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.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety in accordance with Core Policy 64 of the Wiltshire Core Strategy.

14 No part of the development shall be brought into use, until the pedestrian 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 bridleway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of the safety of the users of the bridleway.

15 All new windows and doors shall be of timber construction and maintained as such in perpetuity. Glazing bars on all new windows shall be traditional in form.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

16 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

17 Surface water drainage from the accesses and parking area shall be designed so that it does not flow out onto the bridleway. It shall be maintained as such in perpetuity.

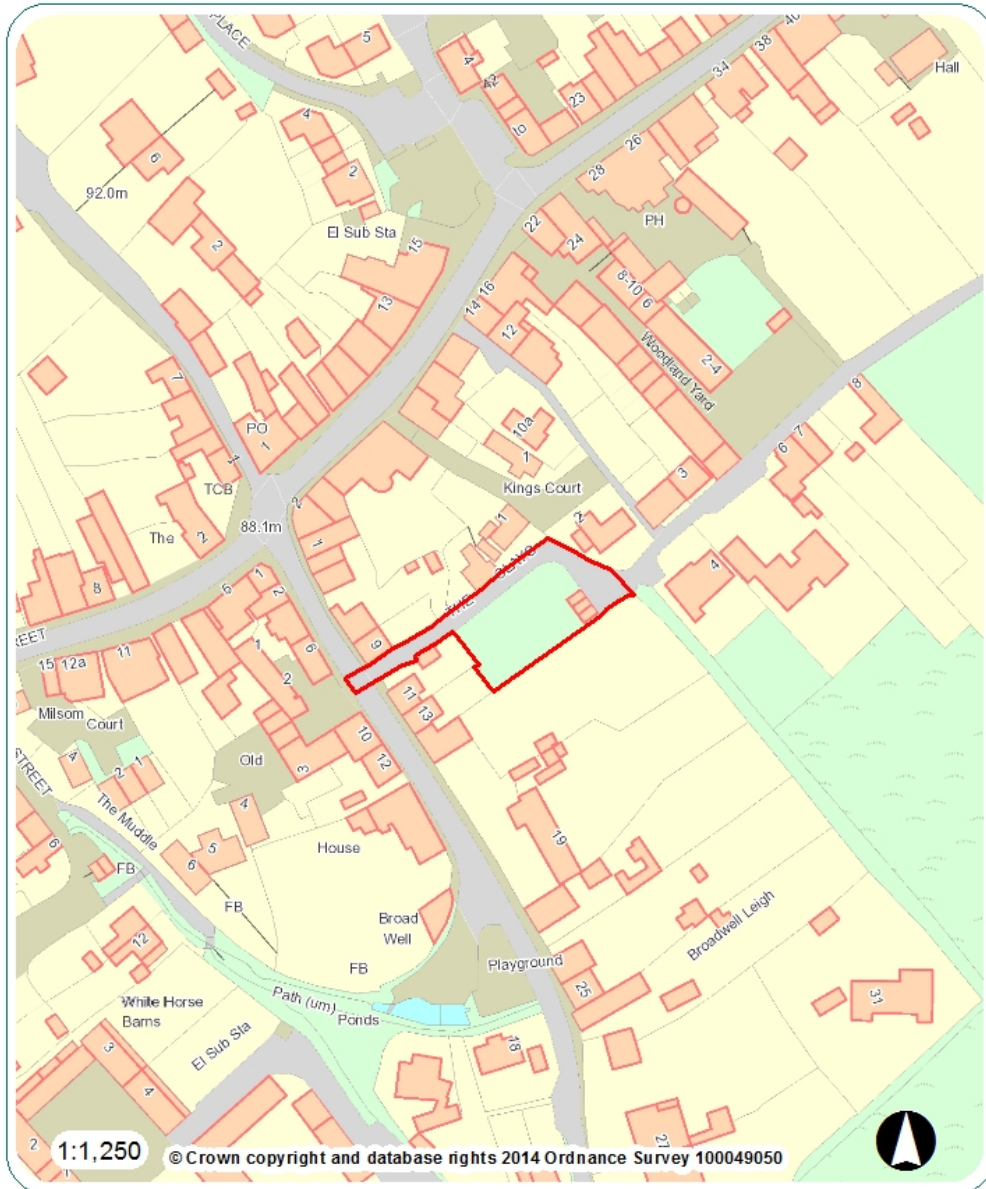
REASON: To ensure that the development can be adequately drained without negatively impacting on the bridleway.

18

INFORMATIVE TO APPLICANT:

The applicant is advised that no construction / demolition vehicle access may be taken along MLAV24 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	2 nd November 2017
Application Number	17/06842/FUL
Site Address	Land to the rear of Trinity Cottage, Castle Grounds, Snails Lane, Devizes SN10 1DB
Proposal	Proposed dwelling on site of former horticultural buildings.
Applicant	Mr & Mrs R Smart
Town/Parish Council	DEVIZES
Electoral Division	DEVIZES AND ROUNDWAY SOUTH – Cllr Sue Evans
Grid Ref	400331 161217
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is being reported to the planning committee for consideration at the request of Councillor Sue Evans, who considers the proposal to be:

‘a carefully designed and imaginative scheme that would enable the applicant to continue his family's long association with the site. It would provide a custodian (the applicant) living on the site to ensure the future care and maintenance of this sensitive location. In doing this it will ensure that the site can be enhanced as a benefit to the character and appearance of the setting of the Castle and the other heritage assets within the immediate area. The proposed design is sufficiently 'Low-impact and respects the site's topography and setting’.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation for the application to be refused.

2. Report Summary

The main issues to be considered are the impact of the development on the setting of Devizes Castle as a Scheduled Monument and the grade I listed Victorian castle, the associated grade II listed castle walls and the nearby grade I listed St John's Church and grade II listed Sexton Cottage, and impacts in terms of the archaeological potential of the site.

In these respects, the report concludes in agreement with objections received from Historic England, the Conservation Officer and the Assistant County Archaeologist, that the proposed house, due to its siting, height, bulk, design and associated hard landscaping (road and parking) and associated residential paraphernalia and activity will have an adverse impact on the significance of designated heritage assets; principally

the Scheduled Monument and listed Castle and associated walls but also the strong historic associations and visual connections between the Castle and the grade I listed Church of St John the Baptist.

In turn, the development would be detrimental to the character of the designated Area of Minimum Change.

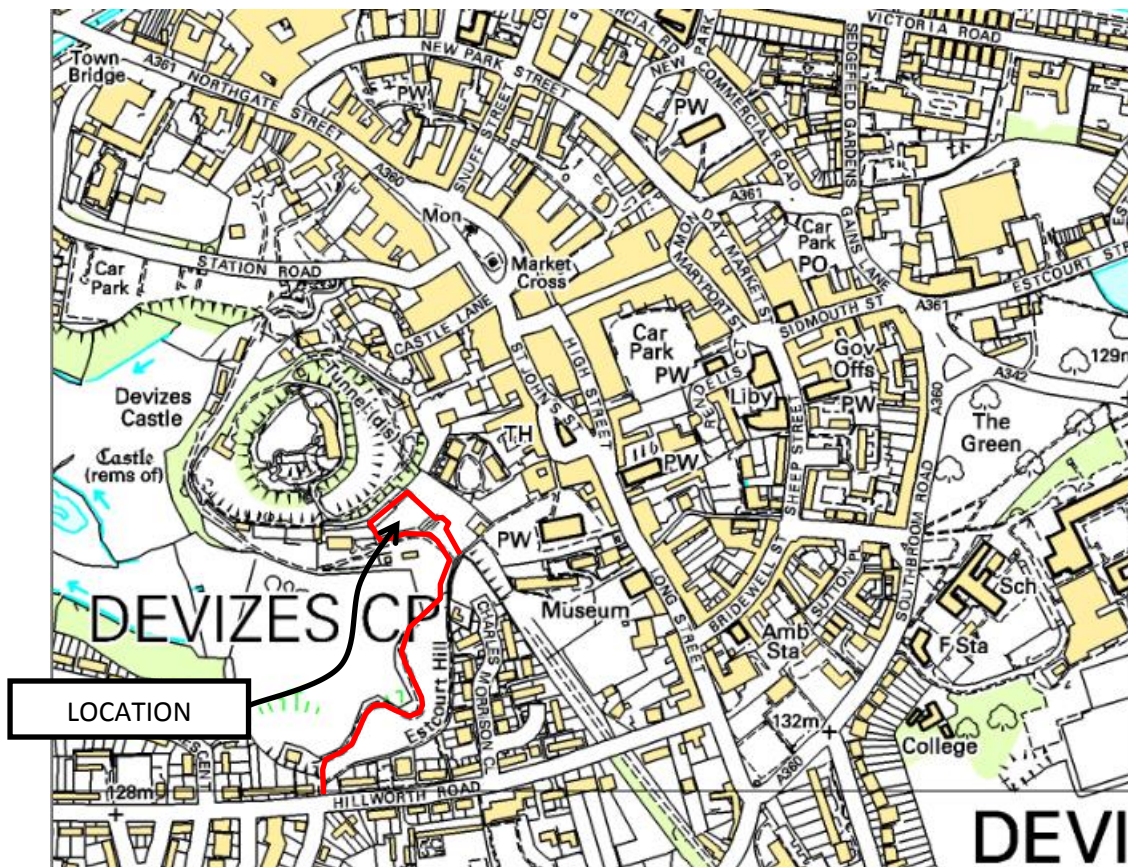
Furthermore, in the absence of further archaeological investigation the Council is also unable to assess the impact of the development upon the archaeological interest of the site.

The NPPF advises that development resulting in harm to heritage assets cannot be approved unless the harm is outweighed by public benefits. With no public benefits identified sufficient to outweigh the harm, the report recommends refusal of the application.

A further reason for refusal is recommended in respect of lack of ecological assessment. Subject to the submission of additional information this will potentially have been resolved by the date of the committee.

3. Site Description

The application site is within the setting of Devizes Castle; being on slopes at the foot of the castle mound and comprising former gardens associated with the Victorian castle and the remains of glass houses.



The original castle and mound are designated as a Scheduled Monument. The Victorian castle is grade I listed (including glass house walls and garden walls encircling the west side of mound). The castle walls and gates are grade II listed. The grade I listed St John's Church and grade II Sexton Cottage are in close proximity and the site lies adjacent to the boundary of the Devizes Conservation Area, and within the Area of Minimum Change designated around the castle.

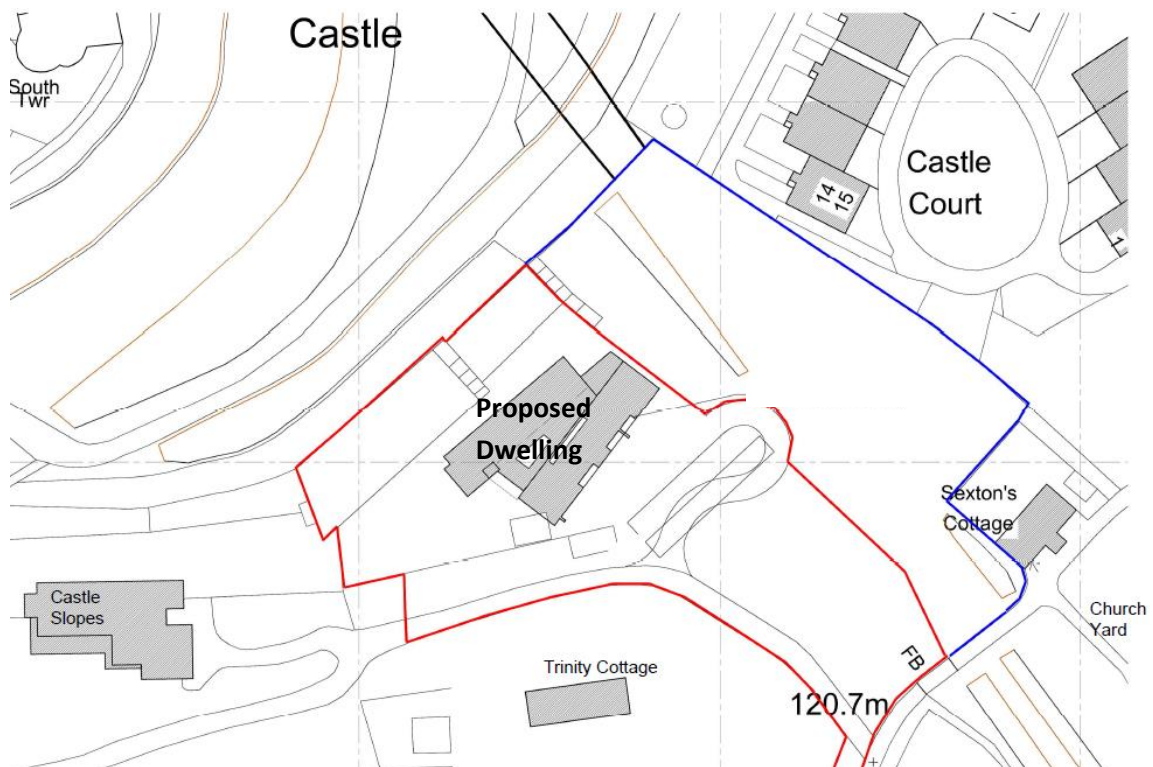
The former railway tunnel beneath the castle mound and its approach are also important aspects of the town's history, and thus can be considered to be non-designated heritage assets.

4. Planning History

Pre-application advice given in 2016 set out that the principle of additional residential development in this location would not be supportable.

5. The Proposal

The application proposes a detached single storey split-level dwelling partly cut into and stepping down the slopes at the base of the castle mound.



The dwelling is proposed with a flat green roof with use of 'green walls' in the south elevation. It would have 4 bedrooms with a sizeable internal floor area of 293m² with additional integral garaging.



The site would be accessed from Hillworth Road to the south west by an existing driveway, included within the application site.

It is understood that a model of the proposed development will be made available for Members to view at the committee meeting.

6. Local Planning Policy

The development plan so far as is relevant comprises the Wiltshire Core Strategy (2015) and saved policies of the Kennet Local Plan.

The following policies of the Wiltshire Core Strategy are of particular relevance to the proposal:

CP57 Ensuring high quality design and place shaping

CP58 Historic environment

The following saved policy of the Kennet Local Plan is also key as the site lies within a designated Area of Minimum Change

HH10 Areas of Minimum Change

Government policy for 'conserving and enhancing the historic environment' is set out in section 12 of the National Planning Policy Framework and needs to be read together with other policies of the Framework.

7. Summary of consultation responses

Devizes Town Council: "whilst the committee did not object to the application they asked for it to be noted that they would not want to see any further development on the site".

Historic England:	Significant adverse impact on the balance of open space around the castle particularly in terms of the relationship between the castle and St John's Church
Trust for Devizes:	Concerns in respect of cumulative impacts in sensitive setting of the Castle and St Johns Church.
WC Archaeologist:	Objection due to the potential for significant archaeological remains and the absence of archaeological evaluation as previously advised needed to be carried out pre-application.
WC Conservation Officer:	Objection: 'adverse impact on the significance of the designated heritage assets principally the Scheduled and listed Castle and associated walls but also the strong historic associations and visual connections with the grade I Church of St John the Baptist'.
WC Highway Officer:	No objection
Other:	No neighbour or other comments received

8. Publicity

The application was advertised in the Wiltshire Gazette & Herald on August 10th 2017 and has been subject to direct neighbour consultation.

9. Planning Considerations

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides in respect of listed buildings, that the Council must 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

Principle of development

The site is located within the Limits of Development for Devizes where the main considerations are the setting of Devizes Castle as a Scheduled Monument and the grade I listed Victorian castle, the associated grade II listed castle walls and the nearby grade I listed St John's Church and grade II listed Sexton Cottage, and impacts in terms of the archaeological potential of the site.

Given this very sensitive heritage setting, and as noted above, the applicant has previously been advised that the principle of further residential development is unacceptable.

The setting of Devizes Castle and St John's Church

Devizes Castle is designated as both a Scheduled Monument (the castle and mound) and a Grade I listed building (the Victorian Castle). Scheduled Monuments and listed buildings are of national importance and grade I listed buildings in particular are defined as being of 'exceptional' national interest.

The setting of the castle is considered to be of key importance to its heritage significance, with the national heritage listing noting that 'the rich parklands of the Old Park form, with the Castle mound, a fine piece of landscape, which should always be preserved'. The Conservation Area Statement similarly notes that 'The impact of Devizes Castle is best viewed from the south where there is a footpath from Hillworth Road. Here it is possible to appreciate the importance of the original Castle as a defensive structure'.

St John's Church was situated within the inner bailey of the castle and likely started out as the castle chapel. The relationship between the castle and church is thus considered also to contribute to the heritage significance of both the church and the castle, as well as the setting within the conservation area.

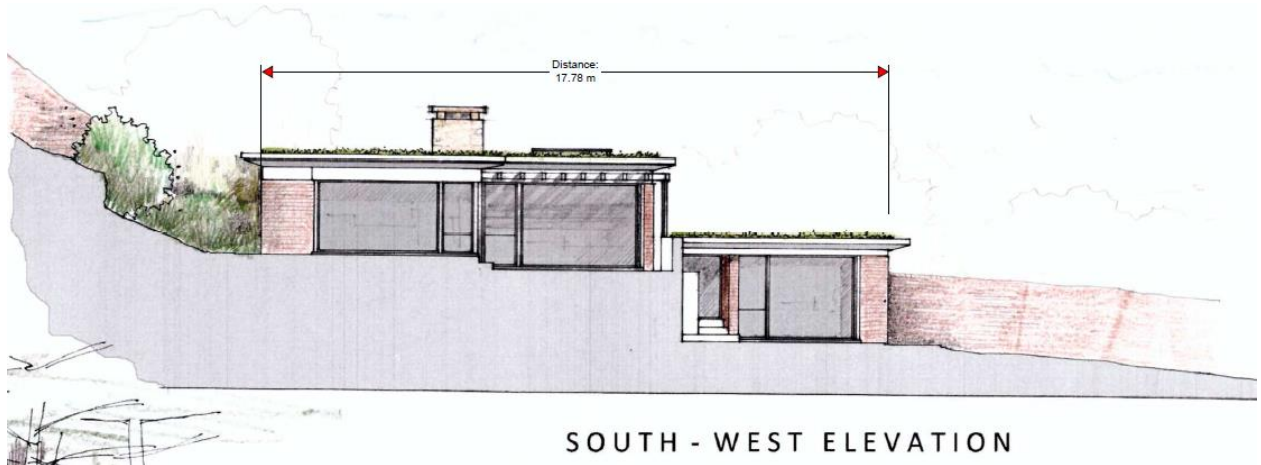
The application site undoubtedly forms part of the historic castle grounds. It is currently largely grassed over, but with the remains of former glasshouses originally established in association with the Victorian castle. Whilst no longer serving as gardens to the castle, the largely undeveloped and inert character of the site contributes to the landscape setting of the castle mound in views from the south. Historic England thus considers that at present the application site 'reinforces the strong relationship' between the castle and the church.

While the site may have been dominated by glasshouses in the past, the original glasshouses were part of the castle's Victorian garden layout and had a functional and subservient connection to the castle, and the residue of this continues to contribute to the heritage significance of the site.

Within this setting, the proposed dwelling would have a width of 28m and height of c. 5.5m. It would be partly dug into the rising ground that effectively supports the castle mound. The height of the dwelling would obstruct views of walls around the mound, and the building, with associated driveway, vehicle parking, garden paraphernalia and use would clearly disturb the landscape setting of the castle, particularly in views from the south and southeast, from where the dwelling, set on rising ground, would be visible from the churchyard and the public footpath.



It would also be evident in long views from the southwest, towards which the 17m wide elevation would be almost entirely glazed, giving rise to a potentially high visual impact in hours of darkness in the long views available from the south west.



Historic England notes that the setting of the castle has been compromised in the past by development but does not consider this to set a precedent for further development. It concludes that whilst attempts have been made in the design to 'hide' the dwelling, the development would fundamentally alter the character of former garden land associated with the castle. Historic England thus does not believe that development of the land can be achieved without 'significantly adversely diminishing the balance of open space' that contributes to the connection between castle and church. Similar objection is raised by the Conservation Officer.

The Conservation Officer and the Archaeologist also object to the proposal in terms of the setting of the castle itself, noting that the application site forms part of the original castle slopes and that it may have also been part of man-made medieval defences. The Conservation Officer notes that the mound and the slopes contribute to the heritage significance and appreciation of the defensive position of the castle. To build on the castle slopes is the harmful to this important remaining element of the setting of the castle.

The Conservation Officer also considers that the open garden space and walls on the application site are important remnants of the Victorian gardens associated with the grade 1 Victorian castle. Their replacement by a house would harm the historic setting of the castle, resulting in turn in harm to the heritage significance of the building.

Sextons Cottage

Sextons Cottage is a grade II listed building dating from the 17th century. The development would be clearly visible from Sextons Cottage, and while it would impact on the wider heritage setting of the cottage to a degree, the application site setting is not considered to be key to the heritage significance of the cottage and the impact would not result in any harm to the cottage's heritage significance.

The former railway and tunnel

The proposed dwelling would be sited adjacent to the entrance to the railway tunnel. The works within the approach to the tunnel would not be above ground level however and considering the non-designated status of the former railway line and tunnel it is concluded that the development would not harm the heritage significance of the tunnel or its approach.

The level of harm to heritage significance.

The National Planning Policy Framework advises that 'clear and convincing justification' is needed for any harm to heritage assets. It identifies harm in terms of it being either 'substantial' or 'less than substantial'. 'Substantial harm' is generally limited to direct impacts on an asset itself rather than impacts on the setting.

As identified above, the development would harm the setting of Devizes Castle and the Church of St John The Baptist as well as the railway line. As the development affects the assets' setting the harm falls within the scope of 'less than substantial'. Within this category however there is a wide spectrum of harm.

Considering the Grade I recognition of the castle and church and the 'significant adverse impact' identified by Historic England together with the objections of the Council's Conservation Officer and Archaeologist, the level of harm to the heritage significance of the castle and church is considered to fall at the higher end of this scale of harm.

The NPPF advises that the harm should be weighed against the public benefits of the development. The level of public benefit needs to be sufficient to outweigh the permanent and irrevocable harm to heritage significance that would result.

Public benefits

The documents supporting the application conclude that there would be no harm to the heritage significance of the listed buildings or Scheduled Monument. No 'clear and convincing justification' has been provided for the development in terms of public benefits, but the supporting statement suggests that the development 'would enable the applicant to continue his family's long association with the site and to provide a custodian for the future care and maintenance of this sensitive location'. No clarification or substantiation for this statement has been provided and in any event it is not

considered that this could amount to a public benefit sufficient to outweigh the identified level of harm.

Area of Minimum Change

The importance of the wider site around the mound is recognised by Kennet Local Plan policy HH10, which designates Areas of Minimum Change in order to protect areas of land within, or at the edge of built up areas that make an important contribution to the character and appearance of the settlement. The policy applies to significant areas of public and private open space, gardens and churchyards.

Policy HH10 states that planning permission will not be granted for development that would materially damage the character of an Area of Minimum Change.

The relatively undeveloped nature of the Area designated around the Castle is thus recognised and protected by the policy. Whilst there is some long-established development within the designated Area, this pre-dates policy HH10 as well as the strong emphasis now to be found in national and local policies for heritage protection. Existing development within the Area of Minimum Change does not therefore set any form of precedent for further development as proposed.

The introduction of a new residential unit into this relatively undeveloped part of the designated Area, in an elevated position on the slopes of the mound, would materially damage the character of the Area of Minimum Change and would be contrary to policy HH10.

Archaeology

The area around the castle is of undoubted archaeological potential. Historic England, in its comments, notes that the site may lie over archaeological deposits associated with the castle, including its defensive ditch. The County Archaeologist advised the applicant pre-application of the need for any planning application to be accompanied by the results of archaeological evaluation.

Whilst the application includes a Heritage Assessment it is dismissive of the likelihood of the development impacting on any archaeological interest; concluding that construction of the adjoining former railway is likely to have destroyed or disturbed all previous archaeological remains on the site of the dwelling. The only evidence put forward to substantiate this is the results of 2 borehole samples that showed significant ground disturbance. These were taken in the south east of the application site however, 'within or close to the railway cutting' where ground disturbance is not surprising. The dwelling however would be located outside the cutting where it is separated from the railway cutting by a brick wall (which may pre-date the railway construction), and on high/ rising ground where there is nothing to suggest a likelihood of railway construction activity having extended to any significant degree.

The applicant also suggests that works to create terraces within the grounds may have also destroyed any archaeological interest, but there is no evidence of the nature and extent of any terracing works and how they may have impacted upon the perhaps significant depth of defensive ditches around the castle.

The archaeologist thus disagrees with the conclusions of the Assessment and considers that there is the potential for significant archaeological remains to exist within the site such as the bailey and/or town defences and medieval settlement remains (especially as the proposed dwelling lies within a less disturbed part of the site). The Assessment itself also recognises 'the potential for encountering archaeologically significant medieval remains'. The nature and extent of any archaeological interest however is unknown, and it is unknown whether any such remains would be best preserved in-situ and if so, whether in-situ preservation would be compatible with the development.

Core Policy 58 provides that development 'should protect, conserve and where possible enhance the historic environment'. In the absence of any archaeological evaluation of the site, the Council is unable to assess the impact of the development on the archaeological interest of the site and the development is thus contrary to Core Policy 58.

Ecology

The application is supported by a Phase 1 Ecological Assessment. The Assessment identifies the need for further survey work to identify the nature and extent of impacts of the development on bats and reptiles. The agent advises that further surveys have been carried out and whilst a report on the findings of the surveys has been chased, at the time of drafting this report no further information has been received.

Core Policy 50 requires that applications must demonstrate how they provide for the protection of protected species. Case law dictates that the impact of development on protected species must be identified before planning permission can be granted. In the absence of a report identifying the impact of the development on protected species, the proposal is contrary to Core Policy 50.

10. Conclusion (The Planning Balance)

The development would result in harm to the heritage significance of Devizes Castle and the Church of St John The Baptist and to the character of the Area of Minimum Change and in the absence of information to demonstrate that the development would have an acceptable impact in terms of archaeology and on protected species, the proposal is contrary to the development plan. With there being no circumstances to warrant otherwise the application is recommended for refusal for the 3 reasons set out below.

RECOMMENDATION

That planning permission is REFUSED for the following reasons:

1. The application site occupies a sensitive heritage setting in the designated Area of Minimum Change on the slopes at the base of the Devizes Castle mound, where the largely undeveloped nature of the land and its residual character as former gardens to the castle contribute to the heritage significance of the Scheduled Monument and Grade I listed castle. Within this setting, the proposed dwelling would be visible from a

number of directions. The significant size and elevated position of the dwelling and the associated access and garden accoutrements would be detrimental the character and appearance of the site and would intrude upon the heritage setting of the castle and particularly the relationship between the castle and the grade I listed St John's Church, resulting in less than substantial harm to their heritage significance. As such, the development would be contrary to Kennet Local Plan policy HH10 and Wiltshire Core Strategy Core Policy 57 and Core Policy 58, and in the absence of public benefits sufficient to outweigh the harm, contrary to the National Planning Policy Framework.

-
2. The development would necessitate significant excavation and earthworks in an area where there is the potential for significant archaeological remains to exist such as the bailey and/or town defences and medieval settlement remains. In the absence of archaeological investigation of the site, the nature and extent of archaeological remains unclear and thus the impact of the development on the archaeological value of the site cannot be determined. As such, the application would be contrary to Wiltshire Core Strategy Core Policy 57 and Core Policy 58 and the advice of the National Planning Policy Framework.
 3. In the absence of the results of further survey work to identify the extent and species of bats and reptiles on the site (as recommended in the submitted ecological assessment) the Council cannot be satisfied that the development would not have an adverse impact on protected species. As such, the development would be contrary to Wiltshire Core Strategy Core Policy 50.
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17/06842/FUL
Land to the rear of Trinity Cottage
Castle Grounds
Snails Lane
Devizes SN10 1DB



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	2 nd November 2017
Application Number	17/06147/FUL
Site Address	Elm Cottage, 42 Yard Lane, Bromham, Wiltshire SN15 2DT
Proposal	Demolition of existing dwelling and outbuildings and construction of replacement dwelling and outbuildings
Applicant	Mr & Mrs C Dalby
Town/Parish Council	BROMHAM
Electoral Division	BROMHAM ROWDE AND POTTERNE – Cllr Anna Cuthbert
Grid Ref	397683 165288
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is being reported to the planning committee at the request of Councillor Cuthbert, who considers the replacement dwelling to be of a suitable scale and design for its plot and context and therefore in accordance with local planning policy. Additionally, she comments that there are no objections from the Parish Council or neighbours or local residents.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused.

2. Report Summary

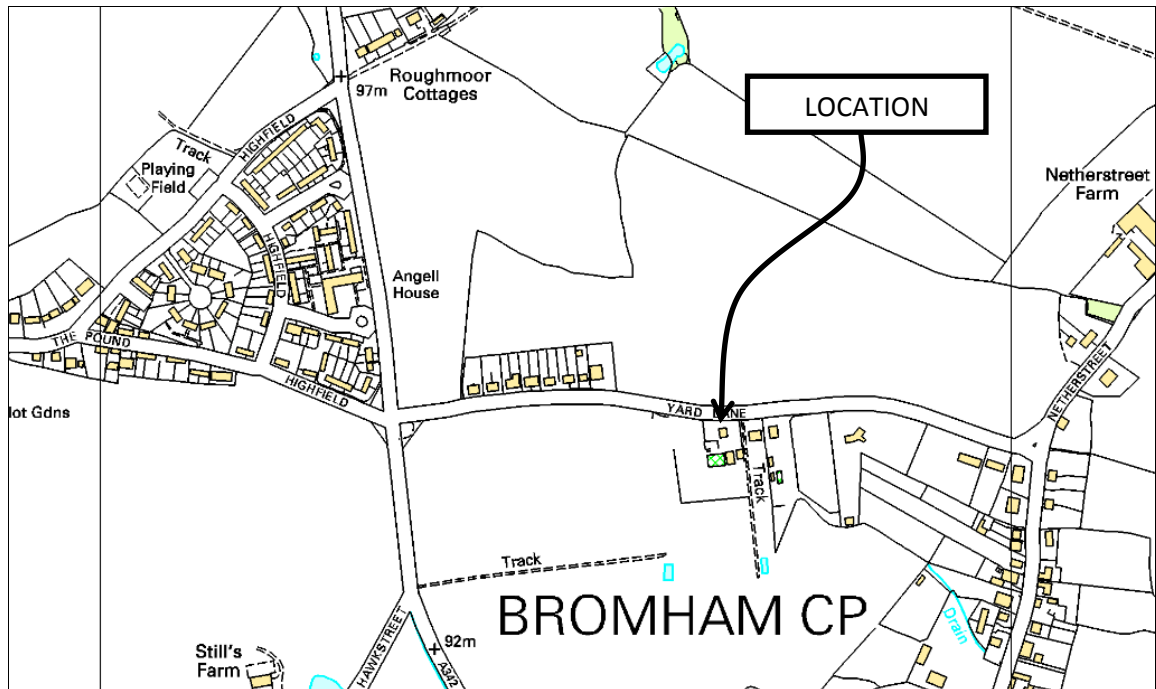
The main issues to be considered are the impact of the proposed house and outbuilding on neighbour amenity and the rural character, landscape and appearance of the area, taking into account the policy requirement for the scale of replacement rural dwellings not to be significantly larger than the original.

In these respects the report concludes that the height and massing of the dwelling and the introduction of a prominent third storey of accommodation would be inappropriate within the rural setting and detrimental to the rural character, landscape and appearance of the area.

3. Site Description

The site is located in a rural setting to the south side of Yard Lane. Open farmland surrounds the site to the west and south, and on the opposite side of Yard Lane to the north. Sporadic housing extends eastwards along the south side of Yard Lane towards

Netherstreet. The site is outside recognised Limits of Development where rural policies apply.



The site comprises a 2-storey Victorian/ Edwardian dwelling of red brick with stone quoins and window detailing, with ground floor bay windows facing the street and a plain tile roof. To the rear the property has 2-storey and single storey extensions. Viewed from the street, the extensions to the rear are not prominent and the balanced symmetry and well-composed design and architecture of the property remains largely unchanged and makes a positive contribution to the character of the area.



The site comprises an area of 0.3 hectares with a number of connected outbuildings and glasshouse to the rear, originally associated with former use as a market garden smallholding.

Partly retrospective consent for conversion and extension of one of the outbuildings to provide a self-contained residential annexe was granted in 2016.

4. Planning History

K/76/0647	One dwelling	Refused
K/76/0647	One dwelling	Refused
K/77/0088	Front Porch	Approved
K/80/0147	Two-storey extension to dwelling	Approved
15/09247/PREAPP	Replacement Dwelling	
15/11013/CLP	Application for a lawful development certificate for an existing single storey annex on driveway of existing property	Refused
16/01132/FUL	Conversion and alteration of existing domestic outbuilding to ancillary facilities	Approved
16/11968/FUL	Demolition of existing dwelling & outbuildings & construction of replacement dwelling & outbuilding	Withdrawn

5. The Proposal

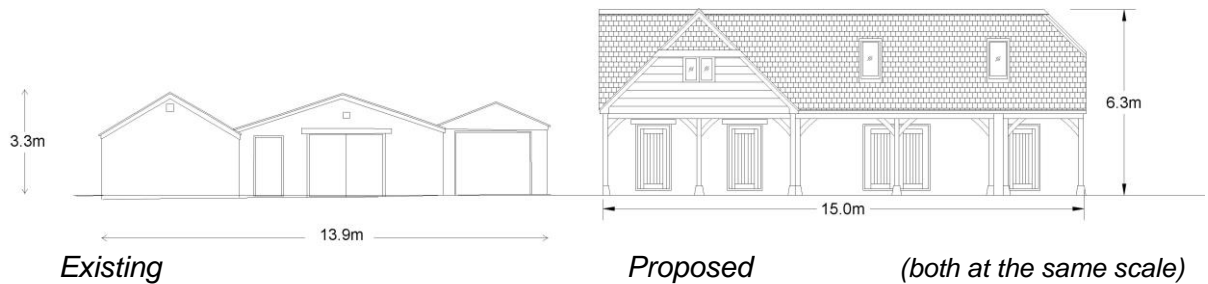
The application proposes the demolition of the existing dwelling and the erection of a 3-storey replacement dwelling.

Front elevations compared:



Outbuildings to the rear are also proposed to be demolished and replaced by a 1½ storey outbuilding with 3-bay garaging, a workshop, stores and covered 'passage' at ground floor level and a gym, office and further storage space at first floor level.

Outbuilding – east elevations compared



6. Local Planning Policy

The following policies of the Wiltshire Core Strategy are of relevance:

CP41	Sustainable construction and low carbon energy
CP51	Landscape
CP57	Ensuring high quality design and place shaping

Kennet Local Plan policy HC25 (replacement of existing dwellings) is of particular and direct relevance in providing that permission will only be granted for a replacement dwelling in the countryside where the siting relates closely to the footprint of the existing dwelling and the scale of the replacement dwelling is not significantly larger than the original structure.

The policies of the National Planning Policy Framework are also a material consideration.

7. Summary of consultation responses

Bromham Parish Council: “No objection”

WC Ecologist: “Support”

WC Highway Officer: “No objection”

Other:

- The neighbour to the east comments on the number and height of windows overlooking their property, when at present there are no such windows.
- 3 letters of support received (outside the consultation period) from residents elsewhere within Bromham.

8. Publicity

The application was publicised by way of a site notice posted on 21st July 2017 and direct consultation with the adjacent neighbour.

9. Planning Considerations

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 planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The principle of development

The Wiltshire Core Strategy offers no specific support for replacement dwellings or outbuildings in rural areas. Proposals thus need to be considered against Core Policy 51 which seeks the protection, conservation and enhancement of rural landscapes and Core Policy 57 which requires a high standard of design appropriate to the local context. Against these considerations, and the core principle of the NPPF of 'recognising the intrinsic character and beauty of the countryside', the principle of reasonable householder extensions and replacement dwellings and outbuildings in rural areas is capable of support subject to general principles of sustainable development, and the particular requirement of Kennet Local Plan policy HC25 for replacement dwellings not to be significantly larger than the original building.

Assessment

The house

The site is within the identified Bristol and Avon Clay Vale Landscape Character Area where the adopted Assessment identifies the area as having an essentially rural, agricultural character. Yard Lane sits well within this characterisation, having a clear rural character, being largely bounded by farmland on both sides, with the limited housing along the street being sporadic and generally of low visual impact.

Elm Cottage is the first property encountered on the south side of the lane when travelling eastwards. It is relatively exposed in views along the lane due to its forward position and the openness of the adjoining farmland. Its visual impact is softened to some extent by the established front garden and a large walnut tree (said to be 100 years old) to the west side of the house, but it nonetheless stands clearly visible for c. 100 metres when approached from the west. Visually it stands in relative isolation, with the neighbouring bungalows beyond (numbers 44 and 46) being largely hidden by boundary hedging.

Policy HC25 requires there to be no significant increase in the scale of a replacement dwelling. One measure of the scale is the floor area, which in this case would double from c. 147m² to c. 300m². As noted in the drawing extracts above, the height would also increase from 7.46m to 9.4m and in combination with the prominent 2nd floor windows and the increased width and overall footprint of the dwelling, it can only be concluded that the scale of the replacement dwelling would be significantly larger than the original dwelling and thus contrary to policy HC25.

In terms of the impact on the streetscene, the height and massing of the dwelling and the introduction of a prominent third storey of accommodation would look particularly out of

place within the rural character of the street. Given the relatively exposed position of the dwelling (more-so for the loss of the walnut tree) it is concluded that the impact would be contrary to Core Policy 57 and Core Policy 51.

The applicant justifies the increase in the scale of the dwelling in terms of there only being a 50% footprint increase. The footprint however is of limited relevance to scale when a further storey of accommodation is proposed. The applicant suggests that a reduction in the floor space of the outbuildings should also be taken into account, but when considering the relative scale of the replacement dwelling this is of no relevance when considering whether or not the replacement dwelling complies with policy HC25. A reduction in the footprint of outbuildings can be a material consideration however, but in this instance, as considered below, any benefit of reduced outbuilding footprint is considered to be outweighed by the 3m increase in height and associated massing from first floor accommodation in the outbuilding.

The applicant also seek support from 3 examples of replacement dwellings approved elsewhere in the past, both locally in Netherstreet and New Road and further afield in Worton. The full circumstances of these approvals are not available, but 2 of the approvals pre-date adoption of the Wiltshire Core Strategy. The decision in New Road followed an earlier appeal decision and there was an extensive history for the site in Worton where proposals included for removal of large barns and outbuildings. The third example is nearby in Netherstreet where, when viewed directly from the street, the dwelling is hidden by boundary hedging. Whilst the principle of consistency in planning decisions is important, the more important principle is that all applications need to be considered on their merits. The examples of replacement dwellings elsewhere are not considered to be directly comparable to the current proposal which is considered in this report on its merits.

The outbuilding

The replacement outbuilding is proposed at the rear of the site and would necessitate partial demolition of existing glasshouses and existing stores/ garaging. The footprint of the new building (155m²) would be smaller than that of the buildings to be demolished (211m²). There would be no visual benefit outside the site however from the reduced building footprint. At the same time however there would be a significant 3 metre increase in height associated with the introduction of the first floor accommodation, together with the massing arising from 4 gabled roof projections. Thus whilst there would be some reduction in built footprint at the rear of the site, any benefit of this is greatly outweighed by the increase in the height of the building and massing at roof level. Notwithstanding this however, the outbuilding would be positioned relatively discreetly to the rear of the site and adjacent to the existing annexe, where on balance it is concluded that on its own it would not materially harm the rural character or landscape of the area.

There would of course be a cumulative impact in terms of the 2016-approved extension to the annexe and the outbuilding as now proposed, and this does nothing to support the proposal for the significant increase in the size of the dwelling under the current application.

Neighbour amenity

A 2nd floor window in the east elevation would face directly across the neighbouring property at 44 Yard Lane and the neighbour raises concerns at loss of privacy. This window would directly face across the front garden of the property which provides the main private garden space for the property as land to the rear serves largely as a parking area. The front garden at No. 44 is north-facing however and as such is not heavily used and it is not considered to be key to the amenity of the property. On balance the loss of privacy to the front garden space would not warrant refusal of the application.

Any angle of view into ground floor living rooms would also be very restricted so as not to result in any material loss or privacy.

Biodiversity

The application is supported by an ecological report following survey of the buildings to be demolished. The Council's ecologist is satisfied with the methodology and findings of the report that the development would not impact on protected species. An informative is recommended in the event of approval for demolition works to be undertaken outside the bird nesting season.

Other matters

It is said that the application has been submitted because the house is in a poor state of repair, both visually and structurally. This is not substantiated by way of any structural assessment or otherwise. It is accepted that the dwelling is unlikely to meet modern standards of construction and thermal performance, but this is not considered to provide justification for the increase in the scale and impact of the replacement dwelling proposed.

10. Conclusion (The Planning Balance)

In terms of floor space, height and massing, the proposed dwelling proposed would be significantly larger than the original building on the site and in a prominent position along the street and with the introduction of a third storey of accommodation and associated fenestration, would be detrimental to the rural character, landscape and appearance of the area, contrary to Kennet Local Plan Policy HC25 and Wiltshire Core Strategy Core Policy 51 and Core Policy 57.

RECOMMENDATION

That planning permission is REFUSED for the following reason:

In terms of floor space, height and massing, the proposed dwelling would be significantly larger than the original building on the site and in a prominent position along the street and with the introduction of a third storey of accommodation and associated fenestration, would be detrimental to the rural character, landscape and appearance of the area, contrary to Kennet Local Plan Policy HC25 and Wiltshire Core Strategy Core Policy 51 and Core Policy 57.



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	2 nd November 2017
Application Number	17/05767/FUL
Site Address	Red Lion, Axford, Wiltshire SN8 2HA
Proposal	Full planning application for a new dwelling on land forming part of the curtilage of the Red Lion Inn (following previous approval 15/09840/FUL).
Applicant	Mr Z Laszlo
Town/Parish Council	RAMSBURY
Electoral Division	ALDBOURNE AND RAMSBURY – Cllr James Sheppard
Grid Ref	423815 170080
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is being reported to the planning committee at the request of Councillor Sheppard to allow the committee to consider aspects of scale, bulk, height and appearance and the visual impact on the surrounding area; and the relationship with neighbouring properties.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

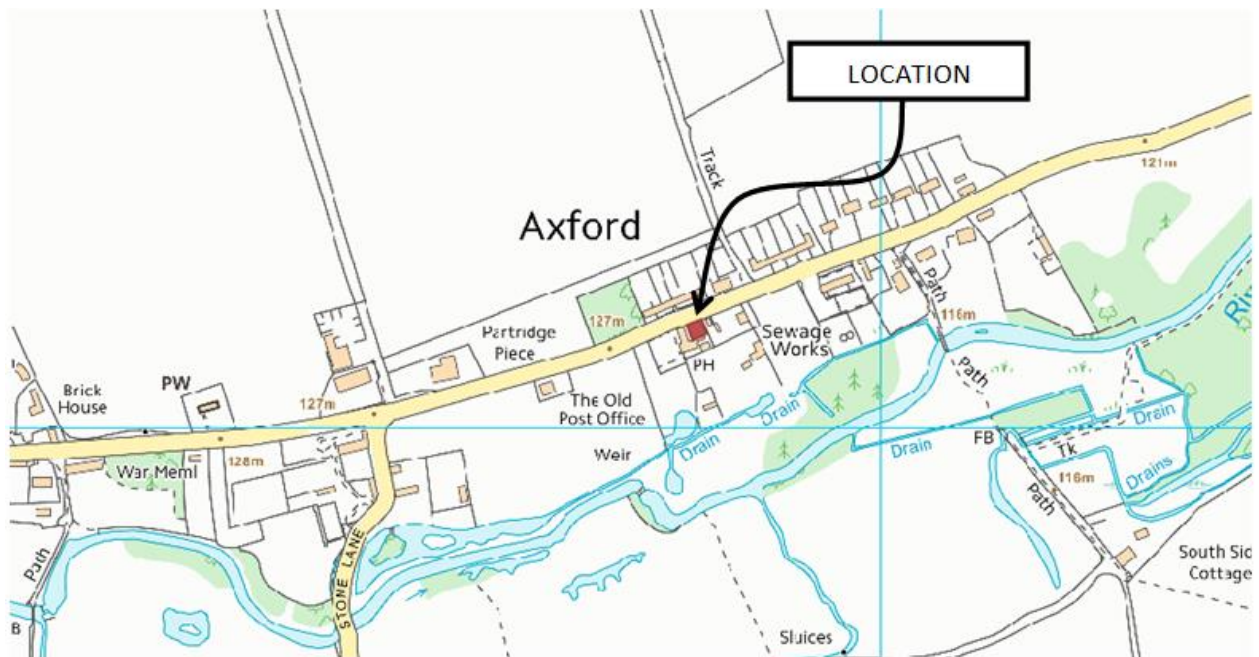
The application seeks retrospective planning permission for a revised dwelling design. The dwelling under construction is 1 metre taller than that approved under planning permission 15/09840/FUL and includes living space within the loft, with intentions to fit 4 front and 4 rear roof light windows.

The main issues to be considered are impacts on neighbouring amenity and the character and appearance of the area.

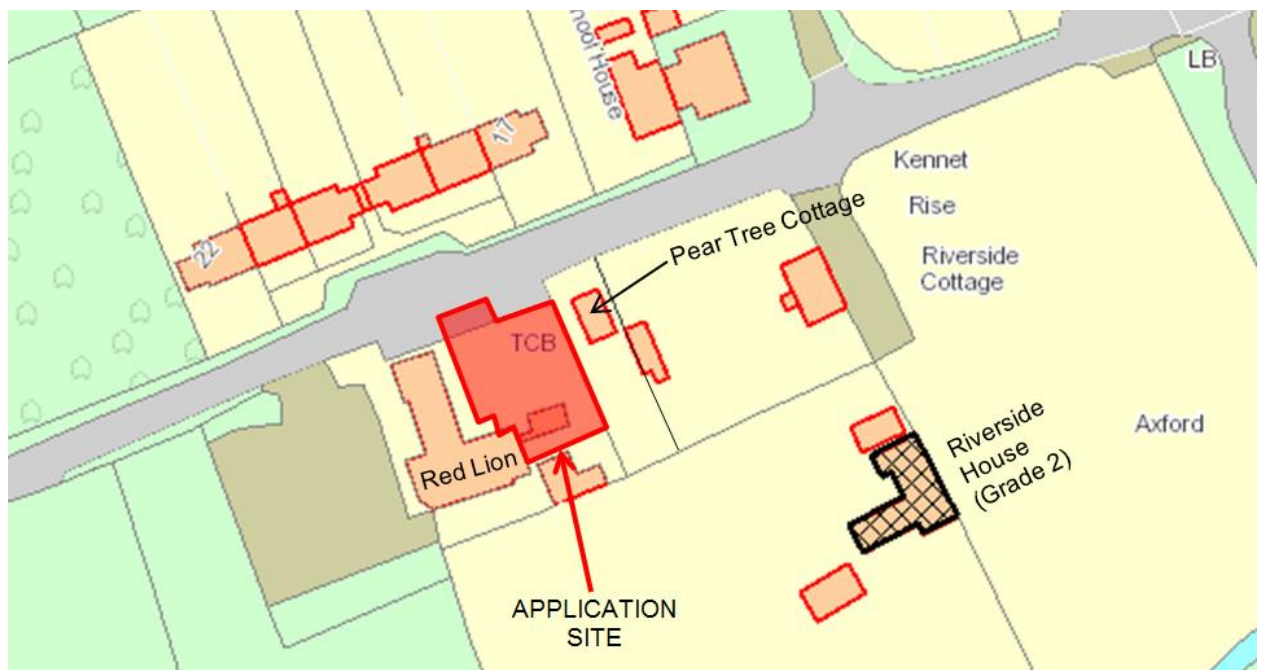
The report concludes that the additional height of 1 metre and the introduction of rooflight windows, whilst significant changes, do not materially impact on the character and appearance of the area or neighbour amenity and that the proposal is considered to be in accordance with the development plan.

3. Site Description

The c. 0.2 hectare site is set on a western edge of Axford and comprises land that previously formed part of the garden of the Red Lion public house.



Pear Tree Cottage is set immediately to the east of the site, with the public house to the west, with its retained grounds and outbuildings/ extensions to the rear of the application site and the garden of the property Riverside House (Grade II*) beyond.



The dwelling subject to the application is now substantially completed; being a change to the design previously approved through delegated powers under planning permission 15/09840/FUL.

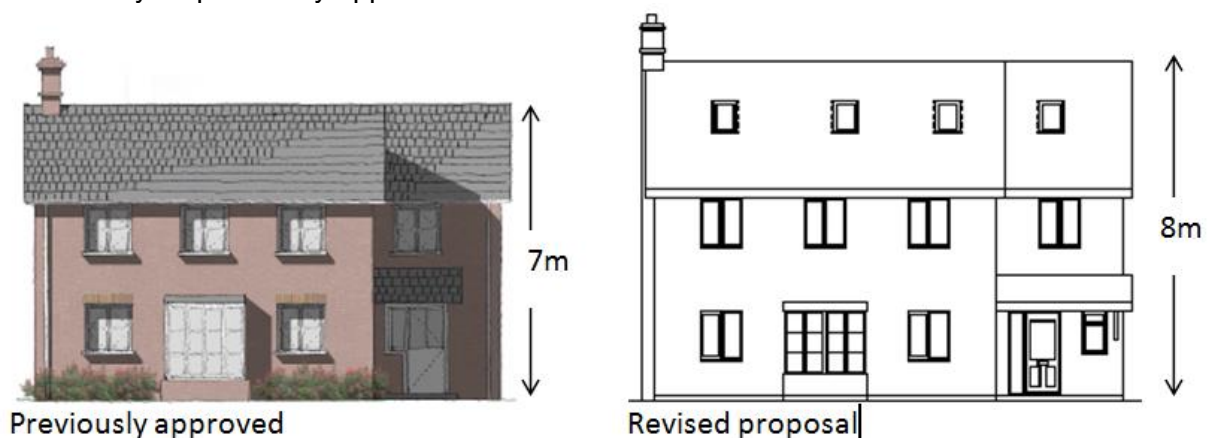


4. Planning History (as part of the wider pub site)

K/79/0479	Extension to public house premises	Approved
K/82/0011	Extensions	Approved
K/86/0652/AD	Non-illuminated sign	Refused
K/12543	Extensions and alterations to provide five additional bedrooms, enlarged restaurant, new kitchen, and toilets	Approved
K/21096	Erect single storey extension	Approved
K/33988	Replacement entrance porch.	Approved
K/35742	The erection of a kitchen extension, re-siting of timber sheds.	Approved
K/59968/ADV	Erection of freestanding pub sign to attract passing trade	Approved
15/09840/FUL	Erection of dwelling	Approved

5. The Proposal

The dwelling previously approved had a height of 7 metres. The current application proposes a height of 8 metres, with 4 rooflight windows in the front and rear elevations. An external chimney breast has also been added but otherwise the dwelling is substantially as previously approved.



6. Local Planning Policy

Axford is designated as a Small Village where there is a general presumption against residential development under Core Policy 1 & Core Policy 2, but where the principle of infill development is accepted by Core Policy 48 subject to the policy criteria and other policies such as Core Policy 57, which seeks a high quality of design that respects the local context and neighbouring amenities.

The policies of the National Planning Policy Framework are also a material consideration.

7. Summary of consultation responses

Ramsbury & Strong objection:

Axford Parish
Council:

- The original permission proposal was for a three bedroom, two storey house, staggered in plan which was in keeping with the guidelines for Small Villages, in accordance with the Wiltshire Core Strategy 2015, which states " ... some very modest development may be appropriate at Small Villages, to respond to local ...". The new proposal is 800 mm higher than the original planned roof height so is now a much more substantial building. It includes an additional bedroom and en suite bathroom, making it a four bedroom property and is no longer considered "modest" by the neighbouring residents nor the Parish Council;
- Core policy 1 states that "development ... will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities." The original permission sought to provide an injection of funds to ensure the Red Lion remained a viable business providing a vital amenity to the residents, however this additional permission offers no additional benefit for employment opportunities, services or facilities, so does not meet Core policy 1;
- For the same reason as the point above, the proposed revision does not accord with paragraph 28 of the NPPF which states development should " ... provide sustainable growth and expansion of businesses and retention and development of local services and community facilities." Further grounds for the application to be refused.
- Core policy 2 states that infill must "respect the existing character and form of the settlement." The new proposal makes the house too large for the plot and it over shadows the buildings around it. The building itself has been raised, the developer has said to take into account drainage issues on the plot, so the actual impact on the neighbouring houses is much greater than it seems on the plans. It does not respect the existing character of the buildings around it.
- Core policy 51 protects the AONB and states " .. development should protect, conserve and where appropriate enhance landscape character and must not have a harmful impact ...". The revised application does not enhance the landscape, as it is taller than was originally approved, it could now be argued to have a harmful impact.

The plans do not show the extent of this on neighbouring properties, as it is not obvious from the submission.

- The original planning conditions state that no extensions would be allowed to this property. This application seeks to extend the property in size, height and number of bedrooms.
- The new application states an altered vehicular access but this is not shown on the plans.
- The work commenced on the site in May 2017, but the plans were not submitted until 16th June 2017 and this amendment is requested, after the extra loft room has been added to the building. The plans should be submitted as “retrospective” as no local consultation to the change was sought until after the building work was complete.

Ramsbury and Axford Parish Council believe that this application should be refused and the building should revert to its original, approved, form. This form has already been raised so makes more of an impact on its surroundings than was first envisaged and this further increase in height is not acceptable.

WC Highway Officer:	No objection
Other:	Objection from the neighbour to the rear at Riverside House: <ul style="list-style-type: none">• Adverse effect on the garden of Riverside House (Grade II * listed) and• Overdevelopment of the site.• Skylights should be omitted.

8. Publicity

The application was publicised by way of site notice posted on the site on 6th July 2017 and by way of direct neighbour notification.

9. Planning Considerations

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 planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The principle of development

The principle of residential infill development on the site has been established by reason of the previous planning permission (15/09840/FUL). With there having been no subsequent material change in this respect, the principle of infill development remains supportable subject to impacts.

Impact on the character and appearance of the area

Development in the vicinity of the site is varied, with opposite terraces of former council housing, the brick, flint and slate and clay tiles of the Red Lion and red and blue bricks and slate of Pear Tree Cottage to the east. The brick and slate dwelling previously approved was considered to be appropriate to this context.

The dwelling in the current proposal would differ materially from that previously approved in that it would be 1m higher with 4 roof light windows (also in the rear elevation). The dwelling is set-back relative to neighbouring buildings and is also partly obscured from the street by an established oak tree.

The roof height remains below that of the neighbouring Pear Tree Cottage and due to the set-back position, the relationship between properties does not materially impact on the street scene.

The raised roof is higher than the roof at the Red Lion. The additional roof height is not prominently noticeable above the roof of the Red Lion when approaching from the west. When viewed from the street in front elevation, the increased height of the dwelling does appear slightly disproportionate to the form of the Red Lion but due to the set-back position this disproportion does not impact materially on the street scene.

The height of the dwelling also remains significantly below the height of the terrace on higher ground on the opposite (north) side of the street.

The roof height in itself is thus not considered to have a material impact on the character and appearance of the area. There is no prevalence of roof light windows in properties facing the street and the introduction of 4 windows as proposed would alter the character of the property from that previously approved. The property is not within a conservation area, however and given the variety of housing within the vicinity and the set-back of the dwelling, the roof light windows would not impact on the character and appearance of the area to an extent that would warrant refusal of the application.

Impact on residential amenity

Pear Tree Cottage lies immediately to the east of the application site. The increased roof height of the dwelling can only reduce levels of natural daylight to side-facing windows at Pear Tree Cottage. The cottage has first floor windows in the side elevation and also side-facing roof light windows in a single storey side extension. The windows appear to be secondary in nature and the position of the proposed dwelling is sufficiently offset from the windows such that any reduction in natural daylight would not materially impact on the residential use of the property.



The neighbour has also previously expressed concerns regarding lost privacy from the first floor windows, the closest of which would offer an angle of view through windows at Pear Tree Cottage. This window is proposed to serve an en-suite bathroom and as with the original consent, a condition can ensure that the window has obscure glazing and restricted opening to avoid any loss of privacy.

The very limited angle of view from the front rooflight windows now additionally proposed would prevent any clear views through the first floor windows at Pear Tree Cottage and would avoid any material loss of privacy.

The occupants at Riverside House suggest that any consent should not include rooflights in the rear roof slope. There would be some intervisibility between the roof lights and the garden space at Riverside House, but the 20m distance of the windows, with views heavily filtered by trees would avoid any material impact on the amenities of the occupiers of Riverside House.

Impact on the setting of Riverside House

The dwelling is c. 50m from Riverside House, which has the benefit of generous and well-established grounds, from within which there would be only very limited and heavily obscured visibility of the roof of the dwelling. The physical and visual separation of the new dwelling would avoid any harm to the setting of the listed building.

10. Conclusion (The Planning Balance)

For the reasons above it is concluded that the revised house design would not materially impact on neighbouring amenity or the character and appearance of the area. With the increased height and addition of roof light windows introducing no other impacts, the development would be in accordance with the development plan, and with no circumstances to warrant otherwise the application is recommended for approval subject to the conditions set out below.

RECOMMENDATION

That planning permission is GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the submitted Location Plan C11933 Revision B, Block Plan C11933.15.050 Rev A and the drawing numbered 16/1127/01 Rev A as hereby approved.

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

- 2 Within three months of the date of this decision, there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include:

- * full details of any trees and shrubs to be retained,
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;
- * means of enclosure;
- * driveway surfacing details (to be of bound construction);
- * details of boundary treatments (including any existing walls or fences to be retained);
- * details of the front gates (which are to be of a visually 'open' construction and no more than 1.5m in height) ;

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

- 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 dwelling or the substantial 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 The roof light windows hereby approved shall be of the 'conservation' type so as to be mounted flush with the roof slope.

REASON: In the interests of preserving the character and appearance of the area and the setting of neighbouring buildings

- 5 The north-facing first floor bathroom window as shown on the approved drawings shall be glazed with obscure glass only and shall be fixed shut unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed, and the window shall be permanently so-retained.

REASON: In the interests of residential amenity and privacy.

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- 6 a) Within 3 months of the date of this decision, there shall have been submitted to and approved in writing by the local planning authority a Scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage principles.
- b) The development shall not be first brought into use until surface water drainage has been provided/ constructed in accordance with the approved scheme.

REASON: The application contained insufficient information on drainage for consideration prior to granting planning permission. Drainage proposals based upon sustainable drainage principles need to be agreed by the local planning authority before commencement in order that the development is undertaken in an acceptable manner, to ensure that the development can be appropriately drained so as to avoid increased flood risk in the Kennet Valley and downstream.

-
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings shall be installed, formed or constructed in the flank elevations of the dwelling hereby permitted above ground floor ceiling height.

REASON: In the interests of residential amenity and privacy.

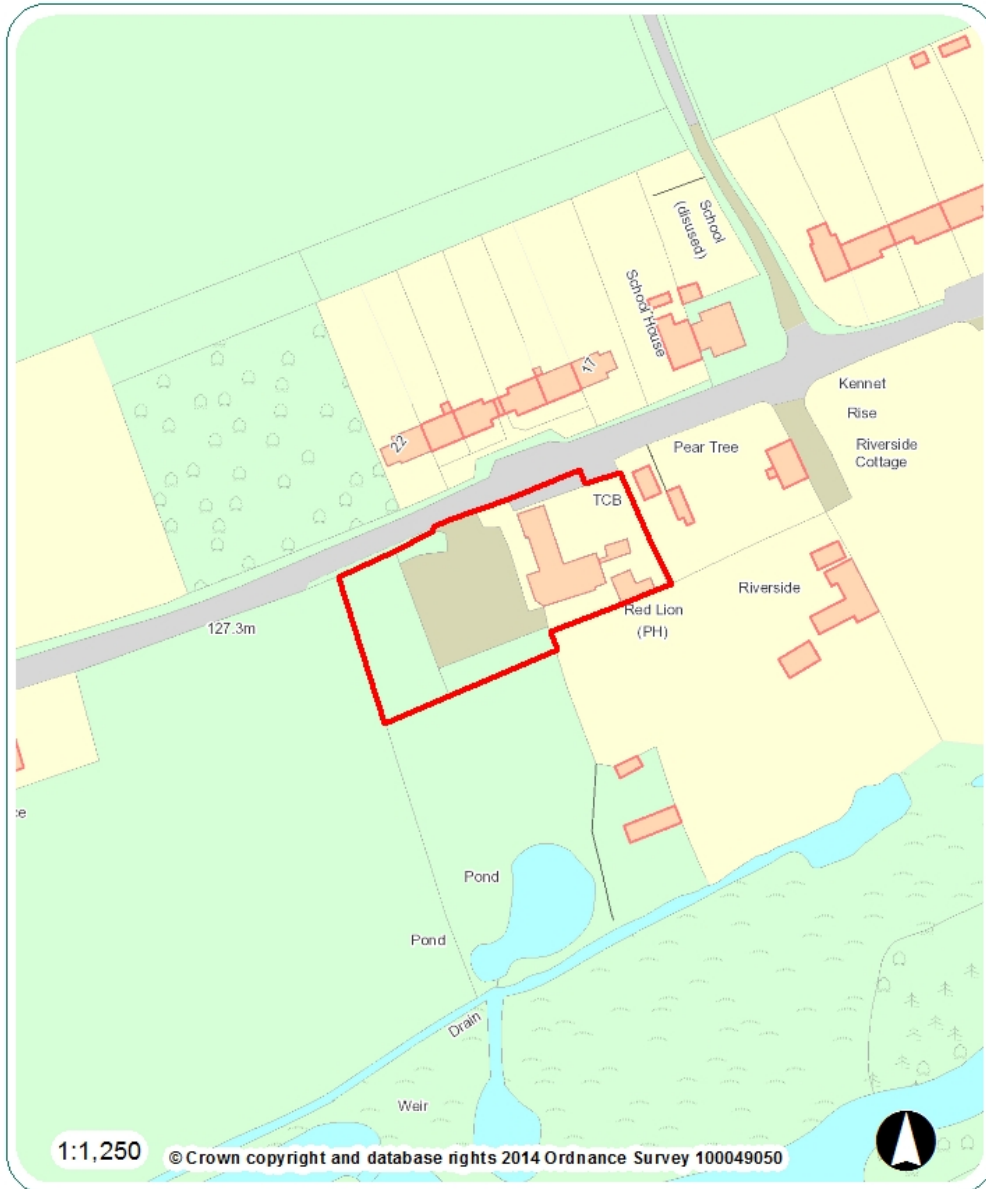
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- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to or extension of the dwelling hereby permitted.

REASON: In the interests of the character and appearance of the area, neighbouring amenities and land uses, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/ extensions.

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- 9 i) The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes.
- ii) The dwelling shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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