

# AGENDA

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**Meeting:** Eastern Area Planning Committee

**Place:** Wessex Room, Corn Exchange, Market Place, Devizes, SN10 1HS

**Date:** Thursday 7 October 2021

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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## Membership:

Cllr Philip Whitehead (Chairman)  
Cllr Paul Oatway QPM (Vice-Chairman)  
Cllr Dr Brian Mathew  
Cllr Kelvin Nash

Cllr Sam Pearce-Kearney  
Cllr Tony Pickernell  
Cllr Iain Wallis  
Cllr Stuart Wheeler

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## Substitutes:

Cllr Mel Jacob  
Cllr Jerry Kunkler

Cllr James Sheppard  
Cllr Caroline Thomas

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## **Covid-19 safety precautions for public attendees**

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place.

**You must contact the officer named on this agenda no later than 5pm on Tuesday 5 October 2021 if you wish to attend this meeting.**

Places will be allocated on a first come first served basis.

To ensure safety at the meeting, all members of the public are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Follow one-way systems, signage and instruction
- Maintain social distancing
- Wear a face-mask (unless exempt)

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

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**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

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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 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 15 July 2021.

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**

To ensure Wiltshire Council COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. You must contact the officer named on this agenda no later than 5pm on Tuesday 5 October 2021 if you wish to attend this meeting. Places will be allocated on a first come first served basis and all requests may not be accommodated if there is high demand.

### **Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Tuesday 5 October 2021.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the meeting to read the statement themselves, or to provide a representative to read the statement on

their behalf.

### **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 electronically to the officer named on the front of this agenda no later than 5pm on Thursday 30 September 2021 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 Monday 4 October 2021.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 **Planning Appeals and Updates** (*Pages 15 - 16*)

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 **PL/2021/04596 West Winds, 72 Netherstreet, Bromham, Chippenham SN15 2DP** (*Pages 17 - 34*)

Outline application for demolition of bungalow and replacement with 2 detached dwellings and associated works to include change of use of land to form extended residential curtilage.

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

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#### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 JULY 2021 AT THE ASSEMBLY ROOM, THE TOWN HALL, ST. JOHN'S STREET, DEVIZES, WILTSHIRE, SN10 1BN.

#### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Dr Brian Mathew, Cllr Sam Pearce-Kearney, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Jerry Kunkler (Substitute)

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#### 1. **Apologies**

Apologies were received from:

- Cllr Kelvin Nash and
- Cllr Paul Oatway QPM, who was substituted by Cllr Jerry Kunkler.

#### 2. **Minutes of the Previous Meeting**

The minutes of the meeting on 7 January 2021 were presented for consideration and it was

#### **Resolved:**

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

#### 3. **Declarations of Interest**

Cllr Iain Wallis declared for the sake of openness and transparency a non-pecuniary interest in agenda item 8a, Wildlife and Countryside Act 1981 - The Wiltshire Council Parish of Ogbourne St Andrew Path No. 38 Definitive Map and Statement Modification Order 2020. Cllr Iain Wallis stated that he worked for DEFRA and as such was ultimately responsible to the SoSERFA. However, he confirmed that he did not work in a department directly related to Rights of Way.

#### 4. **Chairman's Announcements**

There were no Chairman's announcements.

#### 5. **Planning Appeals and Updates**

Mike Wilmott, Head of Development Management, gave an update on the appeals report contained within the agenda.

Mr Wilmott drew attention to two items which required corrections:

- On page 17, application 19/09834/FUL, Clock House, Honeystreet, SN9 5PS. This was a Committee decision, the officer recommendation was to approve and the appeal decision was to allow.
- On page 18, application 20/03969/FUL, The Isis, London Road, Devizes, SN10 2DS. The appeal decision was to dismiss.

Mr Wilmott stated that 14 of the 21 appeals were dismissed and three of the appeals that were allowed were due to Wiltshire Council currently being unable to demonstrate a five year supply of deliverable housing sites.

Cllr Philip Whitehead proposed that the committee note the report, this was seconded by Cllr Stuart Wheeler. It was

**Resolved:**

**To note the appeals report for the period of 20/11/2020 and 02/07/2021.**

6. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 6 of the agenda.

7. **Planning Applications**

The following planning applications were considered.

8. **PL/2021/04659 & PL/2021/05084, Sharcott Manor, Sharcott Drove, Sharcott, SN9 5PA**

**Public Participation**

Mrs Claire Lloyd, applicant, spoke in support of the application.

Mr James Lloyd spoke in support of the application.

Mr Nigel Keen, agent, spoke in support of the application.

Nick Clark, Senior Planning Officer presented a report which recommended that planning permission be refused for the demolition of an outbuilding and erection of a single storey extension to the grade II listed Sharcott Manor. (Planning permission and listed building consent).

Attention was drawn to a late objection which had been received. The objection and pictures sent in to accompany it had been circulated to all committee members and could be seen on the [planning portal](#). It was clarified that the pictures were taken in 2017.



Key considerations were whether the demolition of the outbuilding would harm the heritage significance of the grade II listed Sharcott Manor and whether the replacement single storey extension would harm the heritage significance of the grade II listed Sharcott Manor.

The planning officer summarised the key legislative and policy issues that related to the applications. It was stated that for grade II listed buildings Wiltshire Council should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possessed.

The officer summarised relevant paragraphs of the National Planning and Policy Framework (NPPF). Paragraphs 193, 194, 195 and 196 stated that great weight should be given to the asset's conservation and that harm should not be caused to the asset. If harm (whether substantial or not) was to be caused, there should be clear justification for it and any harm should be outweighed by public benefit.

Attention was also drawn to Wiltshire Core Strategy (WCS) Core Policies 57 and 58. Which in summary stated that proposals should protect, conserve and where possible enhance the historic environment and that proposals require a high quality of design.

Slides of the main building, its grounds and the outbuilding were shown to the meeting along with plans of the proposal. The outbuilding used to contain staff quarters and laundry facilities.

The officer stated that the outbuilding was in a poor state of repair and had long term maintenance issues which pre-dated the current ownership. Structural engineers employed by the applicants had concluded that the building was beyond economic repair. However, costings were not provided and the building was repairable.

The proposed extension had a similar footprint to the outbuilding but was connected to the main house and would be built using brick and rusty steel cladding with a green roof.

In regards to the two main considerations before the committee, the officer stated that demolition of the outbuilding would cause harm to the heritage significance of the grade II listed building, there was no public benefit to outweigh the harm caused and the proposal was contrary to local and national planning policies. The officer also stated that the proposed extension was not of a high quality design and would fail to conserve the significance of the listed building, causing harm. Therefore, the officer recommendation was to refuse planning permission.

There were no technical questions from Members regarding the proposal.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Jerry Kunkler, spoke in support of the applications. Cllr Kunkler was worried by the state of repair of the building and felt that the applicants wanted to put a lot of work and care into bringing the building back up to modern standards in a sympathetic way. Cllr Kunkler felt that if Wiltshire Council did not work with the applicants the buildings could fall into a worse state of disrepair. He felt that the design would blend in with the listed building and urged the committee to consider approving the application.

The Chairman proposed a motion to refuse planning permission and listed building consent as per the officer recommendation at page 28 of the agenda. This was seconded by Cllr Stuart Wheeler.

A debate followed where points including the following were raised. The parish council and no objectors had attended the meeting to air any objections to the proposal. The applicants were very invested in the building and wanted to invest time, money and effort into the building, bringing it back into use.

Other Members felt that size, form and general design of the replacement extension was not of a high quality design and did not enhance the original building or its setting, there was also no perceived public benefit.

At the conclusion of the debate it was

**Resolved:**

**That planning permission and listed building consent be refused for the following reasons.**

**REASONS:**

- 1. As an ancillary/ service building to Sharcott Manor during the late Victorian / Edwardian eras the outbuilding contributes to the heritage significance of the listed building. Its demolition would result in harm to the heritage significance of the listed building and the proposal thus fails to conserve the significance of the designated heritage asset, as it results in total loss of the structure, contrary to Wiltshire Core Strategy Core Policy 57 and Core Policy 58. In the absence of clear and convincing justification for the demolition and without public benefits to outweigh the harm the proposal is also contrary to National Planning Policy Framework paragraphs 193 to 195.**
- 2. The form, materials and size of the proposed extension lacks the architectural character and detail seen in the manor house and would contrast negatively with the host building as a bulky and incongruous addition that would fail to protect and conserve the heritage significance of the listed building contrary to Wiltshire Core Strategy Core Policy 57 and Core Policy 58. The level of harm would be 'less than substantial' and in the absence of clear**

**justification and public benefits sufficient to outweigh the harm, the extension would be contrary to paragraphs 193, 194 and 196 of the National Planning Policy Framework and to the statutory requirement to have special regard to the desirability of preserving the listed building.**

9. **Rights of Way items**

The following Rights of Way item was considered.

10. **Wildlife and Countryside Act 1981 - The Wiltshire Council Parish of Ogbourne St Andrew Path No. 38 Definitive Map and Statement Modification Order 2020**

**Public Participation**

Ms Susannah O'Brien, landowner, spoke in objection to the application

Mr Timothy O'Brien spoke in objection to the application.

Mr Alan Woodford spoke in support of the application. (Mr Woodford's statement was read by the Democratic Services Officer as Mr Woodford was isolating due to COVID-19).

Ms Carolyn Davis spoke in support of the application.

Mr Norman Beardsley, Wiltshire Bridleways Association, spoke in support of the application.

Cllr John Hetherington, Ogbourne St Andrews Parish Council spoke in support of the application.

Craig Harlow, Definitive Map Officer, Rights of Way & Countryside presented a report which recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with a recommendation from Wiltshire Council that the Order be confirmed as made.

The officer explained that the Order had been made under Section 53 of the Wildlife and Countryside Act 1981 to record a public bridleway in the parish of Ogbourne St Andrew.

Slides were shown to the meeting with photos and maps showing the route. The route formed a natural link between two existing rights of way and was requested by Ms Carolyn Davis. One of the photographs shown was of the entrance to the route from OSTA6 and showed that there was no gate present. The officer explained that a gate had been added after the Order was applied for.

Representations and objections were detailed by the officer as follows:

- 31 user evidence forms had been submitted claiming use of the route.
- 13 of those users claimed to use the route on horseback or bicycle.
- 26 users claimed to use the route on foot.
- 1 objection had been received from the affected landowner.

The key legislation was summarised by the officer, as detailed in the agenda report. It was highlighted that evidence was key to the process. There was evidence to show that the route had been used for over 20 years and it was important to note that the desirability, the environment, need, privacy concerns or health and safety were irrelevant for the application under section 53 of the Wildlife and Countryside Act 1981. Only the evidence could be considered.

The officer explained that there was a conflict in the evidence provided by the landowner and the users of the route.

13 users claimed to have used the route on horseback or bicycle. The officer explained that there were no set number of users required for an order to be confirmed. The number of people using the route in this way seemed to be a reasonable expected use due to the rural nature of the route and the low population in the area. There was evidence to suggest that it had been used as a route for a full period of 20 years.

There was no evidence to suggest that during that period there had been no intention to dedicate the route as there was no evidence of signs being put up. The landowner stated that people using the route had been challenged but those using the route without permission stated that they had never been challenged.

The officer explained that as an objection had been received to the Order, the Order could not be determined by Wiltshire Council. The Order would need to be determined by SoSEFRA at a planning inquiry, where the evidence could be tested. However, Wiltshire Council could make a recommendation and the options before the committee were to recommend that the Order be confirmed as made, confirmed with conditions, to take a neutral stance or not to confirm. Taking into account the evidence on the balance of probabilities, the officer recommendation was that Wiltshire Council recommend to SoSEFRA that the Order be confirmed as made.

There were no technical questions from Members.

Members of the public then had the opportunity to present their views, as detailed above.

The Chairman proposed that "The Wiltshire Council Parish of Ogbourne St Andrews Path No 38 Definitive Map and Statement Modification Order 2020" was forwarded to the SoSEFRA with the recommendation that it be confirmed as made, as per the officer recommendation on page 42 of the agenda. This was seconded by Cllr Brian Mathew.

A debate followed where Members stated that the pandemic had highlighted the need for people to get out and exercise and have access to the nature and the countryside. It was

**Resolved:**

**That “The Wiltshire Council Parish of Ogbourne St Andrew Path No.38 Definitive Map and Statement Modification Order 2020” be forwarded to the SoSEFRA with the recommendation that it is confirmed as made.**

11. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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

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**Wiltshire Council**  
**Eastern Area Planning Committee**  
**7<sup>th</sup> October 2021**

Planning Appeals Received between 02/07/2021 and 24/09/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/06839/FUL	Boomerang Stables Crooked Soley Chilton Foliat Hungerford, Wiltshire	Chilton Foliat	Redevelopment of equestrian premises for the erection of a detached house, outbuildings, gardens and related infrastructure.	DEL	Written Representations	Refuse	29/07/2021	No
20/06874/FUL	Cross Keys Inn Malthouse Lane Upper Chute, SP11 9ER	Chute	Demolition of the existing buildings and construction of a new residential dwelling with separate garaging.	DEL	Written Representations	Refuse	23/08/2021	No
20/07932/OUT	Land at Sandlease Farm Worton, Wiltshire	Worton	Outline planning application for up to 26 dwellings and associated infrastructure with all matters reserved for future consideration except for access	DEL	Written Representations	Refuse	14/07/2021	No
20/09059/FUL	Land Adj To 7 Norney Bridge, Norney Lane Marston, SN10 5SF	Marston	Erection of a new dwellinghouse	DEL	Written Representations	Refuse	07/07/2021	No
20/10007/FUL	Land off Hospital Road Pewsey, Wiltshire		Proposed erection of 6 dwellings and associated works	DEL	Written Representations	Refuse	08/09/2021	No
21/00008/FUL	Cobbles, 9 Herd Street Marlborough, SN8 1DF	Marlborough	Formation of access and off-road parking area to front of property.	DEL	Written Representations	Refuse	08/09/2021	No
21/01500/PNCOU	Agricultural Building to the West of A360 Devizes Road, Potterne, Devizes Wiltshire, SN10 5LW	Potterne	Application under Class Q to Determine if Prior Approval is Required for a Proposed Change of Use and Conversion of an Agricultural Building to a Residential Dwelling	DEL	Written Representations	Refuse	08/09/2021	No

Planning Appeals Decided between 02/07/2021 and 24/09/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/01634/FUL	Land North of Honeystreet Village Pewsey	Alton	Change use of part of an existing agricultural field to provide a village parking area for 20 cars with associated works and landscaping.	EAPC	Written Reps	Refuse	Allowed with Conditions	16/07/2021	None
20/05329/VAR	Thicket Cottage Malthouse Lane Upper Chute SP11 9EG	Chute	Variation of conditions 2 and 5 of 20/01143/FUL to include the extension of the ground floor by 8m, and the formation of a rooftop terrace with external staircase	DEL	Written Reps	Refuse	Dismissed	16/07/2021	Appellant applied for Costs - <b>REFUSED</b>
20/09059/FUL	Land Adj To 7 Norney Bridge, Norney Lane Marston, SN10 5SF	Marston	Erection of a new dwellinghouse	DEL	Written Reps	Refuse	Dismissed	09/09/2021	None
20/11244/FUL	Land South of Back Lane, Ramsbury Marlborough	Ramsbury	Construction of single detached dwelling with linked double garage and associated works, including new access and partial re-building of unsafe boundary wall.	DEL	Written Reps	Refuse	Dismissed	27/08/2021	None



## REPORT FOR EASTERN AREA PLANNING COMMITTEE

ITEM 1

<b>Date of Meeting</b>	7 <sup>th</sup> October 2021
<b>Application Number</b>	PL/2021/04596
<b>Site Address</b>	West Winds, 72 Netherstreet, Bromham, Chippenham SN15 2DP
<b>Proposal</b>	Outline application for demolition of bungalow and replacement with 2 detached dwellings and associated works to include change of use of land to form extended residential curtilage.
<b>Applicant</b>	Mr & Mrs M Butler
<b>Parish Council</b>	Bromham Parish Council
<b>Electoral Division</b>	Bromham, Rowde & Roundway
<b>Type of application</b>	Outline Planning Permission
<b>Case Officer</b>	Nick Clark

### Reason for the application being considered by Committee

The application is before the Eastern Area Planning Committee at the request of Councillor Mayes for the committee to consider the scale of the development and car parking along with the change of use of agricultural land to provide adequate gardens and the precedent that it would set.

#### 1. Purpose of Report

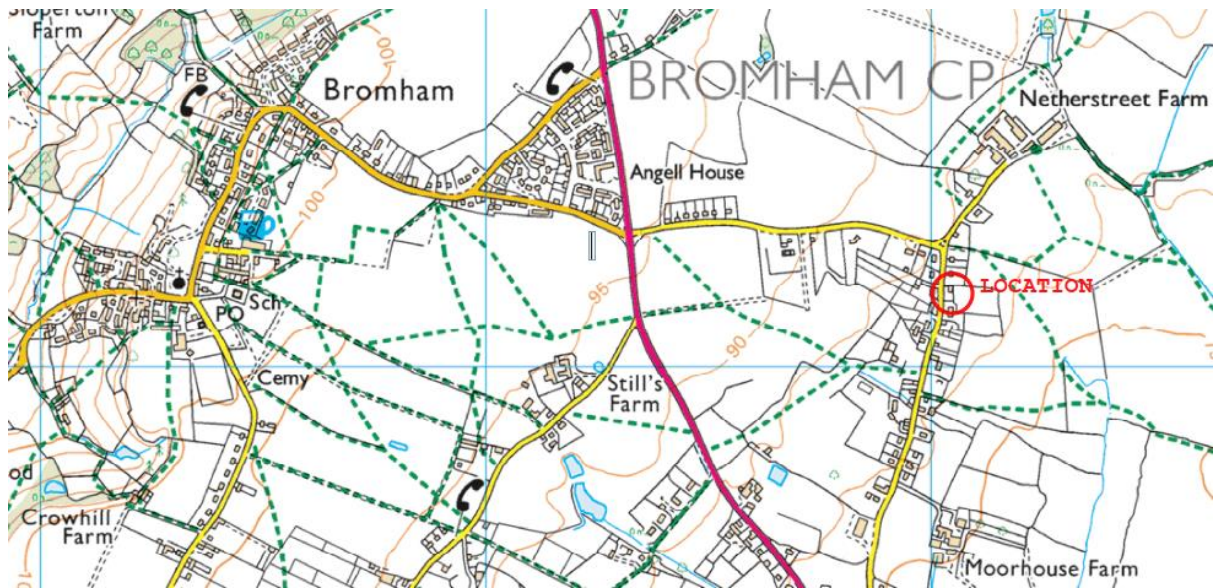
The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and the recommendation that the application be approved.

#### 2. Report Summary

The development of an additional dwelling outside a defined settlement would be contrary to the development plan, and the key consideration is the overall 'planning balance' between the benefits of the development against its impacts within the built envelope of Netherstreet.

#### 3. Site Description

Netherstreet is a linear settlement of dwellings set to the east of the village of Bromham.

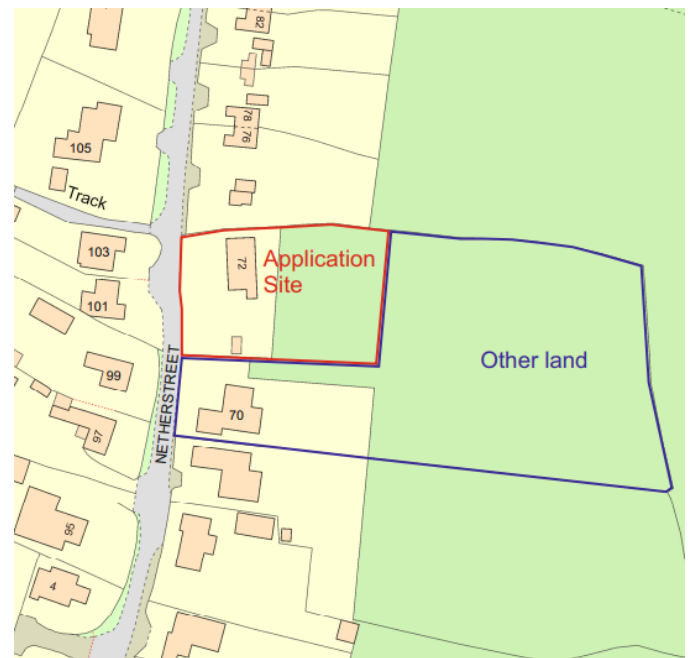


West Winds' (No. 72) lies within a ribbon of housing to the east side of the street and is a modest mid-20<sup>th</sup> century bungalow. It is set in a plot of 32 metres width, with very limited garden depth to the rear.



Parking and garden space are to the side of the bungalow.

To the rear is open farmland. No. 76 is the neighbouring property to the north, 70 to the south. On higher ground on the opposite side of the street are numbers 101 and 103, within a ribbon of housing on the west side of the street.



The application site also includes some additional land to the rear of West Winds as outlined in red:

The applicants also own neighbouring land (and the neighbouring property) to the south and east as outlined in blue. This is not part of the application site.

#### 4. Planning History

K/78/0874	Extension to bungalow	Refused
K/79/0046	Extension to bungalow	Approved

#### 5. The proposal

The application seeks outline consent for demolition of the bungalow and its replacement by 2 dwellings. Additionally a change of use of land (within the red line in the plan above) to the rear of the bungalow is sought (from agriculture to residential), to provide rear gardens for the 2 new properties.

Matters of access, appearance, landscaping, layout & scale are all reserved for later consideration by way of a 'reserved matters' application. The application nonetheless includes an 'indicative' site layout to demonstrate the feasibility of the proposal.

#### Drawings and details submitted:

Location Plan	LOC_1969-PLAN 1
Proposed site layout	LAYOUT_1969-PLAN 1
Protected Species Survey	
Planning Statement	
Application form	

#### 6. Local Planning Policy

##### [Wiltshire Core Strategy](#)

##### *SPATIAL VISION*

CP1	Settlement strategy
CP2	Delivery strategy

##### *AREA STRATEGIES*

CP12	Devizes Area Strategy
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##### *DELIVERING THE SPATIAL OBJECTIVES: CORE POLICIES*

CP50	Biodiversity and geodiversity
CP51	Landscape
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP61	Transport and development
CP64	Demand management
CP67	Flood risk

#### Other policies and guidance

Planning Practice Guidance (national)

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**7. Summary of consultation responses**

Bromham Parish Council:	No objection
Wiltshire Council Highways	No objection. Suggested conditions.
Wiltshire Council Ecologist:	No objection. Suggested condition.
County Archaeologist:	No objection
Other:	20 objections from members of the public, raising principally: <ul style="list-style-type: none"><li>• Loss of views from neighbouring properties</li><li>• Highway safety concerns</li><li>• Suburbanising impact &amp; 'overdevelopment'</li><li>• Landscape impact</li><li>• Impact on local services</li><li>• Loss of agricultural land</li><li>• Distance from village services</li><li>• Draft Neighbourhood Plan conflict</li><li>• Precedent for further development, eg to the rear</li><li>• Affordability</li><li>• Road flooding</li><li>• On-street parking concerns</li><li>• Neighbouring (opposite) privacy</li></ul>

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**8. Publicity**

The application was subject to direct consultation with immediate neighbours and statutory consultees.

**9. Planning Considerations**

Legislation requires that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

**9.1 The principle of development**

Netherstreet is not recognised as a settlement in the development plan. The village of Bromham, which does have a settlement boundary, lies to the north-west on the other side of the A342 Devizes-Chippenham road. The development would result in a net increase of one dwelling. The development plan supports the principle of one-for-one replacement of dwellings outside the settlements but any net increase in dwellings is contrary to the Spatial Vision for sustainable development within Wiltshire (Core Policy 1 and Core Policy 2), unless the housing is for one of a number of excepted purposes (eg farm worker dwellings etc). The housing is not for any of the excepted purposes. Permission should thus be refused unless material considerations warrant otherwise.

Material considerations in this instance are the policies of the National Planning Policy Framework, the current housing land supply position, the developed nature of

Netherstreet with ribbons of housing along both sides of the street, and the long modern history of redevelopment and infill development along the street.

## **9.2 Housing land supply**

The Council's most recently published Housing Land Supply Statement identifies a 4.56-year deliverable housing land supply.

The National Planning Policy Framework (NPPF) advises that where the authority cannot demonstrate a 5 year supply of deliverable housing sites, the development plan policies of most importance for determining the application should be considered to be out of date and planning permission should be granted unless (so far as is relevant here) any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF is thus clear that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits of the development. This advice is a material consideration to be weighed alongside the policies of the development plan.

## **9.3 Benefits of the development**

The development would bring a benefit in terms of a net increase of one dwelling in the local housing stock. Both dwellings would also be constructed to modern standards of energy efficiency. This in turn would provide local economic benefits both during the development phase, and thereafter in supporting the occupation of the dwellings, the two of which could be considered to make a more efficient use of the land within the overall envelope of development along Netherstreet.

## **9.4 Impact on the character of Netherstreet**

Core Policy 57 requires a high standard of design that is complementary to the locality through responding to the local context in terms of (amongst other things) building layouts, built form, height, mass, scale, building line and plot size.

Netherstreet is a detached part of the settlement in the parish of Bromham with 56 residential addresses registered, along both sides of the street. It thus has the built form and character of a small linear enclave.

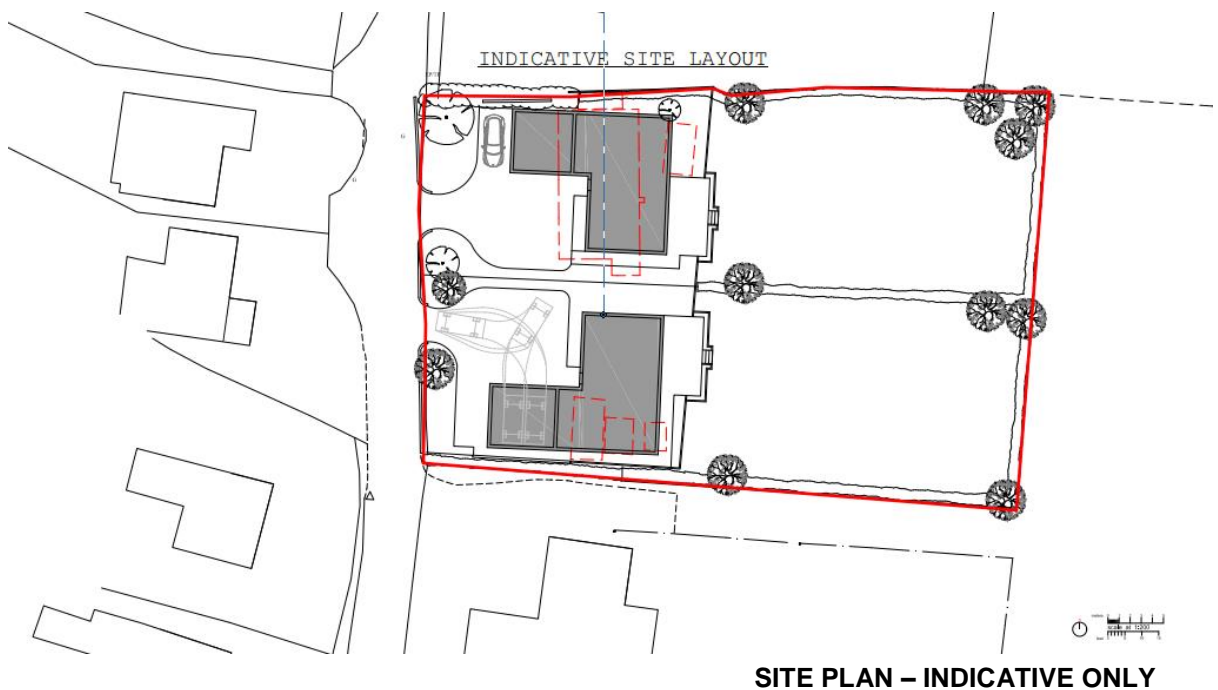
In 1976, two houses immediately to the south of the application site were allowed on appeal. The Inspector's decision then noted "The site is clearly within the envelope of the settlement of Netherstreet" and "two dwellings on this site would neither harm the character nor the appearance of the area to an unacceptable degree."

Since 1976, a number of further new dwellings have also been approved along the street, as well as significant extensions and larger replacement of existing dwellings; thereby further reinforcing the settlement character of the street.

Housing along the street remains varied, with little characterisation of the area in terms of the period, design and layout development, and with varying plot widths and depths and spacing between neighbouring dwellings.

The application site has a street frontage of 32.5 metres. The frontage of the two opposite properties combined (No's 101 & 103) is marginally less than that, at 31 metres. No's 101 & 103 were themselves approved in 1969 to replace a previous single dwelling on the site, first through an outline application and then a reserved matters application.

Access, appearance, layout & scale of the currently proposed dwellings is not for consideration at this stage, and considering the plot width, there is nothing in principle to suggest that the site could not be redeveloped to provide 2 dwellings that would be in keeping with the varied character and appearance of Netherstreet.



There would be some loss of the current 'openness' of the site and some localised increase in density, but the development would maintain good physical and visual separation from neighbouring dwellings and in the context of the form and layout of neighbouring and opposite 2-storey dwellings this would not materially impact on the character of Netherstreet.

The development however is largely dependent on incorporating agricultural land to the rear to increase the depth of the residential plot to provide rear garden space. The minimal depth of the existing residential plot however is atypical to the area, and the additional garden depth would largely align with the depth of neighbouring gardens.

It is noted that the immediately neighbouring garden to the south (No. 70) has only recently been extended in depth to incorporate agricultural land. This does not have the benefit of planning permission and should thus be ignored. It is noted however that a

number of permissions in the locality have been granted for garden depths to be extended to incorporate agricultural land, for example No. 68 next-door-but-one to the south and No. 95 near-opposite. Considering the prevailing rear garden line in the vicinity of the application site, the rearward extension of the site as shown by the red line would not have any material adverse impact on the character and appearance of the area.

Some respondents highlight that the applicant's Planning Statement identifies that the dwellings proposed would be 4-bedroomed. The Planning Statement is misleading in this respect however as the size of the dwellings can only be determined at reserved matters stage. The number of bedrooms is not proposed in this application. All that is proposed is the principle of two dwellings on the site instead of one, with the number of bedrooms, scale, appearance etc all to be decided in a later 'reserved matters' application.

From the above it is concluded that in principle, the redevelopment and extension of the site to provide two dwellings would not materially harm the varied character of Netherstreet. The detail of the development would fall to be considered in a subsequent application for the approval of reserved matters.

#### **9.5 Impacts on rural and landscape character**

Some respondents suggest that the development would adversely impact on the rural and landscape character of the area, particularly in views towards Netherstreet from higher ground and public rights of way to the east. Any such impacts would be largely as a result of the scale and appearance of the development, which are not for consideration at this stage. In any event however the development would be viewed in the context of the existing development along Netherstreet and there is nothing to suggest any significant adverse impact would occur to the rural and landscape character of the area that would justify refusal of the application.

#### **9.6 Residential amenities**

As an aspect of design quality, Core Policy 57 requires proposals to have regard to the impacts on the amenities of existing residents.

The bungalow on the site currently allows properties opposite long views across and over the site towards Beacon Hill and Oliver's Castle to the east. A number of objections to loss of these views have been received. It is well established however that the loss of a view from a property is not a valid planning consideration.

Opposite properties also raise concern at loss of privacy in terms of being overlooked by having housing opposite, which is likely to be more than single storey. The opposite housing is set back at least 15m from the site frontage however, from which they are separated from the application site by the public street. Whilst the design of the proposed dwellings is not known there is no cause to consider that the development would impact on the privacy of or daylight to opposite properties to an extent that would support refusal of the application.

The neighbouring dwelling to the north of the application site (No. 76) is c. 20 metres from the application site. No. 70 to the south is c. 8 metres. Any potential impacts on these neighbours would only arise from the details of access, appearance, landscaping, layout & scale, which are not to be considered at this stage.

### **9.7 Accessibility and highway safety**

A number of respondents raise concern at the access and parking arrangements as suggested in an 'indicative' layout plan. The access detail is a reserved matter however, and similarly the parking provision. The scheme to be put forward at reserved matters stage need not resemble the indicative details.

In terms of additional vehicle movements, the Highway Officer is satisfied that there would not be an unacceptable impact on the adjacent road network. The Officer is also satisfied that suitable access and parking provision for the dwellings can be provided and recommends a number of planning conditions to ensure a suitable standard of access visibility, drainage and construction.

The details of the access and parking are reserved matters. In respect of this outline application, it is concluded that in terms of the principle of 2 dwellings there would not be any material impact on highway safety so as to warrant refusal of the application.

### **9.8 Sustainability of the location**

Core Policy 61 requires that new development should be located so as to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

Netherstreet is poorly located in this respect, being isolated from facilities within the village and elsewhere, such that residents are likely to be heavily reliant on the use of private cars for the majority of day-to-day trips.

The NPPF emphasises however that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making". The Framework also acknowledges that "development in one village may support services in a village nearby", and this principle can be applied to residents of Netherstreet supporting facilities and services within the centre of Bromham.

The proposal for an additional dwelling in this location nonetheless introduces some conflict with Core Policy 61. This is diluted to some extent by the advice of the Framework but there would nonetheless be an impact that needs to be considered in the overall planning balance.

### **9.9 Drainage and flood risk**

A number of respondents refer to regular flooding along Netherstreet. It is understood that this is further south along the lane where it would not directly impact on the development.



Subject to appropriate surface water drainage, the development in turn would not add to the flood risk.

The application identifies that surface water drainage would use sustainable drainage measures, including the use of soakaways. A condition is recommended accordingly to require approval and implementation of drainage measures prior to occupation of the development.

### **9.10 Ecology**

The Council's ecologist is satisfied with the methodology and findings of the submitted ecological report, which concludes that the development, and particularly the demolition, would not have an adverse impact on protected habitats and species, particularly bats. The ecologist recommends a condition to ensure that the development incorporates bat roosting and bird nesting facilities as recommended in the report, and this would be in accordance with Core Policy 50.

### **9.11 Archaeology**

The Council's archaeologist is satisfied that groundworks associated with the development is unlikely to expose any unrecorded archaeological features on the site and thus raises no objection to the proposal and does not consider that any conditions in respect of archaeology are required.

### **9.12 Infrastructure/ utilities**

A number of respondents point to Netherstreet being poorly supported by infrastructure, with no mains gas, poor broadband and low water pressure. Whilst there is no cause to doubt the objections in this respect, there is equally nothing to substantiate or quantify any shortcomings. In any event however there is nothing to suggest that the addition of a further dwelling to the existing 56 dwellings along the street, as well as additional businesses, would have any significant adverse impact on the existing or proposed properties sufficient to warrant refusal in this respect.

### **9.13 Precedent for future backland development**

Some objections refer to the possibility of further applications to develop agricultural land to the rear of the application site for residential purposes. The application does not suggest any likelihood of such a proposal coming forward. The current proposal is simply for infill development within the existing ribbon of development. Its approval would not set any precedent for later development to the rear. Concerns in this respect are thus unfounded and would not support refusal of the application. Any future proposal would require planning permission and would be assessed against the development plan policies in place at that time.

### **9.14 Draft Bromham Neighbourhood Plan**

The Bromham Neighbourhood Plan is at a very early stage of preparation and cannot be afforded any weight in planning decisions at present.

## **10. Conclusion (The Planning Balance)**

The development of an additional dwelling outside a recognised settlement would be contrary to the development plan. Material considerations in favour of the development are the developed character of Netherstreet as a small linear village, and the long modern history of redevelopment and infill along the street. The current situation with regard to the shortfall in housing land supply is also a material consideration weighing in favour of the development. Whilst the development is likely to be noticeable within the street its final form has yet to be determined but in terms of density and plot sizes (and the additional garden depths) it would be similar to other development within the immediate vicinity and the development would not materially adversely impact on the character of Netherstreet as a whole.

There would be a negative impact in terms of an additional dwelling being poorly located for local services and facilities.

The development would bring an albeit limited benefit in terms of a net increase of one dwelling to the local housing stock. Both dwellings would also be constructed to modern standards of energy efficiency. There would also be local economic benefits both during the development phase, and thereafter in supporting the occupation of the dwellings, which would make a more efficient use of the land contained within the overall envelope of development along Netherstreet.

Weighing the particular circumstances of this site and the factors above it is concluded on balance that the circumstances are sufficient to warrant approval of the development as there are no adverse impacts that significantly and demonstrably outweigh the benefits in this case.

## **RECOMMENDATION: CONDITIONAL APPROVAL**

### **Conditions**

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

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

2. i) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the local planning authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;
  - (e) The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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3. The details of the reserved matters, and the development hereby permitted shall be carried out in accordance with the following approved drawings and details:
- Location Plan LOC\_1969-PLAN 1
  - Protected Species Survey report

The submission of the reserved matters application for the layout of the dwellings shall provide for both dwellings to front the highway at Netherstreet.

REASON: For the avoidance of doubt and to secure a development that is in keeping with the existing form of development in this part of Netherstreet.

- 
4. i) No development (including works of demolition) shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority.

ii) The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction phase of the development.

iii) It shall include details of the following:

- a) arrangements for lorries delivering to and collecting from the site,
- b) hours of working (including deliveries and collection of demolition waste),
- c) the loading and unloading of equipment and materials, and
- d) provision on the site for storage of materials and parking of construction staff and contractor vehicles.

iv) The demolition and construction work will be carried out fully in accordance with the so-approved Construction Management Plan at all times.

REASON: In the interests of neighbouring amenities and highway safety.

- 
5. Car and cycle parking provision to be detailed in the reserved matters application/ s shall be in accordance with the required standards set out in the Wiltshire LTP3 Car Parking Strategy.

REASON: Considering the limited road width along Netherstreet, in order to ensure off-street parking provision for the development in the interests of highway safety and convenience.

6. i) Prior to the first occupation of the development or the substantial completion of the development (whichever is the sooner) 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:-
- a) all hard and soft surfacing materials,
  - b) means of enclosure, (including details of any existing fencing to be retained),
  - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- ii) All so-approved planting shall be carried out in the first planting and seeding season following the first occupation of either building or the substantial completion of the development whichever is the sooner.
- iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- iv) 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.
- v) All hard landscaping shall also be carried out in accordance with the approved details prior to the first 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.

- 
7. i) Demolition works shall be carried out in full accordance with recommendations of Section 5 of the approved Protected Species Survey report (21 Apr 2021).
- ii) The dwellings shall not be first occupied until bat roosting and bird nesting facilities have been incorporated in the development in accordance with details first to have been submitted to and approved in writing by the local planning authority; such details to be in accordance with the recommendations of the approved Protected Species Survey report (21 Apr 2021).

REASON

In the interests of biodiversity.

- 
8. i) Prior to commencement of construction of the new dwellings there shall have been submitted to and approved in writing by the local planning authority full details of a surface water drainage scheme and maintenance requirements to be implemented on the site in respect of all buildings and new or replacement areas of hard standing.
- ii) There shall be no occupation of the development until the so-approved drainage scheme has been implemented in full.
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iii) The drainage scheme shall thereafter be maintained in accordance with approved details.

REASON

In the interests of controlling flood risk and highway safety.

INFORMATIVE

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For the suggested soakaways, the information to be submitted under this condition must include:

- Ground investigations and infiltration testing in line with the requirements of the BRE Digest 365 and undertaken by a competent contractor are required to assess the feasibility of the proposed surface water drainage strategy.
- Sizing calculations, construction details and a maintenance plan.

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9. i) The development hereby permitted shall not be first brought into use until the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level.

ii) The above frontage visibility margin shall be maintained as such at all times thereafter.

REASON: In the interests of highway safety.

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10. i) The development hereby permitted shall not be first occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel).

ii) The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

INFORMATIVE

The surfacing of the access must be in accordance with the details of hard landscaping and surface water drainage to be approved under the conditions above.

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