

# AGENDA

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**Meeting:** Eastern Area Planning Committee

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

**Date:** Thursday 21 November 2024

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Matt Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email [matthew.hitch@wiltshire.gov.uk](mailto:matthew.hitch@wiltshire.gov.uk)

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

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## **Membership**

Cllr Philip Whitehead (Chairman)

Cllr Paul Oatway QPM (Vice-Chairman)

Cllr Adrian Foster

Cllr Kelvin Nash

Cllr Sam Pearce-Kearney

Cllr Tony Pickernell

Cllr Iain Wallis

Cllr Stuart Wheeler

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## **Substitutes:**

Cllr David Bowler

Cllr Ross Henning

Cllr Mel Jacob

Cllr Carole King

Cllr Jerry Kunkler

Cllr Laura Mayes

Cllr Dominic Muns

Cllr Tamara Reay

Cllr James Sheppard

Cllr Caroline Thomas

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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](#).

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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 - 18*)

To approve the minutes of the meeting held on 19 September 2024 as a true and correct record.

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 **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to 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 and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

## **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 14 November 2024 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 18 November 2024. 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 19 - 20)**

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

## **Planning Applications**

To consider and determine the following planning applications.

### **7 PL/2024/07035: Urchfont Garage, High Street, Devizes, SN10 4QH (Pages 21 - 58)**

Demolition of existing buildings and construction of five dwellings and associated works.

### **8 PL/2024/02062: 8 The Orchard, Urchfont, Devizes, SN10 4QX (Pages 59 - 70)**

Application to vary condition no. 2 and 3 on planning consent ref: 20/08600/FUL to enable the outbuilding currently permitted for an annexe use, to also be used for holiday let purposes.

### **9 PL/2024/07276: Broadacre, Southward Lane, Aldbourne, Marlborough, SN8 2LA (Pages 71 - 86)**

Demolition of existing dwelling (Use Class C3), and erection of replacement dwelling, garage, hard and soft landscaping and associated works.

### **10 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 19 SEPTEMBER 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

**Present:**

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Adrian Foster, Cllr Kelvin Nash, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Sam Pearce-Kearney (Substitute)

**Also Present:**

Cllr Dominic Muns

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69. **Apologies**

Apologies for absence were received from:

- Cllr Dr Brian Mathew MP – substituted by Cllr Sam Pearce-Kearney

70. **Minutes of the Previous Meeting**

The Chairman confirmed that the wording of the conditions for application PL/2024/01509: Townsend Farm Yard, had not been finalised, so the minutes of the previous meeting were not ready for approval.

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

**Resolved**

**To defer approval of the minutes of the meeting held on 22 August 2024.**

71. **Declarations of Interest**

There were no declarations of interest.

72. **Chairman's Announcements**

There were no announcements.

73. **Public Participation**

The Committee noted the rules on public participation.

74. **Planning Appeals and Updates**

The Chairman noted that, although no appeals had been decided between 9 August and 6 September 2024, some had been submitted.

On the proposal of the Chairman, seconded by Cllr Iain Wallis, it was:

### **Resolved**

**To note the planning appeals update for the period between 9 August and 6 September 2024.**

75. **PL/2023/10388: Land South of The Spring, Market Lavington, Devizes**

#### Public Participation

- Mr Richard Day – spoke in objection to the application
- Mr Sean Bates (Feltham Properties) – spoke in support of the application
- Mr James Iles (Pro Vision) – spoke in support of the application
- Mr Slater Reynolds - spoke in support of the application
- Cllr Chloe Stevens (Market Lavington Parish Council) – spoke in objection to the application

The Senior Planning Officer, Jonathan James, introduced a report which recommended that the outline application for up to 14 dwellings (Use Class C3) and a food store (Use Class E(a)) be granted subject to conditions and the completion of a S106 agreement. The application would also include the creation of open space, drainage, parking and associated access, infrastructure, landscaping and the removal of bus shelter. Key details were stated to include the principle of development, as well as the landscape, heritage, environmental, ecological and highway impacts.

Attention was drawn to late representations stating that the application was contrary to the Neighbourhood Plan and raising concerns about the highway impacts. The Senior Planning Officer explained that the late correspondence had not raised any issues that were not included in the report. He also highlighted that a condition, stipulating that visibility displays were provided on the highway, had been omitted from the report and recommended that the Committee included this as an additional condition if they approved the application.

The Senior Planning Officer confirmed that the application was for outline planning permission, so the drawings provided were indicative. Other than the access arrangements, the final details, such as appearance of the proposed development, would be determined by a reserved matters application.

He explained that the proposed development would not have a negative long-term impact on the landscape. No objection had been raised by Wiltshire Council's ecologist and the indicative landscape plan proposed enhanced planting to the south of the site.



Whilst it was acknowledged that the inclusion of a retail store was a slight departure from the Market Lavington Neighbourhood Plan, the site had been allocated for the provision of up to 20 dwellings. An appropriate retail assessment had been carried out and the scheme was found to accord with the principle of sustainable development within the National Planning Policy Framework (NPPF) as it would provide services to the local community. The Senior Planning Officer explained that the economic benefits of the proposed development and provision of affordable housing meant that it met the requirements of the Development Plan.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about whether the existing bus stop would be replaced, and it was confirmed that a similar in situ bus stop would be erected approximately 25 metres from the existing stop.

It was confirmed that the provision of affordable housing matched the requirements identified by Wiltshire Council's Housing Officer.

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

The Unitary Division Member, Cllr Dominic Muns then gave an overview of local public feeling about the application.

The Senior Planning Officer then had the opportunity to respond to the points raised by the public and Unitary Division Member.

So that the Committee had something to debate, the Chairman, seconded by the Vice-Chairman, proposed that the application be approved for the reasons outlined in the report, subject to the completion of a S106 agreement.

A debate followed where issues such as sustainable transport, the S106 agreement and impact on local amenities in Market Lavington were discussed. In response to queries it was stated that the proposed access arrangements and crossing points would be conditioned.

Other issues raised included a suggestion by Market Lavington Parish Council that, if the application were to be approved, a condition was added to require the developer to cover the cost of a Local Highway and Footway Improvement Group (LHFIG) substantive bid application, up to the value of £50,000. The money was to be used for a signal-controlled pavement widening project. The Parish Council had concerns that the pavements used to access the proposed development would not be wide enough for wheelchairs or prams, arguing that the proposal was contrary to Core Policy 60 (Sustainable Transport).

Senior Planning Officer, Ruaridh O'Donoghue, advised the Committee that as Wiltshire Council's Highways Officer had not deemed the changes to the pavements proposed by the Parish Council necessary, there would not be sufficient justification to add such a condition. It would also be important to consider whether a contribution of up to £50,000 was proportionate to the scale

of the proposed development. The applicant would be able to agree to contributions as part of the S106 process if they deemed it to be appropriate.

The Senior Planning Officers noted that a S106 agreement would need to be agreed at the outline planning permission stage, so could not be agreed as part of a reserved matters application.

During the discussion, the Chairman proposed an amendment to his original motion to include an advisory comment that a contribution towards improving the pavements was considered by the applicant as part of the S106 agreement. He also proposed that the additional condition relating to highway safety suggested by Senior Planning Officer Jonathan James, was included. The proposals were accepted by the seconder of the original motion, the Vice-Chairman and so added to the substantive motion.

Senior Planning Officer, Jonathan James, read out the wording of the proposed condition relating to highways. It was taken by the ascent of the Committee that they were happy to delegate the wording of the advisory wording about LHFIG contributions to the two Senior Planning Officers.

At the conclusion of the discussion, it was:

### **Resolved**

**To GRANT outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.**

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

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

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

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site.**

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

**Informative:**

**Landscaping - a detailed planting plan setting out species, planting locations, densities, and specification (to National Plant Specification) and all tree pits shall be sized to provide enough soil volume for the tree species specified to allow it to reach its mature spread and height (as required in the Wiltshire Design Guide Supplementary Planning Document).**

**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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.**

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

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

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

- Site Location Plan, Dwg No. 50990-XX-P1-01 v2**
- 'Illustrative Layout Plan', Dwg No. 50990-XX-P1-02 v8**
- Parameter Plan, Dwg No. 50990-XX-P1-03 v3**
- Landscape Parameter Plan, Dwg No. 310\_GLA\_00\_00\_DR\_L\_1001 P1**

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

**5. The development shall be carried out in strict accordance with the following documents:**

- (a) Ecological Assessment (Pro Vision, October 2023 Report Reference: Ecology 8009 Version 05)**

**REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity**

**6. The development hereby permitted shall be carried out in accordance with the broad principles set out in Appendix G of the Ecological Assessment (Pro Vision, October 2023) titled 'Proposed Habitats and Enhancement Plan.' Drwg. No. 8009-xx-E0-05. V2. This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.**

**REASON: To protect the ecology on the site.**

**7. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the**

access/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

**8.** No development shall commence on site, including clearance of vegetation, until a revised metric calculation (Biodiversity Metric 4.0) has been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of any part of the development hereby approved a report, which demonstrates that the development has been completed in accordance with the approved metric calculation, shall be submitted to and approved in writing by the Local Planning Authority. The report will demonstrate for habitat, hedgerow and watercourse that the development will achieve at least 1% biodiversity net gain.

**REASON:** To meet the requirements of CP 50, Policy 1 of the Market Lavington Neighbourhood Plan and the NPPF (2023) in delivering biodiversity net gain on the site.

**9.** Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

(a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.

(b) Working method statements for protected/priority species, such as nesting birds and reptiles.

(c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.

(d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

(e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

**(f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

**Development shall be carried out in strict accordance with the approved CEMP.**

**REASON: The matter is required to be agreed with the Local Planning Authority before development commences to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.**

**10. Prior to the commencement of development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development site, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.**

**The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.**

**REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken to ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.**

**11. Any extraction and refrigeration plant shall be so sited, designed and maintained so that the sound level does not exceed 5dB below the existing background level as measured and assessed in accordance with BS4142:2014+A1:2019. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptor.**

**Prior to first use, a post installation acoustic assessment shall be carried out to confirm compliance with the noise criteria and any additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.**

**REASON: In the interests of the amenity of the area.**

**12. Prior to the commencement of development, including site clearance, a plan (including details) for the selection, siting, positioning**

and installation of integral nesting/roosting features (ratio of 1 feature: 1 building) for birds and bats shall be submitted to, and approved in writing by, the local planning authority.

The plan shall show the green infrastructure that the development is to provide, illustrating how birds and bats using the features have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting/roosting feature should identify, as a minimum:

- (a) the bird/bat species likely to benefit from the proposed integral feature;
- (b) the type of integral feature to be installed;
- (c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- (d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations.

The integral feature plan should be implemented in accordance with the approved details and all features retained in that manner thereafter.

**REASON:** For the protection, mitigation and enhancement of biodiversity.

13. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

14. The hours of operation, including deliveries to and from the commercial premises, shall only take place between the hours of 07:00hrs to 23:00hrs Monday to Saturday and 08:00hrs to 21:00hrs on Sundays and Bank/Public Holidays

**REASON:** In the interests of the amenity of the area.

15. No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

**REASON:** In the interests of the amenity of the area.

**16. There shall be no burning undertaken on site at any time**

**REASON: In the interests of the amenity of the area.**

**17. 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, or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

**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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.**

**18. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.**

**19. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].**

20. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

21. The attention of the applicant is drawn to the contents of the correspondence provided by the Councils Land Drainage officer when generating the necessary level of detail to resolve the surface water SUDs strategy.

22. As part of the required details to be submitted on the reserved matters application appropriate detail shall be supplied in order to demonstrate how waste collections will function on the development, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the SPD. The council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

23. Prior to the commencement of development a plan shall be provided to and approved in writing by the local planning authority to demonstrate the visibility splays across the site frontage. No dwelling shall be occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

**Reason: In the interests of highway safety**

**Informative:**

The applicant is advised to discuss with the Parish Council a financial contribution towards upgrading the local pavements to the site to encourage sustainable and safe access to the proposed food store and the development site as a whole.

76. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.01 pm)



The Officer who has produced these minutes is Matt Hitch of Democratic Services,  
direct line 01225 718059, e-mail [matthew.hitch@wiltshire.gov.uk](mailto:matthew.hitch@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email  
[communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

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**Wiltshire Council  
Eastern Area Planning Committee  
21<sup>st</sup> November 2024**

Planning Appeals Received between 06/09/2024 and 08/11/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/07710	Upper Farm, Wexcombe, Wiltshire, SN8 3SQ	Grafton	The proposed demolition of the existing barn and the erection of a dwelling (Use Class C3) car port, repair of former chapel to create a home office, together with landscaping enhancements and associated works.	DEL	Hearing	Refuse	09/09/2024	No
PL/2023/10286	Rose Cottage, 124 High Street, Worton, Devizes, SN10 5SE	Worton	Partial rebuilding, extension and loft conversion of existing garage	DEL	Householder Appeal	Refuse	17/09/2024	No
PL/2024/02245	Secret Valley, 35 The Fairway, Devizes, Wilts, SN10 5DX	Devizes	Change of use of land to residential curtilage and retrospective permission for garden room	DEL	Written Reps	Refuse	10/10/2024	No

Planning Appeals Decided between 06/09/2024 and 08/11/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/09440	The Croft, Burr Lane, Shalbourne, Marlborough, SN8 3PT	Shalbourne	Two storey rear extension and associated internal alterations. New three bay garage with accommodation office/over.	DEL	Householder Appeal	Refuse	Dismissed	24/09/2024	None
PL/2022/09535	Mount Pleasant Yard, White Street, Market Lavington, Devizes, Wilts, SN10 4DR	Market Lavington	Redevelopment of site including demolition of an existing building and erection of 4 no. live/work units (Sui-Generis) and 1 no. bed and breakfast (Use Class C1) -(Outline application relating to access and layout)	DEL	Written Reps	Refuse	Dismissed	11/09/2024	Appellant applied for Costs - <b>APPROVED</b>
PL/2023/10509	9 Ermin Close, Baydon, Marlborough, Wilts, SN8 2JQ	Baydon	Erection of closed board fence that sits on top of existing wall	DEL	Householder Appeal	Refuse	Dismissed	24/09/2024	None

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## REPORT FOR NOVEMBER 2024 PLANNING COMMITTEE

<b>Date of Meeting</b>	21 <sup>st</sup> November 2024
<b>Application Number</b>	PL/2024/07035
<b>Site Address</b>	Urchfont Garage, High Street, Devizes, SN10 4QH
<b>Proposal</b>	Demolition of existing buildings and construction of five dwellings and associated works
<b>Applicant</b>	Gaiger Brothers
<b>Town/Parish Council</b>	Urchfont Parish Council
<b>Electoral Division</b>	Urchfont & Bishops Cannings – Councillor Philip Whitehead
<b>Type of application</b>	Full planning permission
<b>Case Officer</b>	David Millinship

### REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The application is before the Planning Committee at the request of the Local Division Member for the following reason(s) – the site is employment land and supports several thriving businesses and thus is against Core Policy to replace with dwellings.

### 1. PURPOSE OF REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations. Having considered these, the report recommends that planning permission be GRANTED subject to planning conditions.

### 2. MAIN ISSUES

- Principle of development (new housing and loss of employment land);
- Design (Scale, layout and external appearance);
- Historic Environment;
- Transport and Highways.

### 3. SITE DESCRIPTION

The application site comprises approximately 2,200 sq.m of previously developed (brownfield) land and is situated in the centre of the ‘Large Village’ of Urchfont<sup>1</sup>. The site is currently within employment use comprising several commercial buildings housing a car

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<sup>1</sup> As defined by Core Policy 14 of the Wiltshire Core Strategy.

repairs and MOT centre (Urchfont Garage) and a carpentry/woodworker workshop (Scotts Country). There is also a small vacant unit fronting onto high street (which is believed to have previously been within a Class E planning use, although has been vacant for a notable period of time). Figure 1 below shows the approximate locations of the businesses within the site.



Figure 1 – Approx. locations of business uses within the site. Non-labelled areas are vacant or used for storage

The site has direct vehicular access from the High Street (B3098) which runs through the village connecting the A342 to the east (distance to Devizes at approximately 4km) with the A360 to the southwest (accessed via the villages of Easterton and Market Lavington).

A conservation area boundary cuts across the site, with the western portion falling within the designated CA (including the majority of the existing buildings) and the remainder outside of it but within its setting. There are two grade II listed buildings (The Forge and Two Chimneys) that share part of the western site boundary and grade II listed buildings (a telephone kiosk and Eastville House) a short distance to the west with grade II listed Urchfont House a short distance to the south. Figure 2 below shows the context of the site in relation to the CA and listed buildings.

The site is surrounded on all sides by housing, with development in the vicinity of the site characterised by close knit residential properties of varying ages. There are areas of tree and hedge planting within the domestic gardens edging the site, particularly along the eastern and south-eastern intervening boundaries. The site itself is predominantly covered by hard-surfacing and the aforementioned commercial buildings.

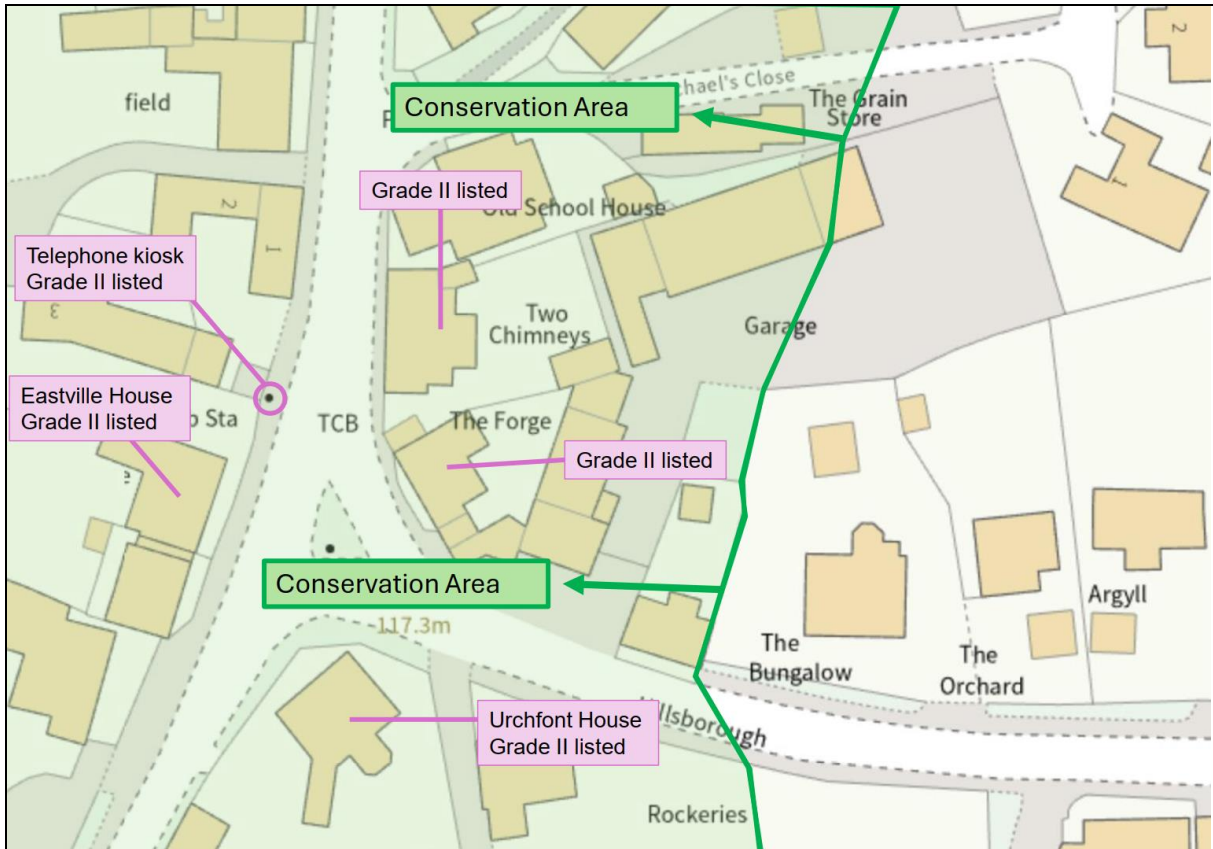


Figure 2 – Heritage Assets and Conservation Area Boundary

The site lies in Flood Zone 1 (the area at lowest risk of river flooding) and records available to the local planning authority (LPA) confirm it is also at low to very low risk of surface water flooding.

#### 4. RELEVANT PLANNING HISTORY

A number of historic planning applications relating to the commercial use of the site can be viewed on the council's website.

There is no prior history relating to residential development.

#### 5. PROPOSAL

The application seeks full planning permission for the demolition of the vast majority of the existing garage and workshop buildings with the exception of a small portion of what is currently used as an office to the front of the site and walls that will continue to form a boundary to neighbouring properties. The site will be redeveloped with the erection of five houses together with related external works. The houses comprise a pair of 2-bed semi-detached dwellings, one three/four-bedroom detached house and two detached 4-bed dwellings. Figure 3 below shows an extract from the proposed site layout plan.



Figure 3 - Extract from the revised site layout plan.

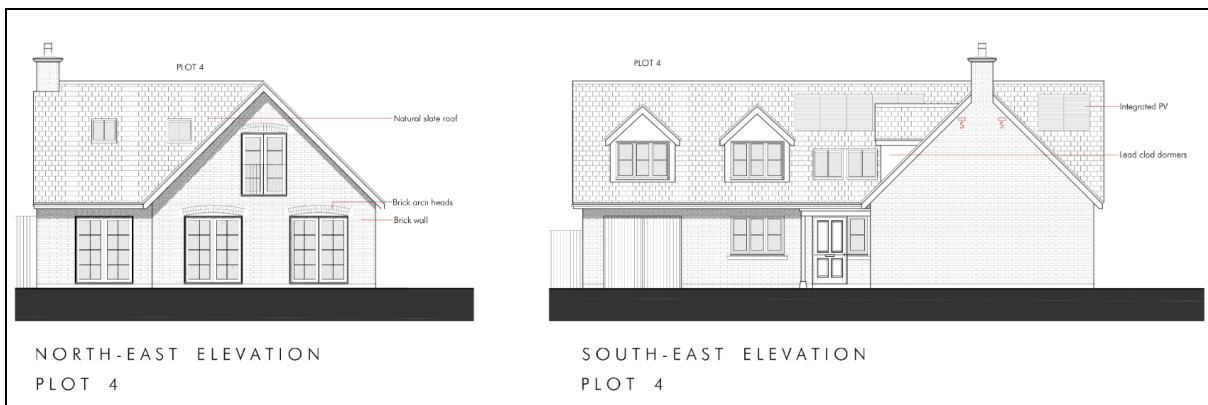


Figure 4 - Extract from revised Plot 1 elevations

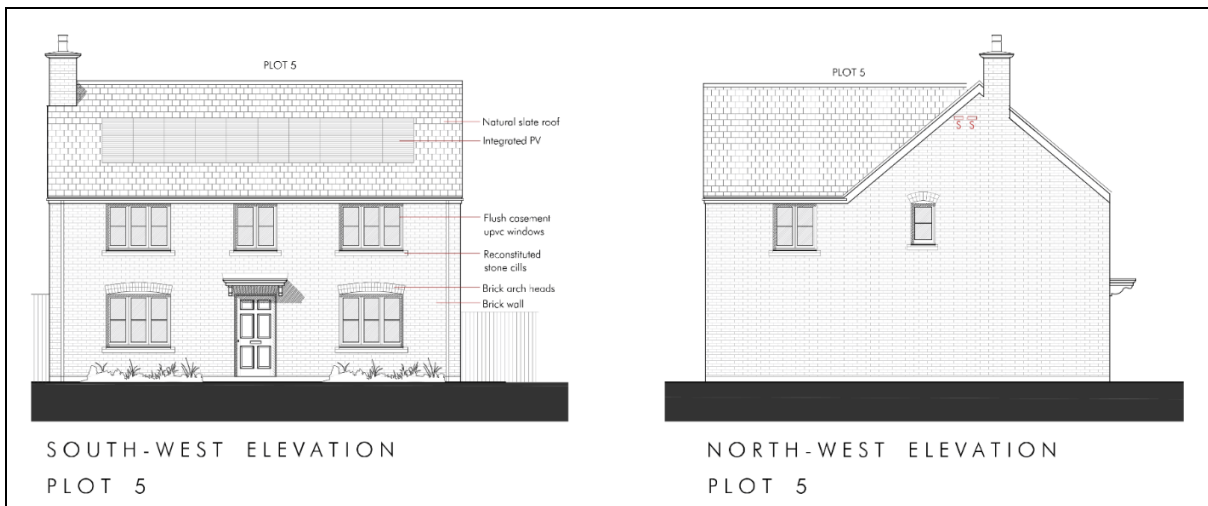




*Figure 5 - Extract from Plot 2 and 3 elevations*



*Figure 6 - Extract from Plot 4 elevations*



*Figure 7 - Extract from Plot 5 elevations*

## 6. CONSULTATIONS

The consultations received have been summarised by the case officer as follows. Full responses are available to view on the council's website.

### **Urchfont Parish Council – Object.**

23<sup>rd</sup> August 2024 - Urchfont Parish Council (UPC) resolved to OBJECT to this planning application on the basis that, although this site is identified within the UWLNP ('Made' in

2017), the circumstances which applied to this site at the time the Plan was 'Made' have totally changed since and that the business on this site should now be protected and the site should no longer be considered as a housing development site. Furthermore, UPC has serious concerns regarding Site access / egress and the risk from site contamination.

The garage site was included within policy H1 of the NP as the garage business had been considered to be failing. The inclusion of this site was queried by the NP Examining Inspector (why include a site in H1 that would be protected by LB1?). The assumption made at that time and the information given to the Examiner (the business was failing) has been proven to be wrong as the garage business continues to operate and thrive to this day (8 years later) providing a valuable local service and employment opportunity and should only be subject to clauses a) and b) of UWLNP Policy LB1 and clause c) should no longer apply.

Wiltshire Core Strategy CP35 should also apply and offer protection for the business. Core Policies 48 (supporting rural life) and 49 (Protection of rural services and community facilities). This is a viable business and should be protected as such. Small communities thrive on local businesses that can offer additional facilities that would not otherwise be available. For example, the garage site provides storage for Urchfont Scarecrow Festival materials a key aspect of life in Urchfont, and which provides significant funding to the village community. During the Covid pandemic this garage remained open throughout, providing the local community with an invaluable service and ensuring a degree of normality during this worrying time. If the site is lost to housing the business will fold, because the cost of relocating all its specialist equipment to a new site / building will be financially restrictive.

This site has been a garage business for over 70 years and prior to that was the site of a Blacksmith's. The garage provides a much-needed community service and is greatly valued by residents and provides local employment within the heart of the village. The site has offered space for, not just the garage business, but 3 other smaller businesses all providing local employment. Some have had to vacate the site, not because they are unviable but because the owners of the site raised a technical issue relating to the lease agreement with the garage managers.

The Parish Council has setup a Neighbourhood Plan Working Group to look at and prepare the next Urchfont Parish Neighbourhood Plan (UPNP) which is expected to run from 2026 (on the expiry of current Plan) to 2038. WC expects the Parish Council via the new Plan to identify development sites for a further 34 dwellings. Local landowners are currently being approached to ask if they have suitable sites which may be considered for development. UPC expects the response to provide more than enough sites to accommodate the WC quota of houses. These new sites will undoubtedly provide sufficient land to accommodate the 5 dwellings which would be expected to be built on this site.

Given the importance the community places on the garage, as shown by the over 70 residents attending the village hall when this topic was discussed, Urchfont Parish Council will shortly apply to have the garage listed as a Community Asset.

Access and egress visibility splays are shown in Appendix D of PFA Consulting 'Transport Statement' document. With the positioning of the proposed dwelling (Plot1) so close to the B3098 the visibility splays for vehicles leaving the proposed site onto the B3098 High Street will be greatly restricted for vehicles turning both right (west) and left (east) that will include a view across private property (Hillsborough). This cannot be assumed as the owner of Hillsborough is expected to block this view, to protect their property, should the site be developed, and will make vehicle egress from the site dangerous for both site residents and B3089 traffic.

The report by Ground Investigation Ltd on the assessment of the land quality concludes that *'Based on land usage at the site, it is concluded that the potential risk from ground contamination could be significant and should be addressed by appropriate intrusive ground investigation'*. No such ground investigation report is available, and any report will need to include measures to mitigate the risks.

#### **FOLLOWING REVISED SITE LAYOUT**

10<sup>th</sup> October 2024 – At the Planning Meeting of Urchfont Parish Council on the 9th October 2024, the Council resolved to confirm its original OBJECTION to this application and to reinforce its original reasons by the attached statement. In addition the Council considered the revised plans submitted and again resolved to firmly OBJECT to this application.

#### **Arboricultural Officer (Wiltshire Council) – No objection.**

The Tree Survey, Arboricultural Impact Assessment, and Constraints Plan including Tree Protection Plan, prepared by WH Landscape and dated July 2024, provides sufficient information to demonstrate that the existing trees on and off site to be retained have been considered and appropriate tree fencing is proposed.

An Arboricultural Method Statement is required to be approved, prepared in accordance with BS5837:2012.

#### **Archaeology (Wiltshire Council) – No objection.**

Although the site is located within the medieval core of Urchfont, it has been impacted by modern development and therefore any pre-modern archaeological features are likely to have been removed by this activity. No further investigations are required as the likelihood of groundworks exposing archaeological features is so low.

#### **Conservation Officer (Wiltshire Council) – Support (subject to conditions).**

31<sup>st</sup> July 2024 - Detailed comments were provided (see extracts within the Heritage section of the report below).

In summary, the impact of the proposal on heritage assets will be largely positive and the requirements of current conservation legislation, policy or guidance are considered to be met and there is therefore no objection to the approval of the application.

Recommended conditions – all materials to be submitted for approval, brickbond and mortar, window details, all black PV's, conservation roof lights, detail of railings to plot 1.

9<sup>th</sup> October 2024 – Following submission of a revised site layout no further additional comments were made and the summary and requested conditions remain as per the original response.

#### **Drainage (Wiltshire Council) – No objection.**

28<sup>th</sup> August 2024 – No objection as the outflow rate of the replacement surface water drainage scheme has been agreed by Wessex Water.

15<sup>th</sup> October 2024 – Following submission of a revised site layout no further additional comments were made.

#### **Ecology (Wiltshire Council) – Objection (further information required)**

Detailed comments were provided (see extracts within the Ecology section of the report below).

In summary, no objection to the level or methodology of on-site survey was made. Overall, the details confirm there is negligible/low risk of the development resulting in negative effects to biodiversity or protected or notable species. Provision of enhancements recommended in the ecology report would ensure compliance with CP50 and should be secured by condition.

Necessary to ensure that a Biodiversity Net Gains (BNG) exemption is confirmed.

Following confirmation of BNG *de minimis* exemption applying to this development no further comments were made.

#### **Local Highway Authority (Wiltshire Council) – No objection (subject to conditions)**

11<sup>th</sup> August 2024 – Detailed comments were provided (see extracts within the Highways section of the report below). No objection to parking amounts or layout providing double garages are amended to measure 6x6m internally.

The LHA are willing to accept the evidence presented in relation to both the speeds and visibility splays and the potential vehicle movements associated with both the old and new proposals. However, the applicant has outlined that the visibility splay to the east crosses third-party land. This is not acceptable.

However, if the applicant is minded to return to the layout and amend the design to provide a visibility splay on a centralised access (clear of third party land) the LHA would be willing to consider any submission.

11<sup>th</sup> October 2024 – Following submission of a revised site layout the following comments were made. The LHA has considered the amended drawing which centralises the access by amending the layout of plot 1 and by providing an area to prevent vehicle over run adjacent to Hillsborough House. The LHA consider this addresses previous highway concern over the splay being taken over third-party land. However, the applicant should really provide the splays on the new drawing.

Once this has been achieved, the drawing should be conditioned to secure the layout, parking and visibility.

## **7. REPRESENTATIONS**

The application was publicised by letters posted to near neighbours, site notice and newspaper advertisement. 135 representations of objection were received in total, and one representation of support in response to the original public consultation and revised plans consultation. The Division Member, Cllr Whitehead, has made representations.

The public representations received have been summarised as follows. Full responses are available to view on the council's website.

### Objections summary

- The Neighbourhood Plan was flawed and incorrect, unpublished comments should not have made to the Examiner. As such, the village could not have voted on a informed basis and the plan, particularly with regards to this site allocation, is flawed and the housing policies should not apply;
- It should be demonstrated that the garage site is not needed for the village before a redevelopment to housing is allowed;
- Core Policies 41, 48, 49 and 35 should apply along with Policy 65 of the Draft Wiltshire Local Plan, which (with CP35) affords strong protection to employment

uses. Closure and demise of this business, for which relocation is impractical, unaffordable and location constrained, would be completely at odds with the Council's own policies.

- Government guidance states that rural communities, businesses and history are critically important to the nation. To approve this application contradicts recommendations to protect rural communities;
- The services and employment provided by the multiple businesses on this site would need to be sought outside of the village if homes are built on the site, requiring transportation to reach (likely in Devizes). This would increase difficulties with accessing services to the already poorly supported rural community;
- Increasing the need for residents to have to travel out of the village to access services (currently provided within the site) is unsustainable and fails to contribute to a low-carbon future;
- the garage has gone from a business on a downward trend to a very sustainably run business, providing an excellent service valued highly by the residents as well as employing (and training) several village residents whose jobs would be lost;
- as well as car repair and MOT the garage business offers motorbike MOT and servicing which is an increasingly uncommon service in the wider area;
- The business are run by local people who also provide other services to the rural community (helping to raise money with Urchfont Scarecrow Festival);
- The garage business (and other vacant units) have the potential to expand to provide additional services, if the redevelopment goes ahead this would not be possible;
- The new access would be unsafe and even the revised design would fail to provide sufficient visibility for both vehicles and pedestrians. The location is very close to a blind bend and junction where accidents and near misses are common;
- The revised drawings provide no improvement to this planning application and the new access would still be unsafe;
- Other new development in the village is struggling to sell, suggesting the type of modern houses proposed are not needed.

#### Supports summary

- The site was voted for by local people as part of the Neighbourhood Plan;
- The business is outdated, only servicing petroleum cars, not electric vehicles that future policy is supporting;
- People need homes and the developer builds attractive sites.

#### Councillor Philip Whitehead (Division Member for Urchfont) – Object.

2<sup>nd</sup> August 2024 – Called into Planning Committee if officer's are minded to approve as the site supports several thriving businesses and is against Core Policy to replace with dwellings.

9<sup>th</sup> September 2024 – Objection on grounds that it is a viable business and that the only reason to grant it is the Neighbourhood Plan which is flawed. The site should not have been included as a housing site under policy H1 as the criterion "Proximity to Listed Building", should have been scored a red, because the garage is not only within 10m of a listed building, it is actually connected to it. Urchfont Garage should not have been included on the list of sites under Policy H1. The stage 1 assessment of the site for selection was clearly incorrect but was used to allow Urchfont Garage to be assessed at stage 2 when it should have been excluded. It is worth noting that at least 2 other sites were excluded at this stage by having a red criteria against them to show that the stage 1 assessment was applied as stated to other sites.

Whether this was done in error, or to intentionally mislead the community present, cannot be confirmed. However, it does bring into question the validity of the entry (Policy H1) in the UWLNP and the subsequent controversy surrounding the site. It will be said that the NP could have been challenged at the time but this was not done and the correspondence between the Inspector and someone within the plan group is questionable and was not published as advised by the Inspector. The NP policy H1 cannot therefore be accepted in the respect of this planning application.

Consequently, the Neighbourhood Plan Policy LB1 Protecting existing employment facilities should apply.

This is a fundamental error within the made Neighbourhood Plan and to permit development of a viable employment site under this flaw would be unforgiveable and possibly challengeable.

17<sup>th</sup> October 2024 – Further objection. A report is submitted to demonstrate that Urchfont Neighbourhood Plan could be severely compromised, Wiltshire Council should ensure the precedence of the Wiltshire Council Core Strategy over the Urchfont Neighbourhood Plan.

As such Core Policy 35 which protects existing businesses across the whole of Wiltshire should be the overarching Policy that is used to determine this application.

The report is compiled from historical minutes from the Parish Council meetings and from emails provided to Cllr Whitehead. It casts serious doubt on the value of the Neighbourhood Plan in respect of Urchfont (Wildman's) Garage. As such, in this matter it should be ignored. Wiltshire Council has been provided with a statement from the current Parish Council and Neighbourhood Plan Working Group as to the original intention and current intention of the Neighbourhood Plan in respect of this site.

The report highlights that the Inspector questioned the inclusion of the Urchfont Garage site within H1 and explains that correspondence between a person within the working group and Inspector (via the Wiltshire Council Liaison Officer) was not published.

The response given was:

*It is unlikely that the site of Wildman's garage has a long term future as a garage. Hopefully the business will relocate elsewhere in the Parish – ideally at Planks where vehicle access etc. will be much easier. The existing site would therefore be available for redevelopment, without contravening policy LB1.*

There is no evidence that this response was from the Steering Group with its approval of the wording, nor was this response from Urchfont Parish Council. The statement was both illogical and incorrect. If the garage had no long-term future, as claimed, it would not be able to relocate to another site, because of the costs involved. It is understood the garage had no knowledge of this statement and had not had any discussions with Planks.

This statement was made to respond to the difficult question posed by the Inspector and was followed up by an additional clause added into policy LB1 that cemented this.

There was also concern raised (by members of the public, Steering Group and Parish Council) around this time about the lack of proper public involvement and correspondence being sent to the Inspector without the full knowledge of the Steering Group or Parish Council

As such the public did not have correct or reliable information with which to inform their view at referendum stage and the NP was subsequently 'made' as flawed document.

## **8. PLANNING POLICY**

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### ***Development Plan***

At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) – (adopted January 2015); the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan (NP) – (made in 2017); and the 'saved' policies of the Kennet District Local Plan (KDLP) adopted June 2006.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

### ***Wiltshire Core Strategy (WCS) – adopted January 2015:***

- Core Policy 1 – Settlement strategy;
- Core Policy 2 – Delivery strategy;
- Core Policy 14 – Spatial strategy: Devizes Community Area;
- Core Policy 35 – Existing employment land;
- Core Policy 41 – Sustainable Construction and Low Carbon Energy;
- Core Policy 50 – Biodiversity & geodiversity;
- Core Policy 51 – Landscape;
- Core Policy 56 – Contaminated land;
- Core Policy 57 – Ensuring high-quality design and place shaping;
- Core Policy 61 – Transport and Development;
- Core Policy 64 – Demand Management;
- Core Policy 67 – Flood Risk.

### ***Urchfont, Wedhampton and Lydeaway Neighbourhood Plan – made in April 2017 (NP)***

- Policy H1 – Housing Site Allocations
- Policy H2 – Form of Housing Development
- Policy H4 – Parking for New Developments
- Policy D1 – Design
- Policy TIC1 – Local Traffic and Movement
- Policy BE1 – Protection of Local Heritage
- Policy LB1 – Protecting Existing Employment Facilities.

### ***Saved policies of the North Wiltshire Local Plan (NWLP)***

None relevant.

### ***Supplementary Planning Documents***

Wiltshire Design Guide (adopted April 2024).

### ***National Planning Policy***

National Planning Policy Framework (2023).

National Planning Practice Guidance.

### ***Third-party guidance/advice***

The Wiltshire Local Transport Plan 2016 – 2026: Car Parking Strategy (March 2015) (LTP-CPS);

National Design Guide (2021);

Historic England - GPA 2 - *Managing Significance in Decision-Taking in the Historic Environment*;

Historic England - GPA3 - *The setting of Heritage Assets*.

## **9. PLANNING CONSIDERATIONS**

### **9.1 Principle of development – New housing**

The LPA is currently unable to demonstrate a 4-year HLS and, as such, the ‘tilted balance’ is applied under the provisions of para. 11d of the NPPF. This requires LPAs to grant planning permission without delay unless:

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

NPPF Footnote 7 goes on to clarify that areas or assets of particular importance include land within an Area of Outstanding Natural Beauty (since Dec 2023 known as a National Landscape) and designated heritage assets (and other heritage assets of archaeological interest). The site is within the North Wessex Downs (NWD) National Landscape and within a conservation area with listed buildings in proximity. However, for the reasons set out within the Landscape and Heritage sections of the report below, the development is not considered to give rise to any harm to the NWD or heritage assets (indeed it is considered to offer a broad enhancement to the conservation area) and as such no clear reason to refuse the development exists in line with NPPF para. 11d(i).

The application must therefore be assessed against the NPPF, taken as a whole, with the development plan as a material consideration. Annex 1 of the NPPF (para. 225) advises that:

*...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

With regards to the WCS, Urchfont is defined as a ‘large village’<sup>2</sup>, a location where some new housing development is broadly considered to be sustainable. CP2 and CP14 set out that a minimum of approximately 490 new homes will be provided in the Devizes Community Area, outside of the ‘market town’ of Devizes. This is expected to be across a range of sites in accordance with the spatial strategies of CP1 and CP2.

In addition to the WCS, policy H1 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan (NP) (made in April 2017) allocated the application site for development of up to five new homes. Third-party objections relating to the validity of the NP have been received and are discussed in greater detail below. Para. 71 of the NPPF encourages neighbourhood planning groups to give particular consideration to the opportunities for allocating small and medium-sized sites suitable for housing in their area. In broad terms the

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<sup>2</sup> Core Policies 1, 2 and 18 of the Wiltshire Core Strategy.



NP is considered to have met the aims of Para. 71 by allocating a number of small to medium sized sites for housing development.

The wider NP identified a need for development of approximately 37 houses to be delivered across the plan period (2015-2026). At the time of writing records available to the LPA confirm that 26 new homes are known to have been constructed (or are in construction phases) and/or have planning permission within Urchfont village (excluding the wider rural areas of the NP). All of the planning permissions appear to relate to NP allocated sites<sup>3</sup>. It is also understood that the LPA is in receipt of a planning appeal relating to a development of up to 21 dwellings<sup>4</sup>. Should that appeal be allowed (which cannot be guaranteed at the time of writing), there is potential for the NP to exceed its housing target for the plan period. However, it must be noted that the targets set by the NP and WCS CP14 are minimums and neither the WCS, NP or NPPF seek to limit the provision of new homes where minimum targets are met.

The NPPF more widely seeks to encourage planning decisions to:

*...be responsive to local circumstances and support housing developments that reflect local needs... (para. 82)*

Allowing new homes in rural areas where development will:

*...enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby... (para. 83).*

Further to this, the NPPF places a great emphasis on the redevelopment of brownfield land (particularly underutilised urban sites) to provide new housing<sup>5</sup>.

The application site is located close to the centre of Urchfont village and is previously developed 'brownfield' land. Future occupiers of the site would be able to sustainably access a pre-school and primary school, a community run shop and pub (The Lamb Inn). There is also a church, GP surgery, dentist, village hall and cricket club within the village.

The site is previously developed land, but remains occupied by two local businesses (a car repairs/MOT place and carpentry workshop) so is not considered to be an 'under utilised urban site' for the purposes of the NPPF. The LPA acknowledges the balance the NPPF aims to achieve between local need for new housing and the need to maintain or enhance rural communities (including the protection of local services).

The redevelopment of the site in this case, would involve the loss of an employment site. Arguably, the car repairs/MOT business is providing a service which would be lost and the LPA acknowledges a number of third-party representations from local residents that do not support the loss of this established employment site. As such, whilst the LPA considers the site is a broadly sustainable location for a development of up to five dwellings further consideration of the loss of the employment site and how this could affect the vitality of the rural community is required.

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<sup>3</sup> The LPA's records confirm several other minor developments and changes of use but these have not been counted due to restrictive planning conditions and/or inability to confirm whether permissions may have lapsed.

<sup>4</sup> Land south of Ballingers, Urchfont, Wiltshire, planning application ref: PL/2023/02372.

<sup>5</sup> Paras. 123 and 124(c) of the National Planning Policy Framework (Dec 2023).

## 9.2 Principle of development – loss of employment site

The proposal involves the loss of approximately 620 sq.m of employment floorspace across several units. The site is currently comprised of a car repairs/MOT business, a carpentry business, a vacant business unit (thought to have been last used within planning use Class E) and units currently used for storage.

The WCS policy for business protection/retention is CP35. CP35 only seeks to secure protection for existing employment sites within Principal Settlements, Market Towns, Local Service Centres and Principal Employment Areas. WCS CP14 defines the Principal Employment Areas (that will be supported in accordance with Core Policy 35) within the Devizes Community Area as:

- Banda Trading Estate,
- Folly Road,
- Hopton Industrial Estate,
- Hopton Park,
- Le Marchant Barracks,
- Mill Road,
- Nursteed Industrial Estate, and
- Police Headquarters.

In strict terms CP35 does not apply to the retention of employment sites within 'Large Villages'. It is noted that the supporting text of CP35 makes some more general statements. For instance, para. 6.16 states that:

*It will also be important to retain existing employment uses outside the Principal Employment Areas to maintain diversity and choice of sites for employers and allow for local business expansion... Therefore, in some circumstances it may be appropriate to allow for the redevelopment (in whole or part) of existing employment sites for an alternative use, particularly where the site is not required to remain in its current use to support the local economy in the area.*

Elsewhere within the supporting text it is confirmed that employment sites put forward for redevelopment only need to demonstrate "no long term and strategic requirement to remain in employment use". The site at Urchfont garage is not considered to be of a sufficient scale or location to warrant protection for "its long term and strategic" contribution to employment land within the WCS area. The LPA does however acknowledge that it provides a local service and will contribute to the local economy in Urchfont.

The NP includes a policy seeking to protect existing employment facilities. LB1 states that:

*The loss of land and buildings used for employment purposes will not be permitted unless both a) and b) are satisfied:*

- a) *there is valid evidence that the land and/or buildings are no longer viable for their current employment use, or capable of redevelopment for alternative employment use, in terms of need or demand,*
- b) *the land and/or buildings have been genuinely marketed on reasonable terms for employment use, for at least 6 months, and have remained unsold or unlet; full details of marketing must accompany any development proposal,*

or

c) *the site has been allocated under Policy H1.*

No details have been submitted in relation to criteria a) and b) as the site is allocated under Policy H1.

As stated above, the NPPF (paras. 82 and 83) set out that new housing should be supported in rural areas where there is need and it will enhance the vitality of a community. The wider NPPF (para. 88) also sets out that, to support a prosperous rural economy, planning decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

The car repair business can reasonably be considered to be offering a 'service' (as the majority of businesses can be considered to). It has also been confirmed to the LPA that a number of local residents are employed by the garage so it is contributing to the local economy. However, it is not considered to be a community facility and falls outside of the types of 'local services' within the NPPF list (within para. 88d). Notwithstanding that, there is a degree of vagueness in the NPPF as to what may (or may not) constitute a 'local service'.

WCS Core Policy 49 offers some additional explanation. Supporting text (para 6.71) states that:

*Rural facilities and services are those that benefit the local community such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. There is a need to protect and encourage the development of rural services and facilities in Wiltshire to ensure that settlements, particularly those named in this Strategy, can still meet some of the day to day needs of the people who live in them.*

The level of local opposition to the loss of the business suggests the car repair element (of the wider mixed use site) is valued as a local service. However, the car repair business is certainly not an 'essential service' nor is it considered to offer a service that would need to be accessed to meet day-to-day needs of residents (unlike a school or local convenience shop). Nor it is a type of premises that is reasonably considered to contribute to the social and/or cultural elements of the rural community in the way that many of the listed facilities would. The business offers a service, but it is not a meeting place or cultural building.

As such, the protection afforded by NPPF para. 88d (and Core Policy 49) is not considered to strictly apply. Nonetheless, the loss of the local employment opportunities is considered to be a negative impact of the overall development that should be weighed against the merits of the scheme.

The LPA acknowledges that the site is privately owned with the current business operators leasing the space for commercial uses. So, there is the possibility that the owner could terminate or refuse to renew a tenancy with the current business operators. In strict planning terms, this would not provide evidence that the commercial use of the site was no longer viable (and marketing/justification could still be required had the site not been allocated for residential development) but it could render the site vacant and ultimately force the closure

of the businesses. The LPA does not see such action as desirable, but it remains a realistic possibility so diminished some of the negative weight (in the overall balance) that the LPA can give to the loss of the local service and impact upon vitality of the local community.

### Asset of Community Value

It should be noted that during the assessment period of the planning application, an formal request was made to the council to register the site as an Asset of Community Value AoCV). The AoCV application underwent a period of consultation but was ultimately rejected. It was concluded that the site “does not further the social wellbeing or social interests of the local community” so did not meet the definition of an AoCV under the relevant provisions of the Localism Act 2011.

### **9.3 Third-party representations and the Neighbourhood Plan weight**

The application has generated a significant number of responses to the public consultation, the majority of which are objecting to the redevelopment of the employment site and resulting loss of the local businesses within it. Several third parties, including the Ward Member for Urchfont (Cllr Whitehead) have raised concerns over the handling of the NP particularly during its post examination phase, submission to referendum and the time it was subsequently ‘made’ into the development plan. A number of allegations have been put forward including that the inclusion of the ‘Wildmans Garage’ (Urchfont Garage) site as a housing site should not have occurred and that the criteria c of Policy LB1 (to exclude the employment protection policy from allocated sites) should not have been imposed.

For the perspective of the LPA it is acknowledged that the Examining Inspector queried the inclusion of the Urchfont Garage site. It is within the LPA’s knowledge that the Inspector stated that:

*The supporting text to Policy LB1 (Protecting Existing Employment Facilities) refers to Wildman’s Garage amongst other sites, but this site is also allocated for housing development under Policy H1. I would welcome your comment on this apparent contradiction in the Plan. It should of course be noted that if Wildman’s Garage site were intended to be subject to Policy LB1, then this would affect the provision of housing numbers under Policy H1.*

In response to the Inspector’s question the Neighbourhood Plan Steering Group (NPSG) appears to have provided the following:

*It is unlikely that the site of Wildman’s garage has a long term future as a garage. Hopefully the business will relocate elsewhere in the Parish – ideally at Planks where vehicle access etc. will be much easier. The existing site would therefore be available for redevelopment, without contravening policy LB1.*

Various third-parties (including Cllr Whitehead) have speculated that this response was made without the full knowledge of the NPSG and Parish Council and was not made public prior to the plan being accepted by the Parish Council and scheduled for public referendum. The summary of the third-party objections (in relation to this issue) being that no weight should be given to the housing allocation for Urchfont Garage nor the clause within Policy LB1 that exempts the site from the employment protection criteria.

From the LPA’s perspective, it is common for correspondence to be exchanged between an Examining Inspector and NPSG during an examination. Not all points of clarification may be considered to be controversial or required to be subject to further public scrutiny. In this case, the Inspector’s question may have resulted in a change to the wording of NP Policy

LB1 but the LPA has no firm evidence to suggest any changes would have been unlawful. The NP was ultimately submitted to public referendum with a majority 'yes' vote. No subsequent legal challenge against the NP was submitted and it was subsequently 'made' into the development plan.

The LPA has no firm evidence to suggest the outcome of the referendum may have been different had the correspondence between the Inspector and NPSG been clearly publicised. The inclusion of the Urchfont Garage site within the NP had been publicised through a site allocations process, earlier drafts of the plan and the examination draft. Whilst the criticisms of the NP policies and procedures are noted there is no firm evidence to suggest its preparation was fundamentally flawed. Members of the public ultimately had the opportunity to vote to accept the NP or reject it and it was accepted. The LPA must therefore accept the NP was lawfully 'made'. It is also not within the LPA's remit to challenge the lawfulness of the development plan through an individual planning application (only the weight that may be given to it in line with NPPF guidance).

There is also third-party correspondence stating that the garage operators were not contacted over the NP allocation and had no discussions with owners of other sites with regards to relocating. The current operators of the garage have confirmed that, whilst they consider the business is viable in its current location, relocating would be financially unviable (costs involving moving/replacing specialist equipment would be excessive).

The LPA acknowledges that the viability of the garage business (as it was reported to be at the time of the NP draft and examination) appears to have been materially different (i.e. in a worse position) than it is now. The current business appears to be viable and is locally supported. However, the local support appears to be highly linked to the personalities and services provided of the current operators (to their credit). However, it is an unfortunate fact that the site is privately owned and the current tenancies could be wound down without any intervention possible from planning controls. Whilst such actions by the landowner would not be considered to justify the loss of the employment site (in planning terms), such actions would result in the loss of the site for the current business operators and any future operators of the site may not be as locally supported as the current business.

Further to the above, it is acknowledged that the housing delivery policies of the development plan are considered to be out of date (at the time of writing) so greater emphasis is placed on the policies of the NPPF. The NPPF highlights a potential conflict between the protection of the rural economy and the need for new housing. This conflict is not considered to be present within the adopted development plan which remains a material consideration.

Taking into account the above. The LPA acknowledges there may be material considerations that differ between the time the NP was drafted and the time of writing this report, but the weight that can be given to the NP as a material consideration in this decision, remains moderate and supports the overall requirement of the NPPF to support approval of sustainable housing development in appropriate locations.

#### **9.4 Conclusion on the principle of the development**

The broad principle of the development is considered to comply with the new housing delivery aims of the development plan (WCS and NP). However, as the NPPF 'tilted balance' applies, these policies can be considered to be out-of-date and the LPA must consider whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

In terms of the NPPF, the principle of the development is considered to present some benefits versus some adverse impacts. The benefits would include the provision of five new homes (contributing to the housing supply of the area) within a sustainable location by redeveloping previously developed 'brownfield' land. The adverse impacts would involve the loss of local employment opportunities.

## **9.5 DESIGN (SCALE, LAYOUT & EXTERNAL APPEARANCE)**

A key social aim of the NPPF is to encourage provide a range of new homes through well-designed, beautiful and safe new development. WCS Core Policy 57 of the WCS and D1 of the NP set out a number of additional criteria to ensure that new development meets a high standard of design. A key aim being one that runs through both the NPPF and WCS policy is the need to identify, protect and enhance local distinctiveness (the locally distinctive character and layout of settlements and their wider landscape settings). The Wiltshire Design Guide (Supplementary Planning Document) (WDG) also sets out a number of key considerations to ensure that development meets the high standard of design expected by the WCS and NPPF.

The application site is set within predominantly residential surroundings (despite being an employment site in and of itself) where there is a mixture of building scales, forms, architectural detailing and materials. The built form of the proposal would broadly reflect that of neighbouring buildings, being two-storey at the High Street frontage and one-and-a-half storey at the northern boundary with varying roof forms echoing the non-uniform, traditional designs of neighbouring buildings. The layout would provide plot sizes broadly commensurate in scale to neighbouring domestic properties with car parking, cycle and bin storage areas able to be provided away from the High Street frontage.

However, whilst there is a mixture of building types, the single unifying feature is that the majority possess a distinctively traditional character, at odds with the modern utilitarian buildings within the application site. The design approach of the development is to provide a group of buildings of varying scale and form, whilst reflecting traditional features of the nearby dwellings. Plot 1 would also reintroduce a direct building frontage to the High Street more in line with the traditional dwellings within the wider street scene (see below Historic Environment section for a more detailed assessment). Overall, the design approach is considered to be consistent with the distinctive characteristics of the wider street scene.

In addition to the design of new buildings, Core Policy 57(ii) and NP policy H2(f) aim to ensure the retention and enhancement of existing important landscaping and natural features, to enhance biodiversity, effectively integrate the development into its setting and to mitigate against any losses that may occur. The application site features little in the way of natural features but there are trees and hedges lining the eastern and south-eastern intervening boundaries. The Council's Arboricultural Officer has reviewed the proposal and considers the existing trees can be retained and protected so no objection is made subject to the inclusion of a condition to secure submission of an Arboricultural Method Statement (AMS), compiled in accordance with the guidance of BS5837 (*Trees in Relation to Design*). It is considered to be necessary to use a suitably worded condition to ensure an AMS is agreed prior to the commencement of the development.

### Sustainable Design

Core policies 41 and 57(v) and NP policy H2(d) together aim to ensure that new development incorporates sustainable construction techniques and design measures to reduce energy demand (through microgeneration and renewable energy). The NPPF supports this approach by stating that LPAs should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy

consumption. Energy efficient building design and incorporation of renewable energy is also encouraged by the WDG in order to help the council to deliver its Climate Strategy.

The new dwellings would deliver five energy efficient homes, incorporating microgeneration in the form of solar PV panels. The PV panels would be installed onto the south and west facing roof planes to take advantage of the layout. The solar panels would be visible within the wider street scene and CA but the council's Conservation Officer has raised no objection providing a planning condition secures an appropriate design. It is of note that other non-listed buildings within the CA could install solar panels onto front facing roof planes under permitted development rights.

## 9.6 HISTORIC ENVIRONMENT

The council has a statutory duty, under s.66 of the LBC Act<sup>6</sup>, to have special regard to the desirability of preserving listed buildings and their settings. S.72 of the LBC Act. additionally adds the requirement for councils to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Core Policy 58 of the WCS and NP policy BE1 together set out the local policy aims for development affecting the historic environment with the broad aim of ensuring that development shall protect, conserve and where possible enhance the historic environment (including designated and non-designated heritage assets, assets of archaeological significance and important landscapes). Core Policy 57(iv) also aims to support a high standard of design that is sympathetic to and conserves historic buildings and landscapes.

Chapter 16 of the NPPF sets out the Government's policy advice with regards to the historic environment. Paragraph 195 states that:

*Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*

Paras. 200 and 201 together set out the requirements for both applicants and the LPA to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Para. 203 states that when determining applications affecting the historic environment LPAs must take into account:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Although it is desirable to sustain or enhance the significance of a heritage asset, there will be instances where harm can be caused and NPPF paras. 205-209 set out the advice for considering impacts on heritage assets. Where any adverse impacts are identified, varying levels of harm (from 'less than substantial' to 'substantial') should be weighed against the

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<sup>6</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

benefits of an individual scheme with 'great weight' given to the asset's conservation (the more important the asset, the greater the weight should be).

The site is located mostly within a conservation area (CA) the boundary of which bisects the site and excludes the mostly hard-surfaced storage areas that comprise the eastern end of the 'dog leg' shaped site. As well as the CA, there are a number of listed buildings (see Figure 2 above) and non-listed buildings mentioned as being of significance within the CA Statement.

In this case the significance of the conservation area lies in the intimate feel of the centre of the main street, with a multitude of steep pitched roofs of the older buildings and low brick boundary walls set close to the road creating a sense of enclosure. The village also has a great variety in building age and materials. A few houses date back to the 17th and 18th Century, and there are also several modern developments within the centre of the village.

The significance of the listed buildings lies largely with their historic fabric and architecture - form, layout and architectural expression/detailing and use of high-quality design materials which have significant aesthetic and architectural interest and which contribute to the character of the conservation area.

The garage site is visible within the CA and settings of nearby listed buildings. As a group of modern commercial buildings (relative to the ages of adjacent houses) the site is considered to be a visual detractor and is a negative present in terms of the contribution it provides to the character and appearance of the wider CA and the settings of nearby listed buildings. As such, there is no heritage objection to its demolition.

Further to this, the replacement buildings would be of an appropriate scale incorporating traditional building styles and layouts. Plot 1 has been designed to take account of its proximity to the listed buildings and its location in a key view within the conservation area. The dwelling has the traditional appearance and is located a similar distance back from the road as The Forge, with a boundary wall and railings along the road frontage. The design utilises familiar vernacular building forms, traditional materials and detailing. The proportions of the property and wall to window ratios are also similar to the Forge. The single-storey element between the two properties will be retained and converted to provide residential space to further contain the sense of enclosure. This would also limit potential impacts on the neighbouring listed buildings arising from the construction phase.

The positioning of this dwelling and the inclusion of a brick boundary wall with railings along the road frontage will help to incorporate the site into the wider street scene context and create an attractive public/private interface offering an enhancement to the existing situation. The proposed materials and fenestration would help blend the new development into the street scene and a suitably worded planning condition can ensure that exact details and building techniques are agreed at an appropriate time.

Plots 2 - 5 would be well contained to the rear of the existing properties in the High Street, in a very similar manner to other nearby housing in St Michael's Close and Bulldog Lane opposite the site. These plots are more visually separated from the settings of the nearby listed buildings, situated to the rear, behind boundary walls and private gardens. Views of the houses on plots 2 and 3, would be available along the access road but these units have been designed as a pair of modest two-storey traditional semi-detached cottages that would not be experienced as overly prominent additions to the site or wider street scene and would relate well (in scale and layout) to neighbouring buildings.

Plots 4 and 5 would be set further into the eastern corner of the site, screened to the east by mature trees and hedging lining neighbouring gardens. This part of the development would



have minimal visual impact on the street scene and the wider CA. Glimpses of the roofs of these buildings and plot 5 would be available from the northwest replacing the existing workshop roof in these views. The new roofs would be of a traditional pitch and are broken up into individual roof forms, rather than appearing as a single large low-pitched roof as is currently the case with the garage. The variations in roof heights and forms has been designed to be reflective of the variations within surrounding buildings with Plot 4 being a one-and-a-half storey house closer to the height of the neighbouring building directly to the north.

As assessed above, the proposed scheme would retain the mature and semi-mature trees and shrubs edging the site. Protection measures would also be employed during the construction phase. Whilst these are outside of the CA, they are within its setting and are valuable natural features within its backdrop that should be protected.

The Council's Conservation Officer has reviewed the proposal and considers the overall impact would be positive, providing some enhancement to the character and appearance of the wider CA without causing any harm to the settings of the nearby listed buildings. Full details relating to materials and construction methods are requested and are reasonably necessary to secure by planning condition.

Third-party comments relating to the historic commercial use of the site are noted. However, it is not considered to be essential to the CA to retain the site in a commercial/light industrial use and any historic association being the application site and The Forge has been severed by the construction of the modern commercial buildings resulting in a clear separation of domestic and commercial uses (between the site and neighbouring properties that at one time may have had some overlapping use).

Overall, the design of the development has been well considered with regards to the site surroundings and distinctiveness of the wider CA and will result in an enhancement, over and above the existing situation. This is considered to add positive weight to the overall planning balance in favour of an approval.

### Archaeology

Para. 200 of the NPPF and Core Policy 58(i) together aim to ensure that, where a site on which development is proposed includes (or has the potential to include) heritage assets with archaeological interest, suitable measures are taken to investigate, identify and if necessary mitigate against any adverse impacts on the significance of such sites.

The council's Archaeologist has reviewed the proposal and considers that, due to modern development being undertaken across the site, the risk of ground disturbing works encountering deposits of notable significance is very low. An informative can be added to direct the developer to contact the council's Archaeologist in the event any material or artifacts of historical significance are uncovered.

## **9.7 TRANSPORT AND HIGHWAYS**

WCS Core Policies 60 and 61 aim to help reduce the need to travel by private car, and encourage the use of sustainable and safe modes of transport across the county with a key criteria to ensure that developments are permitted in accessible locations. Core Policy 61 further adds that new development should be capable of being served by safe access to the highway network for all users (including safe loading/unloading facilities where these are required). Core Policy 62 states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Core Policy 64 aims to promote the use of sustainable transport through a number of criteria including: (b) the application of maximum parking standards for non-residential development; and, (d) for residential development the application of minimum parking standards including provision of an appropriate mix of parking types and smarter choices measures (expected to be detailed within Transport Plans) for larger developments.

The policies of the WCS are considered to be consistent with the advice of the NPPF (paras. 109, 111, 112, 114, 116 and 117) with para. 115 suggesting that:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The site is considered to be sustainably located and future residents would be able to access a small range of services within the village (on foot) or via public transport and bicycle (approx. 25-30min travel time) access to the wider range of services located in Devizes can be achieved.

The application has been supported by a Transport Statement (TS) that includes results of an Automatic Traffic Count (ATC) survey undertaken on B3098 High Street in the vicinity of the site for the purposes of establishing weekday flows and speeds. The TS correctly confirms that parking provision would meet the council's guidance, and a swept path analysis (Appendix F of the TS) confirms suitable access/egress is achievable for the proposed parking spaces (as well as confirming emergency vehicles could also enter and egress the site). The TS also assesses the expected traffic generation of the development against that of the existing site use(s) and concludes that the development will result in an overall reduction to vehicle movements to and from the site.

The Local Highway Authority (LHA) has reviewed the proposal and scrutinised the TS, concluding that it presents an accurate assessment of the existing situation and expected impacts of the development. However, whilst visibility has been calculated in accordance with the results of the ATC (and in line with the relevant council and Manual for Streets guidance), the original access design included part of the eastern visibility splay crossing third-party land (at Hillsborough). The LHA advised this was not acceptable and the access design was subsequently revised to bring the access drive closer to the line of that of the existing site. An area of raised cobbles is proposed to be laid out adjacent to Hillsborough to direct vehicles away from the neighbouring property. It is considered this would enable sufficient visibility to the east without the splay crossing the neighbouring property.

Waste collection will take place on street. Residents for plots 1 and 2 will be provided with a bin store adjacent to their parking spaces. In order to comply with the maximum distances for waste collection as contained in Wiltshire Council's guidance, plots 3,4 & 5 will be provided with a bin store located centrally in the site. This resides within 30m of all plots.

NP policy TIC1(b) states that development proposals must:

*.... prepare a statement to show how the impact of construction traffic during the construction period has been minimised and ensure that the measures it contains are adhered to during the construction period.*

The site is located close to a bend in the main road as well as a number of junctions, so it is considered to be necessary to ensure that some level of control is secured during the construction phase. Full details of construction management measures have not yet been

submitted but can be reasonably secured by an appropriately worded planning condition (see also the Residential Amenities section of this report).

Third-party comments relating to the unsafe nature of the highway in the vicinity of the site and design of the proposed access are noted, but the assessment within the TS has been comprehensively reviewed by the LHA and is considered to be accurate. There is no recent collision history to suggest of any underlying road safety issue at the access and the development would reduce overall traffic movements (to and from the site) and subject to the revised access layout sufficient visibility can be achieved.

It is accepted that, by losing the car repairs business, local residents that would currently be able to access the site on foot (as well as employees that reside locally) would be required to travel to access car repairs and employment outside of the village (likely in Devizes approx. 4km to the north). However, Urchfont is a rural village that has a range of local services but is lacking in some areas. As such, many local residents will currently be required to travel out of the village to access a wider range of services (including some essential services) and/or employment opportunities. The additional trips expected to occur, should the garage business be lost, would be (at least partially, if not entirely) offset by the overall reduction in trips to and from the development.

Creating a need for local residents to be required to travel a greater distance to access services and employment is an undesirable outcome of the development, but in this case is not an issue (of such a scale or impact) that would be considered to be unacceptably harmful to the local highway network or the council's long-term aims to tackle climate change.

Overall, the proposed development is not expected to give rise to any unacceptable impacts on highways safety or cumulative impacts that could be deemed to be severe in accordance with paragraph 115 of the NPPF.

## **9.8 NATURAL ENVIRONMENT AND BIODIVERSITY**

This application was submitted after Biodiversity Net Gain (BNG) becoming mandatory on 12<sup>th</sup> February 2024. The statutory requirement for biodiversity gains to be secured are subject to a number of exemptions. It was not initially apparent whether the development would be exempt or not. However, the applicant confirmed the development would be exempt as less than 25 sq.m of habitat would be impacted by the proposal (the site being predominantly hard-surfaced and in commercial use). This is accepted and the development is only required to ensure that a net gain in biodiversity can be achieved in line with the aims of Core Policy 50 of the WCS.

Notwithstanding the BNG exemption, the applicant had undertaken an Ecological Appraisal (Author: Malford Environmental Consulting. Dated: 15<sup>th</sup> July 2024). The site is described as approximately 0.22ha of land comprising several buildings currently in commercial usage surrounded by hard-standing (mainly sealed with small areas of unsealed) that is used for vehicle parking and storage of vehicles, equipment and materials. Six buildings were surveyed and found to unsuitable for use by roosting bats.

The north-eastern boundary and part of the south-eastern boundary are reported to support shrubs and trees on sloping earth banks set behind low retaining walls. Trees and shrubs included native and non-native species and are not identified as of particular intrinsic ecological value in the submitted report. In any case, with the exception of a U grade dead elm, all trees are proposed to be retained.

Recommendations for enhancement at the vegetated boundary and inclusion of features for nesting birds and roosting bats are recommended in Section 6 of the ecology report and have been incorporated into the submitted landscape proposals and proposed building elevation drawings. Adherence to precautionary construction working as detailed in Section 6 of the report should be secured by condition.

Overall, there is negligible/low risk of this development resulting in negative effects to biodiversity or protected or notable species. Securing provision of the enhancements recommended in the ecology report by planning condition, would ensure compliance with CP50.

### **Salisbury Plain SPA - 6400m Buffer**

This application lies within the 6.4km buffer zone of influence of the Salisbury Plain SPA and in light of the Habitat Regulations Assessment (HRA) for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment (AA) due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects.

The AA reached a conclusion of no adverse effects on site integrity for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the council.

In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE.

## **9.9 RESIDENTIAL AMENITIES**

### ***Residential Amenity***

NPPF Para. 135(f) states that planning decisions should aim to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Core Policy 57(vii) of the WCS states high-quality of design will be achieved by:

*..... having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*

Similarly, policy H2(i) of the NP supports development proposals which have an acceptable effect on the living conditions of residents in the locality.

The Wiltshire Design Guide (WDG) also sets out a number of key requirements to ensure that new housing development is designed to provide good levels of residential amenity for future occupiers of a development without causing harm to amenities of properties neighbouring a development site.

### **9.10 Residential amenities – future occupiers**

WDG para. 9.1.1 states that new Homes should comply with Nationally Described Space Standards (NDSS) to ensure that they are fit for purpose. In addition to internal living spaces, para. 9.2.2 of the WDG states that minimum garden sizes for all houses should be equivalent to the footprint of the house (recommended garden depths are also set out in section 9.2). Garden areas should also benefit from good levels of privacy and natural light.

In this case, the dwellings have all been designed to meet NDSS standards with sufficiently sized private garden areas (see table one below).

Table 1 – Living Space and Garden Sizes

Plot No.	No. of bedrooms	Internal Space (sq.m)	NDSS (sq.m)	Ground floor footprint (sq.m)	Private Garden Area (sq.m) (excluding parking areas/garages/bin and cycle stores)
1	4	170	124 (4b - 8-person)	116	98
2	2	82	79 (4-person)	51	55
3	2	82	79 (4-person)	51	57
4	3/4	168	124 (4b - 8-person)	124	157
5	4/5	191	128 (5b - 8-person)	109	125

The proposed gardens would provide ample space for sitting out/play, the drying of washing with additional areas for the storage of domestic waste and recyclables and bicycles. Only Plot 1 would marginally underprovide with regards to the WDG advice, but this is partly due to the retained section of former workshop increasing the overall size of the ground floor footprint and the useable garden area would be acceptable and of a good quality of amenity.

Similarly, most of the garden spaces fail to meet the WDG minimum garden lengths. However, taking into account the site layout and overall provision of outdoor space (measured to exclude side paths, parking, bin and cycle storage areas) there is no concern that the spaces provided would be poor quality and it is considered that a good level of amenity would be provided to future occupiers regardless of garden lengths. It is therefore considered that the dwelling designs and plot layouts would provide acceptable living conditions for future occupiers with regard to living space, quality of amenity and privacy.

A condition can ensure that means of enclosure between the new plots (mostly close board timber fencing within internal plot boundaries) are constructed/installed prior to occupation to ensure future occupiers have a good level of privacy provide at occupation.

### **9.11 Neighbouring amenity**

Firstly, the removal of the commercial/light industrial uses of the site presents some potential to reduce overall levels of noise and odour to neighbouring properties. Third-party comments confirming that the garage is very well managed and respectfully operated are noted but this may not always be the case should the employment use(s) be retained and/or become more intensely used or poorly managed. Some positive weight is reasonably considered to arise from the removal of potentially noisy and odorous uses from an area that is predominantly now within residential use.

The site shares intervening boundaries on (almost) all sides with existing domestic properties. The Grain Store is the closest dwelling to the site and is located on the northern boundary and set down considerably lower than the application site, with an existing workshop building located close to shared boundary. At its closest point the existing building is approx. 3m from the Grain store. The new houses on plots 2 and 3 are set further back, with the closest, plot 3 12m from the Grain Store. Plot 4 has been designed as one and a half storey, with no first-floor windows on the rear elevation other than high level roof lights. The massing of built form would be reduced close to the northern boundary which would be of benefit to the occupiers of the Grain Store.

Hillsborough is located on the other side of the existing access road and shares its entire western and northern intervening boundaries with the site. The existing fence that screens Hillsborough's rear garden area from the site is proposed to be retained to ensure privacy is preserved between the neighbouring garden and access road. A rear parking space at Hillsborough is also proposed to be retained with access to the public highway via the new access road. A visitor parking area would be constructed to the rear of Hillsborough's garden with the ground level lowered and a new retaining wall installed. As this parking area would be lower than the neighbouring garden and screened by fencing it would not give rise to any harm to the quality of the rear garden space (over and above the existing situation).

There is some concern that the rear elevation of Hillsborough and its garden would be overlooked by Plots 2 and 3. Distances from the front elevations of Plots 2 and 3 to the rear garden boundary (of Hillsborough) would range between 17 and 22m. Building-to-building distance would range between 30 and 38m. Whilst it is acknowledged that some overlooking from Plots 2 and 3 would be created, it is not considered this would be harmful due to the long separation distances. Para. 4.2.9 of the WDG states that following:

*Privacy for households should be secured through good design taking into consideration local factors such as topography, layout and orientation. Traditional 20m back-to-back distance is intended to prevent overlooking and secure a degree of privacy for householders. However, this guideline can be reduced if the design is suitable for the area (high density/town/village centre).*

The site occupies a village centre location with the surrounding buildings and plot layouts being of a high-density in generally irregular plot layouts. Whilst the relationship between Plots 2 and 3 and Hillsborough would be front-to-back it is not considered the separation distances would be substandard, and the layout is not entirely out of character with the wider area (where some natural overlooking between plots is existing).

The existing rear wall of the workshop has been retained as the boundary wall with The Forge. The new dwelling on plot 1 is at an oblique angle and set away from the shared boundary. There are no first-floor windows in either of the side elevations.

Two chimneys is located approx. 20m from the new dwelling on Plot 2, whereas the existing commercial building is 18m away. The ridge of Plot 2 would be slightly higher but with the gable span facing west considerably narrower than the existing building (which covers almost the entire rear boundary of Two Chimneys) an overall reduction in build form within the outlook from Two Chimneys is expected to occur. The building at Plot 2 is located directly to the east and will be set away from the Two Chimneys western boundary no significant overshadowing or loss of light is reasonably expected to occur (only marginal impact on early morning light).

There is a good separation distance between the proposed dwellings and the Old School House (Plots 2 and 3 being the closest) and they would be at an oblique angle. Plot 2 (located to the south of the Old School House) would have no first-floor windows on the rear

elevation other than high level roof lights. The garage of the Old School House is located immediately to the rear of plot 2.

The Orchard and the Bungalow to the south are located a considerable distance from the new houses, with a significant difference in levels and intervening vegetation and outbuildings.

Planning conditions can be used to remove permitted development rights that would allow for the insertion of new window openings or the installation of dormer windows/extensions in areas where harm could otherwise be created. This will ensure the LPA is able to assess any future changes to the scheme to ensure neighbouring amenities can be protected. Given the relatively dense layout of the proposal and surrounding built environment (along with the sensitive location on heritage terms) it is considered to be reasonable and necessary to remove householder permitted development rights (Classes A-E) in this case.

Overall, it is considered the siting and levels of the proposed dwellings respond sensitively to the neighbouring properties. There are ample separation distances and screening which will ensure that there would be no adverse impact on neighbouring privacy, nor any overbearing impact or overshadowing resulting from the buildings.

Subject to the recommended conditions, no conflicts with the aims of Core Policy 57(vii), NP policy H2 are identified or the NPPF are identified.

#### **9.12 LAND CONTAMINATION**

The NPPF (para. 180) states that decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Core Policy 56 states that developers will be required to demonstrate that a development site is, or will be, made suitable for the proposed final use and will need to provide evidence of investigation and proposed remediation if required.

The application has been submitted with a Preliminary Desk Based Assessment (DBA) that has identified the need for further Phase 2 site investigations. Further consideration of the risks to either human health or controlled waters, together with some form of remediation and validation (specifically with regards the underground fuel tanks) could subsequently be required, depending on the investigation findings and consultation with the regulatory authorities.

For a brownfield site of this nature, it is not considered that full Phase 2 site investigation details are required prior to determination of the application and a suitably worded pre-commencement condition can ensure that an appropriately targeted Phase 2 investigation is undertaken, with associated remediation strategy and subsequent verification testing/reporting also secured by condition if the Phase 2 investigation recommends it.

Subject to the recommended conditions, the development is considered to be able to comply with the aims of Core Policy 56 and the planning policy advice of the NPPF.

#### **9.13 FLOOD RISK**

The site is within an area at low risk of river flooding and is at a very low-to-low risk of surface water flooding and low risk of groundwater flooding. Records available to the LPA confirm the highways adjacent to the site have a higher risk of surface water flooding, but these areas of higher-risk do not cross the site. The proposal involves the breaking out of hard-surfaces and demolition of existing buildings that together comprise an almost entirely

impermeable site. The new development would reduce the overall area of impermeable surfaces, break up the massing of buildings (so creating less barriers for overland flows) and involve the installation of a replacement surface water drainage system.

A Drainage Strategy (DS) has been submitted that confirms it would be inappropriate to incorporate ground infiltration devices across the site, due to the risk of mobilising contamination from the historic land use of the site which could pose a risk to groundwater. There are no watercourses on the site and therefore, following the hierarchy of drainage (set out in Gov't guidance and B. Regs Approved Document H) it would only be appropriate to store and attenuate surface water runoff from the site and discharge to the surface water sewer located along High Street (B3098).

The DS confirms that pre-application consultation with the sewage undertaker (Wessex Water) took place resulting in a proposal to limit future discharge of surface water from the site to the public surface water sewer network to an allowable discharge rate of 5 l/s. Through introducing flow control and attenuation storage a reduction toward off-site flood risk can be delivered. The council's Drainage advisor has reviewed the DS and offers no objection to the scheme. A condition can ensure that final technical details of the drainage system can be agreed and implemented prior to the first occupation of the site.

In terms of foul water drainage, it has been demonstrated that a suitable means of drainage can be provided to serve the proposed development.

Overall, subject to securing the implementation of the surface water drainage system it is considered a suitable means of drainage can be provided to serve the proposed development and, in terms of flood risk, the development would be appropriately safe for its lifetime taking account of the vulnerability of its users and would reduce the risk of flooding to the adjacent public highway network (over and above the existing situation). The proposal complies with the aims of Core Policy 67 of the WCS and the planning policy advice of the NPPF.

## **10. CONCLUSION – the 'planning balance'**

As stated above, the NPPF 'tilted balance' is considered to be engaged for this planning application. The proposal has been considered against the policies of the NPPF that protect areas or assets of particular importance and no clear reasons for refusal have been identified. As such, NPPF para. 11d(i) is not engaged and the LPA must be satisfied (in line with para.11d(ii) that the benefits of the development would not be significantly and demonstrably outweighed by any adverse impacts when assessed against the policies in the NPPF taken as a whole.

The development would give rise to public benefits via the provision of five new homes on a site allocated for such development at neighbourhood planning level. The development would also deliver improvements to the visual appearance of the site and wider conservation area without causing harm to the settings of nearby listed buildings.

Given that an overriding thrust of the NPPF is to boost the supply of new homes in sustainable locations, the contribution of the development to the council's housing land supply is given moderate positive weight (less than significant due to the relatively small-scale of the proposal). The NPPF advises that great weight should be given to the conservation of heritage assets and as this proposal is considered to preserve the settings of nearby listed buildings as well as delivering an overall enhancement to the conservation area significant positive weight is given to this benefit in the overall balance. These benefits would positively contribute to the social and environmental objectives of the NPPF.



Some economic benefits would be delivered during the construction phase and subsequent occupation of the site. These merits should be weighed against the loss of the existing employment site (the local employment opportunities and business service it offers to local residents as well as the wider rural area). However, the loss of the employment site would not conflict with the strategic employment protection policy aims of Core Policy 35 (of the WCS) and would occur as a result of a neighbourhood plan site allocation. Overall, the economic impact would be considered to be negative in the overall balance, failing to contribute to the economic objectives of the NPPF but would only be given very limited weight.

Other matters (as assessed above) are given neutral weight in the overall balance.

In conclusion, the benefits (reasonably expected to arise from the proposal) are considered to outweigh the adverse impacts. The planning conditions recommended throughout this report can provide sufficient control over the implementation of the development and agreement of additional technical details at appropriate stages. The development would positively contribute to the social and environmental objectives of the NPPF and is a sustainable development.

## **RECOMMENDATION**

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

### **CONDITIONS**

#### **1. Time limit**

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. Approved plans**

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

- SITE SECTIONS- 2081-PLANNING1- REV A – Existing and Proposed Site Sections;
- Plots 4-5- 2081-PLANNING1- REV B – Proposed Plans and Elevations Plots 4 and 5;
- DWG-1742-01 (REV C) – Proposed Landscaping Plan;
- Plots 1-3- 2081-PLANNING1- REV B – Proposed Plans and Elevations - Plots 1 to 3;
- SITE- 2081-PLANNING1- REV B – Proposed Site Plan;
- DEMOLITIONS\_\_2081-PLANNING1 – Demolitions Plan.

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

### **Pre-commencement**

#### **3. Site levels**

Construction of the dwellings hereby approved shall not commence on site until details of the proposed ground floor slab levels have been submitted to and approved

in writing by the local planning authority. The development shall be carried out in accordance with the approved details thereafter.

REASON: The matter is required to be agreed with the local planning authority before construction of the dwellings commences in order that the development is undertaken in an acceptable manner, in the interests of visual and residential amenities in accordance with the aims of Core Policies 57 and 58 of the Wiltshire Core Strategy, Policy H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

#### **4. Contamination investigation and remediation**

No development (including demolition) shall commence until a ground investigation has been carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

As a minimum, the ground investigation shall be undertaken in accordance with the recommendations of the submitted Phase 1 Assessment of Land Quality (Author: Ground Investigation Limited. Dated: 17<sup>th</sup> July 2024) and shall include assessment of the potential risks to:

- human health,
- property (existing and proposed),
- adjoining land,
- groundwater and surface waters, and
- ecological systems.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

##### **Step 2 – Remediation Scheme**

If any unacceptable risks are identified as a result of the investigation referred to above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This shall detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural environment and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

##### **Step 3 – Implementation of Approved Remediation Scheme:**

The approved remediation scheme under step 2 must be carried out in full in accordance with its requirements. The local planning authority must be given at least two weeks written notification of commencement of the remediation scheme works.

##### **Step 4 – Reporting of Unexpected Contamination:**

In the event that contamination is found at any time when carrying out the approved development (that was not previously identified) it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the DEFRA and Environment Agency guidance referenced above and where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the local planning authority.

**Step 5 – Verification of remedial works:**

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to the local planning authority. The report shall demonstrate the effectiveness of the remedial works.

A statement shall also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (the local planning authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at step 2 above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

**Step 6 – Long Term Monitoring and Maintenance:**

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the local planning authority for approval at the relevant stages in the development process as per the details approved pursuant to step 2 above, until all the remediation objectives in that scheme have been achieved.

REASON: The matter is required to be agreed with the local planning authority before development commences to ensure the development is undertaken in an acceptable manner and that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of Core Policy 56 of the Wiltshire Core Strategy, Policy H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**5. Construction Transport and Environmental Management Plan (CTEMP)**

No development shall commence on site (including demolition and ground works) until a Construction Traffic and Environmental Management Plan (CTEMP) has been submitted to and approved in writing by the local planning authority.

As a minimum, the CTEMP shall provide details of the following:

- i. How surface water runoff will be managed during construction and demolition phases to prevent an increase in flood and pollution risk to the public highway and adjoining land;
- ii. Key personnel, responsibilities and contact details (including Site Manager and Arboricultural Consultant);
- iii. the movement of construction vehicles and provision for parking of vehicles of site operatives and visitors;
- iv. the provision for loading and unloading of plant, materials and demolition materials;
- v. the provision for storage of plant and materials used in constructing the development, as well as demolition materials;
- vi. the provision for wheel washing and vehicle wash down facilities;
- vii. measures to control the emission of dust and dirt during construction;
- viii. the provision for recycling/disposing of waste resulting from demolition and construction;
- ix. The location and use of generators and temporary site accommodation;
- x. Site working hours and a named person for residents to contact.

The details to be submitted under this condition shall include all details of timing and phasing of proposed measures to ensure that they are in place and maintained for so long as required.

The approved measures shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in full accordance with the Statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to neighbouring amenities and the natural environment, during the demolition and construction phases in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

#### **6. Arboricultural Method Statement**

The development hereby approved (including demolition) shall not commence until an Arboricultural Impact Assessment has been submitted to and approved in writing by the local planning authority.

As a minimum, the AIA shall be appropriate to the development proposals and shall detail the exact locations and specifications of tree protection measures and construction/demolition methods where works are required to be undertaken in proximity to the root protection areas of trees on or adjacent to the development site.

The AIA shall be prepared in accordance with the guidance of BS:5837:2012 (*Trees in relation to design, demolition and construction – Recommendations*).

REASON: To ensure that sufficient measures are agreed and secured to protect trees on and adjacent to the site, to preserve the setting of the conservation area and settings of nearby listed buildings, to provide biodiversity enhancement and to protect the privacy of future occupiers and neighbours of the development in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy, Policy H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

### **Construction phase**

#### **7. External materials above slab level**

Construction of the dwellings hereby approved (including any associated outbuildings and/or garages) shall not proceed above ground floor slab level until a full schedule of external materials has been submitted to and approved in writing by the local planning authority.

As a minimum, the written schedule shall include:

- the manufacturer and material name,
- colour,
- external finish for any timber/joinery (paint/stain etc.),
- a photographic sample of each material,
- where it relates to brickwork, details of bonding pattern and mortar mix/application method;
- where it relates to installation of windows and/or doors, joinery details to an appropriate scale.

Thereafter, the development shall be completed and maintained in accordance with the approved details.

REASON: To ensure the development is of a high-quality of design, to preserve the setting of the conservation area and settings of nearby listed buildings in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy, Policies D1 and H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

#### **8. Ecology mitigation**

The development hereby approved shall be implemented strictly in accordance with the recommendations within Section 6 of the Ecological Appraisal (Author: Malford Environmental Consulting. Dated: 15<sup>th</sup> July 2024).

REASON: To ensure precautionary measures are employed to protect biodiversity during the construction phase in accordance with the aims of Core Policy 50 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

### **Prior to occupation**

#### **9. Provision of access, vis-splays, car parking and turning areas (agree hard-surfacing materials if not fully detailed)**

No part of the development hereby approved shall be occupied or brought into use until the vehicular accesses, off-road car parking and turning areas to serve each plot (to include the infrastructure for at least 1 EV charging point) have been constructed/laid out in full in accordance with the details of approved plan no. LPC 5787 PR 01 C (Site Plan – Proposed). Thereafter, the car parking and turning areas shall be kept available for their intended use and maintained free from the storage of materials.

Reason: To ensure the development is served by sufficient off-road car parking and turning areas in the interest of highway safety in accordance with the aims of Core Policies 60, 61 and 64 of the Wiltshire Core Strategy and Policies H2 and TIC1 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

#### **10. Provision of bin and cycle storage areas**

No part of the development hereby approved shall be occupied or brought into use until areas for the secure storage of bicycles and bins/recycling boxes have been provided to each plot in full in accordance with the details of approved plan nos. SITE- 2081-PLANNING1- REV B (Proposed Site Plan), Plots 4-5- 2081-PLANNING1- REV B (Proposed Plans and Elevations Plots 4 and 5) and Plots 1-3- 2081-PLANNING1- REV B (Proposed Plans and Elevations - Plots 1 to 3).

The development shall be maintained in accordance with the approved details thereafter.

Reason: To ensure the development is served by sufficiently sized and accessible areas for the storage of bins and cycles in the interest of promoting sustainable transport and protecting highway safety in accordance with the aims of Core Policies 60, 61 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

#### **11. Surface water drainage system to be completed**

No part of the development hereby approved shall be occupied or brought into use until a surface water drainage system has been constructed/installed in full in

accordance with a written technical specification that shall first be submitted to and approved in writing by the local planning authority.

As a minimum, the written technical specification shall be informed by the recommendations of the submitted Drainage Strategy (Author: PFA Consulting. Dated: July 2024) and shall include layout plans, sections, full technical and manufacturers specifications of all equipment and a scheme of maintenance to ensure the system operates to its intended purpose for the lifetime of the development.

Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure the agreed surface water drainage scheme is informed by up-to-date details and will prevent increased risk of flooding on and off site in accordance with the aims of Core Policy 67 of the Wiltshire Core Strategy, Policy H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

#### **12. Means of enclosure**

The new dwellings hereby approved shall not be occupied or brought into use the boundary enclosures have been installed in full in accordance with the details of approved plan no. SITE- 2081-PLANNING1- REV B – Proposed Site Plan. The development shall be maintained in accordance with the approved details thereafter.

REASON: To ensure that future occupiers benefit from sufficient levels of privacy and the development does not cause harm to the character of the site, street scene or landscape setting of the village in accordance with the aims of Core Policy 57 of the Wiltshire Core Strategy Policy H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

#### **13. Site planting scheme**

The site planting scheme shall be carried out in full in accordance with the details of approved plan number DWG-1742-01 Rev.C (Landscape Proposals) no later than the first planting and seeding season following the first occupation of any part of the development 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 (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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.

REASON: To ensure a satisfactory landscaped setting for the development, to preserve the setting of the conservation area and settings of nearby listed buildings, to provide biodiversity enhancement and to protect the privacy of future occupiers and neighbours of the development in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy, Policy H2 of the Urchfont, Wedhampton

and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**14. Biodiversity enhancement measures (bat and bird boxes)**

No part of the development hereby approved shall be occupied or brought into use until the integral biodiversity enhancement features (bat and bird boxes) have been installed/laid out in accordance with details of approved plan nos. Plots 4-5- 2081-PLANNING1- REV B (Proposed Plans and Elevations Plots 4 and 5) and Plots 1-3- 2081-PLANNING1- REV B (Proposed Plans and Elevations - Plots 1 to 3) and the recommendations within Section 6 of the Ecological Appraisal (Author: Malford Environmental Consulting. Dated: 15<sup>th</sup> July 2024).

The biodiversity enhancement features will be maintained in accordance with the approved details to ensure they are available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity in accordance with the aims of Core Policy 50 of the Wiltshire Core Strategy, Policy H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**Post-occupation/compliance**

**15. Removal of PD rights – Classes A-E**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A-E shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of residential amenities and to preserve the character and appearance of the site and conservation area and to enable the local planning authority to consider individually whether planning permission should be granted for additions, extensions or enlargements in accordance with the aims of Core Policies 57 and 58 of the Wiltshire Core Strategy, Policy H2 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**16. Conservation rooflights**

The rooflights hereby approved shall be installed flush to the roof plane of the dwelling and shall be of a conservation type design maintained in that state thereafter.

REASON: In the interests of residential amenities and to preserve the character and appearance of the site and conservation area in accordance with the aims of Core Policies 57 and 58 of the Wiltshire Core Strategy, Policy BE1 of the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

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## REPORT TO EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	21 <sup>st</sup> November 2024
<b>Application Number</b>	PL/2024/02062
<b>Site Address</b>	8 The Orchard, Urchfont, Devizes
<b>Proposal</b>	Application to vary condition no. 2 and 3 on planning consent ref: 20/08600/FUL
<b>Applicant</b>	Mrs P Cridland
<b>Town/Parish Council</b>	URCHFONT
<b>Electoral Division</b>	Urchfont & Bishops Cannings
<b>Grid Ref</b>	53.475215, -5.659522
<b>Type of application</b>	Removal/variation of conditions
<b>Case Officer</b>	Joe Leesam

### **Reason for the application being considered by Committee:**

This application has been brought before the Committee at the request of the local member, Councillor Whitehead, should the application be recommended for approval, on the basis of the scale of the development, its impact upon the surrounding area, its relationship to adjoining properties, the design (bulk/height/general appearance) and car parking provision.

#### **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 granted planning permission.

#### **2. Report Summary**

The proposed variation of conditions on the existing consent would enable the outbuilding currently permitted for an annexe use, to also be used for holiday let purposes. The principle of a holiday let use on the site is acceptable as it would accord with Core Policy 39 of the Wiltshire Core Strategy, this due to it being located within the defined 'limits of development of the 'Large Village' of Urchfont; and the change of use relating to an existing outbuilding.

As no external works are proposed and the use would still be classed as residential, there would be no harmful visual/conservation area impacts or any detrimental effect on neighbour amenity.

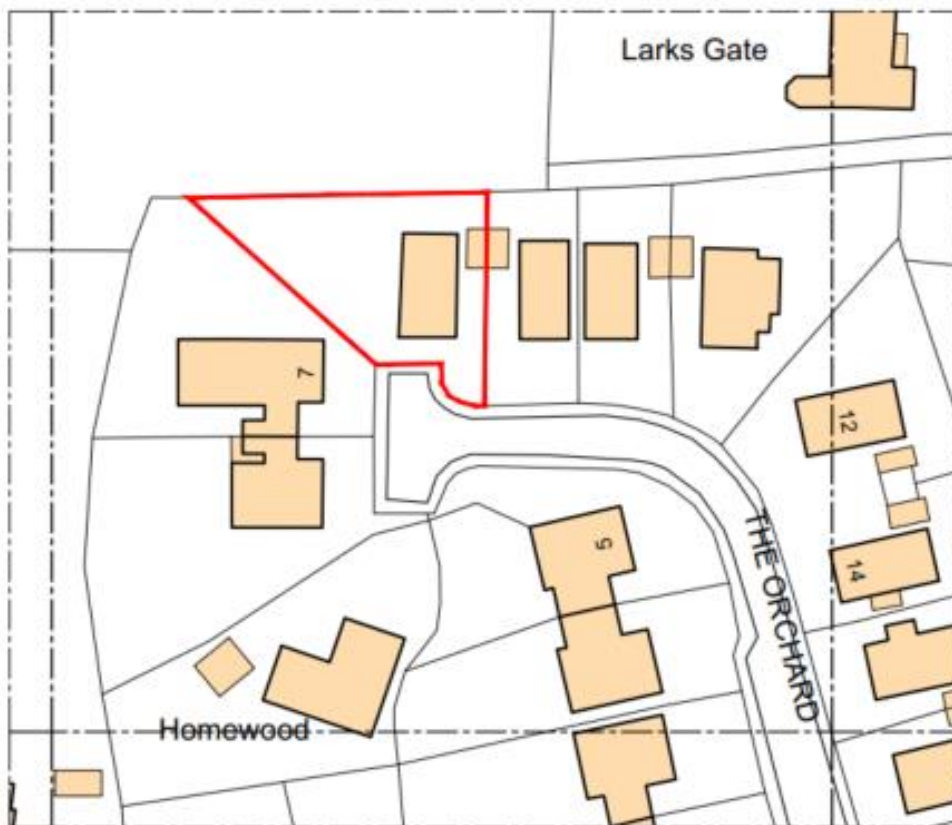
In terms of highway impacts, the proposed development would provide adequate parking arrangements for both the host dwelling and the proposed annexe/holiday let use. A new access point would be formalised on site to ensure that the holiday let use would have its own dedicated separate parking arrangement. This is welcomed since it would ensure no conflict in terms of vehicles associated with the host dwelling and the holiday let. The provision of a new dropped kerb access is deemed acceptable in terms of highway safety, with the added benefit of potentially reducing existing parking issues in the vicinity by ensuring clear access from the turning head to this area when holiday let users enter and leave the site.

It is therefore considered that the proposed development accords with the Development Plan; as such, the application is being recommended for approval.

### 3. Site Description

The application site comprises a bungalow located at the end of a residential cul-de-sac within the settlement of Urchfont. To the east and west of the application site lie residential properties and to the north lies an open field. There is a Public Right of Way footpath (URCH5) which runs directly adjacent to the northern boundary of the site. The annexe building in question is in-situ and is located on the northern boundary of the site, in the north-west corner of the plot. The application site is located within the Urchfont Conservation Area.

Below is the Location Plan that shows the context of the site (nb. it does not demonstrate the in-situ annexe building).



### 4. Planning History

20/08600/FUL – Proposed use of existing garden building as a domestic annexe. Approved with Conditions 10<sup>th</sup> December 2020.

K/35952 – Retention of LPG tank. Approved with Conditions 26<sup>th</sup> November 1998.

## 5. The Proposal

The application seeks planning permission to vary Conditions 2 (approved plans) and 3 (ancillary use) of planning permission reference 20/08600/FUL. Condition 3 is currently worded as follows:

### Condition 3:

*The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as '8 The Orchard' and it shall remain within the same planning unit as the main dwelling.*

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

The application seeks to amend the wording of condition no.3 to become:

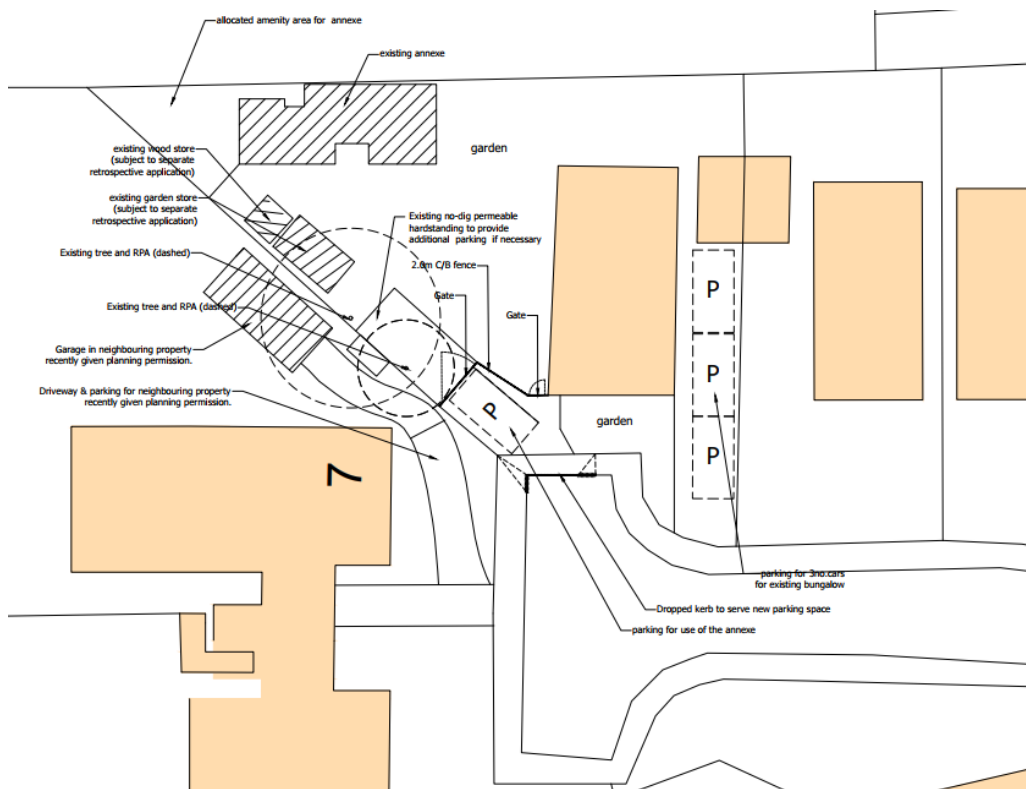
*The accommodation hereby approved as identified on the approved drawings shall not be occupied at any time:*

*a) other than for purposes ancillary to the residential use of the main dwelling, known as 8 The Orchard, nor*

*b) other than for holiday accommodation purposes, with a register of such occupants to be maintained and made available for inspection by the local planning authority at all reasonable times.*

*REASON: This site is in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent independent residential accommodation.*

It is furthermore sought under this application that a new dropped kerb would be provided from the turning head to enable the creation of a parking space in connection with the annexe/holiday let use. This amended plan resulted in the need to include the variation of condition 2 (approved plans) on the proposal description, which was undertaken, and a full re-consultation to inform the relevant consultees and public on this change. The site plan proposed is below:



Site Plan

## 6. Planning Policy

### National Planning Policy Framework (NPPF)

- Section 2 (Achieving sustainable development)
- Section 4 (Decision-making)
- Section 12 (Achieving well-designed places)
- Section 16 (Conserving and enhancing the historic environment)

Planning Practice Guidance (PPG)  
National Design Guidance

### Wiltshire Core Strategy (WCS):

- Core Policy 12: Spatial Strategy: Devizes Community Area
- Core Policy 14: Marlborough Community Area
- Core Policy 39: Tourist Development
- Core Policy 48: Supporting Rural Life
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High-Quality Design and Place-Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment
- Core Policy 62: Development Impacts on the Transport Network

### Urchfont Wedhampton and Lydeaway Neighbourhood Plan 2015-2026

- Policy H4: Parking for New Development
- Policy D1: Design

## Policy BE1: Protection of Local Heritage

### Other Documents and Guidance

Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)  
Sections 16 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Wiltshire Design Guide

### **7. Consultation responses**

Urchfont Parish Council: (Initial comments) “This application was considered by Urchfont Parish Council at their meeting on 13th March 2024 where it was decided to OBJECT primarily due to the potential for increased parking in an already congested road / turning area and the fact that a public footpath passes directly behind and close to the property in question.”

(Second comments) “This application was discussed by Urchfont Parish Council at their meeting on the 10th July 2024 where consensus indicated that nothing has materially changed since the earlier application when condition 3 was applied. On this basis it was resolved to again OBJECT primarily due to the potential for increased parking in an already congested road / turning area and the fact that a public footpath passes directly behind and close to the property in question.”

(Final comments) “At the Planning Meeting of Urchfont Parish Council on 11th September 2024 councillors unanimously agreed to again OBJECT to the application for the following reasons:

- overdevelopment of a single plot.
- granting this change of use would be setting a dangerous precedent for the surrounding area.
- it would significantly increase vehicle accessing and exiting for the cul-de-sac.
- it will worsen existing parking and restrict manoeuvring within a confined close
- it will negatively impact the setting in a conservation area and the nearby right of way.”

Local Highway Officer: “The condition previously applied would mitigate the impact of how close the annex is to the main dwelling in terms of amenity. In relation to the parking, in the light of the demand on road space, if in separate ownership the annex should be provided with its own parking. As this is a single bedroom unit there is only a requirement for 1 space. The main dwelling will require 2-3 spaces depending on bedroom number which is shown and there is also a garage. The drawing appears to show the required number of off-street parking spaces.

To facilitate access to the new parking space the full height kerb will require dropping under a Vehicle Crossing Permission. I am minded to allow a vehicle to reverse at this location as it mirrors other arrangements in the vicinity.

As such, based on the information provided I am minded to offer no highway objection subject to a condition securing the parking spaces as shown only for parking and only in relation to the respective residential uses.”

### **8. Publicity**

The application has been advertised by letter to local residents. Five third party representations (from three separate neighbours) have been received raising concern as follows (in summary):

- Concerns regarding parking provision given that a holiday let use would result in additional vehicles associated with this site.
- Consider there are too many vehicles already associated with No. 8.
- Adverse parking on the public highway (within the turning head) already occurs due to excess vehicles associated with No. 8 which is a highway safety risk resulting in vehicles having to reverse down The Orchard into Back Street.
- Concern that there is no guarantee that the holiday let users would arrive in one vehicle.
- Other examples of holiday accommodation or short lets within Urchfont claimed are not known, only examples have plenty of off-road parking.

## **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.

### Principle of Development

The existing building has a permitted use as an annexe and therefore consideration can only be given to the proposed use as holiday accommodation.

Core Policy 39 (Tourist Development) outlines that outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in, or close to, Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings. In this respect, the application site is located within the limits of development of Urchfont, which is a 'Large Village' as outlined within the Spatial Strategy for the Devizes Community Area (Core Policy 12). As such the proposal accords with this Core Policy being located in the Large Village and is considered sustainable in siting whereby any holiday let occupants can easily access the limited number of services and facilities within Urchfont itself as well as have access to other sustainable transport modes such as buses.

Core Policy 39 also outlines that where practicable the tourist development should be located in existing or replacement buildings, which it is in this instance, being situated in an existing building approved as a residential annexe.

Regarding sensitive design, this will be considered further in the next section of the report. However, by reason of being a conversion of an existing building, the holiday let use is not considered to result in any undue harm to landscape character, because there are no external works proposed and the building is well-contained within the existing built form.

As such, it is considered that the principle of the tourist accommodation use is acceptable subject to other material planning considerations as assessed below.

### Design, Visual Impact, and Impact upon Designated Heritage Assets:

Local Authorities are required by Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas, their setting, or any features of special architectural or historic interest possessed respectively when considering development proposals that affect the setting or views into them. This is locally reflected within Core Policy 58.



Core Policy 57 requires a 'high standard of design' for all new developments and to draw on the local context and be complementary to the locality.

The application site is located within the built-up area of Urchfont (within a residential cul-de-sac) and is situated within the Urchfont Conservation Area. The proposal seeks permission to allow both an annexe use (previously permitted) and a holiday accommodation use (a new use of this building). This proposed variation of condition would not result in any physical changes to the outbuilding.

Given that there is no external works proposed under this application, there would be no harm in terms of design or visual impact. The existing building and surrounding garden are also residential in character and thus the use of the building as tourist accommodation (or as an annex) would not change the character of the site. Therefore, the proposal is considered acceptable in terms of its design and visual amenity and would accord with Core Policy 57 and Neighbourhood Plan Policy D1.

Furthermore, given the lack of exterior works to the building and the fact that the holiday accommodation use would remain as residential within the residential plot, there would be no harm to the character and appearance of the Urchfont Conservation Area.

It is therefore considered, having regard to the points made above, that due regard has been given to the statutory duties set out within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the requirements of the National Planning Policy Framework (2023), Policies 57 and 58 of the Core Strategy and Policy BE1 of the Neighbourhood Plan.

#### Residential Amenity:

Core Policy 57 criterion vii) outlines that the regard must to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants. Core Policy 48 criterion ii also states that the use should not be detrimental to the amenities of residential areas.

The proposed variation of condition will see no physical changes to the outbuilding. Therefore, there is no risk of any overlooking, light blocking, or the creation of an oppressive environment occurring as a result of the proposed works.

As the outbuilding already benefits from an extant consent to be used for annexe accommodation, the proposed variation of condition to allow for its use as a holiday let would not see a significant change in the use of the structure, as both would be residential of some description. Therefore, the impact upon neighbouring residents would essentially remain the same. Although there may be different comings and goings by vehicles, it would not be so materially different and harmful to what could occur on site in any instance from the occupiers of the dwelling, and the ancillary accommodation.

In regard to the above, the proposal is therefore considered acceptable on residential amenity grounds.

#### Highways/Parking:

Core Policy 61 'Transport and New Development' of the WCS seeks to ensure that applications demonstrate that the scheme proposed has considered the needs of all transport users and that the proposal is capable of being served by safe access to the highway network.

Policy H4 of the Neighbourhood Plan outlines that development proposals which generate a need for parking must provide adequate and suitable off-street parking.

The application site is located at the end of a cul-de-sac in the settlement of Urchfont. As demonstrated on the submitted plans, four parking spaces would be present within the application site, with three being dedicated parking spaces for the existing bungalow (in an existing tandem arrangement) and one dedicated for the annexe/holiday let. As demonstrated on the site visit to the property (and annotated on the submitted site plan) there is already existing permeable hardstanding situated to the western part of the residential plot which currently has a vehicle in-situ. Whilst hardstanding is present and used for a vehicle, it has been acknowledged that there is no formal access to this hardstanding area due to there being no dropped kerb. It has therefore been proposed (through amended plans under this application process) that a formal access is made to this hardstanding area through a dropped kerb, and that one space is provided for the holiday let in front of a 2-metre close boarded fence (the fence is similar to the existing boundary treatment in a similar area).

It is acknowledged that a considerable amount objection and concern has been raised regarding parking provision on site. These comments have been duly noted, however it is deemed that there is adequate parking proposed for the development and that the proposal would not result in any significant adverse highway safety impacts which would warrant the refusal of planning permission.

The existing dwelling on site would be served by the three parking spaces to the front of the existing garage and to the side of the property. The three parking spaces are in an existing tandem arrangement – as this is the current situation it is not objected to. The number of spaces is also acceptable for the host dwelling as under the Council's Car Parking Strategy three parking spaces are normally expected for a 4 + bedroomed dwellings.

Then, in relation to the holiday let/annexe use, this building would be one bedroomed and thus under the Car Parking Strategy would only be expected to provide one parking space. Whilst as raised by an objector there is no guarantee that the holiday let users would arrive in one vehicle, this would be for the owners to control; for example, any advertising should indicate there is only one parking space allocated on site (though would not meet the tests of imposing planning conditions to control that this occurs by way of planning condition). In any event, as demonstrated on the submitted site plan, there is an existing hardstanding area further into the site which would enable the provision of one additional dedicated parking space (in a tandem arrangement) off the public highway.

The parking space for the annexe/holiday let is being provided in a separate area to the dwelling's three spaces – this is an acceptable arrangement and also ensures that there would conflict between vehicle users for the respective uses i.e. the holiday let users can use a separate access point off the highway.

The proposal has been assessed by the Local Highway Authority and it has raised no objection, although an informative has been recommended regarding the separate consent needed for a dropped kerb. This can be imposed along with a condition requiring the parking provision to be implemented before the use of the building for holiday let purposes.

It is noted that objections have been raised that the owners of the host dwelling have an abnormal number of cars which overspill onto the turning head. However, the number of vehicles owned by the applicant cannot be controlled by planning legislation and as assessed above the amount of parking spaces proposed is in accordance with Wiltshire Council's Car Parking Strategy. Parking is possible on the public highway due to the absence of any restrictions such as double yellow lines. Additional hardstanding also exists on site to the front of the property which would likely be used for parking of vehicles (as an existing situation).

It is therefore considered that the proposed development is acceptable in terms of parking provision and on highway safety grounds. The proposal would accord with Core Policies 57 and 62 of the Core Strategy as well as Policy H4 of the Neighbourhood Plan.

#### Other matters

- Section 73 application

The granting of planning permission under Section 73 enables the Local Planning Authority to impose planning conditions that are deemed appropriate and meet the relevant tests as cited within the NPPF. Given that the application provides a new planning permission, it is considered necessary and reasonable to continue to impose those planning conditions attached to the planning permissions that remain relevant to the development for clarity and completeness, with amended phrasing where applicable.

#### Conclusion

The proposal seeks a variation of planning condition to allow the permitted annexe building to be used for holiday let accommodation as well as an annexe. Furthermore, the site plan has been amended to reflect a new parking arrangement and new vehicular access point from the public highway (a dropped kerb access).

As assessed above, the principle of the holiday let use is acceptable due to the site's location within the defined Limits of Development for Urchfont and the proposed use being within an existing permitted outbuilding for annexe use. The proposal has no adverse design or visual impacts, any impacts upon designated heritage assets nor any significant adverse impact upon neighbour amenity.

In terms of highway impacts, the proposal is for a new vehicular access and formalised parking space for the annexe/holiday let use. Due to this arrangement and the existing parking spaces available for the existing dwelling, there is an acceptable level of parking provision on site which would accord with Wiltshire Council's car parking strategy. The proposal would not give rise to any significant adverse highway safety impact and has potential to improve the existing parking situation in the area by reason of the new access being provided from the turning head within the residential cul-de-sac.

The proposed development is therefore considered to accord with the Development Plan policies and is being recommended for approval subject to conditions

#### **RECOMMENDATION: Approve subject to the following conditions:**

Conditions: (5)

1 The development hereby permitted shall be begun before the expiration of three years from the date of Planning Application Reference 20/08600/FUL.

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

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

Drawing Numbers: HW-6 (site plan and parking layout) received by the Local Planning Authority on 28th August 2024, HW-3-B (site and location plan) received by the Local Planning Authority 18th June 2024

Drawing Number HW-2 (plans and elevations) received by the local planning authority on 8th December 2020 on planning application 20/08600/FUL

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

3 The accommodation hereby approved as identified on the approved drawings shall not be occupied at any time:

a) other than for purposes ancillary to the residential use of the main dwelling, known as 8 The Orchard, nor

b) other than for holiday accommodation purposes, with a register of such occupants to be maintained and made available for inspection by the local planning authority at all reasonable times.

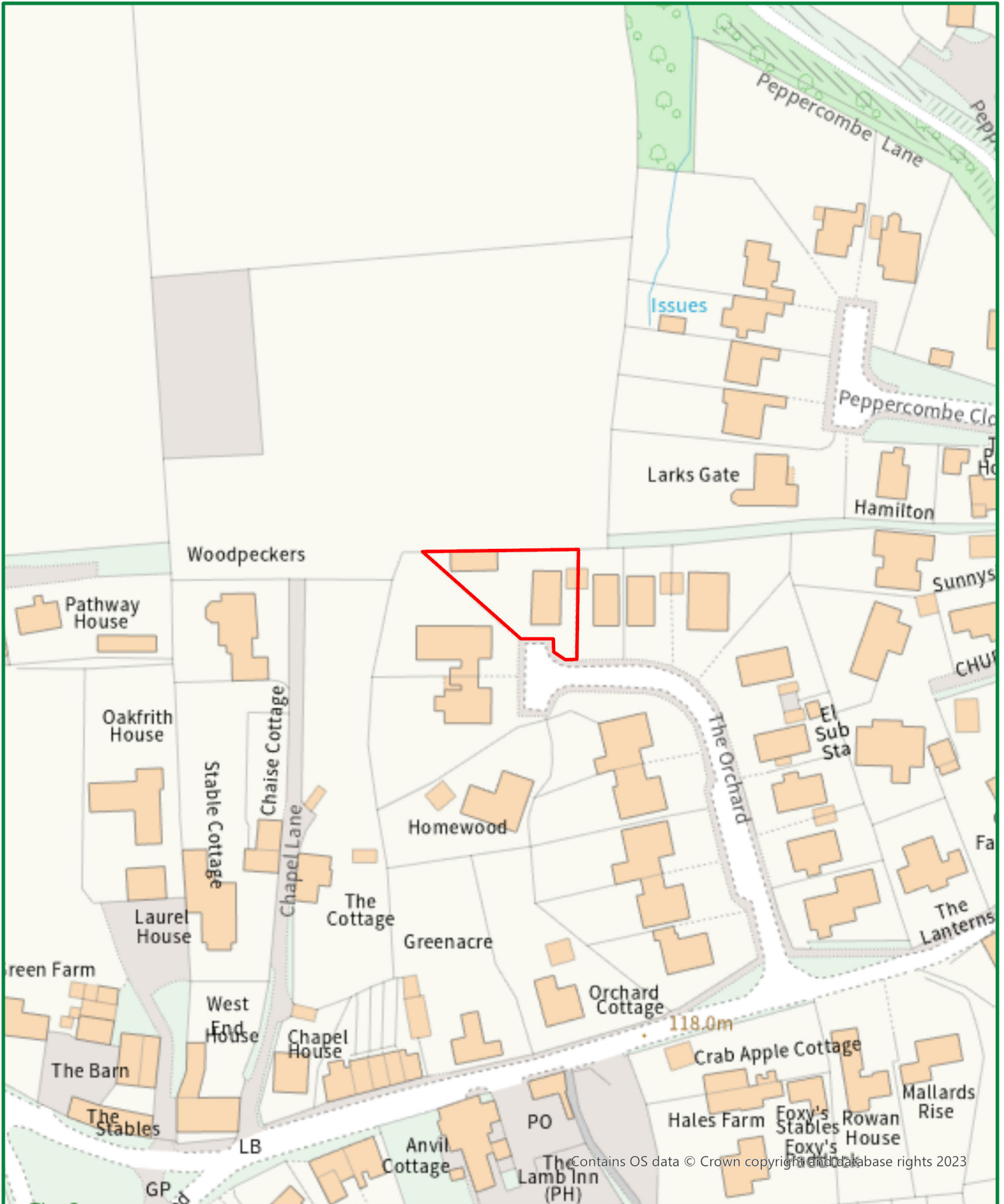
REASON: This site is in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent independent residential accommodation.

4 The holiday let use hereby approved shall not be first implemented until the dedicated parking space has been provided in accordance with the approved plans and it shall thereafter be maintained as such in perpetuity.

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

5 The development hereby permitted shall not be first occupied until the North and West external elevations have been timber clad and stained in a colour to match that of the South and East external walls of the existing building.

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



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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>21 November 2024</b>
<b>Application Number</b>	<b>PL/2024/07276</b>
<b>Site Address</b>	<b>Broadacre, Southward Lane, Aldbourne, Marlborough, SN8 2LA</b>
<b>Proposal</b>	<b>Demolition of existing dwelling (Use Class C3), and erection of replacement dwelling, garage, hard and soft landscaping and associated works</b>
<b>Applicant</b>	<b>Mr E Tomacelli</b>
<b>Town/Parish Council</b>	<b>Aldbourn</b>
<b>Ward</b>	<b>Aldbourn &amp; Ramsbury</b>
<b>Latitude &amp; Longitude</b>	<b>51.465121, -1.630515</b>
<b>Type of application</b>	<b>Full Planning Permission</b>
<b>Case Officer</b>	<b>James Repper</b>

### Reason for the application being considered by Committee

Councillor James Sheppard has called the application to committee for the following reasons:

- Scale of Development
- Visual Impact on the Surrounding Area
- Design – Bulk, Height & General Appearance
- Environmental & Highway Impacts

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be **APPROVED** subject to conditions.

#### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Scale, design, impact to character and appearance of the area
- Impact to National Landscape/Conservation Area
- Residential amenity/living conditions

The revised application has generated an objection from Aldbourne Parish Council and four letters of representation from members of the public.

#### 3. Site Description

The application site is a detached residential plot located within the Marlborough Community Area approximately 1km southwest, as the crow flies, from the settlement boundary of the large village of Albourne. Therefore, the site is located within the designated countryside as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Boundary), 2 (Delivery Strategy) and 14 (Spatial Strategy for the Marlborough Community Area). As well as being located within the countryside, the site is within the designated North Wessex Downs National Landscape, formerly Area of Outstanding Natural Beauty. The site currently consists of a detached bungalow and double garage with surrounding gardens granted permission via application K/74/0747 in November 1974. The site has been subject to planning applications over the years to alter the site alongside alterations conducted via permitted development rights. The nearest residential dwelling to the site is Ewins Hill Farm nearly 300m to the west. The unclassified road to the immediate south of the site is also a public byway referred to as ALDB6.



Figure 1 Aerial View existing site



Figure 2 Aerial View to Include Aldbourne



#### 4. Planning History

Application Ref	Proposal	Decision
K/74/0747		Approved November 1974
K/37345	Erection of Timber Framed Conservatory	Approved June 1999

#### 5. The Proposal

This is a Full Planning Permission application proposing the demolition of the existing residential unit and its replacement within the established residential site with a two-storey dwelling with garaging and formalised amenity space plus all associated works.

#### 6. Planning Policy

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2021

##### **Wiltshire Core Strategy:**

Core Policy 1- Settlement Strategy  
Core Policy 2 - Delivery Strategy  
Core Policy 3 – Infrastructure Strategy  
Core Policy 14 – Spatial Strategy for the Marlborough Community Area  
Core Policy 50 - Biodiversity and Geodiversity  
Core Policy 51- Landscape.  
Core Policy 52 - Green Infrastructure.  
Core Policy 57 - Ensuring High Quality Design and Place Shaping

##### **Saved Policies Kennet District Local Plan – Adopted April 2004**

HC25 – Replacement of Existing Dwellings

##### **Supplementary Planning Guidance:**

Aldbourn Neighbourhood Plan 2021-2036 (Made March 2023)  
North Wessex Downs AONB Management Plan 2019-2024  
Wiltshire Design Guide (Shaping the Future – My Place, Your Place, Our Place) 2024  
Wiltshire Local Transport Plan – Car Parking Strategy

#### 7. Summary of Consultation Responses

##### **Aldbourn Parish Council: Object**

- A bungalow being replaced by a substantial two-storey house at this location would have a harmful visual impact on the Area of Outstanding Natural Beauty in the North Wessex Downs. (12<sup>th</sup> September 2024)
- There has been no change of view by the Aldbourn Parish Council Planning Committee and the objection made at the meeting held on 11 September 2024 still stands (sent to Wiltshire Council on 12 September 2024). The landscaping shown on the Revised Landscaping and Block Plan does not mitigate the harmful visual impact that this proposed two-storey house will have on the Area of Outstanding Natural Beauty in the North Wessex Downs.

Councillor Sheppard has been asked to call the application in to the Wiltshire Council Planning Committee, should approval be recommended. (7<sup>th</sup> October 2024)

##### **Landscape: No Objection Subject to Conditions**

- I would note that the development sits on a prominent location within the North Wessex Downs National Landscape and thus Wiltshire Council Core Policy 51, NPPF para 182,

and the National Landscapes Management Plan along with para 245 of the Levelling Up and Regeneration Act (2023) should be considered.

The proposal replaces a single-storey bungalow with a much more substantial two-storey pitched roof building with chimneys along with a timber-clad outbuilding. Whilst the proposed development is much greater in scale it conforms to the National Landscapes Management Plan request for new development to follow a vernacular style of design. Considering that this building replaces a modern brick-built bungalow of little design merit it can be argued that despite its taller elevations which will have a greater impact on views the choice of a vernacular design and materials palette in keeping with the nearby town of Aldbourne would help the development blend in. There are already substantial numbers of existing mature trees and hedgerows either on or that immediately surround the site which helps the proposed development blend into its surroundings as can be seen in the photomontages included within the LVIA.

My only concern is the proximity of the northern façade of the proposed building to the northern boundary and the lack of room that this provides to develop any tree planting in that hedge line from the most visually exposed boundary on the site. My preference would be for the building to be moved south / south east by a few metres to allow one or two trees to be planted within the northern boundary hedgerow that will eventually be able to grow up to help break up the outline of the house. The northern façade French windows also back immediately onto a hedge and it feels like the house is 'squashed' up against this boundary. By moving the house more into the centre of the plot it allows the northern elevation to sit more comfortably in the plot without 'imposing' itself on the northern boundary and allowing some more substantial mitigating planting to be introduced that is more in scale with the house facades.

I would also ask for a detailed planting plan to be provided including species/densities/specification (to national plant specification) along with a management plan for the primary landscape mitigating planting (i.e. Hedgerows and trees).

**Ecology:** No Objection Subject to Conditions

- The application is supported by a Preliminary Ecological Appraisal by Ecosupport and a Dusk Emergence Report by Davidson-watts ecology Ltd. The ecology reports found the following ecological features on site:
  - Low potential for roosting bats in main dwelling. A single emergence survey was subsequently carried out in accordance with best practice guidance, no bats were recorded roosting in the dwelling.
  - Low potential for reptiles, nesting birds, hazel dormice and foraging/commuting badger.

The Preliminary Ecological Appraisal makes a series of recommendations in Section 6 for measures to be implemented as part of the development, to ensure that sensitive ecological features are not adversely impacted by the works. These comprise:

- Sensitive lighting strategy
- Soft felling of trees with low bat roost potential
- Precautionary working measures for nesting birds, badger, reptile and hazel dormouse
- Protection of retained trees/hedgerow

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region.

Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting

Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of local biodiversity resource and to secure the integrity of local ecological networks. Core Policy 50 also requires development to seek opportunities to enhance biodiversity, whilst the NPPF encourages applications to deliver measurable net gains (para 186 d).

The submitted information demonstrates that the development will not result in a net loss of local biodiversity resource and gains are likely from the compensation/enhancement measures detailed in Section 6.8 of the Preliminary Ecological Appraisal which comprise: two integrated bat bricks, two swift bricks, new native species planting and hedgehog gaps. These recommendations are welcomed and have been incorporated into the proposals (Drawing nos: DPLC413LM01, 24 / 820 / P112 A, 24 / 820 / P111 A, 24 / 820 / P110 A).

#### Biodiversity Net Gain

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application as the application is for self and Custom Build Development, meaning development which:

- o consists of no more than 9 dwellings;
- o is carried out on a site which has an area no larger than 0.5 hectares; and
- o consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Note to case officer: you should be satisfied that the proposals meet the above criteria and act accordingly. Further information will be required from the applicant in the event the application is considered to be subject to mandatory biodiversity net gain.

#### CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:

- Landscape Masterplan DPLC413LM01
- Proposed East Elevation 24 / 820 / P112 A
- Proposed North Elevation 24 / 820 / P111 A
- Proposed South Elevation 24 / 820 / P110 A
- Preliminary Ecological Appraisal. 22/05/2023. Ecosupport

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

2. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

#### Highways: No Objection Subject to Conditions

- The proposal is a replacement dwelling and though I appreciate that the location is remote and the access road network is rural and narrow I am minded that the on going vehicle movements should be the same as the original. However, acknowledging the nature of the surrounding road network I will be insisting upon a construction management statement along with a photo survey.

The proposal is to use the existing access, though it is being altered slightly and the site offers more than adequate parking space.

In summary, based on the information provided I am minded to offer no highway objection subject to the following:

- 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). The access shall be maintained as such thereafter. REASON: In the interests of highway safety
- No part of the development hereby permitted shall be first occupied until the access , turning area and parking spaces [to include at least 1 EV space] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials. REASON: In the interests of highway safety.
- No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:
  1. the parking of vehicles of site operatives and visitors;
  2. Number and size of delivery vehicles/ construction vehicles
  3. loading and unloading of plant and materials;
  4. storage of plant and materials used in constructing the development;
  5. wheel washing facilities;
  6. measures to control the emission of dust and dirt during construction;
  7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  8. measures for the protection of the natural environment.
  9. hours of construction, including deliveries;
  10. pre-condition photo survey ( a photo taken every 20m ) along the Brown track for where it meets the main road to the site access (specific photos of site access to be taken) any damage related to the development (including to verge/over-run areas) will be put right (to the satisfaction of the LHA) within 6 months of the development completion.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority. REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- INFORMATIVE
  - The application involves changes to the existing access on a Brown Track . The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of roadside ditches) will require full Land Drainage Consent. Please contact the Drainage Team at [Drainage@wiltshire.gov.uk](mailto:Drainage@wiltshire.gov.uk)

**North Wessex Downs National Landscape – No Comment**

**Arboricultural Officer - No Objection Subject to Conditions**

- The Tree Officer is satisfied that the Arboricultural Report, prepared by ADS Surveys and dated December 2023, and the Tree Protection Plan, dated October 2024, provides sufficient information to demonstrate that the existing trees on site have been given sufficient consideration and protection throughout construction.

Please can this report and plan be added as approved documents and their compliance conditioned.

**8. Publicity**

This application was advertised through the use of a site notice and letters of consultation.

Four letters of representation were received in response to the public consultation, two in objection and two raising comments, full copies can be viewed on the Wiltshire Council Planning pages of the Council Website, a summary of the points follows;

- The application is for an excessively large development comprising two structures unsympathetic to the surroundings in terms of design and character in the rural setting.
- The architectural design has little merit and is inappropriate in this location.
- There are no two-story buildings in the vicinity. The nearest is 1.5 km distance away.
- Permitting this development would set a precedent.
- North Wessex Downs Planning Policy is to resist development of this scale and inappropriate design.
- Safety of horses on adjacent land.
- Wildlife protection
- Increased vehicles
- Light pollution
- Lack of site notice

**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.

At the current time, the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the Kennet District Local Plan (KDLP) 2004; and the Aldbourne Neighbourhood Plan 2021-2036 (Made March 2023)

**9.1 Principle:**

Core Policies 1 and 2 of the WCS set out delivery and settlement strategies that control new development within the defined settlement boundaries. The Core Strategy has exception policies for new development outside of those defined boundaries. In this case, however, the use of the site is already established as a residential unit and, therefore, would not meet the standard definition of "New Development". Saved Policy HC25 of the KDLP states;

*In the countryside, the replacement of an existing dwelling which has not been abandoned will be permitted where:-*

- a) the siting is closely related to the footprint of the dwelling it replaces, unless the re-siting of the dwelling would remove a road safety hazard;*
- and*
- b) the scale of the replacement dwelling is not significantly larger than the original structure.*

*In cases where a dwelling is re-sited to remove a road safety hazard careful attention will be given to the potential impact of the proposed development on the wider landscape, particularly where the site is located within the North Wessex Downs Area of Outstanding Natural Beauty or the Special Landscape Area.*

This principle acceptability is however subject to the details, such as its implications for the character of the area; and neighbouring amenities. These will, therefore, be addressed in more detail below.

## **9.2 The Proposal:**

This application is for full planning permission and includes the demolition of the existing detached bungalow and double garage to be replaced by a two-storey dwelling with an attached garage and landscaped gardens plus all associated works. The application has undergone a level of redesign in response to comments made by consultees.

## **9.3 Appearance, Landscaping & Layout:**

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street patterns and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

In this instance, the existing bungalow is reasonably substantial in size with floor space of 236.5m<sup>2</sup> and is considered to be of limited architectural merit. The proposed new dwelling is clearly larger at 369m<sup>2</sup>, being arranged over two floors. Whilst this increase in size could well be considered as "significant" and at odds with saved policy HC25, there is no specific definition of "significant" and, therefore, the harm of the proposal must be considered as the mitigating factors to justify any recommendation for approval or refusal.

As commented upon by the landscape officer, the change from a nondescript bungalow into a vernacular-style dwelling is more akin to that requested within the NL management plan and would be less jarring despite its increased height. The design of the dwelling attempts to offer, an albeit faux, evolution of rural properties over the years with mixed materials purporting to be extensions added to an original property over time, whilst this is a simulation it is considered to be of greater architectural merit than the existing. In response to the original comments of the landscape officer, the proposals were redesigned to move the building further away from its rear boundary and increase the planting.

Views are important within the NL and as such some are specifically mentioned, including the view from Ewins Hill towards Aldbourne rather than from Aldbourne towards Ewins Hill, equally, again as mentioned by the landscape officer, whilst the proposed dwelling will be larger, its vernacular style will integrate better into the landscape than the current property. Comments have been made in regard to light pollution from the increased glazing, and whilst there will more glazing a condition would be placed upon any permission preventing the addition of roof lights within the site. Whilst traditional windows will undoubtedly lead to a level of visibility in the landscape it is rooflights that create the far greater light pollution. The proposals do not include rooflights and any permission can be conditioned to prevent their addition.

Overall it is considered that the proposals, whilst larger than the existing dwelling would not cause undue harm to the landscape and would lead to a marked improvement on the built form of the site whilst being shielded to an extent by the existing and proposed planting. It is, therefore, considered that the proposals are of an acceptable character and design to accord with the aims and objectives of the North Wessex Downs Area of Outstanding Natural Beauty (now National Landscape) Management Plan 2019-2026 and would lead to an improvement in the architectural quality of the built form of the site, consequently improving the street scene.



*Figure 3 Front Elevation Photo*



*Figure 4 Artists impression Front Elevation*

#### **9.4 Highways**

In this instance, the application site is already a residential dwelling with access on to the highway network that is largely unaltered within the revised plans. The site offers more than the requirements of the Wiltshire Parking Strategy and as such offers no grounds for objection from the highways department.

#### **9.5 Ecology**

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of local biodiversity resource and to secure the integrity of local ecological networks. Core Policy 50 also requires development to seek opportunities to enhance biodiversity, whilst the NPPF encourages applications to deliver measurable net gains (para 186 d).

As per the documentation provided and recommended measures which can be secured by condition, the site will achieve no net loss and will, in all likelihood, deliver gains in biodiversity. Due to the individual nature and custom design of the property, the application does not have to provide a 10% biodiversity net gain as proposals of this nature are exempt. The proposals,

therefore, accord with the WCS and no objections are offered in respect of ecology subject to conditions.

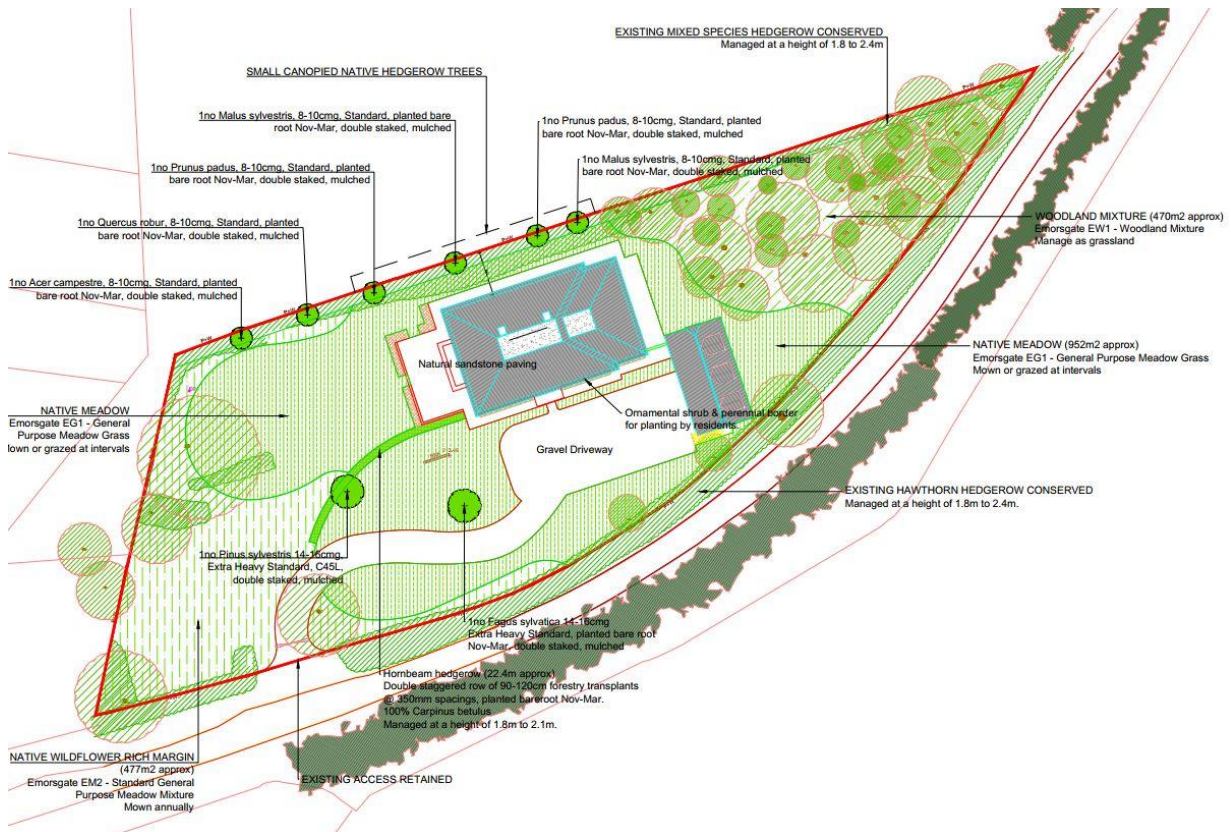


Figure 5 Landscaping plan

## 9.6 Residential Amenity:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

Due to the isolated nature of the property, the boundary treatments of the site and the improved visual amenity of the site once the proposed works are completed it is considered that there would be no harm caused to the enjoyment of public amenities available to residents and visitors to the area.

## 10. Conclusion:

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the ‘saved’ policies of the Kennet District Local Plan (KDLP) 2004, North Wessex Downs AONB Management Plan 2019-2026 and the Aldbourne Neighbourhood Plan (March 2023), and to all the relevant material considerations set out in the report



**RECOMMENDATION:**

That planning permission be 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:

Application Form & Certificate Received 1<sup>st</sup> August 2024

Plans & Documents Ref:

Location Plan Received 1<sup>st</sup> August 2024

Revised Landscaping & Block Plan DWG: DPLC/413/LP01/A Received 26<sup>th</sup> September 2024

Revised Proposed South Elevation DWG: 820 P110 B Received 26<sup>th</sup> September 2024

Revised Proposed Ground Floor Plan DWG: 820 P100 A Received 26<sup>th</sup> September 2024

Revised Proposed West Elevation. DWG: 820 P113 A Received 26<sup>th</sup> September 2024

Revised Proposed First Floor Plan DWG: 820 P101 A Received 26<sup>th</sup> September 2024

Revised Proposed North Elevation DWG: 820 P111 B Received 26<sup>th</sup> September 2024

Arboricultural Report – ADS Surveys Received 1<sup>st</sup> August 2024

Tree Removal Plan DWG: 25.10.24-TCP-A3L Received 25<sup>th</sup> October 2024

Tree Protection Plan DWG: 25.10.24-TCP-A3L Received 25<sup>th</sup> October 2024

Landscape Masterplan DPLC413LM01 Received 1<sup>st</sup> August 2024

Preliminary Ecological Appraisal. 22/05/2023. Ecosupport Received 1<sup>st</sup> August 2024

REASON: For the avoidance of doubt, in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

3. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

4. 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 rooflights, other than those shown on the approved plans, shall be inserted in the roof slopes of the development hereby permitted.

REASON: In the interests of residential amenities, privacy and to prevent excessive light pollution within the North Wessex Downs National Landscape.

5. 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). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

6. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces [to include at least 1 EV space] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

7. No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:
  1. the parking of vehicles of site operatives and visitors;
  2. Number and size of delivery vehicles/ construction vehicles
  3. loading and unloading of plant and materials;
  4. storage of plant and materials used in constructing the development;
  5. wheel washing facilities;
  6. measures to control the emission of dust and dirt during construction;
  7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  8. measures for the protection of the natural environment.
  9. hours of construction, including deliveries;
  10. pre-condition photo survey ( a photo taken every 20m ) along the Brown track for where it meets the main road to the site access (specific photos of site access to be taken) any damage related to the development (including to verge/over-run areas) will be put right (to the satisfaction of the LHA) within 6 months of the development completion.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

8. 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

**Informative:**

1. The application involves changes to the existing access on a Brown Track . The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of roadside ditches) will require full Land Drainage Consent. Please contact the Drainage Team at [Drainage@wiltshire.gov.uk](mailto:Drainage@wiltshire.gov.uk)
2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an

Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

3. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
4. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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