

AGENDA

Meeting: Eastern Area Planning Committee
Place: Wessex Room, Corn Exchange, Devizes
Date: Thursday 16 February 2017
Time: 6.00 pm

Please direct any enquiries on this Agenda to Becky Holloway, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718063 or email becky.holloway@wiltshire.gov.uk

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

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

Membership:

Cllr Charles Howard (Chairman)	Cllr Nick Fogg MBE
Cllr Mark Connolly (Vice Chairman)	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr Jerry Kunkler
Cllr Peter Evans	Cllr Paul Oatway QPM

Substitutes:

Cllr Terry Chivers	Cllr James Sheppard
Cllr Ernie Clark	Cllr Philip Whitehead
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr Dennis Drewett	

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request.

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

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

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

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

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 5.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than **5pm on Thursday 9 February 2017** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than **5pm on Monday 13 February 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 9 - 10*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **16/10483/FUL: Woodlands Farm, Witcha, Ramsbury SN8 2HQ**
(*Pages 11 - 26*)

7b **16/10866/FUL - 4 Union Street, Ramsbury SN8 2PR** (*Pages 27 - 34*)

7c **16/11287/FUL - The Stables, High Street, Avebury, Marlborough, Wiltshire SN8 1RF** (*Pages 35 - 42*)

8 **Urgent items**

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

Part II

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

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 JANUARY 2017 AT WESSEX ROOM, CORN EXCHANGE, DEVIZES.

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman),
Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Jerry Kunkler,
Cllr Paul Oatway QPM and Cllr Christopher Williams (Substitute)

1. **Apologies for Absence**

Apologies were received from Cllr Stewart Dobson who was substituted by Cllr Christopher Williams

2. **Minutes of the Previous Meeting**

Resolved:

To sign the minutes of the Eastern Area Planning Committee as an accurate record of the meeting held on 17 November 2017.

3. **Declarations of Interest**

Cllr Richard Gamble, declared a non-pecuniary interest as portfolio holder for education, and stated that he would abstain from voting on the application.

4. **Chairman's Announcements**

There were no chairman's announcements

5. **Public Participation**

The Chairman explained the procedure for public participation

6. **Planning Appeals and Updates**

There were no planning appeals or updates

7. **CM09762 - COMMONS ACT 2006 - SECTION 15(1) AND (2) APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN - THE PLAY AREA IN MORRIS ROAD/COLLEGE FIELDS IN THE BARTON PARK/COLLEGE FIELDS RESIDENTIAL AREA, MARLBOROUGH**

Public participation

Paul Grace, Marlborough College, spoke in objection to the application
Celia Hicks, Preshute primary school, spoke in objection to the application

Paul Rogers, resident, spoke in support of the application
Peter May, resident, spoke in support of the application
Ian Mellor, the applicant, spoke in support of the application

The chairman reminded members of the public that the purpose of the meeting was to determine whether to request a non-statutory independent inquiry, and not to determine the outcome of the application itself.

Sarah Marshall, senior solicitor, explained that the Committee in considering this matter and making a decision would be operating in their Regulatory function and therefore as regulatory committee of the commons registration authority, and not as a planning committee or a land owner.

The rights of way officer, Sally Madgwick, introduced the application which was for the registration of a village green. She explained that as the land in question was owned by Wiltshire Council, case law suggested that it should be referred to an independent inspector who would then advise the committee.

In response to a question about the legal implications of determining the application, the officer explained that the decision would have to be based only on the evidence before the committee and not on the potential other uses for the land. It was explained that the committee could make any decision that it deemed fit but that the officers report presented at this meeting did not provide sufficient and appropriate detailed evidence and that should the members be minded to determine the application they would be advised to do this at a later meeting upon considering the evidence and receiving more information on the application.

Members of the public were then invited to speak as detailed above.

Cllr Mark Connolly, seconded by Cllr Nick Fogg, moved to appoint an independent Inspector to hold a non-statutory public inquiry, as recommended in the report.

In the debate that followed, issues covered included: that members were very appreciative of so many members of the public attending the meeting; that having heard the legal aspects of the application it would not be sensible to determine the application without first holding an inquiry; that it was likely that choosing the first option in the report would lead to the second option being advocated; that future plans for the site were irrelevant to the decision in hand;

and that it was important to appoint someone who was independent and transparent.

Following the debate, it was

Resolved:

To appoint an independent Inspector to hold a non-statutory public inquiry and provide an advisory report for the Eastern Area Planning Committee on the application to register land as a town or village green in Barton Park/College Fields, Marlborough.

8. **Urgent items**

There were no urgent items

(Duration of meeting: 6.00 - 6.32 pm)

The Officer who has produced these minutes is Becky Holloway of Democratic Services, direct line 01225 718063, e-mail becky.holloway@wiltshire.gov.uk

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

This page is intentionally left blank

**Wiltshire Council
Eastern Area Planning Committee
16th February 2017**

Planning Appeals Received between 04/11/2016 and 03/02/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/00161/FUL	Glenafon, High Street Ramsbury, Marlborough Wiltshire, SN8 2QN	RAMSBURY	Replacement dwelling	DEL	Written Representations	Refuse	10/11/2016	No
16/03263/FUL	Land at Dragon Lane Manningford Bruce Wiltshire, SN9 6JE	MANNINGFORD	Demolition of existing building and construction of single two-bedroom dwelling within existing building footprint.	DEL	Written Representations	Refuse	30/11/2016	No

Planning Appeals Decided between 04/11/2016 and 03/02/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommendation	Appeal Decision	Decision Date	Costs Awarded?
15/11733/FUL	Sarsen House The Green, Aldbourne, Wiltshire SN8 2EN	ALDBOURNE	To extend existing garage with traditional oak frame to create an independent living accommodation unit	DEL	Written Reps	Approve with Conditions	Dismissed	15/12/2016	No Application for Costs
16/01999/FUL	The Beeches Blackboard Lane Urchfont Devizes SN10 4RD	URCHFONT	Demolition of existing dwelling and erection of two three bedroom and two four bedroom houses, garages and associated works. (resubmission of 15/11645/FUL)	DEL	Written Reps	Refuse	Dismissed	18/11/2016	No Application for Costs
16/02183/FUL	Baydon House Aldbourn Road Baydon, Wiltshire SN8 2JB	BAYDON	Demolition of existing glass house and erection of ground floor extension, re-organisation of internal room layout and associated external alterations.	DEL	Written Reps	Refuse	Dismissed	15/12/2016	No Application for Costs
16/02309/LBC	Baydon House Aldbourn Road Baydon, Wiltshire SN8 2JB	BAYDON	Demolition of existing glass house and erection of ground floor extension, re-organisation of internal room layout and associated external alterations.	DEL	Written Reps	Refuse	Dismissed	15/12/2016	No Application for Costs
16/02927/FUL	Hallams 166 High Street Burbage Marlborough Wiltshire, SN8 3AB	BURBAGE	Single storey extension	DEL	Written Reps	Refuse	Allowed with Conditions	21/11/2016	No Application for Costs
16/03269/LBC	Hallams 166 High Street Burbage Marlborough Wiltshire, SN8 3AB	BURBAGE	Single storey extension	DEL	Written Reps	Refuse	Allowed with Conditions	21/11/2016	No Application for Costs

16/03846/FUL	Turnpike Cottage Cuckolds Green Worton Devizes Wiltshire	WORTON	Rear two storey & single storey extensions	DEL	House Holder Appeal	Refuse	Dismissed	17/11/2016	No Application for Costs
16/04500/LBC	D J Bewley Funeral Directors 64 New Park Street Devizes, Wiltshire SN10 1DP	DEVIZES	Proposed Hanging Sign	DEL	Written Reps	Refuse	Dismissed	20/12/2016	No Application for Costs
16/04508/ADV	D J Bewley Funeral Directors 64 New Park Street Devizes, Wiltshire SN10 1DP	DEVIZES	Proposed Hanging Sign	DEL	Written Reps	Refuse	Dismissed	20/12/2016	No Application for Costs
16/04791/OUT	Land at Wayside 12 Chittoe Heath Bromham, Wiltshire SN15 2EH	BROMHAM	Redevelopment of land, Erection of 4 dwellings and garages (outline application for access only)	DEL	Written Reps	Refuse	Dismissed	15/11/2016	No Application for Costs
16/04801/FUL	Longdon Bath Road Marlborough Wiltshire, SN8 1NN	MARLBOROUGH	Proposed demolition of existing dwelling and replacement with three family dwellings, including garages, parking, turning areas and shared use of the existing vehicular access on land within the garden of 'Longdon', Bath Road, Marlborough	DEL	Written Reps	Refuse	Dismissed	06/12/2016	Appellant's Application for Costs Refused

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	16 February 2016
Application Number	16/10483/FUL
Site Address	Woodlands Farm, Witcha, Ramsbury SN8 2HQ
Proposal	Demolition of existing bungalow, and the erection of a replacement dwelling; with associated garaging, turning, landscaping, private amenity space, and the creation of a new vehicular access point (Resubmission of 15/12652/FUL)
Applicant	Mr & Mrs C Crofton-Atkins
Town/Parish Council	RAMSBURY
Electoral Division	ALDBOURNE AND RAMSBURY – Cllr Sheppard
Grid Ref	429525 172894
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Sheppard, in order that the scale of development, its visual impact upon the surrounding area and its design, bulk, height and general appearance can be considered.

1. Purpose of Report

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

2. Report Summary

The main issues to be considered are the principle of a new dwelling in relation to Policy HC25, the size and impact of the dwelling proposed upon the rural character and landscape of the area, notably, the AONB.

3. Site Description

The application site is approximately 0.26 hectares in size, the majority of which forms residential curtilage to Woodlands Farm; a modestly sized, detached bungalow with an attached garage. The site is located within the open countryside, well outside of any defined Limits of Development for nearby settlements. It is surrounded by agricultural land on all sides, with a barn located immediately to the north-west of the site.

Vehicular access is onto the Membury Road to the south-east. The site benefits from a good degree of screening on the north-eastern side, with the remainder of the site bordered by low hedging/sparsely plated shrubs/bushes.

The site slopes upwards away from the road, thus the existing dwelling sits in an elevated position in relation to Membury Road.

The site and its surroundings are located within the North Wessex Downs AONB. A public right of way (RAMS19) lies around 200m to the south-west of the site, on the opposite side of the Membury Road in an elevated position. There are no other landscape or heritage designations covering the site.



4. Planning History

K/13040	Extension to dwelling, demolition of existing garage and rebuild	Approve with Conditions
K/77/0290	Extension to dwelling	Approve with Conditions
E/2012/0434/FUL	Replace existing bungalow with traditional house and garage.	Withdrawn
E/2012/1117/FUL	Demolition of existing bungalow and replacement with two-storey house and detached garage	Approve with Conditions
15/07049/FUL	Demolition of existing bungalow and former agricultural barn, and the erection of a replacement dwelling; with associated garaging, turning, landscaping, private amenity space, and the creation of a new vehicular access point.	Withdrawn
15/12652/FUL	Demolition of existing bungalow, and the erection of a replacement dwelling; with associated garaging, turning, landscaping, private amenity space, and the creation of a new vehicular access point	Refused at Eastern Area Planning Committee

The previous application (15/12652/FUL) was refused on the grounds that the scale, height and positioning would have a detrimental landscape impact, notably, on the AONB which in turn would conflict with Core Policy 51 of the Wiltshire Core Strategy. In addition to this, the dwelling was deemed to be significantly larger than the existing bungalow and was therefore considered to not comply with Saved Policy HC25 in the Kennet Local Plan.

5. The Proposal

The application proposes the demolition of the existing bungalow and the erection of a replacement five bedroom dwelling with associated garaging, turning, landscaping, private amenity space, along with the creation of a new vehicular access point.

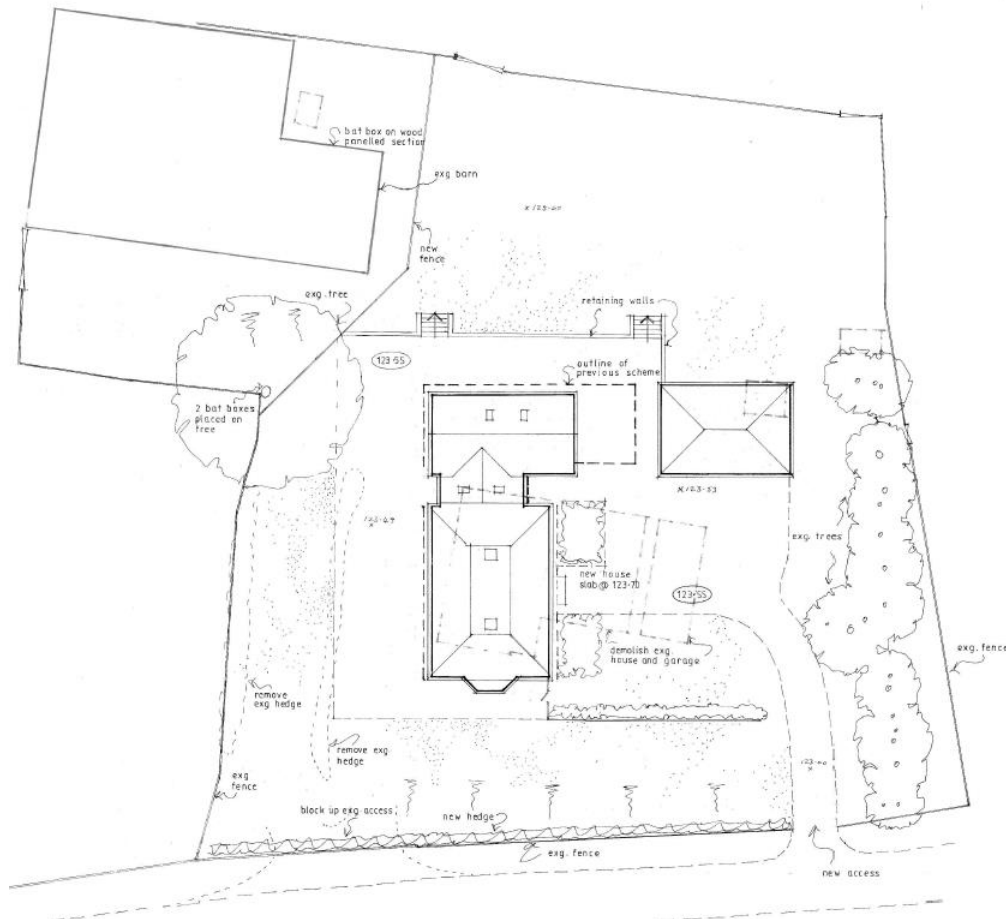
The dwelling would occupy a footprint of approximately 188m² and would have a ridge height of 8.25 metres. It would be constructed out of facing bricks with plain clay tiles to the roof. Windows would be white uPVC with stone cills.

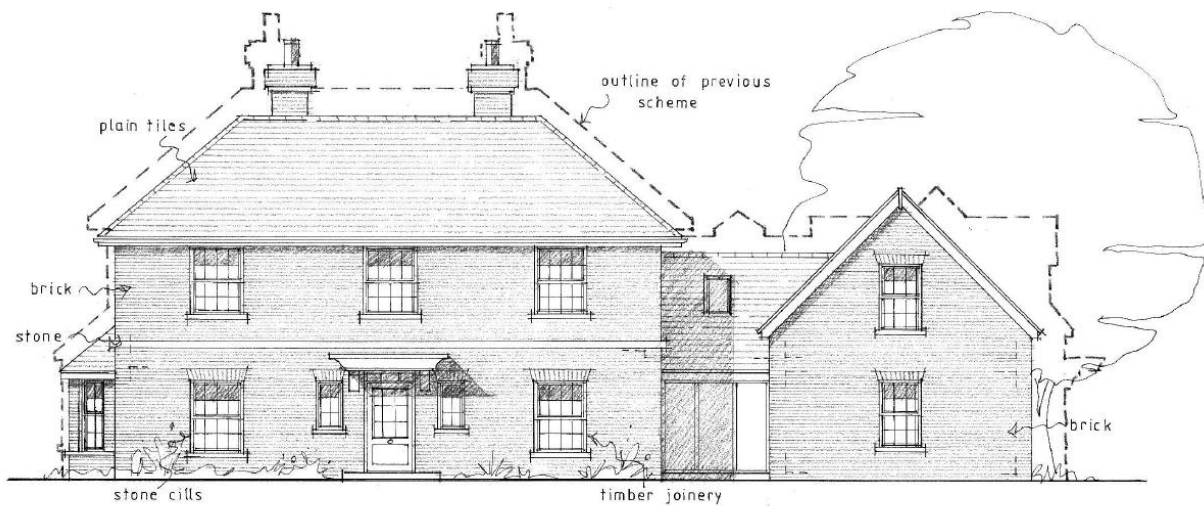
The application has been amended since it was originally submitted. The principle amendments include a slight reduction in the overall floor area and height of the dwelling (a reduction from 8.5m to 8.25m) and the relocation of the garage to the north-eastern side of the site. The plans were submitted with a view to addressing officer concerns about the scale and visual impact of the proposed development.

The table below highlights the size of the proposed development in relation to the existing dwelling on the site and the previously approved scheme from 2012.

	Existing	E/2012/1117/FUL	15/12652/FUL	16/10483/FUL
Height	5.2m	8m	9m	8.25m
Floor Area	195.5m ²	227.5 m ²	506.5 m ²	375m ²
Floor Area with Garage	n/a	274.3 m ²	568.8 m ²	445m ²
% Increase in Floor Area	n/a	16%	159%	92%
% Increase in Floor Area with Garage	n/a	70%	190%	128%

Below is a copy of the plans and elevations of the proposed scheme.

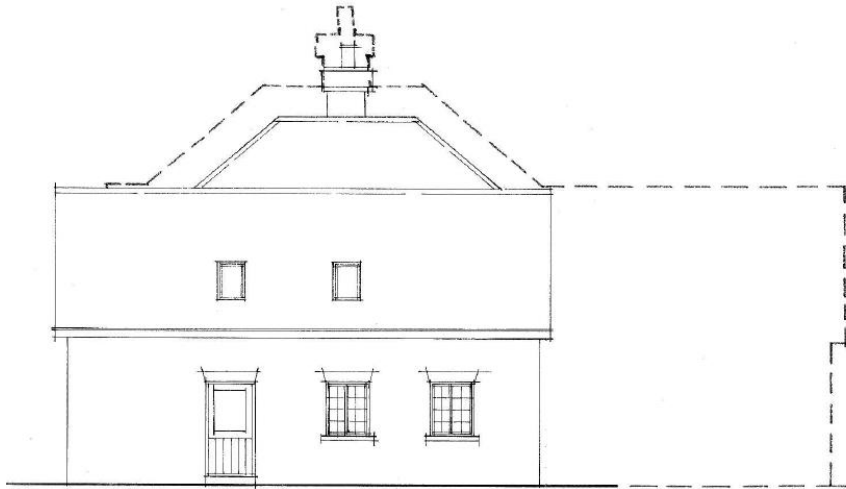




north east elevation



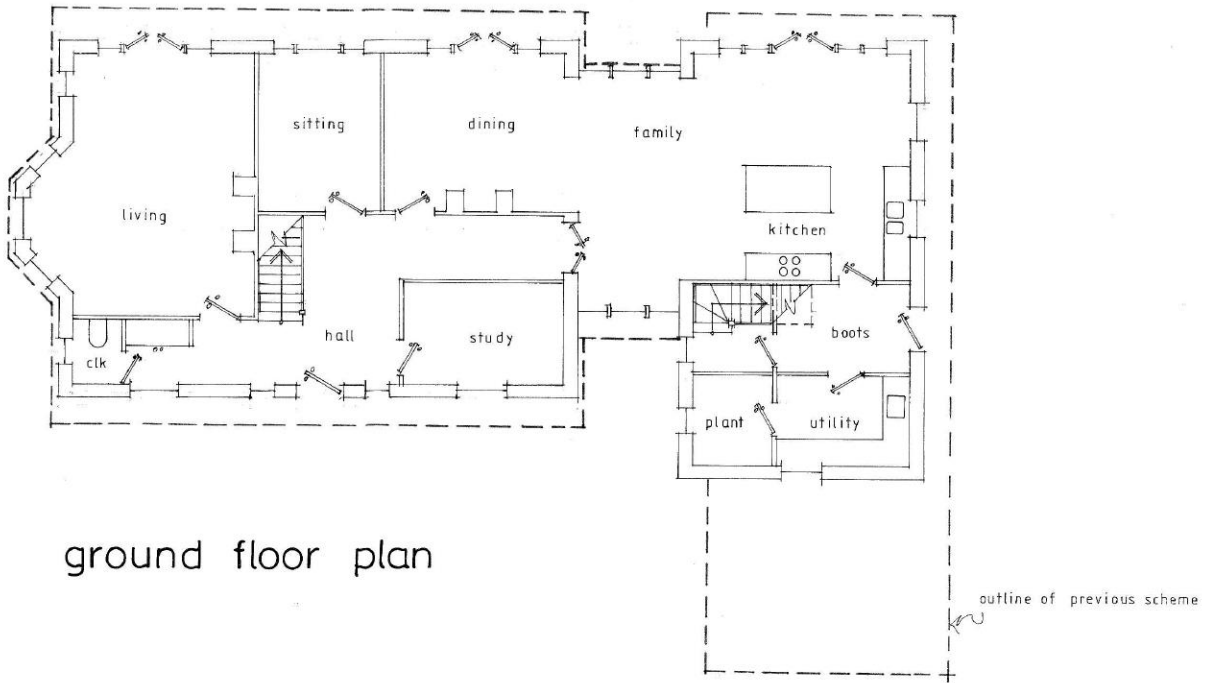
south east elevation



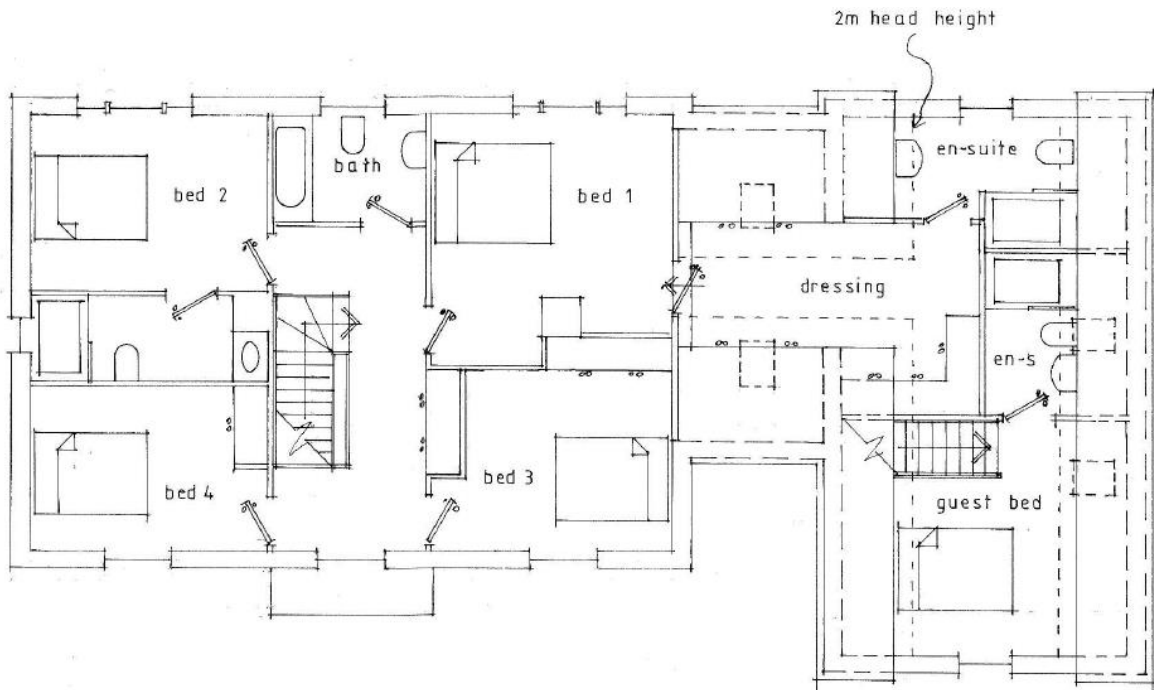
north west elevation



south west elevation



ground floor plan



first floor plan

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 14 – Marlborough Community Area Strategy
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 - Landscape
- Core Policy 57 – Ensuring high quality design and place shaping
- Core Policy 61 – Transport and Development
- Core Policy 64 – Demand Management
- Saved Policy HC25 – Replacement Dwellings – Kennet Local Plan 2011 (Annex D of WCS)

National Planning Policy Framework 2012 (NPPF)

The Planning Practice Guidance provides guidance on the policies contained within the NPPF.

Supplementary Planning Guidance:

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.
- Wiltshire Landscape Character Assessment (2005)

Material Considerations

- Conservation of Habitats and Species Regulations 2010
- North Wessex Downs AONB Position Statement – Housing (Oct 2012)

7. Summary of consultation responses

Ramsbury and Axford Parish Council

No objections.

Wiltshire Council Highways Officer

Has considered the information provided and is minded to adhere to the highway comments raised under the previous application.

A visibility splay drawing has been provided; it shows 2.4m x 120m (and to the bend) as previously requested on other applications.

The splay dimensions as shown are accepted. It does appear to include boundary treatments but the adjacent fields are outlined in blue and are therefore within the applicant's control. As this is the case, the proposed visibility splay can be conditioned.

CPRE

The application must fail on the same grounds as the previous refusal as it is still contrary to Policy HC25. It will also conflict with the landscape character of the AONB.

Wiltshire and Dorset Fire and Rescue Service

Standard advice and guidance.

8. Publicity

The application has been publicised by way of a site notice posted outside the site, with letters sent to neighbouring properties and to statutory and other consultees.

Two letters of objection have been received. A summary of the concerns are listed below:

- Significantly larger than the existing dwelling
- The proposal does not conform to the requirement of the North Wessex Downs AONB Position Statement on Housing
- Large residential building would not meet the requirement of Wiltshire Core Strategy policy CP57
- Contrary to CP51 of the WCS.
- Landscaping needs to be robust

An additional letter was received that although was not objecting to the scheme, wished to raised concerns over visibility to the north of the access due to the bend in the road. If the application is approved they would wish to ensure the northern splay is suitable and maintained as such.

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.

9.1 The principle of development

The proposal in principle needs to be assessed against the replacement of existing dwellings policy of the development plan ie. policy HC25 of the Kennet Local Plan. This permits the replacement of an existing dwelling, but subject to the following criteria:

- a) the siting of the new dwelling is closely related to that which it replaces; and
- b) the scale of the replacement dwelling is not significantly larger than the original structure

Referring to the table in section 5 of this report, the dwelling with garage represents a 128% increase in floor area over the existing dwelling on the site. This is far beyond what would normally be considered to be 'not significantly larger.' It is therefore difficult to see how this

proposal can be considered to comply with the requirements of policy HC25. This judgement is consistent with historic decisions on the site. The original scheme (E/2012/0434/FUL) was withdrawn due to concerns over scale with the approved scheme (E/2012/1117/FUL) being a marked reduction in size such that it was considered to be policy compliant i.e. a 70% increase was not judged to be 'significantly larger' than the existing dwelling. Whilst the current scheme is somewhat smaller than the previous refusal (15/12652/FUL), it is the original structure against which this application needs to be assessed, not the reduction in scale compared to previous proposals. In this case, the proposal is still deemed not to comply with part b of Policy HC25 as a 128% increase in floor area is considered to be 'significantly larger'.

9.2 Visual impact

Core Policy 57 seeks amongst other things to ensure that development responds positively to its setting in terms of layout, built form, height, massing and scale; and policy Core Policy 51 seeks the protection and where possible enhancement of Wiltshire's distinctive landscape. National planning policy recognises the importance of the countryside in its core planning principles where at paragraph 17 it states the planning system should recognise *'the intrinsic character and beauty of the countryside.'* It expands upon this point in Section 11 – Conserving and Enhancing the Natural Environment. It goes on to state at Paragraph 115 that when considering proposals within an AONB *"Great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."*

In addition to this, the North Wessex Downs AONB Position Statement on Housing states the following at Paragraph 323 xiv that *"Replacement dwellings should be of a scale and location that does not result in the new dwelling being particularly larger or higher or in a different location compared to the existing, unless exceptional justification and other landscape and ecological benefits can be provided. Proposals for replacement dwellings should demonstrate how the quality of the landscape is conserved and enhanced."*

Whilst the site is currently well-screened to the north-east by mature hedging, it is open and visible from the surrounding countryside and Membury Road itself. The Landscape Character Assessment for the area (taken from Wiltshire Landscape Character Assessment) identifies the key features of this landscape as being:

- *Open, smoothly rolling downland, dissected by a network of dry valleys and long sinuous steep scarps.*
- *An expansive and simple rural landscape, with strong sweeping skylines with a strong sense of exposure and remoteness.*
- *Very sparsely populated, generally restricted to scattered farms and equestrian establishments contributing to strong sense of isolation.*

The Landscape Character Assessment for the area states that to preserve this landscape one should “*Conserve the sense of remoteness and isolation, with sparse settlement and road network and limited visible development.*”

The existing dwelling, whilst of no particular architectural merit, is single storey and modestly sized, therefore it could be classed as ‘limited visible development.’ The dwelling proposed is not. It is considered to be neither small-scale nor sensitively designed and within the sensitive and exposed open rolling arable landscape setting, would be detrimental to the rural character and landscape of the area. The large detached garage would exacerbate this visual harm as it sits in an elevated position within the site, thus adding to the bulk of development within the plot. Furthermore, significant planting is likely to impact upon the strong sense of exposure and openness that the Marlborough Downs is so characterised by.

No exceptional circumstances have been demonstrated nor have any landscape or ecological benefits been identified that would warrant a departure from this view. The proposal is considered to be contrary to Core Policies 51 and 57 of the WCS as well as central government guidance contained within the NPPF (notably para 115). Furthermore, given that the NPPF attaches great weight to the conservation of the AONB, the respective management plans and the associated documents should form a material consideration in the planning balance. As highlighted above, the proposal would be contrary to guidance on housing proposals within the AONB as set out by the North Wessex Downs Organisation.

It should also be highlighted that the approach of simply containing development using additional planting to increase the enclosure is not a responsible approach to the conservation and enhancement of the AONB (in reference to the additional planting proposed by the applicant to be planted in and around the site). Simple screening or hiding of development does not reduce or mitigate harm. The harm has still occurred, the loss of amenity and to the open character of this part of the AONB has still taken place and the character of the AONB as a result has been altered, regardless of whether it can be seen or not. With this in mind, officers do not consider that further planting should be the sole means of mitigating the impact of a development as it does not result in the sensible management of the AONB. If significant additional planting is required in an attempt to mitigate visual harm, then surely then the question must arise as to whether this is appropriate development in the first place.

9.3 Ecology

A bat report has been submitted with the application which has identified the presence of bats at the site within the roof void of the existing dwelling. The subsequent report suggests that since a roost will be destroyed the works will require a licence from Natural England. The report also gives some recommendations for bat mitigation designed to remove or significantly reduce adverse impacts to bats as a result of the development.

The application for a development licence from Natural England will need to satisfy the following three tests:

1. The development is in the interests of public health and safety or is required for other imperative reasons of overriding public interest.
2. There is no satisfactory alternative to the development.
3. The development will not be detrimental to the maintenance of the bat populations concerned at a favourable conservation status in their natural range.

The level of mitigation proposed in the application would satisfy test three for the EPS licence from Natural England. However, the bat boxes and roost in the trees and barn would need to be erected prior to the demolition of the dwelling and maintained at all times during construction to ensure the protection and preservation of bat species within the site. Such measures could be suitably conditioned. Accordingly, there is no objection on ecological grounds from the local planning authority.

9.4 Access and parking

The dwelling proposes to make use of a new access into the site. The Highways Officer has raised no objections to the proposal subject to conditions.

If the application were to be supported, a condition to ensure visibility is provided in accordance with the splay plan at a height of 900mm could be imposed; so too could a condition ensuring the access is surfaced in a consolidated material over the first 5 metres. With such conditions in place, no highways objection is raised to the new access.

The site is capable of accommodating the required turning space to ensure vehicles can enter and exit in a forward gear. Minimum parking standards can also be achieved within the site.

9.5 Precedent

Whilst applications should be determined based upon their own individual merits, officers are concerned that by allowing this development it would make it more difficult to resist further planning applications for similar developments elsewhere, thus exacerbating harm. This would undermine the spatial strategy, spatial objectives and core policies of the WCS and erode the character and quality of the open countryside.

9.6 Other Considerations

Given the relative isolation of the dwelling there will be no neighbour amenity impacts.

10. Community Infrastructure Levy

The development would fall within the scope of the Council's Community Infrastructure Levy Charging Schedule. That said, if the development is a self-build it would be exempted from paying CIL.

11. Conclusion (The Planning Balance)

Officers consider that the replacement dwelling would be significantly larger than the existing dwelling on the site (128% larger). The proposal is therefore not considered to comply with saved Policy HC25 of the Kennet Local Plan 2011.

Furthermore, the dwelling by reason of its height, size and positioning in the open landscape would have a detrimental impact upon the landscape character and scenic quality of the area and the AONB, such that there are no material circumstances sufficient to justify approval against conflict with Core Policies 51 and 57 of the WCS and with central government guidance contained within the NPPF. The scheme is also considered to conflict with documents produced by the North Wessex Downs AONB Organisation and supplementary planning guidance contained within the Wiltshire Landscape Character Assessment, which are a material consideration.

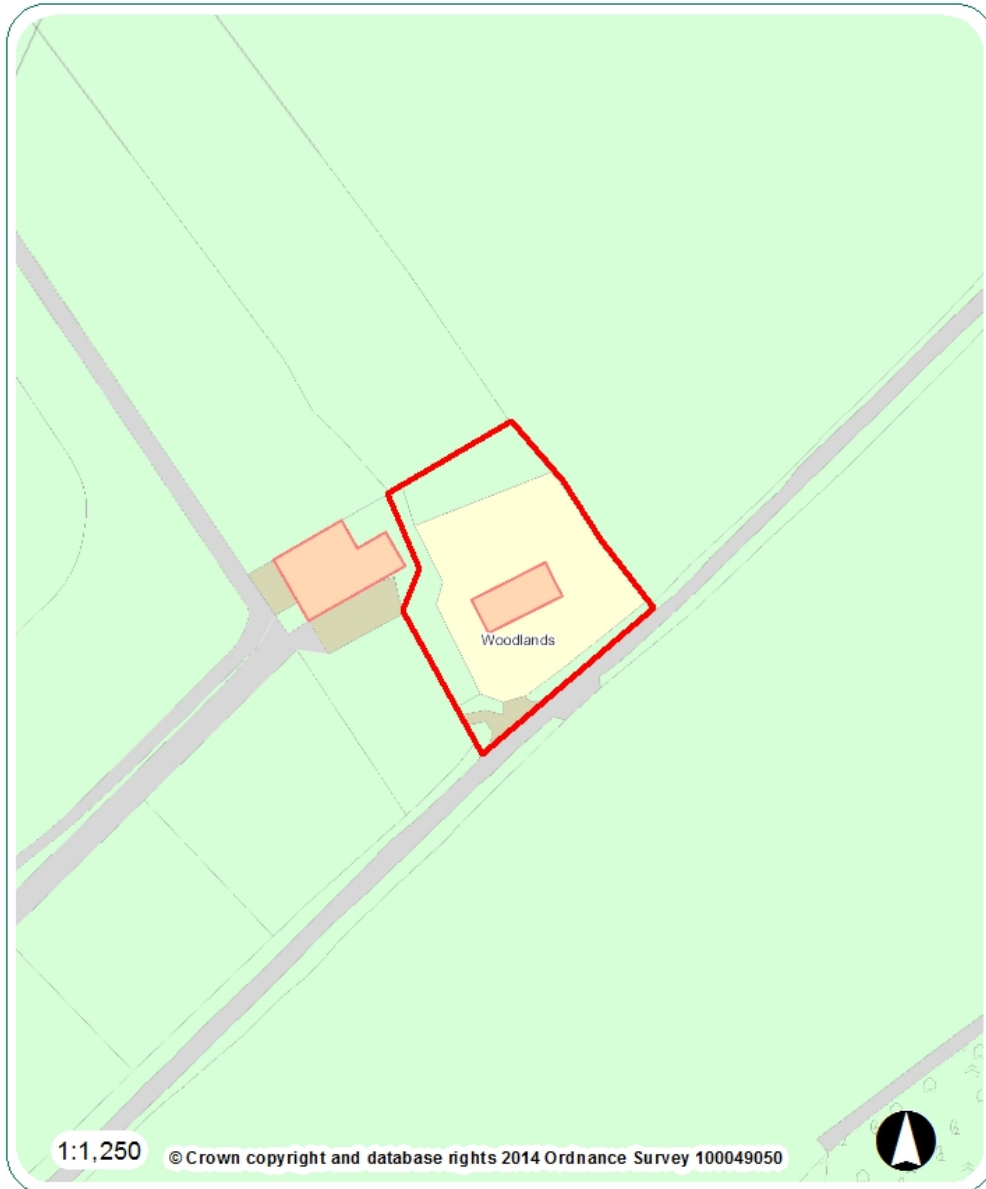
Officers have reviewed the scheme and conclude that there are no benefits being brought forward by the scheme that would outweigh the significant harm identified in this report. As a result, the proposal would manifestly conflict with the development plan.

RECOMMENDATION

That planning permission be **refused** for the following reasons:

- 1) The scale of the replacement dwelling and garage is significantly larger than the original structure. As such, it does not comply with the terms of saved Policy HC25 of the Kennet Local Plan listed in Annex D of the Wiltshire Core Strategy 2015.
- 2) By reason of its height, size, scale and positioning in the open landscape the proposed dwelling would have a detrimental impact upon the landscape character and scenic quality of the area and the North Wessex Downs AONB. There are no material circumstances sufficient to justify approval against conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy and with central government guidance contained with Section 11 of the NPPF.

This page is intentionally left blank



This page is intentionally left blank

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	16 February 2017
Application Number	16/10866/FUL
Site Address	4 Union Street, Ramsbury SN8 2PR
Proposal	Erection of a shed in garden
Applicant	Mr Richard Daniel
Town/Parish Council	RAMSBURY
Electoral Division	ALDBOURNE AND RAMSBURY – Councillor James Sheppard
Grid Ref	427844 171766
Type of application	Full Planning
Case Officer	Jennifer Allen

Reason for the application being considered by Committee

This application is brought before the Committee at the request of the Division Member, Councillor Sheppard for the following reasons:

- Scale of the development
- Impact upon the surrounding area
- Design – bulk, height and general appearance

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

- Impact on character and appearance of conservation area
- Impact on North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- Impact on residential amenity

3. Site Description

The application site comprises 4 Union Street Ramsbury, which is a semi-detached cottage located within the Ramsbury Conservation Area. It is also located within the North Wessex Downs Area of Outstanding Natural Beauty. The rear garden of the property is primarily laid to grass with approximately 2 metre high timber fencing around the boundaries. The cottage itself is two storeys in height and is served by a separate drive and garage located between no. 5 Union Street and 'Ravenbourne'.

4. Planning History

13/01580/FUL - Retaining wall to the front – Approve with conditions - 14/10/2013
E/10/1193/FUL - Two Storey Rear Extension. Bathroom window to existing side elevation. – Approve with conditions - 18/10/2010
K/82/0978 - Replace existing garage with detached garage – Approve with conditions - 20/01/1983
K/77/0118 - Extension on rear of dwelling – Approve - 28/03/1977

5. The Proposal

The application seeks planning permission for the erection of a shed within the rear garden of the property. The shed would be of timber construction with a slate tile roof. It would be 4 metres by 3.8 metres, with a ridge height of 3.8 metres. The shed would have a double door in the front elevation and a single door in the rear elevation. No windows are proposed with the exception of a roof light in the front-facing roof slope.

6. Local Planning Policy

National Planning Policy Framework 2012 namely
Section 7 Requiring good design
Section 11 Conserving and enhancing the natural environment
Section 12 Conserving and enhancing the historic environment

Wiltshire Core Strategy 2015
Core Policy 57 Ensuring high quality design and place shaping
Core policy 51 Landscaping
Core Policy 58 Ensuring the conservation of the historic environment

From the point of view of the historic environment a primary consideration is the duty placed on the Council under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding Conservation Area.

7. Summary of consultation responses

Ramsbury and Axford Parish Council:

Does not object to a garden shed at the property but feels that this particular structure is large for a small plot and would not enhance or improve the appearance of the conservation area.

8. Publicity

The application was advertised by site notice and neighbour notification.

Representations have been received from the occupiers of 2 neighbouring properties, which raise the following key concerns:

- The description of the proposal as a 'shed' is inaccurate
- The building would be excessively tall for a shed
- The building would be too close to the site boundaries and would take up too much of the garden area (53%), which would represent an overdevelopment of the site

- The building would have an overbearing impact and block light due to its height and proximity to the boundary
- The soakaway is not shown on the plans
- The applicant had already applied for a 2 storey garage with annexe. It should therefore not be possible for the shed to be converted to living or office space in the future
- No objection would be raised to a flat-roofed 2.25m shed which would not be used for any other purpose

The applicant responded to the points raised as follows:

- Definition of a shed provided
- Height and sloping roof not harming neighbours' amenity due to tree on the boundary
- Not overdevelopment as ownership includes a second parcel of land
- Soakaway not shown as this is not achievable within the site. Rainwater will run off into the ground
- Building would be sited where a previous building was located which was of a similar area to those surrounding the site
- Boundary fence is approximately 1.9 metres on No 4's side of the boundary (between no 4 and Beenham House)

One of the neighbours has responded to the applicant's rebuttal as follows:

- There is no tree in the garden which overhangs the boundary or obscures the view of the ridge
- The bay tree referred to is trimmed annually and does not block or light and air
- The pergola referred to is 2.8m high and is 1.97 square metres. It is not a larger more dominating building than the one that is proposed
- As the building is listed, planning permission was not required for the pergola structure
- The concerns raised regarding proximity to the boundary are regarding the foundations encroaching onto the neighbouring property

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.

Impact on Conservation Area

The proposed development would comprise a building with a modest footprint within the grounds of a detached cottage, which would be used for purposes ancillary to the host property. The proposed shed would be in a landlocked position, surrounded by the gardens of adjacent properties. Although taller than a standard shed, the proposed location of the building is such that it would be some distance from the nearest roads and due to the presence of intervening buildings and vegetation, would not be readily visible from public viewpoints. The proposed materials – stained timber and slate tiles – would be in keeping with the surroundings. For these reasons, it is considered that the proposal would have a neutral impact on the character and appearance of the conservation area.

Impact on AONB

The proposed building would be situated within the main built up part of the settlement. As there would be no encroachment into countryside, no harm would be caused to the special qualities of the AONB.

Impact on Residential Amenity

The proposed building is taller than a standard shed and would be positioned close to the boundaries with the adjoining properties. Whilst the neighbours would have a view of the building from their properties, this would not necessarily result in a level of harm that would justify the refusal of planning permission.

The boundaries between the site and the adjoining properties are demarcated by fences of just under 2 metres in height. In light of this and the fact that no windows are proposed in the side elevation of the building, there would be no overlooking issues.

Concerns have been raised regarding the height of the proposed building. At a height of 3.8m, it would be fairly tall, however, the impact on the neighbours would be reduced by the gable roof design. As a consequence, the building would be visible to the occupiers of neighbouring properties but not overbearing. Furthermore, none of the windows in the neighbouring properties would be in such close proximity as to cause a significant loss of light.

Concerns have also been raised regarding future uses of the building. The applicant has made it clear that the building is to be used as a shed and there is no evidence to suggest otherwise. It is also relevant to consider what is permissible under the General Permitted Development Order (England) 2015. In accordance with Class E, buildings, enclosures, swimming pools etc. are permitted where they are 'incidental' to the enjoyment of the dwellinghouse. So, a domestic outbuilding can typically be used as a home office, garden room, playroom or as annexe accommodation without the need for planning permission. It would therefore not be possible to restrict the use of the building to a shed only. The limited footprint of the building would also in itself restrict how it could realistically be used.

The concerns raised regarding the encroachment of the foundations due to the close proximity of the building to the site boundaries are a private matter for resolution between the respective landowners.

10. Conclusion (The Planning Balance)

Although taller than a standard shed, the positioning and design of the building is such that it would not cause harm to the character and appearance of the conservation area, or the AONB. Also, whilst the building would be visible to the neighbours it would not result in a significant loss of amenity. There are insufficient grounds to refuse the application and it is therefore recommended for approval.

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 and documents:

Application Form

Design and Access Statement

Revised Drawing No. 01 'Proposed Shed' received on 12 January 2017

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

- 3 No paint or stain shall be applied to the timber cladding until details of the paint or stain to be applied have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the building being first brought into use.

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

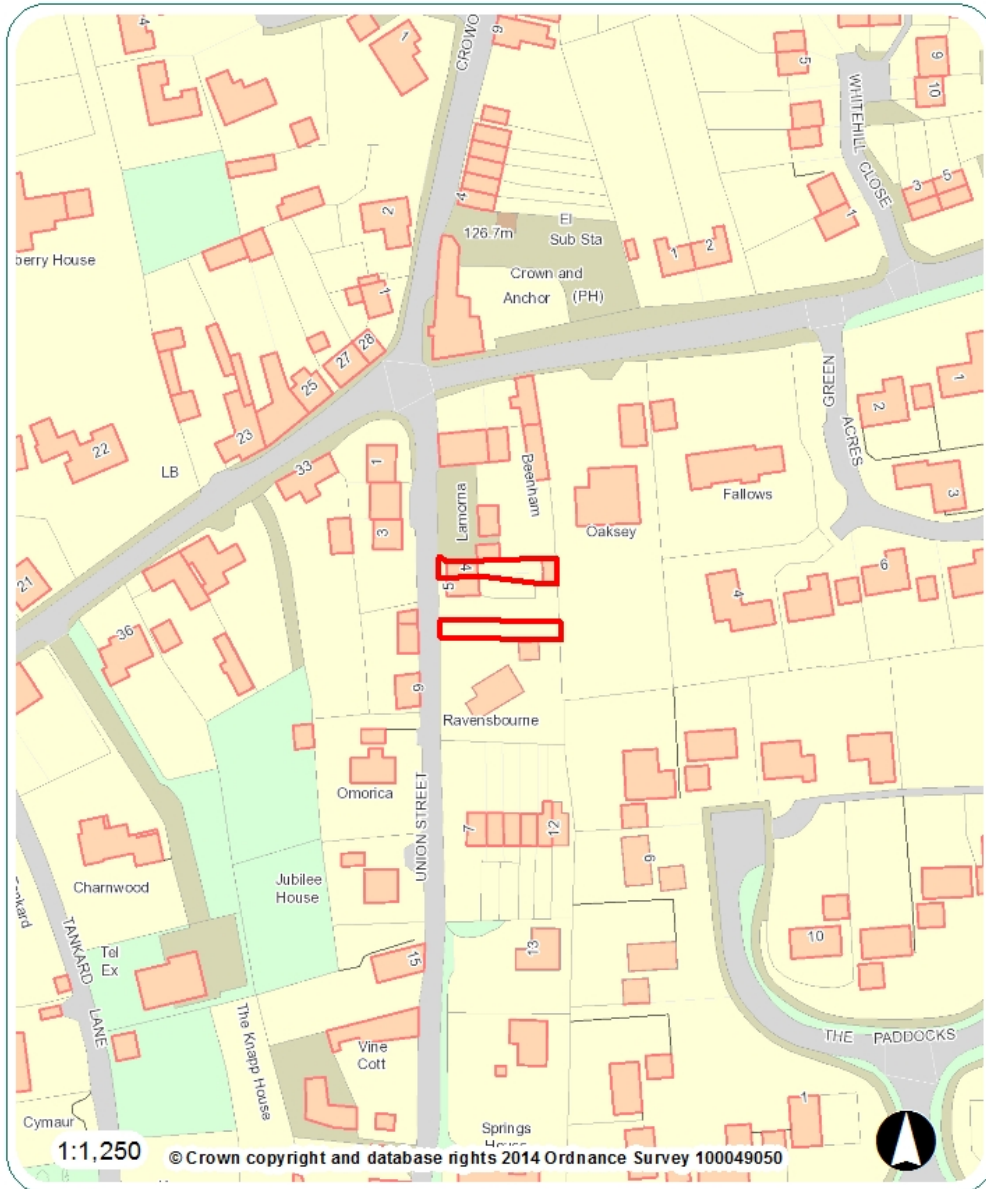
- 4 No development shall commence on site until details (including a sample if required) of the tile to be used in the construction of roof have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: 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, in the interests of visual amenity and the character and appearance of the conservation area.

- 5 **INFORMATIVE TO APPLICANT:**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowner's consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.



This page is intentionally left blank

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	16 February 2016
Application Number	16/11287/FUL
Site Address	The Stables, High Street, Avebury, Marlborough, Wiltshire SN8 1RF
Proposal	Use of part of building as book sales/exchange store and visitor information centre
Applicant	The National Trust
Town/Parish Council	AVEBURY
Electoral Division	WEST SELKLEY – Councillor Milton
Grid Ref	410160 169956
Type of application	Full Planning
Case Officer	Jennifer Allen

Reason for the application being considered by Committee

This application has been brought before the committee at the request of the Division Member, Councillor Milton for the following reasons:

- Environmental or highway impact
- Car parking
- Lack of toilet facilities

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

- Principle of change of use
- Impact on heritage assets
- Parking implications/highway safety impact

3. Site Description

The building to which the application relates is located off the village car park, which is used by the residents of Avebury. The building is single storey with a pitched roof and runs along the eastern boundary of the car park. The building is only partially in use at present (as an outreach post office); it is the empty part of the building which is the subject of this

application. To the rear of the site, there is a residential property with other residential properties on the other side of the car park and the village shops opposite the entrance to the car park. The site is located within the World Heritage Site of Avebury and Stonehenge and within the ring of stones around the village of Avebury. The site is also situated within the Avebury Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty. The building to the rear of the site (The Lodge) is grade II listed.

4. Planning History

K/77/0262 - Change of use from agricultural to folk life centre, associated catering facilities, toilets, National Trust Information Centre and shop. Approve with conditions – July 1977.

K/16496 – Use as visitors centre. Approved – October 1990.

5. The Proposal

The application seeks planning permission for the change of use of the currently vacant part of the building to a voluntary book sales/exchange and a visitors information centre. There are no physical alterations proposed as part of this application.

6. Local Planning Policy

National Planning Policy Framework 2012 namely
Section 4 Promoting Sustainable Transport
Section 7 Requiring good design
Section 11 Conserving and enhancing the natural environment
Section 12 Conserving and enhancing the historic environment

Wiltshire Core Strategy 2015
Core Policy 57 Ensuring high quality design and place shaping
Core policy 51 Landscaping
Core Policy 58 Ensuring the conservation of the historic environment
Core Policy 59 Avebury and Stonehenge World Heritage Site

From the point of view of the historic environment a primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

From the point of view of the historic environment a primary consideration is the duty placed on the Council under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding Conservation Area.

7. Summary of consultation responses

Avebury Parish Council

Objects for the following reasons:

- Access to The Stables is directly off High street car park which is used by villagers and the disabled. It is often oversubscribed by users of the post office, shops etc. and is frequently used in an unauthorised manner. An A1 use will increase parking pressures which will grow if the shop is intensified. This could lead to the displacement of vehicles onto High Street, especially during busy times. This would

have a detrimental impact on residents, locals and others in the village. The dangers of additional traffic will apply to many visitors who tend to wander into the road. The entrance to the building fronts onto the car park. Increased risks will arise from conflicting movements of shoppers and car users.

- There is no 'Plan B' for the building. An unrestricted A1 use on a more intensive scale would be contrary to the aims of the World Heritage Site Management Plan which seeks to discourage visitors away from the Henge.
- A shop is not needed as there are already 4 retail outlets in Avebury. Tickets etc. can be bought from other establishments.
- There is a lack of toilets for the visitor centre
- Advertising and signage could have an adverse impact
- It is difficult to judge the impact of the recently permitted Coach House café on the High Street
- There has been a lack of consultation on the proposals
- There is already an existing mobile visitor information facility
- A book exchange is already offered at the community shop

The parish council has suggested the following in connection with the scheme:

- Parking in the adjacent car park to be discouraged
- Provision of toilets
- A restriction on signage
- National Trust to patrol/monitor car parking
- Only low key uses of the building to be allowed eg. D1

Highways Officer

No objection.

World Heritage Officer

Support subject to conditions. There should be no additional signage which would encourage visitors to turn into the High Street to visit The Stables; other signage should be kept to a minimum; and information on the World Heritage Site should be made available at the visitor centre.

Historic England

The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Conservation Officer

The proposals are not considered to have a significant impact on the character and appearance of the conservation area and therefore no particular comments is made on the application from a conservation point of view as it is not considered to cause harm to the designated heritage asset. If anything, giving an active use to a currently redundant site has to be a positive for the area and the longer term interests of the building's state of repair.

Dorset and Wiltshire Fire Service have made general comments from a fire safety perspective.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

No third party representations have been received.

9. Planning Considerations

Principle of change of use

The proposed change of use would result in a currently partially empty building being brought into a viable use within the village centre. It would also complement the existing post office use in part of the building. There are other A1 shops in the location and accordingly it is considered that the proposed book sales/exchange and visitors welcome information outlet would therefore enhance the vitality and viability of the village, as well as having tourism benefits. The proposed use is low key – it is therefore recommended that a condition is imposed restricting the use to that applied for. Any alternative use (including within Class A1) would therefore need planning permission.

Impact on heritage assets

The proposal does not include any alterations to the building and therefore the proposal would not cause any harm the World Heritage Site. Concerns have been raised regarding the erection of signage. Advertisements are considered under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and therefore do not form part of this application. Due to the sensitive nature of the site an informative is proposed advising that consent is only given for the change of use element and not for any advertisements which may require the benefit of advertisement consent.

The lack of external alterations would also mean that the proposal would cause no harm to the setting of the nearby listed building or the character and appearance of the conservation area, as it would not change the appearance of the building or the car park.

Parking implications/highway safety impact

Concerns have been raised regarding the potential parking and highway safety implications of visitors to Avebury parking in the 'residents only' car park next to the site. The National Trust has signage around the village directing tourists to its car parks and there is clear signage indicating that the car park next to the site is not for tourists or visitors. Furthermore, there is a large National Trust car park, the users of which are likely to be those using the proposed facility. In addition, the low-key, small scale nature of the proposed use is such that it would not require its own allocated parking.

On the issue of highway safety, the NPPF requires the cumulative impacts of developments to be 'severe' in order to justify a refusal of planning permission. It is not considered that this would be the case here given the small-scale nature of the proposal and the fact that the majority of users of the building would park in the main National Trust car park.

The Council's Highways Officer has raised no objection to the proposal

Other issues

Concerns have been raised regarding the lack of toilet facilities in connection with the proposed visitor information centre and within the wider area generally. Whilst these concerns are acknowledged, a small-scale scheme of this nature cannot be expected to deliver toilet facilities for Avebury as this would be unjustified and unreasonable.

10. Conclusion (The Planning Balance)

It is considered that the proposed use would not cause harm to heritage assets or have significant parking or highway safety implications. Furthermore, any concerns about potential intensification in the future can be dealt with by a condition controlling the nature/extent of the use to that applied for.

RECOMMENDATION

That planning permission be GRANTED for the following reasons:

- 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 and documents:

Application Form, Location Plan and Drawing No. AVE-01 Rev 1 'Proposed Shop'.

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

- 3 The part of the building to which the application relates shall be used as a voluntary book sales/exchange store and visitors information centre and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 4 **INFORMATIVE TO APPLICANT:**

The applicant is advised that this permission authorises a change of use only and does not authorise any works or alterations that may require listed building consent/planning permission or the erection of signage which may require advertisement consent.

This page is intentionally left blank



This page is intentionally left blank