

AGENDA

Meeting: Eastern Area Planning Committee
Place: Wessex Room, Corn Exchange, The Market Place, Devizes SN10 1HS
Date: Thursday 20 April 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 or Libby Beale direct line 01225 718214 or email Elizabeth.beale@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 for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 16 February 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 and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

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

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than **5pm on Tuesday 11**

April 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 Thursday 13 April 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 11 - 12*)

To receive details of the completed and pending appeals.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17/00605/FUL Castle Club, Ludgershall** (*Pages 13 - 30*)

7b **16/10328/FUL Devizes Marina** (*Pages 31 - 46*)

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

Item 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 16 FEBRUARY 2017 AT WESSEX ROOM, CORN EXCHANGE, DEVIZES.

Present:

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

9. Apologies

Apologies were received from Cllr Nick Fogg

10. Minutes of the Previous Meeting

A motion was proposed by Cllr Peter Evans and seconded by Cllr Paul Oatway QPM, that the minutes of the Eastern Area Planning Committee held on 5 January 2017 were an accurate record.

Resolved:

To approve and sign the minutes of the meeting of the Eastern Area Planning Committee on 5 January 2017 as an accurate record

11. Declarations of Interest

Cllr Paul Oatway QPM and Cllr Richard Gamble both declared a non-pecuniary interest in respect of application 16/10483/FUL due to their prior contact with the local residents. Both councillors declared they would not vote on this application.

12. Chairman's Announcements

The Chairman had no announcements

13. Public Participation

The chairman explained the rules of public participation and confirmed that no questions had been submitted from members of the public

14. **Planning Appeals and Updates**

The written update on appeals was received.

In addition to the written report it was noted that the appeal in respect of application 15/11397/FUL had been dismissed.

Members congratulated officers on the appeal success rate.

15. **Planning Applications**

16. **16/11287/FUL - The Stables, High Street, Avebury, Marlborough, Wiltshire SN8 1RF**

Public Participation

Ms Jan Tomlin, applicant, spoke in support of the application

Ms Catherine Hovey, applicant, spoke in support of the application

Mr Andrew Williamson, of Avebury Parish Council, spoke with regard to the application.

The Development Management Team Leader, Karen Guest, introduced the report which outlined the application for the change of use of the vacant part of an existing building to a book sales/exchange store and a visitor information centre, and confirmed that this included no physical alterations to the building.

The officer recommended that the application be approved for the reasons set out in the report. Key issues included the principle of the change of use; the impact on heritage assets; the parking implications; and the highway safety impact. The officer highlighted that the proposed use was low key, it would bring an unused building back into use, and that any highway safety impact would not be severe.

Members of the Committee were invited to ask technical questions of the officer. There were none.

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

The local unitary division member, Cllr Jemima Milton, spoke in reference to the application and explained that she was happy to support the application with the conditions outlined in the officer's report but that she felt it was a shame that the adjoining public toilets had not yet been brought back into use.

Cllr Mark Connolly, seconded by Cllr Jerry Kunkler, moved that the application for planning permission be granted subject to the conditions outlined in the officer's report.

In the debate that followed, the following points were discussed: that bringing the property back into community use would be positive; that the "resident-only"

status of the adjoining car park should be reinforced; and that the potential impact on the footfall of the post office in another part of the building could also be positive.

At the conclusion of debate, it was

Resolved:

To grant planning permission, 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, 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.

17. 16/10483/FUL: Woodlands Farm, Witcha, Ramsbury SN8 2HQ

Public Participation

Mr John Kirkman, neighbour, spoke in objection to the application

Mr Peter Crozier, agent, spoke in support of the application

Mr Peter Crofton-Atkins, on behalf of the applicant, spoke in support of the application

Mr Roger Hicklin, on behalf of CRPE, spoke as a consultee in objection to the application

Ruaridh O'Donoghue, Senior Planning Officer, introduced the report which outlined the application for the demolition of the existing bungalow; the erection of a replacement dwelling with associated garaging, turning, landscaping, private amenity space; and the creation of a new vehicular access. The officer explained that this was a resubmission of a previous application (ref: 15/12652/FUL). Four late submissions had been received in response to the consultation process.

The officer recommended that the application be refused for the reasons set out in the report. Key issues were stated to include: the principle of a new dwelling in relation to Core Policy HC25; the scale of the development and its resulting impact on the rural character and landscape of the area; and its bulk, height and general appearance. The officer reported that there were no exceptional circumstances that would outweigh the detrimental impact the proposal would have on its surroundings.

Members of the Committee were invited to ask technical questions of the officer. In response to queries, a comparison was provided between the existing and proposed dwellings (in terms of percentage increase in floorspace) including the first floor.

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

In response to comments raised during public participation, the planning officer clarified that the height and bulk of the building should be considered alongside the percentage increase in floorspace; and that the useable space for dwellings was more applicable to commercial properties.

Cllr Connolly, seconded by Cllr Dobson, moved that the application be refused for the reasons presented in the officer's report.

In the debate that followed, the following points were made: that in comparison to the existing building, the proposed dwelling was much larger in terms of both bulk and height; that the building was well designed but inappropriate for the proposed location; and that the replacement of the bungalow would be beneficial but that this proposal would not be a suitable replacement.

At the conclusion of debate, it was,

Resolved:

To refuse planning permission 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.

18. **16/10866/FUL - 4 Union Street, Ramsbury SN8 2PR**

Public Participation

Mr Robert Hall, resident, spoke in objection to the application.

Ms Joanna Webster, resident, spoke in objection to the application.

Mr Eric Webster, resident, spoke in objection to the application.

Mr Richard Daniel, applicant, spoke in support of the application.

Mrs Judith Daniel, applicant, spoke in support of the application.

The Development Management Team Leader, Karen Guest, introduced the report which outlined the application for the erection of a shed within the rear garden of a cottage located within the Ramsbury Conservation Area. The officer then read out a late submission to the consultation process.

The officer recommended that the application be approved for the reasons set out in the report. Key issues were stated to include the impact on the character and appearance of the conservation area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and the impact on residential amenity. It was highlighted that the proposed development would be taller than a typical shed but that this did not necessarily equate to harm since it would not be readily viewable from public areas. It was also highlighted that the neighbours' outlook would change as a result of the proposal but that it would not result in a loss of amenity.

Members of the Committee were invited to ask technical questions of the officer. In response to queries it was confirmed that the development would most likely take up 53% of the applicants' garden; and that the height of the development from ground level would be 3.8m.

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

In response to points raised during public participation, the officer reminded members to consider whether the application would be likely to cause harm to the character and appearance of the conservation area; that outbuildings could be used for ancillary purposes without the need for planning permission; that the building would be predominantly built from concrete but would be timber clad; and that it would include a skylight and two entry points.

Cllr Stewart Dobson, seconded by Cllr Paul Oatway, moved that the application be refused because the proposal would not preserve or enhance the character and appearance of the conservation area due to its excessive size.

In the debate that followed, the key issues discussed included: the size and design of the proposal; its impact on the conservation area; and its impact on the amenities of the occupiers of surrounding properties. The use of the building was questioned, given its size, which was felt to be disproportionately large for its purpose.

Concerns were expressed that constructing such a building in the proposed location would be harmful to the character and appearance of the conservation area, as it would take up a significant amount of the rear garden and would be much taller than a standard shed and other typical outbuildings and structures in the vicinity. It was identified that the level of harm to the conservation area would be 'less than substantial'.

At the conclusion of debate it was:

Resolved:

To refuse planning permission for the following reason:

The proposed building, by reason of its scale and positioning, would cause less than substantial harm to the character and appearance of the conservation area. There would be no public benefits that would outweigh this harm. The proposal would therefore be contrary to Core Policies 57 and 58 in the Wiltshire Core Strategy and central government policy contained in the NPPF.

19. **Urgent items**

There were no urgent items

(Duration of meeting: 6.00 - 7.35 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

Wiltshire Council
Eastern Area Planning Committee
20th April 2017

Planning Appeals Received between 17/03/2017 and 07/04/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/02446/FUL	Manor Farm Tidcombe, Marlborough Wiltshire, SN8 3SL	TIDCOMBE & FOSBURY	Demolition of agricultural sheds and erection of dwellinghouse and conversion of outbuilding to ancillary storage with associated change of use of land from agricultural to residential curtilage and landscaping (Site A). Change of use of Manor Cottages Nos.1 & 2 to form a single dwellinghouse (Site B).	DEL	Written Representations	Refuse	17/03/2017	No

There are no Planning Appeals Decided between 17/03/2017 and 07/04/2017

This page is intentionally left blank

REPORT FOR EASTERN AREA PLANNING COMMITTEE
Report No. 1

Date of Meeting	20 th April 2017
Application Number	17/00605/FUL
Site Address	Land at The Old Castle Club, Castle Street, Ludgershall Wiltshire, SP11 9QR
Proposal	Demolition of single storey extension to Old Castle Club and erection of 2 dwellings with associated car parking and landscaping (Resubmission of 16/09438/FUL).
Applicant	Mr S Willmont
Town/Parish Council	LUDGERSHALL
Electoral Division	LUDGERSHALL AND PERHAM DOWN – COUNCILLOR WILLIAMS
Grid Ref	426382 150983
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the Application Being Considered by Committee

Councillor Williams has called the application to committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Car parking
- Development in a Conservation Area

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

- Principle of development
- Character of the area
- Heritage
- Residential amenity/living conditions
- Highway safety/parking
- S106/CIL

The application has generated objection from Ludgershall Town Council and 11 letters of representation, 9 of which are in objection.

3. Site Description

The site is situated within the built up limits of the Market Town of Ludgershall, as identified by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). It part incorporates the Old Castle Club Social Club which exists to the north of the site. To the south the site abuts the Town's Fire Station and its associated yard. To the east and west the site is surrounded by residential properties and their associated amenities/parking provision.

The site has a backland position behind the properties of 7-11 Castle Street which front onto Castle Street (A342) to the east. Access is also served off Castle Street between the property of 7 Castle Street and the Fire Station. None of the buildings immediately

adjacent to the site are listed buildings but there are listed buildings in the area. 7-11 Castle Street to the immediate east; Crown Lane Works to the southwest of the site; and the properties on the opposite side of Castle Street (2 Crown Lane to 22 Castle Street) have been identified as part of the '*Ludgershall Conservation Area Character Appraisal & Management Proposals*' as significant unlisted buildings. The latter group of buildings (2 Crown Lane to 22 Castle Street) are also subject to an Article 4 Direction restricting permitted development rights. The whole site is also situated within Ludgershall Conservation Area.



The site, until recently, has served as the car parking area for the adjacent Old Castle Club. The applicant's agent has however confirmed that the site has now been sold off from the Club and there are now no parking rights over the land from the adjacent commercial use. The residents of 7 and 9 Castle Street also informally use the area for parking although again there are no legal rights over the land to do so. A small flat roof extension attached to the club extends into the site on its northern boundary. The remainder of the site is laid to a mix of hard standing and grass. The boundaries are defined by a mix of close boarded fencing, walls and hedgerows.

4. Planning History

K/41736/C	Demolition of existing warehouse buildings. Refused – 25.10.2001. Appeal Dismissed – 15.11.2002
K/41737	Development/erection of 8 No two storey houses and roofed carport. Refused - 25.10.2001. Appeal Dismissed – 15.11.2002
K/44492	Extension to form kitchen & toilet accommodation. Permission – 23.12.2002
K/45373	Partial demolition of warehouse residential conversion and new housing terrace to comprise of 9 units total. Permission – 25.06.2003
K/45599/C	Partial demolition of existing warehouse buildings and residential conversion. Conservation Area Consent – 10.07.2003
K/56009/F	Conversion of warehouse into 5 no. 2 bedroom dwellings and associated works (amendment to previous approval K/45373). Permission – 30.03.2007
16/09438/FUL	Demolition of single storey extension to Old Castle Club. Erection of 3 dwellings with associated car parking and landscaping. Withdrawn

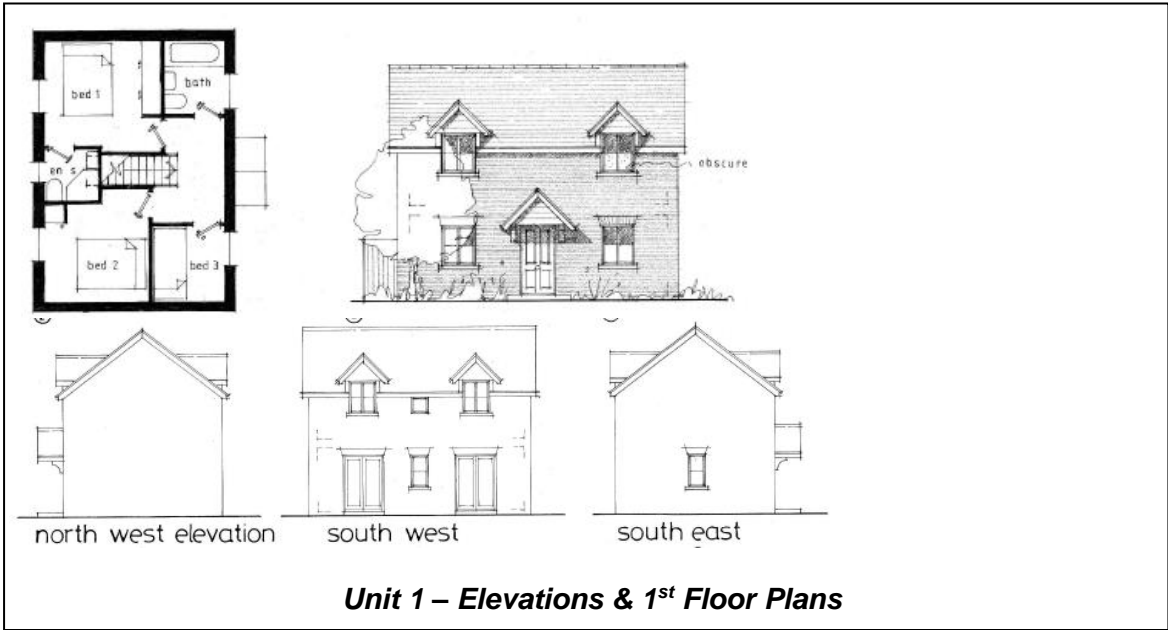
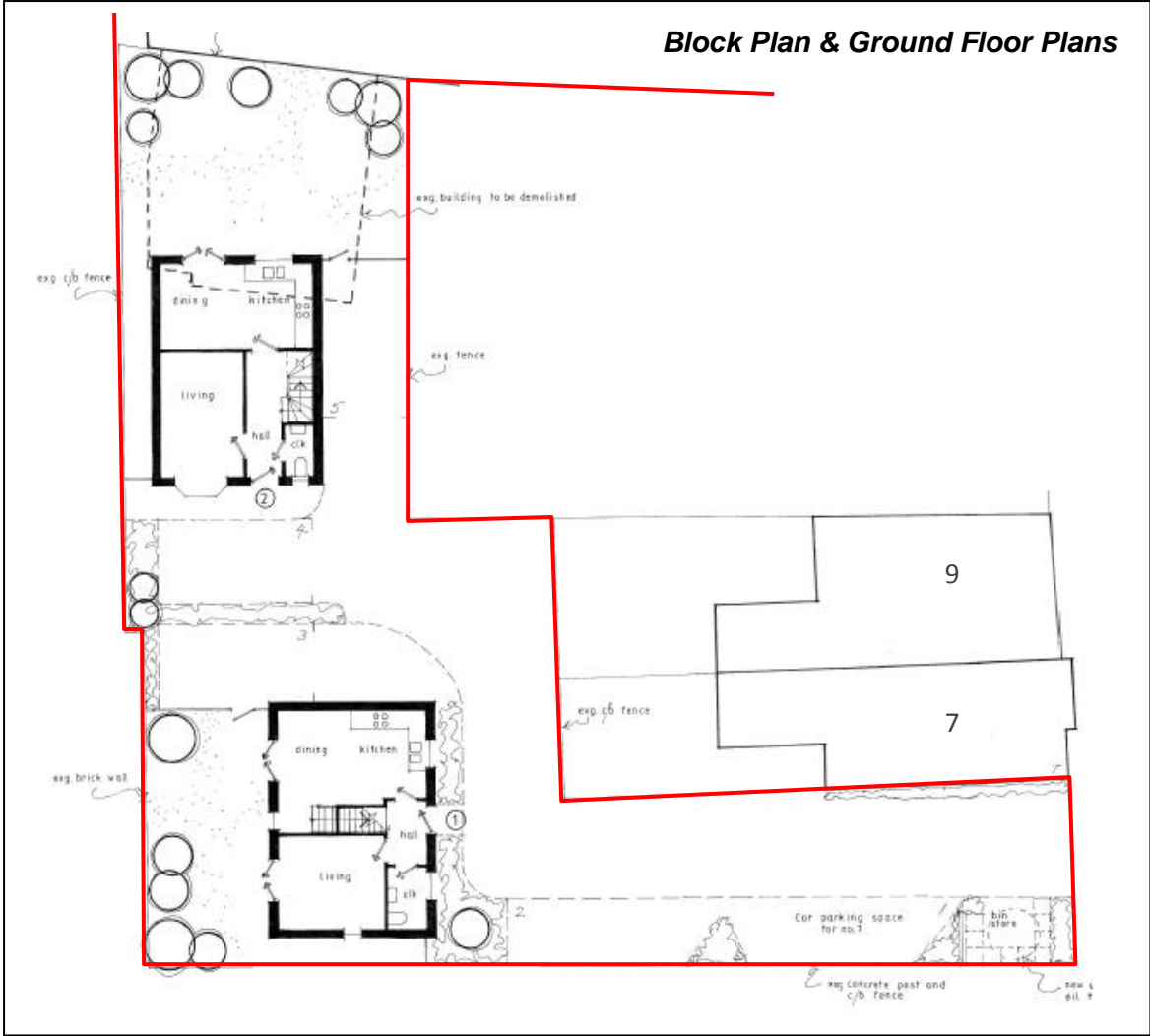
5. The Proposal

This is a full application proposing the demolition of the single storey extension that extends into the site from the Old Castle Club to the north and the redevelopment of the site with two detached dwellings. Each dwelling is proposed to be two storeys in height with three bedrooms. The first dwelling (Unit 1) is proposed in the south western corner of the site directly in line with the access leading from Castle Street. The second dwelling (Unit 2) is proposed at a right angle to the first and is wholly behind 11 Castle Street and adjacent to the Old Castle Club. Each dwelling is to be served by two car parking spaces and a rear private garden. A further parking space, positioned towards the road access, is identified on the plans as being available for the residents of 7 Castle Street. A bin store is also proposed at the site access to serve the two properties.

This is a revised scheme to one that was withdrawn last year. The previous scheme (Ref: 16/09438/FUL) involved three new dwellings on the land. This current scheme seeks to overcome the objections raised previously by the consultees, the main change being that the number of units has reduced to two.

During the course of the application a set of amended plans have been submitted. These have changed the design of the roof line of Unit 2 and have properly annotated the parking spaces to confirm the provision of a space for adjacent/existing residents. The application is also accompanied by a Supporting Statement and a letter from the Old Castle Club owners confirming the reason for the land sale and the parking arrangements that are now in place for the club as a result of the loss of this parking area.

Block Plan & Ground Floor Plans



Unit 1 – Elevations & 1st Floor Plans



6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Kennet Local Plan policies (Saved by Wiltshire Core Strategy) (KLP):

None

Wiltshire Core Strategy (WCS):

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP27 (Tisbury Community Area)

CP43 (Providing Affordable Housing)

CP45 (Meeting Wiltshire's Housing Needs)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Affordable Housing SPG (Adopted September 2004) Affordable Housing SPG (Adopted September 2004)

Ludgershall Conservation Area – Character Appraisal & Management Proposals (March 2007)

Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of Consultation Responses

Ludgershall Town Council - Objection

- We see this as an overdevelopment of the site which is within the conservation area of Ludgershall and a detriment to the local residents.
- This development will lead to a highway issue because as a result of the proposed development there will be no available car parking for the Castle Club visitors, which will lead to parking on surrounding streets/area. This is already an issue with residents parking.
- Part of the proposed plans is the demolition of extension to Old Castle Club, which includes their main fire exit. We feel that the alternative fire exit does not meet current standards.
- There will also be no evacuation assembly point. LTC would suggest that a fire officer inspect this application, before continuing.
- The licencing authority should also check the building regulations

Wiltshire Council Conservation – No objection subject to conditions

- I very much welcome the revised plans (ref 160239-03B) which fully address my previous concerns.
- It would be good to condition eaves, porch and window details to ensure that they are of suitable materials for the location (i.e. no off the shelf GRP porches).

Wiltshire Council Highways – No objection subject to conditions

- The Highway Authority would wish to raise an objection on the loss of parking for the club but as the land required has already been sold and therefore separated from the club, the HA cannot insist upon parking being provided for the club by the applicant.
- Given the fall-back position of the use of the site I am minded that the vehicle movements associated with two dwellings is acceptable.
- The parking is accessible, though a bit contrived at the access.
- There are two new houses and five spaces so that meets standards.
- In regards to the parking for the other dwellings In theory if it was an informal relationship with the Castle Club then the Club can do what they want with that space and if they sell it off (which they appear to have done before we had a chance to make any comment) they can and I cannot pass comment on it.
- The spaces closest to the houses should be allocated to them and the remaining space closest to the access can be additional.
- The access is narrow and therefore the planting will need to be removed to achieve as close to 3.5m as possible.
- I note the bin storage point for storage and collection days.
- Bearing in mind that I am not in the position to object to the loss of parking for the club, I offer no highway objection to the layout subject to the access being made to measure 3.5m and the parking being provided as shown on the submitted drawings.

Wiltshire Council Archaeology – No Objection subject to conditions

- This site is of archaeological interest as it lies close to the scheduled medieval castle and within the historic settlement of Ludgershall, which dates to at least the medieval period.
- Paragraph 128 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been*

consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

- In this case, I do not consider field evaluation to be necessary.
- Paragraph 141 states that “Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”.
- It is therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out as part of any development.
- The applicant should be aware that, if archaeological remains are encountered, this may have an effect on their programme of works. If human remains are encountered during the works, they cannot be removed without the appropriate permissions.

Wessex Water - Comment

- New water supply connections will be required from Wessex water to serve the site
- Southern water should be contacted regarding waste water

8. Publicity

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

Nine letters of objection were received from the residents of 4, 7, 9, 11, 15, 16, 18, 19 & 20 Castle Street. The following comments were made:

- Concerned about lack of parking for the 60+ visitors to the new Function Room/Castle Club.
- The club has recently been improved and is looking to increase its functions. Parking provision is therefore essential for this use
- It is not sensible to rely on space being available in the town’s public car park in St James St, as that is often full when there is a wedding, christening or funeral in the Church opposite.
- No one is going to walk to the public car park from the club as it is too far
- Crossing this overused and dangerous road to other possible parking areas is difficult due to the blind bend
- There is no street parking near to the Castle Club
- The Green opposite is owned by L.T.C. and is a no Parking area
- The English heritage car park shouldn’t be relied on as this will stop legitimate visitors to this attraction from parking
- The existing car park is well used by the club and regulars and already generates overspill on to the pavements and grass verges in the area
- There are many houses on Castle Street without off-road parking
- The existing lay bys are well used by at least 9 existing households
- The loss of this car park will leave Nos. 7 & 9 Castle Street without car spaces which at present they have had for many years, without objection, in the car park. They have nowhere else to park

- At the two planning meetings for this and the previous, withdrawn application we were given the impression that the Applicant was already the owner of The Castle Club Car Park. However Certificate B has been completed and accompanies this application which shows that notice has been served on Mr Morrell/The Old Castle Club. This shows that the applicant does not own the land yet and that it is still owned by club.
- Site is too small for the development intended
- This will be detrimental to the surrounding dwellings in the conservation area, many of which are listed
- The proposed plan leaves virtually no turning space for vehicles to turn.
- Due to the close proximity and height the new dwellings will cause overlooking, loss of privacy, loss of light to the properties of 7-11 Castle Street
- Our property will be adversely affected by the noise from the new developments
- They are both too large and too high for this very small piece of land.
- Castle Street is a quiet rural location and to squeeze these new buildings in will impact visually and socially on the community.
- This development would block private skyline view of the tower of the 12 Century St James Church
- The value of our property will be adversely affected
- The Club Fire Escape would be dangerously compromised by the proposed houses and gardens.
- I understand the Government strategy is to meet targets for the development of affordable housing, however surely this is being achieved through large developments throughout Wiltshire including Ludgershall where currently large developments are happening. To cram housing into every little bit of land is not the answer and just impounds social problems within the area.

Two letters of support were received from the residents of 1 & 3 Castle Mews. The following comments made

- Look forward to seeing this development completed as this will be a huge improvement on the current eyesore that exists.
- Development into housing will improve the area
- The area is currently used as a dumping ground And I suggest could be considered a health and safety issue.
- We have noticed that the car park is not fully utilised so this will be no loss, and there is additional free car parking at St. James car park less than 1 minute walking distance. We fully support this application.
- I am concerned however about the impact of the development on the boundary wall to castle mews properties and would ask that the developer takes the preservation of this structure into account.
- I am assuming that you are the authority in planning matters and will ensure the materials used are sympathetic to the area and the impact on traffic has been considered
- I note other comments in relation to parking and respectfully suggest that is an issue associated with the operation of the Castle Club

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 Principle of Development

As identified above, the site is situated within the built up limits of the Market Town of Ludgershall, as defined by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). The principle of housing within these limits is therefore acceptable, provided that the impacts in terms of the design, character of the area, the implications for the heritage assets in the area; neighbouring amenities; and highway safety of the specific proposals put forward are acceptable.

These will therefore be discussed in more detail below.

9.2 Heritage Issues

The site is situated within the Ludgershall Conservation Area and in the vicinity of a number of significant unlisted buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires '*special regard*' to be given to the desirability of preserving a listed building or its setting. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions with respect to any buildings or other land in a conservation area, '*special attention*' shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having '*special regard*' and in paying '*special attention*' assessment must be made as to whether the proposal causes substantial harm, less than substantial harm or no harm to the asset (in line with the requirements of the NPPF).

The *Ludgershall Conservation Area – Character Appraisal & Management Proposals (March 2007)* specifically describes this site as follows: '*The fire station yard and adjacent car park are utilitarian and scruffy and the fire station itself associated intrusive traffic controls and signage are generally an eyesore*'. It is not therefore considered that the existing car parking area contributes in a particularly positive way to the character or appearance of the conservation area as a whole.

Now that this site has been sold off from the Old Castle Club it has no real purpose. *The Ludgershall Conservation Area – Character Appraisal & Management Proposals (March 2007)* suggests that with the regeneration of the Old Bottling Factory (to the west of the site, which is now in residential use) '*...the time is ripe for the relocation of the [Fire] Station to a more appropriate site on the outskirts of the town*' and that there is '*...reasonable potential for a comprehensive scheme that could use space efficiently whilst building up the frontage to the High Street and the adjacent lanes*'. However this aspiration was '*ripe*' in 2007. It has not occurred in the last 10 years and there is still no indication that the fire station is to be relocated. In any event, there is no planning mechanism to ensure that the two sites are made available together and should be comprehensively redeveloped together or that such an aspiration would warrant a reason for refusal of the current scheme involving solely the redevelopment of the car parking area. This application instead provides an opportunity to improve the character and appearance of the site and its contribution to the surrounding heritage assets and conservation area as a whole and therefore its redevelopment for '*a*' purpose should be encouraged.

The previous scheme at this site (Ref: 16/09438/FUL) involved the redevelopment of the site with three dwellings. This was considered to amount to overdevelopment. The Council's Conservation Officer further felt that the proposals would fail to preserve the character of the Conservation Area as a result of the design of the roof plan for the three dwellings; and their proximity to the properties of 7/9 Castle Street which thereby was considered to visibly crowd the existing buildings. This scheme was however withdrawn prior to a formal decision being made about the application.

The current scheme has sought to resolve the objections identified. The number of units has been reduced from three units to two units; the first unit has also been repositioned on the site and pulled further off the boundary that it is to share with the properties of 7 and 9 Castle Street; and through the submission of further amended plans, the design of the roof of unit 2 has also been altered to remove the flat roof element and maintain the traditional aesthetic of the two dwellings that the scheme is presenting. The Council's Conservation Officer has confirmed that these changes have overcome the previous concerns so that the proposals are now considered to be appropriate for the character of the area; the setting of the conservation area; and for the settings of the surrounding undesignated heritage assets as a whole. It is therefore considered that the proposals would cause no harm to the setting of the nearby listed buildings and would preserve the character and improve the appearance of the conservation area.

9.3 Design & Character:

With regard to the impact on the general character of the area, as has been identified above, this site has a backland position relative to the existing development in the area. Such forms of development can sometimes look out of place and have associated amenity issues (which will be discussed below). However each scheme must be considered on its own merits and an assessment of the specific character of this particular area needs to be made in order to assess the potential impact this proposal would have for the character of the area.

In this instance, this site is situated within the historic centre of Ludgershall where development has organically developed over time. It is not unusual in such an area for backland forms of development and indeed from the Castle Street vantage point the existing properties to the rear of the Fire Station, including the former factory buildings that have since been converted to a residential use, are very apparent behind the strong Castle Street frontage properties. Therefore it is considered that there is already a backland character to this part of the town and the redevelopment of this, fairly prominent backland site with further residential development could be found to be appropriate in such a setting. Indeed the conservation area appraisal for the area actively encourages the redevelopment of this car park site for residential purposes (albeit in a more comprehensive form along with the adjacent fire station site).

The proposed dwellings are designed in a traditional vernacular with a maximum height of 6.8 metres to their ridge, which is considered to be modest for a two storey modern development and is more akin to the cottage style proportions of the existing properties in the immediate vicinity. The use of brick header; cil; bay window; breaking eave dormer windows; and porch details will all serve to complement the more traditional detailing of the surrounding properties and will lead to an attractive development of this otherwise scruffy site.

Overall therefore, despite its visual prominence and backland position, it is considered that the redevelopment of the site with two dwellings is appropriate and will effectively integrate into the character of the area. The design is considered to be sensitive to the existing vernacular and the proposals are considered to respect the character and setting of the surrounding heritage assets. The proposals are therefore considered to be acceptable in these regards.

9.4 Neighbouring Amenities

As identified above, backland forms of development can have an unneighbourly impact and therefore for any such form of development to be acceptable, the layout and type of development needs to be carefully managed. Indeed concern locally has been raised about the potential for overlooking, loss of privacy, loss of light and amenities as a result

of the development. However in this instance the scheme has significantly changed in response to neighbouring concerns raised so that the properties have both reduced in number from the previous proposal and been moved away from the common boundaries.

Unit 1:

With regard Unit 1, the level of separation afforded from the facing elevations of the proposed dwelling and the existing dwellings to the rear (to the west) is 19.79 metres. This is considered to be a sufficient distance to limit any potential impact for neighbouring amenities in terms of loss of light or significant overlooking. Furthermore, given the orientation of plot 1 to the converted warehouse residential properties to the south; and the lack of fenestration on this façade, it is also considered unlikely that the proposals will result in any significant impact for these neighbouring residents in terms of overlooking or loss of light either.

The main impact from Unit 1 will be on the existing properties to the east of the site that front onto Castle Street and will back onto this proposed dwelling. The level of separation proposed between the front elevation of the proposed dwelling and the rear elevation of number 7 Castle Street is only 10 metres. This is not a significant distance to allay concerns regarding overlooking but is sufficient to limit potential for overshadowing/loss of light. The internal layout of the proposed dwelling has however carefully been considered so that the closest first floor window proposed in relation to number 7 Castle Street, is to serve a bathroom window. As a non habitable room this window can therefore be obscurely glazed and thus any direct overlooking would be mitigated. The other first floor window proposed on this elevation is to serve a bedroom but is sufficiently offset so as to make any 'view' oblique. Given this and the increased level of separation between facing windows it is therefore considered that any potential harm in terms of overlooking will not be significant, and certainly is not sufficient to warrant a reason for refusal in this regard.

Unit 2:

Unit 2 is to be positioned at a right angle to Unit 1 so that it is to present side elevations to the existing properties to the east and west. Windows on the side elevations are limited to a single first floor landing window, which can again be obscurely glazed to limit its potential for overlooking. The nearest first floor windows to the properties fronting onto Castle Street are on the southern elevation and again serve a bathroom window. The design of this unit has also been changed so that the slope of the roof is now to angle away from the common boundary and the flat roof blocky nature of the previous proposals has been removed. Altogether it is therefore considered that any potential for harm has been sufficiently minimised so that the potential impact of Unit 2 would not be so significant so as to warrant a reason for refusal.

As a result of their orientation to each other, it is also considered that the potential for inter-overlooking has also been reduced. The scheme is therefore considered to be acceptable in terms of neighbouring residential amenities, and accords with the provisions of WCS policy CP57 (Ensuring High Quality Design & Space Shaping), accordingly.

9.5 Highway Safety

The issue that has raised the most concern from neighbouring residents and the Town Council in respect of these proposals is in relation to parking and the fact that the proposals involve the redevelopment of an existing car parking area that serves the adjacent social club. The supporting documentation however confirms that the car parking area has already been sold off from the club and therefore there is no legal right for the club to use this area for parking. The documentation confirms that this has been

sold off in order to pay off debts associated with the club; to fund maintenance of the roof; and to fund other improvements that are required at the club. It is suggested that if it had not been sold off the club/facility may have had to close.

Local representation has suggested that as Certificate B accompanies the application, which serves notice on the owner of the site and this is identified to be adjacent social club, that the car parking is still in the ownership of the club and its use is still an important consideration for the application. However the applicant's agent has reconfirmed that the land has already been sold off and that Certificate B was only served because the scheme involves the demolition of a small flat roof addition to the club that is to be demolished in order to provide garden land for Unit 2.

Given this position, and the fact that there is no control for the current owner to make the land available for car parking at the adjacent social club, the Highway Authority has confirmed that it has no objection to the proposals or the loss of car parking for this facility. It has also confirmed that the two dwellings require 4 on site parking spaces (5 are provided) and subject to a change to the access to secure a 3.5 metre width access, it has no objections to the proposed redevelopment of the site as proposed. These changes have been secured by the amended plans that have been received during the course of the application.

Local concern has been raised about the loss of parking serving the properties of 7 and 9 Castle Street, as the residents of these properties currently park in this rear car parking area. However the parking arrangement is an informal ad hoc arrangement that has not been legally secured. There is no legal requirement for the new owners of the site to provide this parking provision. However, and in any event the scheme shows one additional parking space than is necessary to serve the development which the amended plans now confirm will be made available for the residents of number 7 Castle Street.

9.6 Other Matters

The Town Council has objected to the scheme because, among other things, it is concerned that the demolition of the flat roof extension on the Old Castle Club (as proposed) will result in insufficient fire escape procedures for the club. However this is not a planning matter and it will be for the owners of the Castle Club to arrange alternative fire evacuation procedures following the loss of this element of the building.

10. S106 contributions/Community Infrastructure Levy

As the proposals involve a net gain of 2 dwellings in the area, WCS policy CP43 (Providing Affordable Housing) is not triggered and no affordable housing is required as part of the scheme. However as of May 2015 the Council adopted its Community Infrastructure Levy (CIL) which applies to any additional dwellings in the area.

11. Conclusion

Despite the visual prominence of the site and its back land position behind the strong frontage properties facing onto Castle Street, it is considered that the proposed redevelopment of this former car parking area with two modest dwellings of traditional detailing, can be accommodated without detrimental harm for the character of the area/conservation area; the setting of any nearby heritage assets; neighbouring residential amenities; or highway safety. The proposals are recommended for permission accordingly.

RECOMMENDATION

Permission subject to conditions

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

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

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

Ref: 160239-02 – Location Plan. Received – 20.01.2017

Ref: 160239-03 Rev B – Design Scheme. Received – 09.03.2017

Ref: 160239-04 – As proposed. Received 04.04.2017

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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 application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5. No development shall commence within the site until:
 - A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest

- 6 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

REASON: In the interests of highway safety.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C or E shall take place on the dwelling houses hereby permitted or within their curtilage without the prior grant of planning permission from the local planning authority. .

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

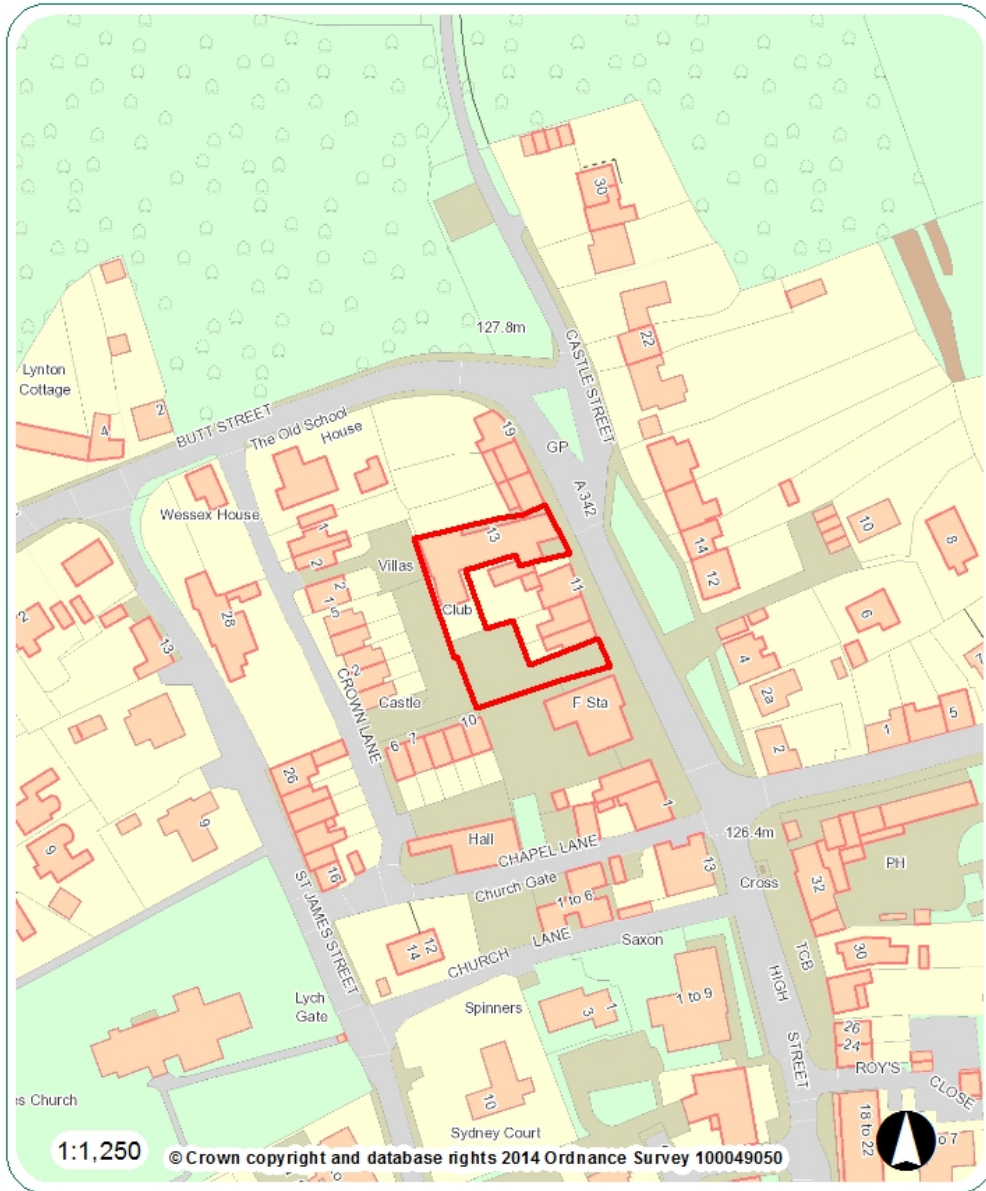
- 11 Before the development hereby permitted is first occupied the first floor windows on the eastern elevation of Unit 1 shown to be serving a bathroom; and the windows on the southern and eastern elevations of Unit 2 shown to be serving a bathroom and a landing respectively, shall be glazed with obscure glass only [to an obscurity level of no less than level 5] and shall be fitted to be top hung only. The windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

Informatives

- 1 The applicant's attention is drawn to the comments received about the site to application ref: 16/09438/FUL, dated 19th October 2016.
- 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 3 Please note that in respect of condition 4, off the shelf GRP porches will not be acceptable and will not satisfy the requirements of this condition - no off the shelf GRP porches).
- 4 Please note that in respect of condition 5, any archaeological work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

This page is intentionally left blank



This page is intentionally left blank

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	20 April 2017
Application Number	16/10328/FUL
Site Address	Land at Devizes Marina, Horton Avenue, DEVIZES, SN10 2RH
Proposal	Use of land for the provision of 8 holiday lodges and associated external works
Applicant	Primrose Hill Developments Limited
Town/Parish Council	BISHOPS CANNINGS
Electoral Division	URCHFONT AND THE CANNINGS – Councillor Phillip Whitehead
Grid Ref	402437 162508
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of the division member, Councillor Phillip Whitehead, due to concerns in relation to the scale of the development, design, visual impact upon the surrounding area, and environmental or highway impact.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission subject to the planning conditions.

2. Report Summary

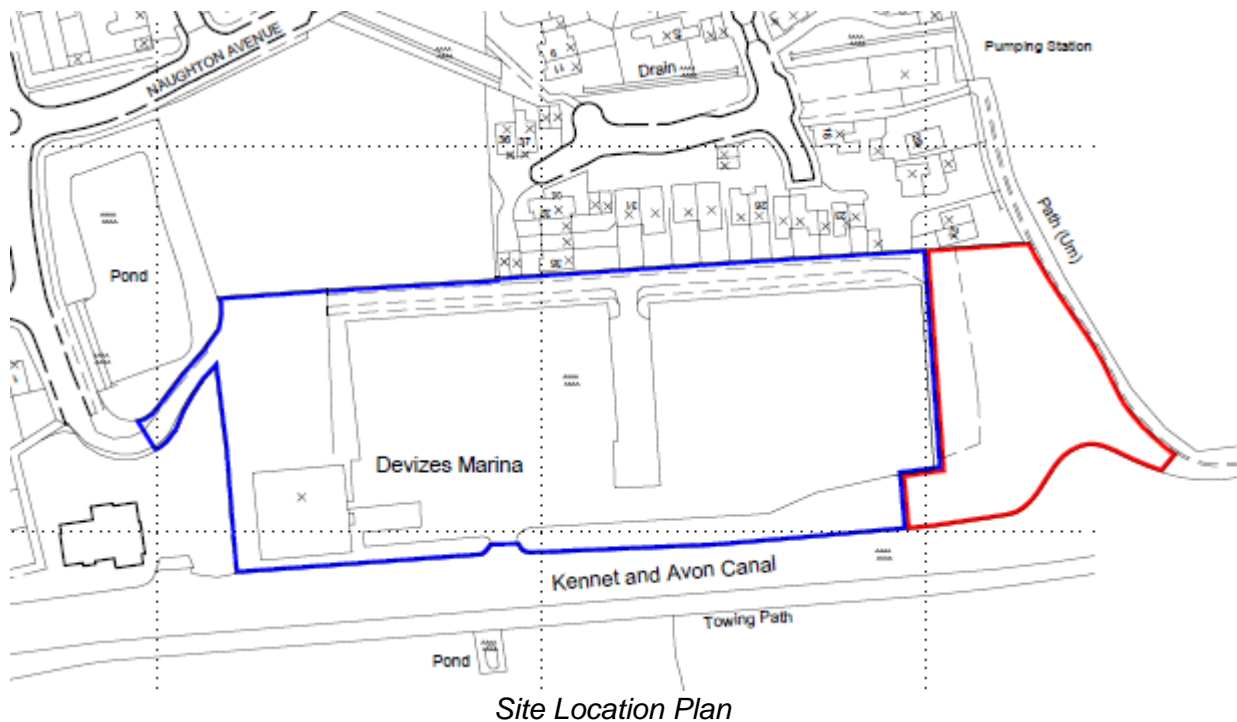
The key issues for consideration are:-

- Principle of development;
- Layout, design, landscaping & visual impact;
- Ecology;
- Impact on heritage assets
- Environmental impacts, flood risk & drainage;
- Impact on highway & pedestrian safety;
- Impact on residential amenity.

3. Site Description

This application relates to a parcel of land at the eastern end of Devizes Marina, which until recently comprised a hardstanding area used for car parking and a 4 metre high earth

mound which was grassed over. It is understood that the earth mound was a spoil heap which was created during the construction of the marina basin. The mound has recently been removed from the site and the ground levelled and prepared for the development which is the subject of this application.



4. Planning History

Full planning permission was granted on the 19th June 2013 (application reference E/2013/0109/FUL) for the 'erection of 6 holiday lodges and associated external works' on the application site. The planning permission was later varied under application reference 13/03441/VAR on the 24th October 2013 to allow for use as holiday accommodation with no restriction on period of occupation.

The Case Officer's report for application E/2013/0109/FUL stated that "*the application, as originally submitted, proposed the construction 8 timber holiday lodges within this area. The existing spoil heap would be removed and the site returned to its original level which corresponds with the adjacent parking area. The scheme has been amended during the course of its consideration, with the red line area revised to relate solely to land within the applicant's ownership. Furthermore, the number of lodges has been reduced from 8 to 6 due to concerns about the cramped layout, the proximity to the canal and the lack of landscaping to mitigate the impact of the scheme*".

The planning permission included a condition which required the submission of a Construction Method Statement which included details of the works involved to remove the spoil heap. A Construction Method Statement was submitted and approved by the Council along with details of measures to protect the canal during the construction phase.

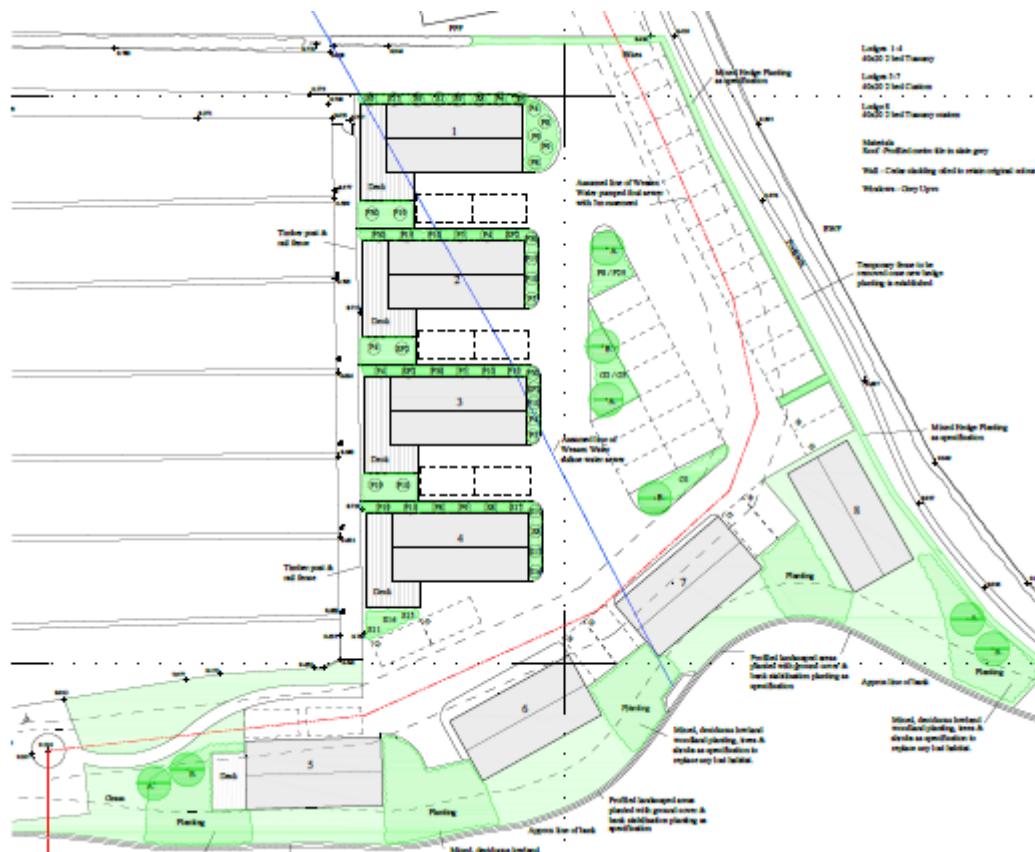
5. The Proposal

The current application seeks full planning permission for a new scheme for the 'use of land for the provision of 8 holiday lodges and associated external works'.

The agent's covering letter explains that *"this revised Application is being submitted primarily because of delays associated with establishing the route of the main foul sewer crossing the site. This has necessitated the layout being altered. ..."*

The proposal is to incorporate 8 holiday lodges (all falling within the definition of a caravan) with 4 directly beyond and adjacent to the Marina at its east-end and another 4 set back from but adjacent to the canal which bounds the site to the south.

The scheme incorporates 2 parking places per lodge and a further 22 parking places in lieu of the existing parking provision at the eastern end of the Marina".



Site Layout

6. Planning Policy

The **National Planning Policy Framework** with particular regard to Chapters 7 'Requiring Good Design', 8 'Promoting Healthy Communities', 11 'Conserving and Enhancing the Natural Environment' and 12: 'Conserving and Enhancing the Historic Environment'.

The adopted **Wiltshire Core Strategy** with particular regard to:

- Core Policy 1: Settlement Strategy;
- Core Policy 2: Delivery Strategy;
- Core Policy 12: Spatial Strategy: Devizes Community Area;
- Core Policy 39: Tourist Development;
- Core Policy 40: Hotels, Bed & Breakfasts, Guest Houses and Conference Facilities;
- Core Policy 51: Landscape;
- Core Policy 57: Ensuring High Quality Design and Place Shaping;
- Core Policy 58: Ensuring the Conservation of the Historic Environment.

Devizes Area Neighbourhood Plan with particular regard to:

- H1 Strategic Policy Intent - Settlement Framework Boundary
- H2 Strategic Policy Intent – Built Environment & Sustainability
- T1 Strategic Policy Intent - Getting Around
- ESD1 Strategic Policy Intent - Environment & Sustainability

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

7. Consultations

Kennet and Avon Canal Trust – No objection

Canal & River Trust – Objected to the original scheme. Observations on the amended scheme that they have been consulted on are awaited.

Wessex Water – No objections, standard advice and guidance provided.

Environment Agency – No objection, subject to conditions.

Natural England – No objection – referred the LPA to their Standing Advice.

Wiltshire Council Highways – No objections.

Wiltshire Council Drainage Engineer - No objection, subject to conditions.

Wiltshire Council Public Protection team – No objection.

Wiltshire Council Ecologist – No objection to the amended scheme subject to conditions.

Bishops Cannings Parish Council – Object to the original and amended schemes for the following reasons:

Density: This proposal is an over-development of the site. There are too many lodges and an over-provision of parking to the extent that the majority of the site will be covered with buildings and hardstanding. This leaves very little provision for soft landscaping.

Landscaping & Environmental: The original habitat survey undertaken for this site assessed it as being important at the Site level because of the grassland, hedgerows, trees and scrub that it supported. A new Habitat Survey was then commissioned which states that the site now has negligible ecological value which is hardly surprising when there is nothing left. Compared to the previous scheme the proposed site layout plan which details the soft landscaping is very poor. There are non-native shrubs, grasses and perennials detailed in very narrow beds around the lodges. Compare this to the larger green areas incorporating trees within the site on the previous plan.

Visual impact: Anybody walking along the canal towpath on the opposite side from this development would have a full view of lodges 5-8. These buildings are parallel to the canal bank and the suggested planting in front of them is low growing and will offer no screening at all.

Larger shrubs are suggested for the canal bank in front of the car parking spaces, but there is no guarantee that these will be allowed to grow to a height that will effectively offer any

real screening

In conclusion, the Parish Council would like to see this application rejected. The site is in a sensitive location right next to the Kennet and Avon Canal which is a local nature reserve and on the edge of the countryside. Planning policy dictates that where development is deemed acceptable on the periphery of the countryside then a strong landscape buffer is required. The previous application (as amended) is far more suitable and we would be like to see that one re-instated over this one if permission is to be granted at all.

Wiltshire Fire & Rescue Service – Standard advice and guidance provided in order to improve the health and safety of the development.

8. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. As a result of the publicity 1 letter has been received from the residents of no.21 Hopgood Close with no objection to the principle of the development but seeking clarification in relation to the boundary treatment along the shared boundary with their property to ensure no loss of privacy or loss of amenity through light pollution.

9. Planning Considerations

9.1 Principle of Development

The relevant adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). Core Policies 39 'Tourist Development' and 40 'Hotels, B&B, Guest Houses and Conference Facilities' of the WCS outline that proposals for tourist development of an appropriate scale, including attractions and tourist accommodation, will be supported within the Principal Settlements and Market Towns. Core Policy 12 'Spatial Strategy: Devizes Community Area' identifies Devizes as a Market Town as such the principle of tourist development is acceptable in principle at the site. Furthermore, planning permission has previously been granted for a similar scheme at the site.

Core Policy 12 'Spatial Strategy: Devizes Community Area' highlights that one of the specific issues to be addressed in planning for the Devizes Community Area include the need for new development associated with the Kennet and Avon Canal to protect and enhance its wildlife value, landscape setting and recreational use. The purpose of the proposed development is to provide holiday accommodation next to the canal and Devizes Marina which will complement its recreational use. A suitable layout and design is however important to ensure the landscape setting of the canal and wildlife value is protected.

9.2 Layout, Density and Landscape & Visual Impact

Core Policy 51 'Landscape' of the WCS outlines that development should protect, conserve and where possible enhance landscape character and Core Policy 57 seeks to ensure a high quality design. The proposed holiday lodges have been designed to fall within the definition of a 'caravan' and will therefore not be classed as buildings (the lodges will rest on blinded slabs). However, they will be finished with timber to ensure they are of a suitable appearance. In terms of layout, four holiday lodges will be positioned adjacent to the east side of the marina and four lodges next to the northern bank of the canal. The proposed layout is dictated by the presence of a Wessex Water foul sewer that crosses the site.

The Canal & River Trust and Officers of the Council originally raised concerns with the proximity of the lodges to the canal. The Canal & River Trust objected to the proposal

because it was felt that the proximity of the holiday lodges to the Canal would result in harm to its character and appearance. It was recommended that the holiday lodges should be sited further away from the edge of the canal and there should be more extensive landscaping with a continuous buffer strip along the canal edge. The Canal & River Trust also raised concerns with the impact of the proposal on biodiversity, land stability, land ownership and the works carried out to date.

In light of the above, and following a site meeting with the applicant and the Canal & River Trust a revised scheme has been submitted for consideration. The key changes relate to the repositioning of lodges 5 – 8 back from the canal bank and further from the eastern boundary. A 3m wide landscape/ecology buffer has been provided along the edge of the canal (measured from the top of the bank backwards). The revised scheme is also supported by detailed planting specifications around the holiday lodges with additional detail for bank planting, shrub planting, tree planting and new hedge planting. The applicant also served notice on the Canal & River Trust to address their queries in relation to land ownership.

The revised scheme is an improvement on the original. However the buffer strip cannot be any wider due to the presence of the Wessex Water foul sewer and the applicant does not wish to reduce the number of lodges. The landscaping along the edge of the canal will help soften the development and in light of the immediate context of the site, on balance, a refusal on the impact of the proposal on the character of the landscape is not considered to be justified. The development will be seen alongside the marina and associated buildings and The Hourglass Public House, along with the Lay Wood residential development next to the east side of the site.

9.3 Ecology

Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity.

There are no statutory designated sites located either within or immediately adjacent to the application site, however the Kennet & Avon Canal which runs immediately adjacent to the southern boundary of the site carries the non-statutory designation of County Wildlife Site (CWS) for its UK BAP Priority Habitat of open water.

The application is supported by an Extended Phase 1 Habitat Survey by Seasons Ecology. The Council's Ecologist indicated that it is regrettable that the survey was not conducted prior to the site being cleared as there is now no record of the most recent ecology of the site prior to that clearance, to indicate appropriate mitigation and enhancement measures. However, aerial photography (2014) indicates that until recently cleared, the site supported an area of rough grassland and scrub, surrounded by a dense hedgerow to the eastern boundary and a hedgerow with mature trees to the western boundary. Furthermore, the Council's Ecologist highlighted that the proposal does not include any mitigation or enhancement for biodiversity within the development.

In light of the above the Council's Ecologist objected to the proposal as originally submitted as it did not incorporate any features for biodiversity and because the units are laid out in such a way which would result in barriers to commuting and foraging wildlife species both throughout and around the site.

The site has recently been cleared therefore there is only scope for habitat enhancement. The revised scheme incorporates a 3m wide landscape/ecology buffer along the edge of the canal and includes a detailed planting scheme. A wider buffer strip and further habitat enhancement is desirable; however the site was formerly used as a car park and accommodates a spoil heap. The removal of the vegetation along the edge of the canal has been the key area of biodiversity that has been lost, however the revised proposal seek to re-introduce a suitable area for wildlife.

The Council's Ecologist is pleased that a landscape/ecology buffer has now been provided along the bank of the canal. It is also recognised that the parking spaces for units 5-8 have been pulled further back from the canal as shown on a further amended plan. The Ecologist noted that "the revised layout plan 13113-3D addresses most of my remaining concerns in that it now proposes a substantial belt of vegetation along the canal side which will replace that lost from the bank of the watercourse. This area is included in the County Wildlife Site non-statutory designation carried by the Kennet & Avon Canal for its main habitat of open water, so replacement of suitable lowland deciduous woodland planting in this area will help the application meet the requirements of NPPF and Wiltshire Core Policy 50. The aim for this habitat should be to allow it to reach maturity without excessive cutting, although it is acknowledged that management will be required to ensure that the integrity of the canal bank is not compromised. In order to address this, it will be necessary to include a condition relating to management". The Council's Ecologist is therefore now in support of the proposal subject to the aforementioned condition to ensure continued integrity of the landscape features, along with conditions to require a lighting plan and an ecological construction method statement. These are considered necessary to ensure no light spill in order to allow for the canal and associated habitats to continue to function for biodiversity and to ensure no pollution of the canal during the construction phase. This is important as the scheme will require the removal of some of the tarmac recently laid next to the canal bank.

The concern of the Parish Council in relation to the loss of important habitat is understood and this view has been supported by the Council's Ecologist and the Canal & River Trust. However, the scheme has been amended to provide a landscape / ecology buffer along the canal bank and further landscaping within and along the eastern boundary of the site. It is recognised that the proposal will result in the development of the majority of the site with holiday lodges and car parking and further landscaping and biodiversity enhancement measures are desirable and have been requested. However, it is considered that due to the level of planting and habitat proposed within the revised scheme a refusal of planning permission is not considered to be justified on ecological grounds.

9.5 Impact on Heritage Assets

Core Policy 58 'Ensuring the Conservation of the Historic Environment' of the WCS seeks to ensure that developments protect, conserve and where possible enhance the historic environment. The application site does not lie within a Conservation Area but adjoins the Kennet & Avon Canal which is a non-designated heritage asset. As such, the proposal needs to comply with paragraph 135 of the NPPF which states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the signification of the heritage asset.

The proposed development will sit on the edge of the canal bank, however as noted above the proposal will not have an unacceptable impact on landscape character. The proposal is designed to complement the recreational use of the canal and will not appear out of place on

the edge of the canal. As such, it is not considered that the proposal will harm the setting of the non-designated heritage asset.

9.6 Environmental Impacts & Drainage

Core Policy 67 'Flood Risk' of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. The Council's Drainage Engineer has no objection to the principle of the development but recommended that full details of a surface water and foul drainage scheme be submitted under condition as very little information has been submitted as part of the application. It is unclear how the tarmac surface will be drained therefore a condition is necessary to ensure surface water does not flow freely into the canal.

Wessex Water provided a formal response stating that the proposed lodges are sited above an existing 450mm dia surface water sewer and that building over a critical sewer will not normally be permitted and that the applicant should discuss the need to divert this sewer with Wessex Water. The applicant discussed and agreed the position of the holiday lodges with Wessex Water prior to the submission of the revised scheme.

The Council's Environmental Health Officer has no objection to the proposed development. The Environment Agency also has no objection to the proposal.

9.7 Impact on Highway & Pedestrian Safety

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seek to ensure that new developments are located within sustainable locations are capable of being served by safe access to the highway network.

The existing access arrangements to the marina will be used to serve the proposal. The existing parking area which accommodates approximately 16 spaces will be lost due to the siting of lodges 1 – 4, however these spaces will be relocated to the east of the site (23 spaces are shown on the revised site plan) and two parking spaces will serve each lodge (39 spaces in total). The concerns of the Parish Council in relation to overprovision of parking is noted, however the Council's Transportation department provided no objections to the proposal.

The NPPF advises that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's Transportation department is satisfied that the development will not have a severe impact on highway safety.

The public footpath abutting the east of the site is BCAN43 and has a recorded width of 4 metres. This should remain unobstructed and the full width should be available for the public to pass and re pass. The Council's Rights of Way & Countryside team believe that the fence and hedge recently installed along the eastern boundary of the site encroaches onto the footpath. The planting of a hedge along the eastern boundary of the site forms part of this current proposal, however the fence is not included within the application. The most recent site plan however shows that some areas of the hedge will have to be replanted to ensure no encroachment and a note has been added to say the fence is temporary and will be removed once the new hedge matures. The Rights of Way & Countryside team have requested that the fence be removed as it is not of a temporary construction and would need to be in place for a number of years for the hedge to mature. An informative will be added to the decision notice should planning permission be granted to advise the applicant to resolve this issue with the Rights of Way & Countryside team.

9.8 Impact on Residential Amenity

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS which lays down the requirement for good design. The policy requires developments to have 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).

The residents of .21 Hopgood Close have asked for clarification in relation to the boundary treatment along the shared boundary with their property to ensure no loss of privacy or loss of amenity through light pollution. The applicant has clarified that the existing boundary fence will remain and the lighting will be minimal i.e. a single downlighter to the external doors to prevent light spill/disturbance of wildlife. Full details of lighting will be secured via condition.

The lodges will be positioned on site therefore there will be minimal disturbance to residential amenity during the construction phase.

The lodges will be placed 6m away from each other in order to comply with the required minimum separation distances. This is another reason for an amendment to the permitted scheme as the separation distances were not met.

In light of the above, it is considered that the scheme will not have a significant adverse impact on the residential amenity of any neighbouring properties.

10. Conclusion

The proposal will result in the siting of eight holiday lodges next to the Kennet & Avon Canal at Devizes Marina. The holiday accommodation will complement the recreational use of the canal and will not have a significant impact on the character of the landscape due to the context of the site. The site has recently been cleared however the proposal includes a landscape/ecology buffer strip and a detailed planting scheme which will restore habitat at the site.

Whilst the concerns of the Parish Council and the Canal & River Trust have been carefully considered, the scheme is considered to be in accordance with both national and local planning policy and with suitably worded conditions; it is recommended that planning permission be granted.

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 document and plans:

Drawing no.13113-1 - Location Plan;
Drawing no.13113-2 - Existing Site Plan;
Drawing no.13113-3 Rev D - Proposed Site Layout Plan;
Drawing ref.40'x20' Tuscany - 2 Bed;
Drawing ref.40'x20' Custom - 2 Bed;
Drawing ref.40'x20' Tuscany Side Aspect - 2 Bed;
Document: Planning Application form dated 20.10.16.

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

- 3 Notwithstanding Class C3 of the Schedule to the Town and Country (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), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation including as a person's sole or main place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

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 residential accommodation.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 5 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 lodges 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.

- 6 No development shall commence on site until an Ecological and Landscape Management Plan (ELMP) has been submitted to and approved in writing by the Local Planning Authority. The ELMP will cover management of all ecological and landscape features within the site, including responsibility for maintenance and mechanism for changes to the plan should these be necessary to ensure continued integrity of the landscape features. The ELMP shall be implemented in full 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, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

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

REASON: In the interests of highway safety.

- 8 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use or occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 9 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No lodge shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

- 11 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in

writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

12 No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Identification of 'biodiversity protection zones'
- b) Practical measures (both physical measures and sensitive working practices) to avoid harm to biodiversity features (may be provided as a set of method statements)
- b) The location and timing of sensitive works to avoid harm to biodiversity features
- d) Responsible persons and lines of communication
- e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- f) Use of protective fences, exclusion barriers and warning signs.
- g) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

13 INFORMATIVE TO APPLICANT:
The attention of the applicant is drawn to the contents of the letter from the Dorset and Wiltshire Fire & Rescue Service, dated 16.11.16, which can be viewed on the Council's website at www.wiltshire.gov.uk

14 INFORMATIVE TO APPLICANT:
The attention of the applicant is drawn to the contents of the consultation response received from Wessex Water, dated 13.12.16, which can be viewed on the Council's website at www.wiltshire.gov.uk

15 INFORMATIVE TO APPLICANT:
The Environment Agency recommends that the development incorporates water and energy efficiency measures to reduce the water and energy consumption of the development hereby approved.

16 INFORMATIVE TO APPLICANT:
The applicant is advised to contact the Canal and River Trust in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works Affecting the Canal & River Trust.

17 INFORMATIVE TO APPLICANT:
The Environment Agency recommends that safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such

safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

18 **INFORMATIVE TO APPLICANT:**

The Council's Rights of Way & Countryside team advise that the public footpath abutting the east of the site is BCAN43 and has a recorded width of 4 metres. This should remain unobstructed and the full width should be available for the public to pass and re pass. The temporary fence is encroaching onto the footpath. Obstruction of the highway is an offence at common law as a form of public nuisance and also a crime by statute under Section 137 of the Highways Act 1980. The public are entitled to free passage along any highway and any building, fence, structure or deposited materials on the highway will be judged to be an obstruction in law. The Highway Authority is empowered to serve notice for the removal of obstructions and where not complied with the offence becomes a continuing offence liable to higher penalties. A court has the power to order the removal of an obstruction and failure to comply is punishable by a fine up to £5,000 with further failures to comply punishable by fines of up to £250 per day. If the Highway Authority removes the obstruction itself it has powers to recover costs from the offender.

It is recommended that the applicant contacts the Council's Senior Rights Of Way Warden (West), Mr Paul Millard, on 01225 712821 to discuss and resolve the above issue.

This page is intentionally left blank



This page is intentionally left blank