

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 24 January 2018
Time: 3.00 pm

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Howard Greenman	Cllr Ashley O'Neill
Cllr Gavin Grant	

Substitutes:

Cllr Ben Anderson	Cllr Bob Jones MBE
Cllr Bill Douglas	Cllr Jacqui Lay
Cllr Ross Henning	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Philip Whalley

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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

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

To approve and sign as a correct record the minutes of the meeting held on 20 December 2017.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

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

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 17 January 2018** 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 **Friday 19 January 2018**. 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 - 14*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17-11409-FUL - Northwood Barn, Doncombe Lane, North Colerne, Chippenham** (*Pages 15 - 26*)

7b **17-10136-FUL - 150 Sheldon Road, Chippenham** (*Pages 27 - 36*)

7c **17-11346-FUL - Land at Newlands, Littleton Drew, Chippenham** (*Pages 37 - 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

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

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 DECEMBER 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Ashley O'Neill

Also Present:

Cllr John Thomson

123 **Apologies**

Apologies for absence had been received from Cllr Clare Cape.

124 **Minutes of the Previous Meeting**

The minutes of the meeting held on 29 November were presented.

Resolved:

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

125 **Declarations of Interest**

Cllr Groom declared herself a member of the Cotswold Conservation Board, in respect of item 7a) Arland House, however approached the application with an open mind and would debate and vote on the item.

126 **Chairman's Announcements**

There were no Chairman's announcements.

127 **Public Participation**

The Committee noted the rules on public participation.

128 **Planning Appeals and Updates**

There was no planning appeal update, however the Chairman noted there would be one for consideration at the next meeting.

129 **Planning Applications**

Members considered the applications as detailed below.

130 **17/09481/FUL - Arland House, The Street, Alderton, SN14 6NL**

Ian Anderson, Angelica Anderson and Charlotte Watkins spoke in support of the application

The Senior Planning Officer introduced the application which was for the erection of a new dwelling, car port, solar array and associated works. The application was recommended for refusal for the reasons outlined in the report. Attention was drawn to the late items which included a correction to the officer report, clarifying that Alderton did benefit from a conservation area, the boundary to which lay adjacent to the site. A location plan was shown and the location of the main road was identified, photographs of the site were also shown. The planning officer highlighted the proposed development was in open countryside and would be an unsustainable development.

There were no technical questions.

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

The local member, Cllr John Thomson, explained the application had generated some public interest, and he had called it in to Committee at the request of the parish council.

In response to statements, the officer confirmed Alderton was in open countryside.

In the debate that followed the Chairman commended the environmental elements of the proposal. Cllr Hutton moved the officer recommendation for refusal, seconded by Cllr Mollie Groom. Whilst members appreciated the environmental credentials of the scheme, it was considered the site for the proposed dwelling was inappropriate and the proposal therefore was contrary to Core Policies. It was noted that in planning terms Alderton was not a village and the paddock was agricultural.

That planning permission be REFUSED for the following reasons:

1. The site is located outside of the limits of development of any village defined in CP2 of the Wiltshire Core Strategy. The proposed residential development does not fall to be determined under any of the 'exception policies' defined within Core Policies 46 and 47 (Specialist accommodation provision) or Core Policy 48 (Supporting rural life) or para

55 of the NPPF. The proposal conflicts with the Delivery Strategy set out in Policy CP2 of the Wiltshire Core Strategy, which seeks to properly plan for sustainable development of housing sites in Wiltshire to deliver the identified needs in the Community Areas through a Site Allocations DPD and/or a Neighbourhood Plan, a strategy supported by the Wiltshire Core Strategy Inspector. The site has not been brought forward through this process. The proposal would therefore conflict with Core Policies 1 and 2 of the Wiltshire Core Strategy; saved policy H4 of the North Wiltshire Local Plan (appendix D of the Wiltshire Core Strategy); Advice in the NPPF particularly paragraphs 7, 14 and 55.

2. The proposal, by way of its scale, siting and form of development would be an incongruous and unacceptable form of development which would be harmful to the landscape quality of this part of the Cotswolds AONB contrary to policies CP42 and CP51 of the Wiltshire Core Strategy and advice in the NPPF section 11, particularly para 115.

3. The proposal, located remote from a range of services, employment opportunities which are not well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policies 60 and 61 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.

131 **17/09830/FUL - 1 Drummer Way, Pewsham, Chippenham, SN15 3UX**

Robert Elkins spoke in support of the application

The Development Control Team Leader introduced the application which was for a two storey side extension and mono-pitch garden storage with internal alterations to the main house. It was recommended the application be approved, subject to the conditions outlined in the report. A location plan, existing and proposed site plan, photographs and proposed elevations were shown. The officer highlighted there would be some overlooking of terraced properties nearby as a result of the development, however not at a sufficient level to warrant refusal.

The Committee was invited to ask technical questions, in response to which it was confirmed that Permitted Development Rights could be removed from the development. The distance between the new development and neighbouring properties was confirmed, as was parking arrangements. It was acknowledged the proposal may slightly darken the gardens of neighbouring properties, however not to a significant degree.

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

Cllr Hutton spoke on behalf of the local member Cllr Cape who had requested that, should permission be granted, it be conditioned to tie the development to the main house to prevent it from being subdivided. Cllr Hutton noted this matter was already accounted for in the officer's recommendations.

In the debate that followed, Cllr Hutton moved the officer's recommendation, subject to a standard condition for the removal of Permitted Development Rights, seconded by Cllr Grant.

Resolved:

That planning permission be GRANTED, subject to the conditions listed below (the standard wording for the removal of permitted development rights was to be determined by officers):

- 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:**

Location Plan, Drawing number 560/PL/01 (7/8/17) received by the LPA on 9th October 2017

Existing and Proposed Site Plans, Drawing number 560/PL/02b (7/8/17) received by the LPA on 8th December 2017

Existing Ground Floor Plan, Drawing number 560/PL/03 (7/8/17) received by the LPA on 9th October 2017

Existing Elevation, Drawing number 560/PL/05 (7/8/17) received by the LPA on 9th October 2017

Existing First Floor Plan, Drawing number 560/PL/04 (7/8/17) received by the LPA on 9th October 2017

Proposed Ground Floor Plan, Drawing number 560/PL/06a (7/8/17) received by the LPA on 28th November 2017

Proposed First Floor Plan, Drawing number 560/PL/07 (7/8/17) received by the LPA on 9th October 2017

Proposed Elevation, Drawing number 560/PL/08 (8/7/17) received by the LPA on 9th October 2017

Application Form, Section 11: Materials received by the LPA on 8th December 2017

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

- 3. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the**

approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

4. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as '1 Dummer Way' and it shall remain within the same planning unit as the main dwelling.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of No.1 Dummer Way.

REASON: In light of the limited size of the domestic curtilage and size of the extension hereby granted planning permission, so as to allow the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements. *(The wording of this condition was inserted by officers under delegation).*

6. INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

7. INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

8. INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

132 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.45 pm)

The Officer who has produced these minutes is Libby Johnstone of Democratic Services, direct line 01225 718214 , e-mail committee@wiltshire.gov.uk

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

Wiltshire Council
Northern Area Planning Committee
24th January 2018

Planning Appeals Received between 17/11/2017 and 12/01/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/00945/FUL	Foxham Farmhouse Foxham, Wiltshire SN15 4NQ	BREMHILL	Retention of barn conversion to C3 residential use & installation of replacement oil tank. (Retrospective and Amendment to Previously Approved Application 15/05097/FUL)	DEL	Written Representations	Refuse	14/12/2017	No
17/02990/FUL	2 Geneva Cottages Old Road, Studley SN11 9NE	CALNE WITHOUT	Demolition of single storey flat roof extension and erection of new pitched roof two storey extension	DEL	House Holder Appeal	Refuse	19/12/2017	No

Planning Appeals Decided between 17/11/2017 and 12/01/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/10491/FUL	15 The Derry Ashton Keynes Wiltshire, SN6 6PW	ASHTON KEYNES	Erection of Detached Three-Bedroom Dwelling and Formation of New Vehicular Access	DEL	Written Reps	Refuse	Dismissed	18/12/2017	None
17/00998/FUL	7 Locks Lane Purton, Wiltshire SN5 4HD	PURTON	Conversion of detached outbuilding into a single dwelling & erection of detached double garage	DEL	Written Reps	Refuse	Dismissed	22/12/2017	None
17/03293/FUL	Thyme Cottage Tetbury Lane Crudwell, Wiltshire SN16 9HB	CRUDWELL	Conversion of detached domestic outbuilding to dwelling	DEL	Written Reps	Refuse	Dismissed	11/01/2018	None
17/03706/FUL	Land at No 31 Charles Street Corsham, Wiltshire SN13 0AN	CORSHAM	Erection of studio apartment (C3 Dwelling)	DEL	Written Reps	Refuse	Dismissed	18/12/2017	Appellant & Wilts Council Applied for Costs - REFUSED

The legal duty to state the reasons for making decisions on planning applications

A recent Court case (Dover District Council v CPRE Kent – December 2017) has set out more clearly the need for Councils to give reasons for their decisions when making planning decisions. Whilst this has been well known in relation to refusals of planning permission, the judgment adds more clarity as to what is required when decisions are taken to approve applications, and particularly when the decision is to approve an application against officer recommendation. This note looks at the implications of that court decision.

1. Refusal of applications and the addition of conditions

It has long been the case that local planning authorities must give reasons for refusing permission or imposing conditions. This is because there is a statutory right of appeal against the refusal or the imposition of conditions. Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that the authority in their decision notice must 'state clearly and precisely their full reasons'.

Members will be aware that in both delegated and committee reports, reasons for refusal are clearly set out by officers, and where members wish to refuse an application against officer recommendation, officers will prompt them for 'clear and precise' planning reasons. There is nothing new in this aspect. Members will also be aware that when officers are issuing delegated approvals, or recommending applications to committee for approval, the reasons for any conditions to be attached are identified in the decision notice or committee report.

2. Approval of planning applications

In relation to delegated decisions, there is a duty to produce a written record of the decision 'along with the reasons for that decision' and 'details of alternative options, if any, considered or rejected' (regulation 7, Openness of Local Government Bodies Regulations 2014). The Council complies with this requirement in relation to planning applications by issuing a decision notice and preparing a separate delegated report. Both of these are then uploaded to the Council's web site so that any interested person can discover both the decision on the application and the reasons that the decision has been made. The judgment re-affirms that what is required is an adequate explanation of the ultimate decision.

In relation to committee decisions, where an application is recommended for approval by officers, the judgment makes it clear that if the recommendation is accepted by members, no further reasons are normally needed, as the Planning Officer's Report will set out the relevant background material and policies before making a reasoned conclusion and it will be clear what has been decided and why.

The Judgment breaks new ground by providing greater clarity on what is required in the circumstances where members of a planning committee choose to grant planning permission when this has not been the course recommended by officers in the Planning Officers Report.

In short, the Judgment makes it clear that there is a principle of 'fairness' that needs to be applied, so that those who may be opposed to the decision can understand the planning reasons why members have arrived at their decision. There is no question that members are of course entitled to depart from their officers recommendation for good reasons, but the judgment makes clear that these reasons need to be 'capable of articulation and open to public scrutiny'. The Judgment cites an extract from 'The Lawyers in Local Government Model Council Planning Code and Protocol (2013 update) as giving the following 'useful advice':

'Do make sure if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge'

A further paragraph of the Code is cited that offers the following advice:

'Do come to your decision only after due consideration of all the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse'

The underlying purpose of the judgment is to ensure that members can demonstrate that when granting permission they have properly understood the key issues and reached a rational conclusion on them on relevant planning grounds. The Judgment notes that this is particularly important in circumstances where they are doing so in the face of substantial public opposition and against the advice of officers for projects involving major departures from the development plan or other policies of recognised importance. This enables those opposing the decision to understand how members have arrived at their decision.

3. Practical Implications of the Judgment

The judgment re-affirms that the Council's existing practices and procedures are suitable to meet the legal duties imposed on it in relation to decision making on planning applications. The two key points are that where significant new information is provided shortly before a decision is due to be made, it is appropriate for members to ask for it to be explained, or if they consider that more time is required for themselves or officers to assess and understand it, to consider deferring a decision to provide suitable time. Secondly, when approving applications against officer recommendation, particularly those that are in sensitive areas or are controversial, the reasons why members consider that the harm identified can either be suitably mitigated or the reasons why a departure from policy is justified must be explained and recorded to demonstrate to those opposing the development how the Council has reached a rational conclusion. Members need to engage with the recommendations of the officer and explain the reasons for departure from those recommendations. If no rational explanation on planning grounds is recorded, any such decision could be at risk of challenge in the Courts.

Mike Wilmott

Head of Development Management

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	24th January 2018
Application Number	17/11409/FUL
Site Address	Northwood Barn, Doncombe Lane, North Colerne
Proposal	Erection of a replacement dwelling
Applicant	Mr & Mrs Harraway
Town/Parish Council	COLERNE
Electoral Division	BOX AND COLERNE – Cllr Brian Mathew
Grid Ref	380908 172869
Type of application	Full Planning
Case Officer	Rose Fox

Reason for the application being considered by Committee

The application has been called in by Cllr Mathew on the basis of a recommendation for refusal by the Case Officer. Cllr Mathew has stated the reason for the call in being visual impact on the surrounding area and has the following comments: *“The proposed wood frame building will I'm told be no higher than the existing barn conversion, and so will not offend the eye. It is also proposed to be fitted with a ground source heat pump powered in part by ground mounted solar panels which will be effectively hidden from view. The timber construction will be well insulated and thus can be said to fall under the definition of an 'eco home', one which the parish and Wiltshire Council can be proud of promoting.”*

1. Purpose of Report

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

2. Report Summary

The critical issues in the consideration of the application are as follows:

- Principle of Development
- Design/Character and Appearance of the Area (AONB)
- Residential Amenity
- Ecology

The application has met with no objection from Colerne Parish Council and no public representations, but objections have been received from the Landscape Officer and Building Control Officer.

The application is a resubmission of an application (17/06735/FUL) that was refused at planning committee 04/10/17. The changes comprise alterations to the materials. Natural stone is proposed with stone cills/lintels in lieu of the previously proposed timber cladding.

3. Site Description

The application site comprises a single storey dwelling “Northwood Barn” which was formerly a cattle byre. The building is finished in rubble stone, set beneath a slate tiled roof. The building has been sensitively converted with the majority of windows/openings within the front (southern) elevation and an arrow slit window in the western elevation. The property is enclosed by a stone wall, with trees to the south and east.

The site is located outside of any defined settlement boundary and is therefore classified as being within the open countryside. It is situated 1.5 miles to the north of the large village of Colerne, and 0.6 miles to the north east of the area known as North Colerne. The dwelling is accessed from Doncombe Lane via an approximately 590m long unmade track which passes between agricultural buildings situated south of the site. There are no nearby residential properties. The site is situated within the Cotswolds AONB.

4. Planning History

- N.96.1048.F – Conversion of Two Buildings to Form Two Holiday Units & Use of Yard as Car Parking – Granted 24th July 1996
- 15/05132/CLE – Certificate of Lawfulness for Use of Building as Dwelling House – Granted 13th July 2015
- 16/11590/FUL - Erection of replacement dwelling – Withdrawn
- 17/06735/FUL – Erection of replacement dwelling - Refused

5. The Proposal

The proposal comprises the complete demolition of the existing building and replacement with a pre-fabricated bungalow.

6. Local Planning Policy

The determination of a planning application is to be made pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires applications to be determined in accordance with the Development Plan unless Material Considerations indicate otherwise.

The Development Plan consists of the Wiltshire Core Strategy (adopted January 2015) and the ‘saved’ policies of the North Wilts Local Plan.

Material considerations include the National Planning Policy Framework (NPPF) and planning history.

The following policies would be relevant to the determination of the application:

Wiltshire Core Strategy (WCS) (Jan 2015):

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 11 (Community Area strategy: Corsham Community Area)

Core Policy 48 (Supporting Rural Life)

Core Policy 50 (Biodiversity and Geodiversity)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 61 (Transport and development)

Core Policy 64 (Demand management)

North Wiltshire Local Plan

Saved policy H4 'Residential Development in the Open Countryside'.

National Planning Policy Framework (NPPF)

Paragraphs 14, 17, 109 and 115 and Sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment).

7. Summary of consultation responses

Colerne Parish Council – Support *“The PC believes that the revised plan addresses all the concerns raised previously by the planning department at WC. The PC fully supports the application and hopes that, should WC have further concerns, a site visit will be conducted to inspect the existing building internally, as suggest by Cllr Mathew.”*

Highways – No objection *“The replacement of an existing dwelling remote from the public highway with existing access and adequate parking and turning would not usually warrant adverse highway comments and I raise no highway objection to the above.”*

Building Control

Recognises that there are some underlying issues with the construction of the property but has no further comments to make from the previous application:

Observes the report to be limited in scope and contradictory. The surveyor is attributing the damp to poor construction and lack of insulation, whilst not being able to totally dismiss this, the original building regulation application for this property shows insulated floor, walls and roof and the new floor would have incorporated a damp proof membrane. The actual cause of the condensation has not been fully addressed in the report and should be investigated further by a suitably qualified expert to remove doubt.

Does not consider the property to be unviable as a dwelling. This application was submitted to building control as a holiday let and it maybe that the infrequent occupancy and heating patterns together with lack of ventilation is a more significant factor in causing the condensation.

Observes that the costs quoted within the submitted report for repair and refurbishment is excessive. Assumes that the report includes an improving of the fabric to comply with current

standards, which is not a legal requirement under the building regulations. It is also difficult to provide a costing on remedial works without fully understanding what is needed to resolve the problem. Observes that the costs and problems identified in the report could have been avoided if the property had been adequately maintained over the last 20 years.

Landscape Architect

Objection

Comments still applicable from previous application: *“the application proposes to demolish a building that supports appropriate local character within the AONB, i.e. agricultural form in countryside and constructed in natural stone, and it’s proposed replacement with a non-descript domestic bungalow on a larger footprint is a principle that should not be supported by the LPA.*

The requirements of the ‘Countryside and Rights of Way Act’ (2000) Section 85, requires Wiltshire Council as a responsible authority to consider the statutory purpose and function of the national ‘AONB designation’ whilst undertaking its statutory role as a Local Planning Authority. From the information submitted it is clear that the current proposal will not conserve or enhance natural beauty within the AONB. I am currently unable to check any further information that the applicant may have submitted to justify demolition of this characteristic building but I suggest any such justification would need to be compelling, otherwise the approach to development at this location should be to conserve the existing agricultural building form and design a sensitive and high quality extension, if the principle of the larger footprint requirement is acceptable under policy restrictions.

The applicant should be encouraged to read the Cotswolds AONB’s Management Plan and the ‘Landscape Strategy / guidelines’ produced by the Cotswolds AONB Partnership. They should then consider whether their current proposal is in line with this information? My initial reaction is that the current proposal falls very short of this advice and the applicant should be reminded or informed that this AONB information forms part of this Council’s evidence base, along with the ‘North Wiltshire’ and ‘Wiltshire’ Landscape Character Assessments that underpin the Wiltshire Core Strategy, Core Policy 51:Landscape.

At this time, I can confirm that CP51: Landscape could and should be included as a reason to refuse this current application.”

Latest comments:

“Following my last correspondence, I confirm that I have visited the site to evaluate the potential for harmful visual effects to result from this development proposal. Due to the remote and isolated location of the application site and the low elevation of the existing and proposed building combined with the screening function of the small adjacent woodland and larger intervening agricultural buildings etc.. The visual effects from erecting a new bungalow will be negligible for public visual receptors. However, as previously stated the resulting harm to the character of the AONB is not reliant on development being publically visible, it is the resulting loss of the rural vernacular building and its proposed replacement with an uncharacteristic suburban building which generates the harm to the AONB and local landscape character.

I also highlight that the submitted information still fails to consider the Council's previously identified landscape evidence base, comprising published 'Landscape Character Assessments' and the 'Cotswolds AONB Management Plan' and the 'Cotswold AONB Landscape Strategy', which underpins Wiltshire Core Strategy, Core Policy 51. In my opinion the application not only fails to meet the necessary criteria for a new dwelling in countryside, it also demonstrates an inappropriate and harmful development strategy. I repeat my previous advice in this regard, if the LPA is minded to entertain the principle that increasing the existing dwelling size/footprint is acceptable, then the development strategy should be to retain the existing converted Cattle Byre within an extended dwelling. I'm sure the issue of some damp in the corner of a room could be technically dealt with, without requiring the complete demolition and loss of this historic rural vernacular building from the countryside and the Cotswolds AONB."

Ecology - No comment (bat survey received)

Archaeology - No comment

Rights of Way - No comment (previously no objection)

Drainage – Support subject to conditions

MOD Defence Estates Safeguarding - No safeguarding objections

AONB Board – No comment

8. Publicity

The application was advertised by site notice and neighbour notification letter.

No representations have been received from local residents.

9. Planning Considerations

Principle of development

New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled so as to restrict homes being built in unsustainable locations remote from local services, facilities and transport routes. Policies CP1 "Settlement Strategy" and CP2 "Delivery Strategy" of the WCS direct new development to sustainable locations.

The proposal is for a replacement dwelling and as such, Saved Policy H4 "Residential Development in the Open Countryside" of the North Wiltshire Local Plan 2011 is of relevance. This policy permits replacement dwellings where:

- a) The residential use has not been abandoned; and

- b) the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings; and
- c) the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.

The proposal is considered against each of this policy's criteria below:

a) *Abandonment*

With regard to criterion a), having visited the site and given the recent granting of a Lawful Development Certificate, the residential use has not been abandoned.

b) *Ability to retain and surroundings*

In respect of b), the applicant has submitted a 'Structural Condition Report' to support the notion that the existing dwelling is incapable of retention in its current state. The report claims that the property is in need of a considerable amount of repair and improvement work, although there are elements of the property that are well constructed. Key issues raised relate to repointing and repair of stonework, damp proofing, rebuilding the chimney, additional insulation, and window and doors relatively poor quality for replacement.

The Council's Building Control surveyor has reviewed the report and considers it to be contradictory and leave significant room over the true condition of the property. There are doubts that the damp are a result of poor construction and lack of insulation as the original building regulation application showed insulated floor, walls and roof and the new floor would have incorporated a damp proof membrane. It is not considered the actual cause of the condensation has been addressed and should be investigated further by a suitably qualified expert. From the information provided, there is no evidence to suggest the property to be unviable as a dwelling. There may be other reasons for the condensation such as its use as a holiday let with infrequent occupancy (and heating patterns) and a lack of ventilation. The costs quoted for repair and refurbishment are excessive, and cannot be accurately estimated until the issues are fully understood.

The applicant has responded, with their retained Surveyor suggesting that the conclusions reached by the Council's Building Control Surveyor are incorrect – in particular stating that the ingress of moisture to a property of this type is highly likely and due to a lack of foundation and damp-proof coursing (rubble walls being particularly difficult to proof). The applicant's Surveyor also suggests that the cost of refurbishment has risen significantly in recent years and that they do not believe the figures quoted to be anything other than fair.

Notwithstanding the surveyor's response, it is considered that there remains doubt over the incapability to retain the property in its current state. However, it is not considered that the Council have sufficient resource to investigate this fully and as such, the claims made within the structural survey are to be taken at face value and it is considered that a reasonable level of justification has been provided to meet this criterion.

The second part of criterion (b) permits a replacement dwelling where a building is unsightly or is out of character with its surrounds. In this particular instance, the existing building is a

cattle byre type conversion of some charm. As set out in the site description section above, the conversion retains its original vernacular as a rural building; being finished in rubble stone, beneath a slate tiled roof – materials that speak to its environs using an entirely appropriate architectural vocabulary. The proposal demonstrably fails criterion b) to this policy.

c) *Size and scale*

With reference to c), the proposed bungalow is significantly larger in scale than the existing single storey dwelling. Whilst the proposal remains single storey, its footprint is much larger and is considered to be excessive in size and therefore in conflict with this criterion.

It should be noted that the three criteria to Saved Policy H4 compel a *compound* consideration, which each separate element needing to be complied with. Since it demonstrably fails the size/scale element, the conclusion must therefore be that the proposal does not comply with Saved Policy H4 and that the principle of development is, in this instance, unacceptable.

Design/Character and impact on landscape

WCS Core Policy 57 requires new development to be of a high standard of design and requires development to create a strong sense of place through drawing on the local context and being complimentary to the locality. Amongst other matters, the policy requires development to respond positively to the existing landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines, to integrate the building into its setting effectively. The property is situated within the Cotswold AONB, which Policy CP51 of the Wiltshire Core Strategy applies great weight to conserving and enhancing landscapes and scenic beauty.

The Landscape Officer has been consulted on the proposal and has raised a significant objection to the proposal on the basis that the application would demolish a characteristic Cotswold landscape building (a converted agricultural building finished in natural materials), to be replaced with a bungalow finished in natural stone, set beneath a grey/black cement fibre slate roof and wooden/wooden effect windows (it is assumed that this notation on the elevations suggests the possibility of uPVC fenestration), with stone cills and lintels and stone and oak effect metal cills as shown on the drawings.

Whilst the materials have been changed from timber cladding to natural stone, the proposed bungalow remains of a suburban design and character entirely at odds with its context – which is, after all, one of the most protected landscapes within Wiltshire. The modern design of the building is still considered to be discordant to local character, as confirmed by the Landscaping Officer.

No evidence has been supplied that the new dwelling would somehow be more “sustainable” or more energy efficient than would be required under the Building Regulations regime, but what is clear is that the “Dan-Wood House” demonstrated on the submitted plans would be a form of modular build. It has been indicated by the applicant that a ground source heat pump

and solar panels will be installed. Subject to certain conditions (such as location/size/positioning), this could be permitted development without the need for planning permission. Notwithstanding this claim, minor eco-credentials would not outweigh the harm to the character and appearance of the area due to its sensitive location.

No LVIA type study has been undertaken by the applicant to support their application, albeit photographs of the views have been submitted. It is clear that the proposal could not be described as protecting, conserving or enhancing the natural beauty of the AONB. In contrast, it would result in the incremental dilution of a characteristic and valued landscape element within the AONB. The Landscape Institute's guidance on LVIA establishes that where a proposal would constitute an incremental dilution of a characteristic and valued landscape element within an AONB (for example - proposals which remove characteristic stone agricultural buildings and their replacement with suburban dwellings), the landscape effects need not be publically visible. The Cotswolds AONB Board Management Plan confirms such a principle, as does the Landscape Officer. It is confirmed that it is the resulting loss of the rural vernacular building and its proposed replacement with an uncharacteristic suburban building which generates the harm to the AONB and local landscape character.

It is indisputable that the loss of the existing building characteristic of the locality and its replacement with a modular bungalow of suburban appearance would protect, conserve or enhance the AONB. The proposal would fail the provisions of Policy CP51 of the Wiltshire Core Strategy.

Residential amenity

The property is remote from any neighbouring properties and as such there would be no adverse impacts on residential amenity.

Other considerations

A scoping bat roost survey has been submitted in support of the proposal and the Ecology Officer has no objection.

In respect of highways, the replacement dwelling would utilise the existing access and there is adequate parking and turning at the site. Consequently no highway objection is raised.

Conclusions

The proposal does not comply with Policies CP1, CP2, CP11, CP48, CP51 and CP57 of the Wiltshire Core Strategy as well as Saved Policy H4 of the North Wiltshire Local Plan 2011 and supporting paragraphs of the NPPF.

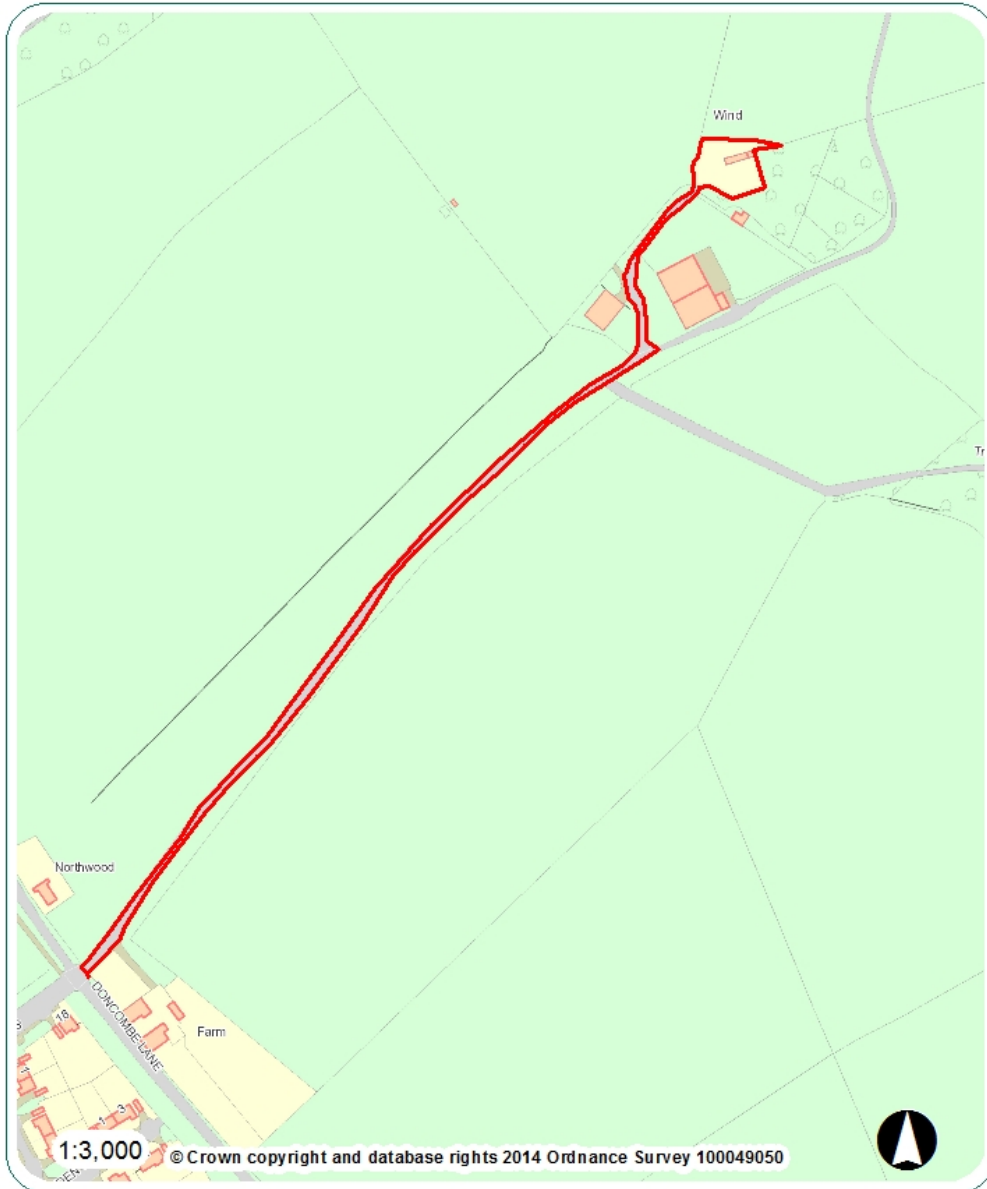
Recommendation

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

1. By reason of the proposal failing to comply with the requirements of H4 in respect of justifying a replacement dwelling, the proposed development, by reason of its location would be contrary to the settlement, delivery and community area strategies and residential development in the open countryside policy and is unacceptable in principle. The proposal fails to accord with Core Policy 1, 2 and 11 of the adopted Wiltshire Core Strategy (Jan 2015), as well Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14 and 17 of the NPPF.
2. The proposed development, by reason of loss of the existing building, which entirely appropriate to the distinctive character of the Cotswold AONB, and its replacement with a pre-fabricated bungalow would adversely impact the character and appearance of the Cotswold AONB. The proposal fails to accord with Core Policy 51 (ii and ix) and 57 (i, iii and vi) of the Wiltshire Core Strategy (Jan 2015), and Paragraphs 14, 17 and 115 of the NPPF

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17/11409/FUL
Northwood Barn
Doncombe Lane
North Colerne
Chippenham
SN14 8QP



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	24 January 2018
Application Number	17/10136/FUL
Site Address	150 Sheldon Road, Wiltshire, Chippenham, SN14 0BZ
Proposal	Change of Use of Old Persons Home (Class C2) to Create 2No Residential Units Within Class C3(c)
Applicant	Mr David Phizacklea
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM QUEENS AND SHELDON – Cllr Ashley O’Neill
Grid Ref	390718 173369
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by Cllr O’Neill in order to consider the car parking, highways and environmental impacts of the proposal.

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, subject to conditions.

2. Report Summary

The key issues in the consideration of the application are:

- Principle of development;
- Impact on highways/parking; and
- Impact on neighbour amenity

3. Site Description

The application relates to land at buildings at no.150 Sheldon Road, Chippenham, a former retirement/nursing home (Use Class C2) providing full-time care to its elderly residents. The site is situated on the northern side of Sheldon Road, which occupies a reasonably central position in a mature, predominantly residential, part of Chippenham. Access is obtained directly from the highway, with a private drive running the length of the western site boundary to serve parking/turning and external circulation/utility areas. As with most properties on this side of the highway, the single extended bungalow on site is set back from the road behind a modest garden area, and is of linear form and one-and-a-half-storey proportions, providing a limited degree of additional accommodation in the roof of the frontward element. It is finished in render beneath a concrete tile roof with tiled box dormers.

4. Planning History

N/87/02449/FUL	EXTENSION FOR ANCILLARY ACCOMMODATION – Approved
N/93/01011/FUL	EXTENSION TO DWELLING EXTENSION – Approved
N/00/01205/FUL	ERECTION OF CONSERVATORY – Approved
N/08/01800/FUL	Proposed Dormer Window Extension – Approved

5. The Proposal

The proposed development comprises the change of use of the former home to a five-bedroom dwelling and attached four-bed flat, comprised within the forward – one-and-a-half-storey – and rear single storey sections of the building respectively. The former is to be comprised of a large open-plan living room/kitchen/diner, utility, study and bedroom with ensuite at ground floor, with stairs to a further four bedrooms; two have ensuite bathrooms and another has an ensuite and dressing room. The attached flat to the rear is to provide four bedrooms, each with ensuite, and a central kitchen/lounge with separate laundry provision. In either case, no significant external alterations are necessary other than the replacement of a window with an external door within the inset area shown as 'Elevation A'. Parking areas are to be reconfigured to provide 3no. parking spaces at the rear of the site, and a further four allocated bays within the area of amenity space to the front of the building, all accessed via the existing entrance off of Sheldon Road.

The original application was for a change of use to cluster flats, representing a House in Multiple Occupancy (HMO, Use Class C4) however the revised plans clearly show the building instead configured as two separate, more typical single residential units (Use Class C3) and the description of development has been amended accordingly. Understanding that the rooms may be let independently it is considered that principally due to their size, parking arrangements and sharing of amenity areas in a typical domestic manner, both units fall into Class C3(c), being “*groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class*”.

6. Local Planning Policy

Wiltshire Core Strategy:

- Core Policy 1 (Settlement strategy)
- Core Policy 2 (Delivery strategy)
- Core Policy 57 (Ensuring high quality design and place shaping)
- Core Policy 60 (Sustainable transport)
- Core Policy 61 (Transport and development)
- Core Policy 64 (Demand management)

National Planning Policy Framework:

- Paragraph 17
- Section 4 (Promoting sustainable transport)
- Section 6 (Delivering a wide choice of high quality homes)
- Section 7 (Requiring good design)

7. Summary of consultation responses

Chippenham Town Council – objections; *“The Town Council objects on the grounds of over development of the site and traffic concerns regarding the impact onto the highway network.”*

Highways – no objection, subject to conditions

Public Protection – no objection, subject to conditions

8. Publicity

The application was advertised by site notice and neighbour letter.

12 objections were received, raising the following concerns:

- Inadequate on-site parking provision, leading to pressure on obstructive on-street parking;
- Increased noise and disturbance;
- Loss of privacy to neighbouring occupiers;
- Potential for crime and anti-social behaviour;
- Overdevelopment of the site; and
- Visual harm to street scene

A petition of 100 signatures (some overlapping with the above count) was also received, citing *“safety concerns around traffic, parking, noise and possible anti-social behaviour”*.

Following amendments, the application was re-advertised for a further three weeks. A further five objections were received, raising the following concerns:

- Loss of privacy due to overlooking;
- Lack of suitable parking and turning provision;
- Increased noise and disturbance; and
- Inconsistency of plans

These comments were accompanied by a further petition of 160 signatures citing the same reasons as previously.

It should be noted that concerns pertaining to the value of property and speculation as to the character or intentions of the applicant are not material considerations and are not afforded any discussion or weight in the section below.

9. Planning Considerations

Principle of development

The site is located within a well-established residential part of Chippenham, which is itself identified in the Core Strategy as a Principle Settlement capable of accommodating a significant level of new residential development. The site has historically been in residential use and offers excellent access to a wide range of employment, service and transport options consistent with the objective of reducing the need to travel by private car. As such, the site is a sustainable location for new residential development and the exact quantum of accommodation falls to be considered primarily on the specific capacity and constraints of the site itself.

Impact on highways/parking

The proposed development makes use of an established vehicular access historically serving as the single point of entry to the site. This would, at a fundamental level, not change, with a similar area to the rear of the building serving part of the new parking requirement. The 4-bed rear flat generates a requirement for 3no. parking spaces in order to meet the adopted countywide standards, and this has been demonstrated in a manner well-related to the accommodation. An additional area created to the front of the dwelling would, in the view of the Council Highways Officer, also provide adequate parking for the 5-bed unit (again requiring 3no. spaces) plus an additional visitor space. All areas would provide adequate facility for turning, enabling vehicles to join and exit the highway in a forward gear and due to the reasonably low intensity of use and connecting driveway would not give rise to an unacceptable potential for conflict between users.

Public representations made before and after the receipt of revised parking/turning details make reference to an increase in traffic and on-street parking associated with this development. Whilst on-street parking is acknowledged to be a problem, particularly at times of peak vehicle movements along Sheldon Road, it is one that already exists and developments cannot be expected to exceed the countywide standards. Notwithstanding, in this instance, it is considered reasonable that the additional visitor space takes account of the occasional visit by private car that may be introduced by unrelated occupants. The Highways Officer also notes that the amended layout is also less likely to attract additional caretaker/cleaner, inspection or other service visits typically associated with HMOs. Particularly when noting the 'severe' test set out at Paragraph 32 of the Framework it is not considered that the highways implications of the proposal now provide any meaningful basis for objection.

Impact on neighbour amenity

Several public representations make explicit reference to concerns that the proposed development will attract an unwelcome degree of disruption both to the site itself and immediate neighbours, as well as to the wider neighbourhood. There seems little to suggest that the latter could be demonstrated as a direct consequence of the development in question, being more speculative as to the pursuits of future occupants who could just as well be living in any other dwelling. It is acknowledged that the creation of two units in place of what was previously a particularly un-intrusive use is likely to lead to an increased intensity of activity with some noise implications. Due to the detached nature of the building and accommodation now proposed, however, this is

not considered to be detrimental to the neighbourhood which, it should be noted, lies in a relatively busy area within the town. Were any exceptional disturbance to be experienced by neighbours, however, there are separate statutory powers such as Noise Abatement Notices capable of addressing such an issue.

It is considered that – unlike the original configuration of the building as proposed – occupants would be afforded an appropriate standard of residential amenity in terms of private space (though without this amounting to bedsit-type accommodation) and natural daylight. It should be noted that, despite the lack of useable outside amenity space, this is a pre-existing arrangement on site and occupants would be cognisant of this from the outset. Whilst a good standard of useable rear amenity space is typical of residential properties in the area, even if the subject building were converted to a single dwelling this could not be achieved without significant, and rather unrealistic, demolition works. Its absence is not considered determinative in this instance, therefore. In respect of neighbour privacy, it is noted that a degree of overlooking from the first floor windows exists already and, in the absence of any change to fenestration, this situation would remain unaltered.

Noting that the difference between Class C3(c) and Class C4 HMO's is a relatively narrow one, the revisions to the proposed layout are nonetheless considered significant in terms of the way in which the building is to be occupied and the implications for potential noise disturbance and suchlike. Whilst instances of anti-social behaviour associated with HMO's more generally are certainly known, with a greater emphasis on shared living areas rather than bedsit-type accommodation with the odd circulation space it seems reasonable to assume that occupants would take greater ownership of their environment out of respect for others around them. Given that the setup of both units is now not dissimilar to a typical domestic blueprint, it is not considered that the impacts of the development in this regard is likely to be significantly greater than any other dwellinghouse. In this instance, therefore, the question moreover is whether two dwellings on this site represents overdevelopment or not; having regard to the considerations above and the context of the site, it is considered that it does not.

The Council's Public Protection Officer commented on the original application as follows: *"The proposal is for a change of use from a nursing home to a cluster of flats and unlikely to have any long term effects on the local amenity. It is likely that there will be some effect on the amenity during the construction/renovation phase through noise and potentially dust. To protect the neighbours during this period it is appropriate to prohibit any burning of waste and restrict hours of construction which are detailed in the conditions below. Dust from any building activities should also be managed as necessary."* Conditions are recommended in the latter regard.

Other matters

There are no significant design changes to the exterior of the building, the change of a window to a door having no consequential impact on the overall appearance of the newly-created flat nor on the amenity of occupants or neighbours. The creation of the new parking area to the front of the unit will however have an impact on the appearance of the street as a landscaped area is to be replaced by hard standing and, one would

anticipate, parked vehicles. Whilst this does little to enhance the street, it is not out of character and several other examples of such an arrangement can be seen sporadically along Sheldon Road. Subject to securing an appropriate standard of landscaping including a suitable boundary wall along the highway frontage, it is not considered that the visual effects of the change will be detrimental to the character and appearance of the area, therefore.

In terms of the configuration of the property, the plans do exhibit some unusual elements, as observed by neighbours. Although the first floor Bedroom 4 does not appear to have an allocated bathroom, though, this is a practicality of concern principally to the applicant and future occupiers; in practice this may simply reduce the intensity with which the building is occupied – e.g. by rendering it suitable only as a study, and/or occupied in tandem with another bedroom. As regards the extension into a conservatory of the ground floor Bedroom 4, to the rear of the property, this is again a matter of personal choice and – in remaining a habitable room for the purposes of planning – does not materially alter the consideration of the application. In that instance, occupants are likely to be more affected by a sense of overlooking by neighbours than vice-versa, and may therefore take appropriate measures such as the installation of blinds to address this. The proposals, it should be remembered, can only be considered on their individual merits.

Conclusions

On the basis of the matters discussed above, it is considered that the amended proposals comply with adopted Core Policies 1, 2, 57, 60, 61 and 64 and, in light of the absence of any material consideration indicating otherwise, are acceptable in planning terms.

RECOMMENDATION

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

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

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

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

17/107/3 rev A - Proposed Plans
17/107/1 rev A - Parking
Received 15 December 2017

17/107/1 - Block & Location Plan
Received 19 October 2017

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

- 3 No dwelling shall be occupied, until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority, and the screen walls and/or fences in respect of each dwelling have been erected in accordance approved details. The approved screen walls and/or fences shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy and in the interests of amenity.

- 4 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.

- 5 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 6 No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of local amenity.

- 7 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 8 **INFORMATIVE TO APPLICANT:**
The applicant is advised that this permission authorises a change of use to Class C3(c) only and does not authorise any works or further change of use that may require a separate grant of planning permission, including any intensification of occupation that may create a dwelling or dwellings falling within Class C4 of the Use Classes Order (as amended).

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

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

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	24 January 2018
Application Number	17/11346/FUL
Site Address	Land at Newlands, Littleton Drew, Chippenham, SN14 7NB
Proposal	Change of Use to Equestrian, Erection of Timber Stables, Concrete Base/Turnout Area and a Parking/Turning Area - Part Retrospective
Applicant	Mrs Kathleen Phillips
Town/Parish Council	GRITTLETON
Electoral Division	BY BROOK – Cllr Baroness Jane Scott of Bybrook OBE
Grid Ref	383134 180400
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by Cllr Scott in order to consider the scale of development, visual impact on the surrounding area and the objections raised by the Parish Council.

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, subject to conditions.

2. Report Summary

The key issues in the consideration of the application are as follows:

- Principle of development
- Impact on the character and appearance of the site
- Impact on the Cotswolds AONB
- Highways/parking

3. Site Description

The application site is located to the East of the village of Littleton Drew, itself a short distance to the North of the M4 motorway and identified as a Small Village in the Wiltshire Core Strategy. It comprises a regularly-proportioned agricultural field 2.6ha in area, arranged over reasonably flat terrain and bounded on its southern side by a mature hedgerow/tree boundary. The remaining field boundaries, onto open land with

far-reaching views, are demarcated by timber post-and-rail fencing. The site is accessed via the adjacent bridleway, GRIT7, which runs northeast from the centre of the village. This has recently been levelled and resurfaced in scalplings, terminating in a wide entrance way secured by timber agricultural gates. The land is classified as Grade 3 agricultural, which is subdivided into Classes 3a and 3b; the former being at the lowest end of Best and Most Versatile (BMV). The site is located in the open countryside and within the Cotswolds Area of Outstanding Natural Beauty (AONB).

4. Planning History

- | | |
|--------------|--|
| 16/02428/FUL | Retrospective Change of Use from Agricultural to Equestrian - Concrete Pad & Mobile Stable Unit consisting of Two 12 x 12 Stables & Adjoining 12" x 12" Storage Shed – withdrawn |
| 16/08839/FUL | Change of Use from Agricultural to Equestrian - Concrete Pad and Two 12 x 12 Stables with Attached 12 x 12 Storage Shed. Mobile Stable Unit consisting of Three 12 x 12 Stables and Horse Walker, and Parking/Turning Area (Retrospective) (Resubmission of Planning Application Reference 16/02428/FUL) – refused |

5. The Proposal

Planning permission is sought retrospectively in respect of the change of use of the application site from agricultural to equestrian use, erection of stables and creation of a parking/turnout area. Notwithstanding the amended description, and without prejudice to any appeal, it should be noted that the applicant believes the change of use to have already been lawfully established, although this is not agreed at the present time. In physical terms, the initial parking/turning area is comprised of loose material situated immediately north/northwest of the dual timber entrance gates, having maximum dimensions of 15.5 x 15m to enable a vehicle and trailer to turn. The stable building, as presently seen, is positioned immediately adjacent to the historic, low-key field shelter alongside the southern site boundary and is attached to a concrete slab base adjoining the earlier structure to allow for a modest turnout area. The building comprises of two loose boxes and integral store, and is finished externally in untreated timber boarding beneath a shallow-pitched dark Onduline roof.

An earlier application, comprising the same change of use to equestrian, concrete pad, parking/turning areas and stables, together with the earlier storage shed, an additional mobile stable unit and separate horse walker was refused at the Area Planning Committee, against Officer recommendation, for the following reason:

“The proposed development, by reason of the cumulative scale and form of physical development will have an urbanising effect on the site and its setting, resulting in harm to the character, appearance and openness of the landscape and intrinsic quality of the Cotswolds AONB. The proposal therefore conflicts with Core Policy 51(ix) of the adopted Wiltshire Core Strategy and Criteria 1, 2, 3, 5, 7, 10 and 12 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2013 - 2018.”

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 61 (Transport and new development)

National Planning Policy Framework

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

The Cotswolds AONB Management Plan 2013-2018 is also a relevant consideration.

7. Summary of consultation responses

Grittleton Parish Council – objections, citing the following reasons:

- *A large concrete pad installed on the site indicates that pre-application advice received by the applicant from Chris Marsh on 15th October 2015 (ref 15/09573/PREAPP) has been blatantly ignored.*
- *The parking and turning area, which forms a part of the application, will have an urbanising effect on the rural context in which the application site is located; and fail to protect the surrounding local countryside which enjoys AONB status. Councillors consider it unlikely that the parking and turning area is intended only for personal use.*
- *Councillors consider that a restriction should be imposed to prevent a commercial operation being run from the site.*
- *The access to the site is along a bridle path, which is only adequate for low-level use - and has, due to use by vehicles accessing the site, already been severely damaged.*

Highways – no objection, subject to conditions

Rights of Way – no objection, subject to conditions

8. Publicity

The application was advertised by site notice and neighbour notification.

10 letters of objection have been received (by household), raising the following concerns:

- Equestrian development inappropriate in principle in this location;
- Proposals adversely affect the character and appearance of the AONB;
- Adverse highway impact of increased traffic movements; and
- Substandard condition of bridleway and potential for further erosion

Speculation as to whether planning conditions would be complied with and whether a commercial enterprise would emerge are not material or pertinent to the consideration of the application, nor is that it is made retrospectively.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

As a matter of principle, and as previously recommended to the Committee, it is considered that at a fundamental level equestrian use is appropriate in the open countryside, particularly in such cases as its being located amongst a fairly intensive network of bridleways and easily accessed from villages including Littleton Drew. It is understood that the use of the land – and land adjacent – for the grazing of horses is well established however, notwithstanding the applicant's original suggestion that a lawful equestrian use has become established by the passage of time, it is considered that the change of use has only occurred with the relatively recent intensification to provide permanent stabling on site. The description of development has been amended accordingly to include this change of use.

Clearly, equestrian land use is an inherently rural one, the sustainability of whose siting must be balanced against the both the reasonable demands of the animals kept and also the amenities of the area and nearby residential properties. In this instance, the site is in close proximity to a village and, although it is understood that the applicant lives elsewhere, has reasonable transport links by private vehicle. It is also a use considered appropriate in areas of particular landscape significance such as AONBs, a point reflected in the advice of the Cotswolds Conservation Board as relevant in this case, although the Board's emphasis on the importance of good design given the heightened sensitivity of such areas is entirely appreciated and will be discussed later.

It should be noted that the application is made on the basis of private equestrian use (i.e. the keeping of horses by an individual) and no on-site commercial use is proposed. Although this can be secured by condition to prevent future diversification, it is imperative that the application is considered on its individual merits and not on the basis of such speculation or historic ad-hoc use as suggested by several representations.

Impact on the character and appearance of the site

Turning to the physical impacts of the development, therefore, it is clear in the first instance that these have been reduced considerably relative to the previous application. The previously-proposed field shelter, which was of a considerable size, has now been omitted, as has the proposed metal horse walker. Whilst the fencing remains in situ, it is noted that this is of a typical form already established in the area and a feature actually characterising the site and its immediate context. The parking/turning area has clearly

been informed by practical requirements and is not excessive in size considering the type of vehicles making use of it. It is also well related to the site entrance and its materials absolutely typical of an agricultural/equestrian access, such that it does not appear incongruous or overtly 'urban' in practice and is certainly preferable to a sight of permanently churned-up earth.

By a similar token the modest turnout area surrounding the stables building is considered entirely appropriate, as it is reasonable to expect otherwise that the intensive movement of horses and equipment around this area would otherwise severely erode the land. It is not excessive in size and will enable the effective use of the dedicated storage area and thus allow a proportionate amount of feed, bedding and equipment to be safely stored rather than relying on external storage. The design of the building is entirely typical of small-scale private stabling and any number of examples can be found elsewhere, including within the AONB. Due to its proximity to the mature southern site boundary, modest scale and recessive materials, it is not considered that the design of the stables is appropriate to its setting and will not appear as unduly prominent.

Impact on the Cotswolds AONB

By reducing the quantum of development to a bare minimum, and through the use of planning conditions to restrict additional structures, storage and equipment on the site, it is considered that the 'cumulative' harm on the AONB cited in refusing the earlier application has now been adequately addressed. The development would be contained to the backdrop of the southern site boundary and comprises only of a modest level of surfacing together with a single-storey-scale building, such that distance views of the site would not yield anything that would appear out of place in context and certainly no more so than the stables and large manege situated some 250m west.

The Cotswolds Conservation Board notes in 'The Keeping of Horses and Ponies in the Cotswolds AONB' the potential for unsympathetic boundary treatments, lighting and equestrian paraphernalia to create a disproportionate adverse impact on protected landscapes despite their limited physical size. These are capable of being controlled by condition in this case, however, and do not otherwise form any substantive component of the proposals. Taking these on their own merits, it is considered that the very limited amount of development and largely 'natural' materials will ensure they continue to weather down over time, further reducing their already minimal impact on the wider landscape.

Impact on highways/parking

The Council's Highways Officer is satisfied that, in its present condition and, anticipating only the relatively low level of use associated with an individual keeping horses privately on the land, the use of the bridleway for vehicular access represents an acceptable situation. It is acknowledged that – to some extent – the private use of the access junction at the centre of the village is an established one and therefore its continued use does not warrant an objection on highway grounds now that the track is likely to be available for such use throughout the year, averting undue demand for on-street parking. Although the Officer notes the limited visibility of the highway junction, this

represents an existing situation and thus no significant detriment resulting from the proposed development.

The bridleway surface has been improved considerably at the applicant's expense shortly prior to consideration of the last application, carried out in accordance with a schedule of works agreed by the Council's Senior Rights of Way Warden and including measures to improve drainage without amounting to 'development' requiring planning permission in its own right. This being the case, and notwithstanding any other private rights and responsibilities pertaining to the track, the Council's Rights of Way Officer is now satisfied that the proposals will not compromise the right of way. Whilst this does represent an improved offer to other bridleway users and not just the limited vehicular and equestrian traffic associated with the development, this should rightly be considered as periodic maintenance in the larger sense and thus does not weigh specifically in favour of the proposals. It should be noted that the planning process is altogether separate from any private or public rights of access along the route.

Conclusions

Taking into account all material considerations, including the content of the Cotswolds AONB Management Plan, and notwithstanding the refusal of planning permission for an earlier scheme, the development plan and specifically Core Policies 51, 57 and 61 indicate in this instance that the proposal is acceptable in planning terms.

RECOMMENDATION

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

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

TP1 - Location Plan
TP2 - Proposed Block Plan
TP3 - Elevations

Received 17 November 2017

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

- 2 No paint, stain or other colourant shall be applied to external timber (including external walls, doors and window joinery), until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

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

- 3 Within one month of the date of this decision, details of the storage of manure and

soiled bedding (including the location of such storage) and its disposal from site (including frequency) shall be submitted to the Local Planning Authority for approval.

Following the written approval of the said details, the works for such storage and disposal shall be carried out in accordance with the approved details within one month.

The approved storage area and disposal method shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

- 4 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

- 5 There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the rural character of the area and openness of the AONB.

- 6 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the rural character of the area and openness of the AONB.

- 7 No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the rural character of the area and openness of the AONB.

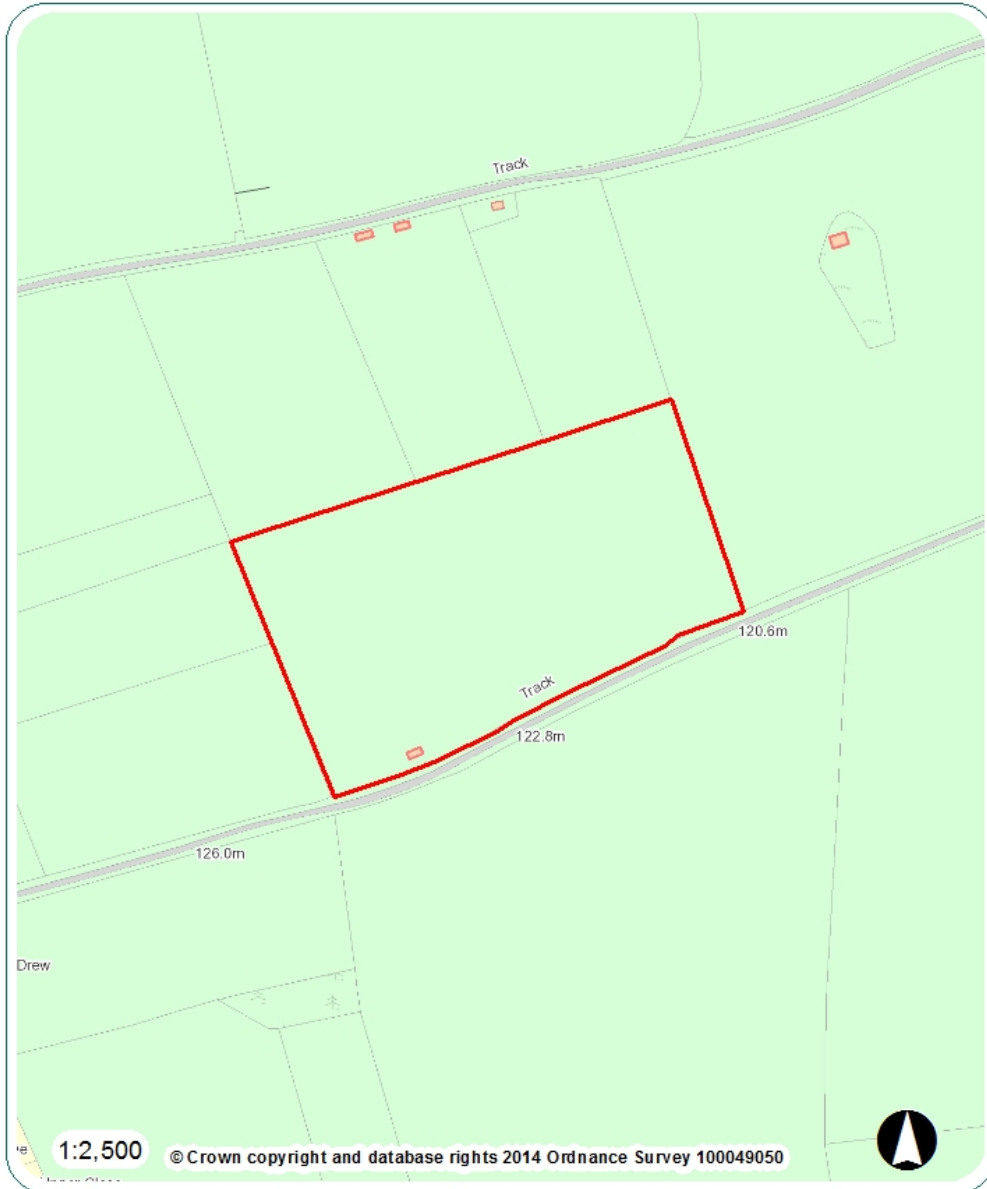
- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", 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.

- 9 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 10 **INFORMATIVE TO APPLICANT:**
Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer.
- 11 **INFORMATIVE TO APPLICANT:**
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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



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