

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 14 November 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@wiltshire.gov.uk

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

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Peter Fuller
Cllr Jonathon Seed (Vice-Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 17 October 2018. (Copy attached)

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 7 November 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 9 November 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 13 - 14*)

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

7a **17/08216/FUL: Land North of 146, Upper Westwood BA15 2DE - Provision of two self-contained camping pods with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).** (*Pages 15 - 28*)

A report by the Case Officer is attached.

7b **18/07286/FUL: Adjacent To 489a Semington Road Melksham SN12 6DR - Erection of 4 no. dwellings (resubmission of 17/04649/FUL)** (*Pages 29 - 50*)

A report by the Case Officer is attached.

7c **18/08115/FUL: 392 A Ham Green, Holt BA14 6PX - Demolition of conservatory and proposed rear extensions. Alterations to the front boundary treatments.** (*Pages 51 - 62*)

A report by the Case Officer is attached.

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

None

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WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 OCTOBER 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

Also Present:

Cllr Johnny Kidney

55 Apologies

There were no apologies.

56 Minutes of the Previous Meeting

The minutes of the meeting held on 19 September 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 19 September 2018.

57 Declarations of Interest

There were no declarations of interest.

58 Chairman's Announcements

It was noted that the microphones were not working.

The Chairman gave details of the exits to be used in the event of an emergency.

59 Public Participation

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

60 **Planning Appeals and Updates**

The Planning Appeals Update Report for 7/09/2018 to 5/10/2018 was received.

Resolved:

To note the Planning Appeals Update Report for 7/09/2018 to 5/10/2018.

61 **Planning Applications**

The Committee considered the following applications:

61a 8/04589/FUL - Unit 8 Atworth Business Park, Bath Road, Melksham

Public Participation

John Polhill spoke in objection to the application

Maddy Palmer spoke in objection to the application

Helen Goodig spoke in objection to the application

Sandra Tuck, Agent, spoke in support of the application.

Tom Griffiths, Applicant, spoke in support of the application

Mike Wilmot, Head of Development Management, introduced the report which recommended approval be granted for an Extension to existing building (Use Class B8), extension to service road, landscaping and associated works.

Late representations had been received which referred to the original application, where the previous occupiers had applied for the extension and since then they had vacated the premises. Head of Development Management explained that the application presented by the owners was still acceptable.

Key issues included; the principle of development, design issues, the impact on the immediate area, impact on amenity, highway and access considerations and the section 106 agreement.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: The relevance of Core Policy 1, whether a market analysis had been carried out, details were sought on the neighbouring unit's planning permission for an extension; distance between the proposed turning area and the closest residential property,

In response to the questions it was noted that: the property size was not big enough to require an impact assessment; the neighbouring planning permission had been granted via delegated authority in 2017, although the extension had not yet been built and had until 2020 to be commenced.

Members of the public, as detailed above, had the opportunity to speak on the application.

Following the public forum, Members requested to ask further technical questions, which the Chairman accepted. Further details were sought on: whether a S106 was still active on the land which had been designated for recreational use and the planning history of the property.

In response, it was noted that: part of the application site was subject to a S106 agreement, which was made in 1994, which restricted the site to sports and recreational purposes. The Section 106 agreement made no provision for public use of the site for recreational purposes. In 2004 the Local Planning Inspector recommended modifying the plan by removal of the proposed designation as it served no useful purpose and there was a suitable public recreation facility close by. This had been accepted by the District Council. Subsequently, the District Council produced a Leisure and Recreation Development Plan in 2009 which set out existing sports and recreation facilities that would be protected. The application site was neither identified or included in that plan. For these reasons the S106 no longer served any useful purpose. It was also noted that not all of the planning history had been included In the report, only the planning history relevant to the application.

Local member, Councillor Alford, had to opportunity to speak on the application which included the following points: the local authority's responsibility to enforce the s106, details of how core policy 1 and core policy 34 was relevant to the application.

A motion to refuse planning application was moved by Cllr Philip Alford and seconded by Cllr Pip Ridout.

A debate followed and the key points included: no evidence of an economic need within the area and adverse impact on the residential property. At the end it was;

Resolved

To refuse planning permission for the following reasons:

1. The proposed development lies outside of the Limits of Development brought forward for Atworth from the West Wiltshire Local Plan and retained in the Wiltshire Core Strategy. The proposal therefore conflicts with polices CP1 and CP2 of the Wiltshire Core Strategy which do not permit development outside these limits, other than that permitted by other polices in the Wiltshire Core Strategy. Whilst these other polices include CP34, the proposal does not comply with the criteria set out in that policy, for the reasons set out in 2 below.

2. The proposed development does not comply with Core Policy 34. In particular, the extension is not considered essential to the wider strategic interest of the economic development of Wiltshire; and the construction

and use of the proposed road extension and turning head, coming so close to the adjacent residential property, will have an adverse impact on the amenity that residents of that property can reasonably expect to enjoy. The proposal is therefore not considered to be sustainable development.

61b 18/07478/FUL - The Clovers, Hartley Farm, Winsley, Bradford on Avon, Wiltshire, BA15 2JB

Mike Wilmot, Head of Development Management, introduced the report which recommended approval be granted for regularisation of an area of extended hardstanding and proposed change of use of agricultural land to equestrian use (for private purposes) and the erection of a timber loose box/stable building. The application was a revised application, having been refused at the previous meeting.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the utility connections on the land.

There were no members of the public registered to speak.

Local member Cllr Kidney, had to opportunity to speak on the application which included the following points: the special nature of the area – close to the AONB, within the Green Belt; the amount of local concern and the inappropriate scale of the application.

A motion to refuse planning permission was moved by Cllr Edward Kirk which was seconded by Cllr Ernie Clark.

At the end it was;

Resolved

To refuse planning permission for the following reasons:

1. The proposed loose box/stable by reason of its size, bulk and siting in an isolated location detached from any permanent built form of development is found to be harmful to the Green Belt which would not preserve the openness of the Green Belt contrary to Paragraphs 144 and 145(b) of the 2018 National Planning Policy Framework. Furthermore, the proposed development would have a harmful impact on the special landscape area contrary to Saved Policy C3 and CP51 of the Wiltshire Core Strategy by virtue of introducing an isolated form of equestrian development in the open countryside which would conflict with saved Policy E10 of the West Wiltshire District Plan, 1st Alteration.

2. The proposal, which in part comprises an area of hardstanding extending to some 555 square metres and finished in loose stone material is considered disproportionate and unjustified for the purposes of

keeping a small flock of sheep on the 0.88 hectare site and it represents harmful intentional unauthorised development which diminishes the openness of the greenbelt and falls foul of the Written Ministerial Statement released by the Government on 31 August 2015, published as a planning policy statement on green belt protection and intentional unauthorised development (thus making it a material planning consideration).

62 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.05 - 4.20 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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Wiltshire Council
Western Area Planning Committee
14th November 2018

Planning Appeals Received between 05/10/2018 and 02/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/12298/FUL	Flat 4, 40 Stallard Street Trowbridge, Wiltshire BA14 9AA	TROWBRIDGE	Construction of a dormer window on south east elevation	DEL	Written Representations	Refuse	10/10/2018	No
18/05825/FUL	Wren Farm Hoggington Lane Southwick, Wiltshire	SOUTHWICK	Demolition of poultry sheds and associated agricultural buildings and erection of 3 dwellings with access, parking, garaging and landscaping	DEL	Written Representations	Refuse	29/10/2018	No

Planning Appeals Decided between 05/10/2018 and 02/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/06864/FUL	Eddies Diner Lysander Road Bowerhill, SN12 6SP	MELKSHAM WITHOUT	Permanent Use of Site as Food Service Takeaway & Diner (Resubmission of 16/11512/FUL)	DEL	Written Reps	Refuse	Allowed with Conditions	08/10/2018	None
18/02966/FUL	98 Bradley Road Trowbridge, BA14 0RB	TROWBRIDGE	Proposed extension with external alterations to an existing building which has consent for Change of Use from a shop into a dwelling.	DEL	Written Reps	Refuse	Dismissed	01/11/2018	None

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	14/11/2018
Application Number	17/08216/FUL
Site Address	Land North of 146, Upper Westwood BA15 2DE
Proposal	Provision of two self-contained camping pods with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).
Applicant	Mr & Mrs John Blake
Town/Parish Council	WESTWOOD
Electoral Division	Winsley and Westwood – Cllr Johnny Kidney
Grid Ref	380247 159451
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Johnny Kidney requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Kidney for Members to consider are as follows:

- Environmental or highway impact; and
- There is significant local concern regarding access and impact on the AONB.

1. Purpose of Report

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

2. Report Summary

The main issues to consider with this application are:

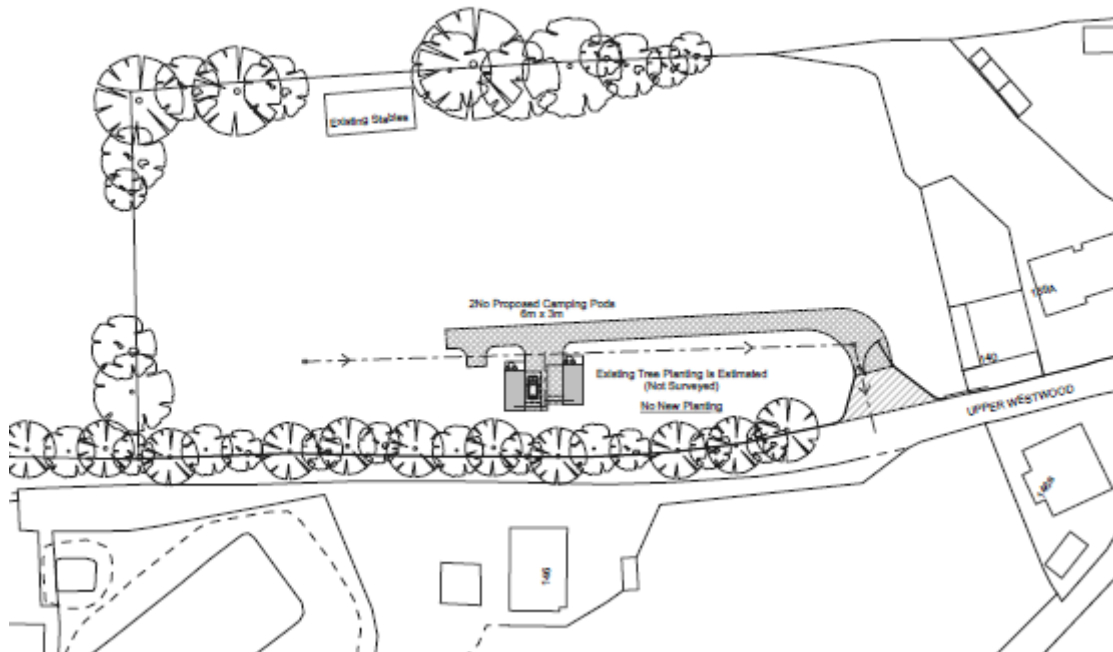
- Principle of development;
- Landscape: Green Belt, Cotswolds AONB and Conservation Area
- Impact on neighbour amenity; and
- Highways.

Westwood Parish Council objects to the proposed development for the reasons set out within section 7 of this report. Section 8 summaries the letters of representation the LPA has received which comprises 51 letters of objection and 25 letters expressing support.

3. Site Description

The application site comprises circa 0.2 hectares of an existing paddock measuring 0.7ha in extent located approximately 150m to the west of the Westwood village settlement boundary. Westwood is classified as a 'Large Village' in the settlement hierarchy as set out under WCS Core Policy CP2; with the site being open countryside and located within the Green Belt and

AONB; and, adjacent to the Westwood Conservation Area. As illustrated below, the site is roughly rectangular in shape and is well enclosed by dense and mature tree planting. The paddock has a structure in the form of a stable block near the northern boundary.



4. Planning History

W/76/01194/FUL - Make safe existing entrance to land with new gate and slab – Approved

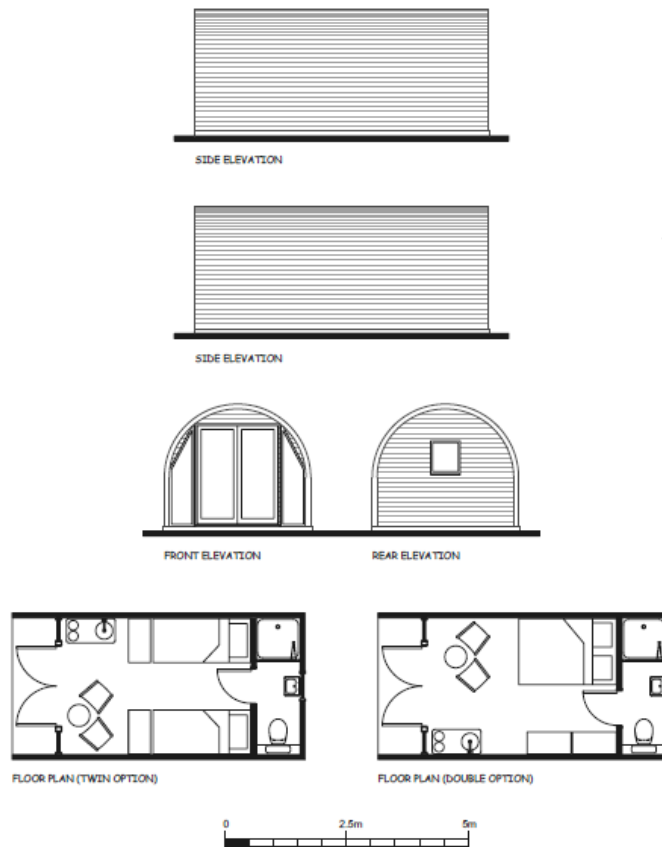
W/77/00975/HIS – Erection of stable block – Approved

17/02852/FUL - Provision of four self-contained camping pods with parking. Change of use of land to leisure / tourism – Withdrawn before a decision was made by LPA.

18/02852/CLE – Re-opening of existing field gate – Lawful development certificate issued.

5. The Proposal

The application proposal seeks full planning permission for the provision of two self-contained camping pods with access, parking and the associated change of use of paddock land to leisure / tourism purposes. The proposed pod dimensions would be 6m x 2.8m with the maximum height being 2.6m (taken from ground level to the top of the roof arc). The following inserts illustrate the proposed pod structure, the internal layout and the elevation treatment.



6. Planning Policy

Local context: Wiltshire Core Strategy (the development plan) - CP1, CP2, CP7, CP39, CP50, CP51, CP57, CP60, CP62, CP64, CP67 and appendix D's 'saved policy U1a of the West Wiltshire District Plan 1st Alteration (2004)

Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 - adopted 20 September 2018

National Context: National Planning Policy Framework 2018 (NPPF); and, Planning Practice Guidance (PPG)

7. Summary of consultation responses

Westwood Parish Council - The Parish objects to the proposal development and the change of use of the paddock on the grounds that they are "...contrary to the adopted Wiltshire Core Strategy (especially Core Policies 39 and 51) and the National Planning Policy Framework (especially Section 9 – Protecting Green Belt Land and Section 11 – Conserving and Enhancing the Natural Environment). The proposed development site is in the West Wiltshire Green Belt, it is designated an Area of Outstanding Beauty, of High Ecological Value and is directly adjacent to the Westwood Conservation Area. These protections must be respected. The proposed development site is highly visible throughout the Limpley Stoke Valley and the proposed development would represent an alien intrusion into a hitherto rural landscape. Highway access to the proposed site is severely restricted and wholly unsuitable for such a development. This proposed development and change of use will result in a severe loss of amenity for the neighbouring residential area and an irrevocable loss of, and a severe impact to, the character and appearance of the landscape.

Wiltshire Council Highway Officer - The Officer notes that the proposal relates to the erection of two camping pods, which would cater for two people with the provision of 1 car parking space per pod. It is recognised that the site is accessed via a rural road that is predominately of single width carriageway with no formal passing places; however, this section of Upper Westwood is not considered to be a 'through road' and therefore is largely used by residents, neighbours or customers of the Nursery. The Officer considers the camping pods to be a seasonal use and as such, there would be periods where the site does not attract many vehicular movements. Given the low level of traffic movements which would be generated by the proposal the Officer does not consider that a highway objection could be sustained in the light of NPPF (2018: now Para 109). In addition to the above, the revised access will slightly improve the access in terms of width and achievable visibility, and as this section of Upper Westwood is 'subject to/on the border of' a 20mph speed limit, the Officer would not expect traffic speeds to be significantly higher.

Wiltshire Council Environmental Health Officer - The Officer notes that the proposal for 2 camping pods is acceptable. However if the intention is to expand the site in the future there is the potential for loss of amenity to existing residential properties in which case a Noise Management Plan for the site would be requested.

Wiltshire Council Landscape Officer - The Officer advises that there is no landscape objection to the proposal for the 2 glamping pods. While the site is in a sensitive landscape location, within an AONB, Green Belt and near to the Conservation Area, the development is low key and not perceived to have an adverse impact in terms of landscape and visual effects. This is clearly demonstrated in the supporting landscape appraisal and the photos of the 'mock pod'. The Officer also confirms that she cannot find any conflict with NPPF Green Belt policy (no perceived coalescence) and the AONB Management Plan which is very supportive of low key camping sites such as this. Mitigation measures such as a natural colour for the

Pods, additional enhancement planting and reinforced grass track at grade all help to assimilate the development. The additional planting will strengthen the local landscape character and provide additional visual amenity to the site (CP51/NPPF) and a net gain for biodiversity (CP50/NPPF).

Wiltshire Council Ecologist - The Officer requested further information which was provided in the form of an Ecological Assessment. The assessment is discussed further below.

Wiltshire Council Tree Officer - No objections.

8. Publicity

The public notification exercise comprised advertisement by site notice and neighbour notifications. There were 76 respondents to the public notification and advertisement of the applications. 51 objection letters raised the following concerns:

- Inappropriate to change the use of this field to allow for camping & caravanning within the Green Belt & Area of Outstanding Natural Beauty and Conservation area.
- Narrow lane is unsuitable for extra vehicles and already dangerous for pedestrians
- Application focusses on the Pods not the change of use from agricultural to leisure and camping in particular.
- Area of High Ecological Value
- Impact on local property values
- Pictures taken from the other side of the valley clearly show the existing caravan marooning an otherwise beautiful hillside
- Previous objections not addressed
- Landscape Impact assessment doesn't properly assess the harm from the pods in a prominent locality in the AONB
- Visual impact of vehicles
- If impact is negligible there should be no need for mitigation planting
- Impact on wildlife
- Construction vehicles would create a problem on the narrow access road
- Number 94 bus service only runs Monday to Friday, no public transport to or from the village in the evenings or on weekends.
- Drivers unfamiliar with the area would create delays at the narrowest part of the village.
- There is no footpath for pedestrians and children along roadway
- Contrary to WCS Policies 39 & 51 & NPPF Policy on Green Belt and AONB
- Impact on views on countryside
- Harm to openness of the greenbelt
- Nuisance from noise, campfires etc..
- Potential precedent for a caravan park
- No onsite presence from the owners to address any issues that arise
- Granting leisure and tourism use will allow owners, either current, or in the future to increase the number of pods, chalets, caravans and tents
- No permanent physical boundary between the area which is subject to the proposed change of use and the rest of the site.
- Development is situated in a village and a residential area.
- Light pollution
- Attention must be paid to the Cotswold AONB Management Plan which states "It is a legal requirement for 'relevant authorities', including all public bodies, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB
- Inappropriate in an area which is designated as a highly protected environment in both local and national policies.

Photographs taken from various points, including from across the valley, were submitted in support of the objection in relation to visual impact concerns.

25 respondents supported the application and made the following observations:

- This development would be good for the village to have extra accommodation for family and visitors and also to help the viability of local services shop pub etc. and it will also encourage tourism in the AONB
- Siting close to very popular walking and cycling routes and only a short distance from a local mainline train station
- Will also be able to cater for the less active with vehicle access.
- Limited impact of 4 extra people using the pods - proportionate and as minimal as guests using the facility of a nearby B&B.
- The size of the two pods not excessive in terms of the visual impact on others either in the village or beyond.
- Limit to 2 people groups with a maximum of 4 on site at any one time shows applicants are conscious of need to limit impact, In fact small local businesses will undoubtedly benefit from the extra passing trade.
- Scare mongering such as concern about large Hen/Stag parties is unfounded.
- Pods are positioned in an area that is not steep and are erected on ground screws, eliminating the need for any excavation.
- Good for Westwood and Wiltshire tourism.
- Have experienced similar facilities and a great would be a wonderful way to share the environment.
- The field is an oasis of beauty and peace and would offer respite to walkers and cyclists who want to enjoy the beautiful Wiltshire countryside.
- Fact that planning application is only for 2 pods means that that peace and tranquility can be maintained but shared.
- The property is maintained by its owners to a very high standard
- Previous objections and concerns have been addressed
- Small amount of extra traffic that the pods will create would not be an issue
- Totally in keeping with the environment.
- One supporter who use to live across the valley in Turleigh and asserts to know the views intimately expressed the opinion that the development would have no impact on the visual landscape.
- Two additional cars in this area would have no detrimental impacts.
- A planning application in Lower Westwood (14/01659/FUL) for two adjoining holiday lets was approved and is currently under construction. This comprised a much larger scheme and impacts.

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

Adopted Core Strategy Core Policy 39 (Tourism) sets out the key considerations for assessing the proposed development enshrined under this application. The Policy supports camping and touring caravan sites (including extensions) where they can be accommodated without adverse impacts on the character and appearance of the landscape. Westwood is a "Large Village" in the WCS settlement hierarchy, and where the application site is in close proximity to the settlement boundary, the principle is accepted under CP39.

CP39 states, inter alia that: “*Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages [and that]*

“Proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria iii to v...”

The policy provides for exceptional cases, development may be supported away from the settlements in instances where it can be demonstrated that all of the following criteria are met:

- i. There is evidence that the facilities are in conjunction with a particular countryside attraction; and.*
- ii. No suitable alternative existing buildings or sites exist which are available for reuse.*

In this case example, the site would provide a camping facility in relative close proximity to the village development limits of Westwood. At circa 150m distant, the site and the pods would appear as contiguous local extension to the village and would not be seen as being an isolated form of development. It is therefore considered that the criterion listed under (i) and (ii) to CP39, which relate to application sites located ‘away from development limits’, do not apply in this instance – given the site’s close proximity to the defined large village of Westwood.

On the basis of the above, **Criteria (iii) to (v)** must be assessed.

Criterion (iii) of CP39 requires that *“The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*

The two proposed glamping pods would be small-scale and clad in timber which would be screened by the substantial existing boundary vegetation along the road. The accommodation in each would be limited to 2 people, making it highly unlikely that more than two vehicles would be present on site at any one time. No external lighting is proposed and this could be conditioned if necessary. It is acknowledged that a many of the objectors raise concern about the potential visual impacts. However, the application is supported by a Landscape Visual Assessment which concludes that the perceived and intrinsic effects on landscape character would be ‘negligible’. The Council’s Landscape officer (who would normally only be consulted on large scale applications) confirmed that the completed assessment was accepted and that landscape harm would not arise from the proposed development.

Criterion (iv) of CP39 relates to access and requires that sites be served by an adequate means of access and infrastructure. The highway officer was consulted on this application and is satisfied that the proposals would be acceptable in highway terms, given their very limited scale and likely traffic generation. The highway officer observed that the road primarily serves local residents and visitors to the nearby nursery and has a limited function as a through road. The existing field gate access measures 4.5m wide and lies within a 20 mph restricted zone. The access has sufficient exit visibility splays, and can be safely accessed by vehicles. The field access can be lawfully used by associated vehicles accessing the paddock and stabling and there is no evidence to substantiate concern relating to highway safety or inappropriate levels of traffic generation.

The site has mains electricity already installed and the application would make provision for foul and surface drainage disposal.

Criterion (v) of CP39 states that sites must have reasonable access to local services and a local employment base. The application site is in close proximity to the settlement of Westwood, which is a large village, which benefits from having very good access to the Avoncliff railway station some 650m distant; and, the Bradford on Avon railway station only 2.5km away. The site is located in an area with very good cycle routes and the canal tow path at Avoncliff provides additional transit route options for cyclists and walkers. In addition, there is a bus service providing connections to Bath and Trowbridge which serves Westwood.

With regard to National Policy, the July 2018 iteration of the NPPF within paragraph 83 requires:

“Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside...”*

It is considered that the proposals meet the relevant criteria to CP39, as well as the aims of the NPPF with regard to supporting the rural economy.

In addition it is noteworthy to acknowledge that the “Cotswolds Area Of Outstanding Natural Beauty Management Plan 2018-2023” which was adopted on 20 September 2018, includes as one of its four key ambitions: The “*Promotion of the Cotswolds as the Walking and Exploring Capital of England*”.

Para. 3 to Policy Ue1 (Sustainable Tourism) of the Management Plan states that: “*Visitors should be provided with a range of type and priced accommodation options that are compatible with conserving and enhancing the natural beauty of the AONB*”. The supporting text to the Policy further states: “*The natural beauty of the Cotswolds AONB is the foundation on which the tourism industry in the Cotswolds is based. This natural beauty is an asset which needs to be managed and maintained. The tourism sector should, therefore, contribute to the conservation and enhancement of this natural beauty. New tourism products that increase the sustainable tourism offer should be encouraged*” and that “*Limited availability of low-cost accommodation, including camping, can exclude families and those on low incomes from staying in the area, reducing the diversity of visitors. Provision of such accommodation should be compatible with the purpose of conserving and enhancing natural beauty.*”

The Management Plan is a material consideration under the WCS, and the proposal is considered to support this ambition. (CP 51 States that “*Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs)... shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.*”). The site is situated in nearby proximity (in walking and hiking terms) to local visitor attractions, the canal network and the wider AONB pathway network.

9.2 Landscape: Green Belt, Cotswolds AONB and Conservation Area

The NPPF para. 144 requires that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and ensure that inappropriate development is not approved except in special circumstances. Para. 145 identifies the exceptions to inappropriate development which include:

“b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and

allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.

NPPF para. 146 further notes that certain other forms of development, including material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are also not ‘inappropriate’ in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

It is considered that the proposal, in meeting an aspiration of the AONB Management Plan of providing a low key tourist facility meets the criterion of being a facility serving outdoor sport and recreation within the AONB Green Belt setting. The submitted LVA confirms that no harm would arise in terms of unacceptable impacts on the landscape, and Council’s landscape officer is also of the view that the small scale development would not be contrary to Local Plan or NPPF policy on the Green Belt or the AONB.

9.3 Highway Impacts

As noted by objectors, the access to the site is via the narrow Upper Westwood Road. The highway officer advises that pursuant to the very limited nature of the proposed development, it would not give rise to unacceptable highway issues or impacts. Vehicles would be parked on site, using an access and surface treatment appropriate to the setting of the field. It is also acknowledged that the pods could very well appeal to people seeking a short term base for walking and cycling holidays and trips. Even if the pods result in being used by visitors accessing them by motorised vehicles, the volume of traffic to be generated would be limited to an extent that would not justify refusal in terms of NPPF para. 109.

9.4 Neighbouring Amenity Impacts

Objections include the potential impact on neighbouring amenity arising from nuisance such as noise, fires, loss of privacy, visual impact and vehicular movement. In this regard, the pods would be fairly isolated from existing local residents and would be largely screened from the roadway. The nearest neighbouring dwelling with a direct sightline would be about 55m away to the east. The proposed pods would be small structures which, at the distance stated, would not give rise to loss of privacy or an unacceptable visual impact in planning terms. With respect to potential noise and smoke nuisance, the pods would cater for two people with a maximum of four and two vehicles being on site at any time, on a seasonal basis. The environmental health/public protection officer confirmed that, at this scale, substantive material nuisance is unlikely to arise, albeit, any future expansion plans would require a more detailed assessment and consideration given to the proximity to existing development. It is appropriate that the LPA only appraises the application duly presented on 2 pods being proposed; and on this basis, officers consider it necessary to condition any such approval to secure a site operation management plan prior to it being brought into use. No external lighting is proposed which can also be conditioned.

The occupation and use of the pods would unlikely be any more intrusive than camping on the field - which could occur under permitted development rights.

Objectors raise concern that if approved, a precedent could be set leading to a further expansion of the camping site facilities. The law however dictates that the application must be considered on its own merits and precedent is not be a material planning consideration. It is however considered reasonable (given permitted development rights) to condition any approval to restrict the development to the two pods, as proposed.

With regard to the site management, concerns have been raised about the absence of supervision by someone on the property. The agent has advised officers that the applicant lives nearby and that a site operation management plan would be written to be held on public record to ensure the proper running of the site.

In view of these factors, there are no neighbouring amenity reasons to justify a refusal of this application.

9.5 Ecology Impacts

Adopted WCS Core Policy 50 (titled 'biodiversity and geodiversity') requires that new proposals to protect features of nature conservation and geological value as part of the design rationale, and to make provision for appropriate mitigation and net biodiversity gain. The application is supported by an "Ecological Assessment" (dated January 2018) by Environmental Gain Ltd following a request made by the Council's ecologist. The assessment confirms that the pods would sit in an area of grassland of low ecological value. No light spill would occur onto the hedgerow to the south, and the use of "ground screw" foundations would avoid any significant ground disturbance. Ecological enhancements are proposed which extend to a "Planting Plan" as well as the provision of roosting boxes for owls and bats. The proposal includes re-alignment of the access gateway, some 6m to the east of its current position. This will locate it further away from the existing hedgerow.

The ecology assessment concludes that the proposed access realignment, the creation of a new access drive and the location of the pods would result in the loss of only a very small area of ruderal vegetation and a short section of defunct stone wall. No hedgerow, trees or shrubs (with the exception of an elder stump in the stone wall) would be removed.

Subject to appropriate precautionary working methods, the proposed development would not have any adverse effect on wildlife – with the working methods being adequately addressed by way of a condition. The ecology assessment confirms that: *"The applicant has agreed to provide ecological enhancements as part of the proposal, including erecting a barn owl box on a large tree on the southern boundary, and a bat roosting box on a tree on the western boundary. Given the rural location of these features, surrounded by good foraging habitat, both boxes are likely to be occupied and will provide a net enhancement for biodiversity. Wildlife and the natural landscape are one of the selling points of the camping pods, and there is therefore good incentive on the part of the applicant to maintain the wildlife value of the site into the future, as an integral part of the project."*

10. Conclusion (The Planning Balance)

In view of the above, it is considered that the proposed development accords with relevant policies on tourism, the AONB, greenbelt, heritage and highway safety. Planning permission is therefore recommended subject to the following planning conditions.

11. RECOMMENDATION - Approval 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:

Location Plan JLTF - PR - 05 registered on 7 December 2017

Existing Site and Access JLTF - PR – 02 registered on 7 December 2017

Proposed Site Plan JLTF - PR – 03 registered on 7 December 2017

Site Plan JLTF - PR – 04 registered on 7 December 2017

Pods JLTF - PR - 01 registered on 7 December 2017

Planting Scheme 274_PP_01 received on 22 May 2018

REASON: In order to define the terms of this permission, highway safety and to protect the rural scene.

3. The development hereby permitted shall take place in accordance with the methodology contained in the submitted "Ecological Assessment" (January 2018: Environmental Gain Ltd) and shall include the installation of the owl and bat boxes prior to the first occupation of the pods hereby permitted.

REASON: In the interests of nature conservation and the promotion of biodiversity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes of a camping site comprising a maximum of 2 camping pods accommodating a maximum of two persons per pod.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to vary the accommodation provision.

5. The pods hereby permitted shall not be first brought into use until a Site Operational Plan Statement with respect to the site management has been submitted to and approved in writing by the Local Planning Authority. The statement shall include information relating to the responsible person(s) and their contact details.

REASON: In the interests of neighbouring amenity and the proper management of the site.

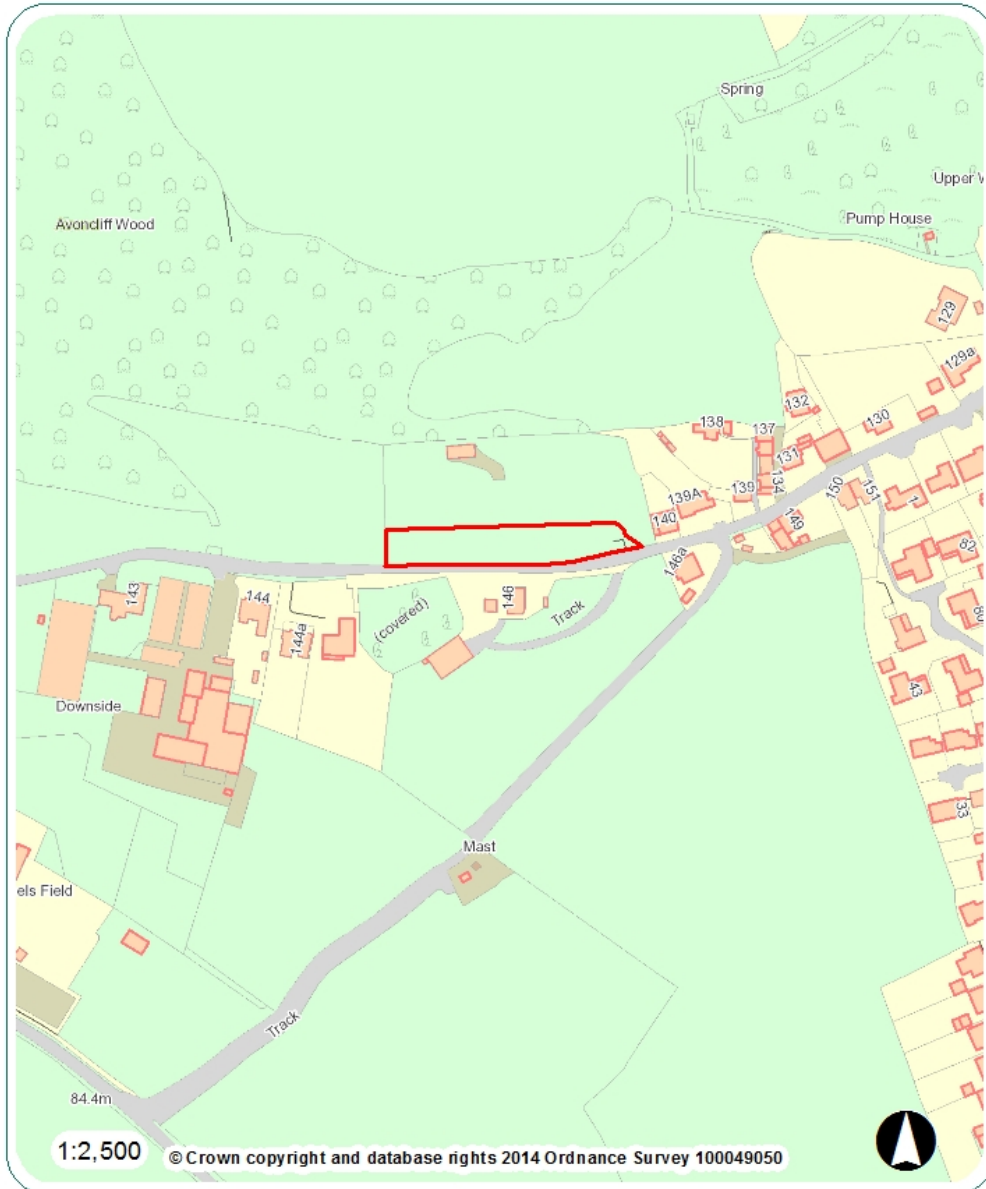
6. No external lighting shall be installed on the site or on the pods.

REASON: In the interests of the prevention of light pollution and to protect dark skies within the AONB

7. The development hereby permitted shall not be first brought into use until foul water drainage works have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the development is provided with a satisfactory means of drainage.

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	14 November 2018
Application Number	18/07286/FUL
Site Address	Adjacent To 489a Semington Road Melksham SN12 6DR
Proposal	Erection of 4 no. dwellings (resubmission of 17/04649/FUL)
Applicant	Mr & Mrs P. Williams
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division and Ward Member	MELKSHAM WITHOUT SOUTH – Cllr Roy While
Grid Ref	390,126 162,466
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Roy While has requested that should officers be minded to approve this application, it should be brought before the elected members of the area planning committee for its determination and to consider the design and scale of the development and the visual impact on the surrounding area.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be approved subject to conditions.

2. Report Summary

The main issues discussed in this report are as follows:

- The Principle of the Development
- Amenity/Living Standards of Proposed Occupants
- Impact on the Street Scene
- Impact on Neighbouring Amenity
- Highway Safety and Parking

3. Site Description

The application site is located to the south of No.489a Semington Road comprising an area of garden ground measuring approximately 28 metres by 24 metres which is located along Semington Road, on the edge of Berryfield, which is defined as a Small Village for the purposes of Core Policy 2 of the Wiltshire Core Strategy – which was confirmed through the appeal determination in March 2018 pursuant to appeal ref: APP/Y3940/W/17/3185107. 2-storey residential dwellings at No. 489 and 489a Semington Road are located to the north. There is a path and gate to the south of the identified site which serves as an access to the field shown and a garage belonging to 490 Semington Road – which are illustrated on the insert plans produced on the following page. The field which is located to the east benefits from outline and reserved matters approval for up to 150 dwellings – consented under application ref(s) 16/00497/OUT, 17/12514/REM and 17/10416/VAR.



Site Location plan

4. Planning History

W/12/01964/CLE - The linear strip of land at the back of the site (identified as the rectangular parcel of land in the above left image) was subject to the grant of a Certificate of Lawfulness on 14.12.2012 which certified the land as residential curtilage associated to No 489a.

16/11901/OUT - Outline application for up to 2 dwellings with all matters reserved – Approved 23.03.2017

It should be noted that when first submitted, the application sought outline consent for four dwellings which was negotiated by the previous case officer to two dwellings arguing that:

“The exact design and positioning of the proposed dwellings would be dealt with at the reserved matters stage however the extent of the plot is of sufficient size to allow the development of two dwellings, either 2 semi-detached dwellings or 2 detached dwellings, with sufficient private amenity space and space around the building to not be considered overdevelopment of the site. It is also considered there would be sufficient space available for the development to comply with current parking standards in terms of off road parking. In addition sufficient private amenity space would remain for the existing dwelling at No. 489A.”

No reserved matters application was pursued.

17/04649/FUL - Erection of 4 no. terraced dwellings - refused 09.08.2017 for the following reason:

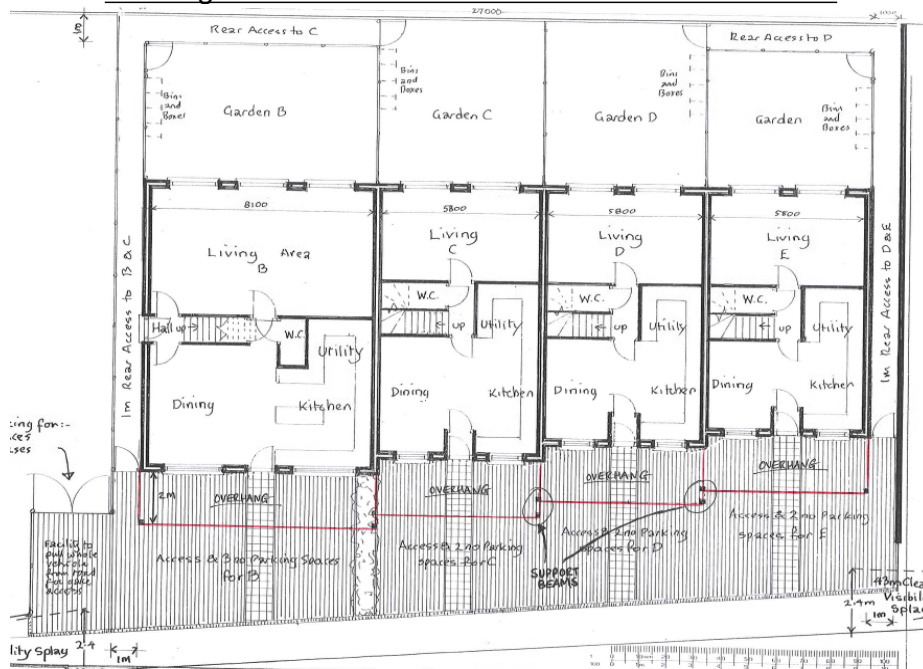
“The proposal by reason of its design, size, scale, height, proportions, plot sizes and building layout would result in an inappropriate overdevelopment of the site and would not be in keeping with its immediate environs. Furthermore the proposal would fail to provide adequate standards of amenity for its future occupiers further demonstrating the over development of the site. The proposal is therefore contrary to Core Policy CP57 of the Wiltshire Core Strategy and paragraphs 17 and 56 of the National Planning Policy Framework”.



Proposed Front Elevation Plan of refused 17/04649/FUL



3D image of the front elevation of refused 17/04649/FUL



Proposed Block Plan/Ground Floor Plan of refused 17/04649/FUL

Following the refusal, the applicant went to appeal, which the planning inspectorate dismissed; but it is important to appreciate that the appointed inspector did not dismiss the

appeal on overdevelopment of the site or on visual impact grounds; and argued in para 13 of the 1 March 2018 appeal decision that:

“the proposed terrace would be read as a cohesive set forming part of the gradual evolution of this part of Berryfield. Given the existing context [and acknowledging the consented 150 new dwellings to the site on land to the east], I consider the design of the appeal proposal to be acceptable. I see no reason why the appeal scheme would not fit comfortably within this evolving context, which the use of sympathetic materials would help blend with the street scene as a whole.”

Despite officers advancing concerns about the scale and form of the appealed development, the appointed inspector was not convinced that the development would harm the character and appearance of the local environs. The inspector also concluded that she had no issue with the proposed building to plot ratios and argued that they would be similar to that seen in the local area.

The inspector dismissed the appeal solely on the grounds that the proposed development would not provide acceptable living conditions for future occupants, with particular regard given to the provision of outdoor amenity space and light.

The inspector argued that dwellings of the size being proposed could be suitable for family occupation; and argued within paras 7 and 8 that:

“Looking back towards the proposed terrace the dwellings would loom over the small exterior spaces. Owing to the scale of the proposed dwellings and the short length of the gardens, shadow would be cast over the exterior spaces for much of the day. I note the argument that the gardens would get some daylight, which may achieve more than the minimum amount recommended as good practice. I also note the case that shade can provide a welcome reprieve during hot weather. However, even if a north-facing garden could have less sun, it does not justify the provision of extremely small gardens that would be in full shade for much of the day and throughout the year”.

“The proposed gardens would also function as storage areas for bins and recycling boxes, while the two end gardens would be partly bounded by an access route to the central two gardens. I consider that the rear space would function more like a yard than a garden, with a frontage dominated by off street parking, and that the overall provision would be a meagre and inadequate provision for both use and enjoyment. I therefore consider that the quality of the exterior space would not just be small but also oppressive and uninviting, which would fail to provide an acceptable standard of outdoor provision for future occupants”.

The inspector also argued that *“there would be insufficient natural light provided within the main living spaces of the proposed dwellings”.*

A copy of the appeal decision issued pursuant to the appealed 17/04649/OUT development is appended to this report.

5. The Proposal

This application seeks full planning permission for the erection of four dwellings in the form of a three storey terrace (submitted as being 1x3 bed and 3x2 bed units). The terrace would be approximately 27 metres in length. The height of the proposed terrace has however been redesigned and dropped from 9.9metres to 9.5/9.6m. The rear gardens have been increased by increasing their depth by approximately 1.5 - 2 metres (achieved by making the footprint of the dwellings smaller). Additionally, through the proposed creation of a central passageway, the rear garden space associated to the two central units would not require the passageways cutting into the two end gardens as previously proposed (which removed

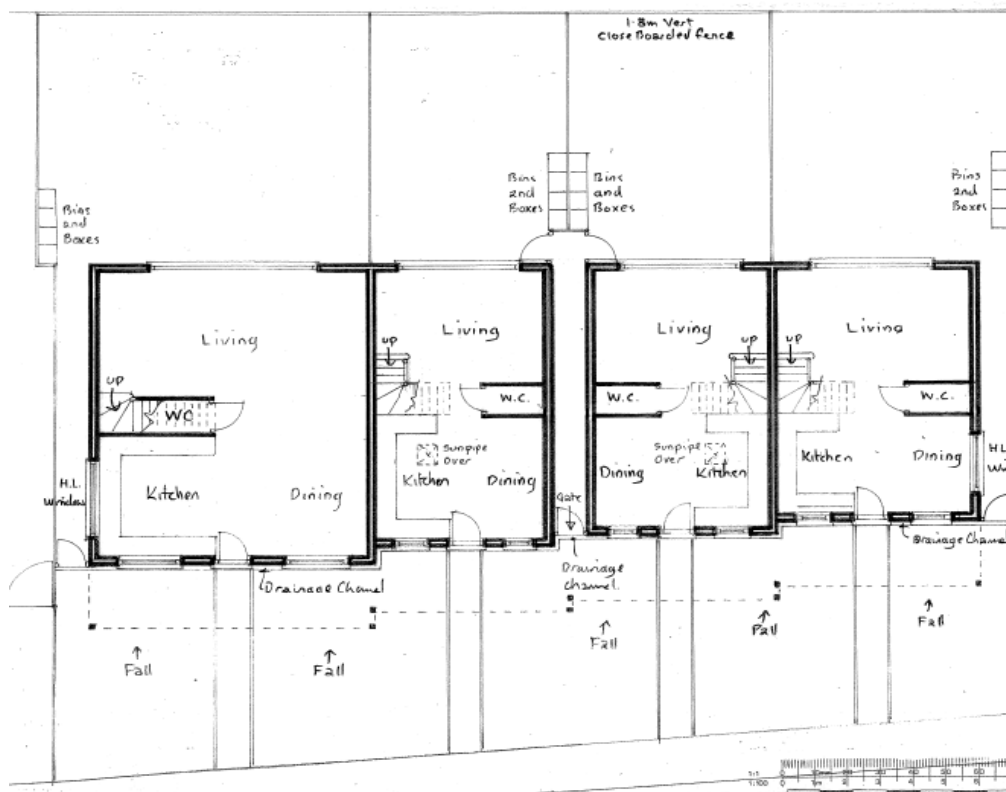
usable garden space). The resulting proposed gardens are now larger than what was previously the case - with the largest now being circa 78m² and the two smallest gardens extending to 47m² (compared to 42m² and 30m² under application 17/04649/FUL).

The roof has been materially re-designed with the main ridge running along the terrace removed with four new ridge lines and three central valleys.

The following inserts are reproduced to illustrate the revised elevation and roof form of the proposed development for Members to appraise.



Proposed Front (Street scene) Elevation and 3D rendered Elevation Plan



Proposed Block Plan/Ground Floor Plan

To address the previous reported concerns about light penetrating the ground floor rooms, both end dwellings would have side elevation windows and the two middle units would have 'sun pipes'.

It is acknowledged that the proposed plans include a second floor room notated as being a 'studio' - which could also be used as a further bedroom. Even if the studio/study is used as a bedroom, unit 1 would have 3 off road spaces meeting the requirement for 4 bedroom dwellings and units 2-4 would have two off-road spaces, thus satisfying the car parking requirements for three bedroom dwellings.

6. Planning Policy

National Context- The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

Local Context: Wiltshire Core Strategy (WCS) Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 15 – Spatial strategy: Melksham community area; Core Policy 51 – Landscape; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport; Core Policy 61 – Transport and Development

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - U1a - Foul Water Disposal; U5 Bowerhill Sewage Treatment Works

Other Material Considerations

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD); Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule) and Wiltshire's Community Infrastructure Levy - Regulation 123 List.

Wiltshire Council's adopted Car Parking Strategy

The Emerging Melksham Neighbourhood Plan – which is at 'scoping stage'.

Building for Life 12 (BfL12) Guidance

7. Summary of Consultation Responses

Melksham Without Parish Council – Objects: *The Parish Council acknowledges that the applicant has amended the proposal to address some of the comments raised by the planning officer and the planning inspector when the previous application was refused. However it still OBJECTS to this proposal as it is still over development of the site and wishes to reiterate some of the previous comments made on 4th July as follows:*

“The Council sees no reason to depart from the existing permission under application 16/11901/OUT for 2 dwellings on this site. It considers that 4 dwellings constitutes an overdevelopment of the site and that the proposal for 3 storey dwellings is completely out of keeping with the existing Street scene. The proposal therefore fails to demonstrate that it meets the criteria of Core Policy 57”

Furthermore, the application form states that this proposal is for 1no 3 bed dwelling and 3no 2 bed dwellings. However, the plans show a studio room, bathroom and attic storage for each dwelling on the attic floor plan (3rd storey), both with windows. The plans for studio rooms have very large windows and the Parish Council consider that along with the provision of a bathroom on the same floor that this constitutes an additional bedroom, effectively making this proposal for 1no 4 bed dwelling and 3no 3 bed dwellings. Not only do the Parish Council therefore query the parking provision for properties with these additional bedrooms, they also feel that the statement from the Planning Inspector about the previous application “failing to achieve appropriate standards of amenity for future occupiers” would not be met via this application with the additional space on the 3rd storey being used as a bedroom.

Wiltshire Council Highways Officer – No objection: subject to condition.

Wiltshire Council Archaeology Officer – No objection

8. Publicity

A site notice was displayed on 8 August 2018 and 22 individual notification letters were posted to neighbouring residents. Following these notifications, 2 letters of objection were received

- This is another application sneaked in again to Wiltshire Council by developers and greedy land owners ruining the environment. I can't get to see a doctor or dentist, and there is traffic everywhere. Are there not enough houses being built in Melksham?
- The development of four houses in a terrace is still an overdevelopment of the site and the changes are not sufficient to overcome the dismissed appeal. Why can the developer not implement the permission for two dwellings?

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. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Melksham area.

9.1 Principle of the Development

9.1.1 Through the appraisal of application 17/04649/FUL and the subsequent appeal it was confirmed that the application proposal is in accordance with adopted WCS Core Policy 2, thus qualifying as an infill site opportunity forming a part of the village of Berryfield. Officers maintain this position and given the consented 150 unit residential development on the land to the rear of the site, it would be substantively unreasonable to conclude any differently. In appraising the appeal, the site was recognised as being a suitable sustainable site for residential development with the inspector concluding that *"the site is located some 1.5km from the centre of Melksham, a Market Town that offers a range of services and facilities. It is also within easy walking or cycling distance of bus stops and employment areas. The proposal would therefore not cause an unsustainable reliance on the private car to satisfy day to day needs"*.

9.1.2 The officer delegated report for 17/04649/FUL and the appeal statement fully appraised all the design elements with officers previously arguing that the 4-house development constituted over development of the site. However, the inspector did not concur with this view and significant weight must be given to the appeal decision which concluded that the four-house development would not be overdevelopment; and furthermore, officers apply great weight to the material revisions made by the applicant to increase the size of the rear gardens. Officers submit that the proposed development enshrined within this application substantively addresses the previous reasons for refusal and the scheme presented for Member to determine, is considered policy compliant.

9.2 Amenity/Living Standards of Future Occupants

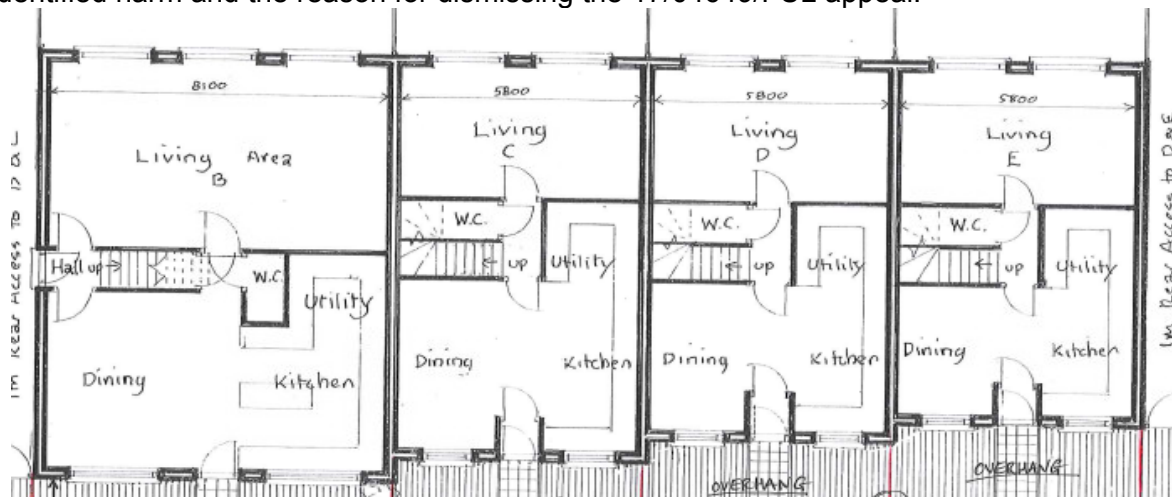
9.2.1 The proposed dwellings would be capable of being occupied by families and mindful of the reason for dismissing the recent appeal, the amount of amenity space to be afforded to future occupants is a key issue to determine. The appeal was dismissed on the basis that the 2017 development *"would result in unacceptable harm to the living conditions of future occupiers [and] would not achieve a high standard of design and would therefore be in conflict with Core Policy 57"*.

9.2.2 The re-designed scheme has reduced the height and footprint of the terrace, the garden sizes have been increased and the previously proposed rear passageways have been deleted (which reduced and limited the extent of two gardens to create two fenced off

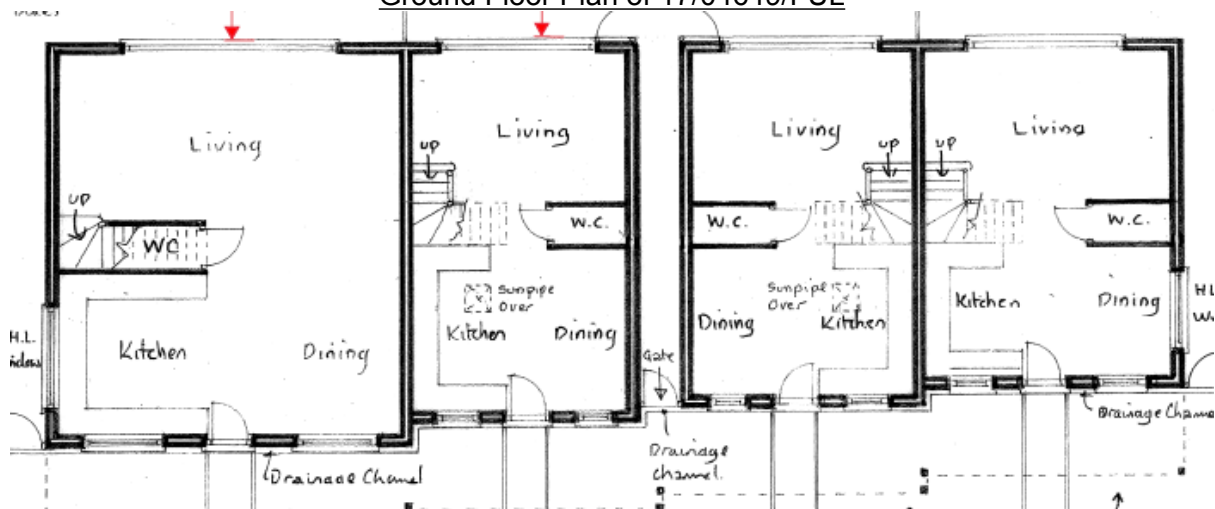
access paths to access the two central units), and officers conclude that the revisions are acceptable and Core Policy 57 / NPPF compliant. The height and length of the proposed terrace would still result in some overshadowing of the rear garden from 12pm onwards on each day. However, the pyramid roof form would allow for more natural daylight/sunlight to filter through to the rear than what would have been achieved by the previous proposal.

9.2.3 It is also material to acknowledge that the gardens would be larger than those dismissed at appeal with unit one increasing from 47m² to 78m² (representing a 65% increase) and the smallest units increasing from 30m² to 47m² (i.e. a 56% uplift). It is also material to note in relation to Build for Life principles, that the garden sizes would exceed the plan footprint of each dwelling unit – the gardens would be approximately 8 metres deep and 5.8 metres wide and would receive satisfactory levels of direct morning sunlight and sufficient ambient daylight for the remainder of the day.

9.2.4 To address the inspectors concerns relating to internal daylight levels, ground floor side windows on the two end units are proposed as well as introducing sun pipes for the two central units. The side windows would have a limited impact on third party interests as they would be within 1 metre of the property boundary, but they would provide additional light source to the ground floor internal space, which has also been redesigned to be more ‘open plan’ to allow more borrowed light to permeate through the ground floor from the all the proposed windows – which is illustrated in the inserts below (comparing the previous and proposed ground floor plans). It is submitted that this should successfully overcome the identified harm and the reason for dismissing the 17/04649/FUL appeal.



Ground Floor Plan of 17/04649/FUL



Proposed Ground Floor Plan

9.2.5 Sun pipes are products that are installed to provide additional light to rooms that would otherwise have limited natural daylight. They can be very effective so much so that they often need to be dulled down to avoid creating internal glare. Overall, officers are satisfied that the revised scheme is policy compliant and the concerns identified by the appeal inspector have been addressed.

9.3 Impact on the Street Scene

9.3.1. In appraising the 17/04649/FUL appealed development, the inspector found the design and impact on the local surroundings to be acceptable and policy compliant and argued that she “saw no reason why the appeal scheme would not fit comfortably within this evolving context”. The following two inserts illustrate the appealed development street scene illustration and the revised scheme design.



17/04649//FUL

18/07286/FUL

9.3.2 Instead of the ridge running along the terrace with four projecting front gables, four ridgelines running front to back with three valley gutters would be formed – which officers are satisfied with in terms of CP57 / NPPF design based requirements.

9.4 Impact on Neighbouring Amenity

9.4.1 The proposed terrace would be a fairly large structure measuring circa 9.5m but would be positioned approximately 10 metres to the south of the immediate neighbouring properties at No 489/489a Semington Road. Officers are satisfied that the development would not result in adverse harm to the immediate neighbours given the site separation distances, property orientation and lack of any upper floor gable wall openings.



Proposed First Floor Plan

9.4.2 Officers are fully mindful of the consented development for 150 dwellings on land to the immediate east of the application site, and after reviewing the reserved matters plans for

consented application 17/12514/REM, only one unit (i.e. plot 119 – which is illustrated on the plan insert below) would be the subject to some material overbearing impacts. As a ‘general rule of thumb’, officers seek to achieve a separation distance of 10.5 metres from first floor habitable windows to neighbours garden boundaries. In this case, the proposed rear gardens of the 4-unit terrace would be approximately 8 metres deep and with the approximate 4m wide landscape strip to the west of plot 119, there would be some 12 metres separating the rear of the proposed terrace and the gable of plot 119 which is considered to be acceptable. Furthermore the approved details for plot 119 do not include any windows on its western side elevation and as such, there would be no direct window to window impact.



Site Plan of 17/12514/REM

9.5 Highway Safety and Parking Provision

9.5.1. The proposed development would satisfy the requirements of the Council’s adopted car parking strategy guidance; however it should also be noted that the planning inspector concluded that the 17/04649/FUL appealed development would not result in “*demonstrable harm in relation to parking or highway safety*”. It is moreover important to appreciate that paragraph 109 of the revised NPPF directs LPAs that development “*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. There is no substantive reason to argue that the proposed development would conflict with paragraph 109 of the NPPF in this particular case and it therefore has officer support.

10. S106 / Developer Contributions

No S106 financial contributions are sought or justified for this development, but CIL would apply.

11. Conclusion (The Planning Balance)

The revised scheme addresses the substantive concerns identified by the planning inspector pursuant to the appraisal of refused application 17/04649/FUL. Officers are satisfied that the re-designed scheme is policy compliant; and as a consequence, the application is recommended for permission subject to conditions.

11. RECOMMENDATION: Approve 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:

Location Plan, Block Plan, Ground Floor Plan, First Floor Plan, Second Floor (attic) Plan, Front (south) Elevation Plan – all received 31 July 2018; 3D Photomontage comparisons, Solatube technical drawings and details, Street scene comparison plan (W/489a/Com) and Ridge and slab height comparison plan (2356/B/6 Rev A) – received 29 August 2018 and revised North and Rear Elevation Plans Rev A and Parking Plan – received 12 September 2018

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

3. No development above slab level shall commence on site until full details and samples of the stone walls and slate roof materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the 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. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

5. No part of the development hereby permitted shall be occupied until the access, parking spaces and footpath 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.

6. No dwelling shall be first occupied until visibility splays have been fully demonstrated on an updated Block Plan, and that those splays shown on the approved plan have been cleared of any obstruction to visibility at and above a height of 900mm measured above the nearside carriageway level. Thereafter the visibility provision shall be maintained free of obstruction above 900mm in perpetuity.

REASON: In the interests of highway

7. No development above slab level shall commence on site until a scheme for the discharge of surface water (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The 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.

8. No development above slab level 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 :-

- full details of any tree or hedgerow to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard and soft surfacing materials.
- Details of bin muster points

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.

9. 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.

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 those Orders with or without modification), no development within Part 1, Classes A, D and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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.

11. 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 gable elevations and the rear elevation(s) above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

Planning Informative: 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

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The Planning Inspectorate

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Your Ref: 17/04649/FUL
Our Ref: APP/Y3940/W/17/3185107

Planning Appeals
Wiltshire Council
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

01 March 2018

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr & Mrs Paul Williams
Site Address: Land south of 489A Semington Road, Melksham, Wiltshire, SN12
6DR

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Nadia Hussain

Nadia Hussain

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Site visit made on 20 February 2018

by H Porter BA(Hons) PGDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 March 2018

Appeal Ref: APP/Y3940/W/17/3185107

Land south of 489A Semington Road, Melksham SN12 6DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Williams against the decision of Wiltshire Council.
 - The application Ref 17/04649/FUL, dated 11 May 2017, was refused by notice dated 9 August 2017.
 - The development proposed is erection of 4 no. terraced dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of outdoor amenity space and light; and the effect on the character and appearance of the area.

Reasons

3. The appeal site is located on Semington Road, on the edge of Berryfield, defined as a Small Village for the purposes of Core Policy 2 of the Wiltshire Core Strategy (the CS). The Council considers the development on the appeal site would constitute infill within the existing built area of Berryfield, and is therefore in accordance with Core Policy 2 and the settlement strategy. I have no reason to form a contrary view on this matter.
4. The appeal scheme proposes to introduce a short terrace of four two-and-a-half storey townhouses, three two-bedroom and one three-bedroom with additional study and storage provided in the upper storey. Parking would be provided off-street, which, with the exception of an access path, would take up the majority of the frontage area. Each property would benefit from a small rear garden.
5. In order to accommodate four dwellings on the size of site proposed, the footprint of each dwelling occupies a significant proportion of the overall plot, with very little outdoor space left over. Considered in isolation, gardens of the size proposed would not always be unsatisfactory, as evidenced by the examples of relatively recent permissions granted in the locality. However it is not the size of an exterior provision per se that should be considered, but also how that space might be used and enjoyed.

6. My attention has been drawn to permissions for infill developments where the Council accepted gardens that were smaller than the ground floor footprints. I do not know the planning considerations in those cases, but, I do not consider the examples given indicate any inconsistency in the Council's approach. It seems clear to me that, rather than rigidly apply a rule-of-thumb approach to garden sizes, assessment in this and those cases has taken into account a variety of factors other than size, including the quality of the space and how it may function. I note that the appeal decision cited by the Council (APP/Y3940/W/16/3145155) concerned sharing outdoor space, which is not the situation before me. Nevertheless, I do agree that, given the size of the proposed dwellings, they could be suitable for family occupation. That children may or may not be increasingly reliant on technology, or be able to access activities further afield, does not justify a sub-standard level of exterior provision.
7. The overall site constraints have resulted in tight spacing and relatively tall buildings. Looking back towards the proposed terrace the dwellings would loom over the small exterior spaces. Owing to the scale of the proposed dwellings and the short length of the gardens, shadow would be cast over the exterior spaces for much of the day. I note the argument that the gardens would get some daylight, which may achieve more than the minimum amount recommended as good practice. I also note the case that shade can provide a welcome reprieve during hot weather. However, even if a north-facing garden could have less sun, it does not justify the provision of extremely small gardens that would be in full shade for much of the day and throughout the year.
8. The proposed gardens would also function as storage areas for bins and recycling boxes, while the two end gardens would be partly bounded by an access route to the central two gardens. I consider that the rear space would function more like a yard than a garden, with a frontage dominated by off-street parking, and that the overall provision would be a meagre and inadequate provision for both use and enjoyment. I therefore consider that the quality of the exterior space would not just be small but also oppressive and uninviting, which would fail to provide an acceptable standard of outdoor provision for future occupants.
9. The Appellants contend that the ground floor windows will get lots of sunlight in the evening through to sunset, but I struggle to see how, if the large rear windows will be in shadow from at least 2pm. Furthermore, the first floor would overhang the ground floor front windows by two metres. Although the kitchen and dining rooms are not primary habitable rooms, the overhang would deprive these spaces of light. Combined with the lack of light from the main living space, collectively I consider there would be insufficient natural light provided within the main living spaces of the proposed dwellings. Nor do I consider that such issues could be satisfactorily addressed by amending the internal layout or the provision of larger ground-floor windows, even if this could be controlled by a condition.
10. On the first main issue, I conclude therefore that the proposed development would materially detract from the living conditions of future occupiers in respect of outdoor provision and light. It would fail therefore to comply in this respect with Core Policy 57 of the Wiltshire Core Strategy, January 2015 (the CS) which, while not setting a minimum standard for outdoor amenity space, does seek, amongst other things, to ensure appropriate levels of amenity are

achievable within the development itself. In this regard the development would also not accord with the National Planning Policy Framework (the Framework), which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings and to improve the places in which people live their lives.

Character and appearance

11. The area in the vicinity of the appeal building is characterised by buildings of a domestic scale, set back slightly from Semington Road and interspersed with pockets of undeveloped fields. There is no common design approach between the mix of bungalows, semi-detached cottages and detached dwellings, nor obvious consistency in terms of their age, plot rhythm or layout. Rather, the range of building ages and styles suggests that the area has evolved incrementally through gradual and piecemeal ribbon development along the route out of Berryfield.
12. I observed during my site visit that the new dwellings that have been approved close to the appeal site are nearing completion, also forming part of a gradually evolving backcloth of residential development along Semington Road. While still just in outline, notwithstanding the recent submission of reserved matters, the field immediately behind the appeal site has permission for up to 150 new dwellings. As and when this nearby development comes to fruition, it could further change the character and appearance of the appeal site's context.
13. The proposal would be set forward in its site and would form part of the Semington Road frontage, consistent with the dwellings on the same side of the road. In my opinion, the proposed terrace would be read as a cohesive set forming part of the gradual evolution of this part of Berryfield. Given the existing context, I consider the design of the appeal proposal to be acceptable. I see no reason why the appeal scheme would not fit comfortably within this evolving context, which the use of sympathetic materials would help blend with the street scene as a whole.
14. I note the Council's point that the building-to-plot ratio of the proposed houses would be uncharacteristically small. However, the plot size of dwellings in the vicinity is varied and I do not consider that the appeal site would appear inappropriately small in its context. The proposed dwellings would be slightly taller than surrounding development, but not harmfully so. While, as above, I find the amount of development on the site would fail to achieve an acceptable standard of accommodation for future occupiers, I do not agree that the building-to-plot ratios would necessarily appear harmfully out of place.
15. I therefore find that there would be no conflict with Core Policy 57 insofar as this requires appropriate development that relates effectively to the immediate setting and to the wider character of the area. A lack of harm in this regard, however, does not alter my findings with regards to the first main issue.

Planning balance

16. The proposal would provide four units of open market housing, which, although a fairly modest contribution, carries moderate weight given the wider planning context that seeks to significantly boost the supply of housing with no upper limit. There would also be a modest benefit to the local economy during the construction phase and, in the longer-term, new residents would help support local services through an increase in household spending. I attribute these

factors moderate weight in favour of the appeal. Moreover, while I have dealt with the appeal on its own merits, some of these benefits could be achieved with the progression of the outline scheme permitting two dwellings on the appeal site, which the Council considers could achieve an acceptable provision outdoor amenity space.

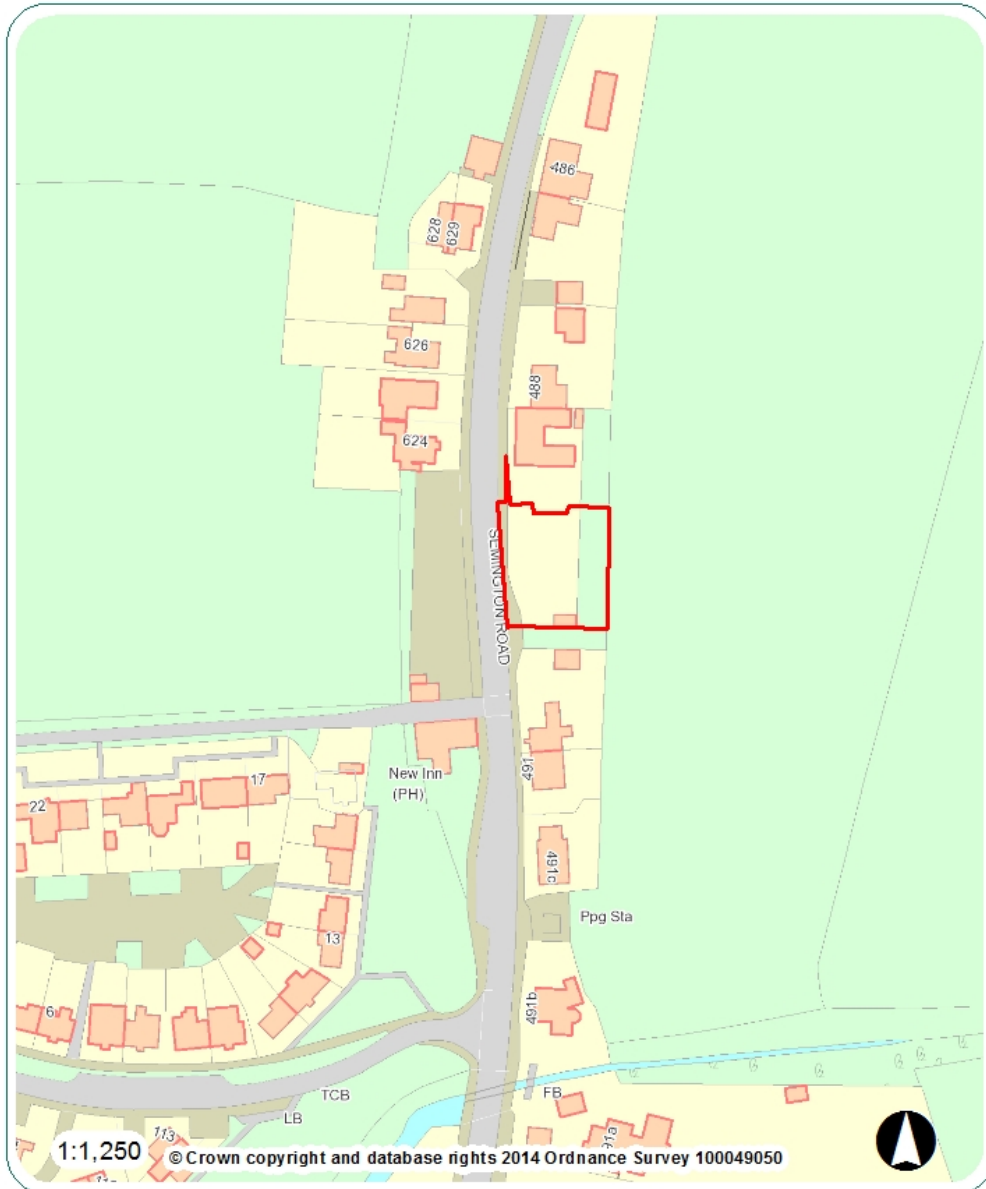
17. The site is located some 1.5km from the centre of Melksham, a Market Town that offers a range of services and facilities. It is also within easy walking or cycling distance of bus stops and employment areas. The proposal would therefore not cause an unsustainable reliance on the private car to satisfy day-to-day needs. There are aspects of the scheme that do not present any conflict with Core Policy 57 or other policies, including with respect to the character and appearance of the area, safety, neighbours' living conditions, and sustainable energy measures. There would also be no demonstrable harm in relation to parking or highway safety. However, a lack of harm in such respects does not equate to a benefit; rather these are all neutral factors that, while not counting against the proposal, do not weigh in the balance in its favour.
18. On the other hand, the proposed development would result in unacceptable harm to the living conditions of future occupiers; this weighs heavily against the appeal. Even though the proposal would accord with aspects of Core Policy 57 and the core policies and principles within the Framework, the harm in relation to living conditions indicates that the development would not achieve a high standard of design and would therefore be in conflict with Core Policy 57 and the development plan read as a whole.

Other matters

19. I note the reference to the Government's Housing White Paper, January 2017 in which higher densities of housing are encouraged in urban locations. While reference is made to the potential review of space standards, no such review has taken place, nor is there any indication that space standards would be lowered. Moreover, as the Council can currently demonstrate a 5-year supply of housing land, there is no evidence that the appeal site is located where the *demand is high and land is scarce*. Nor does it make use of brownfield land. Mindful that the White Paper is not adopted planning policy, and that the statement supports higher densities only *where appropriate*, I do not consider it provides a useful justification for allowing the harm that would arise from the appeal scheme, and have afforded it little weight. I agree with the Appellants that Building for Life 12 carries no weight in terms of planning policy. While it can provide useful guidelines for Local Planning Authorities, it has not informed my assessment of the planning merits of the appeal scheme.

Conclusion

20. For the reasons given above, I do not consider there to be material considerations sufficient to outweigh the conflict with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	14/11/2018
Application Number	18/08115/FUL
Site Address	392 A Ham Green, Holt BA14 6PX
Proposal	Demolition of conservatory and proposed rear extensions. Alterations to the front boundary treatments.
Applicant	Mr Greenwell
Town/Parish Council	Holt
Electoral Division	Holt and Staverton – Cllr Carbin
Grid Ref	385920 161615
Type of application	Full Planning
Case Officer	Katie Tregay

Reason for the application being considered by Committee:

Cllr Trevor Carbin requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Carbin for Members to consider are as follows:

- The scale, design, bulk, height and general appearance of the development;
- The visual impact upon the surrounding area;
- The impacts on neighbouring amenity;
- This would be a second extension to the property located within a designated "Area of Minimum Change".

1. Purpose of Report

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

2. Report Summary

The main issues to consider with this application are:

- The principle of the development
- Impact on the character and appearance of the host dwelling
- Impact on the surrounding area including the Conservation Area, listed buildings and their settings
- Impact on an Area of Minimum Change
- Impact on neighbour amenity
- Impact on ecology

3. Site Description

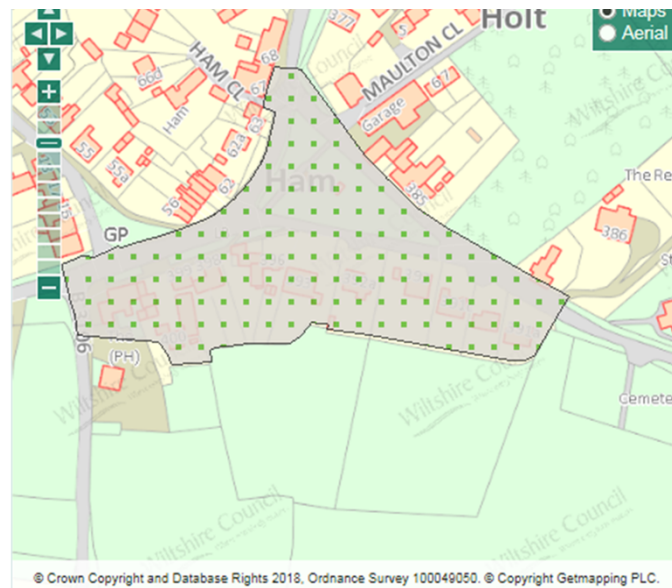
The application site relates to a two storey detached residential property at 392a Ham Green, Holt. The property is set back from the public highway enclosed by a low, reconstituted stone boundary wall. The subject property is set within a reasonable sized plot and has been subjected to two and single storey rear extensions granted under planning application ref W/04/01453/FUL.

The application site is bordered by residential properties (No. 392 and 393) to the east and west and agricultural land to the south. To the north of the site lies the Ham Green Village Green and Grade II listed war memorial enclosed by the Grade II listed bollards and chains.

The application site and the nearby listed buildings are illustrated on the site location plan and map extracts below.



The application site is also located in the Holt Conservation Area and an Area of Minimum Change as detailed on the map extract below.



4. Planning History

The following planning history relates to the application site:

W/04/01453/FUL - Two storey extension and conservatory – Approved with conditions

16/04252/FUL - Proposed detached garage – Refused 23.09.2016 for the following reason:

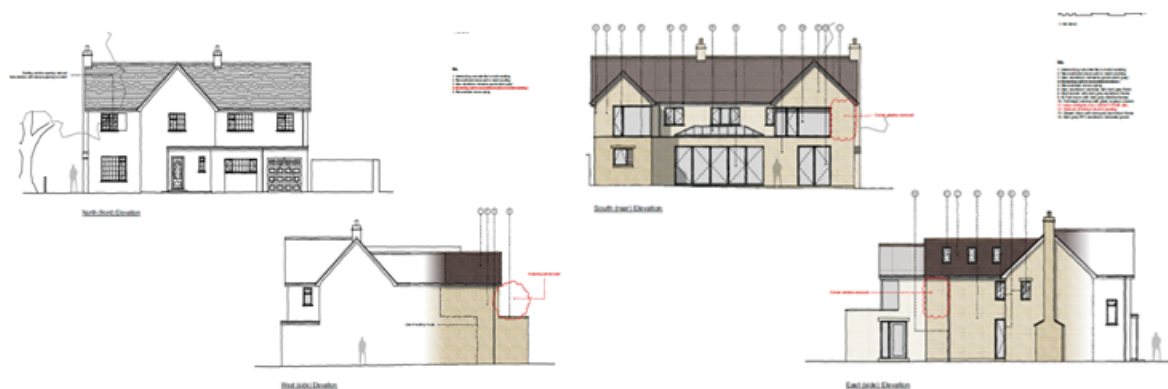
“The proposed detached garage by reason of its location and built form would fail to protect, conserve, enhance, be sympathetic, respond positively and integrate effectively with its immediate setting, the Conservation Area, Area of Minimum Change and the setting of the Grade II Listed Structures as it is located forward of the existing building line, would have a

large blank gable facing the existing street scene and would infill an existing open land to the front of the dwelling which contributes to the openness and character and appearance of the immediate area. The proposed garage would result in less than substantial harm to the Conservation Area and the Grade II Listed structures and would result in no public benefit. The proposal is therefore contrary to Core Policy 57 (namely criteria iii, iv) and Core Policy 58 of the Wiltshire Core Strategy, Saved Policy H18 of the West Wiltshire District Plan 1st Alteration, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (namely paragraphs 131, 134)".

5. The Proposal



Existing elevations



Proposed Elevations

This application seeks full planning permission for the demolition of the existing conservatory and the construction of a two and single storey extensions to be constructed on the south elevation. The proposed extensions would be constructed of reconstituted stone under an interlocking concrete tiled roof. The application proposal also seeks to provide alterations to the existing front boundary comprising the re-positioning of the existing gate posts, the installation of 1.6m high iron gates and iron railings on top of the existing boundary wall (in total measuring 1.45m high that would be no higher than the existing pillars).

It should be noted that revised plans were submitted on 26 October modifying the proposed fenestration arrangement to the south and east elevations of the host dwelling.

The following insert illustrates the proposed changes to the front boundary treatment.



6. Planning Policy

Local Context: Wiltshire Core Strategy - CP1, CP2, CP3, CP7, CP57, CP58
 Saved Policy H18 of the West Wiltshire District Plan 1st Alteration 2004
 Holt Neighbourhood Plan – especially policy H2.1

National and Legislative Context: National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Planning (Listed Building and Conservation Areas) Act 1990 - Section 66: General duties as respects listed building in exercise of planning functions

Section 72: General duties as respects Conservation Areas in exercise of planning functions

7. Summary of Consultation Responses:

Holt Parish Council: *“Objects on the basis that the application site is designated an “Area of Minimum Change” in Policy H18 of the West Wiltshire District Plan. The application site is also in the Conservation Area and in close proximity to several listed buildings. Additional concerns were raised with regards to the size, scale and bulk of the proposed extension which would be clearly visible from the street scene and the Green. Further, the proposed alterations to the boundary treatments would be incongruous in this location. Overall, the development does not comply with Core Policy 58 of the Wiltshire Core Strategy.”*

Council’s Conservation Officer: - No objection: The subject dwelling is not a non designated heritage asset and the nearest listed building (the boundary poles to the Green) are at the front of the building. The proposed rear extension would not have any impact on the listed boundary poles or to nearby listed buildings.

The proposed rear extensions would have a very limited impact on the Conservation Area being positioned to the rear with very limited visibility at oblique angles between the existing forms of development. This impact would be further mitigated subject to matching external materials.

The proposed development would result in either ‘no harm’ or a ‘very low level of less than substantial harm’ to the Conservation Area. However, even if the level of harm was identified as ‘less than substantial’, it would not be sufficient to refuse this application on Conservation impact grounds.

Council's Ecologist: No objections on the basis that the existing roof appears in good condition with little opportunity of access to roosting bats. A breeding bird informative should be attached to any planning permission.

8. Publicity

The public notification exercise comprised advertisement by site notice and neighbour notifications. One letter of objection has been received and in summary, the following comments were raised:

- The development would result in an over-bearing and out-of-scale appearance that would dwarf the neighbouring property (at No. 392).
- Detrimental impact on the occupants of No. 392's amenity levels by reason of overlooking and overshadowing.
- The proposed fenestration arrangement would cause overlooking concerns resulting in a significant loss of privacy to the occupants of No. 392.
- The development would constitute as over-development of the site, especially as the property is in the area of minimum change.
- Concern expressed about the visual impact of the development.
- Adverse effect on the character and appearance of the Conservation Area.

9. Planning Considerations

9.1 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.

9.2 **The Principle of Development:** Modest extensions and alterations to existing residential properties are acceptable in principle subject to the impacts and details of what is being proposed. The subject property and site are located within the Holt Conservation Area, Area of Minimum Change and within close proximity to a number of listed buildings and the effects of the proposed development within such protected areas are important considerations which the following sections respond to.

9.3 **Impact on the Character and Appearance of the Host Dwelling:** Adopted Wiltshire Core Strategy Core Policy 57 states that development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality and must, amongst others, relate positively to its landscape setting and the existing pattern of development and respond positively to the existing townscape and landscape features in terms of building layouts, built form, mass and scale to effectively integrate the building into its setting.

9.3.1 Policy H2.1 of the 'made' Holt Neighbourhood Plan requires all development to demonstrate good quality design that respects the character and appearance of the surrounding area. Development should be built from good quality materials sympathetic to the local style and be of a scale and size to fit with existing housing.

9.3.2 The proposed two and single storey extensions would be set within a reasonable sized plot and would retain an adequate level of outdoor amenity space. The development would retain adequate separation distances to the neighbouring properties and would not represent an overdevelopment of the property or the residential plot.

9.3.3 Officers appreciate that the proposed extensions represent sizeable additions to the host dwelling which has been previously extended. However, taking into account the existing built form of the host dwelling and the proposed height, scale, elevational design and roof form of

the proposed additions, officers consider that the extensions would be proportionate that would not overly dominate or detract from the appearance of the host dwelling or the character of the area.

9.3.4 The proposed extensions would be finished using complimentary materials i.e. interlocking concrete tiles and reconstituted stone, as per the existing dwelling.

9.3.5 The proposed alterations to the front boundary would be modest height which would not exceed the height of the existing boundary pillars. The new black painted iron railings would respect the character and appearance of the host dwelling and conservation area.

9.3.6 For the above reasons, the design and scale of the proposal would be acceptable and would accord with Core Policy 57 of the WCS and Policy H2.1 of the Neighbourhood Plan.

9.4 Impact on the Surrounding Area including the Conservation Area, Nearby Listed Buildings and their Settings The application site is located within the Holt Conservation Area therefore careful consideration must be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in the exercise of any functions, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

9.4.1 The application site and land surrounding Ham Green is characterised by mainly two storey residential properties dating from the Victorian and Georgian periods. The properties, particularly those to the south of Ham Green and the more recent residential development are set within large plots. The properties are set at varying distances from the public highway and enclosed by a variety of boundary walls with iron railings being prevalent, as detailed in the photographs below.



Existing boundary treatments fronting Ham Green

9.4.2 The application site is located within 50m of a number of Grade II listed buildings; and due regard must be given to Section 66 of the Planning (Listed building and Conservation Area) Act 1990. The legislation requires local planning authorities to pay 'special regard' to the desirability of preserving the building or its setting.

9.4.3 The listed buildings surrounding the Green comprise predominately residential properties dating back to the 17th century and are constructed of a variety of materials including render, ashlar and rubble stone under stone slate, under slate and pan tiled roofs. Several local properties were listed primarily for their group value and for their important positioning on the edge of Ham Green. The Holt War Memorial, which stands on Ham Green, is also Grade II listed due to its historic and architectural interest and its group value with the

Grade II listed “Bollards With Chains Enclosing Ham Green On All Sides” and other Grade II-listed buildings around Ham Green.

9.4.4 Paragraph 189-192 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected including any contribution made by their setting and consider the impact of the proposed development on its significance. Paragraphs 193 and 194 also requires local authorities to make an assessment as to whether there is ‘substantial harm’, ‘less than substantial harm’ or ‘no harm’ to the heritage asset.

9.4.5 The Council’s Conservation Officer has no objection to the proposed development. Given the proposed siting of the extensions on the rear elevation of the host dwelling, acceptable design and use of materials and the existing two storey residential localised context, the development is considered to be acceptable and would cause ‘no harm’ to the setting of the Grade II listed boundary poles, or other listed buildings in the vicinity.

9.4.6 The proposed extensions, being positioned to the rear, would only have limited visibility gained from oblique views from the street scene only. Further to this, the proposed extensions would be viewed within the existing two storey context and given the use of matching and complimentary external materials, the development would not harm the significance of the Conservation Area. If Members conclude that the development would have ‘less than substantial harm’ to the significance of the Conservation Area the level of harm would only be the ‘very lower end of the scale’ and as reported by the conservation officer, it would not be sufficient to warrant a refusal on heritage grounds.

9.4.7 Given the residential context, the existing boundary treatments bordering Ham Green and the proposed modest height, scale and use of appropriate materials, it is assessed that the development would not be out of keeping or harmful to the significance of the Conservation Area, listed buildings or their settings.

9.5 **Impact on an Area of Minimum Change:** The site is located within an Area of Minimum Change as defined by saved Policy H18 of the West Wiltshire District Plan. Policy H18 continues to be saved and sits alongside the policies of the adopted WCS. Policy H18 states that:

“Areas of Minimum change within Village Policy Limits have been defined, as indicated on the Proposals Map. Within Areas of Minimum Change planning permission will not be granted for new housing development.”

9.5.1 In addition to identifying the appropriate and necessary housing opportunities, the former West Wiltshire District Plan sought to protect open spaces and specific areas within villages (such as paddocks, glebe land, village greens and the grounds of large houses) from residential development through Policy H18 to preserve the essential form of such areas. It should be understood that the policy relates specifically to new housing development and is not relevant to appraising applications that propose alterations and extensions to existing dwellings.

9.5.2 As referenced above, the proposed extensions would not constitute as overdevelopment as the host property would retain a significant amount of garden around and behind the property. The rear extension would only be subject to partial views from the public domain and would be seen in a local context of two-storey properties. The character of the area would be preserved.

9.5.3 The proposed new boundary treatment would be of a modest height, scale and appropriate design that would appear in keeping with the other boundary treatments lining Ham Green and would not adversely affect the open character of the area.

9.6 **Impact on Neighbour Amenity:** CP57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development should have regard to the compatibility of adjoining buildings and uses.

9.6.1 Concerns have also been raised that the proposed development would cause overshadowing, loss of light and overbearing impacts to the habitable rooms and garden area of No. 392 Ham Green. Whilst it is accepted that the proposed development would result in a material change to the views from the neighbouring property, the separation distances would be maintained. Officers are satisfied that the proposed extensions would not result in harm to neighbouring amenities. Officers are mindful of the sun's east to west orbit and submit that the proposed development would not significantly reduce the level of sunlight and daylight to the neighbour's principal garden areas and habitable rooms. There would be no overbearing or harmful domineering effects on the outlook of the neighbouring properties or the principal garden areas.

9.6.2 Taking into account the existing built form of the host dwelling, the height and scale of the proposed extensions and the relationship with No. 393 (as approved under planning ref 17/03787/FUL), there would be no unreasonable loss of light, overshadowing or overbearing impacts to the neighbours properties.

9.6.3 As set out by the revised proposed plans, the proposed windows on the south elevation of the dwelling would overlook the applicant's garden and the adjoining agricultural field only therefore no overlooking concerns are raised. No wall openings are proposed on the west elevation thereby preserving No. 393's existing amenity levels.

9.6.4 The revised plans also indicate that the proposed windows on the east elevation serving bedroom 1 (nearest No. 392) would be obscure glazed and a planning condition is recommended to ensure the obscure glazing level with the added restriction of being fixed with a ventilation stay to prevent harmful impacts on neighbouring amenities. Further, the proposed Velux windows would have a sill height above 2.0m above the floor level which would adequately restrict overlooking.

9.6.5 The proposed first floor wraparound window serving bedroom 2 on the southern and eastern elevation would overlook the applicant's garden and would be positioned approximately 15m to the shared boundary with No. 392. This distance would meet the standards expected between habitable room windows and garden boundaries within an urban setting and no officer concerns are raised. Furthermore, the proposed extensions would replace an existing balcony (in a similar position to the window) therefore no significant additional overlooking would occur above what could take place at present. The first floor window to the east elevation (serving bedroom 2) would overlook the applicant's property only therefore no overlooking concerns are raised thereto.

9.6.6 For the reasons explained above, the development proposal is considered compliant with Policy CP57 of the Wiltshire Core Strategy.

9.7 **Impact on Ecology:** The Council's ecologist reports no objection subject to a planning informative to cover the martin/swallow nest on the rear elevation.

10. Conclusion (The Planning Balance)

The proposal complies with national and local and neighbourhood plan policies having due regard to the visual impact on the immediate local context and the wider area, the effects on

the Conservation Area, the nearby listed buildings and the Area of Minimum Change. Furthermore, Officers submit that the proposed extensions would not cause material harm to the amenities enjoyed by the occupiers of the neighbouring properties; and, the development would not result in adverse harm to protected species.

Officers therefore recommend that planning permission should be granted subject to the following planning conditions and informatives.

11. RECOMMENDATION: Approve subject to the following:

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:

Site and location – Drawing no: E100 – dated 23/08/2018; Existing Plan – Drawing no: E101 – dated 23/08/2018; Existing Elevation – Drawing no. E120 – dated 23/08/2018; Existing Elevations – Drawing no: E121 – dated 23/08/2018; Proposed Site Plan – Drawing no: P100 Rev A – dated 12/09/2018; Proposed Ground Floor Plan – Drawing no. P101 Rev B – dated 23/08/2018; Proposed First Floor Plan – Drawing no. P102 Rev D – dated 24/10/2018; Proposed Elevations – Drawing no. P120 Rev C – dated 12/09/2018; Proposed Elevations – Drawing no. P121 Rev D – dated 24/10/2018; Proposed Street Elevation (including railings) – Drawing no. P122 – dated 12/09/2018

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

3. The reconstituted stonework and interlocking concrete tiles to be used in the construction of the external surfaces of the development hereby permitted shall match the material, colour and texture of materials used on the existing building.

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

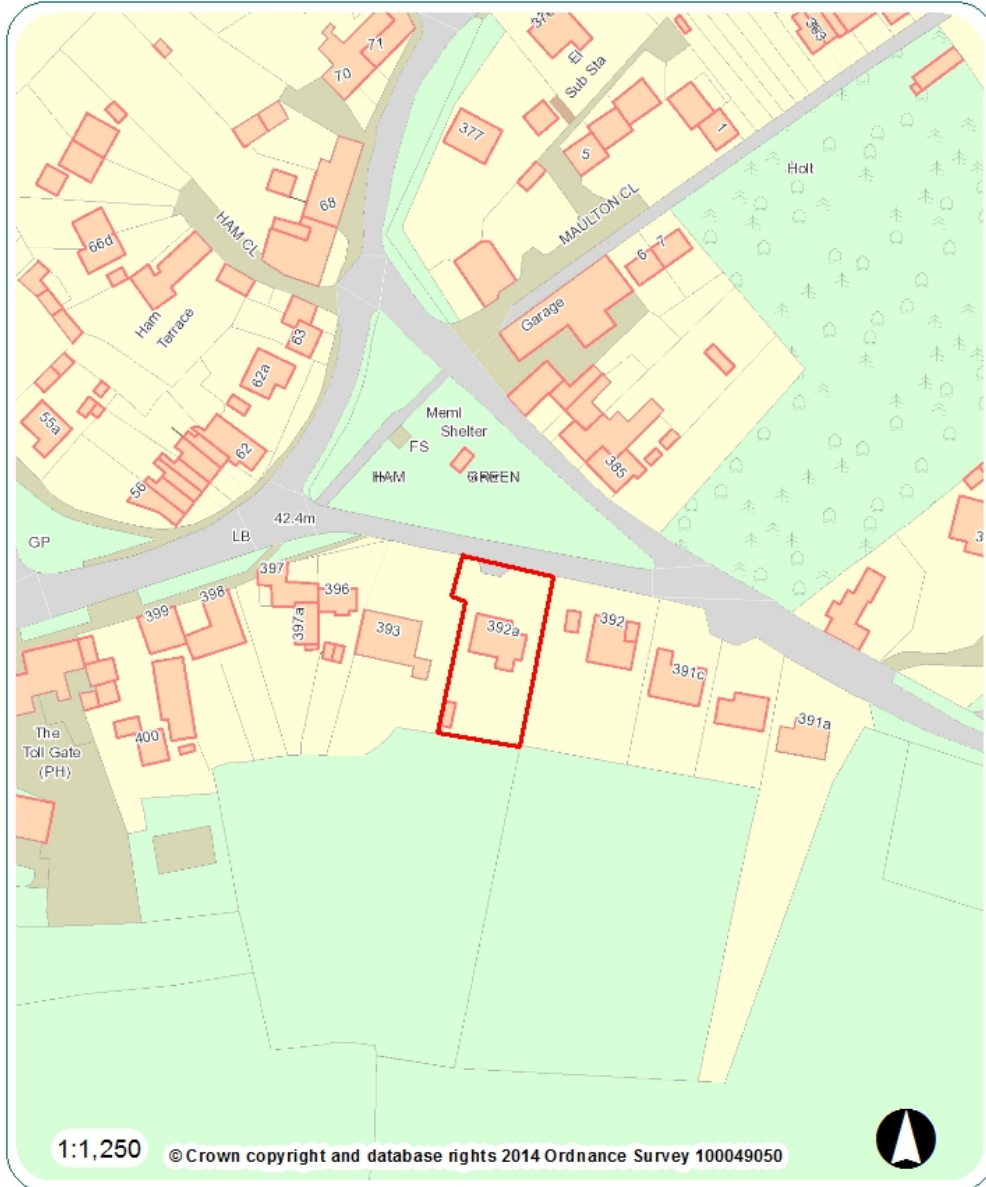
4. The bedroom and ensuite window on the eastern elevation (annotated on Drawing no. P102 Rev D) shall be glazed with obscure glass only (to an obscurity level of no less than level 4) and shall be fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted; and thereafter, it shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

INFORMATIVE TO APPLICANT:

No works should take place that would result in harming nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by the Wildlife and Countryside Act 1981

(as amended). If birds are nesting within the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between September and February. Further advice on the above can be sought from the Council ecologist.



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